



February 29, 2024

Eric Wojchik
Planning Analyst
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101

RE: Comprehensive Plan Amendment – Red Forest Way South

Dear Mr. Wojchik:

The City of North Oaks (City) is requesting a comprehensive plan amendment to allow a change in designation for 23 lots from Rural Residential to Emerging Suburban Edge for the Red Forest Way South subdivision to allow this final subdivision in the City to connect to sanitary sewer. Please provide a copy of this letter to the Community Development Committee and Metropolitan Council as part of our applicant materials. We will be at upcoming meetings to present our case.

The staff presentation to the Metropolitan Council Community Development Committee did not include much of the background information that has been provided by the City with its application and as a result provided only a partial picture of the unique circumstances surrounding the City's application for a comprehensive plan amendment that would protect vital water resources and other environmental features by adding a mere 24 additional connections to the MCES wastewater system as part of the build out of the very last subdivision to occur within the City.

1. Precedent

The City of North Oaks is unique in the metropolitan region. There is no community in the region like North Oaks and, therefore, decisions that are made regarding North Oaks must acknowledge the unique characteristics of the City and understand that those circumstances exist nowhere else. North Oaks is not Lake Elmo: it is a fully built-out suburb that has completed the course of its development. There is no potential for significant future residential development within the City, there are no wastewater system upgrades or investments which are planned based on projected future development density within the City; there is no risk that allowing the connection of 23 lots to the existing wastewater system will result in growth occurring in other locations where it will be more expensive to provide urban services. Therefore, decisions regarding North Oaks will not set a precedent for future Council actions because there is no other City within the metropolitan area in a similar position to the City. Moreover, it is the City's understanding that this is the first time in well over a decade, if not the first time ever, that the Council has been faced with a proposed comprehensive plan amendment that has resulted in the Council following the process it is currently following with respect to the City's amendment.

The uniqueness of the City is a result of its development primarily by a single developer and its primarily low-density residential uses to protect the natural environment. The land that is now the City of North Oaks was





originally purchased by Charles D. Gilfillan to control and protect the future water supply to St. Paul. The 3,500 acre farm was purchased by James J. Hill in 1883. In 1950, the children of his son Louis W. Hill established The North Oaks Company (“The Company”) and worked with nationally recognized planners and landscape architects to plan a private residential community, which is the only city of its type in Minnesota. Neither the City of North Oaks nor the Metropolitan Council existed at this time. Orderly conservation development was assured by the use of perpetual deed restrictions on the property and the North Oaks Homeowners Association (NOHOA) was established. The City and it contains the largest natural conservation area in the Twin Cities totaling 900 acres (16% of City). In 1956, the City was incorporated.

NOHOA and the City do have some overlapping responsibilities, but what is unique is that:

- a. The infrastructure is built by The Company and maintained by the residents/NOHOA, not the City. The HOA has complete responsibility for road maintenance (but not traffic safety and regulatory signs) and stormwater systems, parks and open spaces.
- b. All homes within the City are subject to perpetual deed/declaration covenants (except 14 homes). The deed restrictions prohibit subdivision of lots by individual owners.
- c. The land developer has certain responsibilities as described by the perpetual covenants. The City’s role is more limited than in most other communities because the maintenance of infrastructure is primarily the responsibility of The Company or NOHOA.

2. Environmental Protection

The community of North Oaks was founded on a vision of environmental protection. The Company planned out the community to protect a regional water system operated by St. Paul Regional Water Service (SPRWS). At the time the community was developed, the regional wastewater system did not exist and the City founders adopted private covenants (the best tool available at that time) to protect our natural environment. Those covenants limit the total number of lots that can be created in the City. Red Forest Way South includes the final 33 home subdivision in the City. This is the last subdivision that can be developed. The lots could be developed with individual subsurface sewage treatment systems (SSTS), but when the Company determined that the wastewater system is adjacent to this subdivision, has capacity to service this final subdivision and that the topography allows to the wastewater system, it believed it would be irresponsible not to connect 23 of the 33 lots. While SSTS is used throughout the community, the opportunity for potential contamination of the wetlands and lakes is less with the wastewater system and we believe that makes sanitary sewer the responsible choice for this final development within the City.

3. St. Paul Water System

As noted on the Metropolitan Council Environmental Services website: “By 2040, the Twin Cities region is projected to grow by 500,000 people. Protecting, conserving, and utilizing the region’s groundwater and surface water in ways that protect public health, support economic growth and development, maintain habitat and ecosystem health, and provide for recreational opportunities is essential to our region’s quality of life.” The City agrees that protecting groundwater and drinking water is essential. The SPRWS system in the City provides drinking water to 446,000 customers in 14 cities, including the City of St. Paul, and the City is driven to protect all water resources in these communities. One way to do that is to limit the use of new SSTS when





the regional system is available for use. Septic systems are listed as prime sources of nonpoint source pollutants in the Water Resources Policy Plan (Appendix B, Table B-1) and it is noted that they should be used when access to a municipal system is not feasible (Appendix E). In this case, access to the municipal system is feasible and we ask to be able to connect.

4. No Substantial Departure

The East Oaks PUD (Planned Unit Development) is a master development plan for the east 1,650 acres of the City (885 acres of which are permanently preserved). The East Oaks PUD was approved in 1999, with the consent of the Metropolitan Council, as referenced in the attached letter, dated November 16, 1998. The Planned Unit Development Agreement for East Oaks specifically notes that sanitary sewer and water may be provided to serve the properties. Red Forest Way South is the final subdivision in the East Oaks PUD and in the City of North Oaks. It is our understanding the Forest Lake Interceptor has ample capacity to allow for a connection of these 23 lots in the final development area in the City.

