

**AGENDA**  
**North Oaks Planning Commission Meeting**  
**Community Meeting Room – 100 Village Center Drive, Suite 150**  
**North Oaks, MN 55127**  
**Tuesday, December 3, 2019 at 7 PM**

Call to Order

Roll Call

Approval of Agenda

Approval of the September 26, 2019 Regular Meeting Minutes

Proposed Variance – ISTS, 16 East Pleasant Lake Road – 13.5 feet from the front yard setback

Proposed Variances – ISTS, 15 Ridge Road – Primary Site 20 feet into the front yard setback and Secondary Septic Site 50 feet into North Oaks Golf Club property

Proposed Conditional Use Permit (CUP) – 26 Evergreen Road – Garage Space in excess of 1,500 square feet

City Planner – Review of the Comp Plan meeting with Met Council staff

City Attorney - Discussion of Legal Issues related to Planning Commission Authority

North Oaks Company – East Oaks Concept Plans Informal Review

Next Planning Commission meeting is Thursday, January 30, 2020 at 7:00 p.m.

**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 1<sup>st</sup>.

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 Hauge 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. Hauge 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. Company Hauge 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. Hauge 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. Hauge 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. Hauge 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. Hauge 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. Hauge 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. Hauge 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 22<sup>nd</sup> 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 7<sup>th</sup> Amendment at the October 2019 Council meeting. As part of this preparation, they found that there were 7 Council meetings in which the 7<sup>th</sup> 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. Hauge 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. Hauge 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.

**Kristle Elfering, Engineer for NOHOA**

She stated that NOHOA Board has not had a chance to review this yet but will at their October 3<sup>rd</sup> 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 7<sup>th</sup> 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. Hauge said they are targeting October 21<sup>st</sup>, 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 3<sup>rd</sup>, 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 5<sup>th</sup>. 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.**

November 4, 2019  
VARIANCE 19-07  
Mr. Robert Michaels  
16 East Pleasant Lake Road  
North Oaks, MN 55127  
RSL Zoning

Date Application Determined Complete: October 29, 2019  
Planning Commission Meeting Date December 3, 2019  
City Council Meeting Date: December 12, 2019  
120 Day Review Date: February 26, 2020

**Description of Request**

The applicant is requesting a variance to install a sub-surface sewage treatment system (SSTS), which would encroach 13.5 feet into the required 30 foot north property line setback.

The applicable regulations are as follows:

**§ 151.050 RSL - RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT.**

**(F) Setbacks.**

(1) No building or structure (except fences, screening, planting strips, and landscaping in compliance with Sections 151.033 and 151.034), individual sewage treatment system, or well shall be located within thirty (30) feet of the lot lines, the nearest edge of any road easement(s), or any wetland(s), except that additions which do not exceed twenty five (25) percent of the existing building footprint area, on buildings or structures lawfully existing upon the effective date of this chapter shall be excluded from wetland setback requirements.

**§ 51.02 GENERAL PROVISIONS**

**(5) Site Evaluation, System Design, Construction, Inspection, and Servicing**

(A) At the time of subdivision, development, or redevelopment, the developer of each lot, which will not be serviced by municipal sanitary sewer, shall identify 2 sites, each 5,000 square feet in size, for the purpose of sewage treatment and dispersal. These sites, as identified by the developer, shall be protected from all future encroachment by any improvements, construction, or other activities that may result in compaction or disturbance of soil on the site, other than the installation of a sewage treatment system.

**Staff Review**

This is a previously established lot with a house that has since been removed. The area available for the installation of a sub-surface sewage treatment system is limited due to property line setbacks, the proposed structure, impervious areas, and disturbed soils. The second septic site is the one marked "Alternate" on the site plan.

Based on these facts, it is the staff's opinion that the applicant has met the requirements for a variance as outlined in Section 151.078 of the code. We are in agreement with the designer, Mark Tradewell, that the proposed location of the new system appears to be the most viable location for an SSTS. This would be the minimum variance, which would alleviate the practical difficulties.

**Action Requested**

That the Planning Commission make a recommendation to the City Council to approve or deny Variance #19-07 to encroach 13.5 feet into the required 30 foot west property line setback.

**Motions**

**Motion to Approve**

MOTION \_\_\_\_\_ SECOND \_\_\_\_\_

That Variance #19-07, for 16 East Pleasant Lake Road:

be APPROVED with the following conditions:

1. Completion date by January 1, 2021.
2. System to be located per the design dated September 29, 2019 by Mark Tradewell.

**Motion to Deny**

MOTION \_\_\_\_\_ SECOND \_\_\_\_\_

That Variance #19-07, for 16 East Pleasant Lake Road:

be DENIED with the following findings:

- 1.
- 2.

November 25, 2019  
VARIANCE 19-08  
Mr. Jonathan Reedy  
15 Ridge Road  
North Oaks, MN 55127  
RSL Zoning

Date Application Determined Complete: November 15, 2019  
Planning Commission Meeting Date December 3, 2019  
City Council Meeting Date: December 12, 2019  
120 Day Review Date: March 13, 2020

### **Description of Request**

The applicant is requesting a variance to install a replacement subsurface sewage treatment system (SSTS), which would encroach 20 feet into the required 30-foot southwest property line setback. A variance is also needed from the required 5,000 square foot secondary SSTS areas of 5,000 square feet.

The applicable regulations are as follows:

#### **§ 151.050 RSL - RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT. (F) Setbacks.**

(1) No building or structure (except fences, screening, planting strips, and landscaping in compliance with Sections 151.033 and 151.034), individual sewage treatment system, or well shall be located within thirty (30) feet of the lot lines, the nearest edge of any road easement(s), or any wetland(s), except that additions which do not exceed twenty five (25) percent of the existing building footprint area, on buildings or structures lawfully existing upon the effective date of this chapter shall be excluded from wetland setback requirements.

#### **§ 51.02 GENERAL PROVISIONS**

##### **(5) Site Evaluation, System Design, Construction, Inspection, and Servicing**

(A) At the time of subdivision, development, or redevelopment, the developer of each lot, which will not be serviced by municipal sanitary sewer, shall identify 2 sites, each 5,000 square feet in size, for the purpose of sewage treatment and dispersal. These sites, as identified by the developer, shall be protected from all future encroachment by any improvements, construction, or other activities that may result in compaction or disturbance of soil on the site, other than the installation of a sewage treatment system.

### **Staff Review**

This is a previously developed lot with a house that has since been removed. A large percentage of this lot has been disturbed due to the previous house, pool, septic system, and impervious areas, which do not allow for the installation of an SSTS. The only areas available for the

installation of a primary SSTS are located along the southwest property line, with a future septic area available on land owned by the North Oaks Golf Club.

Based on these facts, it is the staff's opinion that the applicant has met the requirements for a variance as outlined in Section 151.078 of the code. We are in agreement with the designer, Tradewell Soil Testing, that the proposed location of the new system appears to be the most viable location for an SSTS. These would be the minimum variances, which would alleviate the practical difficulties.

**Action Requested**

That the Planning Commission make a recommendation to the City Council to approve or deny Variance # 19-08 to encroach 20 feet into the required 30 foot southwest property line setback and a variance of 5,000 square feet from the 5,000 square foot secondary SSTS area.

**Motions**

**Motion to Approve**

MOTION \_\_\_\_\_ SECOND \_\_\_\_\_

That Variance #19-08, for 15 Ridge Road:

be APPROVED with the following conditions:

1. A recorded easement allowing the use of a minimum of 5,000 square feet of North Oaks Golf Club land as shown on the design dated September 19, 2019 by Tradewell Soil Testing.
2. Completion date by December 31, 2020.
3. System to be located per the design dated September 19, 2019 by Tradewell Soil Testing.

**Motion to Deny**

MOTION \_\_\_\_\_ SECOND \_\_\_\_\_

That Variance #19-08, for 15 Ridge Road:

be DENIED with the following findings:

- 1.
- 2.

**November 15, 2019**

**City of North Oaks  
100 Village Center Drive  
Suite 230  
North Oaks, MN 55127**

**Variance and Conditional Use Committee**

**RE: 15 Ridge Road**

**Dear Committee,**

**I am asking for the City to approve two septic variances on my property at 15 Ridge Road.**

**Variance 1:**

- **The primary septic site is within the 30' setback on my property. It goes to within 10' of the property line of 13 Ridge Road.**

**Variance 2:**

- **The secondary septic site is on property located on land owned by The North Oaks Golf Club. I have attached a letter from the golf club granting me a variance giving me permission to locate the secondary site on their land.**

**I appreciate your consideration on this matter.**

**Respectfully,**

A handwritten signature in black ink, appearing to read 'Jon Reedy', with a long horizontal line extending to the right.

**Jon Reedy**



10/23/19

Dear North Oaks Home Owners Association,

The Executive Committee of North Oaks Golf Club has reviewed the building plans for the Reedy family on 15 Ridge Road. Our Executive committee has approved the use of our property as stated in the plans submitted, to use our property as a variance for a secondary or back up septic field. If anyone has any questions please feel free to reach out to me.

Respectfully

A handwritten signature in black ink that reads "Phil Anderson".

Phil Anderson

General Manager

North Oaks Golf Club

651-444-1225

[phil@northoaksgolfclub.com](mailto:phil@northoaksgolfclub.com)

**TRADEWELL SOIL TESTING**  
18330 Dahlia Street NW  
Cedar, MN 55011  
(763) 286- 9095

**Contractor/Owner:** Adam Price Custom Homes

**Address/Lot/Block:** 15 Ridge Road

**City:** North Oaks      **County:** Ramsey

This On-Site Sewage Treatment System is designed for a Type 1, 4 bedroom home in accordance with the Minnesota Pollution Control Agency Chapter 7080 and local ordinance.

A seasonally high water table or saturated soil layer was located at 13" to 72", (mottled soil). The bottom of the rock bed must be located at least 3' above the seasonally high water table or saturated soil.

The soils at a depth of 24" have a percolation rate averaging 16- 30 MPI.

All neighboring wells are located greater than 50' away from the proposed treatment area.

Keep all heavy equipment off of the proposed treatment area before and after construction. The treatment area should be marked off before construction. This design is not valid and the system will need to be relocated if failure to protect the areas proposed for On-Site Sewage Treatment occurs.

With proper installation and maintenance, this system should have no problem in treating septic effluent effectively.

Nothing other than gray water, (laundry, showers, etc.) human waste and toilet tissue should be disposed of into the septic tanks. Garbage disposals are not recommended. Smaller amounts of laundry soaps, dish soaps, cleaning agents, etc. are better for the system. Antibacterial soaps and chlorine agents may kill the bacteria needed to treat septic effluent properly. Additives are not recommended, they may cause harmful damage to your system. Recommend to pump and clean your tanks by a certified pumper every other year if you have 1 tank and every 2-3 years if you have a 2-tank system to insure proper maintenance.



Mark Tradewell  
MPCA #307



Date

**\*\*Septic design is subject to test pit soil verification by local unit of government at time of installation.**



**PLANNING REPORT**

**TO:** North Oaks Planning Commission

**FROM:** Bob Kirmis, City Planner

**DATE:** December 3, 2019

**RE:** 26 Evergreen Road - Conditional Use Permit  
Garage in excess of 15,000 square feet (Pleasant Lake LLC)

**FILE NO:** 321.02 - 19.08

Date Application Determined Complete:	November 4, 2019
Planning Commission Meeting Date:	December 3, 2019
City Council Meeting Date:	December 12, 2020
60-day review Date:	January 3, 2019
120-day Review Date:	March 3, 2020

**BACKGROUND**

Pleasant Lake LLC has requested the approval of a conditional use permit to allow the construction of a home at 26 Evergreen Road which includes garage space which exceeds 1,500 square feet.

The subject 2.3-acre site is zoned RSL, Residential Single-Family Low Density and lies within the Shoreland Management Area of Pleasant Lake. Within RSL Districts, attached or detached garage space which exceeds 1,500 square feet is subject to conditional use permit processing.

The applicant wishes to construct two attached garages, the combined total of which totals 2,636 square feet. Specifically, a 1,506 square foot garage is proposed on the east side of the home while a garage measuring 1,130 square feet is size is proposed on the west side.

According to the applicant, two detached garages previously existed upon the subject site but were removed in order to accommodate the proposed home construction (which includes two attached garages).

Attached for reference:

- Exhibit A: Site Location
- Exhibit B: Applicant Narrative
- Exhibit C: Grading, Drainage and Erosion Control Plan
- Exhibit D: Site Plan
- Exhibit E: Building Elevation
- Exhibit F: Engineering Comments

## **ISSUES AND ANALYSIS**

**Property Description.** As shown on the submitted survey, two individual parcels of land are illustrated both of which are presently vacant. Tract A (Parcel 2), upon which the home is proposed, measures 2.3 acres in size while Tract C (Parcel 1) measures 1.5 acres in size.

While Tract C has been included in the submitted survey, the applicant's surveyor has indicated that there are no plans to combine the two tracts. Thus, Tract C is illustrated for informational purposes only.

**Evaluation Criteria.** In consideration of conditional use permit applications to allow garage space greater than 1,500 square feet, Section 151.050(D)(9) of the Zoning Ordinance states that certain criteria must be considered. Such criteria, as well as a Staff response, is provided below:

- a. The garage shall not exceed 3,000 square feet.***

Staff Comment. The amount of proposed accessory garage space on the site totals 2,636 square feet which is within the maximum amount of accessory garage space allowed by the Ordinance. This condition has been satisfied.

- b. The garage shall be constructed in the same architectural style as the principal building or structure.***

Staff Comment. As shown on the submitted building elevation, the two garages are oriented such that garage doors will not be visible from Evergreen Road. The southern facades of the garages (visible from Evergreen Road) are designed in a manner which is integral to the overall design of the home. In this regard, the garages exhibit gable roofs and finish materials (stone) which mimic the design of the home's entry area.

- c. The floor area ratio shall not exceed 0.12.***

Staff Comment. The floor area ratio of the proposed home is 10.2 percent (9,635 square feet of floor area / 94,223 square feet of net lot area) and is within the maximum 12 percent threshold established by the Zoning Ordinance.

- d. No use of the garage shall be permitted other than private residential non-commercial use.**

Staff Comment. As a condition of conditional use permit approval, the proposed garages must only be used for private residential non-commercial use.

- e. The factors set forth in 151.076(C) (Conditional Use Permits) shall be considered.**

Staff Comment. Section 151.076(C) of the Ordinance directs the Planning Commission to consider the following factors in consideration of all conditional use permit applications:

- 1. Relationship of the proposed conditional use to the Comprehensive Plan.**

Finding. The subject site is guided and zoned to accommodate single family detached dwellings on large lots (a minimum of 1.45 acres). The Zoning Ordinance, which is intended to implement the City's Comprehensive Plan, lists accessory garages which exceed 1,500 square feet in size as a permitted use subject to conditional use permit processing.

- 2. The nature of the land and adjacent land or building where the use is to be located.**

Finding. The subject site is located in the RSL, Residential Single-Family Low Density zoning district which is intended to accommodate large homes on large lots. The subject site is similar in size and character to other lots in the neighborhood, including those which border Pleasant Lake.

- 3. Whether the use will in any way depreciate the area in which it is proposed.**

Finding. The proposed home will have 9,635 square feet of floor area and is not expected to depreciate the area in which it is proposed. The proposed home may, in fact, appreciate area home values.

- 4. *The effect upon traffic into and from the premises and on adjoining roads or highways.***

Finding. Traffic generated by the new home is within the capabilities of Evergreen Road which serves the property.

- 5. *Whether the use would disrupt the reasonable use and enjoyment of other property in the neighborhood.***

Finding. Provided certain conditions are imposed to minimize potential impacts, the proposed accessory garage space will not disrupt the reasonable use and enjoyment of other properties in the neighborhood.

- 6. *Whether adequate utilities, roads, and other facilities exist or will be available in the near future.***

Finding. The proposed use would not place any burdens or additional public costs upon municipal or private infrastructure.

- 7. *Whether the proposed conditional use conforms to all of the provisions of this chapter.***

Finding. Home plans will be required to comply with applicable provisions of the Zoning Ordinance as well as the State Building Code (as a condition of building permit issuance).

- 8. *The effect upon natural drainage patterns onto and from the site.***

Finding. Grading, drainage and erosion control plans will be subject to review and approval by the City Engineer. As part of such plan review, a finding must be made that the proposed use will not have any negative effects on drainage.

- 9. *Whether the proposed use will be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city;***

Finding. The proposed use is not anticipated to endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City.

- 10. Whether the proposed use would create additional requirements at public cost for public facilities and services and whether or not the use will be detrimental to the economic welfare of the neighborhood or city; and**

Finding. The proposed use will not create additional public cost for public facilities and services nor be detrimental to the economic welfare of the neighborhood.

- 11. Whether the proposed use is environmentally sound and will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, land, or the general welfare because of excessive production of traffic, noise, smoke, fumes, wastes, toxins, glare, or odors.**

Finding. The proposed use will not be detrimental to any persons, land, or the general welfare because of excessive production of traffic, noise, smoke, fumes, wastes, toxins, glare, or odors.

**Lighting.** Recognizing that the proposed garage doors and adjacent driveway areas face east and west, an assurance should be made that lighting in such areas does not negatively impact adjacent homes.

According to Section 151.031 of the Ordinance, exterior lighting in all residential zoning districts must be arranged so that it does not interfere with the reasonable use and enjoyment of surrounding land or constitute a hazard to vehicular traffic on all roads, streets, and public highways.

The Ordinance further states that exterior lighting must be designed and directed so that there is no direct viewing angle of the illumination source from surrounding land.

It is recommended that the preceding requirements be imposed as conditions of conditional use permit approval.

**Setbacks.** The proposed home, as well as garage driveway areas, lie outside the required 30-foot setback from all property lines.

Additionally, the home significantly exceeds the 75-foot setback requirement from the ordinary high-water level of Pleasant Lake (a setback of 185 feet is proposed).

**Grading, Drainage and Utilities.** As a condition of conditional use permit approval, it is recommended that grading, drainage and erosion control plan be subject to review and approval by the City Engineer.

## **STAFF RECOMMENDATION**

Based on the preceding review, Staff recommends approval of the requested conditional use permit to allow the accessory garage space for a home located at 26 Evergreen Road to exceed 1,500 square feet subject to the following conditions:

1. In accordance with square footage reference in the applicant's narrative, a combined total of 2,636 square feet of accessory garage space shall be allowed upon the subject property.
2. The garages shall be used only for private residential non-commercial use.
3. The garages shall be constructed in the same architectural style as the principal building (per the submitted building elevation).
4. Exterior lighting upon the subject site shall be arranged so that it does not interfere with the reasonable use and enjoyment of surrounding land or constitute a hazard to vehicular traffic on all roads, streets, and public highways.
5. Exterior lighting shall be designed and directed so that there is no direct viewing angle of the illumination source from surrounding land.
6. The grading, drainage and erosion control plan shall be subject to review and approval by the City Engineer.
7. Comments of other City Staff.

## **PLANNING COMMISSION OPTIONS**

In consideration of the conditional use permit application, the Planning Commission has the following options:

- A) Recommend approval, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.**
- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements or will do so with conditions.
  - Approval at this time means that, upon City Council approval, the applicant can construct the proposed accessory garages, as proposed, subject to the satisfaction of all imposed conditions.

**B) Recommend denial based on the applicant's submission, the contents of City Staff report, received public testimony and other evidence available to the Planning Commission.**

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of City Code that are not being met by the conditional use permit proposal.

**C) Table the request for further study.**

- This option should be utilized if the Planning Commission feels the proposal is appropriate and should move forward, but that certain design aspects need to be amended and brought back before a recommendation for approval can be given.

cc: Pleasant Lake LLC  
Kevin Kress, City Administrator  
Larina DeWalt, City Engineer  
Bridget Nason, City Attorney  
Mikeya Griffin, NOHOA Executive Director  
Stephanie McNamara, Vadnais Lake Area Water Management Organization  
Jenifer Sorensen, Department of Natural Resources



**MAP SOURCE: RAMSEY COUNTY**

**26 EVERGREEN ROAD**

# eskuche

DESIGN GROUP

14 October 2019  
City of North Oaks  
Regarding 26 Evergreen Road  
North Oaks, MN

The applicant proposes to build a single family home with attached garages which exceed 1,500 square feet in total area. The East garage measures 1,506 and the West garage measures 1,130 square feet totaling 2,636 square feet which is allowed under the conditional use permitting of the RSL Zoning District.

The reason the applicant purchased this property was because it already had two garages and although they were removed, proposes to build them attached to the principal structure.

All other aspects of the proposed residence meet the zoning restrictions for the RSL Zoning district.

Sincerely,



President, Eskuche Design Group, LLC







EXTERIOR STONE



PANEL DETAIL



STUCCO



WINDOW & TRIM  
COLOR



ENTRY & GARAGE  
DOORS



SPIRE



LIMESTONE CHIMNEY  
CAP AND COPPER POT



ROOFING MATERIAL



HENDEL

PLEASANT LAKE EXTERIOR — 14 NOVEMBER 2019

eskuche  
DESIGN GROUP

Exhibit E

## Memorandum

**DATE:** Friday, November 22, 2019  
**TO:** North Oaks Planning Commission  
**CC:** Pleasant Lake LLC  
Kevin Kress, City Administrator  
Bridget Nason, City Attorney  
Mikeya Griffin, NOHOA Executive Director  
Stephanie McNamara, Vadnais Lake Area Water Management Organization  
Jennifer Sorensen, Department of Natural Resources

**FROM:** Larina Vosika DeWalt, PE, PMP, City Engineer  
**SUBJECT:** North Oaks – 26 Evergreen Road CUP Application – Engineering Review

Please see below for Engineering Review comments based on the certificate of survey information provided on 11/20/19 and subsequent plan update, dated 11/20/19, provided on 11/21/19. Final plans with applicable comments should be conditional to CUP approval. Thank you for the opportunity to review and please don't hesitate to reach out with any questions.

- Per the certificate of survey, the proposed home is to be located approximately 188 feet from Pleasant Lake, within the City's defined Shoreland Management Area. A shoreland permit should also be submitted.
  - In addition, Ordinance section 153.052 (C) governs grading and filling within shoreland area and (3b) states: A grading and filling permit will be required for the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones. Excavation quantities shall be shown on final plans and a grading and filling permit will be required if the quantity of earth movement exceeds 50 CY.
- It appears that a complete tree survey has been performed and it is assumed that a review/confirmation of the health and condition of all trees to remain has been done. If not, it is recommended that the City Forester complete a review of proposed tree removals and existing trees to remain to confirm healthy condition of all remaining trees.
- Proposed retaining walls should be shown with tie-in elevations to existing grade along with bottom of wall (BW)/top of wall (TW) elevations. Any proposed retaining wall with a height of 4 ft or taller will need to be detailed on a plan stamped by a structural engineer.

**Exhibit F**

- The proposed basement floor elevation is proposed to be more than 3-ft above the DNR ordinary high-water level elevation of 893.5 for Pleasant Lake, as well as the estimated 100-year high water level of 894.6 as provided by VLAWMO. The proposed elevations meet the minimum separations as indicated in the City's Surface Water Management Plan.
- No construction traffic shall be allowed over the existing/proposed on-site septic system and drain field locations. Proposed protective fencing is shown around the area of existing septic which complies with this requirement.
  - Is the existing septic drain field operational and does the system meet code?
  - Identify alternate location for proposed septic drain field, in case the existing system is determined to be at end of life. All comments contained within apply to alternate septic drain field locations.
- All proposed grades around the perimeter of the proposed home shall conform to the requirements of the building code. A minimal longitudinal slope of 2% shall be provided on all disturbed surfaces. Please verify the proposed grades around the perimeter of the house meet the requirements of the building code.
- Proposed yard area slopes appear to range from 1.8 -- 100:1 (H:V); Temporary and permanent erosion control measures(BMPs)/proposed land cover should be detailed on final plans, particularly on slopes and in swales. Spot elevations and proposed slopes should be added to illustrate positive drainage.
- Proposed swale on east side of proposed driveway is currently shown at approximately 1.0%. The recommended minimum slope for drainage swales is 1.5-2.0%. Recommend extending proposed drainage swale along east property to the north in order to continue to divert storm water away from adjacent property to the east, if able to grade outside of setback area.
- There is a proposed high spot in the open/non-paved area at the proposed driveway turn around/the front entrance, near the domestic well location. Provide spot elevations and detailed grading in this location to sufficiently illustrate proposed positive drainage conditions.
- Based on the existing spot elevations, the existing slope at the edge of pavement across the proposed drive location off Evergreen Road is approximately 0.47%, with a 1.5% cross slope. These slopes are near the recommended minimums. Final plans should illustrate driveway detail at tie-in to existing pavement to ensure drainage pattern and positive slope is maintained.

- **Proposed driveway cross-slopes are reaching maximum recommended slopes. East drive adjacent to garage appears to slope to the east at 6.0%, and west drive appears to slope to west at approximately 6.9-9.5%. If these slopes exceed the intended future use of driveway, it is recommended to add small retaining wall adjacent to driveway perimeters on the east and west at garage entrances in order to flatten driveway cross slopes.**
- **The proposed pool appears to be located approximately 21 ft from the principal structure, which conforms to setbacks in Ordinance section 150.050 (F). However, it should be confirmed that the location of the pool conforms to the requirements set forth in ordinance section 150.050 which apply to setbacks from sewage and septic systems.**
- **Ordinance section 150.059 governs requirements for pool safety fences. It should be confirmed that the location and design of the proposed pool fence conforms to the applicable requirements.**
- **Add impervious area table. Existing/pre-existing impervious area should be compared to proposed impervious to aid in preliminary determination of stormwater management impacts.**



# **NORTHWEST ASSOCIATED CONSULTANTS, INC.**

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## **MEMORANDUM**

**TO:** North Oaks Planning Commission

**FROM:** Bob Kirmis, City Planner

**DATE:** December 3, 2019

**RE:** North Oaks - 2040 Comprehensive Plan - Metropolitan Council Comments

**FILE NO:** 321.01 - 19.03

In the attached letter dated September 9, 2019, the Metropolitan Council advised the City of North Oaks that its draft 2040 Comprehensive Plan (dated June 25, 2019) is incomplete for review.

The purpose of this memorandum is to convey the following related information:

1. Feedback provided by Metropolitan Council Staff (to City Staff) regarding the various incomplete items highlighted in the incomplete letter.
2. Direction provided from the City Council (to the Planning Commission) in their consideration of the incomplete letter.

**Meeting with Metropolitan Council Staff.** On October 17, 2019, City Staff, along with Planning Commission Chairman Azman, met with Metropolitan Council Staff to review the various comments included in the incomplete letter.

The incomplete letter highlights several planning and engineering-related issues. Most of the comments and data requests are routine items which do not involve any policy direction.

In consideration of issues highlighted in the incomplete letter, the following items were discussed with Metropolitan Council Staff:

- Much of the discussion revolved around the future development of the East Oaks PUD area and that the terms of the 1999 PDA which mandate that land cannot be developed at higher densities (5 or more units per acre). Metropolitan Council

Staff stated that they understand the City's legal obligations and accept the requirements of the 1999 PUD. In this regard, the East Oaks PUD is considered exempt from the minimum 5 units per acre density requirement imposed upon "suburban communities."

- While Metropolitan Council Staff accepts the terms of the East Oaks PUD, they raised question regarding the possibility of PDA term expiration (2029) prior to final subdivision approval of the various development phases. In this regard, Metropolitan Council Staff indicated that, should the PDA expire prior to such approvals, the "suburban community" density requirement of 5 units per acre would be imposed upon undeveloped phases which are intended to receive sanitary sewer service.

To be noted is that "final subdivision approval" related to the creation of lots for development and not actual subdivision buildout.

- Metropolitan Council Staff stated that they understand and accept the City's objection to designating any areas in the City for future high-density residential use (via redevelopment). They also indicated however, that the formal Metropolitan Council (voting members) may oppose such a position.
- Metropolitan Council Staff suggested that various tables in the Plan be modified to mimic Metropolitan Council templates. It was further indicated that table templates will be provided to City Staff.
- It was indicated that a formal deadline for the resubmission of the Plan does not exist. The Metropolitan Council does, however, appreciate the timely resubmission of Plans (such that they do not include outdated numbers).

**City Council Direction.** The City Council considered the Metropolitan Council's incomplete letter at their November 14, 2029 meeting. In consideration, the City Council directed the Planning Commission to consider potential locations in the City where high density housing could be provided. It was specifically indicated that sites under consideration should be located outside the boundaries of the East Oaks Planned Unit Development and where sanitary sewer service is available.

As the Planning Commission is aware, the draft 2040 Comprehensive Plan (provided to the Metropolitan Council) is basically a resubmission of the City's 2030 Plan. As a result, the submitted Land Use Plan does not guide any property in the City for high-density residential use (8 or more units per acre).

The City Council recognizes that the Planning Commission may recommend that no changes be made to the Land Use Plan (to accommodate high density residential uses).

**High Density Residential Uses.** The Metropolitan Council expects the City of North Oaks to demonstrate an ability to meet its 2040 regional growth objectives (forecasts) related to population, households and employment as provided in the City's System Statement. Within the draft Plan, Table 5 appears to indicate that the City will exceed such forecasts.

While the Plan forecasts for population, household and employment appear to be satisfied, the incomplete letter states that the City must demonstrate an ability to accommodate its allocation for affordable housing for the 2021-2030 decade. Specifically, 44 affordable units have been allocated to the City of North Oaks for the decade.

The incomplete letter states that, in order to be consistent with Metropolitan Council housing policy, the City's Plan needs to guide enough higher density land (at a minimum of 8 units per acre) such that the 44-unit affordable housing allocation can be met.

Presently, no land in the City is guided for future high-density residential use. With this in mind, a total of 5.5 net acres of land must be guided for such use to meet the City's affordable housing allocation (8 units per acre x 5.5 acres = 44 units).

**Future Action.** A decision related to the designation of land in the City for high density residential use is considered a policy matter to be determined by City Officials.

In consideration of this matter, two alternatives appear to exist:

**A. Recommend to the City Council that no changes be made to the draft 2040 Land Use Plan.**

This recommendation basically means that the Planning Commission wishes to resubmit the 2030 Land Use Plan which does not include any land guided for high density residential use. This option will likely require that the City make an appeal to the Metropolitan Council.

