

Planning Commission Meeting
September 26, 2019
7:00 PM

Call to Order: Temporary Chair Azman called meeting to order at 7:00 p.m.

Roll Call: Present were Temporary Chair Mark Azman, Commissioners Stig Hauge, Joyce Yoshimura – Rank, Nick Sandell, Jim Hara, and Sara Shah, City Administer Mike Robertson and Recording Secretary Debbie Breen.

Approval of Agenda:

Chair Azman requested add to the Agenda an update on the Planning Commission vacancy. Commissioner Shah also requested an update on the Comprehensive plan. **Motion made to approve the amended agenda by Commissioner Hauge, and seconded by Commissioner Yoshimura-Rank. Motion unanimously approved.**

Approval of August 29, 2019 Regular Meeting Minutes

Motion to approve the minutes made by Commissioner Hara, with Commissioner Yoshimura-Rank as second. Motion unanimously approved.

Conditional Use Permit – NOHOA – Shoreland Restoration & Tree Removal

Chair Azman opened the public hearing on the application at 7:03 p.m. Administrator Robertson mentioned the Natural Resources Commission spent a year discussing plan for the Emerald Ash Borer. Best practices are to remove ash trees early and get ahead of the problem. It is currently in Wisconsin, and drifting here into Minnesota. NOHOA has asked for a 5 year permit, with City staff recommending to give them an ongoing permit to continue as necessary.

Mikeya Griffin – Executive Director of NOHOA

Director Griffin confirmed that the new proposal covers Emerald ash borer, and they currently have a permit for buckthorn removal. This CUP would allow them to move quickly and thoroughly address invasive species along the shoreline, as well as plant vegetation and natural materials as needed. Commissioner Shah mentioned that the NEST information and City report was a comprehensive view of the project, and asked what the role of the City is versus the role of NOHOA in this project. Director Griffin stated that the City has to approve Shoreland Alteration permit application, NOHOA manages trails so they have initiated the CUP request. Commissioner Shah asked if new trees would be planted in their place. Director Griffin mentioned there would be a replanting plan and they will be working with City Forester Rehder on that. The plan first would be to see what native planting are already there and hidden once invasive species are removed, such as any saplings, and go forward from there. Commissioner Hauge asked for further description on what Emerald Ash Borer is. Administrator Robertson mentioned it is a bug that lays its eggs in the Ash trees and kills it from the top down.

Director Griffin stated the plan includes Pleasant Lake, Deep Lake, Wilkinson Lake, etc., and only needs approval for shoreland areas from the City. NOHOA has right to take down other trees on their property as needed, pending NOHOA board approval.

Chair Azman asked if there was a phased approach. Director Griffin responded that those trees identified as most dangerous will be first for removal. They would also would plan out what would be removed each year, and let City know. She said the condition of the trees will be determined by the expert as they go. She noted that City Forester Rehder is also under contract with NOHOA to work with them on this project.

Commissioner Yoshimura-Rank asked if this proposal covered private homeowner trees and how residents would become aware of the problem. Director Griffin said no but indicated they plan to launch a campaign in conjunction with NRC into the next year to provide information and research to homeowners, like they have with other invasive species. For example, there is a session on October 5 to educate homeowners about how to remove buckthorn. She emphasized that education is key. Director Griffin stated that trees would be disposed of accordingly to law. She indicated that eventually they will likely remove all of them, which is according to best practices.

Commissioner Shah mentioned that in the past 35 trees have been removed, and 24 have been injected and inquired if any way to know if the injections working or if those now may need to be removed. She is also concerned about removal and wanted to be sure if the waste would be removed, or if bundled buckthorn may be used for shoreland erosion purposes. Administrator Robertson thought that in 2015 VLAMO had recommended the buckthorn bundles be used to control erosion. He noted that the city forester estimated that there are 20,000 ash trees in North Oaks, 99% are volunteer ash. Deer Hills has a lot of them, and could be the area most effected as they had a lot planted when the community was developed in the 1970's.

Commissioner Shah asked about the process for contacting homeowner of the activity. Director Griffin stated they would send letters to shoreland homeowners and let them know. Commissioner Hara asked if there is concern about erosion once remove these trees. Director Griffin said they would work on restoration program. Chair Azman asked about herbicides. Director Griffin confirmed that herbicides may be used on Buckthorn. Chair Azman asked if they could request the Planning Commission or City Council could get an update annually and wants to be sure there is a report date set, for some type of summary possibly each January 1st.

