

North Oaks



Minnesota

Red Forest Way South
Comprehensive Plan
Amendment

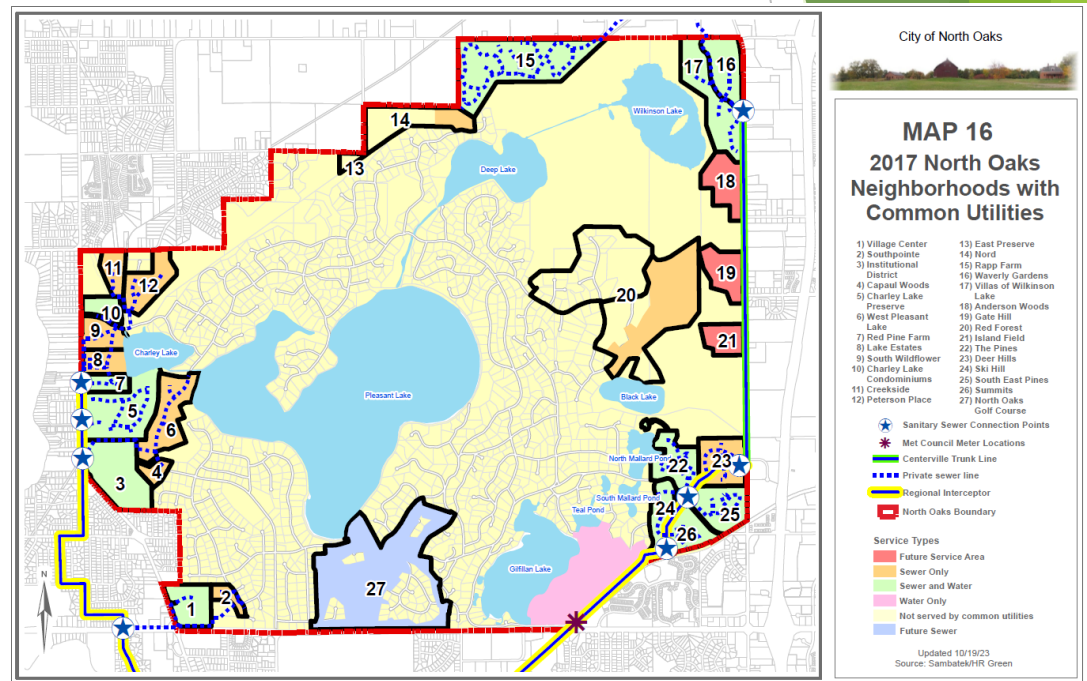
March 4, 2024

Background

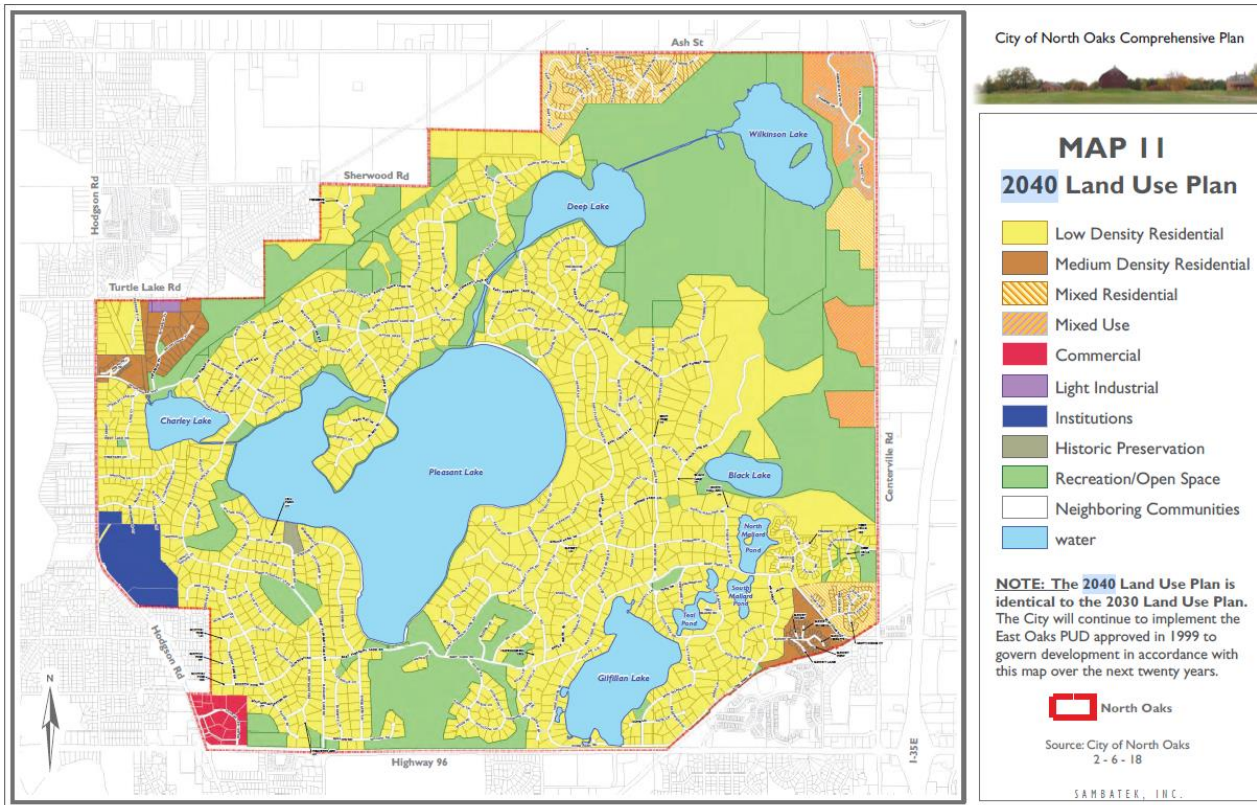
- ▶ On May 5, 2023 North Oaks City Council approved the Comprehensive Plan Amendment
 - ▶ Final Subdivision in North Oaks
- ▶ On June 7, 2023 the City submitted the application to the Metropolitan Council
 - ▶ We had several meetings with Metropolitan Council staff before and after our submission
- ▶ The application was deemed complete on November 8, 2023
- ▶ City asks for approval to connect 23 lots to sanitary sewer as anticipated the 2040 (and prior) comprehensive plans

Request

- ▶ Request is simply to add 23 lots to the MUSA
- ▶ 2040 Comprehensive Plan authorized by Metropolitan Council anticipates for this amendment
- ▶ 1998 approval of 2020 Comprehensive Plan acknowledged unique characteristics of North Oaks
 - ▶ Density “is inconsistent with Regional Growth strategy...and represents a departure, but not a substantial departure...”



