

Business Item

Community Development Committee



Committee Meeting Date: March 18, 2024

For the Metropolitan Council: March 27, 2024

Business Item: 2024-71

City of North Oaks Red Forest Way South Comprehensive Plan Amendment Plan Modification, Resolution 2024-5, Review File 21796-3

District(s), Member(s): District 10, Peter Lindstrom

Policy/Legal Reference: Metropolitan Land Planning Act (Minn. Stat. § 473.175); PIC 2-2d Public Involvement Related to Comprehensive Plan Updates & Amendments

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Division/Department: Community Development / Regional Planning

Proposed Action

That the Metropolitan Council:

1. Adopt Resolution 2024-5 finding that the proposed amendment does not conform to the metropolitan system plan for wastewater and requiring the City of North Oaks to modify its comprehensive plan amendment.
2. Transmit to the City of North Oaks Table 3 Required Changes to the 2040 North Oaks Comprehensive Plan.
3. Notify the City that it may not put its Red Forest Way South Comprehensive Plan Amendment into effect unless and until the plan or the amendment is modified as described in the Resolution and this business item, and the Council formally reviews the document.

Issue

Should the Metropolitan Council find that the City's Red Forest Way South Comprehensive Plan Amendment is more likely than not to contain a substantial departure from the regional wastewater system plan?

Statutory Authority

As permitted by Minn. Stat. § 473.175, subd. 1, the Council may require a local unit of government to modify its comprehensive plan or part thereof that does not conform to a metropolitan system plan if the Council concludes that the local plan or plan amendment is more likely than not to have either a substantial impact on or to represent a substantial departure from the Council's adopted policy plans and capital budgets for a metropolitan system. In this case, the system at issue is the regional wastewater system.

Background

The City submitted the Red Forest Way South comprehensive plan amendment on June 8, 2023, and the Council found the submission incomplete for review on June 30, 2023, and September 15, 2023. The Council received supplemental information on October 19, 2023. Council staff determined the amendment complete for review in a letter dated November 8, 2023, which also extended the review period an additional 60 days as permitted by statute to March 7, 2024. The Committee meeting schedule was shared with the City in a letter dated January 2, 2024. On January 31, 2024, the City requested an extension to the review period deadline to April 7, 2024.

The amendment proposes to expand the Metropolitan Urban Service Area (MUSA) to include properties in the Red Forest Way South development (23 parcels, with 24 sewer connections, across 72.2 net acres). The purpose of the amendment is to connect these parcels to regional sanitary sewer. The amendment would require a change from the Rural Residential Community Designation to the Emerging Suburban Edge Community Designation. Figure 1 identifies existing regional systems in the City. This is the City's second amendment to its 2040 Comprehensive Plan (2040 Plan).

Prior to finding the proposed amendment complete for review, in letters dated June 30, 2023, and September 15, 2023, Council staff advised the City of concerns of both potential conformance issues and policy inconsistencies (see Attachments 1 and 2, respectively). In the Council's correspondence on November 8, 2023, and January 2, 2024, the Council advised that the proposed amendment was inconsistent with regional policy and did not conform to the regional plans for the wastewater system (see attachments 3 and 4, respectively). Additionally, Council staff met with City representatives throughout the review process in 2023, specifically April 21, July 10, September 29, and October 30, 2023, to discuss the proposed amendment, clarify questions, and relay concerns regarding the development proposal associated with the amendment.

Knowing these concerns, the City desired to proceed with the amendment. This report provides detailed policy analysis on the amendment and its conformance to and consistency with the applicable system plans and policies.

Plan Modification Process

The process for requiring and enforcing a comprehensive plan modification includes:

1. Holding a public hearing
2. The Council's adoption of findings
3. The Council's adoption of a resolution

The schedule for considering the City's comprehensive plan amendment is as follows:

1. March 4, 2024: Hold public hearing at Community Development Committee at 4:00 p.m.
2. March 13, 2024: Close public hearing record at 5:00 p.m.
3. March 18, 2024: Community Development Committee reviews hearing record with action forwarding recommendations to the Metropolitan Council
4. March 27, 2024: Final action by the governing body of the Metropolitan Council on the City's proposed comprehensive plan amendment

Documentation of Substantial Departure from the 2040 Wastewater System Plan

There are two broad issues that the City must address in relationship to the plan modification:

1. Community Designation requirements
2. Minimum density requirements for sewer-serviced development

Community Designation Requirements

Thrive MSP 2040 (Thrive) identifies the City as an Emerging Suburban Edge Community and as a Rural Residential Community (Figure 2). The area of the City proposed for development is designated as Rural Residential which does not allow for the provision of regional sewer services



due to the development patterns or topographical constraints that “do not support the economical extension of wastewater services” (Thrive, p. 108). To extend sewer service to this area as proposed in the amendment, the Council would need to agree to change this area from Rural Residential to an Emerging Suburban Edge community designation.

Emerging Suburban Edge communities are required to plan for new development and redevelopment at minimum residential densities of between 3 and 5 units per acre. The proposed development is inconsistent with the required minimum density for the Emerging Suburban Edge community designation which precludes the community designation change.