Moreover, the Metropolitan Council has previously authorized the City to implement the 2040 Comprehensive Plan. The plan says: "For future developments in the East Oaks PUD area, the subdivider may utilize centralized sanitary sewer depending on sewer accessibility and sewer line capacities" and "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." The City has always intended to make sanitary sewer an option for this property and believes that was clear in the adopted 2040 Plan. We are now asking to be able to implement that section of the Plan.

The planned Red Forest Way South subdivision is adjacent to other property in the City served by public sanitary sewer and water and it makes sense from an economic and environmental perspective to connect these units as planned in the 2040 Comprehensive Plan. There is adequate capacity in the lift station and we are working to finalize the details with White Bear Township for an amendment to the Joint Powers Agreement for service.

5. The Metropolitan Council Has the Legal Authority to Approve the City's Requested Comprehensive Plan Amendment

The Metropolitan Council has the authority to approve the City's proposed comprehensive plan amendment as submitted, without requiring any modification to its request to extend the MUSA to include the 23 identified lots, change the designation of those lots to Emerging Suburban Edge, and allow connection of those lots to the existing adjacent wastewater system notwithstanding the fact that to do so may result in the City's overall density for sewered development areas to fall below 3.0 units per acre. MN Statute §473.175, Subd. 1. says "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).





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 and does give the Council discretion as far as what constitutes a substantial impact of departure. May is a permissive term; it is not a mandatory term; the Council’s hands are not tied by either statute or policy in this situation. While development of thousands of acres of property, such as was proposed by Lake Elmo, at densities that are lower than the anticipated density for emerging suburban development could have such an impact, allowing the development of 23 lots on 72.2 acres is not a substantial departure when viewed in the context of the wastewater system as a whole. Moreover, even if the comprehensive plan amendment were to meet the technical definition of a “substantial departure,” such a determination does not end the Council’s inquiry. It can still choose, in light of the unique circumstances at hand and miniscule impact on the overall wastewater system, not to require the City to make any changes to its comprehensive plan amendment to move the City’s last subdivision development into the MUSA, allow its redesignation as Emerging Suburban Edge, and allow these twenty-three lots to connect to the existing wastewater system.

Summary

The City was created to preserve the significant natural resources. These natural resources include the water supply to St. Paul and 14 other cities, a nearly 900-acre conservation area, numerous lakes and wetlands and a significant portion of the City is in the shoreland overly district. These natural resources, acres of park land and the deed restrictions make it impossible for the City to meet the Metropolitan Council density goals, a fact that the Metropolitan Council has acknowledged in its prior approvals of the City’s prior comprehensive plans since 1998, when the City’s 2020 comprehensive plan was approved despite having an overall density of 1.8 units/acre. The January 16, 2024 staff report accurately states that adding this land to the service area would decrease the community-wide planned density, as that density is calculated by the Council, which does not take into account the significant private park and conservation areas that exist within the City to under 3.0 units per acre; if such lands were taking into consideration in the applicable density calculations, the City would be very close to 3 units per acre.

While the City does not meet the desired 3 units per acre density in the MUSA, it does protect significant natural resources that benefit the region by protecting the water supply to hundreds of thousands of residents in the metropolitan area who are supplied with drinking water by St. Paul Regional Water Services . The unique circumstances in North Oaks would not apply to any other city in the Region and would not set a precedent.

We ask the Community Development Committee and the Metropolitan Council 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.





CITY OF
NorthOaks
Building on a tradition of innovation

If you have any questions, please contact me at 612.638.0225 or City Administrator Kress at 651.792.7755.

Sincerely,
Landform

Kendra Lindahl, AICP
City Planner

COPY: Kevin Kress, City Administrator
Peter Lindstrom, District 10

ENCL: November 16, 1998 Comprehensive Plan Approval Letter
2040 Land Use Plan (Map 11)
East Oaks PUD (Map 12)



p 651-792-7750
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www.northoaksmn.gov



100 Village Center Drive, Suite 230
North Oaks, MN 55127

November 16, 1998

Ms. Nancy Rozycki
City of North Oaks
100 Village Center Drive, Suite 150
North Oaks, MN 55127

RE: City of North Oaks
Comprehensive Plan Update
Metropolitan Council District No. 11
Metropolitan Council Referral File No. 16730-2

Dear Ms. Rozycki:

At its meeting on November 12, 1998, the Metropolitan Council considered the city of North Oak's comprehensive plan update. This consideration was based on a report of the Community Development Committee. A copy of this report is attached.

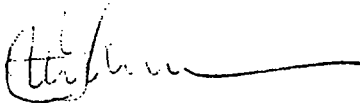
The Metropolitan Council adopted the attached Review Record with the following recommendations:

1. The city may place it's 2020 comprehensive Plan including MUSA expansions into effect with no modifications. Although the plan suggests development of 580 units on public sewer which would result in a density of 1.8 units per acre, the city should work toward developing its future sewered land in line with maximum permitted densities, which would raise the overall residential density to 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. The sewer plan needs to outline how the 258 acres will be serviced through this trunk sewer.
3. The current inter-community agreement between the City and the Town of White Bear does not allow for the full service of the 258 acres. Therefore, the Tier II plan update will need to include one of the following service plan options:
 - Limit total discharge from the 258 acres to the trunk sewer to 120,000 gallons per day (gpd) as allowed under the current agreement.
 - Re-negotiate a new service agreement with the township that allows for the full discharge of the 258 acres to the trunk sewer facility.
 - Limit total discharge to the trunk sewer to 120,000 gpd and construct a separate trunk sewer for direct connection to the metropolitan interceptor to accommodate the balance of the discharge from the 258 acres.
4. The city is encouraged to examine and compare housing needs to current LCA goals, to modify LCA goals as appropriate, and to continue participation in LCA and work with communities in the area to meet affordable and lifecycle housing needs.