While Metropolitan Council Staff has indicated that they understand and accept the City's position in this matter, it should be understood that there are no guarantees that such position would be supported by the voting members of the formal Metropolitan Council. In this regard, some legal ramifications may exist. This issue should be subject to further comment by the City Attorney

**B. Recommend to the City Council that the draft 2040 Land Use Plan be modified to include a minimum of 5.5 net acres of land guided for high density residential use (at 8 units per acre) as recommended by the Planning Commission.**

This alternative would require an investigation of potential sites which lie outside the boundaries of the East Oaks PUD and within areas served or to be served by sanitary sewer. Such investigation should minimally consider the following:

- Land use compatibility (with existing and planned adjacent uses).
- Site size
- Site access
- Proximity to commercial services
- Physical features/characteristics
- Development limitations (utility easements)
- Access to community amenities
- Potential accessibility to future transit (along higher volume streets)

To be noted is that a change to the City's Land Use Plan is considered a significant modification and it is recommended that a public hearing be held if such Plan change is pursued.

cc. North Oaks Mayor and City Council  
Kevin Kress, City Administrator  
Bridget Nason, City Attorney  
Larina DeWalt, City Engineer

September 9, 2019

Michael Robertson  
City Administrator  
City of North Oaks  
100 Village Center Drive  
North Oaks, MN 55127

**RE: City of North Oaks 2040 Comprehensive Plan – Incomplete for Review**  
Metropolitan Council Review File No. 21796-1  
Metropolitan Council District 10, Peter Lindstrom

Dear Mr. Robertson:

Thank you for the submission of the 2040 Comprehensive Plan (Plan) for the City of North Oaks on August 13, 2019. The City submitted supplemental information on August 19, 2019. Council staff found that there are areas where the Plan is incomplete. Review of the Plan will be suspended until the additional information is submitted and found complete for review. The following items were found incomplete:

**Policy Consideration – Regional Wastewater Service**

The Plan presents a conformance issue with regard to minimum density requirements in the *2040 Water Resources Policy Plan (WRPP)*. Land guided for post-2030 development must be consistent with an average minimum density of 5 units per acre for cities with a Community Designation of Suburban. Areas previously guided for pre-2030 development are exempt from this requirement provided that the guiding land use and staging is not changing from previous plans (including density ranges). Table 2 indicates that 145.29 acres of the East Oaks PUD will be developed as Mixed Residential and Mixed Uses (minimum of 1 unit per acre) between 2031-2040. The Plan has no other guiding land use with a higher minimum density that could offset this low minimum density. Please also refer to related and detailed comments under the Land Use review below.

**REQUIRED INFORMATION**

**Comprehensive Plan Update Application Form**

The Plan needs to be accompanied by the Comprehensive Plan Update Application Form, which can be found online at the following address:

[https://metro council.org/Handbook/Files/Resources/Fact-Sheet/GENERAL-  
INFORMATION/Comprehensive-Plan-Update-Application-Form.aspx](https://metro council.org/Handbook/Files/Resources/Fact-Sheet/GENERAL-<br/>INFORMATION/Comprehensive-Plan-Update-Application-Form.aspx)

**Authorizing Resolution (Michael Larson, 651-602-1407)**

The Plan needs to include, or be accompanied by, the City's signed resolution authorizing submission of the Plan to the Metropolitan Council for formal review.

**Wastewater (Roger Janzig, 651-602-1119)**

The Plan needs to acknowledge and provide a map indicating the boundaries of the two *Thrive MSP 2040* Community Designations of the City: Suburban and Rural Residential.

The Plan must revise the second paragraph on page 51 (Section E. Utilities-Background), which incorrectly states that the City is entirely within the Metropolitan Urban Services Area (MUSA) and that all areas of the City could be connected to sanitary sewer. The Plan needs to indicate all areas, if any, that the City wishes to include in the MUSA. If the Plan is proposing a change, it should be accompanied by a proposal to adjust the boundaries of the two Community Designations.

The Plan needs to revise or strike language that asserts on page 52 (Section F – Sanitary Sewer Existing Facilities) that “it would be feasible for the City to service the entire community with sewer if it ever so desired.” This section references the “Potential Capacity Available to the City” in Table 12. The Metropolitan Council does not designate available capacity to individual municipalities. Rather, the Council sizes infrastructure based upon the total forecasted population, households, and employees to be served by each facility. The references to potential capacity available to the City are not accurate and need to be removed from the Plan.

The Plan needs to include the following information:

- A table that allocates forecasts for households and employment in ten-year increments by sewer connections to the Metropolitan Disposal System as well as that served by subsurface sewage treatment systems.
- An electronic map or maps (GIS shape files or equivalent) showing the following information for the existing sanitary sewer system:
  - Lift stations.
  - Existing connection points to the metropolitan disposal system.
  - Future connection points for new growth, if needed.
  - Local sewer service districts by connection point.
  - Intercommunity connections.
  - Location of all private and public wastewater treatment plants.
  - Location of sub-surface sewage treatment systems.
  - Location of nonconforming systems or systems with problems.
- Copies of intercommunity service agreements entered into with adjoining communities, or language that confirms the Council’s understanding that communities reimburse each other for the municipal wastewater charges that each will incur by receiving flow from the adjacent community. Include a map of areas covered by the agreement.
- A table or tables that provide the following local system information:
  - Capacity and design flows for existing trunk sewers and lift stations.
  - For local sanitary sewer lines 12” and larger that connect to a Metropolitan Interceptor, provide the 2040 design flow and pipe capacity for each connecting trunk sewer and lift station.
- Describe the requirements and standards in the City for minimizing inflow and infiltration (I/I).
  - Include a copy of the local ordinance or resolution that prohibits discharge from sump pumps, foundation drains, and/or rain leaders to the sanitary sewer system.
  - Include a copy of the local ordinance or resolution requiring the disconnection of existing foundation drains, sump pumps, and roof leaders from the sanitary sewer system.
- Describe the sources, extent, and significance of existing I/I in both the municipal and private sewer systems.

- Include a summary of the extent of the systems that contributes to I/I such as locations, quantities of piping or manholes, quantity of service laterals, or other measures. If an analysis has not been completed, include a schedule and scope of future system analysis.
- Include the measured or estimated amount of clearwater flow generated from the public municipal and private sewer systems.
- Include a cost summary for remediating the I/I sources identified in the City. If previous I/I mitigation work has occurred in the City, include a summary of flow reductions and investments completed. If costs for mitigating I/I have not been analyzed, include the anticipated wastewater service rates or other costs attributed to I/I.
- Describe the implementation plan for preventing and eliminating excessive I/I from entering both the municipal and private sewer systems.
  - Include a list of priorities for I/I mitigation projects based on flow reduction, budget, schedule, or other criteria.
  - Include a schedule and the related financial mechanisms planned or needed to implement the I/I mitigation strategy.
- For new trunk sewer systems that require connection to the Metropolitan Disposal System, include a table that details the proposed time schedule for the construction of the new trunk sewer system.

#### **Transportation (Russ Owen, 651-602-1724)**

##### **2040 Traffic Forecasts**

- The Plan needs to map existing and 2040 traffic forecasts for the A Minor Arterial roadways that border the City on the north, south, east, and west.
- The Plan also needs to include existing and 2040 forecasts for Heavy Commercial Annual Average Daily Traffic (HCAADT) for the same roadways.

##### **Bicycling and Walking**

- The Plan needs to identify the Highway 96 Trail as a Regional Bicycle Transportation Network (RBTN) trail.
- The Plan needs to identify the RBTN Tier 2 alignment on Centerville Road.

##### ***Advisory Comments***

- Metro Transit Route 262 is not only available at the corner of Hodgson Road and Village Center Drive. It also operates along Hodgson Road between Tanglewood Drive and Turtle Lake Road/County Road 1, with intermittent stops along the western side of North Oaks.
- Metro Transit Route 62 also makes a connection with the METRO Green Line at the Capitol/Rice Street Station, in addition to a connection with Route 262.
- The section that addresses "dial-a-ride" does not explicitly state that Transit Link is available to North Oaks residents. This service is available to the general public where regular fixed-route service is more than a 1/2 mile away (1/4 mile in winter). More information about Transit Link can be found at:  
<https://metro council.org/Transportation/Services/Transit-Link.aspx>

**Forecasts (Todd Graham, 651-602-1322)**

**Citywide Forecasts**

- The Plan needs to incorporate revised population, household, and employment figures, which could be reflected in a revised Table 5 with information from the table below.
  - Figures for 2010, which are currently attributed to the Council, need to be attributed to the 2010 Census.
  - The current estimates for 2018, as shown in the table below, need to be used in place of the 2015 figures in Table 5. Neither the values attributed to the Council, nor values attributed to the City, reflect accurate and recent information about population, households, and jobs in the City.
- The Plan needs to include forecasts for 2020, 2030, and 2040 that reflect figures upon which City and Council staff have yet to agree, not two sets of numbers. The Plan's proposed forecasts are higher than what Council staff and the City have previously discussed as a revision.
- The Plan needs to exclude or revise the language on page 33 that refers to "Targets set by the Met Council". The forecasts are not targets or goals, but rather are likely outcomes based on likely future market demand and need for housing.

***North Oaks City-wide Forecast***

	Census	Estimates	System Statement Forecasts			Plan Proposed Forecasts (under consideration)		
	2010	2018	2020	2030	2040	2020	2030	2040
<b>Population</b>	4469	5304	4790	5000	5200	<u>5370</u>	<u>5580</u>	<u>5700</u>
<b>Households</b>	1746	1999	1900	2030	2100	<u>2130</u>	<u>2270</u>	<u>2310</u>
<b>Employment</b>	1260	1432	1400	1460	1500	<u>1530</u>	<u>1530</u>	<u>1530</u>

**Sewer Service Area Forecasts**

The Plan includes a revised set of forecasts for the sewered portion of North Oaks. The Plan needs to reflect either the Council's official forecasts, or a set of forecasts upon which the City and Council staff agree. The Plan's forecasts are under consideration by the Council. The System Statement forecast and the Plan's set of forecasts for the sewered portion of the City are shown below.

***North Oaks Sewer Service Area Forecast***

	Census	System Statement Forecasts			Plan Proposed Forecasts (under consideration)		
	2010	2020	2030	2040	2020	2030	2040
<b>Population</b>	876	1800	1970	2050	<u>1465</u>	<u>1670</u>	<u>1934</u>
<b>Households</b>	321	710	800	830	<u>579</u>	<u>679</u>	<u>783</u>
<b>Employment</b>	933	1040	1080	1110	1040	1080	1110

#### Transportation Analysis Zone (TAZ) Allocations

- The Plan needs to allocate forecasted household growth by TAZs. This information is missing from Table 10, which currently includes only allocations of population and employment.
- Upon resolution of forecast revisions, each of the TAZ allocation totals in Table 10 need to sum to the new forecast. The population and employment allocations currently sum to the System Statement forecasts.

#### *Advisory Comments*

The Council may be willing to agree to the higher overall forecasts that the Plan proposes. However, the Council expects lower forecasts of households, population, and jobs for 2020. This needs further explanation or revision in the Plan.

If the Council is willing to agree to the revised set of sewer forecasts in the Plan, the Council would simultaneously revise the Allocation of Affordable Housing Need for North Oaks. The Plan will need to reflect these new values in the Plan's Housing element.

Any forecast revisions upon which the City and Council staff agree would become official upon Council authorization of the Plan.

#### **Land Use (Michael Larson, 651-602-1407)**

##### Future Land Use

- As noted in the wastewater section of this letter, the Plan needs to acknowledge and provide a map indicating the boundaries of the two *Thrive MSP 2040* Community Designations of the City: Suburban and Rural Residential. This map can be found on the City's Community Page in the Local Planning Handbook at [https://metrocouncil.org/Handbook/Files/Community-Designation-Map/PDF/02395259\\_NorthOaks\\_CommunityDesignation.aspx](https://metrocouncil.org/Handbook/Files/Community-Designation-Map/PDF/02395259_NorthOaks_CommunityDesignation.aspx).
- Map 16 shows two neighborhoods as "Future Service Area": 13-East Preserve and 14-Nord. These are not currently part of the Metropolitan Council's Long-Term Service Area and currently have the Community Designation of Rural Residential. Since these neighborhoods are guided as Low Density Residential, Council staff assumes that the City most likely intends for these to be future service areas for water supply only. The Plan needs to make this distinction on the map.
- The policy language for Mixed Use needs to identify the percentage of land that the City expects to develop as residential uses.
- The Plan needs to correct minor inconsistencies between the terms used for guiding land use in the staging Table 2 (Existing and Planned Land Uses), the text that follows Table 2, and Map 10 (2040 Land Use Plan). The terms Single Family Residential and Low Density Residential appear to be synonymous, as do the terms Multi Family Residential and Medium Density Residential. This can be resolved by consistently using the terms or providing a notation in Table 2.

##### Staged Development

- The Plan does not propose any changes in guiding land uses and density ranges from its previous Plan. However, areas guided for sewer development post-2030 must meet average minimum guiding densities for its Community Designation of Suburban (5 units per acre). For the areas identified for future development, none of the Plan's guiding land uses provide for a minimum density higher than 1 unit per acre. The Plan states that the East Oaks PUD (approved in 1999) has a 30-year

lifespan. The Plan indicates in Table 2 that the City expects development of Mixed Use and Mixed Residential within the East Oaks PUD after 2030. These areas are along the eastern border of the City and include the Anderson Woods, Gate Hill, and Island Field Homeowners Associations. Map 12 indicates that none of these areas are platted. Therefore, these areas are subject to current regional density policy for Suburban communities and need to be guided at high enough densities to meet that policy.

- The City needs to submit detail on the density of its platting history as well as detail on approved housing units in the remaining developable area of the East Oaks PUD. This is necessary to complete analysis of planned densities for consistency with regional policy and for conformance with the *2040 Water Resources Policy Plan*.

#### **Housing (Tara Beard, 651-602-1051)**

##### **Existing Housing Need**

- The Plan needs to identify the number of owner-occupied housing units and the number of rental housing units.
- The Plan needs to identify the number of households that are housing cost burdened, broken out among the following household income bands: <30% Area Median Income (AMI), 31-50% AMI, 51-80% AMI.
- The Plan needs to identify the number of existing housing units that are affordable within the following household income bands: <30% Area Median Income (AMI), 31-50% AMI, 51-80% AMI.
- The Plan needs to identify the number of publicly subsidized affordable units, including whether the units are for seniors or persons with disabilities (even if the number is zero). If there are units in Waverly Gardens that were publicly subsidized, the Plan needs to note this.
- The Plan must provide a narrative assessment of all existing housing data, including a summary of any existing housing needs that will be addressed in the Implementation Plan. This can be summarized in a list or bullet format. Possible existing housing needs may include the following:
  - Only 7% of the housing stock in North Oaks is affordable to households earning 80% AMI or less. Preservation of the affordability of these units (especially the 117 units affordable at the 51-80% AMI level) would be a reasonable existing housing need to identify and address in the Implementation Plan.
  - The Plan notes that the City will make referrals to housing rehabilitation loans funded through Minnesota Housing and Community Development Block Grants. This implementation action needs to be linked to an identified need, such as for low- and moderate-income homeowners in North Oaks.
  - There are no income-restricted affordable housing options in North Oaks. There could be a need for this type of housing for existing households experiencing a housing cost burden.

##### **Projected Housing Need**

- The Plan needs to acknowledge the City's share of the region's affordable housing need forecasted for the 2021-2030 decade, which is based on the City's sewerage growth during that time period. The current allocation, based on the System Statement forecast, is 44 units. Council staff will determine the final allocation, including the breakdown by bands of affordability, following resolution of the forecast adjustment.

- To be consistent with Council housing policy, the Plan needs to guide enough higher density land (minimum of 8 units per acre) such that the affordable housing need allocation for the 2021-2030 decade could be met. The Plan currently has no guiding land use that would qualify.

#### Implementation Plan

- The Plan needs to consider widely recognized tools to address existing and projected housing needs in the Plan. Staff recommend creating a table that lists existing and future housing needs, then considers available tools for each of them. Simply listing a tool, or stating that the City will consider it, is not sufficient. The Plan can state that the City is unlikely to use a tool. An example of this type of table can be found on the Local Planning Handbook at:  
<https://metro council.org/Handbook/Files/Resources/Fact-Sheet/HOUSING/Linking-Tools-to-Needs.aspx>
- To be consistent with Council housing policy, the Plan needs to consider all reasonable tools that can meet existing and future housing needs. The Plan does not have to commit to use each tool; and it can indicate a willingness to research and explore tools within a certain time frame if the City is not ready to give policy direction at this time. Tools that must be considered include:
  - Creation of a local HRA/EDA
  - Local Fair Housing Policy. Please note that communities without a locally adopted Fair Housing Policy are not able to draw Livable Communities Act Funds.
  - Effective referrals to external organizations that could meet housing needs of existing or future residents, including first time homebuyer, down payment assistance, and foreclosure prevention programs. The Plan states that the City maintains information about some of these types of programs but does not indicate if the City will actively refer the programs it later states it “may use.”
  - Participation in housing-related organizations, partnerships, and initiatives.
  - Site Assembly
  - Support and participation for the acquisition or creation of community land trust homes in partnership with Rondo Community Land Trust or other applicable land trust organizations.
  - TIF
  - Tax Abatement
  - Housing Revenue Bonds
  - CDBG and HOME resources through Hennepin County
  - Minnesota Housing’s Consolidated RFP
  - Livable Communities Act participation

#### **Surface Water Management (Jim Larsen, 651-602-1159)**

The Plan needs to incorporate an updated Local Water Management Plan (LWMP). The draft LWMP update, received by the Council on August 19, 2019, is under separate 45-day formal review by Council Water Resources staff. Comments will be sent in a separate letter to the City and Watershed Management Organization following the completion of that review. Any modifications or additions recommended in the Council’s review should be included in the final LWMP, incorporated into the Plan as an Appendix, and resubmitted.

To expedite the Council's review of supplemental materials submitted in response to incomplete items, please provide a cover memo that outlines where and how the incomplete items are addressed in the new material. Also, as with the original submittal, please use the online submittal for supplemental information.

After all of the required elements of the Plan are submitted and found complete, Council staff will begin the official review process. If you have any questions or need further information regarding the comments in this letter, please contact Eric Wojchik, Sector Representative, at 651-602-1330 or Michael Larson, Principal Reviewer at 651-602-1407 with any questions or for additional assistance.

Sincerely,

Angela R. Torres, AICP, Manager  
Local Planning Assistance

CC: Peter Lindstrom, Metropolitan Council District 10  
Eric Wojchik, Sector Representative  
Michael Larson, Principal Reviewer  
Raya Esmaeili, Reviews Coordinator

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## MEMO

Date: November 5, 2019  
To: City Council & Planning Commission  
From: City Administrator Mike Robertson  
Re: 2040 Comprehensive Plan Review Timeline

Since I occasionally hear misunderstandings about the development of the Comprehensive Plan I thought I would layout the review timeline in a memo for the new Planning Commissioners. All of the meetings of the Planning Commission were noticed on the City web site. All of the public hearings on the Comprehensive Plan were noticed in the Shoreview Press and well as the City web site. All minutes of the Planning Commission's review of the Comprehensive Plan were posted on the City's web site.

**July 28, 2016.** Administrator Robertson tells the Planning Commission that it is time to begin the review and development of the 2040 Comprehensive Plan.

**August 25, 2016.** City Planners Ben Gozola and Jim Robinson begin review of the Comp Plan with the Planning Commission. The general direction from the Planning Commission to staff is that the 2030 Comp Plan was fine and they expect minimal changes. Gozola & Robinson note they met with Met Council staff to review in general what issues the Met Council wanted added to cities' comp plans. They also reviewed the East Oaks PUD with the Met Council and Met Council staff acknowledged that all remaining vacant land in North Oaks was already master planned. The Planning Commission reviews Chapter 1-Community Background of the Comp Plan.

**September 29, 2016.** The Planning Commission continues their review of the Comp Plan with Chapter 2-Land Use.

**October 27, 2016.** The Planning Commission continues their review of the Comp Plan with Chapter 2-Land Use.

**February 23, 2017.** The Planning Commission continues their review of the Comp Plan with Chapter 3-Transportation.

**March 30, 2017.** The Planning Commission continues their review of the Comp Plan with Chapter 3-Parks & Recreation.

**April 27, 2017.** The Planning Commission continues their review of the Comp Plan with Chapter 3-Utilities.

**July 27, 2017.** The Planning Commission completes their review of the Comp Plan with Chapter 4-Implementation. The preliminary Comp Plan is sent to the Met Council for review.

**August 24, 2017.** The Planning Commission sets a Public Hearing for the preliminary Comp Plan on October 26, 2017.

**October 26, 2017.** The Planning Commission holds a public hearing on the preliminary Comp Plan. There are no comments. City Planner Gozola describes the changes in the Plan. The Public Hearing is continued until November 30, 2017.

**November 30, 2017.** The continued public hearing is held. There are no public comments. The hearing is closed.

**February 24, 2018.** The Draft Comp Plan is sent to surrounding communities and the Met Council triggering the formal 6-month review period.

**April 26, 2018.** Planning Commission Chair Katy Ross said she was meeting with NOHOA to review the Draft Comp Plan.

**May 31, 2018.** Administrator Robertson discussed with the Planning Commission a recent meeting with Met Council staff. Planning Commission Chair Katy Ross, Administrator Robertson and City Planners Ben Gozola and Jim Robinson met with Met Council staffer Eric Wojchik to review the Draft Comp Plan. The only thing Wojchik seemed to be concerned about with the Draft Comp Plan was increasing housing density. Wojchik said that North Oaks had to meet the “suburban” standard of 5 housing units per acre for future growth. Robertson said they suggested that when the office area redevelops that housing could be allowed to be built on the upper floors. Wojchik was fine with that suggestion.

**July 26, 2018.** Chair Ross describes the recent meeting with the Met Council. Administrator Robertson reviewed possible changes to the Zoning Ordinance to accommodate the Met Council’s request. He recommended requiring the first floor of any mixed-use structure to remain commercial. The Planning Commission decided not take any action until the Comp Plan was finalized.

**August 27, 2018.** The Planning Commission reviewed all the comments received about the Draft Comp Plan and incorporated them into a Revised Comp Plan. This included the response to the

Met Council's request for greater future housing density. The Commission set a public hearing on the Revised Comp Plan for September 27, 2018.

**September 20, 2018.** NOHOA requested a current copy of the Comp Plan. A copy of the current Revised Comp Plan was emailed to NOHOA staff and to the NOHOA subcommittee September 20 at 10:18 a.m.

**September 24, 2018.** Planning Commission Chair Katy Ross and Administrator Robertson met with the NOHOA subcommittee to review the Revised Comp Plan. Robertson noted in the meeting that the subcommittee was using the old Draft version of the Comp Plan that did not include the comments on the Met Council's requirements for greater housing density in the future. This passes without comment.

**September 27, 2018.** The Planning Commission holds a public hearing on the Revised Comp Plan. There are no public comments. Chair Ross and Robertson describe the meeting with NOHOA and note that there was no time to add NOHOA's comments to the Revised Comp Plan so they will be reviewed at the next meeting. The public hearing is continued until November 7, 2018.

**November 7, 2018.** The public hearing on the Revised Comp Plan is continued. Joanne Hanson of the NOHOA subcommittee is present. Robertson reviews the changes requested by the NOHOA subcommittee. Almost all of them are agreed to. The public hearing is closed. Robertson notes that City Planners Gozola and Robinson have left Sambatek. He introduces new City Planners Bob Kirmis and Ryan Gritman of Northwest Associated Consultants.

**November 26, 2018.** The final revisions to the Revised Comp Plan approved on November 7, 2018 by the Planning Commission are completed by Robertson. Copies are sent to NOHOA Executive Director Mikeya Griffin and to Joan Brainerd at her request.

**December 20, 2019.** The Planning Commission unanimously approves sending the Revised Comp Plan to the City Council for approval.

**January 10, 2019.** The City Council briefly discusses the Revised Comp Plan and tables it until the next meeting.

**February 14, 2019.** Residents attend the Council meeting objecting to the Met Council's demand for higher density housing growth in the future. The Council votes unanimously to send the Revised Comp Plan back to the Planning Commission for review.

**February 28, 2019.** The Planning Commission agrees unanimously to take the Revised Comp Plan back. They discuss some of the options used in 1999 and 2008 to convince the Met Council to accept previous Comp Plans.

**March 13, 2019.** The Planning Commission reviews the Revised Comp Plan.

**March 27, 2019.** Mayor Nelson, Deputy Mayor Kingston and Administrator Robertson met with new Met Council area representative Peter Lindstrom, Mayor of Falcon Heights. They discuss the uniqueness of North Oaks and seek his support for when the Revised Comp Plan comes before the Met Council. They find that both North Oaks and Falcon Heights are similar with a lot of unique characteristics.

**March 28, 2019.** The Planning Commission reviews the Revised Comp Plan.

**April 25, 2019.** The Planning Commission reviews the Revised Comp Plan.

**May 30, 2019.** The Planning Commission reviews the Revised Comp Plan and approves by 5-0 vote with two abstentions to send the Plan to the City Council.

**June 13, 2019.** The City Council approves the Revised Comp by a 5-0 vote.

**August 13, 2019.** The Revised Comp Plan is submitted to the Met Council.

**September 9, 2019.** The Met Council sent an 8 page letter of requested changes to administrator Robertson.

**October 17, 2019.** Planning Commission Chair Mark Azman, Administrator Robertson, City Planner Bob Kirmis, City Engineer John Mazzitello and City Attorney Korine Land met with Met Council staffers Eric Wojchik and Michael Larson to review the Revised Comp Plan. The following was discussed at the meeting.

- City staff agreed to change some of the tables in the Comp Plan to fit templates that will be supplied by Met Council staff.
- Much of the discussion revolved around future development of the East Oaks area and that the terms of the 1999 PDA mandates that land cannot be developed at higher densities (5 or more units per acre). Met Council staff stated that they understand the City's legal obligations and accept the requirements of the 1999 PUD.
- Met Council staff stated that they accept the City's objection to designating any areas in the City for redevelopment at higher residential densities. They also stated however, that their bosses could overrule them on this issue.

- While Met Council staff accepts the terms of the East Oaks PDA, they raised question regarding the possibility of PDA term expiration (2029) prior to final subdivision approval of the various development phases. In this regard, Met Council staff indicated that, should the PDA expire prior to such approvals, the “suburban community density requirement” of 5 units per acre would be imposed upon undeveloped phases which are intended to receive sanitary sewer service. To be noted is that “final subdivision approval” relates to the creation of lots for development and not actual subdivision buildout.
- After Met Council staff left, City staff said they expect Met Council bosses to overrule any attempt to avoid designating any areas for future higher density redevelopment. Staff’s opinion is that the best way to achieve the City of North Oak’s development objectives is to continue working with Met Council staff.

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**LEVANDER,  
GILLEN &  
MILLER, P.A.**

**ATTORNEYS AT LAW**

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TIMOTHY J. KUNTZ  
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CASSANDRA C. WOLFGAM  
DEBRA M. NEWEL  
CASSANDRA J. BAUSTISTA

## MEMO

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**TO: City of North Oaks Planning Commission**  
**FROM: Bridget Nason, City Attorney**  
**DATE: November 25, 2019**  
**RE: Planning Commission Matters**

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A number of questions related to Planning Commission matters were recently raised with staff and the City Council, and staff have requested a written response to several of these questions to provide clarification to the Planning Commission/assist with facilitation of discussion regarding these matters by the Planning Commission.

- 1. Does Ordinance 129, which requires the submission of PUD concept plans to the Planning Commission prior to submission of preliminary and final plans apply to the property covered by the 1999 East Oaks PDA (East Oaks PDA), as amended?**

The East Oaks PDA defines a "Concept Plan" as an optional concept plan authorized by the Zoning Ordinance, approved by the Council, for a Development Site. (Emphasis added.) It is further noted that each development site will be submitted for "Concept Plan, Preliminary Plan, and Final Plan for each particular Development Site, portion of a Development Site, or combination of Development Sites." Section 3.3 of the East Oaks PDA provides that "[t]he Developer agrees to comply with this Planned Development Agreement, including the PUD Controls and consensual amendments thereto." Ordinance 129, which amends Section 151.056(B)(2)(a) of the North Oaks City Code, was adopted earlier this year and requires the submission of a concept plan for review and comment by the Planning Commission and City Council prior to submission of an application for final development of a phase in a Planned Unit Development (PUD). The Seventh Amendment to the PDA redefines the terms Shoreland Ordinance, Subdivision Ordinance, and Zoning Ordinance to mean chapters 153, 152, and 151 of the City Code, "and any and all amendments or revisions thereto or replacements thereof." (Emphasis added.) Despite that language, by way of a letter sent to the City on August 16, 2019, the attorney for the North Oaks Company stated that the North Oaks Company has not agreed to

the provisions of the terms of Ordinance 129 and that therefore they are not obligated to comply with the requirements of Ordinance 129.

**2. When and how are zoning and subdivision applications reviewed for completeness and compliance with City ordinance requirements?**

MINN. STAT. § 15.99, often referred to as the “60-day rule,” provides a mandatory timeline. 60 days unless extended to 120 days by written notification of the City or such other deadline as may be agreed to by the City and applicant in writing, for an agency (defined as including a statutory city) to approve or deny a written request related to zoning. *See* MINN. STAT. § 15.99 (2019) attached hereto. Significantly, failure to approve or deny a written request related to zoning results in the approval of the request. *See Id.* The clock on the 60-day approval deadline does not start running if the written request does not contain “all information required by law or by a previously adopted rule, ordinance, or policy of the agency,” provided that “the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.” *Id.* It is imperative that staff review all submitted written requests related to zoning and, where such request is incomplete, send written notice to the applicant within 15 business days from receipt of the request declaring the written request to be incomplete. Likewise, an application for subdivision approval “shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been agreed to by the applicant.” MINN. STAT. § 462.358, SUBD. 3B (2019), attached hereto. It is important for the City to have the necessary processes in place to ensure that zoning and subdivision applications are timely reviewed by staff for completeness, and where any application is incomplete, the applicant is timely advised of the deficiency in the application.

**3. How should the terms of the PDA be applied when evaluating future developments within the PDA?**

Article I of the PDA provides that “[t]he City and the Developer agree that this Planned Development Agreement addresses the development parameters of the East Oaks Project Master Development Plan,” and further provides that “each Development Site shall be developed in accord with the PUD Controls,” which are defined to include the terms of the East Oaks PDA. It is further noted that “[t]he parties acknowledge and agree that the East Oaks Project Master Development Plan will have to be supplemented and refined for Development Site Development” and further notes that “the Concept Plan, Preliminary Plan, and Final Plan for each Development Site shall be controlled by the East Oaks Project Master Development Plan pursuant to this Planned Development Agreement.” Section 2.2 notes that “[n]o Development or use shall be made of the Subject Property or any portion thereof unless such Development or use is **consistent with** the PUD controls and consensual amendments thereto.” (Emphasis added.) It is further noted that “Concept Plan, Preliminary Plan, or Final Plan [sic] consistent with this Planned Development Agreement shall be approved by the Council.” Article 3 further notes that “[s]ubject to such compliance by the Developer, the City agrees to allow Development of the Subject Property in accord with the East Oaks Project Master Development Plan, and consensual amendments thereto.” Article 5, titled “Relationship of

East Oaks Project Master Development Plan to Concept Plans, Preliminary Plans, and Final Plan” includes the following relevant language in section 5.3:

The Final Plan shall conform **in material respects** to this Planned Development Agreement, the East Oaks Project Master Development Plan and Preliminary Plan for the Development Site, **unless otherwise approved by the Council**. It is the intent of the City and the Developer that all PUD Controls shall be consistent with this Planned Development Agreement. If an inconsistency develops by agreement of the City and the Developer, then a consensual amendment to this Planned Development Agreement shall be executed. (Emphasis added.)

Finally, Section 19.6 further notes that “[w]ith respect to the Development Sites, the City and the Developer for each Development Site hereto may by mutual written agreement amend this Planned Development Agreement in any respect for that development Site.”

**15.99 TIME DEADLINE FOR AGENCY ACTION.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms shall have the meanings given.