Minimum Density Requirements

The amendment proposes to connect the Red Forest Way South development to regional sewer service for 23 parcels, with 24 sewer connections, across 72.2 net acres. The proposed net density for this development is 0.33 units per acre (u/a), or about 1 unit per 3 acres average. The proposed amendment reduces the City’s community-wide planned density from 3.0 units per acre to 2.3 units per acre, constituting a land use policy inconsistency as defined in *Thrive MSP 2040*. Additionally, the request would require an expansion of the Metropolitan Urban Service Area (MUSA) to receive regional services (Figure 3). The system plan for regional wastewater services does not include or foresee an extension of regional sewer service to this area within the planning horizon or beyond.

The development proposed in the amendment to connect to the regional system represents a planned underutilization of the regional wastewater system constituting a substantial departure from the Council’s adopted *2040 Water Resources Policy Plan* (WRPP) (p. 60). As further defined in the WRPP, the Council uses the density expectations defined in Thrive as the “basis for regional infrastructure planning purposes.” The density proposed in the amendment is significantly lower than the density expectations defined in Thrive. This low density along with the lack of planned regional sewer service to this area and the inconsistency of the proposal with the Emerging Suburban Edge Community designation represents a substantial departure from the metropolitan wastewater system plan.

Wastewater Service Analysis

The amendment is inconsistent with regional land use policy and constitutes a conformance issue reflecting a substantial departure from the regional wastewater system plan due to the planned underutilization of the system. In supplemental information, received August 24, 2023, the City clarifies the request for Metropolitan Urban Service Area (MUSA) extension to 23 parcels (with 24 sewer connections) on 89.55 gross acres that are proposed to be added to sanitary service as shown on 2040 Plan Maps 16 and 17. The net total acreage of these lots is 72.2 acres, yielding a residential density of 0.33 units per acre, or about 1 unit per 3 acres average. The density of this amendment reduces the City’s communitywide density from 3.0 units per acre to 2.3 units per acre, representing a substantial departure from the WRPP.

The City can modify its Plan to propose the new neighborhood in Red Forest Way without sewer service from the metropolitan disposal system. Without sewer service, this amendment would not require a change in community designation and would be technically acceptable and consistent with regional land use policy. This is the approach authorized by the Council, and adopted by the City, in the North Oaks 2040 Comprehensive Plan.

Thrive MSP 2040 and Land Use Analysis

Thrive MSP 2040 identifies the City as an Emerging Suburban Edge Community and as a Rural Residential Community (Figure 2). The amendment proposes to expand the Metropolitan Urban Service Area (MUSA) to include properties in the Red Forest Way South development (23 parcels, with 24 sewer connections, across 72.2 net acres, resulting in parcels approximately 3 acres in size). The purpose of the amendment is to connect these parcels to regional sanitary sewer. The amendment would require a change from the Rural Residential Community Designation to the Emerging Suburban Edge Community Designation.

The City is unusual in the region that, with few exceptions, nearly all of the land within the City is governed by the North Oaks Home Owners’ Association (NOHOA). Perpetual covenants are part



of all deeds and declarations since 1950, except for 14 properties, 12 of which are on the City's western border. Some neighborhoods include sub-associations that have more restrictive provisions, but they remain subordinate to the NOHOA. All roads in the City are private; and local utilities are the responsibility of the HOAs. Since 1999, the primary governing planning and regulatory document for the City is the East Oaks Planned Unit Development (PUD), which is memorialized in the 2040 Comprehensive Plan. According to the City's website, the agreement governing the East Oaks area has been amended nine times since 1999.

Table 1 below identifies the guiding land uses and development status for the sewerred portion of the East Oaks Planned Unit Development (PUD). The PUD provides limited flexibility to reallocate units among the neighborhoods and convert commercial space in the Mixed Use districts to residential uses. The addition of 23 large previously unsewered lots, a total of 24 sewer connections (totaling 72.2 acres) yields a residential density of 0.33 units per acre. This extremely low density is 90% below the required minimum. The authorization of this amendment would reduce the communitywide net density from 3.0 units per acre to 2.3 units per acre. Emerging Suburban Edge communities are expected to plan for forecasted population and household growth at average densities of at least 3 - 5 units per acre for new development and redevelopment. The proposed amendment is inconsistent with the land use policies for the Emerging Suburban Edge Community Designation.

Table 1. Planned Residential Density (Emerging Suburban Edge), City of North Oaks

Category: Neighborhood	Status	Net Acres	Planned Units
Mixed Residential: Rapp Farm (#4)	Developed/platted	92.0	156
Mixed Use: East Wilkinson (#5)	Developed/platted	31.4	283
Mixed Residential: Anderson Woods (#6)	Developable	19.9	13
Mixed Use: Gate Hill (#7)	Under Development	29.1	73
Mixed Use: Island Field (#8)	Developable	10.1	74
Nord (addition x 2 lots)	Under Development	17.4	2
<u>Red Forest Way South</u>	<u>Under Development</u>	<u>72.2</u>	<u>24</u>
TOTALS		272.1	625
Overall Density			2.3

Housing Analysis

Minn. Stat. § 473.859, Subd. 4(3) states that local comprehensive plans must include a housing element that “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.” At the time of comprehensive plan authorization, the City's 2040 Plan was found to be inconsistent with the Council's *Housing Policy Plan* and the Plan remains inconsistent with the *Housing Policy Plan* (Business Item 2021-341 JT, Review File No. 21976-1).