Nancy Rozycki
November 16, 1998
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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.

Sincerely,



Curt Johnson
Chair
CJ:lv

Attachment

Theresa Greenfield, AICP, McCombs Frank Roos Associates, Inc.
Guy Peterson, Sector Representative
Linda O'Connor, Office of Local Assistance

METROPOLITAN COUNCIL
Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101
651 291-6359 TDD 651 291-0904

REPORT OF THE
COMMUNITY DEVELOPMENT COMMITTEE

DATE: November 12, 1998

TO: Metropolitan Council

SUBJECT: **City of North Oaks Comprehensive Plan Update**
MUSA Addition
Metropolitan Council District No. 11
Metropolitan Council Referral No. 16730-2

SUMMARY OF COMMITTEE DISCUSSION:

The committee discussed the North Oaks Comprehensive Plan Update. The committee had questions and concerns with the city's proposed densities, both sewer and rural, and with the city's housing policies.

Richard Thompson addressed the committee's questions and concerns. However, the committee continued discussion of the plan update to the November 12, 1998 meeting. At this meeting, Richard Thompson presented a revised review report of the North Oaks plan. The committee discussed this report, and accepted the report and the recommendations.

RECOMMENDATIONS:

That the Metropolitan Council adopt the attached Review Record with the following recommendations:

1. The city may place its 2020 comprehensive Plan including MUSA expansions into effect with no modifications. Although the plan suggests development of 580 units on public sewer which would result in a density of 1.8 units per acre, the city should work toward developing its future sewer land in line with maximum permitted densities, which would raise the overall residential density to 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. The sewer plan needs to outline how the 258 acres will be serviced through this trunk sewer.
3. The current inter-community agreement between the City and the Town of White Bear does not allow for the full service of the 258 acres. Therefore, the Tier II plan update will need to include one of the following service plan options:
 - Limit total discharge from the 258 acres to the trunk sewer to 120,000 gallons per day (gpd) as allowed under the current agreement.
 - Re-negotiate a new service agreement with the township that allows for the full discharge of the 258 acres to the trunk sewer facility.
 - Limit total discharge to the trunk sewer to 120,000 gpd and construct a separate trunk sewer for direct connection to the metropolitan interceptor to accommodate the balance of the discharge from the 258 acres.

4. The city is encouraged to examine and compare housing needs to current LCA goals, to modify LCA goals as appropriate, and to continue participation in LCA and work with communities in the area to meet affordable and lifecycle housing needs.
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.

Submitted by:

Martha M. Head
Committee Chair

Craig Rapp
Division Director

Special Community Development Committee Meeting of November 12, 1998

METROPOLITAN COUNCIL

Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101
(651) 291-6359 TDD 612 291-0904

DATE: REVISED November 11, 1998
TO: Chair and Members of Community Development Committee
FROM: Richard Thompson, Linda O'Connor, Office of Local Assistance (602-1098)
SUBJECT: City of North Oaks Comprehensive Plan Update with MUSA Additions
Metropolitan Council District No. 11
Metropolitan Council Referral File No. 16730-2

EXECUTIVE SUMMARY

ISSUE: Should the Council permit the city of North Oaks to put its Year 2020 Comprehensive Plan into effect?

POLICY IMPLICATIONS: The North Oaks Comprehensive Plan raises three policy issues for the Council:

1. Is the proposed range of new housing density in North Oaks consistent with the Regional Blueprint benchmark of at least three housing units per residential acre?
2. How does the Council respond to communities that propose to develop permanent rural uses at high rural densities in the Urban Reserve?
3. How does dedication of large tracts of land to permanent park or open space within the MUSA or Urban Reserve fit Council policies?

The Council's Regional Growth Strategy identifies North Oaks as within the Illustrative 2020 policy area. In this policy area, the Council recommends that communities plan for new, sewer development at a minimum of three units per residential acre in areas where urban services will be provided prior to 2020. The Council expects that land not guided for urbanization by 2020 that is required Urban Reserve be held at one unit per forty acre density until sewers become available.

The plan guides the remaining 1675 acres of undeveloped land in North Oaks as follows: a Metropolitan Urban Service Area (MUSA) expansion of approximately 524 gross (326 net) acres to accommodate between 580 and 1,080 future sewer households (1.8--3.3 units per acre); rural development on 288 acres at a density of about .74 units per acre (29 units per 40 acres) and a permanent conservation easement to the Minnesota Land Trust on 855 acres in the city.

The average residential density proposed in new MUSA areas in the city is currently expected to be as low as 1.8 units per acre and according to the zoning could be as high as 3.3 units per acre. The lower density is not consistent with the Regional Growth Strategy is not in conformity with and represents a departure, but not a substantial departure, from the Wastewater Treatment and Handling Policy Plan.

Development in the city's unsewered areas is more dense than Council policies recommend (in areas like North Oaks, the land not proposed to be developed before 2020 would be expected to be treated as Urban Reserve with one unit per forty density). In North Oaks, the city is proposing to develop at low densities of .74 dwelling unit per gross acre on 288 acres of land (29 units per 40 acres). This is inconsistent with the Regional Growth strategy, is not in conformity with and represents a departure, but not a substantial

departure, from the Wastewater Treatment and Handling Policy Plan. The city's on-site wastewater management program is in full compliance with Council policy.

The plan proposes that 855 acres of land (see shaded area in attachment 1) be permanently protected through conservation easements, which will be granted to the Minnesota Land Trust. The land will be owned and managed by the North Oaks Company, and the land will be used for study, wildlife management and open space. The land will not be available for public use.