Commissioner Shah asked about length of request needed as the prior CUP was 2 years, but this one is extended to 5 years. Director Griffin mentioned that the natural environment takes a while to address through the seasons. Administrator Robertson stated that staff believes it the CUP should be indefinite like any other CUP. Council could do an annual status check after each annual report

Chair Azman mentioned the infected Ash tree that had been found at Pump house and asked if others have been found. Director Griffin confirmed that Emerald Ash borer had been found on a few trees by the pump house and what can be done will be driven by budget and results. Commissioner Hauge asked what the measure of success for injection was. She responded that saving the tree is considered success. Commissioner Shah indicated that in 2015 it appears that the stumps were left for stability. Director Griffin stated money is set aside in asset reserve plan addressing shoreland and forestry needs, and spreading out the cost over years is very helpful. She indicated that NOHOA has been working with St. Paul Regional water to keep water level more stable, so shoreland erosion should be less of an issue. NOHOA board will also keep working with VLAMO and NEST.

Commissioner Sandell asked for an explanation of the process if there was a violation of the approved CUP since it could run indefinitely. Administrator Robertson indicated if there was a violation the Applicant would be given warnings and time to correct it. IF they didn't correct problems Council could revoke the CUP. In this case, having the City Forester involved is helpful and provides added oversight. Director Griffin stated that she doesn't foresee the budget being a problem in this project. The trees that are in danger of falling on the trails will be removed first. Commissioner Shah asked for confirmation the any tree removal work stays within the noise limits and timeframe allowed for nuisance ordinance. NOHOA confirmed that work would remain within the standard construction window which is 7 am. – 7 p.m. Monday – Friday, 9 a.m. -5 p.m. Saturday, and no contractor work to be done on Sunday.

The public hearing was closed at 7:38 p.m. with no public comments.

City Administrator Robertson stated that the City conditions would be modified to include all property within the shoreland district.

Commissioner Hauge moved to approved the Conditional Use permit with conditions 1-14 on pages 6 & 7. Commissioner Hara seconded. Chair Azman mentioned that reporting is going to be important component, as the condition states approval would be granted indefinitely. NOHOA agreed to give a written annual progress report at the first Council meeting of each year. Condition 14 was amended to reflect “provide an annual progress report on forest management efforts, emerald ash borer and invasive species removal to City Council and NRC at each January meeting”. Chair Azman would be agreement to waiving the fee, with Administrator Robertson stating this would be a Council decision. **All Commissioners voted in favor of the application.**

Concept Plan Review – Anderson Woods South

North Oaks Company representative Mark Houge brought this forth as a result of the City and communities request to see a Concept Plan prior to submission of a preliminary plan application. This plan is to create 9 single family lots at the south end of Anderson Woods. This would be in place of the event center. It conforms to PDA with the allowed 10-13 lots. With the 4 previously approved on the North end, this plan would bring it to 13 lots. This plan development would be part of NOHOA and not connected to Wilkinson Villas. Access to the area is directly opposite from Anderson Lane. Mr. Houge noted that the original PDA concept plan showed 2 access points, however they have reduced it down to just 1 entrance to be cleaner. They have already had an informal review with NOHOA and believe that NOHOA supports the overall plan. NOHOA inquired about the cul-de-sac versus a single road going to the 3 farthest lots, which the North Oaks Company has agreed to review. The design of road is still under discussion of whether to go with a narrower curb and gutter (32 foot) or more rural section with shoulders which ends up being wider.

Commissioner Hauge asked about the size of designated Lot #3 and #4. Mr. Houge stated the median lot size of all the lots is 1.8 acres, within the total plan of 20 acres. Lot #3 is smallest with half an acre, and Lot #4 is .67 acres. Mr. Houge said this was zoned RMH, Residential Multi-Family High Density which allows a .25 acre, so these are at least double that. Commissioner Shah asked if there are other areas within North Oaks that has varying lots sizes all together. Houge indicated that the lots sizes were determined by accommodating the natural setting and also driven by proximity to Centerville Road. Lots closer to roads are typically less desirable so they are smaller than those by conservation area. Mr. Houge also mentioned that Lot #5 is 1.7 acres, and Lot #6 is 6.9 acres but includes open water. There was discussion of having the extra part of Lot #6 be an outlot for NOHOA, or gazebo, but no

residence due to shoreland setbacks. Mr. Houge stated that due to the southern proximity, it feels like a different neighborhood than Wilkinson, and it would be difficult to have access to Wilkinson due to the topography.