The City's share of the region's affordable housing need for 2021-2030 is 68 units. This amendment does not create any further inconsistencies with housing policy. The Plan does not guide any areas for forecasted growth with land use with a minimum density above 1 unit per acre. There are no changes in this amendment to create residential land uses with high enough density to support the development of affordable housing at scale; therefore, the amendment does not inhibit North Oaks from implementing their housing element, but neither does it make any progress in ameliorating the policy inconsistency since it does not guide sufficient land to address their share of the region's affordable housing need for 2021-2030.

Approaches to Addressing Conformance and Policy Inconsistencies

Council staff have suggested several options for the City to resolve the conformance and consistency issues. These options include the following:



- As authorized in the City's 2040 Comprehensive Plan, develop Red Forest Way South at proposed densities on individual subsurface sewage treatment systems (SSTS) within the current Rural Residential Community Designation.
- Identify areas within the sewered portions of the City to increase planned residential densities to offset the decrease in density in the Red Forest Way South area to retain the overall minimum 3.0 units per acre required density for new development and redevelopment areas.
- Revise the amendment to propose densities for Red Forest Way South that are consistent with sewered densities within the Emerging Suburban Edge Community Designation at a minimum of 3 - 5 units per acre.

The attached Table 3 describes in more detail the specific sections of the proposed amendment that would need to be modified in order for the 2040 Plan to conform to the regional system plan.

The Council recognizes the City's desire for flexibility, and staff have indicated a willingness to work with the City on this challenge. However, it is a statutory requirement for all communities to conform to metropolitan system plans, and the City has been advised that any changes to planned densities in the City's 2040 Plan must be reviewed and authorized by the Council for system conformance prior to local implementation, as required by sections 473.175, 473.858, and 473.864 of the Metropolitan Land Planning Act.

As permitted by Minnesota Statutes section 473.175, subdivision 1, the Council may require a local governmental unit to modify any comprehensive plan or part thereof that is inconsistent with the metropolitan system plan if the Council concludes that the local plan is more likely than not to have either a substantial impact on, or to contain a substantial departure from, the Council's adopted metropolitan system plans. As explained above, the proposed amendment constitutes a substantial departure from regional wastewater system plans and is inconsistent with regional land use policy.

Public Hearing Record

The Council held a public hearing on March 4, 2024, and provided an opportunity for the City and other interested parties to present comments. The Council held open the public hearing record until 5:00 p.m. on March 13, 2024. The North Oaks City Planner, Kendra Lindahl and Mark Houge, President of North Oaks Company, presented at the public hearing on March 4, 2024. The contents from the public hearing and the public hearing record include the following:

1. [Presentation to the CDC meeting on March 4, 2024](#) from City staff and representatives.
 - a. [Letter from the City](#) dated February 29, 2024.
 - b. [Presentation](#) dated March 4, 2024.
2. Letter from the Minnesota Land Trust dated March 4, 2024.
3. Email from Alexa Bobyak, Twin Cities Resident, dated March 7, 2024.
4. Email from Alexander Johnson, Twin Cities Resident, dated March 7, 2024.
5. Email from Gerald Kraut, North Oaks Resident, dated March 8, 2024.
6. Email from A.B. Lester, Twin Cities Resident, dated March 9, 2024.
7. Letter, by email, from Mark Houge, North Oaks Company, dated March 11, 2024.
8. Letter, by email, from Kris Kress, North Oaks City Administrator, dated March 13, 2024.

The attached public hearing report contains (Attachment 6) the full set of comments received on this matter.

Public Comment Responses

In response to additional statements made during the public hearing, Council staff are providing additional detailed information below.



Precedent

The City asserts that allowing 24 sewer connections (23 parcels) in the Red Forest Way South subdivision will not set a precedent for future Council actions because there is not other City within the metropolitan area in a similar position to the City of North Oaks. The City asserts that the uniqueness of the City is a result of its development primarily by a single developer and its primarily low-density residential development. 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 of the City of 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 planners and landscape architects to plan a private residential community. The City contends that this is the only city of this type in Minnesota, which was developed before the incorporation of the City of North Oaks (1956) or the establishment of the Metropolitan Council (1967). Orderly development was assured by the use of perpetual deed restrictions on the property, and the North Oaks Homeowners Association (NOHOA) as established.

While the City and NOHOA have some overlapping responsibilities, it is worth noting the following:

- 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 and stormwater systems, parks, and open spaces.
- b. All homes with 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.

Met Council Response

The East Oaks PUD governs this portion of the City, and the original agreement for the development of this area was made in February of 1999. The PDA governing this agreement expires in 2029. According to the City’s website, this agreement has been amended nine times since 1999. The 2020 Comprehensive Plan and every decadal plan thereafter did not identify this area as sewer-serviced development (within the MUSA). Moreover, the Council’s authorization of the City’s 2040 Plan, and the city’s subsequent adoption of that plan, replaces and supersedes all past plans.