FUNDING IMPLICATIONS:

PREVIOUS ACTIONS: The Metropolitan Council previously reviewed North Oaks Comprehensive Plans in 1980 and 1994. The Council informally reviewed this plan in 1998.

DISCUSSION: The city's comprehensive plan meets most Metropolitan Land Planning Act (LPA) requirements for 1998 plan updates. The plan includes all the system plan elements needed by the Council to assess impacts on metropolitan services and Council long-range policy plans, including transportation, wastewater, parks and airports. The plan does need a Tier 2 Sewer Plan which provides detailed plans for handling sewer flows and an updated surface water management plan. Its housing element does not meet LPA requirements.

The City of North Oaks is 83% developed (but only 64% if the 855 permanent conservation easement is included as developed or undevelopable). The average residential density proposed in these new MUSA areas is currently expected to be as low as 1.8 units per acre and according to the zoning could be as high as 3.3 units per acre. This represents a significant increase in the city's overall residential density from the past as a result of guiding land for lifecycle housing including sewer townhome and other multi-family housing. This resultant growth would meet or exceed Council forecasts.

North Oaks indicates that its unsewered development will be rural with lots of more than one acre in size. The Regional Growth Strategy suggests a density of no more than 1 unit per 40 acres in Urban Reserve areas; North Oaks' proposed density in these areas on approximately 288 acres is .74 units per acre (29 units per 40 acres). This density is not consistent with Council policies for the Urban Reserve and therefore is inconsistent with the Regional Growth Strategy.

Although rural development at such densities (.74 units per acre) is inconsistent with the Regional Growth Strategy and represents a departure from the Wastewater Treatment and Handling Policy Plan, it is not a substantial departure for these reasons: the two northern sites (see Attachment 1, sites 1 and 2) are small, non-contiguous to sewer and adjacent to a regional park; the larger east central site consists of mature hardwood forest, the development of which at low densities will preserve most trees; lower densities will result in less surface water runoff thereby protecting the wetlands and eventual receiving waters for the St. Paul Water system.

The North Oaks Company intends to grant a conservation easement on 855 acres to the Minnesota Land Trust to coincide with the current development. This protected land will be owned and managed by the North Oaks Company and is intended to be managed as a permanent conservancy area. The city along with the owner, a Hill descendant, is proposing this conservation easement to protect the historic Hill farmstead with the possibility of a future interpretive center. The land includes sensitive and fragile environmental resources which the one owner is proposing to protect.

With the exception of approximately 150 homes and several schools and churches, the community relies on individual on-site systems for sewage treatment. The City of North Oaks has only small portions of the community within the MUSA. These areas are served by two metropolitan trunk sewer lines (Shoreview/Forest Lake interceptors). The 1998 Comprehensive Plan allows between 580 and 1,080 units on 524 gross (326 net) acres to be added into the MUSA. The addition of these lands (units) and

commercial land use (21 additional acres) into the MUSA will not result in projected treatment flow rates exceeding design capacities of either the Forest Lake or Shoreview interceptors.

The Council's policy also looks to communities to plan for and create the opportunity for the development of affordable housing. In response to community interest, the city's plan provides a limited opportunity to develop some life-cycle housing, but includes no provision for affordable housing.

RECOMMENDATION:

That the Metropolitan Council adopt the attached Review Record with the following recommendations:

1. The city may place its 2020 comprehensive Plan including MUSA expansions into effect with no modifications. Although the plan suggests development of 580 units on public sewer which would result in a density of 1.8 units per acre, the city should work toward developing its future sewered land in line with maximum permitted densities, which would raise the overall residential density to 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. The sewer plan needs to outline how the 258 acres will be serviced through this trunk sewer.
3. The current inter-community agreement between the City and the Town of White Bear does not allow for the full service of the 258 acres. Therefore, the Tier II plan update will need to include one of the following service plan options:
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 - Limit total discharge to the trunk sewer to 120,000 gpd and construct a separate trunk sewer for direct connection to the metropolitan interceptor to accommodate the balance of the discharge from the 258 acres.
4. The city is encouraged to examine and compare housing needs to current LCA goals, to modify LCA goals as appropriate, and to continue participation in LCA and work with communities in the area to meet affordable and lifecycle housing needs.
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.

ATTACHMENT A: REVIEW RECORD

REVIEW OF THE NORTH OAKS COMPREHENSIVE PLAN

BACKGROUND

The City of North Oaks is a developing community located in northern Ramsey County. In 1949 the Hill family began developing its North Oaks Farm into a residential community. It encompassed approximately 5,550 acres. The St. Paul Water Utility has the right to control the water in the lakes. All of St. Paul's drinking water filters through North Oaks' lakes and wetlands. In 1950 the North Oaks Company began to plan a residential community with sufficient commercial areas to serve the needs of area residents.

North Oaks is a very unique community. In addition to the fact that North Oaks Company is the single owner of the undeveloped portion of the community, approximately 1,300 lots have been platted for residential use with each owner required to be a member of a Homeowners' Association responsible for road maintenance, recreational lands and facilities. North Oaks has 1,011 acres of open water in lakes and ponds. All of the surface water entering the St. Paul Water System flows through the city of North Oaks. The City's population in 1996 was 3,718 with a projected population in 2020 of 5,150. The number of households in the city in 1996 was 1,231 with a Council forecasted number of households of 1,900 in 2020.

AUTHORITY FOR REVIEW

The Metropolitan Land Use Planning Act (Act), as amended, requires local units of government to submit comprehensive plans and plan amendments to the Council for review (Minn. Stat. 473.864, Subd. 2). The act requires Council review of the plans to determine their conformity with metropolitan system plans, apparent consistency with other adopted plans of the Council, and compatibility with the plans of other local jurisdictions in the Metropolitan Area (Minn. Stat. 473.175, Subd. 1).