(b) "Agency" means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

(c) "Request" means a written application related to zoning, septic systems, watershed district review, soil and water conservation district review, or the expansion of the metropolitan urban service area, for a permit, license, or other governmental approval of an action. A request must be submitted in writing to the agency on an application form provided by the agency, if one exists. The agency may reject as incomplete a request not on a form of the agency if the request does not include information required by the agency. A request not on a form of the agency must clearly identify on the first page the specific permit, license, or other governmental approval being sought. No request shall be deemed made if not in compliance with this paragraph.

(d) "Applicant" means a person submitting a request under this section. An applicant may designate a person to act on the applicant's behalf regarding a request under this section and any action taken by or notice given to the applicant's designee related to the request shall be deemed taken by or given to the applicant.

Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

(b) When a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request. A denial of a request because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar request.

(c) Except as provided in paragraph (b), if an agency, other than a multimember governing body, denies the request, it must state in writing the reasons for the denial at the time that it denies the request. If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response, including an approval with conditions, meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request. Failure to satisfy the conditions, if any, may be a basis to revoke or rescind the approval by the agency and will not give rise to a claim that the 60-day limit was not met.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section.

**History:** 1995 c 248 art 18 s 1; 1996 c 283 s 1; 2003 c 41 s 1; 2006 c 226 s 1; 2007 c 57 art 1 s 11; 2007 c 113 s 1

**462.358 OFFICIAL CONTROLS: SUBDIVISION REGULATION; DEDICATION.**

Subdivision 1. [Repealed, 1980 c 566 s 35]

**Subd. 1a. Authority.** To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area.

Subd. 2. [Repealed, 1980 c 566 s 35]

**Subd. 2a. Terms of regulations.** The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of floodplains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems. The regulations may prohibit the issuance of permits or approvals for any tracts, lots, or parcels for which required subdivision approval has not been obtained.

The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, bond, or other financial security in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. Sections 471.345 and 574.26 do not apply to improvements made by a subdivider or a subdivider's contractor.

A municipality may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the municipality for direct costs relating to professional services provided during the review, approval and inspection of the project. A municipality may only charge the applicant a rate equal to the value of the service to the municipality. Services provided by municipal staff or contract professionals must be billed at an established rate.

When the applicant vouches, by certified letter to the municipality, that the conditions required by the municipality for approval under this subdivision have been satisfied, the municipality has 30 days to release

and return to the applicant any and all financial securities tied to the requirements. If the municipality fails to release and return the letters of credit within the 30-day period, any interest accrued will be paid to the applicant. If the municipality determines that the conditions required for approval under this subdivision have not been satisfied, the municipality must send written notice within seven business days upon receipt of the certified letter indicating to the applicant which specific conditions have not been met. The municipality shall require a maintenance or performance bond from any subcontractor that has not yet completed all remaining requirements of the municipality.

The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

**Subd. 2b. Dedication.** (a) The regulations may require that a reasonable portion of the buildable land, as defined by municipal ordinance, of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements, parks, recreational facilities as defined in section 471.191, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance or under the procedures established in section 462.353, subdivision 4a.

(b) If a municipality adopts the ordinance or proceeds under section 462.353, subdivision 4a, as required by paragraph (a), the municipality must adopt a capital improvement budget and have a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and paragraphs (c) to (i).

(c) The municipality may choose to accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid that is, no later than at the time of final approval or under the city's adopted comprehensive plan, to be served by municipal sanitary sewer and water service or community septic and private well as authorized by state law. For purposes of redevelopment on developed land, the municipality may choose to accept a cash fee based on fair market value of the land no later than the time of final approval. "Fair market value" means the value of the land as determined by the municipality annually based on tax valuation or other relevant data. If the municipality's calculation of valuation is objected to by the applicant, then the value shall be as negotiated between the municipality and the applicant, or based on the market value as determined by the municipality based on an independent appraisal of land in a same or similar land use category.

(d) In establishing the portion to be dedicated or preserved or the cash fee, the regulations shall give due consideration to the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision.

(e) The municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(f) Cash payments received must be placed by the municipality in a special fund to be used only for the purposes for which the money was obtained.

(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

(h) The municipality must not deny the approval of a subdivision based solely on an inadequate supply of parks, open spaces, trails, or recreational facilities within the municipality.

(i) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

**Subd. 2c. Nexus.** (a) There must be an essential nexus between the fees or dedication imposed under subdivision 2b and the municipal purpose sought to be achieved by the fee or dedication. The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.

(b) If a municipality is given written notice of a dispute over a proposed fee in lieu of dedication before the municipality's final decision on an application, a municipality must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee in lieu of dedication.

(c) An application may proceed as if the fee had been paid, pending a decision on the appeal of a dispute over a proposed fee in lieu of dedication, if (1) the person aggrieved by the fee puts the municipality on written notice of a dispute over a proposed fee in lieu of dedication, (2) prior to the municipality's final decision on the application, the fee in lieu of dedication is deposited in escrow, and (3) the person aggrieved by the fee appeals under section 462.361, within 60 days of the approval of the application. If such an appeal is not filed by the deadline, or if the person aggrieved by the fee does not prevail on the appeal, then the funds paid into escrow must be transferred to the municipality.

**Subd. 3. [Repealed, 1980 c 566 s 35]**

**Subd. 3a. Platting.** The regulations may require that any subdivision creating parcels, tracts, or lots, shall be platted. The regulations shall require that all subdivisions which create five or more lots or parcels which are 2-1/2 acres or less in size shall be platted. The regulations shall not conflict with the provisions of chapter 505 but may address subjects similar and additional to those in that chapter.

**Subd. 3b. Review procedures.** The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. Subdivisions including lands abutting upon any existing or proposed trunk highway, county road or highway, or county state-aid highway shall also be subject to review. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law or charter. A municipality must approve a preliminary plat that meets the applicable standards and criteria contained in the municipality's zoning and subdivision regulations unless the municipality adopts written findings based on a record from the public proceedings why the application shall not be approved. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been

agreed to by the applicant. When a division or subdivision to which the regulations of the municipality do not apply is presented to the city, the clerk of the municipality shall within ten days certify that the subdivision regulations of the municipality do not apply to the particular division.

If the municipality or the responsible agency of the municipality fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the municipality shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the municipality fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the municipality shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.

**Subd. 3c. Effect of subdivision approval.** For one year following preliminary approval and for two years following final approval, unless the subdivider and the municipality agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the municipality may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned and staged development, a municipality may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines to be reasonable and appropriate.

**Subd. 4. [Repealed, 1982 c 415 s 3]**

**Subd. 4a. Disclosure by seller; buyer's action for damages.** A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which adopted municipal subdivision regulations apply, shall attach to the instrument of conveyance either: (a) recordable certification by the clerk of the municipality that the subdivision regulations do not apply, or that the subdivision has been approved by the governing body, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the municipality in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or (b) a statement which names and identifies the location of the appropriate municipal offices and advises the grantee that municipal subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability, or waiver from the municipality. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this subdivision shall be grounds for damages. If the buyer establishes a right to damages, a district court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five per centum of the purchase price of the land.

**Subd. 4b. Restrictions on filing and recording conveyances.** (a) In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land

to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective.

(b) The foregoing provision does not apply to a conveyance if the land described:

(1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or

(2) was the subject of a written agreement to convey entered into prior to such time, or

(3) was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966,  
or

(4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or

(5) is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

(6) is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(c) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

(d) Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed.

(e) A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

**Subd. 5. Permits.** Except as otherwise provided by this section all electric and gas distribution lines or piping, roadways, curbs, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or properly indicated on the official map of the municipality, or which has otherwise been approved by the governing body. When a municipality has adopted an official map, no permit for the erection of any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the official map or which has been otherwise approved by the governing body, and unless the buildings conform to the established building line. This limitation on issuing permits shall not apply to planned developments approved by the governing body pursuant to its zoning ordinance. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this section.

**Subd. 6. Variances.** Subdivision regulations may provide for a procedure for varying the regulations as they apply to specific properties where an unusual hardship on the land exists, but variances may be

granted only upon the specific grounds set forth in the regulations. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

**Subd. 7. Vacation.** The governing body of a municipality may vacate any publicly owned utility easement or boulevard reserve or any portion thereof, which are not being used for sewer, drainage, electric, telegraph, telephone, gas and steam purposes or for boulevard reserve purposes, in the same manner as vacation proceedings are conducted for streets, alleys and other public ways under a home rule charter or other provisions of law.

A boulevard reserve means an easement established adjacent to a dedicated street for the purpose of establishing open space adjacent to the street and which area is designated on the recorded plat as "boulevard reserve".

**Subd. 8. Plat approval under other laws.** Nothing in this section is to be construed as a limitation on the authority of municipalities which have not adopted subdivision regulations to approve plats under any other provision of law.

**Subd. 9. Unplatted parcels.** Subdivision regulations adopted by municipalities may apply to parcels which are taken from existing parcels of record by metes and bounds descriptions, and the governing body or building authority may deny the issuance of permits or approvals, building permits issued under sections 326B.101 to 326B.194, or other permits or approvals to any parcels so divided, pending compliance with subdivision regulations.

**Subd. 10. Limitations.** Nothing in this section shall be construed to require a municipality to regulate subdivisions or to regulate all subdivisions which it is authorized to regulate by this section.

**Subd. 11. Affordable housing.** For the purposes of this subdivision, a "development application" means subdivision, planned unit development, site plan, or other similar type action. If a municipality, in approving a development application that provides all or a portion of the units for persons and families of low and moderate income, so proposes, the applicant may request that provisions authorized by clauses (1) to (4) will apply to housing for persons of low and moderate income, subject to agreement between the municipality and the applicant:

- (1) establishing sales prices or rents for housing affordable to low- and moderate-income households;
- (2) establishing maximum income limits for initial and subsequent purchasers or renters of the affordable units;
- (3) establishing means, including, but not limited to, equity sharing, or similar activities, to maintain the long-term affordability of the affordable units; and
- (4) establishing a land trust agreement to maintain the long-term affordability of the affordable units.

Clauses (1) to (3) shall not apply for more than 20 years from the date of initial occupancy except where public financing or subsidy requires longer terms.

**History:** 1965 c 670 s 8; 1971 c 842 s 1; 1973 c 67 s 1; 1973 c 176 s 1; 1975 c 98 s 1; 1976 c 181 s 2; 1978 c 786 s 16,17; 1980 c 560 s 6; 1980 c 566 s 25-33; 1981 c 85 s 7; 1982 c 415 s 2; 1982 c 507 s 23; 1985 c 194 s 24; 1986 c 444; 1989 c 196 s 1; 1989 c 200 s 1; 1989 c 209 art 2 s 1; 1995 c 254 art 1 s 90; art 3 s 6,7; 2000 c 497 s 1; 2001 c 7 s 74; 2002 c 315 s 1; 2004 c 178 s 2,3; 2006 c 209 s 1; 2006 c 269 s 1; 2006 c 270 art 1 s 6; 2007 c 116 s 1; 2007 c 140 art 4 s 61; art 13 s 4; 2013 c 85 art 5 s 41

## City of North Oaks 2040 Comprehensive Plan

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**Appendix A: List of City of North Oaks 2040 Comprehensive Plan Maps**

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2	North Oaks Neighborhoods and Association Boundaries
3	Topographic Characteristics
4	Major Watershed Areas
5	VLAWMO & Minnesota DNR Protected Waters
6	Soils
7	Existing Zoning
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10	Future Land Use Plan
11A*	Shoreview Land Use Plan
11B*	Vadnais Heights Land Use Plan
11C*	White Bear Township Land Use Plan
11D*	Lino Lakes Land Use Plan
12	East Oaks Planned Unit Development
13	Major Highways and Airports
14	Thoroughfares and Street Classifications
15	Transportation Analysis Zones
16	North Oaks Neighborhoods with Common Utilities
17	Areas Served by Common Sanitary Sewer
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21	School Districts and Voting Precincts
22	Estimated Market Value of Housing
23	Gross Solar Potential
24	Surface Water
25	Water Supply and Management Areas

\*Maps 11A–11D include other cities' land use plans to be added upon completion.

\*\*Map 20 is private and is on file in the NOHOA office for reference purposes only.

**Appendix B: Met Council's Transportation Policy Plan****Appendix C: Sanders' Report, North Oaks Recreation Plan, November 1996****Appendix D: Met Council's Documents from 1999 Comprehensive Plan****Appendix E: Met Council's Documents from 2008 Comprehensive Plan**

**Definitions**

**ASC – Architectural Supervisory Committee**

**CA – commercial association**

**City – City of North Oaks**

**Comp Plan – Comprehensive Plan**

**East Oaks PDA – The 1999 East Oaks Planned Unit Development Agreement**

**HOA – homeowners' association**

**MCES – Metropolitan Council Environmental Services**

**member – an individual owning a residential lot or unit within the boundaries of NOHOA**

**Met Council – Metropolitan Council**

**Minnesota DNR – Minnesota Department of Natural Resources**

**Mixed Use – land uses intended to mix different housing types and commercial uses within  
a site**

**MUSA – Metropolitan Urban Service Area**

**NOHOA – North Oaks Home Owners' Association**

**NOC – North Oaks Company, LLC**

**PDA – planned development agreement**

**PRD – planned residential district**

**PUD – planned unit development**

**SSTS – Sub Surface Treatment System**

**VLAWMO – Vadnais Lake Area Water Management Organization**

## **CHAPTER 1: COMMUNITY BACKGROUND**

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### **A. MISSION STATEMENT**

The City of North Oaks, Minnesota (hereafter referred to as "City") shall preserve and maintain the City's status as a unique place to live. In concert with all established homeowners' associations (HOAs), commercial associations (CAs), property owners, developers, North Oaks Company (NOC), and citizens, the City shall continue to emphasize community and individual privacy with the protection and management of all natural resources.

### **B. COMPREHENSIVE PLAN PURPOSE**

The local comprehensive plan is a public document that describes how a community wants to develop over a specified planning period. It is based on the long-term goals and objectives of the community. A comprehensive plan also serves as the guide for the timing and location of future growth and the preparation of subdivision and zoning ordinances and related ordinances to implement the plan. Communities use public input and analysis of existing physical, economic, environmental and social conditions to develop a comprehensive plan.

Adoption of the Metropolitan Land Planning Act in 1976 put into law a requirement that every municipality and county within the seven-county metropolitan area prepare and submit a comprehensive plan to the Metropolitan Council (Met Council). The Act, along with directives set by the Met Council, requires each comprehensive plan to address a number of areas including:

- **Background** – This section of the 2040 Comprehensive Plan delineates the community's vision and expectations. It includes the objectives, policies and forecasts that serve as the basis of the community's plans.
- **Land Use** – This section explains how the community has allocated and will allocate land use, how it will accommodate population growth, and how it protects special resources. Subsections in the land use section include development plans staged in 5-year increments, housing plans to discuss future housing types to accommodate regional needs, and a special resources section to identify resources within the boundaries of the jurisdiction identified for protection.
- **Community Facilities** – As explained throughout the 2040 Plan, the City owns no roads, land, or buildings. The 50–60 miles of roads in the City are owned by North Oaks Home Owners' Association (NOHOA) members whose property extends to the center of the road subject to easements in favor of NOHOA. All recreational property and shoreland, wetland, and woodland areas in the City are owned by NOHOA or by private entities. There are no public parks, public recreation areas, or public roads or other public facilities in the City.
- **Implementation Program** – This section identifies how local official controls will ensure the continued viability of plans outlined in other sections of the 2040 Comprehensive Plan. This section also outlines the community's capital improvement program.

Within each of these categories, the 2040 Comprehensive Plan may also contain any additional matters which may be of local importance pursuant to the applicable planning statute.

It is the purpose of this planning document to identify and establish policies and plans to guide the physical, social and economic development of the entire community. The central focus of this purpose is to strive toward a community vision consistent with past development. The 2040 Comprehensive Plan is intended to help the efforts and actions of the following generalized groups in fulfilling the community vision.

#### **City of North Oaks – Statutory Authority**

The City will continue to operate under the statutory authority granted to municipalities by the State of Minnesota. The City shall utilize this plan for the protection of public health, safety and general welfare. A continuous open forum and planning process shall be used for maintaining this document and consideration of changing public policy. Due to the importance of this plan, state law requires a public hearing and an affirmative vote of four members of the City Council to adopt and amend the Comprehensive Plan.

#### **Homeowners' Associations (HOAs) and Commercial Associations (CAs)**

Existing and future HOAs and CAs shall continue to have the responsibility for road maintenance, parks, recreation and open space maintenance and facilities in the City. This document shall serve as a conduit of City policy to all HOAs and CAs.

#### **Development Philosophy**

This 2040 Comprehensive Plan is intended to carry out the vision of a rural designed community with characteristics focused on protection of the environment including the natural topography, woodlands, lakes, ponds, and wetlands. To the benefit of all existing and future property owners in the community, this 2040 Comprehensive Plan will include a Land Use Plan Map. The map shall clearly show areas planned for large lot residential development with on-site sewage treatment; medium-density single-family, mixed residential, mixed use, and commercial development areas to be served with central sewer service.

#### **General Public and Other Interests**

While the growth of the City is inevitable, it is clear that the planning and management of growth can have considerable impact on existing and future investments in the community. It is, therefore, the intent of this 2040 Comprehensive Plan to clearly indicate to existing property owners, the general public and all future private interests:

- the type and location of land use planning,
- the strong commitment to environmental protection, and
- the preservation and commitment to maintaining the existing character and privacy of the City.

### **Public Agencies**

The City recognizes that North Oaks is a private community and the necessity to coordinate certain plans with other public agencies, such as the State of Minnesota, the Met Council, neighboring counties, water management organizations, school districts, and adjacent communities. Those agencies may use the comprehensive planning process as an open forum for commenting on and coordinating public policies established by the Comprehensive Plan.

### **C. BACKGROUND**

The City recognized the need for the development of a comprehensive plan in 1970. As a result, Ordinance 56 (codified sections 151.075-151.083) was passed in November 1971 to establish a Planning Commission and require the development of a comprehensive plan. The subsequent Comprehensive Plan written by the Planning Commission was adopted by the City Council in December 1973.

In 1980, 1994, 1999, and 2008 the Comprehensive Plan was updated in accordance with the Metropolitan Land Planning Act as enacted by the Legislature of the State of Minnesota in 1976 as amended. The following ordinances have been enacted by the City Council to implement the Comprehensive Plan and to fulfill other obligations and needs of the City.

- Subsurface Sewage Treatment Systems Ordinance (codified as Chapter 51) adopted August 13, 2015, as amended.
- Subdivision Ordinance 93 (codified as Chapter 152) adopted February 11, 1999, as amended.
- Zoning Ordinance 94 (codified as Chapter 151) adopted February 11, 1999, as amended.
- Tree Disease Ordinance 67 (codified Sections 93.30-93.39) adopted April 14, 1977, as amended, which provides for the control and prevention of shade tree diseases in the City.
- A Shoreland Ordinance was adopted as Ordinance 84 (codified as Chapter 153) March 9, 1995, as amended.
- Subsurface Sewage Treatment Systems Ordinance 96 (codified as Chapter 50) adopted July 8, 1999, as amended, which adopts, by reference, Minnesota Rules Chapters 7080-7083 for on-site systems. In addition, some stricter requirements are included in the ordinance.
- Building Code Ordinance 95 (codified as Chapter 155) adopted May 13, 1999, as amended, which adopts, by reference, the State Building Code.
- Erosion and Sediment Control Ordinance 75 (codified as Chapter 154) adopted May 12, 1988, which responds, by reference, to the Metropolitan Surface Water Management Act, the Vadnais Lake Area Watershed Management Plan, the Ramsey County Erosion and Sediment Control Handbook, and the North Oaks Water Management Plan.
- Swimming Pools and Spas Ordinance 76 (codified sections 150.055-150.062) adopted May 23, 1989, which regulates the construction and maintenance of pools and spas.

The organization of North Oaks is unique to the St. Paul–Minneapolis Metropolitan area. The area was designed primarily by a single developer to serve a need for large residential lots in a rural, natural, and private environment. Because of its many environmental assets, its extensive wetland areas, and a lake system that is the source of St. Paul’s water supply system, it was determined that the area should be developed in primarily low-density residential use to best control and protect St. Paul’s water supply.

Due to the method of development and the unique governing structure, the City is not easily compared to other communities. Studies comparing financial and economic data are difficult due to the rural level of services found in the City and the fact that the responsibilities usually assumed by local governments are shared by the City government and HOAs. The division of governing responsibilities and the extensive use of volunteers within the City allow the community to provide necessary and desired services at a reasonable cost to the residents.

This 2040 Comprehensive Plan will provide the background of development of the City, its role in the region, and the objectives, policies, standards and programs to guide future development. This plan is anticipated to be dynamic and is intended to be revised as community needs and desires may change over the course of time. Although general development policies have remained unchanged since the adoption of the 1973 Comprehensive Plan, local requirements and desired community changes have indicated a need for periodic revision of various details of the Comprehensive Plan.

#### **D. LOCATION**

The City of the City is located in northern Ramsey County, one of the seven counties in the greater St. Paul–Minneapolis metropolitan area (see Appendix A, Map 1 – Metropolitan Area Political Boundaries and Surrounding Municipalities). The municipality is considered a "third-ring suburb" in relation to development outward from the central City of St. Paul. Within the metropolitan area, the City is classified by the Met Council as partially "Rural Residential" and partially "Developed."

The City generally lies within boundaries formed by County Highway 96 and the Canadian Pacific Railroad tracks on the south; County Road 49, also known as Hodgson Road, on the west; Turtle Lake Road and County Road J on the north; and Centerville Road (also a county road) on the east (see Appendix A, Map 14 – Thoroughfares and Street Classifications).

To the south lies the City of Vadnais Heights; to the north the City of Lino Lakes in Anoka County; to the west the City of Shoreview and to the east the White Bear Township and the City of White Bear Lake. White Bear Township has a small section northwest of the City that is isolated from the main area of its jurisdiction east of the City. Most of the land adjacent to the City in neighboring municipalities is being developed (or is planned for development) as residential with a few small neighborhood commercial facilities. Shoreview does anticipate redevelopment of existing residential properties west of Hodgson Road and north of Turtle Lake Road. In White Bear Township along Centerville Road, some areas are zoned and being developed as light industry.

## **E. DEVELOPMENT HISTORY**

In 1949, the Hill family embarked on the major project of developing the North Oaks Farm into a residential community. The farm was purchased in 1883 by James J. Hill from Charles D. Gilfillan, who had purchased 3,500 acres north of St. Paul in order to control and protect the future water supply of St. Paul. Before selling the land, Mr. Gilfillan gave the St. Paul Water Company the right to control the water in the lakes and the right to enter any of the lands to construct and maintain conduits. Mr. Hill developed the City land into one of the nation's leading agricultural experimental farms. His son, Louis W. Hill Sr., and three siblings preserved it in its natural unspoiled state until his death in 1948. The NOC was formed by Louis W. Hill's four children to plan and carry out the residential community development. Hare and Hare of Kansas City, nationally recognized landscape architects and planners, were retained until 1988 to advise the NOC.

The development concept envisioned by NOC in 1950 was to plan a residential community with sufficient commercial areas to serve the needs of area residents. Major emphasis has always been placed on the stewardship of the natural environment including the topography, woodlands, ponds and wetlands; prevention of pollution to the environment; and retention of ground water recharge areas. Development started in the south-central part of the City with the creation of an 18-hole golf course and the restoration of Gilfillan Lake. Large lots were created with planned building sites that preserved existing topography and drainage patterns. Lots and roads were laid out according to the contours of the land.

All services were originally planned at a rural level. These included individual wells and sewage treatment systems, dirt roads, and electric power. All roads are currently blacktopped and natural gas is available. Individual wells and sanitary sewer systems will continue with City ordinances setting strict standards for installation, inspection, and maintenance. Recent and future development may include central sewer and water systems in limited areas through agreements with adjacent municipalities. Other urban amenities (such as street lighting, curbs, and sidewalks) are purposefully nonexistent. There are about 44 miles of non-motorized private trails available for NOHOA members' and member-accompanied guests' use. Natural drainage patterns have been preserved eliminating the need for storm sewers except in the southwest area of the City.

Lot development is planned and staged so that new subdivisions are not opened until most of the lots in the adjacent subdivision are sold to developers or individual lot owners. By utilizing this process, it is not necessary to extend roads or utility services until there is a financial base available to support the extensions.

Because a local municipal government was not in existence in the area in 1950, orderly development was assured by the use of perpetual deed covenants on all parcels of land. The first area of development was covered by a warranty deed containing covenants referred to as the "Countryman Deed." As development progressed, additional land areas were covered by similar deeds and by declarations containing terms and covenants which are perpetual

and similar to those that were found in the original Countryman Deed (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners' Association, and Commercial Association Boundaries).

Perpetual covenants are a part of all deeds and declarations on land developed since 1950, except for 15 homes which are not in NOHOA as shown on Map 9 – 2016 Estimated Housing Distribution. The following is a summary of some restrictive covenants (on file with the City) that may or may not be attached to each property in NOHOA: For example, deed covenants address the following:

- Defines and limits the areas covered by restrictive covenants to single-family residences, parks and recreational areas, fire houses, police buildings, schools, and churches. Prohibits subdivision of lots by individual owners without permission of the NOC.
- Provides for an Architectural Supervisory Committee (ASC). Defines responsibility and operating procedure of the Committee.
- Prohibits certain land and building uses. Defines and prohibits stated nuisances.
- Prohibits connection of roads or driveways to public highways except with permission of the NOC.
- Provides for roads, paths, parks, and community facilities to be set aside by the NOC for use of all residents.
- Allows for re-grading of roads by the NOC.
- Prohibits hunting and fishing.
- Provides that water levels may be raised or lowered by the NOC except when contrary to orders of the Board of Water Commissioners of the City of St. Paul.
- Prohibits drainage of sewage into lakes, ponds, etc.
- Provides for utility easements to be granted by the NOC.
- Provides for a method of assessment of lot owners for police, fire, road maintenance, and maintenance and operations of community land and property.
- Defines the legal powers of the ASC.
- States that all conditions and restrictions run with the land. Allows the assignment of any rights, power, privilege or authority given in the deed to the NOC to be assigned to the HOA or to the ASC.

The North Oaks Home Owners' Association (NOHOA) was incorporated in 1950 with bylaws filed at the same time as the first covenants were placed on the property. NOHOA, or other HOAs or CAs, have the responsibility for road maintenance and the ownership and maintenance of recreation lands and facilities. Each lot owner's land extends to the center of a road easement with reciprocal easements for road use granted to all land owners covered by the warranty deeds and declarations; thus, all roads within the City are private roads. Maintenance is the responsibility of the NOHOA after the road is constructed with a black top surface by the developer.

Pursuant to deed covenants, NOHOA's ASC reviews all building plans with particular emphasis on site planning prior to the building permit application.

Since NOHOA was incorporated in 1950, approximately 1811 housing units over 3,000 acres have been created by the NOC for residential use. Each lot is subject to covenants and every owner automatically becomes a member of NOHOA. Beginning in 1977, some developments also established homeowners' sub-associations that operate independently but are subject to NOHOA; its members also are members of NOHOA. Through this arrangement, the independent sub-associations can be more restrictive than NOHOA but are prohibited from absolving themselves of responsibilities to NOHOA. A complete list of such homeowners' associations, and the year each was initiated, is as follows:

- Charley Lake Condominium Home Owners' Association (CLCHOA, 1984)
- Lake Estates Home Owners' Association (LEHOA, 1989)
- The Summits of North Oaks Home Owners' Association (SHOA, 1996)
- The Pines Home Owners' Association (PHOA, 1999)
- Rapp Farm Home Owners' Association (RFHOA, 2008)
- The Villas of Wilkinson Lake Home Owners' Association (VWLHOA, 2006)
- Charley Lake Preserve Home Owners' Association (CLPHOA, 2014)
- Red Pine Farm Home Owners' Association (RPFHOA, 2014)

Additional new homeowners' sub-associations may be formed for future developments, but like those above, they will all be members of NOHOA. All HOA boundaries include open water, wetlands, and active and passive recreation areas.

All HOAs are subject to warranty deeds/declarations with covenants similar to NOHOA's. NOHOA and most of the sub-associations has its own architectural supervisory committee. (Copies of the covenants for all the HOAs are on file in the City Hall.)

In 1956, the City was incorporated to assure that City homeowners would not be divided between adjacent areas that were also incorporating. The incorporation of the City included an area larger than the original development covered by the covenants in order to take advantage of the natural boundaries formed by roads and topography. With the creation of the City came the rights and responsibilities of a Minnesota municipality as granted by the State Legislature. The result is that some functions performed by the City overlap to some extent with some areas of responsibility defined in the covenants.

Fifteen residential properties exist outside of NOHOA's boundaries and are subject only to municipal laws.

Both police and fire protection are now the sole responsibility of the municipal government. Overlapping areas of responsibility between the City government and HOAs are found in zoning, subdivision, nuisance and sanitary areas. However, the City ordinances reflect the concepts expressed in the covenants.

With the development of the Village Center commercial area in the southwest corner of the City, the City required the establishment of CAs with covenants and restrictions similar in some aspects to those of the HOAs, but unique as would be expected of a commercial

operation. For instance, the Easement Agreement and Declaration for North Oaks Village Center (which is on file at Ramsey County land title records) provides for a non-exclusive perpetual easement for the purpose of installation, construction, maintenance, operation, repair, inspection, and replacement of the sewer segment located in whole or in part in the Village Center. In this same document, there are other easement rights under certain circumstances for administration and maintenance of the roads, parking, trees, drainage ponds, storm sewer connections, roadway and parking lighting, drainage and utilities, signage, berms, etc., within the Village Center area. A CA was also established for the Presbyterian Homes of North Oaks (referred to as Waverly Gardens) development in the northeast corner of the City.

The municipal government serves all residents of the City and is not limited to NOHOA members. There are fifteen residences, two schools, two religious institutions, a child care center, and the Lake Johanna Fire Department Station that are not located within the boundaries of HOAs or CAs, though they are also subject to City ordinances.

Within the City are three additional entities that have responsibilities usually found exclusively with local government:

- All homes within the boundaries of HOAs are subject to perpetual deed/declaration covenants of some type (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners' Association, and Commercial Association Boundaries).
- The CAs have complete responsibility for road maintenance (but not traffic safety and regulatory signs) and for ownership and maintenance of sewer segments and other facilities and common areas within their jurisdiction (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners' Association, and Commercial Association Boundaries).
- The land developer has certain responsibilities as described by the perpetual covenants.

The large lots, retention of natural topography and resources, and the rural-service-level development concept have resulted in an economically sound community. No two communities are alike by virtue of their particular location, topography, and relationship to an area. Each community must develop, use, and care for its assets. The City and NOHOA have supported and protected natural resources to provide a unique living environment that is an asset to the region. Ordinances contain standards and regulations which protect these assets, primarily environmental, but allow flexibility in meeting the ordinance standards.

#### **F. CITIZEN INVOLVEMENT**

The City has been fortunate in having residents who are dedicated to the well-being of their community. The five City Council members serve with nominal salaries. Each member has responsibility for one or more functions of the City: police, fire, finance, and liaison with the Planning Commission, cable TV, and other government agencies. The seven-member Planning Commission also serves with nominal salaries. The Commission reviews

subdivision plats and other applications related to development activities, is responsible for other work as specified in state law and local ordinances, and prepares and updates the Comprehensive Plan and implementing ordinances.

Members of the Boards of Directors of each of the HOAs serve without pay. Board members have responsibility for each association's organization, governance, finances, roads, capital improvements, recreational facilities and programs, architectural review, and new resident orientation.