The City is welcome to develop this area in line with its adopted 2040 Comprehensive Plan, as authorized by the Metropolitan Council in 2021 (Business Item 2021-341), which allows for residential development in this location on individual SSTS.

Alternatively, if the City is bound by deeds and covenants, it could delay development of this area until the expiration of the PDA in 2029 to accommodate growth at sewered densities, consistent with regional policy and in conformance with system plans.

The Metropolitan Council must apply consistent standards to all communities in the region to ensure the efficient and economic growth of our region. Provision of urban services to large lot developments does not represent efficient nor economical use of regional infrastructure. Page 60 the *2040 Water Resources Policy Plan (WRPP)* states the following:

“Local comprehensive plans and plan amendments that have substantial impacts on—or contain substantial departures from—the metropolitan wastewater system plan affect how the Council constructs, operates, and maintains the regional wastewater system and can result in system inefficiencies if the nonconforming plans are allowed to be implemented.”

While the Metropolitan Council has and does acknowledge the unique agreements and governance structure of North Oaks and the NOHOA, the Council must apply its policies, plans, and guidelines consistently.

Council staff find that if the Council allows 24 sewer connections in this location, which amounts to a developed density of 0.33 units per acre, reducing the City’s overall communitywide density from 3.0 dwelling units per acre to 2.3 dwelling units per acre, it creates a precedent for other

communities that may also argue that they too have unique circumstances. If the 3.0 units/acre minimum density threshold is no longer the minimum that is held for communities in Emerging Suburban Edge community designation, it creates an undefined new policy for determining conformance for the wastewater system that opens the door for communities across the metro to propose new and lower densities.

Environmental Protection

The City states that 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 to protect the natural environment. Those covenants limit the total number of lots that can be created in the City.

The City further stated that 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 connection 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 the City contends that makes sanitary sewer the responsible choice for this final development within the City.

Within the public hearing, the City planner stated that the approximately 900 acres of land in natural conservation and protected status should be able to be netted out of the communitywide density calculation, which would put the City's overall communitywide density at 3.1 units per acre.

As part of the public hearing record, the Minnesota Land Trust submitted a letter dated March 4, 2024, that supports many of the environmental grounds argued by the City above, "whenever practical, connecting to a municipal sanitary sewer system, as opposed to relying on individual septic systems for each lot, constitutes the more effective method to protect water resources long-term by minimizing the potential for nonpoint source pollution."

Met Council Response

The Council does recognize the environmental issues that can occur with SSTS, especially old systems that have not been well maintained. The Council allows for opportunities to connect to urban services to protect the environment when SSTS systems are certified as failing. These measures are pursued through the Metropolitan Urban Service Area (MUSA) Implementation Guidelines. The provision of the 24 new SSTS in this location would not have an adverse effect on the environment. However, environmental impact increases when SSTS get older and when maintenance is deferred. To maximize long-term environmental protection in this location, the Council recommends that the City and Company delay development or use other legal mechanisms (amending the PDA) to increase density in this location to support the provision of urban services, consistent with regional policy and the *2040 Water Resources Policy Plan* (WRPP). Alternatively, the City can install new SSTS in this location and ensure that these are regularly inspected in line with County requirements and State law.

While the Council lauds the efforts of the City to protect 900 acres natural areas and resources (16% of the City), these lands are for private use only. Page 35 of the City's 2040 Comprehensive Plan states that: "All NOHOA lands used by non-members must be accompanied by a member." The Council only allows *publicly owned* park or conservation land to be netted out of density calculations. The natural resources areas within North Oaks are not publicly owned, nor are they publicly accessible, so these acres are not permitted to be netted out of density calculations.

The City could protect sensitive environmental features by developing at appropriate densities for urban services or cluster developments to preserve land from development. For example, developing at appropriate densities for urban services would remove development from approximately 64 acres of land, thereby affording environmental benefits.



St. Paul Water System

The City states 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. The City states that 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 City asks to be able to connect.

Met Council Response

The Council sets conformance standards for connection to the regional system, and the City is welcome to work with the Council on achieving those standards, be that through increased density in this location or increased density in other portions of the City to offset lower density in this location. The City has not expressed an interest in either of these options. The City has only expressed the desire to use *some* of the Council's policies and goals without having to follow any accompanying policies that would require a different development pattern from the City.

The amendment is inconsistent with regional land use policy and constitutes a conformance issue reflecting a substantial departure from the regional wastewater system plan due to the planned underutilization of the system.

The City can modify its Plan to propose the new neighborhood in Red Forest Way without sewer service from the metropolitan disposal system. Without sewer service, this amendment would not require a change in community designation and would be technically acceptable and consistent with regional land use policy. This is the approach authorized by the Council, and adopted by the City, in the North Oaks 2040 Comprehensive Plan.

While the Council has policies on water supply and water resources protection, the installation of 24 new SSTS in this location, in line with State standards and requirements, does not represent an environmental risk to the SPRWS water supply. As stated earlier, there are provisions within Council guidelines that allow for the connection to the regional wastewater system in the case of verification of failed SSTS; the amendment under consideration does not meet those guidelines.