ANALYSIS

Staff reviewed the plan amendment for conformity with regional system plans, for consistency with the Regional Blueprint, and for compatibility with the plans of adjacent governmental units/school districts.

Regional Blueprint (Linda O'Connor, 602-1098)

North Oaks is a developing community. The city has about 1,667 undeveloped acres in the north and east part of the city including 21 acres guided for commercial. If this commercial land is not developed commercially, it will be developed as residential at densities of 5 units per acre.

The Council's Regional Growth Strategy identifies North Oaks as "Illustrative 2020 MUSA". In this policy area the Council recommends that communities plan for new, sewered development at a minimum three units per residential acre in areas where urban services will be provided prior to 2020. The city's comprehensive plan allows a 1.8 to 3.3 units per acre density. The following table compares the Council's and the city's forecasts for population, households and employment. The city can meet and exceeds Council forecasts.

North Oaks	Households	Population	Employment
1990	1,085	3,386	400
2020	2,080	5,813	950
Met Council			
1990	1,085	3,386	370
2020	1,900	5,150	900

The following table compares North Oaks' residential mix and density of both historic (column 2) and forecasted (column 3) development, as well as that proposed in the comprehensive plan (column 4).

City of North Oaks	Historic Trends	Growth Strategy Assumption through 2020	This Plan Update
Housing Mix			
Single Family	97%	74%	90%
Multiple Family	3%	26%	10%
Density			
Single Family	0.9	2.3	LD Res - 1.45 u/ac MD Res - 1.10 u/ac Mixed Res - 4 u/ac Mixed Use - 4 u/ac
Multiple Family	2.5	10	1.0 u/acre w/wetlands

Regional Growth Strategy

The Council anticipates that communities will plan for an overall residential density of at least 3.0 units per residential acre for new, sewered development. Communities can meet this requirement by allowing a combination of high and low density development. The growth strategy strives for a range of housing choices.

The city's plan proposes an average range of densities between 1.8 and 3.3 units per acre. The range maximum is consistent with the Council's goals and policies. Densities lower than 3.0 are inconsistent with the Regional Growth Strategy and would be a departure from Council policy. Staff finds in this case that lower densities are not a substantial departure because of the city's unique ownership and commitment to its natural resources. The city's remaining undeveloped land is held by a single owner. The owner is not driven by the need to maximize development of the land, but more by the landowner's desire to protect and preserve environmental features. North Oaks has many lakes and wetlands that serve as filters for water flowing into the St. Paul Water System; 100 percent of the surface water into this system flows through North Oaks. The city has unique and fragile environmental features such as oak savannas, groundwater recharge areas and plants and animals. The city was founded with major emphasis placed on "...retention of the environment including the natural topography, woodlands, ponds and wetlands; prevention of pollution to the environment; and retention of ground water recharge areas." (North Oaks Comprehensive Plan p. 8) In addition, many of the services typically provided by municipal government are provided by homeowners associations.

Communities typically calculate the total number of units allowed on a property by referring to the land use type and density, along with the zoning. North Oaks adds a step to identify natural and environmentally sensitive features that the city wants to protect. The units that can be located on the remaining (net) property is the total number of units allowed. If the city was to develop the land using the standard approach accepted by the Council, the resulting residential densities would be 3.3 units per acre. However, since the city protects certain natural features, the resulting densities may decrease to 1.8 units per acre.

Development proposed in the city's three unsewered areas is more dense than Council policies recommend; for Urban Reserve land, the Council recommends a density of one unit per forty acres in order to preserve the land for future sewer development. In North Oaks, the city is proposing to develop at low densities of .74 units per gross acre on 288 acres of land in three parcels. The first parcel is very small and will accommodate 2 units; it is in the northwest part of the city adjacent to Shoreview. The second parcel of about 60 acres is in the northern part of the community, south and east of Poplar Lake Regional Park. This parcel is adjacent to White Bear Township and not adjacent to existing MUSA. The third parcel which consists of approximately 200 acres is in the east central part of North Oaks and is a hardwood forest. It is adjacent to and planned for development on small rural lots that continue the past development pattern of the city. The city has a strong commitment to preservation of natural and environmental resources; that commitment to preserve the environment and the existence of the forest led the city to propose low density residential development on that parcel. Council policies promote consideration of environmental limitations in development in Policy 4 of the Regional Blueprint: "The Council will consider the limitations of the natural environment to support development in its regional land use, infrastructure and development plans...The Council will also examine how well environmental capabilities are reflected in local land use plans and development projects that it reviews." Action Step 4B (3) further states: "Through its review of comprehensive plans and projects, work to minimize the environmental impact of development on all drainage features so that their natural functions can operate unhindered..." This action step is especially important since St. Paul's water supply is vitally linked to surface water in North Oaks.

North Oaks' on-site ordinance contains more stringent standards than required by PCA (7080). The city's ISTS management program is consistent with Council policies.

The North Oaks Company intends to grant a conservation easement on 855 acres to the Minnesota Land Trust to coincide with the current development. This protected land will be owned and managed by the North Oaks Company and is intended to be managed as a permanent conservancy area. Although some of this land is upland and could be developed, the Council would expect park and open space to include both developable and undevelopable lands. The Council's Recreation Open Space Development Guide Policy plan states (p. 16): "Qualities that make a piece of land highly desirable as an outdoor recreation area...include such characteristics as good quality lakes, undulating topography, heavy stands of timber, interesting clusters of wild plants and known habitats of native birds and animals." The plan further promotes development of regional parks inside the MUSA in policy 8 (p. 16): "The development of facilities that attract large numbers of users should be confined to parks and park reserves located in the Metropolitan Urban Service Area unless the demands for heavily used services cannot be adequately met at properties in the urban service area." The Council has planned and developed regional parks such as Grey Cloud Township Regional Park in areas shown on the Regional Growth Strategy as Urban Reserve.