2040 Land Use



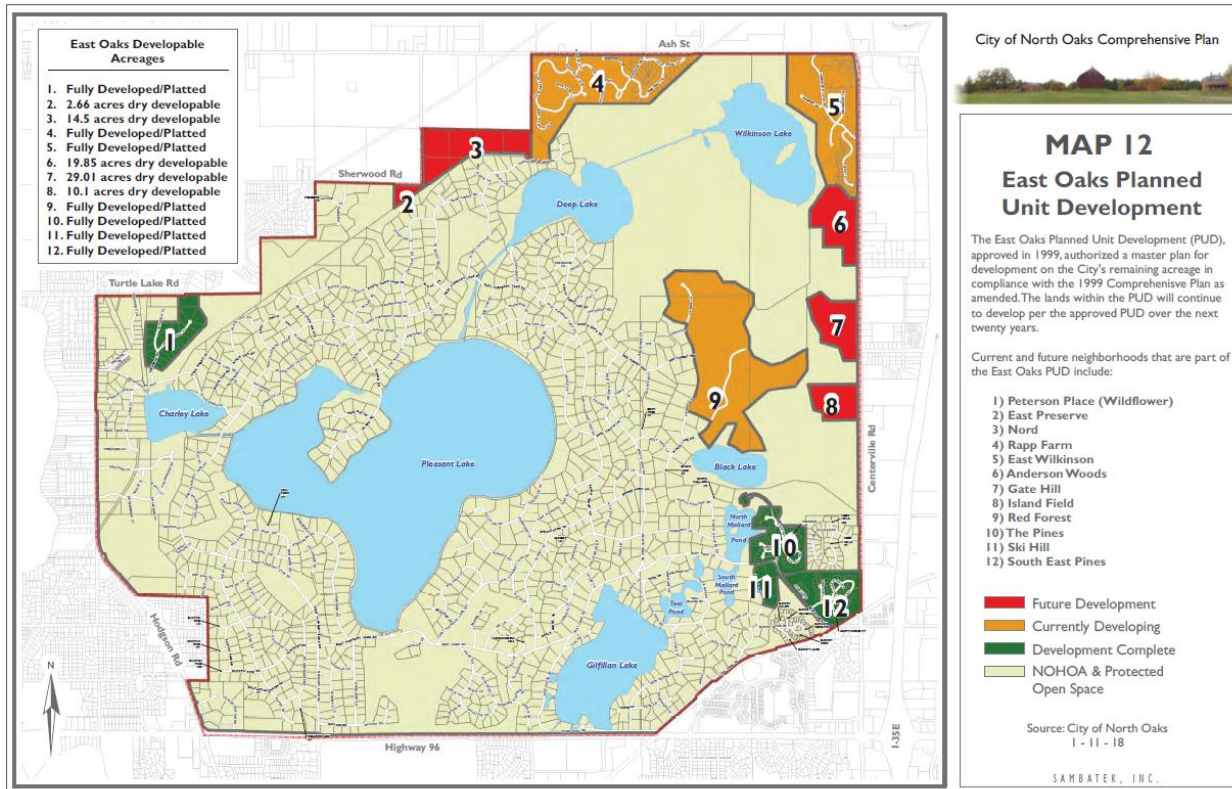
Background

- ▶ There is no other City like North Oaks
- ▶ Began as a water source for St. Paul (and 14 other communities) in 1865
- ▶ Was purchased by James J. Hill as an agricultural research farm
 - ▶ Remained in the family since 1884
- ▶ In 1950 the Hill Family established The Company to plan a private residential community
- ▶ In 1956, the City of North Oaks was incorporated
- ▶ In 1967, the Metropolitan Council was established
 - ▶ One of the primary missions was to deal with failing septic systems and wastewater impacts to lakes, rivers and streams

Key Issues

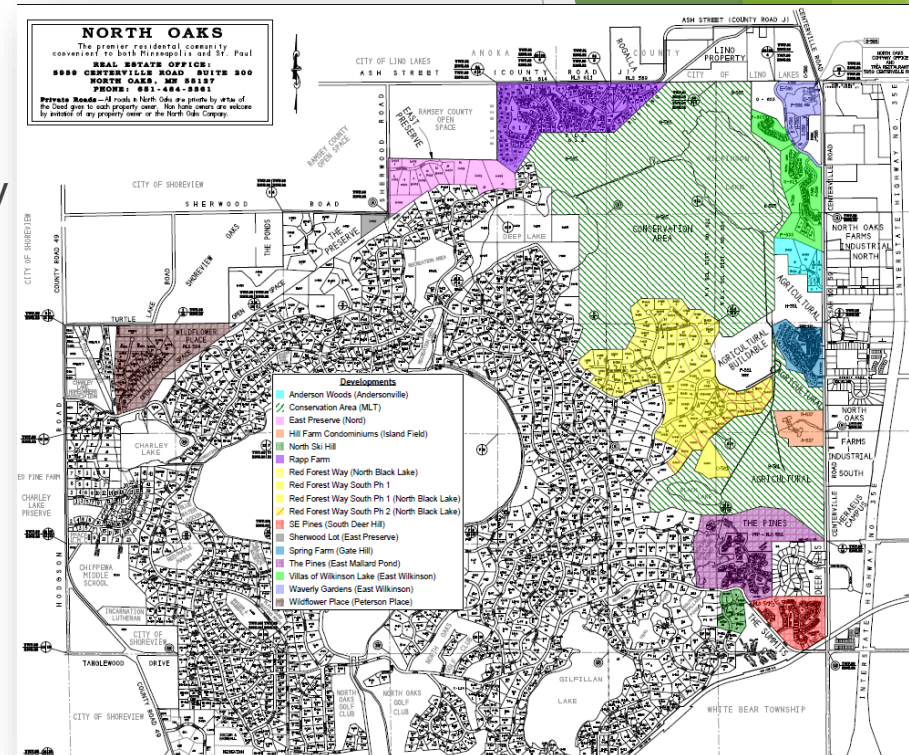
- ▶ Does NOT set a precedent
- ▶ Supports environmental protection
- ▶ Supports St. Paul Regional Water System
- ▶ Is NOT a substantial departure
- ▶ The Metropolitan Council DOES have the legal authority to approve the City's request as submitted