Definition of "Substantial Departure"

The City raised the issue of the history of the East Oaks PUD (Planned Unit Development), which is a master development plan for the east 1,650 acres of the City. The East Oaks PUD was approved in 1999, with the consent of the Metropolitan Council. 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 the City's opinion that the Forest Lake Interceptor has ample capacity to allow for a connection of these 23 lots in the final development area in the City.

The City also asserts that the Council had provided past approval of sewer-service here stating that 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 "[m]any 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 states that it has always intended to make sanitary sewer an option for this property and believes that was clear in the adopted 2040 Plan. The City is 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 the City states that 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 the City is working to finalize the details with White Bear Township for an amendment to the Joint Powers Agreement for water supply service.

Met Council Response

Page 67 of the City's 2040 Comprehensive Plan states: "For future developments in the East Oaks PUD area, the subdivider may utilize centralized sanitary sewer depending on sewer accessibility and sewer line capacities." This statement does not verify that the City can connect to the regional system in this location. The statement clearly references sewer accessibility and sewer line capacities. Further, other portions of the City's 2040 Comprehensive Plan show this area as being without sewer service through the planning horizon (Map 17 of the 2040 Plan attached as Figure 3). The Council considers this proposed connection as an underutilization of the regional system. As part of this Plan Modification (Table 3), the Council requires either removal of the above statement or clarification with the following: "Any connections to the regional wastewater system must conform to wastewater policies within the Metropolitan Council's Water Resources Policy Plan and remain consistent with regional land use policy within Thrive MSP 2040."

In *City of Lake Elmo v. Metropolitan Council*, 685 N.W.2d 1 (Minn. 2004), the Minnesota Supreme Court concluded that: the Metropolitan Land Planning Act "expressly empower[s] the Council to revise local comprehensive plans that are in conflict with the Council's overarching plan"; the Council may require "minimum density levels" to ensure conformance with metropolitan system plans; and "[c]ities must conform their comprehensive system plans to the Council's system plans" when the Council finds that a City's comprehensive plan may¹ have a substantial impact on the Council's system plans.

The 2020 Comprehensive Plan and every decadal plan thereafter did not identify this area as sewer-served development (within the MUSA). Moreover, the Council's authorization of the City's 2040 Plan, and the City's subsequent adoption of that plan, replaces and supersedes all past plans.

The Wastewater Service Analysis indicates that amendment is inconsistent with regional land use policy and constitutes a conformance issue reflecting a substantial departure from the regional wastewater system plan due to the planned underutilization of the system.

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

The City states that 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 sewer development areas to fall below 3.0 units per acre.

The City states that the Water Resources Policy Plan gives the Council discretion as far as what constitutes a substantial impact of departure. The City states that 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

¹ At the time of the *Lake Elmo* decision, section 473.175, subdivision 1, authorized the Council to require a plan modification if the plan "may have a substantial impact on or contain a substantial departure from metropolitan system plans." (emphasis added). In 2003, this statutory provision was amended to read: "The council may require a local governmental unit to modify any comprehensive plan or part hereof ~~which may 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." (emphasis added). There is no material difference between "may" and "more likely than not."

lots to connect to the existing wastewater system.

Met Council Response

The Council has determined that the 24 sewer connections (23 parcels) on 72.2 acres of land constitute a substantial departure from the wastewater system plan. As shown in Table 2 below, this represents a density for the development of 0.33 units per acre, or an average lot size of 3 acres per residential unit.

Table 2. Planned Residential Density for Red Forest Way South

Category: Neighborhood	Status	Net Acres	Planned Units
Red Forest Way South	Under Development	72.2	24
		Average Lot Size	3 acres
		Overall Density	0.33

To provide more regional policy context, the development pattern in Red Forest Way South is consistent with a Rural Residential development pattern (defined in Thrive MSP 2040, p. 108), which is a development pattern that precludes the provision of urban services by virtue of the need for extensive infrastructure to connect disparate properties, in this case 24 units across 72.2 acres of land. As stated in Thrive, “Rural Residential development does not advance the Council mission of ensuring orderly and economical development and in some cases increases the potential for damage to the environment.” Given the large acreage and low number of housing units, the City would either need to plan for an additional 192 housing units to achieve a density of 3 dwelling units per acre in this location or reduce the acreage used by the proposed 24 units so that they only covered eight acres. Using 64 fewer acres to support the proposed 24 units would also achieve the City’s stated objective of environmental protection by using less land.

Rationale

The proposed amendment does not conform to the *2040 Water Resources Policy Plan (WRPP)* for sewered development and is inconsistent with regional land use policies for the Emerging Suburban Edge Community Designation. The amendment is also inconsistent with regional housing policy. The amendment conforms to regional system plans for regional parks and transportation. The amendment is compatible with the plans of other local communities and school districts.

To address conformance issues, the Council is enabled by statute to proceed with steps to require the city to modify its comprehensive plan and amendments thereto (Minn. Stat. 473.175, subd. 3).

Thrive Lens Analysis

The proposed amendment is reviewed against the land use policies in *Thrive MSP 2040*. To achieve the outcomes identified in Thrive, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in Thrive. As described in the body of this report, the proposed amendment does not conform to and is not consistent with the adopted plans and policies of the Council.

Funding

None.