Implementation/Capital Improvement Program (CIP)

City ordinances require that covenants must be attached to each residential lot providing that a Homeowners Association (HOA) shall be responsible for the ownership and maintenance of all recreational/open space areas and all road maintenance for the benefit of property owners within an HOA area. In each commercial area there must be an easement and declaration agreement providing for a commercial association to assume responsibility for ownership and maintenance of sewer segments and maintenance of other facilities and common areas, including roads, within that commercial association's jurisdiction. The city government, as authorized by Minnesota statutes, is responsible for all other functions normally found in city government.

There are no public capital improvements planned to implement the 1998 North Oaks Comprehensive Plan, for these are normally provided by the homeowners association, commercial association or North Oaks Company.

Regional Systems

The plan amendment is in conformity with the system plans and policies for Aviation, Transportation, and Recreation Open Space.

Transportation (Ann Braden, 602-1705)

The transportation element of the North Oaks comprehensive plan is in conformity with the Transportation Policy Plan and addresses all the applicable transportation and transit requirements of a comprehensive plan. The plan has no impacts on the metropolitan transportation system.

There are no metropolitan highways with the city of North Oaks, although I-35E lies just outside the city's eastern limits. Several "A" minor arterials serve as elements of the city's boundaries: Hwy 96 on the south, Hodgson road on the west, CR J on the north and Centerville Road on the east. These are county roads. Hwy 96 is currently being upgraded from two to four lanes. Future traffic volumes for these roads indicate a potential capacity problem on Hodgson Rd. To address this, the county will be constructing curb and gutter northward from the Hwy. 96/Hodgson Rd. intersection and eventually reconstructing the entire section to Birch Lane as a three lane road. Within the City of North Oaks is a network of minor collector roadways, all of which are privately owned and under the jurisdiction of the North Oaks Home Owners Association (NOHOA).

North Oaks has been an active participant in the I-35E corridor study and the recommendations of the study have been incorporated into its plan. The corridor study group continues to meet quarterly to monitor land use and road improvement projects within the study area (from north of I-694 to CR J). It was determined the probable level of development could be accommodated with varying levels of improvements to I-35E and the local street systems. However, maximum development of all land uses for the participating cities could not be accommodated with the I-35E system. For the City of North Oaks, the corridor study assumed more development than the approximately 660 dwelling units and 21 acres of commercial use to be built in the study area. These numbers are significantly less than accounted for in the I-35E corridor study and do not exceed the "probable development" scenario.

The city will work with Ramsey County on the preparation and implementation of Ramsey County access management policies. Staff recommends that the city incorporate these policies into its plan.

The only public transit service the plan identifies is the North Suburban Line, which operates along Hodgson Road to downtown St. Paul during morning and late afternoon working hours with limited service at other times. The plan should also include the availability of North Suburban express service in the town of White Bear, on the east side of North Oaks, via I-35E and Centerville Road to downtown St. Paul. This line stops at the Cub Foods park and ride site at Hwy. 96 and Centerville Road. Metro Mobility and Metro Commuter Services are available for use by North Oaks residents.

Sanitary Sewers (Kyle Colvin, 602-1151)

The North Oaks Comprehensive Plan is not in conformity with the Wastewater Treatment and Handling policy plan and represents a departure from that plan. It is a departure because the city's proposed density (1.8 to 3.3 units per acre) within urban service areas is below the Council's requirement of 3.0 units per residential acre. Further, the plan proposes development within Urban Reserve areas at densities much greater (29 units per 40 acres) than the Council requirement of one unit per 40 acres.

Metropolitan sanitary sewer service is provided to the city of North Oaks through two primary interceptors: 1-SV-436A and the Forest Lake Interceptor (MCES 6901). The city's future sewer development will be served by these two interceptors.

The plan is not in conformity with the Water Resources Management Policy Plan if the city ultimately develops the remaining land at densities less than 3.0 units per acre. The policy plan says "...timing and density of development which is inconsistent with the Blueprint and which would affect the cost of providing sewer service will be viewed as a departure from, or having a substantial impact on the metropolitan wastewater system". If the land develops at the allowed densities, the city will meet the Council's density. If the land develops less densely at 1.8 units per acre, the plan would be a departure from the regional wastewater system policy plan.

The plan identifies that 258 of the total 524 MUSA expansion acres are to be served through the Centerville Trunk Sewer. The plan identifies 49 residential lots in the MUSA expansion which will be served through 1-SV-436A and 529 residential lots served through MCES 6901 (423 via Centerville Trunk + 106 directly). The plan also identifies within the expansion, 21 acres of commercial/retail use that will also be served through the Centerville Trunk sewer.

The plan states that development in the MUSA expansion area will generate an additional 176,446 gpd going to the Forest Lake interceptor, 147,402 gpd of which is through the Centerville Trunk sewer, and 15,070 gpd going to the Shoreview interceptor, 1-SV-436A. This equates to a total flow increase of 191,516 gpd for the city as a result of the addition of the MUSA.

In reviewing the historic flows for North Oaks to the Shoreview and Forest Lake interceptor facilities, and by adding the projected flows from the MUSA expansion areas, the ultimate flows generated from the proposed development when added to the existing flows are within the capacity available to the city.

The current agreement covering the connections from North Oaks that are served through White Bear Township allows for a maximum flow of 120,000 gpd generated from a predetermined area of 143 acres. Under the Comprehensive Plan being reviewed, this agreement will need to be revised and re-executed since both the maximum flow discharge and service acreage will be exceeded. The Town has indicated to the City that there is 164,160 gpd of capacity in the Centerville Trunk sewer available for North Oaks.