Resident HOA volunteers plan, coordinate, and carry out HOA recreation programs for all ages including swimming, sailing, tennis, baseball, football, soccer, gardening, hockey, and cross-country skiing. A variety of groups with diversified interests have been formed through the efforts of local residents. All operate on HOA properties either under the auspices of, or with required permission of NOHOA or a sub-association.

As problems or needs are perceived by the HOAs or the governing bodies, committees have formed to study and recommend possible courses of action. Examples include:

- Long-range active and passive recreational land needs, which resulted in the identification of the present recreation/scenic land included in the 1973 Comprehensive Plan and Zoning Ordinance 86 (codified as Chapter 151).
- HOA recreation building needs, which resulted in the building of two NOHOA recreation buildings.
- NOHOA's planning and carrying out the landscaping of NOHOA recreation areas.
- The Tick Task Force (TTF) is a committee of City residents committed to eradicating deer ticks and Lyme disease in the community through education. The TTF meets the third Tuesday of every month.
- The Natural Resources Commission was established by the City Council. It meets every third Thursday and handles deer management, lake weed management, and tree diseases such as oak wilt and emerald ash borer.

The City Council, Planning Commission, administrative staff, and City committees are supported with the professional services of consultants on a contract basis as needed.

Local issues are thoroughly debated and resolved in a positive manner. The involvement of citizens in a town-hall type of setting not only reduces financial costs, but more importantly provides leadership as well as strengthening and unifying the community.

Citizen participation is a way of life in the City and plays an important role in the development concept.

## **G. PHYSICAL FEATURES AND ENVIRONMENTAL RESOURCES**

Every attempt has been and continues to be made to preserve the existing physical and environmental characteristics that have made the City unique in its abundance of natural resources. To help preserve these natural resources, the warranty deeds for the transfer of individual properties from NOC to subsequent owners contains perpetual easements and covenants. While all individual warranty deeds contain perpetual reciprocal road easements over private roads, many individual warranty deeds contain other easements relating to the preservation of natural resources (such as arboreal, vista, berm, planting, slope protection, drainage and ponds). There are also 10- to 30-foot-wide trail easements for the benefit of the HOAs and their members and member-accompanied guests for pedestrian and bicycling purposes as well as restricted roadway easements in favor of maintenance and emergency vehicles. NOHOA monitors, builds, maintains, repairs, and does whatever else is appropriate to preserve or enhance the natural resources or provide for other specified purposes.

In 1991, the City Council approved a Natural Resources Preservation Plan (NRPP). The purpose of this plan was to deal with natural resources activities in an interrelated and coordinated, rather than piecemeal, manner. Following preparation of the NRPP, the community undertook an environmental assessment of the land in the City with help from the Minnesota Department of Natural Resources (DNR) and other service providers. This assessment determined the biological and cultural carrying capacity of the land through extensive field work and a series of public information meetings.

In October 2007, the City established the Natural Resources Commission consisting of seven voting members appointed by City Council. The committee is an advisory to the City Council. It makes recommendations regarding development in the long-term City Natural Resource Plan and the management of natural resources in the City.

The City consists of approximately 5,461 acres of rolling land, woods, open meadows, lakes, and wetlands with topography varying from 893 feet to over 1000 feet above sea level (see Appendix A, Map 3 – Topographical Characteristics). The northeastern portion of the City is identified by the Met Council as a Regional Natural Resource Area. Information about other specific physical and environmental characteristics of the City is listed in the remainder of this chapter.

### **Wetlands, Lakes, and Waterways**

The extensive acres covered by wetlands, lakes, and waterways in the City falls under the jurisdiction of several different agencies including: the U.S. Army Corps of Engineers, the Minnesota Department of Natural Resources, the Minnesota Land Trust, the Board of Water and Soil Resources, the Ramsey Soil and Water Conservation District, the St. Paul Regional Water Services, the Vadnais Lake Area Water Management Organization, NOHOA, and the City Council. The roles played by each of these entities are described where applicable in the remainder of this section.

**Lakes and Ponds**

Based on an analysis of Ramsey County and Minnesota DNR Geographic Information Systems (GIS) data, there are approximately 1338 acres of open water in lakes and ponds as follows:

<b>Water Body</b>	<b>DNR ID:</b>	<b>Acreege:</b>
Pleasant Lake	62004600	701
Lake Gilfillan	62002700	112
Deep Lake	62001800	101
Charley Lake	62006200	46
Wilkinson Lake	62004300	250
Black Lake	62001900	84
North Mallard Pond	62002000	
South Mallard Pond	62002000	(Combined Mallard Ponds) =
		29
Teal Pond (north)	62002601	
Teal Pond (middle)	62002602	
Teal Pond (south)	62002603	(Combined Teal Ponds) = 15

All of these lakes and ponds are subject to standards contained in Zoning Ordinance 94 (codified section 151.063) and the Shoreland Ordinance 84 (codified as Chapter 153). The above noted lakes are a reserve water source and functions as a reserve water source for St. Paul.

Motorized vehicles and fishing are prohibited on all lakes and ponds by deed covenants as well as by Minnesota DNR and St. Paul Regional Water Services regulations.

The St. Paul Regional Water Services has water rights on Wilkinson, Deep, Pleasant, and Charley Lakes. Water from the Mississippi River is taken in at Fridley and pumped via two underground conduits into Charley Lake where it then flows by open canal to Pleasant Lake. Water from the Rice Creek chain of lakes can be pumped via conduits into Deep Lake with an open canal transporting water from Deep Lake to Pleasant Lake. From Pleasant Lake water is pumped south through underground conduits to Sucker Creek and by open canals and lakes to the water treatment plant. Wilkinson Lake, as part of the St. Paul Water system, is connected to Deep Lake by open canal and serves as a reservoir for the system. In 1994, a flow control structure and fish barrier (a weir) was constructed on the canal between Wilkinson Lake and Deep Lake. The St. Paul Regional Water Services controls the minimum and maximum water levels on Pleasant Lake.

Lake Gilfillan was restored to its original configuration in 1949 and interconnected with culverts and open channels to Teal and North and South Mallard Ponds. Water quality in Lake Gilfillan is monitored on an ad hoc basis by local residents. Teal and Mallard Ponds have had periodic treatment to control weed growth financed by adjoining residents. Lot owners on these bodies of water plan and finance water quality management programs as

needed. The Minnesota DNR permits the Lake Gilfillan Watershed Association to augment the lake's water when it falls below the Ordinary High Water mark of 910.55.

All of the shoreland is private, owned by NOHOA or its members, and is maintained pursuant to City Shoreland Ordinance 84 and NOHOA's policies and procedures for maintenance of shoreland property.

### ***Wetlands***

Minnesota DNR protected wetlands are shown on Map 5 in Appendix A, Map 5 – Vadnais Lake Area Water Management Organization (VLAWMO) and DNR Waters and Wetlands. In addition to these wetlands, there are numerous other existing wetlands protected by the U. S. Army Corps of Engineers, VLAWMO, and other agencies. According to the wetland inventory prepared by the Ramsey Soil and Water Conservation District, the City is divided into nine waterbody areas (see Appendix A, Map 4 – Major Watershed Boundaries). Four of these are landlocked, representing roughly thirty percent of the area within the City. The remaining five waterbodies drain to the major lakes in the City.

The City is located in a single watershed, the Vadnais Lakes Watershed Area, which area comprises approximately 25 square miles in the northeast metropolitan area, and managed by the Vadnais Lake Area Water Management Organization (VLAWMO). VLAWMO is a Joint Powers organization that encompasses all of the City, and portions of the Cities of White Bear Lake, Gem Lake, Vadnais Heights, Lino Lakes, and White Bear Township.

The lakes, creeks and wetlands in the City and the Vadnais Lakes Watershed Area provide water for human consumption for the residents and institutions in St. Paul, as well as the neighboring suburban communities in the northern and east metro area. Falcon Heights, Lauderdale, Lilydale, Maplewood, Mendota, Mendota Heights, and West Saint Paul, along with select accounts in Newport, South Saint Paul, and Sunfish Lake, receive water services from the City and its watershed; wholesale water is provided to Arden Hills, Little Canada, and Roseville, with emergency supply available to Oakdale, Little Canada, and White Bear Township.

Runoff enters the City from portions of White Bear Township, Lino Lakes, Vadnais Heights, and Shoreview. The only drainage from the City is via St. Paul Regional Water Services conduits from Pleasant Lake into Sucker Lake in Vadnais Heights.

There are approximately 190 wetlands in the City. Of these, there are 47 wetlands over 2.5 acres in size. Data sheets for each of these larger wetlands are included in the report on wetlands prepared by the Ramsey Soil and Water Conservation District. The report is available at the City Office or through the District. A copy of the 2015 National Wetlands Inventory (NWI) for the City is available on line at the VLAWMO website. In addition, VLAWMO's newly adopted Watershed Plan discusses plans for wetland monitoring. A rapid functional assessment inventory of most of these basins was done in 1997 and is available at the VLAWMO office.

Most of the large wetland areas within the developed areas are preserved as permanent open space and designated as "Recreational" on the Zoning Map (see Appendix A, Map 7 – Existing Zoning Districts). Wetlands are protected at the time of subdivision and also in the Zoning Ordinance, Subdivision Ordinance 93 (codified as Chapter 152); Zoning Ordinance 94 (codified as Chapter 151), and Shoreland Ordinance 84 (codified as Chapter 153. Existing wetlands within the East Oaks PUD may be mitigated per state regulations elsewhere within the PUD. With the retention of wetlands and natural drainage ways, natural water recharge capacity is retained.

### **Trees**

Trees cover about half of the municipality with various species of oaks accounting for approximately 85% of the woodland cover. Oak wilt, a fungus infection that primarily attacks red oaks but may also infect other types, is present in the City. Dutch elm disease is also present and monitored. Other tree diseases on the horizon include gypsy moth and emerald ash borer which are causing significant tree mortality in neighboring states and will eventually make their way into the City. Continued vigilance on the part of the forestry program will be required to minimize the negative impacts of these tree diseases.

A tree disease control program was pioneered by the City under the direction of a plant pathologist from the University of Minnesota from 1960 to 1978. Since 1978, the City has contracted with a professional forester for this service. To illustrate the effectiveness of the program, consider that in 1978 the City lost 780 oak trees to oak wilt disease whereas in 1997 only 105 trees were lost to infection. Since 1997 the rate of tree loss has remained relatively constant at between 100 and 200 trees per year which is consistent with what can be expected as a result of good management practices.

Woodland areas are a vital part of the City environment and City policy places an emphasis on the preservation of trees. Both Subdivision Ordinance 93 (codified as Chapter 152) and Zoning Ordinance 94 (codified as Chapter 151) contain provisions which stress the importance of avoiding or minimizing impacts to existing stands of trees. Forestry recommendations are provided to developers and builders before large scale projects begin to encourage tree preservation and best management practices. On a smaller scale, residents can also request a forester site visit if they are concerned about damaging trees during the construction process. Additionally, there are arboreal, shoreland, slope, and vista easements on many properties that prohibit trimming or cutting trees without appropriate permission from local authorities.

### **Flora**

There are many varieties of native plants in the City, and every attempt is made to preserve these plants where possible. As an example, a very rare moss is growing on the southern slope of Deep Lake and wild rice is still found within that lake, and the residents living in this area have restrictive covenants attached to their properties that prohibit any landscaping, planting, or trimming on this steep wooded bank. Significant conservation

easements are also present in the community to protect large swaths of natural vegetation and habitat.

Just as the community must strive to protect its valuable natural flora, it too must be cognizant of the impacts that can be created by invasive species. Some, such as buckthorn, are recognized as already being present. The City is committed to be a role model in the control and removal of buckthorn, and will emphasize its removal within parks, recreation open spaces, and wetlands. The City also actively works to control or eliminate other invasive species and noxious weeds by following guidelines established by State and County recommendations.

### **Fauna**

The Minnesota DNR uses Pleasant Lake as a fish preserve. The many ponds and wetlands are home for a large variety of birds, waterfowl, deer, and many small animals.

### **Soil Types**

Appendix A includes maps depicting soil types (see Appendix A, Map 6 – Soils) and the topography of the land (see Appendix A, Map 3 – Topographical Characteristics) to illustrate the City's geological characteristics. Experience has shown that a variety of soils exist in the presently developed area, with some pockets of both heavy and light soils prevalent on individual lots. The character of the soils to the west of Pleasant Lake tends to be lighter. There has been little problem to date in finding suitable soil conditions on each lot for building sites and private sewage treatment systems.

### **Slopes**

Slopes are taken into consideration at the time of subdivision to be certain that each lot has a suitable building site without materially changing existing contours. (See Subdivision Ordinance 93, codified as Section 152.051; Zoning Ordinance 94, codified as Section 151.027; and Shoreland Ordinance 84, codified as Section 153.052) Additionally, specific properties have slope protection easements that prohibit building, landscaping, planting, or trimming, or undertaking any activity that would destroy, interfere with, or alter the character of the described section of property. Further, appropriate authorities are authorized to perform whatever work might be necessary to preserve, protect, and enhance the described property's natural state.

**Drainage**

Drainage problems are minimal. Lots are laid out and housing sites located respecting natural drainage patterns. The City's ordinances require a 30-foot setback from road easements or other lot lines for all buildings and structures, except in planned residential districts (PRDs) and PUDs. In PRDs, there have been 15-foot setbacks from any adjoining lot line within the PRD area, and a 30-foot setback from the perimeter lot line of the PRD or the edge of any road easement [see Subdivision Ordinance 93 (codified as Chapter 152); Zoning Ordinance 94 (codified as Chapter 151); and Erosion & Sediment Control Ordinance 75 (codified as Chapter 153)]. Easements on specific properties authorize access to natural or man-made drainage areas for maintenance or improvements.

## **CHAPTER 2: LAND USE**

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### **A. EXISTING LAND USE**

(See Table I and Appendix A, Map 8 – 2016 Existing Land Uses)

#### **Residential HOA Areas**

##### ***Detached Dwellings***

Each lot within the boundaries of NOHOA may have, by ordinance and covenants, one single-family residence with accessory buildings [see Zoning Ordinance 94 (codified as Chapter 151) for information on lot density and building use standards]. Within the RSL - Residential Single-Family Low-Density (minimum lot size 1.25 acres and average lot sizes 1.45 acres) and RSM - Residential Single-Family Medium-Density (minimum lot size 1.0 acres and average lot sizes 1.1 acres) districts, all buildings and structures must have a setback of at least thirty feet from all lot lines and road easements.

Planned Residential Developments (PRDs), which include provisions for retention of natural wetlands and drainage ways, trails, active recreation areas, and central sewers, have 15-foot setback requirements from any adjoining lot line within the PRD and 30-foot setback requirements from the perimeter lot line of the PRD or the edge of any road. The 1999 East Oaks Planned Unit Development Agreement (hereafter East Oaks PDA) and approved projects therein allow for variable setbacks from any adjoining lot line, perimeter lot lines, and the edge of any road.

As of January 1, 2016, there were approximately 1,771 single-family, detached-dwelling units in the City.

##### ***Attached Dwellings***

The Charley Lake Condominium Home Owners' Association is a PRD with 19 attached, side-by-side units. These units are required to have a 30-foot setback from the perimeter of the PRD area. The Summits of North Oaks is also an attached development with 30 units.

##### ***Nonconforming Uses***

Nonconforming uses that existed prior to the passage of the Zoning Ordinance in 1961 may continue to function at the size and manner existing as of the date of the Zoning Ordinance passage, but they are subject to the provisions of nonconforming uses (see Zoning Ordinance 94 codified as Chapter 151).

##### ***Conditional Uses***

The North Oaks Golf Club, at 54 East Oaks Road, operates a club house, golf course, and tennis courts on 167 acres in the south of the City. St. Paul Regional Water Services has small buildings at the south end of Pleasant Lake to house its pumping equipment. The Charley Lake Condominium Home Owners' Association maintenance/office building is also a conditional use.

### ***Historical Preservation***

There are two sites of historical significance within the City. The first is the James J. Hill North Oaks Farm on the southwest side of Pleasant Lake and the second is Mary Hill Park on the north side of Pleasant Lake (originally the cemetery for James J. & Mary Hill).

### **Residential Non-HOA Areas**

All plats not in a HOA area are still subject to Zoning Ordinance 94 (codified as Chapter 151) provisions. Some of the residences were built prior to the 1965 Zoning Ordinance 27, which set lot size standards. The fifteen residences located on lots not included within the boundaries of homeowners' associations are shown in Appendix A on Map 9 – 2016 Estimated Housing Distribution.

### ***East Oaks Planned Development***

The East Oaks PUD area is shown on Map 12 (see Appendix A, Map 12 – East Oaks Planned Unit Development). The East Oaks PDA, approved by the City Council in February 1999 with Resolution 1027, established the development pattern for all of the remaining undeveloped land owned by NOC, a privately owned company, in the City in compliance with the 2020 Comprehensive Plan, approved by the Met Council in November 1998. The approved PDA between NOC and the City has a term with a 30-year duration. An additional 886 acres is protected by conservation easements in light of its status as a recognized Regional Natural Resource Area. Development of the East Oaks area will occur as stipulated by the approved East Oaks PDA and the associated PDA narrative. The East Oaks PDA was approved in February 1999 following the adoption of the City 2020 Comprehensive Plan by the Met Council by the City to achieve the following goals:

- Greater creativity and flexibility in environmental design to ensure protection of sensitive environmental features deemed critical by the City;
- The preservation and enhancement of desirable site characteristics and significant wildlife habitat;
- The creative and efficient use of land; and
- Development in harmony with the City's objectives for land use, overall residential density, environmental protection, habitat conservation, active and passive recreation, and diversity of residential and commercial opportunities to meet the changing needs associated with new demographic trends and a gradually aging population.

One of the ways the East Oaks PDA assists in achieving the stated goals is by allowing density shifts between the planned neighborhoods. For example, if environmental concerns limit full development of one neighborhood, the lost units could, with restrictions, be made up in another neighborhood if approved by the City. Such density shifts can represent a win-win for the City and NOC, when they are both in agreement, allowing both to achieve their goals. The City can protect its most valuable natural assets and ensure that development fits the layout of a given piece of property while the NOC cooperates with the City's requirements for environmental protection knowing the decrease in density in one location may, within the terms of the East Oaks PDA, be made up through density increases in another.

Appendix D includes the following documents:

- Met Council November 1998 approval of 2020 Comprehensive Plan, letter from Curt Johnson, Met Council Chair
- Report of the Community Development Committee dated November 12, 1998
- Met Council November 1998 approval of 2020 Comprehensive Plan report
- Attachment A to November 1998 Met Council approval
- Sambatek (formerly MFRA, Inc.) December 1998 memo confirming Met Council adoption and approval decision
- North Oaks Resolution 1027, Findings Relative to the East Oaks PDA

The Met Council found City's 2030 Comprehensive Plan meets all Metropolitan Land Planning Act (LPA) requirements, conforms to the regional system plans for transportation and aviation, water resources management, and parks. It is consistent with the 2030 Regional Development Framework and is compatible with the plans of adjacent jurisdictions.

Appendix E includes the following documents:

- ~~Met Council February 25, 2010 approval of 2030 Comprehensive Plan letter~~
- Met Council February 25, 2010 approval of 2030 Comprehensive Plan report

The following are the Met Council adoption actions of the 2020) and 2030 Comprehensive Plans, both of which followed the Met Council review of the East Oaks PDA and are and fully documented in Appendix D:

1. "The City may place its 2020 Comprehensive Plan including the MUSA expansions into effect with no modifications." The Met Council advised that they would like to see future sewer areas of the City developed with an "overall residential density" of 3.3 units per acre.
2. "The City will need to update its comprehensive sewer plan (Tier II) prior to any sanitary sewer extension approvals for the areas (258 acres) proposed to be serviced through the Centerville trunk sewer."
3. Need to update the Tier II sewer plan considering the Met Council assertion that the inter-community agreement for water between the City and the Town of White Bear did not allow full water service for the developable 258 acres.
4. "The City is encouraged to examine and compare housing needs to current LCA (Livable Communities Act) goals . . . ."
5. "Put the City on notice that future applications for regional funding may be adversely impacted because the City's plan does not meet the Council's requirements for urban density and protection of the Urban Reserve."

Considering the magnitude and significance of the East Oaks PDA, the Met Council, its Community Development Committee, and Met Council staff completed a thorough review of the City 2020 Comprehensive Plan. Its adoption and approval of the City 2020

Comprehensive Plan at its November 12, 1998 Met Council meeting was based on the recommendations fully documented in Appendix D.

The Met Council acknowledged in its report presented for the November 1998 approval action that the City proposed residential densities between 1.8 and 3.3 units per acre "... is consistent with the Council's goals and policies." Finally, the staff report notes that "The city's comprehensive plan meets most Metropolitan Land Planning Act (LPA) requirements for 1998 plan updates, with the exception essentially limited to the housing element."

Nothing of substance has changed since 1999 and 2008 and the thorough review done in 1998 by the Met Council and the conclusions reached are still every bit as valid today as they were then.

#### ***Conditional Uses***

Within the City, there are a number of conditional uses in designated non-HOA residential areas including:

- Chippewa Middle School – The Chippewa Middle School, a public school operated by Mounds View School District 621, has 48.5 acres with buildings surrounded by natural tree cover and athletic fields covering about one-half of the property.
- Incarnation Lutheran Church – occupies 10.8 acres
- Peace Methodist Church – occupies 3.8 acres.

#### **Commercial Areas**

The 30-acre Village Center commercial district in the southwest corner of the community is home to a variety of businesses including but not limited to restaurants, service businesses, retailers, and offices. The North Oaks Village Center has an easement agreement and declaration that ensures there will be a CA to take care of ongoing management and maintenance obligations such as sewers, drainage, parking, lighting, signage, tree preservation, etc. As other commercial areas are developed in the future, they too will be required to have CAs.

#### **Light Industrial Area**

A 4.5-acre light industrial area at the northwest corner of the community has four acres owned and developed by NOHOA for use as a maintenance center.

#### **Recreational and Open Space Areas**

All active recreation areas are owned by HOA members and used extensively by HOA members and their member-accompanied guests for neighborhood-level sports, organized team sports, swimming, non-motorized boating, and tennis. All passive recreational areas (predominantly wetlands) are owned by HOAs or are subject to the Minnesota Land Trust, and are in their natural state. A private trail system maintained by NOHOA for walking, biking, and cross-country skiing covers approximately 44 miles in both passive recreational areas and on easements across homeowners' lots. Motorized vehicles are not

permitted on trails except for emergency and maintenance vehicles. The open space private trail system is used regularly by NOHOA members.

<b>Table 1</b> 2040 North Oaks Comp Plan <b>Existing Land Use, 2016</b>		
<b>Land Use Type</b>	<b>Acres</b>	<b>Percent</b>
<b>Residential</b>		
<i>Single Family</i>	<b>2494.62</b>	<b>45.67%</b>
<i>Multi Family</i>	<b>46.95</b>	<b>0.86%</b>
<i>Mixed Residential</i>	<b>67.64</b>	<b>1.24%</b>
<b>Commercial/Industrial</b>		
<i>Commercial</i>	<b>29.03</b>	<b>0.53%</b>
<i>Mixed Use</i>	<b>79.67</b>	<b>1.46%</b>
<i>Light Industrial</i>	<b>4.45</b>	<b>0.08%</b>
<b>Community</b>		
<i>Institutional</i>	<b>64.92</b>	<b>1.20%</b>
<i>Parks, Rec, &amp; Open Space</i>	<b>1316.88</b>	<b>24.11%</b>
<i>Open Water</i>	<b>1005.93</b>	<b>18.42%</b>
<i>Utilities</i>	<b>2.75</b>	<b>0.05%</b>
<b>Undeveloped</b>	<b>348.57</b>	<b>6.38%</b>
<b>TOTAL CITY</b>	<b>5461.41</b>	<b>100%</b>

*Acreege totals based on GIS analysis of Ramsey County Parcel Data and Minnesota DNR Waters data.*

## **B. LAND USE PLAN**

The 2040 Land Use Plan (see Appendix A, Map 10 – 2040 Land Use Plan) continues to illustrate the goals and vision of the community adopted in the 1999 Comprehensive Plan and the subsequently approved East Oaks PDA. During the process of preparing the 1999 Comprehensive Plan, an emphasis was placed upon maintaining and protecting the existing character of the City. The "master vision" of the North Oaks community created by Louis W. Hill Jr. and his early professional advisors, Hare & Hare in Kansas City, was to be continued. The major guided land use continued to be single-family residential; however, townhome, mixed residential, and mixed-use developments were also planned uses that were ultimately approved for inclusion in the East Oaks PDA. Home sites have and will continue to be carefully planned to conform to the existing natural topography, and to protect existing drainage, trees, vegetation, and wetlands consistent with NOHOA standards. A breakdown of the existing and planned land use in acres is shown in Table 2.

**Table 2**  
2040 North Oaks Comp Plan  
**Existing and Planned Land Use in 10-year Increments**

Land Use	Min Density	Max Density	2016	2020	2030	2040	Change
<b>Residential</b>							
<i>Single Family</i>	0.69	1.0	2494.62	2520.62	2598.12	2675.60	180.98
<i>Multi Family</i>	2.0	2.0	46.95	46.95	46.95	46.95	0
<i>Mixed Residential</i>	1.0	4.0	67.64	86.56	133.86	181.29	113.65
<b>Commercial/Industrial</b>							
<i>Commercial</i>	NA	NA	29.30	29.30	29.30	29.30	0
<i>Mixed Use</i>	1.0	4.0	79.67	87.82	108.2	128.59	48.92
<i>Light Industrial</i>	NA	NA	4.45	4.45	4.45	4.45	0
<b>Community</b>							
<i>Institutional</i>	NA	NA	64.92	64.92	64.92	64.92	0
<i>Parks, Rec, &amp; OpenSpace</i>	NA	NA	1316.88	1321.88	1321.88	1321.88	5.0
<i>Open Water</i>	NA	NA	1005.93	1005.93	1005.93	1005.93	0
<i>Utilities</i>	NA	NA	2.75	2.75	2.75	2.75	0
<b>East Oaks PUD</b>			348.57	290.49	145.29	0	-348.57
<b>TOTAL Land Area:</b>			5461.41	5461.41	5461.41	5461.41	

*Minimum and maximum densities are depicted in units per acre. Yearly land use data and the denoted "change" are in acres.*

*2016 acreage totals based on GIS analysis of Ramsey County Parcel Data and Minnesota DNR Waters data. Data for subsequent years reflects anticipated build-out of the approved East Oaks PDA, which encompasses all remaining developable land within the City.*

### C. LAND USE POLICIES

The following policies have been written as a guide for development within the various land use designations. The areas in the community guided for the following described land uses can be found in Appendix A, Map 10 - 2040 Land Use Plan.

#### **Low Density - Overview**

The Low-Density land use designation is intended to allow for single-family detached housing; no multiple family attached residences will be allowed. Within this land use, a heavy emphasis is placed upon the preservation and protection of the natural environment. Some areas guided for Low Density may be developed with sanitary sewer facilities, but others will need to be designed for on-site sewage treatment systems when preservation of natural features prohibits sewer extensions. In such cases, the City's stringent standards for individual sewage treatment systems [found in Ordinance 96 (codified as Chapter 50)] shall apply. To achieve these goals, there are two zoning districts that correspond to the Low-Density land use designation in the community. Development densities vary slightly

between the two zoning districts, but each is considered to be consistent with the Low-Density land use category.

The specific policies pertaining to each of the zoning districts are as follows:

**RSL (Residential Single-Family Low-Density District)**

- Average lot size = 1.45 acres
  - Minimum lot size = 1.25 acres
  - Suitable site = 25,000 square feet (no central sewer)  
= 15,000 square feet (central sewer)
1. Properties may be serviced by a central sanitary sewer system if the City deems that an extension of public services will not be detrimental to natural features and the surrounding neighborhood.
  2. Sites not served by sanitary sewer must be designed for on-site sewage treatment systems. The City shall continue to enforce stringent standards for the proper siting, design, installation, inspection, and maintenance of on-site sewage treatment systems. Each home site is required to have two 5,000 square foot sites for on-site sewage treatment systems.
  3. Access roads to all home sites shall be private roadways, owned and maintained by a homeowners' association.
  4. RSL-PUDs may be allowed with an average lot size of 1.45 acres and a minimum lot size of 1.25 acres.  
Low-Density sites must meet NOHOA standards to provide access to the primary trail system.

**RSM (Residential Single-Family Medium-Density District)**

- Average lot size = 1.1 acres
  - Minimum lot size = 1.0 acres
  - Suitable site = 25,000 square feet (no central sewer)  
= 15,000 square feet (central sewer)
1. Properties may be serviced by a central sanitary sewer system if the City deems that an extension of public services will not be detrimental to natural features and the surrounding neighborhood.
  2. Sites not served by sanitary sewer must be designed for on-site sewage treatment systems. The City shall continue to enforce stringent standards for the proper siting, design, installation, inspection, and maintenance of on-site sewage treatment systems. Each home site is required to have two 5,000 square foot sites for on-site sewage treatment systems.
  3. All access roads shall be private roadways owned and maintained by a homeowners' association.
  4. RSM-PUDs may be allowed with overall density of 1.1 acres per dwelling unit if provided with sanitary sewer.

**Medium Density**

There are three existing Medium-Density neighborhoods within the community: Charley Lake Townhomes, The Summits, and Wildflower Place. In Medium-Density areas, a heavy emphasis is placed upon the preservation and protection of the natural environment. All Medium-Density areas, if developed as townhomes, shall be developed with central sanitary sewer. Medium-Density sites will be zoned RMM (Residential Multifamily Medium Density) and may be developed as a PUD, which allows two-family dwelling units with a gross density of 1 unit per 0.5 acres. Medium-Density sites must meet NOHOA standards to provide access to the primary trail system.

**Mixed Residential**

Mixed Residential land uses are intended to be developed as residential sites. A variety of housing types such as single-family detached, townhomes, and other multifamily dwellings may be built within each site. Mixed Residential has been designed to create clustered lifecycle housing types while preserving large open space areas. The zoning for Mixed Residential sites will be RMH (Residential Multifamily High-Density District). The sites may also be developed as a residential PUD. All Mixed Residential sites must meet NOHOA standards to provide access to the primary trail system.

There are three sites designated Mixed Residential in the City:

1. **Rapp Farm** – In accordance with the East Oaks PDA, the Rapp Farm site may incorporate single-family residences, townhomes, and other multifamily dwellings. Landscape buffering has been (and will continue to be) provided adjacent to the RSL zoning district. As of year's end 2017, all lots have been platted. Once developed, access to the trail system required acceptance by NOHOA and NOHOA membership approval.
2. **The Pines** – The Pines was developed as a single-family neighborhood as part of the East Oaks PDA. Landscape buffering was provided in certain areas to provide visual screening from adjacent residential development. Once developed, access to the trail system required acceptance by NOHOA and NOHOA membership approval.
3. **Anderson Woods** – The Anderson Woods site, a future East Oaks neighborhood (otherwise known as Andersonville), may include a mix of single-family residences and townhomes in accordance with the East Oaks PDA. Once developed, access to the trail system will require acceptance by NOHOA and NOHOA membership approval.