1999 East Oaks PUD



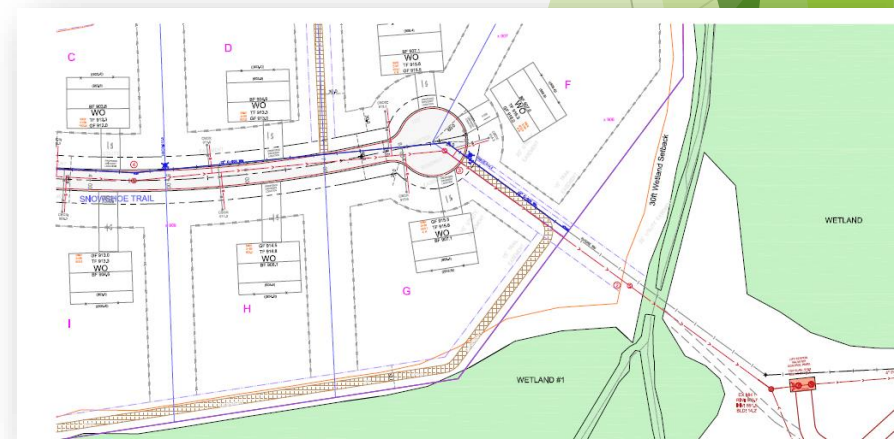
No Precedent

- ▶ North Oaks is unlike any City in the state
 - ▶ The Metropolitan Council has repeatedly acknowledged this uniqueness during Comprehensive Plan review
 - ▶ The deed restrictions established in the 1950s prohibit further subdivision
 - ▶ This is the final subdivision in the City
 - ▶ 900 acres (16%) in permanent conservation
- ▶ No regional infrastructure upgrades are planned to serve future development
 - ▶ 23 lots added



Environmental Protection

- ▶ The City was founded on a vision of environmental protection
 - ▶ The founders established the community vision in 1950 based on the best information available to protect the water supply
 - ▶ Our current requests asks for the same for the final subdivision
- ▶ The wastewater connection is adjacent and has capacity
 - ▶ Connection is the responsible choice
 - ▶ Protects natural resources



Water Supply Protection

- ▶ The SPRWS serves St. Paul and 14 other communities with water from North Oaks
 - ▶ Serves 446,000 customers
- ▶ Limiting the use of septic systems in sensitive areas protects water supply
- ▶ MCES Water Resources Policy Plan notes that SSTS should be used when access to a municipal system is not feasible
- ▶ The lift station approximately 400 feet away
 - ▶ Has capacity for these 23 lots
 - ▶ JPA in place and intended to serve this land

NOT a Substantial Departure

- ▶ The 1998 approval of the 2020 Comprehensive Plan
 - ▶ Specifically notes that sanitary sewer and water may be provided to serve the East Oaks PDA property
 - ▶ Acknowledges that the 2020 plan “is inconsistent with Regional Growth strategy...and represents a departure, but not a substantial departure...”
- ▶ The 2040 Comprehensive Plan notes “For future developments in the East Oaks PUD area, the subdivider may utilize centralized sanitary sewer depending on sewer accessibility and sewer line capacities.”
 - ▶ There is adequate capacity
 - ▶ The service connection for 23 lots will not have substantial impact on the regional system serving more than 1 million
 - ▶ We simply asking to implement the plan

Council Discretion

- ▶ The staff report outlines three options for the CDC
- ▶ The fourth option is to approve the request as submitted
- ▶ The Council has the legal authority to approve the amendment to change the community designation and allow the connection
 - ▶ MN Statute 473.175, Subd. 1: “The council may require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the council concludes that the plan is *more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans*” (italics added).

Council Discretion

- ▶ The Water Resources Policy says that “Substantial impact or departures may result either from over-utilization or under-utilization.”
 - ▶ This is a policy document not law
 - ▶ Gives the Council discretion as far as what constitutes a substantial impact
 - ▶ Allowing 23 lots on 72.2 acres is not a substantial departure for the regional system

Summary

- ▶ The City of North Oaks is unique
 - ▶ It was created to preserve significant natural resources, including water supply
- ▶ These unique conditions make it impossible for the City to meet the Metropolitan Council density goals
 - ▶ A fact that has been acknowledged at least since 1998 when plan showed a density of 1.8 upa
 - ▶ If the City was allowed to calculate density by deducting deeded park and open space, it would be close to 3 upa
- ▶ The statutes give the Council the authority to approve the request
 - ▶ The approval would not create a precedent

Request

We ask the Community Development Committee to use the discretion granted by state statutes and council policy to support for our request to allow this final subdivision in the City of North Oaks to be added to the MUSA based on the unique circumstances in North Oaks.