Figure and Attachments

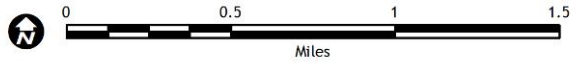
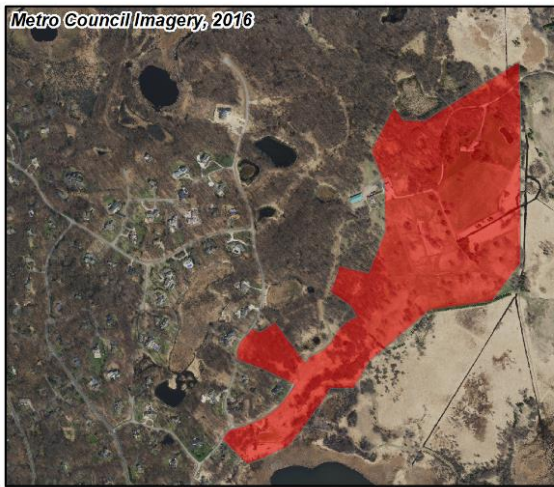
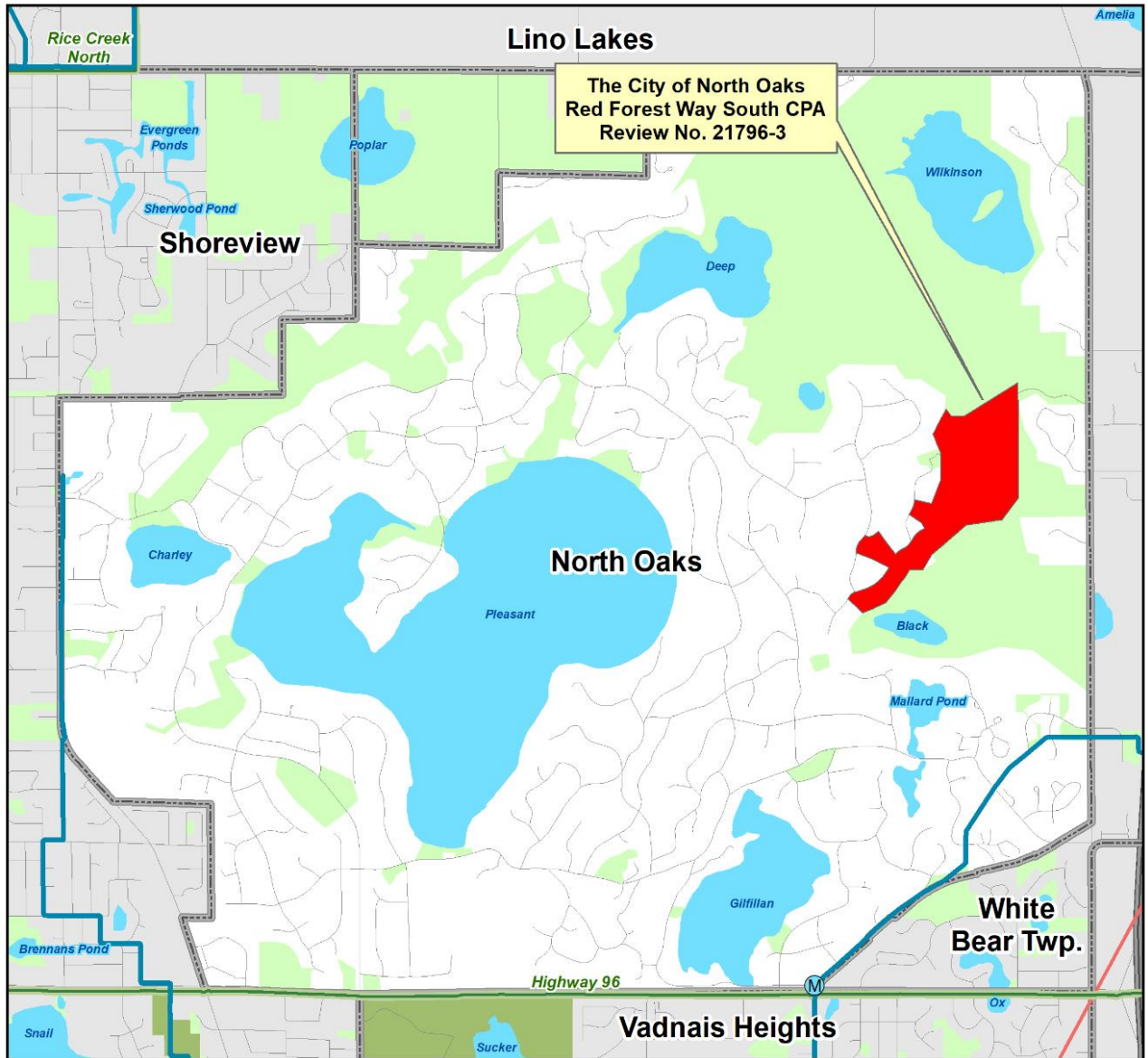
- Figure 1: Location Map Showing Regional Systems
- Figure 2: Location Map Showing Community Designations
- Figure 3: Location Map showing Metropolitan Urban Service Area (MUSA)
- Attachment 1: Incomplete for Review letter, dated June 30, 2023