**Mixed Use**

Mixed-Use land uses are intended to mix different housing types and commercial uses within a site. The goal is to incorporate compatible, interrelated uses to provide a mix of daily goods, services, jobs, and residences. Mixed-Use sites require the creation of an RCM (Residential Commercial Mixed) zoning district and standards. Commercial uses shall be in accordance with the uses and standards allowed in the Commercial or Commercial Service zoning district and as designated for each Mixed-Use site. Rezoning to RCM is only approved in conjunction with a PUD. Commercial sites must be served by a central sanitary sewer with a municipal water supply encouraged. The development of commercial sites

shall place heavy emphasis on the preservation of the natural environment such as woodlands, steep slopes, and wetlands.

There are three PUD areas designated Mixed Use in the City:

1. **East Wilkinson** – The East Wilkinson site (Appendix A, #5 in Map 12) in the northeast corner of the community (currently being further developed as The Villas of Wilkinson Lake) includes single-family residences, townhomes, and other multifamily senior housing dwellings. As previously noted, there is also a Mixed-Use commercial component in the development containing the Presbyterian Homes—Waverly Gardens senior living facility, three apartment buildings (referred to as the Mews), an office building, and restaurant that comprise about 15.27 acres of the total 21 acres designated as Mixed Use in the area. Future commercial use may be planned on the remaining acreage or it may be converted for residential use by the NOC in any of the undeveloped East Oaks PUD areas as provided in the East Oaks PDA. City Ordinances restrict the development of the commercial areas to a local or neighborhood-scaled design. NOHOA has 17.7 acres of active and passive recreation space that has been developed in this area, part of which replaces the North Deep Lake recreation plans previously planned for the Rapp Farm area.
2. **Gate Hill** – The Gate Hill site (Appendix A, #7 on Map 12) is planned to be developed with low profile single-family residences, townhomes, and other multifamily dwellings. Commercial uses shall be limited to low profile professional office uses. Commercial use characteristics shall include limited traffic generation, hours of operation, and lighting.
3. **Island Field** – The Island Field site (Appendix A, #8 on Map 12) is planned to be developed as single-family residences, townhomes, and other multifamily dwellings. Commercial uses shall be limited to low profile professional office and uses compatible with office uses. Commercial use characteristics shall include limited traffic generation, hours of operation, and lighting.

### **Commercial**

The City's primary commercial district is Village Center, a thirty-acre mixed-use district with retail, office, service, and governmental uses in a pedestrian-friendly environment located in the southwest corner of the community.

The City is a uniquely master planned and privately owned community within the metro area. The City does not own any land. All land within the City is either already developed, has been granted development approval as part of the East Oaks PDA, or is protected land. Importantly, the City has an obligation to protect its valuable watershed through low-density development as the lakes within the City supply water for 446,721 metropolitan residents in twelve separate communities. St. Paul Water Utility would strongly oppose a change in the City development pattern as the City currently provides an ideal watershed for storage capacity of low density with heavy vegetative cover. In effect, the center of the City is a large rain garden providing improved water quality for the watershed. Intensification of development for any reason could threaten this important resource, so

the City must strike a careful balance between its regional housing obligations and its unique obligation as the region's major water supplier.

In addition to the commitment to the St. Paul Water System, 886 acres of land located within the City limits are part of the Minnesota Land Trust and committed to preservation and restoration of sensitive environmental land. This land is privately owned by NOC. Thus, the City does not own this land and cannot develop any of the land located in the Minnesota Land Trust conservation areas.

### **Recreation, Open Space**

All residential land development not subject to the East Oaks PDA shall be required to set aside certain portions for recreational purposes. The maximum area required by Ordinance 93 (codified as Chapter 152) to be set aside for parks, recreation, and open space is 10% of the area being subdivided. The East Oaks PDA defines all recreation open space and trail dedications required in connection with each East Oaks PUD area. The East Oaks PDA is the controlling document with regard to recreation open space and trail dedications in the East Oaks PUD area, and the 10% requirement outlined herein does not apply. The recreation areas provided for in the East Oaks PDA meet or exceed the City's requirements.

Recreation/Open Space land is composed of three uses:

1. Privately owned active recreation areas for both informal and organized activities.
2. Privately owned passive trail and open space areas.
3. Protected lands with large tracts of land owned by the NOC or its successor, which are to be owned and managed as conservancy areas in perpetuity.

All NOHOA lands used by non-members must be accompanied by a member. All residential land development shall include 1) trails that are internal to the site and 2) trails that connect the site to the existing and future trail system. Trail land that is owned by a specific HOA and trail easements that are in favor of a specific HOA shall be intended, if relevant HOA standards are met, for the use of the members of that HOA and their member-accompanied guests.

### **Historic Preservation**

The City currently has one site zoned Historical Preservation: the James J. Hill North Oaks Farm (Appendix A, "HP" on Map 7). It is located on the south side of Pleasant Lake and owned by the Hill Farm Historical Society. All three buildings and land have been restored. Mary Hill Park, located on the north side of Pleasant Lake and owned by NOHOA, is of historic significance but not zoned for historic preservation.

### **Light Industrial**

A 4.5-acre Light Industrial area (Appendix A, "LI" on Map 7), which is owned by NOHOA and houses its maintenance center, is located in the northwest corner of the City just south of Turtle Lake Road. Through the zoning code, this is the only land use classification that allows for the placement of cell phone towers. No further Light Industrial development is planned in the City.

#### **D. HOUSING BACKGROUND**

When planning the development of North Oaks in 1950, it was decided that a large central area of the City would contain single-family homes on large lots with a rural level of service. This type of development causes minimal impact on the lakes, wetlands, wooded areas, and rolling terrain.

Initially, lot platting started in the southern part of the City and extended eastward from the golf course to Lake Gilfillan and the area south and east of Pleasant Lake. Development then progressed northward around Pleasant Lake in a staged contiguous manner.

In 1961, the City Council enacted the first official zoning ordinance (republished in 1965 to include a map) which, among other things, established two single-family residential districts and defined minimum lot sizes for each.

Local and regional conditions influenced the decisions and actions made at the time of enactment of the Zoning Ordinance.

1. The area was being developed primarily by a single developer who originally placed covenants on the land to assure orderly development, reasonable standards, and governing procedures. The City was not incorporated until 1956. These covenants restricted land use to single-family residences and were applied to the entire developed area of the Residential Single-Family Low-Density (RSL) District shown on the zoning map (see Appendix A, Map 7).
2. When the City Council enacted the first Zoning Ordinance, there was a strong community dedication to the continuance of large lot single-family dwellings. Areas proposed for smaller lots and apartment development did not have urban services available.
3. The demand for environmentally friendly large lots with rural services was strong and growing.

In 1977, with the advent of regional planning, the City felt that the community's primary contribution to the region would be the availability of an environmentally oriented residential living opportunity—a unique option not found elsewhere in the region at that time. Admirably, the focus on protection of the environment in the City preceded the national concern for environmental conservation.

The amount of land developed each year is managed by the NOC. Table 3 shows a total of 226 new home building permits were issued from 2008 through 2017. Since January of 2000, a total of 452 new home permits have been issued for an average of 25 homes per year.

<b>Table 3</b>	
2040 North Oaks Comp Plan	
<b>New Home Building Permits</b>	
<b>Year</b>	<b>Permits</b>
2008	4
2009	2
2010	5
2011	2
2012	29
2013	35
2014	50
2015	51
2016	22
2017	26
<b>TOTAL Permits:</b>	<b>226</b>

*Source: City of North Oaks*

#### **E. HOUSING – EXISTING**

An analysis of 2017 GIS data along with building permit data from 2008 to 2017 indicates that approximately 2,060 dwelling units of all types existed in the City at year-end 2017. Each dwelling is located on one or more platted lots. There are no known substandard houses as it is estimated that 99% of the houses have been built since 1950. According to information from the 2010 census, 13.7% of the homes in the City were rented at the time, contrasted with the 2000 Census when only 1.5% of the homes were rented. The City has adopted a rental licensing ordinance to monitor compliance with minimum housing standards. The 2010 vacancy rate was 8.7%, up from the 2000 Census rate of 2.5%. No information regarding rental rates is currently available. According to 2016 Ramsey County GIS data, the average home has nearly 3,500 finished square feet and the average total value of a developed lot is just over \$618,000.<sup>1</sup>

<sup>1</sup> Median home size is 3,511 square feet with a standard deviation of 1,701 square feet; median estimated total market value of both land and buildings for developed lots is \$618,232 with a standard deviation of \$363,198.

<b>Homeowners' Associations</b>	<b>2000 Houses</b>	<b>2007 Houses</b>	<b>2016 Houses</b>
Charley Lake Condo HOA	19	19	19
Charley Lake Preserve HOA	NA	NA	63
Lake Estates HOA	32	32	32
Deer Hills HOA	44	44	44
North Oaks HOA (NOHOA)	1,314	1,410	1,847
Pines & SE Pines HOA	54	99	99
Rapp Farm HOA	NA	7	142
Red Pine Farm HOA	NA	NA	9
Summit HOA	40	40	40
Village Center HOA	NA	NA	NA
The Villas of Wilkinson Lake HOA	NA	7	38
Non-HOA Homes	15	15	15
<b>TOTAL CITY</b>	<b>1,518</b>	<b>1,673</b>	<b>2,348</b>

*Source: Sambatek, the City, NOC, and the East Oaks PDA.*

#### **F. HOUSING – FUTURE**

The City of North Oaks will continue to be developed as a private residential community. Future residential units, either attached or detached, will be constructed on the remaining land within the approved East Oaks PDA. The City will continue to have low-density residential units in addition to medium-density townhomes, mixed residential, and mixed-use developments. All development will continue to support a rural, natural, and private environment. The timing of future land development and amount of new home construction year by year will depend greatly on the single largest property owner: NOC. However, developable land will be subject to the approved East Oaks PDA and the City's 2040 Comprehensive Plan.

Although there are no known substandard houses in terms of physical condition, the City supports and recognizes that residents will always be seeking to improve their properties through rehabilitation and remodeling projects. It is also acknowledged that some residents in older homes may find that remodeling an existing dwelling to incorporate modern day conveniences and features will not be possible due to environmental concerns, property constraints, environmental protections, or financial barriers. The City supports the redevelopment of individual lots for new housing.

However, such home replacements should conform to all zoning requirements and place an

emphasis on protecting sensitive environmental features and the character of the existing neighborhood.

The City is progressing with its regional goals for growth as estimated by the Met Council. Table 5 illustrates the existing and anticipated totals for population, households, and employment from 2010 to 2040. Targets set by the Met Council are also shown.

Year	Population		Households		Employment	
	Met Council	City	Met Council	City	Met Council	City
2010	4469	4651	1746	1868	1260	1260
2015	5015	5288	1890	1971	1525	1525
2020	4790	5373	1900	2132	1400	1525
2030	5000	5579	2030	2268	1460	1525
2040	5200	5701	2100	2308	1500	1525

Source: Met Council and Sambatek

### **Affordable Housing**

The City recognizes its responsibilities and authority granted by the State of Minnesota in the Municipal Land Planning legislation. The location and type of future housing will be in accordance with the policies, goals, and plans of this document. The Met Council's definition of "affordable housing" represents the upper limit of monthly rental and ownership purchase price amounts for low- and moderate-income families. For a single-family home, the threshold to determine what is affordable is based upon what a family of four with an income at or below 80 percent of area median income (a standard prevalent in many homebuyer assistance programs including those at Minnesota Housing) can afford at prevailing interest rates. A secondary affordable threshold established at 60 percent of area median income, if met, ensures a unit will become eligible for a greater number of funding ownership programs.

Presbyterian Homes of North Oaks (referred to as Waverly Gardens) is required to have affordable senior living units. The City does maintain information to educate renters and property owners about programs available through Ramsey County, the Met Council, Minnesota Housing Finance Agency, and other non-profit housing organizations. In the coming years, the tools the City may use to encourage affordable housing include:

1. Zoning and land use planning incentives. The City has used PUDs to achieve the flexibility needed to meet its regional goals;
2. Rent assistance through the Federal Section 8 program;
3. Housing rehabilitation loans funded through the Minnesota Housing Finance Agency (MHFA), and Community Development Block Grants
4. First-time home buyer's assistance through MHFA;

5. Rental housing development through MHFA;
6. Other non-profit development organizations, including Habitat for Humanity, that create affordable housing.

As already stated, the City is a uniquely master planned and privately owned community within the metro area. All land within the community is either already developed, has been granted development approval as part of the East Oaks PDA, or is protected land. The City has the opportunity to provide lifecycle and affordable housing units through its Waverly Gardens senior living facility that was developed through the East Oaks PDA. Importantly, the City has an obligation to protect its valuable watershed through low-density development as the lakes within the City supply water for 446,721 metropolitan residents in thirteen separate communities. Emerging water quality issues state-wide continue to support the City's maintaining a high-quality watershed through its established low-density development pattern.

#### **Lifecycle Housing**

The opportunities for lifecycle housing in the City have continued to expand as highlighted in this plan. Table 6 illustrates the largest increase in population since the year 2000 is among persons 65 and older, from 450 to 1,144, an increase of 694 persons; over 150%. Similarly, the 55- to 64-year-old category grew from 551 to 926, an increase of 375 persons, or 68%. While additional senior housing in the community contributed to a segment of this growth, the trend is reflective of demographic changes in the region and nation-wide. As evidence of the City's growing housing diversity, the 2010 Census indicated an 85% homeownership rate, which is in contrast to the 2000 Census rate of 98.5%. Further, the 2010 Census found 59% of households included families without children while the 2000 Census indicated only 48% of families were without children. Lastly, the 2010 Census indicated the City had 17% of its housing stock as multifamily, up from an estimated 3% in the year 2000. The land use plan element and future housing forecasts in the 2040 Comprehensive Plan continue to reflect a wider range of housing types to serve the current and future needs of the community's population.

<b>Age (years)</b>	<b>2000 Population</b>	<b>% of 2000 Population</b>	<b>2010 Population</b>	<b>% of 2010 Population</b>
0-4	155	3.9	146	3.3
5-19	999	25.7	853	19.1
20-24	101	2.6	116	2.6
25-34	139	3.6	159	3.5
35-54	1488	38.4	1125	25.2
55-64	551	14.1	926	20.7
65+	450	11.5	1144	25.6
	<b>3883</b>	<b>100%</b>	<b>4469</b>	<b>100%</b>

*Source: 2010 US Census Data*

#### **G. HOUSING – STANDARDS**

Housing in the City must be built according to the State Building Code, which has been adopted by reference as a local ordinance [see Building Code Ordinance 95 (codified as Chapter 155)]. Lot sizes commensurate with a rural service level are designated in the Residential Single-Family Low-Density (RSL) and Residential Single-Family Medium-Density (RSM) Districts as defined in the Zoning Ordinance (see Zoning Ordinance 94, codified sections 151.050 and 151.051).

In 1977, the first Zoning Ordinance 27 was replaced by Ordinance 66, which included the basic concepts of Ordinance 27. As a result of requests by several developers, and recognizing the need to permit new approaches to land development, a Planned Residential District (PRD) option was made available in the RSM District. Deer Hills is a Single-family PRD with smaller lot sizes. The development of land in Deer Hills was proposed and carried out by Char Mar Corp. Charley Lake Condominiums (townhouses) is a PRD with three, three-unit attached multifamily homes and five two-unit attached homes.

Since 1996, the City's zoning ordinance has been amended twice: first by Ordinance 86 and then by Ordinance 94 (codified Chapter 151). The existing regulations now allow PUD development in all districts. In 1999, the East Oaks PUD was approved to govern development of all undeveloped land previously existing in the City. Development of residential units as approved by the East Oaks PDA (detached single-family, attached townhomes, and multifamily dwellings) must conform to the land use types called for by the City's 2040 Land Use Plan (see Appendix A, Map 10 – 2040 Land Use Plan).

There are no rules or regulations within the City specifying minimums for floor space, number of rooms, minimum house size, cost of construction, or number of garages. However, to preserve open space, all buildings in the City are currently limited to a height of 35 feet and a floor area ratio of 0.12 (total floor area to gross lot area excluding two-thirds of any Minnesota DNR and/or VLAWMO designated wetland areas). However, consistent with the East Oaks PDA, the Floor Area Ratio can vary in some PUD areas. Housing heights over 35 feet are allowed under the Conditional Use Permit (CUP) process if additional setback can be provided.

NOHOA's ASC, provided for in the governing covenants, reviews all plans for buildings in HOA areas (see Appendix A, Map 2 - North Oaks Neighborhoods, Homeowners' Association, and Commercial Association Boundaries). The NOHOA ASC is advised by a professional architect. The City has a variety of housing styles in every part of the community.

#### **H. HOUSING – POLICIES**

1. Zoning and Subdivision Ordinances will continue to ensure that adequate amounts of land are available to meet existing and projected housing needs.
2. Subdivision and Zoning Ordinance procedures for processing development requests will continue to specify reasonable time periods for government action, and will provide for simultaneous processing of PRD and PUD proposals.
3. The City's regulatory role will be to provide sufficient controls to protect the natural environment, to guide growth in an orderly manner, and to set minimum standards to protect the health, safety and welfare of the community and its residents.
4. The City will continue to provide opportunities for competitive housing construction by the private sector.

#### **I. HOUSEHOLDS, POPULATION, AND EMPLOYMENT**

The following tables provide historical and current data on households, population, and employment.

Table 7 – Census Data on Dwellings and Population: 1990 to 2010

Table 8 – Housing: Existing and Projected

Table 9 – Projected New Units by Land Use in 5-Year Increments

<b>Table 7</b>			
2040 North Oaks Comp Plan			
<b>Census Data on Dwellings and Population: 1990 to 2010</b>			
<b>Homeowners' Associations</b>	<b>1990</b>	<b>2000</b>	<b>2010</b>
Total Dwellings	1113	1332	1868
Occupied Dwellings	1085	1300	1746
Household Size	3.06	2.92	2.60
<b>TOTAL POPULATION</b>	<b>3386</b>	<b>3883</b>	<b>4469</b>

Source: 2010 U.S. Census Data, Sambatek, the City, and NOC.

<b>Table 8</b>			
2040 North Oaks Comp Plan			
<b>Housing: Existing and Projected</b>			
<b>Land Use Area</b>	<b>2016 Existing</b>		<b>Total Units</b>
	<b>Non-East Oaks</b>	<b>East Oaks</b>	
Low Density (RSL)	1236	1	1237
Low Density (RSM)	193	14	207
Medium Density	53	25	78
Mixed Residential	—	183	183
Mixed Use	—	329	329
<b>TOTALS:</b>	<b>1482</b>	<b>552</b>	<b>2034</b>

Source: Sambatek, the City, and NOC; estimated as of 10/15/2016.

Table 9 2040 North Oaks Comp Plan Projected New Units by Land Use in 5-year Increments					
Year	LAND USE				
	Low Density	Mixed Residential	Mixed Use		Total Units
			Res.	Com.	
2020	26	29	36	0	98
2025	16	29	36	0	86
2030	16	0	34	0	50
2035	15	0	25	0	40
<b>TOTALS:</b>	<b>73</b>	<b>58</b>	<b>131</b>	<b>0</b>	<b>262</b>

*Res. is residential; Com. is commercial. Source: Phasing approved by the East Oaks PDA.*

## J. SOLAR RESOURCES

### Background

The City of North Oaks is committed to becoming a more energy efficient community via alternative energy systems.

Neither Subdivision Ordinance 93 (codified as Chapter 152) nor Zoning Ordinance 94 (codified as Chapter 151) expressly refers to solar access, solar energy systems, or other energy saving methods as considerations for lot subdivision, building construction, or use. Such buildings can, however, be constructed as long as they adhere to Building Code Ordinance 95 (codified as Chapter 155).

Subdivision Ordinance 93 (codified as Chapter 152) supports contour planning and the preservation of natural features. "Contour planning" can create long, narrow north-south subdivisions, which are highly adaptable to solar access. Several persons have chosen lots that enable them to plan homes that maximize the use of solar energy.

### Met Council Requirements for Solar Resources

Recognizing the regional importance of solar energy, the Met Council requires comprehensive plans for Metropolitan Area communities to include the following information:

1. A map that illustrates the City's gross solar potential.
2. A calculation of the City's solar resources.
3. A policy (or policies) that relate to the development of access to direct sunlight for solar energy systems.
4. Strategies to be applied to implement established solar resource policies.

### **Solar Potential**

Map 23 (Gross Solar Potential) developed by the University of Minnesota and provided by the Met Council, illustrates annual sun energy dispersed throughout the City with “high-end” potential areas shown in yellow and areas having “low end” energy potential illustrated in black. Such information can be used to predict the productivity of solar installations. According to the Met Council, the primary issue in the consideration of solar energy installations is intermittent shading due to nearby structures and trees. In this regard, areas which are shown to have “high-end” potential in the City are those areas with very little tree cover.

### **Solar Resource Calculations**

The following table provides an approximation of the City’s solar potential expressed in megawatt hours per year (Mwh/yr). To be noted is that the calculations estimate the current potential resource of the City (prior to the removal of areas considered unsuitable for solar development or factors related to solar efficiency).

<b>North Oaks</b>			
<b>Gross Solar Potential (Mwh/yr *)</b>			
<b>Gross Potential (Mwh/yr)</b>	<b>Rooftop Potential (Mwh/yr)</b>	<b>Gross Generation Potential (Mwh/yr)</b>	<b>Rooftop Generation Potential (Mwh/yr)</b>
6,489,886	242,609	648,988	24,260
<p>Met Council Notes:</p> <ul style="list-style-type: none"> <li>• In general, a conservative assumption for panel generation is to use 10 % efficiency for conversion of total insolation into electric generation.</li> <li>• The rooftop generation potential does not consider ownership, financial barriers or building-specific structural limitations.</li> </ul> <p>Source: Met Council, 2017. * Mwh/yr is megawatt hours per year.</p>			

The estimated gross solar generation potential and gross solar rooftop potential are intended to convey how much electricity could be generated in the City using existing technology and assumptions on the efficiency of conversion. According to the Met Council, for most cities, the rooftop generation potential is equivalent to between 30 and 60 percent of a community’s total electric energy consumption. There is no minimum amount of solar resource development required for cities in the Metropolitan Area.

### **K. SOLAR RESOURCES – POLICIES**

The City of North Oaks recognizes that providing adequate solar (sunlight) access to properties is a priority not only for potential solar energy systems, but for the protection of property and aesthetic values as well. In this regard, the City will adhere to the following solar access-related policies:

1. The City supports the development of solar and other energy-saving buildings that are within current City ordinances, regulations, and governing rules.
2. State law – variances. Municipal Planning legislation, 462.357 Subd. 6(2) states that

variances shall be granted for earth sheltered construction when in harmony with City ordinances. When considering a variance application, practical difficulties shall include inadequate access to direct sunlight for solar energy systems.

3. The City of North Oaks will promote reasonable access to solar energy by controlling artificial blockage of solar radiation for optimum long-term economic and environmental benefits. Related to this issue, it should be recognized that tree preservation is a high community priority.
4. In consideration of subdivision proposals, the City of North Oaks will continue to support "contour planning" as a means of ensuring solar access to newly constructed homes.

#### **Implementation**

Buildings in the City that incorporate solar energy systems can be constructed if such systems adhere to Building Code Ordinance 95 (codified as Chapter 155) and are within current City ordinances, regulations, and governing rules.

#### **L. AIRPORTS**

Although no aviation facilities are located in the City, there are three airports and four lakes that may be used for seaplanes located within five miles of the City's borders (See Appendix A, Map 13 – Major Highways & Airports).

The boundary of the Anoka County-Blaine Airport lies five miles west of the northern boundary of the City, and is the metropolitan area's largest reliever airport, which serves the most diverse aircraft mix in the reliever system. The airport is home to over 400 aircraft, and supports more than 79,000 takeoffs and landings annually. As the airport is presently operated, there is minimal impact on the City; however, monitoring of current and future improvements to the airport will be important as increased use of this airport could have an adverse effect on the City. The most recent improvements to the airport include extending and widening the east-west runway to 5000 ft. and lengthening the adjoining taxiway, installing an instrument landing system with approach lighting and runway identifier lights and developing a new building area anchored by a fixed based operator with an executive terminal, and an 80,000 square foot hangar. The Airport's 2016 to 2040 budget includes over \$5M in capital expenditures, including \$4.3 M for pavement reconstruction in 2017–2021. In the past, local residents have maintained an active interest in the proposed uses of the Anoka airport and City officials will continue to monitor any changes.

Benson Airport, a privately owned facility which is not part of the metropolitan airport system, is located four miles to the east on Highway 61 in White Bear Township. There is also a privately owned seaplane base, known as Surfside Seaplane Base, on Rice Lake, which is three-and-one-half miles north of the City. Neither the Benson Airport nor the Surfside Seaplane Base (at their present use level) has an adverse impact on the City.

Aeronautics Rule 41 MCAR 1.0013 covers seaplane operations on specified public waters in the seven-county metropolitan area. This rule does not permit aircraft operation on any lakes in the City. Otter Lake, one-half mile northeast of the City; Bald Eagle Lake, one-and-one-half miles east; White Bear Lake, two-and-one-half miles southeast; and Turtle Lake,

one-quarter-mile west may be used for seaplane operation subject to the rules established by the order.

The City does not have any existing structures of 200 feet or more in height which could affect airway use, and there are not any plans to permit such structures. At the present time zoning Ordinance 94 (codified as Chapter 151) limits height of all buildings and Structures to 35 feet, with the exception of telecommunication towers which are permitted to be up 150 feet in height. If future structures are allowed to be erected to a height greater than 200 feet, the City will adopt a “notification provision” subject to the requirements of MCAR 8800.1200 subpart 3, and FAA Form 1460.8.

#### **M. AGGREGATE RESOURCES**

There are no identified aggregate resource areas within the City.

#### **N. STORMWATER DRAINAGE**

Recorded changes in Minnesota’s climate, with respect to precipitation, includes an increase in the frequency of extreme events. The State has observed seven catastrophic rain events, defined as 6 or more inches of rain falling over an area greater than 100 sq. miles within a 24 hours period, since 2000. Average annual precipitation has increased by 3.4 inches since 1895. Ice out on lakes is occurring earlier, resulting in longer growing seasons. These changes impact the locations of vegetation hardiness zones and timing of bird and insect migrations, as well as pervasiveness and spread of invasive species (insects in particular). The changes also pose increased risk to stormwater conveyance infrastructure, vegetation currently contributing to stormwater uptake, and increase stress and use of flood storage areas within the City.

In response to these changes, the City has incorporated the increased precipitation frequency estimates provided by the National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 8 into the Surface Water Management Plan. These rainfall depths are based on actual data collected over the past 100 years. For North Oaks, the design depth for the 100-year, 24-hour storm event has been increased from 5.9 inches to 7.25 inches. For pond areas with no outlet structures, the 100-year, 10-day runoff event (9.94 inches) is required for pond design.

The City has also implemented a three-foot freeboard (separation between lowest floor elevation of new buildings and adjacent pond high water levels or MN DNR Ordinary High Water elevation, whichever is higher). Additionally, culverts are designed to convey the 10-year storm event with a minimum of one foot of freeboard between the street and the surcharged culvert high water level.

VLAWMO has incorporated Atlas 14 Precipitation Estimates into their Comprehensive Watershed Management Plan (2017-2026). Their plan provides protection against localized flooding by relying primarily on the municipal separate storm sewer systems (MS4s) with development authority to ensure that development and redevelopment does not create excessive new volumes and rates of runoff that could cause downstream flooding. They pledge to communicate regularly with MS4s to ensure they have the most up to date standards and information to prevent and mitigate localized flooding. The City will

**continue to work closely with VLAWMO to address changes and implement strategies and policies to mitigate the impacts.**

**The North Oaks Local Water Management Plan, while part of this 2040 Comprehensive Plan, is contained in a separate document entitled "Surface Water Management Plan for the City of North Oaks." Copies of the current plan are available for examination at the City offices.**

## **CHAPTER 3: COMMUNITY FACILITIES**

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### **A. COMMUNITY FACILITIES AND SERVICES – BACKGROUND**

Community facilities are the physical elements and general government services that are provided to the citizens of the City in the areas of transportation, protection, utilities, surface drainage, recreation, education, and administration. This chapter of the 2040 Comprehensive Plan will describe existing and proposed facilities and services, proposed future facilities and the policies that will direct the maintenance and development of those facilities and services.

Historically, the transportation, utility, and drainage facilities in the residential areas of the City were primarily developed and maintained at a rural service level. This includes individual water wells; individual sewage treatment systems; retention of natural drainage ways, ponds, wetlands; and individual home lighting. Centralized sanitary sewer and watermain systems are allowed if in accordance with the Comprehensive Plan and zoning ordinances. Development has proceeded in a contiguous, staged manner to minimize the cost of extending facilities.

Developers are responsible for providing all roadways, infrastructure, and recreational facilities in conformance with the Comprehensive Plan, City ordinances, and specifications. All plans must be reviewed and approved by the City prior to development.

All residential subdivided land must have covenants to assure the operation and maintenance of recreation areas and roads by a HOA. Road and utility maintenance and recreation and open space land maintenance must be transferred to a HOA upon completion by the developer (see Subdivision Ordinance 93, codified section 152.054). All newly developed commercial land must also have agreements with covenants and restrictions to assure the operation and maintenance of roads, sewer, and other common facilities.

The City, the HOAs and the CAs all contract for public services. The City contracts for police protection from the Ramsey County Sheriff; fire protection is provided by the Lake Johanna Fire Department; and specialized consultants provide legal services, engineering, planning services, building inspections, septic inspection, tree preservation programs and administration, and recycling service. The City is a partner in the nine-city North Suburban Cable Commission and the North Suburbs Community Television. In 2017, the City employed a full-time administrator, a full-time deputy clerk and treasurer, and two part-time office assistants to carry out and coordinate City services as directed by the City Council.

NOHOA and/or another HOAs contract for maintenance of their roads and common recreational facilities. Homeowners' association funds pay for these services which are collected through the assessment of members. Recreation programs are planned by the HOA boards and are operated by resident volunteers. The City also participates in recreational programs with the White Bear Lake and Mounds View School Districts.

The City maintains joint powers agreements to secure utilities from both the City of Shoreview and White Bear Township. The City of Shoreview provides water service to several developments along Hodgson Road. The agreement with White Bear Township provides access to their sewer and water lines in the Centerville Road right-of-way for developments in the City along Centerville Road and the Rapp Farm area. The Township also provides maintenance for both sewer and water facilities for several areas in the City of the City. These agreements are available for review at the City offices.

Locations generally on the peripheries of the City are served with common sewer, water, or both utilities (see Appendix A, Map 16 – 2017 North Oaks Neighborhoods with Common Utilities). The breakdown of such developments is as follows:

- **Sewer Services Only:** Southpointe, West Pleasant Lake, Lake Estates, Wildflower, Peterson Place, Creekside, and Deer Hills.
- **Water Services Only:** Due to groundwater contamination issues from a landfill south of the City, sixty-one single-family homes in the southeast of the City (just north of the Minneapolis/St Paul Sault Ste. Marie railway) have secured common water from White Bear Township via their Centerville Road watermain.
- **Both Sewer and Water Services:** Village Center, Rapp Farm, The Villas of Wilkinson, Presbyterian Homes of North Oaks (referred to as Waverly Gardens), The Pines, Southeast Pines, The Summits, Red Pine Farms, Charley Lake Preserves, Ski Hill, and Charley Lake Condominiums. Chippewa Middle School, Kinder Care Learning Center, and the Lake Johanna Fire Department on the western side of the City use municipal water from the City of Shoreview and are directly connected to the Shoreview Sanitary Sewer regional interceptor line.