Commissioner Yoshimura-Rank asked about crossing the west basin. Mr. Houge mentioned they have wetland credits up to 5 acres from improving wetlands several years ago and this plan would use .10 acre for the road connection. The trail may be on west side along the farm road and connect up on north side to Wilkinson, and possibly use farm road on the south to connect up to an east-west trail. They are working with NOHOA on the trail options. They anticipate all homes to use White Bear Township municipal sewer and water. The homes would have similar setbacks as Rapp Farm and Wilkinson Lake, and conform to setbacks according to PDA zoning.

Commissioner Shah asked if the existing farm road to two houses would be affected. Mr. Houge stated the farm road is south of the proposed road into the new area, so it would not be impacted at all. The North Oaks Company plans to host a presentation/listening session the week of October 22nd at the North Oaks Golf club. They are hopeful to get feedback tonight on the current plan and then submit preliminary plans within 30-60 days.

Chair Azman asked for their thoughts on this concept plan as it relates to the remaining unit numbers under discussion. The North Oaks Company believes there to be 178 housing units remaining to be developed, as part of the last Decennial review. They submitted 13 lots at the last meeting for this area and this is consistent with that proposal and PDA. Administrator Robertson stated that City Attorney is reviewing and will present their analysis of the East Oaks PDA 7th Amendment at the October 2019 Council meeting. As part of this preparation, they found that there were 7 Council meetings in which the 7th amendment was discussed, and 2 Planning Commission meetings where it was discussed then unanimously approved. Commissioner Sandell asked why the 30% increase was written in originally.

Gary Eagles, North Oaks Company, VP of development

Mr. Eagles indicated that the flexibility for 30% increase written into the PDA was designed to allow flexibility for different types of housing. The thirty-year plan was designed to be adapted with the changing times and housing desires. i.e. they could have more homes on smaller lots or larger home on bigger lots. Chair Azman mentioned the Agreement in 1999 controls the remaining land.

Chair Azman asked how difficult it will be to value the smaller lots along the road. Mr. Houge responded that Kestrel and Phoebe have the same situation. There is a disparity in the value of those lots, but it gives diversity for people who value the area but cannot afford the premium price of views. The plan is to sell the lots to builders, or private individuals as they have done in past.

In regards to roads, the North Oaks Company met with Ramsey County a year ago to discuss the projects along Centerville road that would be coming. The proposal is 9 homes, and together with the 12-15 existing homes across the street on Anderson Lane they do not believe the county will require a stoplight. He mentioned that he wouldn't be surprised if eventually there is a need for a stoplight at H2. Administrator Robertson stated from his discussions with the county, based on current traffic they are still 5,000 – 10,000 cars away from meeting standards requiring a 4 lane road. The County doesn't consider a full build out of the East Oaks land as significant, as it is dwarfed by the traffic coming from the North such as Lino Lakes. The County is more concerned about possible industrial development along the White Bear side of Centerville Road, which is more likely to cause road expansion for trucks. Chair Azman asked if there is room on Lots 9 and 1 if the county decides to increase right away for more road. North Oaks Company pointed out that there is existing right away designated and shown on the plan. Chair Azman asked if North Oaks Company could commit to ensuring there would be trails to

connect the Anderson South development to internal North Oaks. Mr. Houge displayed a map from the PDA showing the overall trail system that they are working with to connect to the trail system.

Administrator Robertson asked North Oaks Company if the location of the storm pond at the South end of the plan can it be moved a bit to act as a buffer to Centerville road. NOC responded that they would look into it.

Commissioner Shah asked if they are going to try to preserve as many trees any possible in the wooded area. NOC confirmed that the access road is designed for this purpose and the preliminary plan will have more info based on the woods. Commissioner Sandell asked if the entire large Lot #9 would be part of homeowner to take care of it. NOC stated it is part of the residential lot.