- Attachment 2: Incomplete for Review letter, dated September 15, 2023
- Attachment 3: Complete for Review letter, dated November 8, 2023
- Attachment 4: Committee Meeting Dates and Conformance/Consistency Issues, dated January 2, 2024
- Attachment 5: Resolution 2024-5
- Table 3: Text Changes required to bring the 2040 North Oaks Comprehensive Plan into conformance with the 2040 Water Resources Policy Plan and consistency with regional land use policy
- Attachment 6: Public Hearing Report



Figure 1. Location Map Showing Regional Systems



Regional Systems

Regional Transitways

- Existing
- Planned Current Revenue Scenario
- Planned Current Revenue Scenario - CTIB Phase 1 Projects
- Potential Increased Revenue Scenario

Wastewater

- Meters
- MCES Interceptors
- Lift Stations
- MCES Treatment Plants

Regional Highway System

- Interstates
- US Highways
- State Highways
- County Roads
- Road Centerlines

Regional Parks

- Existing (Open to Public)
- In Master Plan (Not Open to Public)
- Planned Units
- Other Parks, Preserves, Refuges and Natural Areas

Regional Trails

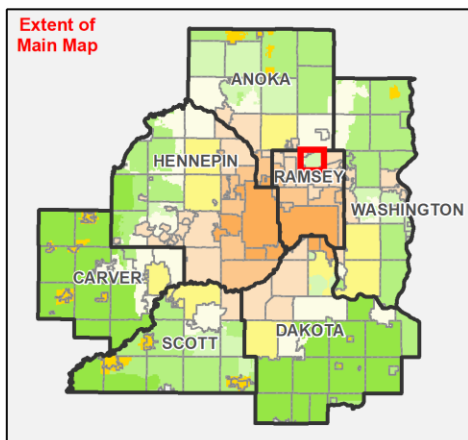
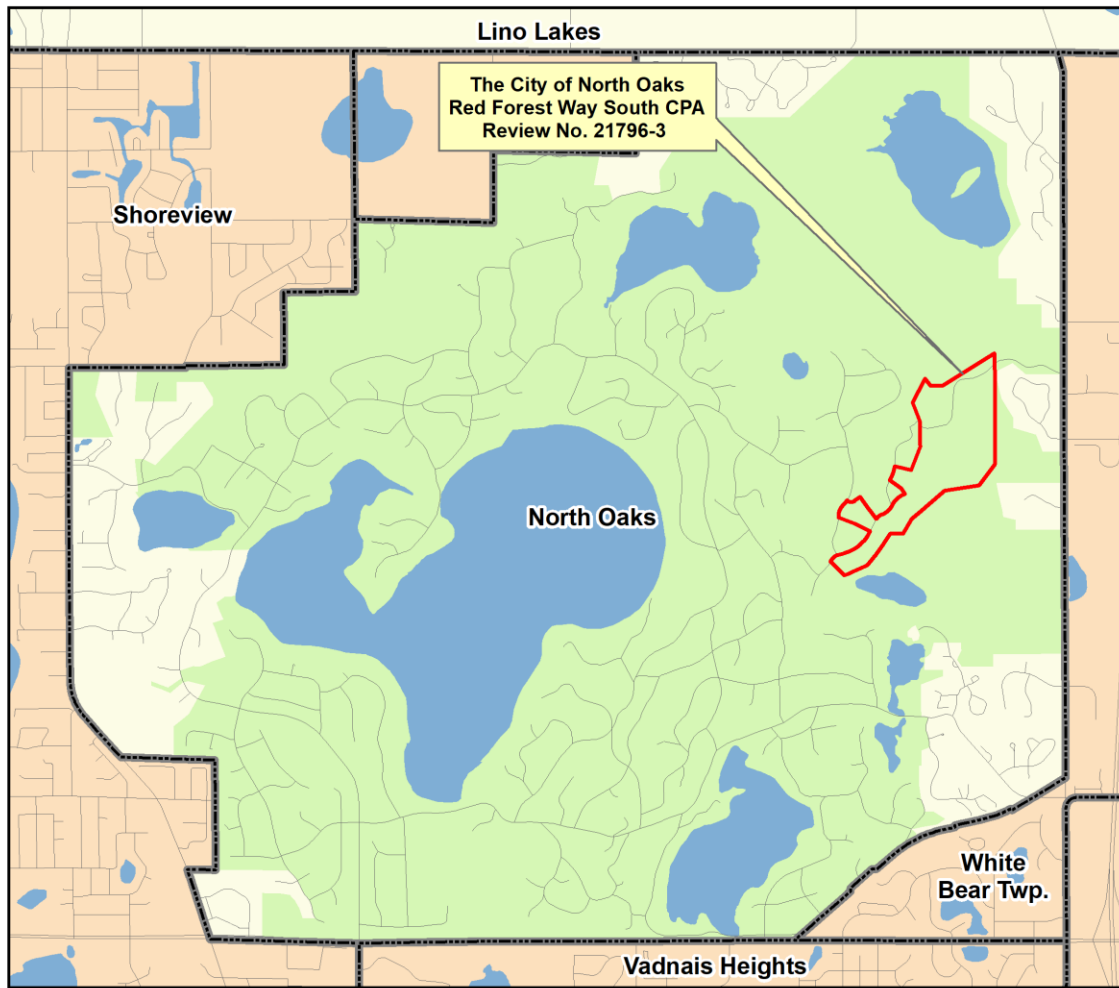
- Existing (Open to Public)
- Existing (Not Open to Public)
- Planned Regional Trails
- Regional Trail Search Corridors



Metropolitan Council

Figure 2. Location Map Showing Community Designations

This amendment includes a proposed change to the Community Designation from Rural Residential to Emerging Suburban Edge.