Individual homeowners contract with private businesses for solid waste removal and maintenance of individual sewage systems and wells. Roadside brush cutting and cleanup (other than mowing) is the responsibility of each lot owner. This method of governing and sharing of responsibility has been in effect since 1950.

## **B. TRANSPORTATION – EXISTING**

### **Existing Roadway Inventory (See Appendix A, Maps 13–15)**

The City roadway system is composed of a network of local, collector, and minor-arterial streets. The City is bounded by four county roads which are all classified as “A Minor-Arterial Expanders.” They are Highway 96 on the south, Highway 49 (Hodgson Road) on the west, Centerville Road on the east, and County Rd. J on the north. The Met Council’s Transportation Policy Plan includes a description of these roadways and their regional significance.

The general characteristics of the A Minor-Arterial Expander roadways are:

- The design and function are focused on mobility (carrying capacity).
- Mass transit is typically provided in the form of fixed route bus service.
- Intersections with other arterials are usually signalized.
- Sidewalks and/or trails are provided.
- The roads are part of the regional system and are eligible for federal funding.

County Highway 96 is a four-lane divided highway that runs east and west and provides direct access to Interstate Highways 35E and 35W. The intersection of County Highway 96 and Pleasant Lake Road is a signalized intersection that provides the primary access to the interior local roadways system of the City. The intersection is improved with auxiliary turn-lanes. Highway 96 is the southern boundary of the City.

On the western boundary of the City lies County Highway 49 (Hodgson Road)—a two-lane road that is also classified as an A Minor-Arterial Expander roadway. Highway 49 runs north and south and provides direct access to Interstate Highway 694. The roadway is improved with both protected and shared turn lanes between Highway 96 and Cunningham Rd. Currently there are two signalized intersections along Highway 49 providing controlled direct access to the City, including full intersections at Chippewa Middle School and another at Village Center Drive. The intersection of Hwy. 49 (Hodgson Road) and County Highway 96 is also an at-grade signalized intersection with auxiliary turn lanes.

The eastern boundary of the City is established by Centerville Road. Centerville Road is an A Minor-Arterial Expander roadway that serves three communities and a wide variety of land uses between Highway 96 and County Road J. The intersection of Centerville Road and Highway 96 (not adjacent to the City) is also a signalized intersection with auxiliary turn-lanes.

The northern boundaries of the City are made up of a combination of County Road J (Ash Street) and City of Shoreview roads Turtle Lake Road and Sherwood Road. County Road J is also an A Minor Expander roadway. (See Appendix A, Map 14 – Thoroughfares & Street Classifications).

Within the City is a network of rural roadways that provide access to the neighborhoods and destinations within the City. All of these roads are privately owned and are under the jurisdiction of NOHOA.

Access to these roads is limited to four entrances:

1. The primary entrance (a full signalized intersection) at the junction of Pleasant Lake Road, Rice Street, and Highway 96.
2. The eastern City entrance where East Oaks Road intersects with Centerville Road (a full un-signalized intersection).
3. The Robb Farm Road entrance at Highway 96 and East Gilfillan Road (a right in/right out, un-signalized intersection).

4. The Wildflower Way entrance at Highway 49 /Hodgson Road (a three-legged un-signalized intersection).

There are currently six residential areas, two commercial centers, and the Hodgson Road Institutional District that are not linked to the City's minor-collector roadway network. The neighborhoods of Deer Hills, Creekside, Rapp Farm, Charley Lake Preserve, and the Villas of Wilkinson Lake all have individual entrances to county highways. The Deer Hills area on the east side of the City has a direct entrance to Centerville Road. Creekside's entrance is on Turtle Lake Road. Rapp Farm is accessed via County Road J. The Preserve in the north-central portion of the City is accessed off Sherwood Road. Charley Lake Preserve has access from Hodgson Road. Waverly Gardens, the Villas of Wilkinson Lake, and the office building and restaurant on the northern border of the City are all accessed via Centerville Road. In addition, the North Oaks Village Center, located at the southwest corner of the City, has direct access by way of Village Center Drive and signalized intersections at both County Highway 96 and Highway 49 (Hodgson Road).

There are fifteen home sites and private facilities located around the perimeter of the City that have direct access to county highways. These properties are not within the jurisdiction of a HOA (see Appendix A, Map 9 – 2016 Estimated Housing Distribution).

As part of the effort to preserve the natural environment, roads within the City generally follow the natural contours of the land and are designed to minimize the disruption of the natural topography. The road design is a rural section roadway with two traffic lanes, gravel shoulders, and roadside ditches. In keeping the goals of minimal visual disturbance, roadways are not illuminated except at the intersections of local roads with perimeter highways (i.e., at the four access roads to the HOAs).

City Subdivision Ordinance 93 (codified sections 152.053 and 152.066) requires that all roads must be dedicated, constructed, and surfaced by the developer according to City standards with the responsibility for maintenance transferred to a HOA or CA upon completion. Boundaries of individual residential lots extend to the center of the roadway with easements for road use and maintenance by a HOA designated in the restrictive covenants attached to each lot; thus all roads in the City are privately owned. NOHOA's private road system is composed of approximately 28.28 miles of local roadways and 21.12 miles of minor collector roads (for a total of approximately 49.4 miles). The Deer Hills Home Owner Association's private road system totals approximately one-half mile. The Charley Lake Condominiums HOA has an agreement with NOHOA to maintain Anemone Circle. The Village Center Commercial Association maintains the roads in its commercial area.

The City's right to enforce speed limits on a private road system was upheld by a ruling of the Minnesota Supreme Court (*Borchert vs Village of North Oaks*, Minnesota Supreme Court, October 16, 1962). Speed limits on all roads in the City are 30 miles per hour. The City is reimbursed by NOHOA for road striping on the primary minor collector roads and weed cutting along all roads. The City's traffic signs comply with all Minnesota state

statutes. Ordinance 38 (codified as section 71.12) limits on-street parking to one side of the road during the day, and prohibits on-street parking overnight. Off-street parking is required on each lot.

### **Existing Roadway Analysis**

The Met Council assigns traffic analysis zones (TAZs) to all communities in the region. The City has seven TAZs either wholly or partially located within its corporate limits (see Appendix A, Map 15 – Transportation Analysis Zones). The transportation component of the 2040 Comprehensive Plan is required to analyze the existing and forecasted numbers of population, households and employment, segregated by TAZ for ten-year increments through the year 2040. The required analysis is included in Table 10 below.

TAZ	2010		2020		2030		2040	
	Pop.	Emp.	Pop.	Emp.	Pop.	Emp.	Pop.	Emp.
*1754	94	8	99	5	104	5	110	5
1755	775	22	769	60	810	61	853	62
1756	920	40	876	24	893	28	906	32
*1757	683	673	684	681	729	718	768	748
1758	650	135	647	133	657	134	664	133
*1766	298	31	336	36	345	36	353	36
1768	1049	350	1379	361	1461	374	1545	382
<b>TOTAL</b>	<b>4469</b>	<b>1259</b>	<b>4790</b>	<b>1401</b>	<b>4999</b>	<b>1460</b>	<b>5199</b>	<b>1499</b>

\*Partial TAZs only reflect those counts in the City. Source: Met Council and City.  
Pop. = population, Emp. = those employed within the City limits.

The Ramsey County Traffic Counts (1997–2015) for the County roads surrounding the City are shown below in Table 11. It is significant to note that fluctuations in historic traffic growth patterns have been affected by (ongoing) construction projects on Interstate 694 and recent Highway 96 reconstruction projects including the Highway 96 bridge reconstruction over Interstate 35W. There are no metropolitan highways located within the City.

<b>Table 11</b>					
2040 North Oaks Comp Plan					
<b>Ramsey County Traffic Counts</b>					
County Road	Stretch	1997	2005	2007	2014– 15
<b>(A) Highway 96</b>	1. Hodgson Rd to Rice St	15950	19879	22518	20600
	2. Rice St to McMenemy Rd	14850	18467	23001	20200
	3. McMenemy Rd to Centerville Rd	16700	18785	n.c.	19700
<b>(B) Centerville Road</b>	4. Hwy 96 to Birch Lake Rd	9550	13304	11795	10700
	5. Birch Lake Rd to Boulevard to H-2	5950	8377	8509	7000
	6. H-2 to North County Line	4300	5789	5901	5700*
	7. NorthCountyLinetoCountyRoadJ	7950	9793	11066	10500
<b>(C) North County Line Road</b>	8. Hodgson Rd to Sherwood Rd	1950	5180	9529	6700**
	9. Sherwood Rd to Centerville Rd	3400	5393	6720	5500
<b>(D) Hodgson Road (Highway 49)</b>	10. Hwy 96 to Village Center Dr	n.c.	13630	14030	14100
	11. VillageCenterDrtoTanglewoodDr	n.c.	13094	9696	n.c.
	12. Tanglewood Dr to Hodgson Con.	n.c.	7945	9303	n.c.
	13. HodgsonConnectiontoCountyRDI	n.c.	11053	12481	12200
	14. County Rd I to County Rd J	n.c.	9420	8548	9700
<b>(E) Sherwood Road</b>	15. Turtle Lake Rd to County Rd J	n.c.	667	671	623
Source: Ramsey County					
*Traffic Data from 2012					
** Traffic Data from 2013					

The City has four signalized intersections that provide direct access to areas within the City including Highway 96 and Pleasant Lake Road, Highway 96 and Village Center Drive, Hodgson Road and Village Center Drive, and Hodgson Road at the access driveway to Chippewa Middle School. Three additional signals, located at Highway 96 and Hodgson Road, Hodgson Road and County Road I/Turtle Lake Road, and at Highway 96 and McMenemy Road about the City but do not provide direct access to its interior. The City

works with Ramsey County in pursuing improvements to these signalized intersections. A striping plan for the intersection of Village Center Drive and Highway 96 provides two clear southbound lanes for right and left turns.

The intersection of Hodgson Rd. and Wildflower Way is currently an un-signalized intersection. The residents in the adjoining neighborhoods have expressed concern over the utility and safety of the intersection particularly in the peak morning period where southbound left-turns are difficult to maneuver. The City will be requesting a traffic actuated signal with Ramsey County to improve the safety and level of service at this important access point to the City.

#### **Existing Transit**

The Met Council provides limited bus service to the north suburban Ramsey County area through Metro Transit. The Council defines market areas for communities in the region in its 2040 Transportation Policy Plan. The City is classified as Market Area-IV. This market-type is characterized as, "having lower concentrations of population and employment and a higher rate of auto ownership. It is primarily composed of lower density suburban type development which provides challenges for fixed-route service but may support express bus service if sufficient concentrations of commuters are located along the corridor."

Metro Transit is available to the residents of the City. Both fixed route and express bus service to downtown St. Paul is available. Routes 62 and 262 can be accessed at the intersection of Hodgson Road and Village Center Drive. Route 62 provides more frequent service and 262 has limited stops with service during weekday peak periods only. Route 262 also has a secondary function of connecting to the Green Line at the Capitol/Rice St. Station, thus providing a connection to downtown Minneapolis. Route 275 is an express bus service to downtown St. Paul available during peak weekday periods. The route can be accessed at the Park & Ride facility in Vadnais Heights located at the southwest quadrant of I-35E and County Road E. Metro Mobility and dial-a-ride services are also available to area residents.

### **C. TRANSPORTATION – FUTURE**

#### **I-35E Corridor Study**

The City participates in a joint transportation planning effort affecting the portion of the I-35E Corridor from I-694 to County Road J (at the northern boundary of Ramsey County). The study area includes approximately two miles on either side of I-35E. The study's findings and recommendations were incorporated into the Met Council's Transportation Policy Plan and are included in the 2040 Comprehensive Plan as Appendix B.

A city-by-city land use scenario of probable development (which generally incorporated the City land uses from the 1994 Comprehensive Plan) was used to calculate trip generation and impacts to the I-35E roadway system. The study concluded that the probable level of development scenario could be accommodated with varying levels of

improvements to I-35E and the local street systems. However, maximum development scenarios of all land uses could not be accommodated within the I-35E system.

It is estimated that approximately 645 dwelling units and 21 acres of commercial use have or will be built in the I-35E study area. These numbers are significantly less than accounted for in the I-35E corridor study and do not exceed the “probable development” scenario.

A 2017 intersection change evaluation (ICE) study was prepared for the County Road J and Centerville Road intersection. Agencies participating in this study included the Cities of North Oaks and Lino Lakes, White Bear Township, and the Counties of Ramsey and Anoka. The study recommended a future roundabout at the intersection. The study also recommended that on and off ramps be added on the north side of the existing I-35E and County Road J intersection. All agencies involved in the study supported both of these changes and the City has filed a letter of support for a federal grant to assist in funding them.

#### **D. TRANSPORTATION – POLICIES**

1. All internal roads will continue to be privately owned and maintained by HOAs. The 50–60 miles of roads in the City are owned by NOHOA members whose property extends to the center of the road subject to easements in favor of NOHOA. Weight restrictions of three tons per axel are implemented on roads within the City during spring, usually from March to April.
2. The City will preserve the existing rural character of the roadway system through its Comprehensive Plan and ordinances. Road construction, where possible, will follow the contours of the land and be constructed according to city standards by the developer. NOHOA shall be responsible for ongoing and future road maintenance including snow plowing, resurfacing, street name signs and street sweeping.
3. The City will continue to regulate traffic including road striping, weed cutting, and traffic control signs. NOHOA reimburses the City for road striping and weed cutting.
4. The City will continue to participate in multi-jurisdictional planning groups for regional transportation needs as it currently does with the I- 35E Corridor Study Group, and has in the past with the Highway 96 and Highway 49 Task Force groups.
5. If a proposed subdivision exceeds the I-35E probable land development scenario, the developer shall, at their expense, provide professional traffic data and analysis to determine consistency with the I-35E corridor study findings and recommendations.
6. All new development areas will require approved access to NOHOA’s private local road network or to Ramsey County roads on the perimeter of the City.
7. The City will work with Ramsey County on the preparation and implementation of Ramsey County access management policies to ensure that the City has safe and efficient connections to County roadways. The City will be requesting that a traffic actuated signal light be installed at Hodgson Road and Wildflower Way to increase the safety of traffic exiting from Wildflower Way onto Hodgson Road.

**E. UTILITIES – BACKGROUND**

The City is unique among the communities of the Twin Cities Metropolitan Area as it was originally planned and developed primarily as a residential community intended to be served by individual wells and individual sewage treatment systems. The lots are designed to provide space for on-site utilities and residential construction meeting setbacks of at least thirty feet from all lot lines, wetlands and road easements.

The City is entirely located within the Met Council's Metropolitan Urban Service Area (MUSA). A community that is within the MUSA and serviced by the Metropolitan Council Environmental Services (MCES) is able to extend sanitary sewer to any area it deems necessary provided the overall flows from planned development remain within the guidelines established by the Met Council. As of 2016, only limited areas of the community were being serviced by municipal sewer lines.

The City is served by two regional MCES sewer interceptors, including the Forest Lake interceptor on the southeast side of the City and the Shoreview interceptor along the western edge. At the time of their design, the City was assigned a specific capacity in each of the interceptors. In addition, the City utilizes the trunk sanitary sewer line in Centerville Road through a joint powers agreement with White Bear Township. Neighborhoods serviced with common utilities as well as those serviced by individual wells and Sub Surface Treatment Systems (SSTS) are illustrated in Appendix A, Map 16 – 2017 North Oaks Neighborhoods with Common Utilities.

**F. SANITARY SEWER – EXISTING FACILITIES****Sanitary Sewer Use**

Appendix A, Map 17 – Areas Served by Municipal Sewer and Sub Surface Treatment Systems (SSTS), shows the existing sanitary sewer systems within the City by MCES interceptor in addition to those areas of the City not served by sanitary sewer. All existing systems within the City are privately owned. The systems were designed and constructed in compliance with current Minnesota Pollution Control Agency (MPCA) standards.

Table 12 shows the current flows and potential available capacities for each of the metropolitan interceptors. Sewage flow projections for the City were calculated using an estimated flow of 274 gallons per day (GPD) per household, 1,500 GPD per planned commercial acre, and 274 GPD per three beds for care center.

<b>Table 12</b>			
2040 North Oaks Comp Plan			
<b>Allocated Capacities and Current Flow to Interceptors</b>			
<b>Interceptor</b>	<b>Designation</b>	<b>Potential Capacity Available to the City (MGD)</b>	<b>Current Flow (MGD)</b>
Forest Lake	MSB6901	0.80	0.155
Shoreview	I – SV – 436	0.20	0.107
<b>Totals:</b>		<b>1.00 MGD</b>	<b>0.262 MGD</b>
<i>MGD is millions of gallons per day. Source: Metropolitan Waste Control Commission and Sambatek.</i>			

Currently, the City is utilizing only 26.2% of the approximately one million gallons per day (MGD) of available metropolitan interceptor sewer capacity, including an estimated 19.4% of available capacity in the Forest Lake line and 53.5 % in the Shoreview line. Given the available metropolitan sewer capacity assigned to the City, it would be feasible for the City to service the entire community with sewer if it ever so desired. Met Council does not foresee that the remaining homes in the City will have to hook up to municipal sewer.

White Bear Township has constructed a sanitary trunk line within the Centerville Road right of way, which is utilized by the City. This trunk sewer facility connects to the Forest Lake Interceptor, and has a contractual reserved capacity of 0.175 MGD for the east and northeast areas of the City that are approved for development under the approved East Oaks PDA. Much of this infrastructure has been funded by the NOC in anticipation of future development.

Table 13 provides an itemized list of properties currently served by sanitary sewer, segregated by interceptor flow. In addition, the Forest Lake Interceptor flows are also divided into flows through the Centerville trunk-line and those directly to the interceptor.

<b>Table 13</b>			
2040 North Oaks Comp Plan			
<b>Current Flow to Interceptors</b>			
<b>FOREST LAKE INTERCEPTOR</b>			
<b>Residential through Centerville Line</b>			
<b>Map 16</b>	<b>Location</b>	<b>Units</b>	<b>GPD</b>
15	Rapp Farm (s.f.)	142/156 units	38,908
16	Pres. Homes-Waverly Gardens (m.f.)	146 units	40,004
16	Pres. Homes-Mews (m.f.)	76	20,824
17	Villas of Wilkinson Lake (m.f.)	38/47	10,412
	<b>Residential Total:</b>	<b>402/425 units</b>	<b>110, 148</b>
<b>Non-Residential through Centerville Line</b>			
<b>Map 16</b>	<b>Location</b>	<b>Acres/Beds</b>	<b>GPD</b>
16	Pres. Homes-The Gardens	2 acres	3,000
16	Pres. Homes-Care Center	87 beds	7,946
	<b>Non-Residential Total:</b>	<b>(7.3 acres equiv.)</b>	<b>10,946</b>
	<b>Total Flow through Centerville Line:</b>		<b>121, 094</b>
<b>Residential Direct to Forest Lake Interceptor</b>			
<b>Map 16</b>	<b>Location</b>	<b>Units</b>	<b>GPD</b>
22	Pines (m.f.)	54 units	14,796
23	Deer Hills (s.f.)	46 units	12,604
24	Ski Hill (s.f.)	14 units	3,836
25	SE Pines (m.f.)	45 units	12,330
26	Summits (m.f.)	40 units	10,960
	<b>Residential Total:</b>	<b>199 units</b>	<b>54,526</b>
<b>FOREST LAKE INTERCEPTOR—Combined Total:</b>			<b>175,620 GPD</b>
<b>(601/624 units, plus 2 acres and 87 beds)</b>			

Table 13, cont.

<b>SHOREVIEW INTERCEPTOR</b>			
<b>Residential</b>			
<b>Map 16</b>	<b>Location</b>	<b>Units</b>	<b>GPD</b>
2	Southpointe (s.f.)	9 units	2,466
4	Capaul Woods (s.f.)	5 units	1,370
5	Charley Lake Preserve (s.f.)	63 units	17,262
6	West Pleasant Lake (s.f.)	28 units	7,672
7	Red Pine Farm (s.f.)	9/12 units	1,644
8	Lake Estates (s.f.)	14 units	3,836
9	South Wildflower (s.f.)	15 units	4,110
10	Charley Lake TH (m.f.)	19 units	5,206
11	Creekside (s.f.)	8 units	2,192
12	Wildflower Place (s.f.)	27 units	7,398
<b>Residential Total:</b>		<b>197/200 units</b>	<b>53,978</b>
<b>Non-residential</b>			
<b>Map 16</b>	<b>Location</b>	<b>Acres</b>	<b>GPD</b>
1	Village Center	30 acres	45,000
3	Chippewa Middle School	NA	5,620
3&5	Two (2) Churches	6 acres	9,000
	Private Homes	NA	274
<b>Non-Residential Total:</b>		<b>36 acres</b>	<b>59,894</b>
<b>SHOREVIEW INTERCEPTOR-Combined Total:</b>			<b>113,872 GPD</b>
<i>s.f. = single family; m.f. = multi family; GPD is gallons per day. Source: City/Sambatek.</i>			

#### G. SANITARY SEWER – PROPOSED FACILITIES

Generally, the methodology for determining areas to be served by sanitary sewer involves a detailed analysis and inventory of the remaining developable land, an understanding of the demographic characteristics of the population, and an understanding of the environment and natural resources of the community. The City is unique in that virtually the entire community has been developed by one company (NOC), which has managed development at a relatively consistent rate for many years.

The City is served by two metropolitan trunk sewer lines, the Shoreview interceptor and the Forest Lake interceptor. Table 13 provides a breakdown of flows to these two metropolitan interceptors. The sewer flow into the Forest Lake interceptor is divided by flow via the Centerville Road trunk sewer line and the direct flow to the interceptor. The total sewer capacity allocated to the City in the Centerville Road trunk line is 175,406 GPD.

As demonstrated in Table 14, based upon the City's 2016 Land Use Plan and the East Oaks PDA (as amended in 2007), the projected future flow to the Centerville Road trunk sewer upon full build-out is within the allocated contractual capacity.

The additional future flow to the Forest Lake Interceptor, upon full build-out, is expected to be 54,312 GPD, bringing the total flow to 229,932 GPD. The added future flow to the Shoreview interceptor is expected to be 6,850 GPD bringing that total to 120,722 GPD. These total projected flow rates are well within the allocated respective design capacities of both the Forest Lake and Shoreview interceptors.

<b>Table 14</b>			
2040 North Oaks Comp Plan			
<b>Future Flow to Interceptors</b>			
<b>FOREST LAKE INTERCEPTOR</b>			
<b>Residential through Centerville Line</b>			
<b>Map 16</b>	<b>Location</b>	<b>Units</b>	<b>GPD</b>
13	East Preserve	2	548
14	Nord	10	2,740
15	Rapp Farm	14	3,836
17	Villas of Wilkinson Lake	10	27,400
18	Anderson Woods	10	2,740
19	Gate Hill	68	18,632
21	Island Field	35	9,590
	Future Residential Flow Total*	149	40,826
	Existing Residential Flow Total	402	110,148
<b>(A)</b>	<b>Projected Residential Flow to Centerville Line Total</b>	<b>551</b>	<b>150,974</b>
<b>Non-Residential through Centerville Line</b>			
<b>Map 16</b>	<b>Location</b>	<b>Acres</b>	<b>GPD</b>
17,19&21	PUD Areas zoned RCM-PUD	13,486 GPD Avail.; equiv. to 9.17 acres	13,486
	Future Non-Residential Flow Total	8.99 acres	13,486
	Existing Non-Residential Flow Total	2 ac. plus 87 beds (7.3 acres equiv.)	10,946
<b>(B)</b>	<b>Projected Non-Residential Flow to Centerville Line Total</b>	<b>16.29 acres</b>	<b>24,432</b>
	<b>Total Flow through Centerville Line (175,406 GPD Per Agreement)</b>	<b>A+B =</b>	<b>175,406</b>

<b>Table 14, cont.</b>			
<b>No future added direct flow units or areas to forest lake interceptor are planned at this time.</b>			
<b>FOREST LAKE INTERCEPTOR FLOWS-Combined Total: A+B+C=</b> <b>(Total includes C: 54,526 GPD Direct Flow from Table 13;</b> <b>Areas 22–26)</b> <b>*All future residential units per PUD except Rapp Farm</b> <b>and Villas of Wilkinson Lake are as platted and/or</b> <b>approved. Density bonuses allowed in PUD are not</b> <b>reflected; see text for further explanation.</b>			<b>229,932 GPD</b>
<b>SHOREVIEW INTERCEPTOR</b>			
<b>Residential</b>			
<b>Map 16</b>	<b>Location</b>	<b>Units</b>	<b>GPD</b>
<b>5</b>	Charley Lake Preserve I-II	<b>5</b>	<b>1,370</b>
<b>7</b>	Red Pine Farm	<b>9</b>	<b>2,466</b>
	Future Residential Flow Total	<b>11</b>	<b>3,014</b>
	Existing Residential Flow Total	<b>197</b>	<b>53,978</b>
<b>(A)</b>	<b>Projected Residential Flow Total</b>	<b>222</b>	<b>60,828</b>
<b>Non-residential</b>			
<b>Map 16</b>	<b>Location</b>	<b>Acres</b>	<b>GPD</b>
	Future Non- Residential Flow Total	<b>NA</b>	<b>0</b>
	Existing Non-Residential Flow Total	<b>(from Table 14)</b>	<b>59,894</b>
<b>(B)</b>	<b>Projected Non-Residential Flow Total</b>		<b>59,894</b>
<b>SHOREVIEW INTERCEPTOR FLOWS-Combined Total: A+B=</b>			<b>120,722 GPD</b>
<i>s.f. = single family; GPD is gallons per day. Source: City of North Oaks/Sambatek.</i>			

Table 15 shows the total current and projected sewer flows for both the Forest Lake and Shoreview Interceptors. The projections indicate that the City could add approximately 61,000 GPD to the present flow of 290,000 GPD, for a total of 351,000 GPD. While current and projected flows indicate an unused metropolitan interceptor capacity of 0.649 MGD, this capacity should be reserved for the City for possible sanitary sewer extensions into existing developed un-sewered areas.

The North Oaks Golf Club is currently studying the possibility of connecting their sanitary sewer to an existing Vadnais Heights city sewer in McMenemy Street south of Highway 96. The McMenemy Street sanitary sewer has limited capacity to serve any other areas of the City. Any such connection would have to include an agreement between the City, the City of Vadnais Heights, and the North Oaks Golf Club regarding connection fees, maintenance responsibilities, and treatment costs.

<b>Interceptor</b>	<b>Potential Available Capacity MGD</b>	<b>Current MGD</b>	<b>Planned and Possible Future Development (MGD)</b>	<b>TOTAL/REMAINING (MGD)</b>
Forest Lake (MSB6901)	0.800	0.176	0.054	0.230/0.570
Shoreview (I- SV - 436)	0.200	0.114	0.007	0.121/0.079
<b>TOTALS:</b>	<b>1.000</b>	<b>0.290</b>	<b>0.061</b>	<b>0.351/0.649</b>

*MGD is millions of gallons per day. Source: Sambatek*

Table 16 provides an estimate of total existing and the build-out flows of remaining developable planned sewer areas by ten-year increments and segregated by metropolitan sewer interceptor.

<b>Table 16</b> 2040 North Oaks Comp Plan Estimated Timing of Sewer Flows		
<b>Year</b>	<b>Shoreview (MGD)</b>	<b>Forest Lake (MGD)</b>
<b>Existing</b>	<b>0.114</b>	<b>0.176</b>
<b>2020</b>	<b>0.115</b>	<b>0.181</b>
<b>2030</b>	<b>0.118</b>	<b>0.205</b>
<b>2040</b>	<b>0.121</b>	<b>0.230</b>

*MGD is millions of gallons per day. Source: City of North Oaks, Sambatek.*

Table 17 provides a breakdown of the timing of added flows to the Centerville trunk line by use type. Overall, the existing flow of 121,094 GPD is expected to increase by 54,312 GPD for a total build-out flow of 175,406 GPD.

<b>Table 17</b> 2040 North Oaks Comp Plan Estimated Timing of Sewer Flow to the Centerville Road Trunk			
<b>Year</b>	<b>Commercial Acres</b>	<b>Dwelling Units</b>	<b>FLOW (GPD)</b>
<b>Existing</b>	<b>7.3</b>	<b>402</b>	<b>121,094</b>
<b>2020</b>	<b>8.1</b>	<b>416</b>	<b>126,031</b>
<b>2025</b>	<b>10.2</b>	<b>449</b>	<b>138,375</b>
<b>2030</b>	<b>12.3</b>	<b>483</b>	<b>150,719</b>
<b>2035</b>	<b>14.4</b>	<b>516</b>	<b>163,062</b>
<b>2040</b>	<b>16.47</b>	<b>550</b>	<b>175,406</b>

*GPD is gallons per day. Source: East Oaks PDA, Sambatek.*

It is anticipated the City will continue to grow at an average of 10–20 new households per year up to the year 2040, although certain portions of the East Oaks PDA may develop at an accelerated pace.

Table 18 shows the anticipated sewer population, households, and employment projections based on the areas to be served as indicated in Appendix A, Map 17 – Areas Served by Municipal Sewer and Sub Surface Treatment Systems (SSTS).

<b>Table 18</b>				
2040 North Oaks Comp Plan				
<b>Future Sewered: Population, Households, Employment &amp; Wastewater Flow Projections</b>				
<b>Year</b>	<b>Population</b>	<b>Households</b>	<b>Employment*</b>	<b>Wastewater MGD**</b>
Existing	1326	518	997	0.290
2020	1465	579	1,040	0.296
2030	1670	679	1,080	0.323
2040	1934	783	1,110	0.351

*Source: Met Council / Sambatek.*

*\* Employment counts based on Met Council estimates for sewer jobs.*

*\*\* Totals include 87 assisted care beds in Presbyterian Homes Development not included in household counts. MGD is millions of gallons per day.*

### **Inflow and Infiltration Assessment**

Water improperly discharged into the sanitary sewer system as a result of inflow and infiltration is a regional problem that reduces the capacity of the system and adds unnecessary costs to the treatment of the region's wastewater. Infiltration results from the seepage of groundwater into the system through cracks and poorly fitted or misaligned joints. Sanitary sewers in the City are constructed in accordance with the City Engineer's Association of Minnesota's "Standard Specifications for Sanitary Sewer and Storm Sewer Installation," and as such are pressure tested for leak tightness before being placed into active service. The City's sanitary sewer system is also relatively new and composed of PVC sewer lines which are less likely to experience leakage than older vitrified clay pipe.

Table 19 provides a listing of all the sanitary sewer systems in the City by age of neighborhood. As evidenced by the table, the City's entire sanitary sewer system is all of post-1970 construction, with much of the system constructed since the year 2000. The City provides for maintenance and inspection of its sewer system through a joint powers agreement with White Bear Township. The Township's public works staff conducts routine inspection of all lift stations and continually looks for signs of inflow and infiltration during routine inspections and maintenance of the system.

Inflow results from the discharge of sump pumps, roof drains, footing drains, and other sources to the sanitary sewer system. The City will work to adopt official controls prohibiting the discharge of groundwater and stormwater into the sanitary sewer system.