Kristie Elfering, Engineer for NOHOA

She stated that NOHOA Board has not had a chance to review this yet but will at their October 3rd meeting. NOHOA will provide additional comments and discussed pulling back the cul-de-sac to aid in plowing, etc. They also discussed the trail and possible NOHOA management of the back of Lot #6 to help protect trail easement. They like the location of the access point across from Anderson, which would allow for clear turn access. They would prefer a single driveway across the wetland instead of cul-de-sac, as this could be easier to maintain across the wetlands. NOHOA is working with NOC about what design might be across the wetland and the infrastructure in place for maintaining the road as retaining wall, a bridge, etc. It is more a wetland basin, not open water, but want to ensure balance and flow on both sides if need be.

President, Kathleen Emmons NOHOA

She restated that the NOHOA Board has not reviewed or had any conversation on the plan, therefore there is no formal NOHOA position yet. For the little bit it has been reviewed it, they are happy to see it conforming with the PUD and consistent with the community with external road, no public spaces and single-family homes. She also mentioned that anything agreed upon with the 7th amendment agreement was not made with NOHOA, so they are following original PDA.

Commissioner Yoshimura-Rank asked if there are other areas in North Oaks that roads have crossed wetland and if there are any issue with maintenance. Administrator Robertson stated there are dozens around North Oaks, including near the main entrance on East Pleasant Lake Road.

Commissioner Shah asked about the format for the Community engagement meeting and how it might take place. Mr. Houge said they are targeting October 21st, 2019 at the Golf Club. This may include a few presentations on topics residents are concerned about, and give opportunity for residents to write down questions, collect them and try to answer as many questions as possible. They hope to pull in experts and are considering possible condo development on Island Field. Invited to the forum would be all North Oaks residents, City Council, Planning Commission, NOHOA with no invite to those outside unless presenters. This is planned to be a one-time event, however if a lot of time lapses before a build is completed, could do another one as a refresh.

Susan Henrich- 55 East Pleasant Lake Road

Asked if there is any commitment on part of City council to finalize the numbers on the Decennial review before any new applications come in. She hopes that everyone can come together on that number before new applications come in.

There was no further discussion on the Anderson Wood South proposal.

Set November/December Planning Commission Meeting

Administrator Robertson reminded Commissioners that Thanksgiving and December planning meetings fall on holidays and suggested they pick 1 meeting date to accommodate both months. **Motion made by Commissioner Shah, with Commissioner Yoshimura-Rank as second. All voted in favor of moving the meeting to December 3rd, 2019.**

Chair Azman mentioned the Planning Commission has a vacancy due to Nancy Reid moving out of North Oaks. They are taking applications at the city office by Wednesday, October 2. Administrator Robertson mentioned they have received 3 applications so far, and the City Council or a Council subcommittee could conduct interviews.

Other City Administrator notes:

- Administrator Robertson reminded Commissioners that when they attend the North Oaks Company session they are advised to provide no input to other residents. As Commissioners, they cannot comment until they receive entire official application with detail from the applicant to provide a fair and objective review.
- Attorney Land and Nason will come to a future planning meeting to discuss their recommendations for changes to our zoning ordinances.
- Met Council has responded to our Comprehensive Plan with an 8-page memo, like other cities. 85% were minor engineering tweaks. He is meeting with the City Engineer and Planner to review what needs to be done. They hope to have information back to Planning Commission for the October or December meeting. Other things mentioned: the lack of Capital improvement plan (although we own no roads or parks), and asked for higher density along Centerville Road. We have made it clear that the 1999 and 2009 comp plan has been agreed to and based on the committed numbers in PUD. The revised Comprehensive plan will come back to Planning Commission for review. Chair Azman asked about development activity after the 30 year PUD plan expires, and whether the Met Council aware that PUD guidelines remain in place. Administrator Robertson doesn't believe the Met Council has read the PUD or many of the comments they made would have been answered.

Administrator Robertson stated this would be the last Planning Commission meeting for him as he will be out of town during October meeting. The interviews for a new City Administrator are underway and City Council will be working to select finalist and have a contract in place in October. He thanked the Planning Commissioners in the tough job they have undertaken.

The next Planning Commission meeting is Thursday, October 24, 2019

At 8:52 p.m., Commissioner Hauge motioned to adjourn, seconded by Commissioner Yoshimura-Rank. Motion unanimously passed.