



NORTH OAKS
HOME OWNERS' ASSOCIATION

July 8, 2019

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston,
Martin Long, Kara Ries and Katy Ross
City of North Oaks
100 Village Center Drive
Suite 250
North Oaks, Minnesota 55127

Mr. Mark Houge
North Oaks Company, LLC
5959 Centerville Road, Suite 200
North Oaks, Minnesota 55127

Re: East Oaks PDA Decennial Review

Dear Mr. Mayor, City Council Persons, and Mr. Houge:

This evening, the North Oaks City Council and North Oaks Company will conduct its second decennial review of the East Oaks Planned Unit Development.

North Oaks Home Owners' Association ("NOHOA") was asked by City Staff to respond to a number of issues being discussed in the decennial review.

Before responding to these specific issues, there is a greater issue that, in this 20th anniversary year of the East Oaks Planned Unit Development Agreement (the "East Oaks Agreement"), needs to be addressed.

A major shortcoming in the East Oaks Agreement is that, while NOHOA bears the financial and management responsibility for the private roads, parks, recreational areas and trails, it is not a party to the East Oaks Agreement. On the other hand, the City, which has authority over development in the East Oaks area, bears no financial responsibility for this infrastructure.

North Oaks was established as a private community with limited government involvement, but the East Oaks Agreement fails to recognize this distinction to the detriment of all parties involved in and affected by development in the East Oaks Area.

NOHOA's role, with respect to East Oaks Agreement, is limited to its consent and acceptance of the provisions of Article 12, Article 13, and Sections 2.4, 7.9, 19.1 and 19.4. In general, these sections address the private roads, parks, recreational areas and trails in the East Oaks area.

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NOHOA's position, therefore, is that, as long as the developments proposed by North Oaks Company and approved by the City are consistent with the East Oaks Agreement, NOHOA will expand its boundaries and accept the new developments. However, the East Oaks Agreement was amended seven times by the City and North Oaks Company without NOHOA's agreement or consent. As a consequence, NOHOA is not bound by any of the seven Amendments.

It is the Seventh Amendment that has received much scrutiny because of its impact on the total density in the East Oaks area. It is remarkable that the Seventh Amendment was approved without NOHOA's consent, given NOHOA's financial responsibility for the infrastructure in these areas and the impact that greater density has on NOHOA's existing and future infrastructure. Any increase in density directly affects NOHOA's budget and NOHOA Members' use and enjoyment of its parks, trails, open spaces and other community amenities which NOHOA's members enjoy.

If the goal is to have future East Oaks residential developments become part of the NOHOA community, that goal will only be realized if the NOHOA Board of Directors agrees to expand its boundaries and accept these new developments. Therefore, going forward, it is critical that NOHOA, the City and North Oaks Company work cooperatively in the planning and approval of development plans in the East Oaks area.

1. **Decennial Review Issues.** NOHOA was asked to comment on the aspect of the decennial review relating to "essential improvements." According to Section 2 of the City Staff's memorandum (the "City Staff Memo"): "The North Oaks Company considers "essential improvements" to be roads, trails and stormwater facilities, all of which are under the control of (NOHOA)."

NOHOA is not responsible for storm water facilities and will not accept any parks, trails or open space that include storm water facilities. There is nothing in the East Oaks Agreement that requires NOHOA to accept or be responsible for storm water facilities, wetlands, infiltration ponds or other similar infrastructure.

NOHOA agrees that roads and trails are "essential improvements," as are parks and open space.

In Section 3 of the City Staff Memo, City Staff states that the street and access plan contained in the East Oaks Agreement is conceptual in nature and, therefore, subject to change. NOHOA disagrees. Any changes to the street and access plan contained in the East Oaks Agreement without NOHOA's consent will result in the developments not being accepted into NOHOA.

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The East Oaks Agreement contains a consistent plan of non-connecting roads throughout the East Oaks area. It is remarkable that all of the roads in the East Oaks area were planned, from the very beginning, to be non-connecting roads. This shows that both the City and North Oaks Company approved a consistent, area-wide plan in which traffic resulting from new development in the East Oaks area will not further burden the narrow, winding, private roads within NOHOA's boundaries. NOHOA will not agree to connecting roads and will not accept developments in the East Oaks area for which connecting roads are proposed.

2. Remaining Dwelling Units. Both the City Staff and City Attorney have commented upon the issue of density as it relates to the East Oaks Agreement. City Staff reports that the East Oaks Environmental Assessment worksheet ("EAW") and the East Oaks Agreement both state that a total of 645 residential housing units will be allowed in the East Oaks area. A fundamental premise of NOHOA's consent to the East Oaks Agreement is that a maximum of 645 additional residential households will be allowed. NOHOA is not bound by any of the seven amendments to the East Oaks Agreement and will not accept within NOHOA's boundaries any increase in density above 645 residential households.

CONCLUSION

The NOHOA Board welcomes the opportunity to engage with the City and North Oaks Company in the planning and approval process for new developments in the East Oaks area. The NOHOA Board wants North Oaks Company's developments in the East Oaks area to be successful and the future residents of the East Oaks area to be Members of NOHOA. To accomplish these goals, however, it is essential NOHOA be involved with the City and North Oaks Company in a deliberate, planning process that recognizes that, without NOHOA's agreement to expand its boundaries to include the new residential developments in the East Oaks area, future residents of this area will not enjoy the private roads, parks, trails, open space and other amenities that make NOHOA's community so unique.

Sincerely,



Katherine Emmons
President

cc: Mike Robertson
City Administrator