<b>Table 19</b>				
<b>2040 North Oaks Comp Plan</b>				
<b>Sewer System By Age of Neighborhood</b>				
<b>LOCATION</b>				
<b>Map 16 #</b>	<b>Neighborhood</b>	<b>Year Built</b>	<b>Number of Units</b>	<b>Maintained By</b>
23	Deer Hills	1977	44	WBT*
10	Charley Lake Condominiums	1982	19	WBT
8	Lake Estates	1989	14	WBT
1	Village Center	1990	Commercial	WBT
6	West Pleasant Lake	1992	28	WBT
26	Summits	1995	40	WBT
4	Capaul Woods	1995	3	WBT
2	Southpointe	1995	9	WBT
9	South Wildflower	1995	15	WBT
12	Wildflower Place	2000	27	WBT
24	Ski Hill	2001	14	WBT
22	The Pines	2001	54	WBT
25	Southeast Pines	2001	45	WBT
11	Creekside	2004	8	WBT
16	The Gardens	2004	Mixed Use	WBT
15	Rapp Farms	2004–2016	142/156	WBT
17	The Villas of Wilkinson Lake	2006–2015	38/47	WBT
5	Charley Lake Preserve	2013	63	WBT
7	Red Pine Farm	2014	9/12	WBT
Source: East Oaks PDA and Sambatek.				
*White Bear Township				

#### **On-Site Sewage Treatment System Use**

All of the homes within the City, outside of the neighborhoods identified in Table 13, have SSTS that were installed according to City ordinance. Historically, the local ordinance has contained more stringent standards than required by state agencies (Chapter 7080-7083). The City's Ordinance 96 (codified as Chapter 51) incorporates the latest MPCA standards and provides detailed procedures for site evaluation; the abatement of polluting systems;

maintenance; inspection of all new, altered, extended and repaired systems; biennial inspection and pumping of all systems; permits, reports and licensing; and the appointment of a sanitary inspector. Building permits for new construction are not issued until sewage treatment system plans are approved, including the provision for two septic field sites each 5,000 square feet in area.

There are several factors that are considered before relying on individual on-site systems as an environmentally safe long-term solution for sewage treatment. First, the systems must be properly designed and installed for anticipated wastewater flows and the soils in which they are to be located. Next, they must be regularly inspected and properly maintained. Finally, they must be responsibly used by the individual homeowner.

The City continues to educate its residents on the proper use and maintenance of on-site sewage treatment systems. The City maintains an educational program on the proper use and maintenance of individual sewage treatment systems both on its website and through articles in the North Oaks News. Federal and State informational brochures are also distributed. And finally, the City has instituted a rigorous inspection and reporting program for SSTS that is administered by a contracted licensed building official. The City is committed to continuing efforts to protect and monitor its private and public wells, lakes, streams, and wetlands to prevent any potential adverse impacts resulting from the use of on-site sewage treatment systems.

#### **H. WASTEWATER – POLICIES**

1. Individual on-site sewage treatment systems will continue to be the predominant method for the treatment of domestic sewage. Regulations are established by city ordinances which contain adequate, up-to-date standards to ensure the protection of health, safety, and welfare.
2. The City shall continue to promote the education of its citizens on the proper use and maintenance of individual sewage treatment systems through educational articles online, in the local newspaper, and the distribution of federal, state, and Ramsey County informational brochures and other information.
3. For future developments in the East Oaks PUD area, the subdivider may utilize centralized sanitary sewer depending on sewer accessibility and sewer line capacities.
4. Subdividers shall install, at their own expense, all sanitary sewer facilities according to City standards and in compliance with City ordinances.
5. A sewer district, or the extension of an existing district, will be established by the City for each area to be served by central sewer. If a sewer district encompasses an area larger than the area of a proposed subdivision, sanitary sewer facilities shall be sized to serve the entire area. The City may combine districts for purposes of efficient management and cost allocation.
6. All costs, after a district's system is installed, shall be prorated to those lands within the district.
7. The City may require the subdivider to transfer, at no cost to the City, ownership of the centralized sanitary sewer system to the City who may contract for/or assume responsibility for the inspection and maintenance of the system. At the time of transfer,

the City may require improvement upgrades to current standards and specifications at no cost to the City.

8. The City will continue to follow the latest specifications prepared by the City Engineers Association of Minnesota (CEAM) for the installation of new sanitary sewer systems. Inspection and maintenance of the sanitary sewer system shall be done in accordance with MCES standards. Inspection shall include televising the main lines to visually check for breaks, leaks and tree roots, dirt, or other obstructions that may require maintenance and/or repair. Manholes and lift stations shall be checked for proper and safe operation. Flow tests shall be conducted to detect presence of infiltration. If excessive infiltration is noted, the source shall be found, and correction shall be evaluated. Certification will be provided by the City that these inspections were performed, and any defects shall be corrected.
9. The City shall continue to enforce the policies identified in Ordinance 93 (codified sections 152.065 and 152.066) which detail the design standards and required improvements for new subdivisions. The City will also regulate the impact of development on surface water quality by enforcing the standards in Ordinance 75 (codified as Chapter 154), which control erosion and sediment build up.

#### **I. WATER SYSTEM – BACKGROUND**

In keeping with the rural nature of the community, it is intended that the low-density land uses will be served by individual wells. Connections to a public water system may be required when a water system is readily available. Large lots are laid out to provide adequate separation between the individual wells and the individual on-site sewage systems. The Met Council Systems Statement for the City determined the City is not required to prepare a Water Supply Plan.

#### **J. WATER SYSTEM – EXISTING AND PROPOSED FACILITIES**

Many single-family residences in the city are served by individual water wells. Wells are installed according to state standards. Chippewa Middle School, Kinder Care Learning Center, and the Lake Johanna Fire Department are institutions along Hwy. 49 (Hodgson Road) that have direct connects to and receive water from the City of Shoreview.

Appendix A, Map 18 – Areas Served by Common Water Service, shows the locations of private common water systems. The first common water system installed in the City was at Charley Lake Condominiums. The system utilizes a private, common well and provides domestic water service only. It is owned and operated by the Charley Lake Homeowners' Association. An inactive water system is located in the Lake Estates single-family project. The distribution system was installed by the developer; however, a source of water was not available and therefore all existing homes installed private wells. The Village Center Commercial Area, Charley Lake Preserve, and Red Pine Farm also have a common water system, but contract with the City of Shoreview for municipal water. The Village Center, Charley Lake Preserve, and Red Pine Farm systems provide domestic water service and fire protection.

A common water system has been constructed on the southeast side of Gilfillan Lake to serve 61 single-family homes. The system became necessary due to groundwater contamination from the County Highway 96 dump site in White Bear Township. A 1993 decision document issued by the Minnesota Pollution Control Agency (MPCA) has resulted in the responsible parties for the dump site being held responsible for clean-up costs. The water system serving the homes is through an extension of the water system that serves the medium-density zoned developments of The Summits, The Pines, and The Southeast Pines. Water for the entire system is provided by a connection to the White Bear Township water system. Groundwater at the contamination site is being treated and is continually monitored in the area. A Long-Term Monitoring Program established by the Minnesota Pollution Control Agency is posted on the City's website and highlights the well locations and homes connected to common water supply as depicted in Appendix A on Map 19 – Long-Term Monitoring Program, Highway 96 Site. Annual reporting is reviewed by the MPCA. No further conversion of surrounding homes to municipal water is proposed at this time.

Many of the developments in the East Oaks PUD area are, or will be, served by private water systems that connect to the White Bear Township water system. A Joint Powers Agreement has been established between the City and the Township related to these services.

#### **K. WATER SYSTEM – POLICIES**

1. Individual wells will continue to be the primary source of domestic water service.
2. All wells will be designed, located, and constructed in strict compliance with current regulations of the Minnesota Department of Health.
3. In future medium-density, mixed residential, and Mixed-Use areas, the City may require the sub-divider to utilize common water systems, and use neighboring public water systems as a water source.
4. Sub-dividers shall install all common water systems at their own expense, according to current Minnesota Department of Health standards.

#### **L. PARKS, RECREATION, AND OPEN SPACE PLAN – INTRODUCTION**

"Park," "parks," "parklands," "parkways," "recreational areas," and "scenic areas" within the boundaries of the City are owned by CAs, NOHOA, or a sub-association and are for the use of their members and member-accompanied guests, and are not public. These terms shall include but are not limited to lakes, streams, ponds, marshes, wetlands and conservation areas; parcels of land kept in their natural state and parcels developed for ornamental or recreational use, including playgrounds, beaches, boathouses and grounds, skiing and skating areas and the like, and parking areas for automobiles and other vehicles. The aforementioned terms also include necessary buildings for the use or operation of the same, such as wells, pump houses, firehouses, police and guard buildings. The aforementioned terms may be schoolhouses, churches and the like, and also walls, fences, hedges and other structures enclosing or ornamenting any of the foregoing.

The purpose of this Park, Recreation and Open Space Plan is to guide development of existing and future recreation and open space lands, and to preserve and protect the existing natural resources of the City. This element serves as a long-range plan to provide passive and active recreation facilities to meet the needs of NOHOA members. All references to community and neighborhood parks and/or parks refer to private HOA property.

The City is recognized for its unique natural landscape. The landscape, made up wooded areas, lakes, wetlands and rolling topography, plays a crucial role in the quality of life of the residents and in the natural systems of the region. The enjoyment and preservation of this special landscape is integral to the purpose of the Park, Recreation and Open Space Plan. This marvelous asset, so close to the urban center, contributes to the City being a desirable place to live. In surveys, residents have defined the most important qualities of the City as a private rural setting with large lots, wetlands, uplands, forests, open space, trails, scenic views, and the abundance of wildlife.

The Park, Recreation and Open Space Plan also includes a large and ecologically diverse conservation area in the East Oaks PDA as dedicated by the land owners of the East Oaks area. This conservation area is an easement under the protection of the Minnesota Land Trust in perpetuity..

The process of parks, recreation, and open space planning includes many meetings, citizen committees, surveys, and reports. The information and recommendations in this element of the 2040 Comprehensive Plan incorporates information from many sources including:

1. The North Oaks Recreation Plan, November 1996, prepared for NOHOA by Sanders, Wacker, Wehrman, Bergly, Inc. (hereinafter Sanders' Report), attached as Appendix C.
2. The East Oaks PDA.

It is recommended the City and NOHOA consider these reports when determining specific site-by-site, long range plans and parkland improvements.

#### **M. PARKS, RECREATION AND OPEN SPACE PLAN – BACKGROUND**

The City has unique established procedures and characteristics that affect park, recreation, and open space planning and dedications. By deed restrictions on all property, all recreation lands and roads are owned by an HOA. All facilities within an HOA are for the members of the HOA and their member-accompanied guests. HOAs own, manage, maintain, plan, and develop their recreation areas and trails. All persons who purchase land within an HOA boundary are automatically members of NOHOA. Each association arranges for maintenance of their recreational areas with a private contractor. The cost of the service is paid for in the annual assessment of association members.

The City's Subdivision Ordinance 93 (codified section 152.052) provides that "Each subdivision to be developed for residential uses shall have a reasonable amount of land dedicated, set aside, conveyed, or preserved to or for the benefit of present or future

residents of the City or present or future residents of the areas to be subdivided for open space purposes, parks and playgrounds, trails, or conservation purposes." A maximum of ten percent of the land in subdivisions presented for approval may be required as set aside for parks, playgrounds, and recreation purposes. A further provision of the regulations states "Where a proposed park, playground, community center, or other recreational site or facility included in the Comprehensive Plan of the City is located in whole or in part in the area being subdivided, the sub-divider shall set aside the land for the use of the City residents as part of the final subdivision plat, provided, however, that in no case shall the amount of land required to be set aside for the recreational purposes exceed ten percent of the total gross acreage developable for residential uses." Recognition and delineation of the recreation and open space areas by City ordinances assures their continuity. Zoning Ordinance 94 (codified as Chapter 151) provides for both a (R) Recreation District and an (OS) Open Space District and states their permitted uses. The City's Existing Zoning Map shows the location of the R and OS Districts (see Appendix A, Map 7 - Existing Zoning Districts).

The East Oaks PDA defines all park and trail dedications required in connection with each East Oaks PUD area. The East Oaks PDA is the controlling document with regard to park and trail dedications in the East Oaks PUD area and the ten percent requirement outlined herein does not apply. The recreation areas provided for in the East Oaks PDA meet or exceed the City's requirements.

## **N. PARKS, RECREATION AND OPEN SPACE PLAN – EXISTING FACILITIES**

### **Park Inventories**

Park, recreation, and open space planning begins with inventorying and assessing existing parkland facilities. There are approximately 1,450 acres of existing parks, recreation, and open space; a 168.98-acre private golf course; and 997.5 acres of open water in the City. Table 20 – Private Existing Recreation and Open Space, lists the location of existing recreation areas within the City by type of facility.

In addition to community-based park and open space areas, several separate HOAs have been established in recent years with their own common areas for passive use and recreational enjoyment. These include, Charley Lake HOA, The Pines HOA, South East Pines

HOA, and the Summits HOA (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners' Association, and Commercial Association Boundaries).

### **North Oaks Home Owners' Association (NOHOA)**

The North Oaks Home Owners' Association (NOHOA) is the primary owner and overseer of parkland within the City. This includes five community parks, nine neighborhood parks, numerous open space- natural areas, and several special use parks. A brief overview of the community parks and other key recreational areas are as follows (site numbers refer to Appendix A, Map 20– Private Existing Recreation and Open Space):

- (a) Eastern Recreation Area– A five-acre community park located at the intersection of

**East Oaks Road and Duck Pass Road. Area includes:**

- **East Recreation Building** – has large meeting room and kitchen facilities. Can be reserved for use by NOHOA members for community needs and can be rented by NOHOA members for private parties
  - **Seven outdoor tennis courts and tennis practice wall**
  - **Playground equipment**
  - **Picnic tables**
  - **Basketball hoop and practice court**
  - **Softball diamond**
- (b) Western Recreation Area** – A twenty-two-acre community park located on West Pleasant Lake Road near Red Barn Road. Area includes:
- **Warming House** – used during winter by hockey and ice skaters. Can be reserved for use by NOHOA members for community needs and special events (such as the Community Fair and Garden Club Sale) at other times of the year.
  - **Two lighted hockey rinks**
  - **Recreational ice-skating area**
  - **Playground equipment**
  - **Three soccer fields**
  - **Two baseball diamonds**
  - **Volleyball court**
  - **Basketball Court**
- (c) Southpointe Recreation Area** – A fifteen-acre community park located east of Village Center Drive. Area includes:
- **Two baseball diamonds**
  - **Two soccer fields**
- (d) Pleasant Lake Beach** – A seven-acre community park located on the northern side of Pleasant Lake at the end of Sandpiper Lane. The beach closes half an hour after sunset. Area includes:
- **Swimming beach with docks and raft**
  - **Picnic tables and grills**
  - **Playground equipment**
  - **Boat landing**
  - **Canoe storage**
  - **Sailboat mooring**
  - **Shuffleboard court**
- (e) Wilkinson Recreation Area** – The newest community park in the City is ten acres in area and contains:
- **A concert band shell**
  - **Community gardens**
  - **Picnic shelter sports field**
- (f) Lake Estates Recreation Area** – Approximately one acre located at intersection of Lake Court and West Lake Drive. Area includes:
- **One tennis court**
  - **Playground equipment**
- (g) Bobolink Recreation Area** – A two-acre park located on West Pleasant Lake Road at

- intersection of Bobolink Lane. Area includes:
- Baseball diamond
  - Small soccer field
- (h) **Deer Hills** – Approximately one acre located at the intersection of Centerville Road and Deer Hills Drive. Area includes:
- Two tennis courts
  - Basketball court
  - Playground equipment
- (i) **Mary Hill Park** – A scenic garden park with picnic tables and benches located on the northwest corner of Pleasant Lake at the end of Eastview Lane.
- (j) **Ponderer's Point Park** – A scenic park with a covered bridge located between Bent Tree Lane and North Mallard Road.
- (k) **Charley Lake Preserve** – A roughly 8.81-acre passive neighborhood park site with a tot lot and seating area located east of Hodgson Road and south of Maycomb Lane.
- (l) **Rapp Farm Park** – A private park, sport court, and pool for Rapp Farm HOA members and their member-accompanied guests only.

Recreation areas originally called "Scenic" were first designated in North Oaks Zoning Ordinance 27 enacted in 1965 (Appendix A, Map 20– Private Existing Recreation and Open Space, sites 2, 3, 4, 5, 6, 7, 8, 12, part of 18, and 19). In 1972, the NOC designated certain additional lands for active and passive recreational use to fulfill the subdivision Ordinance 59 [now Ordinance 93 (codified as Chapter 152)] requirement that up to 10% of each subdivision must be set aside for recreation land use. These areas are solely for recreational use with ownership, development, and maintenance to be provided by NOHOA for all land within its boundaries (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners' Association, and Commercial Association Boundaries). Active recreation use was defined as land designated for specific athletic programs or activities including but not limited to swimming beaches, ball fields, skating rinks, tennis courts, and playgrounds. Passive recreation use was defined as land reserved for aesthetic value, gardens, wildlife habitat, trails, open park areas, and similar needs of the community (Appendix A, Map 20– Private Existing Recreation and Open Space) site numbers 1, 8, 9, 10, 11, 13, 15, 16, 17, part of 18, 20, 21, 22, 23, 24, 25, 26 27).

#### **Protected Land**

In 1999, in conjunction with the East Oaks PDA approval, the NOC dedicated approximately 886 acres of environmentally sensitive land in the northeasterly section of the City for conservation purposes (Appendix A, Map 20– Non-Public Existing Recreation and Open Space). The land will continue to be owned and managed by the NOC or its successor, and is intended to be perpetually managed as a conservancy area. The development rights for the conservancy land are to be held in perpetuity by the Minnesota Land Trust. Within the Protected Land, future uses shall be limited to those that preserve the natural environment and are consistent with the goals and objectives of the Protected Land (as permitted in easements or other agreements to which the City is a party or has consented). The detailed open space easements over the Protected Land fall into the following categories:

- Conservancy lands, 621 acres
- Agricultural lands, 220 acres
- Remaining allowable building area, 45 acres

Total, 886 acres

The conservancy lands incorporate a linear trail system (some of which have limited access during environmental studies), which connects to the City-wide park and trail system. The conservancy lands preserve natural resources, wildlife habitats, unique vegetation, and agricultural lands in the East Oaks area. Documents that describe the protected lands and their conservancy management plans are available at the City offices. Uses within the protected lands are described in open space easements, and may include open space, trails, and agricultural uses.

### **Inventory Summary**

In recent years, new subdivisions and parkland have added additional recreation and open space areas. Current park holdings, as depicted in Appendix A, Map 20– Private Existing Recreation and Open Space and listed on Table 20, include over 1450 acres of recreation and open space areas.

The complete inventory of parklands listed above is sufficient to fulfill the community's current park and open space needs. Development of the East Oaks PUD areas may include additional open space dedications as required by the terms of the East Oaks PDA to serve the new homes being created through development. Such areas may be owned and maintained by an HOA. Legal title is transferred after the land becomes part of a registered land survey (RLS).

### **Existing Trails**

There are two types of existing trails in the City:

1. Natural surface (grass/gravel) trails located around open space areas and three lakes.
2. Blacktop paths located as extensions of one side of the roadway surface.

**Table 20**  
2040 North Oaks Comp Plan  
**Private Existing Parks, Recreation, and Open Spaces**

<b>Facility</b>	<b>Map Reference</b>	<b>Acres/Feet</b>
<b>Community Parks</b>		
<i>West Recreation Area</i>	1	23.14
<i>East Recreation Area</i>	8	5.68
<i>Pleasant Lake Beach</i>	7	7.22
<i>Southpointe Recreation Area</i>	33	13.20
<i>Wilkinson Lake Recreation Area</i>	37	10.00
<b>Total:</b>		<b>59.24</b>
<b>Neighborhood Parks</b>		
<i>Nord Circle</i>	4	2.16
<i>Lake Gilfillan</i>	9	3.35
<i>Bobolink Field</i>	13	2.42
<i>Deer Hills</i>	29	2.25
<i>Lake Estates</i>	30	1.02
<i>Summits Park</i>	35	5.00
<i>East Wilkinson/Villas of Wilkinson Lake</i>	38	7.70
<i>Charley Lake Preserve</i>	39	8.81
<i>Wildflower</i>	40	1.33
<b>Total:</b>		<b>34.01</b>
<b>Open Space</b>		
<i>South Long Marsh</i>	2-3	67.76
<i>Nord Circle</i>	4	40.00
<i>Deep Lake to Pleasant Canal</i>	5	13.47
<i>Island Road at W. Pleasant Lake</i>	10	1.05
<i>Ski Lane/East Oaks Road</i>	11	5.43
<i>West Lake Gilfillan</i>	17	1.14
<i>Red Maple Lane</i>	19	1.94
<i>Main Entrance Ponds</i>	21	2.00
<i>North Long Marsh</i>	22	85.10
<i>Northeast Pleasant Lake</i>	23	15.55
<i>Red Maple Marsh</i>	24	28.00
<i>Northwest Shore Deep Lake</i>	25	13.48
<i>Deer Hills</i>	28	11.62
<i>Larkspur Lane</i>	31	2.00
<b>Total</b>		<b>288.54</b>

<b>Table 20, cont.</b>		
<b>Special Use Areas</b>		
<i>Hill Farm Historical Site</i>	36	5.60
<i>Island Road Trail Access</i>	32	1.50
<i>Mary Hill Park</i>	6	9.63
<i>North Oaks Golf Course</i>	14	167.00
<i>Pleasant Lake South (St. Paul water utility)</i>	15, 16	3.30
<i>Pleasant Lake West Access</i>	20	1.00
<i>Ponderer's Point</i>	34	2.00
<b>Total</b>		<b>190.03</b>
<b>Protected Land</b>		
<i>Conservancy Lands</i>	26	621
<i>Agricultural Lands</i>	26	220
<i>Remaining Allowable Building Area</i>	26	45
<b>Total</b>		<b>886</b>
<b>Trails</b>		
<i>There are currently approximately 23 miles of interconnected trails, most of which are grass, woodchip, or gravel surface.</i>	NA	NA

*Source: Approved plats for development, and the 1972 Agreements among NOHOA, the City, and NOC. Acreages calculated utilizing Ramsey County GIS data.*

### **Park Classification System**

The following classifications are used to describe the general characteristics of existing and future recreation areas in the City:

**Community Parks** – An area of diverse recreational facilities. Community parks may provide athletic facilities, tot lots, special natural features, or be the focus of community festivals or events. Community parks provide facilities for organized recreation programs although unorganized play areas may be available.

**Neighborhood Parks** – An area designated to provide recreation and open space to neighborhood units. Neighborhood parks may provide for non-organized recreation, children's play areas, court games, and passive activities within easy walking distance from home.

**Special Use Areas**– Areas within the community that serve a very specific purpose such as providing a special facility or preserving a unique feature.

**Open Space Area** – Areas set aside to preserve, protect and manage natural or cultural environments. Protected open space areas may include wetlands, woodlands, prairie, or other sensitive and unique areas.

**Protected Land** – The large protected tracts of land set aside by easement in 1999 for conservation and agricultural uses. A significant portion of these lands are under protective covenant and are monitored by the Minnesota Land Trust.

**Trails** – Trails are designated routes for continuous movement, or connections between facilities that include walking, running, biking, cross-country skiing, or other related activity. Trail corridors include the trail and designated right-of-way.

### **Organized Recreation Programs**

Recreation activities within the NOHOA area are planned by a committee chaired by a member of the Association's Board of Directors. The committee consists of volunteers, each of whom coordinates a specific sports program. Deer Hills HOA plans its own recreation programs. Opportunities are available for all ages to participate in active and/or passive sports.

The following organized recreation programs involve continuous participation by NOHOA family members but NOHOA may invite neighboring communities to participate.

1. **Shoreview Area Youth Baseball (SAYB) – Little League Baseball** for boys and girls ages seven through twelve, includes the entire Mounds View School District #621, all of the City, as well as portions of Roseville and the White Bear Lake School Districts. The 2016 Consultant's Study found that of the 590 youth participating in 2016; approximately 85–90 were from the City.
2. **North Suburban Soccer Association (NSSA)** – The NSSA provides a full soccer program to boys and girls ages eight to nineteen residing in the City, as well as Shoreview, New Brighton, Arden Hills, and other communities. The 2016 Consultant's Study identified participation levels as high as 1,400 depending on the season. Of this total, the City youth represented 90–110 participants.
3. **North Oaks Soccer Club (NOSC)** – The recently reorganized NOSC does not have residency requirements. In 2016 the club was expected to have 160 participants with 65 players from the City.
4. **Skating Programs/Hockey League** – NOHOA owns and maintains an ice rink which is used for a variety of activities including hockey practices and free skating time. Organized group activities require at least one NOHOA member to be involved in the activity for access to the rink.
5. **Football & Rugby** – With a resurgence of interest in football in the City, a football field was provided in the mid 90's for use by twenty the City players belonging to the North Suburban Football League (encompassing Shoreview, New Brighton and Arden Hills). Field usage was three to four times per week, including one game. In recent years, the Mounds View Rugby Club and the North Oaks Rugby team have also used the Southpointe and Western Recreation Area fields for games and practices.

6. **Tennis Programs** – The the City tennis program is contracted out by NOHOA to an outside professional who oversees the program for NOHOA members. Since this is a broad age based active recreation activity, any recreation facility planning should monitor the trends and growth of this activity and account for such growth as the population increases.
7. **Local Youth Recreation Programs** – NOHOA organizes several recreational programs each year intended solely for the residents of the City, including ice skating, micro and mini soccer, T-ball, a lacrosse league and maintaining a swimming program at Pleasant Lake Beach. These programs sometimes compete with other programs offered by other organized recreation groups and therefore the participation in these programs fluctuates with the availability and quality of programs outside the community.

#### **Facilities Available Outside the Community**

Many facilities suitable for a larger population base are within a reasonable distance and are available to the residents of the City. Table 21 shows the facilities that augment recreational opportunities for residents.

<b>Table 21</b>	
2040 North Oaks Comp Plan	
<b>Facilities Available Outside the Community</b>	
<b>Facility</b>	<b>Activity</b>
Shoreview Community Center	Pool, Gymnasium, Exercise, Skating Rink, Event Center
Vadnais Sports Center	Skating Rinks, Sports Dome
Lexington Range	Archery
White Bear Lake Sports Center	Skating Rink, Event Center
Lifetime Fitness	Pool, Tennis, Racquetball, Exercise
YMCA - Northeast; White Bear Lake	Pool, Gymnasium, Various Activities
YMCA – Northwest; Shoreview	Pool, Gymnasium, Various Activities
White Bear Lake (Ramsey County)	Beaches, Boating, Fishing
Turtle Lake (Ramsey County)	Beaches, Boating, Fishing
Island Lake Golf Course	Golf Course & Driving Range
Manitou Ridge Golf Course	Golf Course & Driving Range
Ramsey County Parks System	Regional and County Parks, Open Space, Trails
Twin Lakes	Fishing & Picnicking
<i>Source: City of North Oaks</i>	

The Chippewa Middle School, located on Hwy. 49 (Hodgson Road) in western North Oaks, has a swimming pool where community swimming programs for all ages are conducted year-round after school hours. Additional recreational opportunities are available through the Mounds View and White Bear School Districts, which serve the City.

### County and Regional Parkland

There are no parks, open space, or trails within the City under the jurisdiction of Ramsey County as the implementing agency for the Metropolitan Regional Recreation Parks and Open Space System. However, there are four county or regional parks and one regional trail corridor adjacent to the City's borders located in other municipalities.

1. **Poplar Lake County Park** – on the northwest border located in White Bear Township and Shoreview. This undeveloped park is managed by Ramsey County.
2. **Turtle Lake County Park** – located in Shoreview across Hwy. 49 (Hodgson Road) from Chippewa Middle School. This park is operated by Ramsey County and features a boat launch, picnic area, and beach area.
3. **Vadnais-Snail Lakes Regional Parks** – located in Vadnais Heights and Shoreview on the southern boundary of the City. The land is owned by the St. Paul Regional Water Services and Ramsey County and operated by Ramsey County under a Joint Powers Agreement. The park includes trails, picnic area, shoreline fishing areas and a boat launch and swimming beach at Snail Lake.
4. **Bald Eagle-Otter Lakes Regional Park** – located in White Bear Township east of the City. The Park provides boat access to Bald Eagle and Otter lakes, picnic area, off leash dog area, and includes Tamarack Nature Center, which is a 223-acre park and includes a nature center building for programs, preschool classrooms, nature play area, children's garden and nature trails.
5. **Highway 96 Regional Trail Corridor** – located on the south side of Highway 96 from Highway 8 on the west to State highway 61 on the east.

In addition to these four parks, Ramsey County provides a system of regional and county parks, trails and other open spaces that are available for use by the City's residents. The Ramsey County regional facilities are part of the Twin Cities Metropolitan Area Regional Recreation Open Space System coordinated by the Met Council. Ramsey County is one of ten implementing agencies responsible for planning, acquisition, development and operation of the regional system. Ramsey County owns and operates five regional trail corridors (Rice Creek North, Rice Creek West, Highway 96, Birch Lake, and Bruce Vento) and four regional parks (Long Lake, Tony Schmidt, Vadnais-Snail Lakes, and Bald Eagle-Otter Lakes) within four miles of the City. In addition, Ramsey County owns and operates six county parks (White Bear Lake, Turtle Lake, Island Lake, Lake Owasso, Poplar Lake, and Lake Josephine) within a four-mile service area.

## **0. PARKS, RECREATION, AND OPEN SPACE PLAN – FUTURE FACILITIES**

Future park, recreation, open space, and trail facilities are described in the following text.

### Introduction and Summary

Future park, recreation, and open space planning relies on a knowledge of existing facilities, an analysis of community recreation needs and wants, a demographic profile, and an assessment of lands available to meet future park recreation and open space needs. The Parks Report, the 1996 Sanders' Report (see Appendix C), and the 2016 Athletic Field Study were utilized in planning for the future parks and recreational needs of the

community. Their focus may be summarized as threefold:

1. Guide maintenance and development of existing recreation and trail areas; and
2. Identify future recreation, open space and trail needs, and sites in the remaining 1,650 acres of then undeveloped land (since developed as the East Oaks PUD area).
3. Evaluate the inventory and usage of athletic fields currently and in the future.

These park plans are non-public and are on file at the NOHOA offices for reference purposes. In this section of the 2040 Comprehensive Plan, the 2016 Athletic Field Study will be discussed and recommendations from each report will be combined to identify future active and passive recreation priorities.

NOHOA has a long history of supporting youth field sports activities. In 2016 NOHOA commissioned an Athletic Field Facilities Study to determine the sufficiency of athletic field space of appropriate size to accommodate the community's' needs now and in the future. The Facilities Study primarily focused on soccer and baseball field supply and usage, but also looked at football, lacrosse, rugby and ultimate Frisbee needs in the community. The study further analyzed fair share issues as relates to field users from the broader community and to the field to user-ratios for the City and that of nearby communities.

The study identified seven soccer and four baseball fields within the City of various size and utility. In reviewing the use of the fields, it was observed that significant numbers, and sometimes the majority, of youth soccer and baseball players were from other communities at the invitation of NOHOA. Further, when comparing the City with nearby communities, the City has a very favorable ratio of youth population to athletic fields supplied for both sports.