On-Site Septic Systems

Wastewater needs of the City of North Oaks are primarily met by on-site septic systems. Per City Ordinance, all septic treatment systems are located, designed and installed in accordance with City Building Codes, and Minnesota Rules Chapter 7080. Soil percolation tests are conducted on each site and lot boundaries are set to ensure that each lot will have two 5,000 square foot ISTS sites. North Oaks on-site sewage treatment system ordinance contains more stringent standards than required by the State. The City has a rigid education and inspection and maintenance program for its residents. The city's ISTS management program is consistent with Council's policies.

Water Resource Management (Jim Larsen 602-1159)

Surface Water Management

The City of North Oaks is currently in the process of updating the Surface Water Management plan element of its comprehensive plan. This plan element is anticipated to be submitted in mid 1999. The city has adopted the Council's interim strategy.

Water Supply

The city is exempt from the need to complete a water supply plan because the city does not have a public water system.

Other Metropolitan Development Guide Chapters:

Housing (Linda Milashius, 602-1541)

The Metropolitan Land Planning Act (LPA) and Council policy call for urban service area communities to plan for affordable and life-cycle housing opportunities. The LPA directs communities to prepare a land use plan that includes “a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and regional needs, including but not limited to the use of official controls and land use planning to promote the availability of land for development of low- and moderate-income housing.”

The LPA further requires that the comprehensive plan present an implementation program that describes the “public programs, fiscal devices and other specific actions” to implement the plan “including official controls to implement the housing element..., which will provide sufficient existing and new housing to meet the local unit’s share of the metropolitan area need for low and moderate-income housing.”

The Council’s Blueprint says “the Council will work with local communities in a partnership to meet the range of housing needs of people of various life-cycle stages; broaden locational choice and access throughout the region for the people of all income levels; and support use of public funds to help achieve these goals. The Council will use the state Livable Communities Act to further this goal.”

The comprehensive plan should include analysis of needs, appropriate affordable housing goals and an implementation strategy to accomplish such goals. North Oaks is a participant in the Metropolitan Livable Communities Act (LCA) Local Housing Incentive Program (LHIP). At a minimum, the plan should include the housing goals set by the city as it began participation in the LCA appropriately modified to reflect findings of the needs analysis. The plan does, however, provide the opportunity for some development of life-cycle housing by guiding a limited amount of land for multifamily housing.

As the city continues participation in the LCA, it may fulfill the LCA’s requirement regarding local monetary contribution to affordable and life cycle housing by distributing its Affordable and Life-cycle Housing Opportunities Amount (ALHOA) to the LHIP to be used to assist affordable housing efforts in other LCA participant communities. The city is encouraged to examine and compare housing needs to current LCA goals, modify LCA goals as appropriate, and continue participation in LCA and work with communities in the area to meet affordable and lifecycle housing needs

Compatibility with Adjacent Jurisdictions

The adjacent local governmental units of Shoreview, White Bear Township, Vadnais Heights, Lino Lakes, Moundsview School District #621, White Bear Lake School District # 621 and Ramsey County were sent copies of the 1998 North Oak Comprehensive Plan on May 29, 1998. The contacted cities and governmental jurisdictions raised no issues regarding the North Oaks Plan.

FINDINGS AND CONCLUSIONS

1. The proposed comprehensive plan is in conformity with the regional systems plans for Aviation, Recreation Open Space, and Transportation
2. Household forecasts for North Oaks meet and exceed Council forecasts for 2020 by approximately 200 units. The city’s forecasts for population and employment are consistent with Council forecasts.

3. The City of North Oaks is in the Illustrative 2020 policy area. The city's proposed comprehensive plan guides the city's sewer residential development at densities between 1.8 and 3.3 units per acre. As a result, North Oaks' comprehensive plan is inconsistent with the Regional Growth Strategy; therefore, the plan is not in conformity and therefore represents a departure from the regional system plan for Water Resources Management, which is based on the Strategy.

4. North Oaks indicates that most of its rural development will be on more than one acre lots (.74 units per acre or 29 units per forty acres). The Regional Growth Strategy suggests a density of no more than 1 unit per 40 acres in remaining areas that are in Urban Reserve. The city is proposing development at much higher densities than this. This is inconsistent with the Regional Growth Strategy. It is not in conformity with and represents a departure from the Wastewater Treatment and Handling Policy Plan, but not a substantial departure.












5. The plan does not constitute a substantial departure from the Metropolitan Wastewater Treatment and System policy plan. This finding is based on the following:
 - The city was founded with major emphasis placed on "...retention of the environment including the natural topography, woodlands, ponds and wetlands; prevention of pollution to the environment including the natural topography, woodlands, ponds and wetlands; prevention of pollution to the environment; and retention of groundwater recharge areas."
 - The city contains unique and fragile environmental features such as oak savannas, groundwater recharge areas and plants and animals.
 - North Oaks has many lakes and wetlands that serve as filters for water flowing into the St. Paul Water system; 100 percent of the surface water into this system flows through North Oaks.
 - To protect this important water system the city has required setbacks from wetlands of 30 feet. There are 190 wetlands in the city--47 over 2.5 acres in size.
 - Historically, North Oaks has developed at rural densities on 1 to 2-acre lots on individual sewage treatment systems.
 - Undeveloped land in North Oaks is owned by the North Oaks Company, a single owner. The Company has considerable leverage affecting design, density, market price and timing of development in the city. This is unique to the City of North Oaks and not found anywhere else in the metropolitan area.
 - Many of the services typically provided by municipal government are provided by homeowners associations.