The Facilities Study conclusion was that NOHOA has fully met the athletic field needs for soccer and baseball to a level beyond that of just being adequate. Furthermore, anticipated future growth in the City from new homes and sale of existing homes is not likely to result in sufficient program registrations to warrant additional field space beyond that which is now provided. Additionally, the study found that the needs of football, lacrosse, rugby, and ultimate Frisbee can also be accommodated on existing facilities with perhaps some programmatic changes.

The North Oaks Recreation Plan outlined general recommendations for future active recreation and open space needs denoting trails, linear parks, and preservation of wildlife habitat as the highest priorities. The 1996 North Oaks Recreation Plan was used and referred to determine the agreed-upon location for future parks and trail dedications for the remaining undeveloped lands. The locations of future parks and trail dedications were incorporated into the East Oaks PDA. The East Oaks PDA outlines the following active and open space areas:

1. A 10-acre Community Park which has been completed in the East Wilkinson area.
2. A 7.7-acre neighborhood park, originally to be located in the North Deep Lake area (Rapp Farm), is now located in the East Wilkinson (Villas of Wilkinson Lake) area.

Future improvements are still under consideration for this neighborhood-oriented park.

3. A 1.33-acre neighborhood park in the Wildflower (Peterson Place) neighborhood which has been completed.
4. A 5-acre proposed park in Red Forest Way (North Black Lake) for passive recreation.

#### **Americans with Disabilities Act**

The 1991 passage of the Americans with Disabilities Act (ADA) placed a responsibility on all places of public accommodation—including recreational facilities—to provide equal access to facilities for the physically disadvantaged. Planning of future facilities and the review of existing facilities needs to account for the requirements of ADA. This becomes a necessary component of any planning process involving recreation.

#### **Gender Based and Adult Activity**

Recent trends indicate an increasing participation in girls team sports including hockey, softball, soccer, tennis, pickle ball, and basketball, among others. This growing trend must be recognized to ensure an adequate supply of facilities is available to minimize scheduling challenges among many competing organizations.

#### **Recognizing Trends**

Certain activities ebb and flow in popularity, new activities replace old ones and new participant groups form where none existed before. These trends will affect the City and must be considered when planning recreation facilities. Changing trends call for development of flexible facilities that can be adaptable to such trends.

#### **Demographic Trends**

A household size of 2.47 has been used throughout the 2040 Comprehensive Plan to estimate future populations (see Table 7). Using 2,308 dwelling units as the figure for full development, it is projected the future population will be approximately 5,701 (see Table 9) (source: Met Council).

A population's age and income range, along with the existing and planned land use pattern, influence community decisions on the types and locations of park and recreation facilities. Historically in the City, as indicated by both the 1965 and 1970 census, the City was a child-raising community with a large percentage of the population in the 5-19- and 35-44- year age brackets. The 1980 and 1990 Census began to depict a trend of decreasing persons per household with a large percentage of population in the 18-54-year age bracket. As further evidence of this trend, the 2000 Census recorded, the median age of the community was 44, with only 36.3% of the population less than 35 years in age.

The 2010 Census continues to show evidence of this aging trend. Table 5 illustrates the largest increase in population since the year 2000 was among persons 65 and older, who increased from 450 to 1,144; an increase of 694 persons or over 150%. Similarly, the 55-64-year old cohort grew from 551 to 926, an increase of 375 persons, or 68%. This trend

toward an older demographic distribution is expected to continue in the City and is consistent with many maturing suburbs throughout the metro area.

### **Parkland Standards**

The National Recreation and Park Association (NRPA) has developed standards that are intended to be used by communities to guide active recreation planning. Unfortunately, NRPA standards have been based primarily on average community profiles, densities, and demographic characteristics that are wholly inconsistent with the way the City has developed. For example, the City is unique given its large residential lots, low density, and rural type roads without sidewalks, large areas of woods, some prairie areas, a large lake located in the west central area of the City, and five smaller lakes located throughout the community. Families with above average incomes, an increasing number of middle and older age residents, and child population are other atypical factors influencing parks/recreation planning in the City. The unusually large lot sizes extend the distance a person needs to walk to reach a park/recreation facility, and decreases the overall population density within the City. Prairie areas offer space for active recreation, and wooded areas provide great settings for parks and trails. Finally, the lakes limit the circulation within the City. All of these factors affect how the NRPA standards apply to the City. The 1996 North Oaks Recreation Plan identified future parkland needs based on a North Oaks community profile and was used to develop the terms of the East Oaks PDA.

The Vraa-Feldman Report done for NOHOA in 2016 indicated that the City's existing athletic fields were more than enough to serve both current and future projected residential growth. All of these documents should be referenced for future park planning.

"Tot lots" (small playgrounds for young children) have not been uniformly provided in all neighborhoods. With the exception of those provided within larger parks or at gathering areas (Western and Eastern Recreation Areas, Lake Estates and Pleasant Lake Beach), tot lots have not been included in past recreation planning because, due to the rural community layout, children served by tot lots could not easily access them. Additionally, individual families in the City are typically capable of providing these facilities more conveniently and more safely on their own property. Tot lots may be desirable in future mixed residential and Mixed-Use neighborhoods, and they can also be accommodated within mini-parks.

### **Recreation Planning Objectives**

#### **(A) Active recreation planning should focus on the following objectives:**

Local recreation trends show strong support for active recreation activities. Opportunities to participate in organized sports programs come primarily from the two public school districts serving the City. In the White Bear Lake district, the programs are actively run and administered by the School District. Conversely, programs in the Mounds View school district are organized and run by the individual communities within the district. Active recreation facilities are provided to meet the needs of all future HOA members and the following objectives are met:

1. Perimeter sites at the Southpointe and Wilkinson Recreation Areas have been developed by NOHOA for use by the active recreation organizations that allow the City to participate fully in regional programs.
2. Active recreation facilities within the interior of the community are reserved for HOA members and their member-accompanied guests.
3. Recognize the demographic trend that suggests an increase in the middle age and older population of the City, and develop those recreational opportunities and facilities tailored to the needs of this group.
4. Recognize and incorporate new trends into the planning process that reflect the interests of the growing middle age sector of the community.
5. Develop planned active facilities to provide the needed improvements for the City's future neighborhoods.
6. Each new recreation area should be professionally planned for maximum flexibility and minimal maintenance. Due regard should be given to user safety, accessibility, and the ecological and environmental impacts such development would create.
7. Rely upon the uniqueness of the community in developing recreation standards that fit the profile, layout and needs of the resident population.

**(B) Passive recreation planning should focus on the following objectives:**

The 1994 Recreation Survey clearly showed residents' desire for passive recreation. Of 1,148 surveys mailed to residents, 401 (35%) were returned. When respondents were asked to indicate the three characteristics they most liked about living in the City, they most often noted natural resources (68%), and safety (53%). The four activities engaged in most often were walking (86%), bicycling (63%), gardening (61%), and nature walks (60%). The four activities that showed a high frequency of utilization—together with significant satisfaction with the facilities—were hiking/walking, wildlife observation, nature observation, and utilization of the trail system. The five most important areas for future planning emphasis or investment were trails for hiking (49%), trails for biking (39%), the swimming beach (33%), cross-country ski trails (32%), and the tennis courts at the East Recreation Area (26%).

Sixty-five percent (65%) of the respondents felt it was important to acquire additional land for trails. With regard to parks and open space, 60% of the respondents felt it's "very important" to have park areas within the City. Sixty-four percent (64%) felt it "very important" to have nature trails. Eighty-one percent (81%) felt it is "important" or "very important" to have undeveloped open space. These and other results indicate that "passive" or trail-based activities in a natural environment are the predominant choices of the City residents.

NOHOA's recreation survey conducted in 2013 confirmed that the highest priority of current residents is clearly in the area of trails, passive parks, and preservation of natural resources. Passive recreation planning should therefore focus on the following objectives:

1. All passive recreation areas and trails should be located within the interior of the community. To preserve privacy, trails should not touch the perimeter roads of the City.

2. Recognize that a large majority of residents indicated in the 1994 recreation survey the importance of natural resources and trails. This trend is consistent with responses to an earlier recreation survey done in 1982.
3. Recognize the demographic trends indicating an increase in the number of middle age and older residents which will result in a greater need for and use of passive recreation facilities.
4. Recognize the number and importance of wetlands, moraines and uplands in the area defined by the East Oaks PDA, and the desirability of incorporating these natural features into an overall network of parks and trails.
5. Emphasize the conservancy of the natural and cultural environment of the City.
6. Recognize the needs of an aging population in developing and maintaining safe roadside pathways.
7. Each existing and new recreation area should be professionally planned for maximum flexibility and minimal maintenance. Due regard should be given to user safety, accessibility, and ecological and environmental preservation.
8. Develop educational/awareness materials for new and existing residents regarding appropriate natural site design concepts, shoreline restoration, landscaping for wildlife retention, and living within a natural environment.
9. Continue acquisition and development of trails consistent with existing NOHOA standards for the east and north sections of the City.

#### **Passive Recreation: Future Trails and Parks**

The NRPA does not recommend development standards for passive recreation areas because such facilities do not have specific requirements like active areas (i.e., specific field sizes). The following methodologies are suggested approaches for the planning and designation of passive recreation areas including trails:

#### **1. Analyze the natural characteristics of the community**

Consider the topographical characteristic (flat or rolling), woodland characteristics, prairie, wetland, or upland characteristics, the nature of soils, terrain, and hydrological cycles, solar, and cardinal orientation, presence and interaction of flora and fauna.

#### **2. Apply the principles of landscape ecology.**

These principles include:

##### **a. Connectivity**

Passive areas should connect, not fragment the various ecosystems (the interrelatedness of living organisms to their environment and to each other). Wetland should connect to uplands, natural openings and forest fringes should connect to maintain ideal habitat quality for plants and animals. By maintaining connections, the movement of animal species to and from shelter, food and water is facilitated, and the uplands act as a filter for water flowing toward wetlands.

##### **b. Interior, Fringe, and Open Space**

Each plant and animal species needs specific habitat qualities to survive—food, water, and shelter in a spatial relationship that is ideally suited to their needs. For

example, some animals and birds prefer the interior of a wooded area where the tree canopy is dense; others such as deer live on the fringes of wooded and shrub areas; and still others such as bluebirds prefer open prairie. Specific birds and animals live in trees; others spend most of their lives on the ground, underground or in open water or marshes. To survive, certain plants need shaded conditions afforded by a dense forest while other plants need full or partial sunlight. Indigenous or native species should be encouraged by maintaining or enhancing the critical habitat elements that presently exist.

**c. Biodiversity**

To maintain biodiversity (the presence of a variety of plants and animals) of indigenous species, proper principles of connectivity and open space (both on the interior and fringe) must be followed. By maintaining various habitats and connecting ecosystems, biodiversity will occur. To avoid the introduction of non-native species, care should be taken in changing the relationship between interior and fringe open spaces.

**3. NOHOA Trail Planning Concepts**

As discussed in the landscape ecology principles identified above, the passive recreation plan will also need to incorporate human interaction with the natural environment in order to be appreciated. NOHOA trails are private and have always been the mainstay for member enjoyment of the natural environment. The following planning concepts should be considered in the development of passive areas to maximize enjoyment by residents.

**a. Provide a Variety of Spatial Experiences**

Trails should weave inside and outside the fringes of space, move up and down, and take advantage of interior enclosing spaces as well as exterior open spaces. Curvature will add interest and suspense to what lies ahead.

**b. Concept of Vista and Spatial Dimension**

Locate the topographical "windows" into the landscape that allow users to appreciate the dimension of the open space over both small and large visual expanses.

**c. Exploration of Boundaries**

Trails should move through edges and along edges of interior and exterior space (for example, at the edges of wetlands, the boundary of the woodland canopy, along ridges and creeks, within an enclosing woodland canopy).

**d. Connectedness of Experience**

Trails should join the variety of landscapes in a connected, continuous pathway; preferably in a single loop or a series of clustered loops. Dead end trails should be avoided except to showcase a natural feature or vista.

**e. Design for Appropriate Use**

Trail qualities vary based on their intended use. Identify the type of use appropriate to the trail, and make the trail appropriate to the landscape. For example, a bicycle trail is necessarily different than a walking trail, and the speed with which one moves through the open space will affect its placement, design, and even the level

of appreciation of the natural environment. Off-road and “fat-tire” bicycles should also be considered when planning the community trail system.

**f. Design with Nature**

Respect natural and topographical features by placing trails parallel to contours; avoiding steep slopes, loose soils, drainage ways and wetland fringe areas.

**g. Maintain Privacy**

Construction of new internal trails should not include connections to external regional trails to maintain the privacy the community enjoys.

**Future Trail Planning**

The exact location for future trails will be determined as part of the development review process. A key recommendation from all citizen reports and surveys has been to develop future trails, parks and preserve natural resources. Each park site has important natural resources (i.e., mature stand of trees), and thus the preservation of these resources is encouraged as part of future subdivision design. Each private subdivision will be required to provide an internal private trail system, which connects to the private NOHOA-wide trail system. All future trails should be designed to meander within a subdivision. The City will continue to require extension of the existing private trail system.

To complete the existing private comprehensive trail system, the following segments will need to be added in the future as opportunities arise:

**Section A. The Hill Farm Trail (Black Lake to Carlson’s Mussa)**

The Hill Farm Trail extends from Black Lake along the base of the wooded hillside and adjacent to the wetland area near the Hill Farm. The Hill Farm is an important historic site. From an area near the Hill Farm, the linear park/trail goes in two directions to connect both ends of Carlson’s Mussa. The exact location of the trail connections should be coordinated with future development so that both the trail and the home sites can be developed in the best possible manner.

**Section B. The Carlson’s Mussa Trail (Around Carlson’s Mussa)**

The Carlson’s Mussa Trail extends the linear park system around Carlson’s Mussa and includes the wooded area between Carlson’s Mussa and Deep Lake. Carlson’s Mussa is one of the City’s significant natural resources. The area contains native plant communities and diverse wildlife habitat. The development potential of adjacent land is very high and will require unusual care and sensitivity in order to preserve the natural resources of this area. A trail corridor is recommended between the wetlands of the Mussa and the upland area because of the special quality of this natural resource.

**Section C. South Wilkinson Lake Trail**

Future trail planning will be needed in conjunction with the proposed PUD neighborhoods abutting Centerville Road including Anderson Woods, Gate Hill, and Island Field. Subdivision of these three areas will require careful review to coordinate new trail connections with the existing interior trail system.

**Section D. North Wilkinson Lake Trail**

The North Wilkinson Trail extends from North Deep Lake Trail northeasterly to the boundary between the City and Lino Lakes and continues east and south along the eastern side of Wilkinson Lake and north to County Rd I where it turns west and runs toward the Rapp Farm subdivision where it dead ends. Further extensions of the trail should be undertaken to connect the trail between the Rapp Farm area and East Wilkinson Park to avoid dead-end trails and increase connectivity.

**Section E. Nord Trail**

The future Nord subdivision located north of North Deep Lake Road and west of Rapp Farm should incorporate a continuous trail to accommodate year-round trail activities with connection to the existing interior trail system.

**Future Community Parks and Neighborhood Parks**

The City will have neighborhoods which currently are not served by active recreation areas. Two (2) future recreation areas are planned to meet the needs of existing and future neighborhoods. They are:

1. **East Wilkinson/Villas of Wilkinson Lake Site: 7.7 acres** – The location of this new neighborhood park has been relocated from Rapp Farm to the East Wilkinson area. It will serve the needs of NOHOA members. Future facilities should include open fields, court games, benches, picnic areas and access to the trail system. Facilities should be neighborhood oriented. Organized sports are not recommended for this park. This private park should connect to the trail system.
2. **Black Lake/Red Forest Site: 5 acres** – This proposed neighborhood park will serve residents of the currently developing Red Forest neighborhood. Future recreation facilities shall be limited to passive recreation and informal play. Playground structures and buildings are not proposed. This park should connect to the interior trail system.

**P. PARKS, RECREATION AND OPEN SPACE PLAN – POLICIES**

1. Compatibility with the natural environment shall be a primary consideration in designating areas for use as parks, recreation, and open space.
2. The City, in connection with the East Oaks PDA, reached an agreement with NOC on the development of the East Oaks PUD areas with regard to the appropriate land for parks, recreation, trails and open space. NOHOA consented and joined in certain provisions of the agreement. The City will continue to require other sub-dividers to provide sufficient appropriate land for parks, recreation, trails and open space as determined necessary.

3. The City will continue to require that NOHOA or another HOA has the responsibility of ownership and maintenance of all parks, recreation, protected land, and open space land.
4. All recreation land, facilities and roads are privately owned with an easement for the HOA and are available only to members and their member-accompanied guests.
5. The City will comply with accessibility requirements, wherever feasible, both for new and existing facilities.
6. The City will use the principles of landscape ecology for all recreation areas including connectivity; interior and fringe open space; and biodiversity.
7. Additional on-road trails should be avoided.
8. Prioritize parks and trails in all future planning; recognizing they create opportunities for community members to increase their physical activity, which can improve mental health, decrease obesity, diabetes, heart disease and other chronic diseases.
9. Consider people's changing recreational preferences in planning local parks. Evaluate population size and demographic characteristics to determine the specific needs for park space, proximity, access and community facilities that serve as the foundation for park systems.
10. Take into account the value of tree canopy in park and trail planning; preserving a healthy tree canopy can serve a number of public health benefits such as providing shade on hot days, reducing heat island effects, improving air quality, improving water quality, improving livability and more.
11. The City may meet with NOHOA to discuss future trail planning.
12. There is no fishing in the City. Fishing is not permitted by residents or member-accompanied guests of residents of the City as per Minnesota Natural Resources Department Statute 6262.0500 and pursuant to the City's deeds and declarations.

#### **Q. MUNICIPAL SERVICES – CITY GOVERNMENT**

The City Hall offices are located in leased space in the Financial Building at 100 Village Center Drive and near the North Oaks Village Center at Highway 96 and Highway 49 (Hodgson Road). It is staffed by a full-time city administrator, a full-time deputy clerk-treasurer, and two part-time administrative assistants. Local elections are held at this site and Waverly Gardens.

City Council meetings are held on the second Thursday of each month at 7:00 p.m. at the Community Meeting Room at 100 Village Center Drive and are broadcast on cable TV Channel 16 for those who are unable to attend.

Communication to residents is maintained through a website that coordinates information for the City in one location ([www.cityofnorthoaks.com](http://www.cityofnorthoaks.com)) and social media platforms, such as Facebook.com. The City sends E-blasts (emails) to residents of the City whom have signed up for the service. Additionally, the "North Oaks News," is a local newspaper mailed monthly to all residents. Election registration and dates, animal licensing, summaries of new ordinances, individual sewage system maintenance procedures, and other information relevant to residents is included. And finally, HOAs distribute newcomers' packets containing important information about the community that new residents should know. The City's official newspaper for legal publications and public hearing notices is the Shoreview Press.

Members of the City Council are responsible for various government functions (i.e., Acting Mayor, Lake Johanna Fire Department Board Member, Planning Commission Liaison, Natural Resources Commission Liaison, Finance Committee) and are representative to other governmental bodies as needed. The Council contracts with a cable TV coordinator as an independent contractor.

The City contracts annually with the following professional consultants. Each is paid on a fee basis as services are required.

- City Attorney
- City Engineer
- City Forester
- City Planner
- City Prosecutor
- Building, electrical, and sanitary inspection. Inspection is covered by fees as provided for in city ordinances and charged to inspected properties.
- Individual septic treatment system inspections
- Domestic animal control
- Recycling pick up and hauling
- Roadside mowing and trimming and the erection/maintenance of regulatory traffic signs.

#### **R. MUNICIPAL SERVICES – LAW ENFORCEMENT**

Ordinance 32 (codified as section 30.02) states that law enforcement shall be provided under contract agreement between the City and the Ramsey County Sheriff. The cities of Shoreview, Little Canada, Vadnais Heights, Falcon Heights, White Bear Township, Arden Hills, and North Oaks, all located in northern Ramsey County, contract for the Sheriff's services under separate Joint Powers Agreements. The level of service is determined by each city and costs are divided accordingly. The budget for policing is the largest single item in the City budget. The level of sheriff services and the contract method adequately provides for law enforcement in the City.

#### **S. MUNICIPAL SERVICES – FIRE PROTECTION**

Fire protection service is provided by contract with the Lake Johanna Fire Department Incorporated, which maintains one of its four stations on Highway 49 (Hodgson Road) in the western part of North Oaks. The cost is apportioned to each participating city, including Arden Hills, Shoreview, and the City of North Oaks. A mutual aid agreement is in effect with neighboring fire departments. The insurance category assigned to a city is determined by the Insurance Services Office. Ratings are based on a scale of 1 to 10, with 10 being the equivalent of no protection. The City of North Oaks' rating as of July 2002 is either a 4 or a 10 depending upon the area of the City. A member of the City Council serves on the Lake Johanna Fire Department Board of Directors. The Lake Johanna Fire Department Board indicates that the fire protection in the City is at an adequate level.

**T. MUNICIPAL SERVICES – POLICIES**

1. The City will continue to contract for services whenever possible rather than employ permanent city employees.
2. The City will continue communication with residents by the use of the *North Oaks News*, special mailings, public meetings, social media, e-blasts, the City website and cable TV programming.
3. The City continue to encourage citizen participation in service to the government and community.

**U. MUNICIPAL SERVICES – SOLID WASTE**

Each homeowner contracts with a private hauler for the removal of solid wastes. Ordinance 5 (codified as sections 93.01 through 93.07) along with Zoning Ordinance 94 (section 151.030) outline provisions and standards for refuse storage. Zoning Ordinance 94 (section 151.032) regulates smoke, dust, odors, and noise. The City contracts with a private hauler for monthly recycling services for all residents.

**V. MUNICIPAL SERVICES – ELECTRICITY, GAS, TELEPHONE, AND CABLE TELEVISION**

The City is provided electricity and natural gas by Xcel Energy with the exception of the Deer Hills development, which is supplied with electricity through the Anoka Electric Cooperative. Telephone service is supplied by Century Link, and cable service is provided by Comcast (TV, Internet, and some home alarms).

The restrictive covenants attached to each lot owner's real estate deed provide that the NOC shall have an easement, which it may assign in whole or in part to NOHOA or to individual public utilities, to install electrical and telephone lines. The lines within the City have been installed pursuant to said easement. The natural gas and electricity lines are installed pursuant to the same easement provision and as specified in Ordinances 78 and 79 (codified as TSO I). Cell towers are only allowed within areas guided for Light Industrial development.

In addition, section 152.066 of Subdivision Ordinance 93 (codified as Chapter 152) provides for easements at least twelve feet wide adjacent to each lot for utilities. Since 1968, all electrical and telephone distribution lines have been installed underground.

**W. MUNICIPAL SERVICES – EDUCATIONAL SERVICES**

North Oaks is served by two public school districts: White Bear Lake, Independent School District 624; and Mounds View, Independent School District 621. The majority of developed land is in the Mounds View School District. Most of the future development will be in the White Bear school district area. The White Bear Lake School District's jurisdiction includes about a third of the total area of North Oaks. (See Appendix A, Map 21 – School Districts and Voting Precincts). Both school districts bus students to their assigned schools. Both school districts offer special education, alternative, and summer programs. Each has a community education program for adults. City students also attend private and parochial schools serving the northern suburbs and private schools in the metropolitan area. Many of these schools offer transportation service.

## **CHAPTER 4: IMPLEMENTATION**

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### **A. INTRODUCTION**

In 1999, the City approved the East Oaks Planned Unit Development (East Oaks PDA), which established the development pattern for all remaining undeveloped land within the community. Development of the East Oaks area is occurring as envisioned by the approved PUD and as stipulated in the associated PDA narrative. The success of the East Oaks PDA to date has prompted the City to adopt very few changes to the overall vision and direction established in the 1999 and 2008 Comprehensive Plans. Consequently, implementation of the 2040 Comprehensive Plan will not require any substantial amendments to code or further actions by the City. Instead, the City will remain focused on implementing the East Oaks PDA as approved, and amending the City's code of ordinances only when necessary to achieve the goals and policies contained within the 2040 Comprehensive Plan.

### **B. OFFICIAL CONTROLS**

The relatively few changes to the 2040 Comprehensive Plan since the last update in 2008 dictate that few changes are needed to the City's official controls. However, in an ongoing effort to preserve the physical and environmental characteristics that define the City, the City will continually review its local ordinances to ensure proper controls are in place to achieve the goals outlined in this plan. The City will take steps to adopt regulations ensuring that sump pumps, foundation drains, and roof leaders are not allowed to drain to sanitary sewer connections. Other examples of topics that will be continually assessed are the treatment of invasive plant species such as Buckthorn and the protection of the City's tree cover through tree preservation requirements. Additionally, the City will continue to review and update this plan on a regular basis. Amendments to the Comprehensive Plan may be initiated by citizens, land owners, NOHOA, the Planning Commission, and City Council. All proposed Comprehensive Plan amendments require a public hearing. Existing official controls which will continue to play a key role in implementing this plan include the following regulations.

#### **Regulations**

The City will continue to rely on its zoning code as the primary means of implementing its land use policies, goals, and objectives as outlined in the 2040 Comprehensive Plan. The City also utilizes its Shoreland Management Ordinance, Subdivision Ordinance, Zoning Ordinance, and local surface water management plan in effectuating the 2040 Comprehensive Plan.

#### ***Zoning Regulations***

Zoning regulations have been carefully crafted to ensure that the unique character of the community is preserved for future generations. The preservation of the natural environment is vital to the quality of life in the community and will continue to be of the utmost concern in the regulation of land use throughout the community and shall be reflected in all zoning considerations. As previously discussed in this plan, the East Oaks PDA continues to be the primary development mechanism for the City. As detailed in

Chapter 2 of the 2040 Comprehensive Plan, the City has created six separate residential districts and a mixed-use commercial/residential district to promote a variety of housing types, densities, and commercial entities to meet the needs of the community, and to implement the East Oaks PDA and follow the preservation and commitment to the natural environment. The City's PUD standards and procedures will continue to be utilized in processing and implementing the remaining phases of the East Oaks PDA. In the coming years, the remaining PUD developments will continue to add diversity to the City's housing stock, as it has over the past two decades. The City does not envision the need for any modifications to the Zoning Ordinance in order to implement the remaining phases of the East Oaks PDA. The City's current zoning map is included in this plan in Appendix A, Map 7 – Existing Zoning Districts.

### ***Subdivision Regulations***

Subdivision regulations in place require careful oversight by both the Planning Commission and the City Council. The City's subdivision ordinance works to facilitate the community's unique development and municipal management structure in that the regulations require that homeowner associations be established with mandatory membership along with declarations of covenants, conditions and restrictions. These regulations ensure the ongoing responsibility for operation and maintenance of common areas, recreational areas, roadways and other common property. HOAs are required to maintain adequate financial capabilities to fulfill these responsibilities. The North Oaks' Planning Commission and City Council are empowered through the subdivision ordinance to ensure that all subdivision and land development conform to the City's Comprehensive Plan. Each subdivision is reviewed for conformity to the Comprehensive Plan.

### ***Shoreland Management***

The City's Shoreland District regulations were adopted in consultation with the Minnesota Department of Natural Resources, consistent with statutory requirements. The regulations act to guide development and utilization of shoreland areas adjacent to protected surface waters for the preservation of water quality, natural characteristics, economic values, and general health, safety, and welfare. The water bodies and surrounding shoreland areas encompassed by the protection of these overlay regulations include:

#### **Natural Environment Lakes**

Black Lake

Wilkinson Lake

#### **Recreational Development Lakes**

Deep Lake

North Mallard Pond

South Mallard Pond

Teal Pond

Gilfillan Lake

Pleasant Lake

Charley Lake

**Tributary Streams**

Tributary systems including all protected watercourses in the City shown on the Protected Waters Inventory Map for Ramsey County.

***Wetland Preservation***

Wetland preservation and protection is achieved through the City's Surface Water Management Plan (SWMP). The SWMP, which is incorporated into the 2040 Comprehensive Plan for reference, continues to designate the Vadnais Lake Area Water Management Organization (VLAWMO) as the official Local Governmental Unit (LGU) with responsibility for wetland management in conformity with the Minnesota Wetlands Conservation Act (WCA) of 1991 its amendments and rules (MN Chapter 8420) and other state federal and regional regulations. The East Oaks PDA, as approved by the City, also contains protection provisions including wetland setback performance standards.

***Historic Preservation***

The City's Historic Preservation ordinance was established to recognize and preserve the historic James J. Hill North Oaks Farm. The site is located on the south side of Pleasant Lake and owned by the Hill Farm Historical Society. Three buildings on the site have been restored. Mary Hill Park located on the north side of Pleasant Lake is owned by NOHOA and is of historic significance.

**C. CAPITAL IMPROVEMENT PROGRAMMING**

Capital improvement programming involves identifying major community facilities or activities needed to serve existing development or to support future growth, and determining when these should be provided and how to pay for them. The City's 2008 Comprehensive Plan did not include a capital improvement plan as it was determined that the long-standing municipal management structure and public/private partnership in place did not warrant and would not benefit from this effort. In preparing for this 2040 Comprehensive Plan, officials of the City have once again examined the land development practices, community facilities' needs, and financial considerations to evaluate what direction a capital improvements program could take. It has been concluded that local development procedures and capital improvement plans do not indicate a need for such a program. Herewith is a review of development procedures which have led to this conclusion.

Most land development has been done by a single developer who used a staged and contiguous growth pattern. This avoids the necessity of extending services without sufficient income to support the services at a reasonable cost. Restrictive covenants covering each lot provide for an HOA to assume responsibility for road maintenance and recreational facilities. Because of the success of this development pattern since 1950, City ordinances were enacted which officially support the development pattern and procedures.

**In the City, a developer is responsible for:**

1. Installing all blacktopped roads to meet NOHOA standards.
2. Providing all road name signs.

3. Providing for sustainable stormwater best-management practices, including stormwater management and retention of natural drainage and ponding areas.
4. Providing sufficient open space and recreation land enhancements to meet the needs of the development, NOHOA, and HOA members.
5. Installing sanitary sewer facilities and providing for adequate water facilities in planned unit development and commercial districts and in single-family and medium-density areas when necessary.
6. Including restrictive covenants running with the land to provide for a homeowners' association to assume certain stated responsibilities within the development.

**A homeowners' association (HOA) is responsible for:**

1. Providing all recreational facilities, such as buildings, tennis courts, playfields, swimming beach, and facilities.
2. Maintaining roads, bridges open space, recreational lands, trails, and a maintenance building.

**A commercial association (CA) is responsible for:**

1. Managing and maintaining common facilities, such as roads, utilities, ponding, lighting, and sewer.

The City government contracts for police and fire protection and leases space for the City office; therefore, capital investment is not required for municipal buildings or equipment.

In most of the City, developers and lot owners in single-family homes have installed individual wells and onsite sanitary sewage treatment systems when houses are built and are solely responsible for their ongoing maintenance. Homeowners also contract independently for refuse disposal from private haulers.

Gas, electricity, telephone service, and cable TV are supplied by private utility companies, which extend service from an already serviced area to an adjacent area.



AGRICUTRAL  
EASEMENT  
(MLT)



COUNTY RD 12 E

CENTERVILLE RD

CENTERTHILL RD

GATE HILL

WETLAND  
B-561

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