6. North Oaks' on-site sewage system ordinance contains more stringent standards than required by the State. The city has a rigid education, inspection and maintenance program for its residents. The city's ISTS management program is consistent with Council's policies.

7. The plan does not include analysis of needs, appropriate affordable housing goals and an implementation strategy to accomplish such goals. At a minimum, the plan should include the housing goals set by the city as it began participation in the LCA, appropriately modified to reflect the needs analysis findings



MAP 11 2040 Land Use Plan

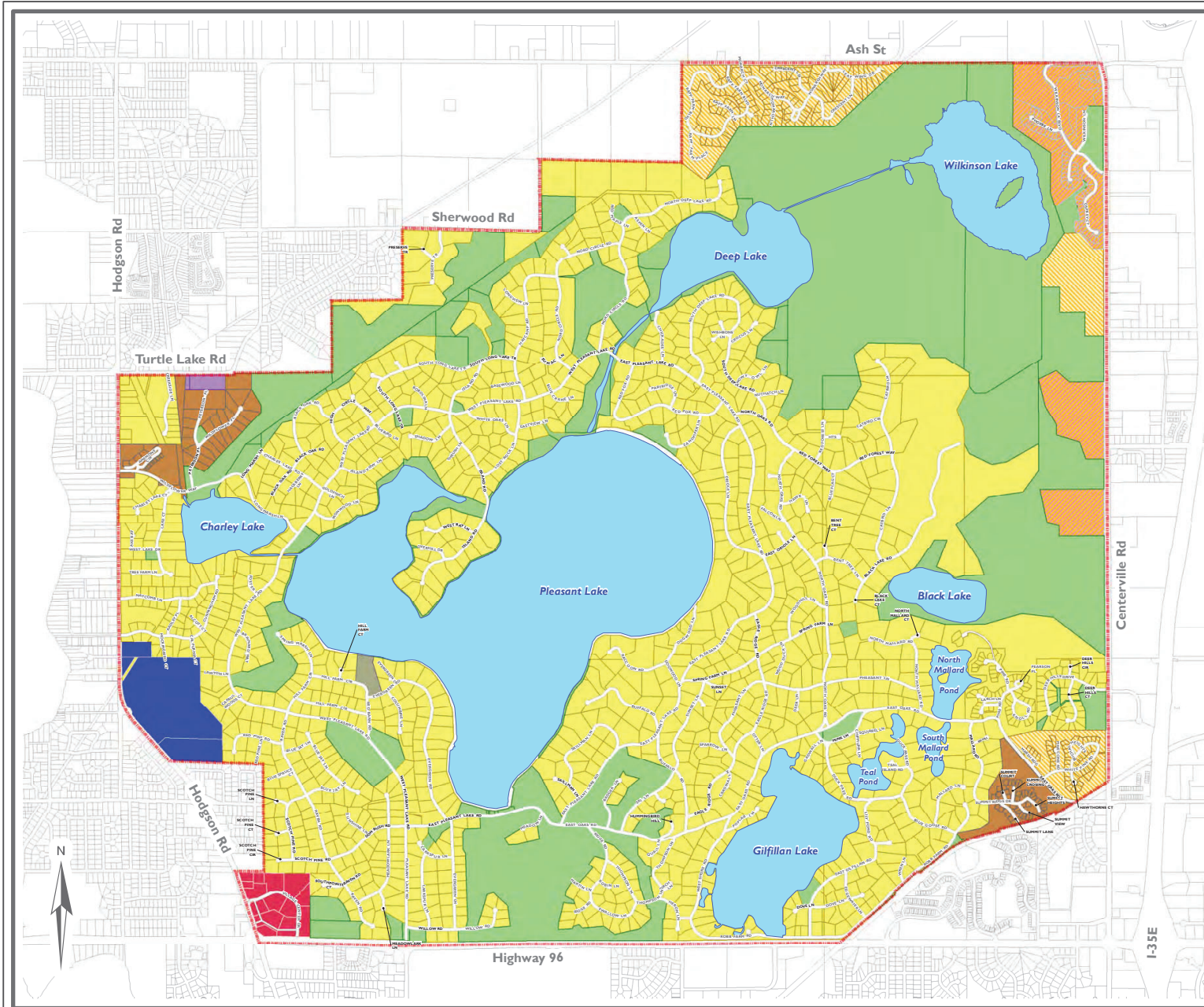
-  Low Density Residential
-  Medium Density Residential
-  Mixed Residential
-  Mixed Use
-  Commercial
-  Light Industrial
-  Institutions
-  Historic Preservation
-  Recreation/Open Space
-  Neighboring Communities
-  water

NOTE: The 2040 Land Use Plan is identical to the 2030 Land Use Plan. The City will continue to implement the East Oaks PUD approved in 1999 to govern development in accordance with this map over the next twenty years.



Source: City of North Oaks
2 - 6 - 18

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MAP 12

East Oaks Planned Unit Development

The East Oaks Planned Unit Development (PUD), approved in 1999, authorized a master plan for development on the City's remaining acreage in compliance with the 1999 Comprehensive Plan as amended. The lands within the PUD will continue to develop per the approved PUD over the next twenty years.

Current and future neighborhoods that are part of the East Oaks PUD include:

- 1) Peterson Place (Wildflower)
- 2) East Preserve
- 3) Nord
- 4) Rapp Farm
- 5) East Wilkinson
- 6) Anderson Woods
- 7) Gate Hill
- 8) Island Field
- 9) Red Forest
- 10) The Pines
- 11) Ski Hill
- 12) South East Pines

- Future Development
- Currently Developing
- Development Complete
- NOHOA & Protected Open Space

Source: City of North Oaks
1 - 11 - 18

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