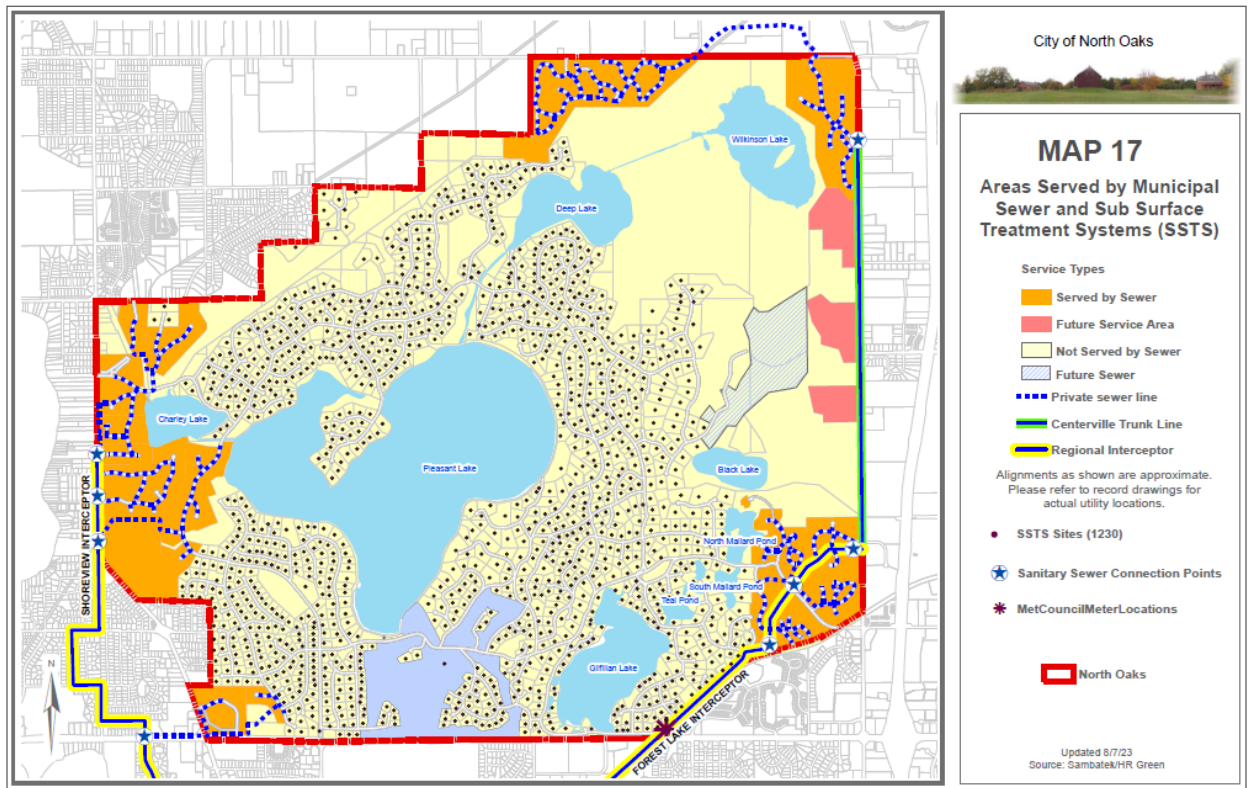
ThriveMSP 2040 Community Designations

- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center



Figure 3. Location Map Showing Metropolitan Urban Service Area (MUSA)

The amendment area (shaded gray) is proposed to be included in the 2030 MUSA.



Attachment 1. Incomplete for Review letter, dated June 30, 2023



June 30, 2023

Kendra Lindahl, City Planner
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: City of North Oaks – Red Forest Way South Comprehensive Plan Amendment – Incomplete for Review
Metropolitan Council Review File No. 21796-3
Metropolitan Council District No. 10

Dear Kendra Lindahl:

The Metropolitan Council received the City's Red Forest Way South comprehensive plan amendment for review on June 8, 2023. Council staff finds that parts of the plan amendment submittal are incomplete and further review has been suspended pending receipt of the following:

Wastewater (*Roger Janzig, roger.janzig@metc.state.mn.us*)

Comprehensive plan amendments require accurate project site acreages, spatial reference, and residential units to assess impacts on the regional wastewater system. However, please note that the amendment may constitute a potential conformance issue reflecting a substantial departure from the regional wastewater system plan due to the planned underutilization of the system.

Land Use (*Eric Wojchik, 651-602-1330*)

The map revisions within the amendment appear to detail inconsistent acreages and number of units subject to a Metropolitan Urban Service Area (MUSA) boundary and Community Designation change (see Forecast comments).

Advisory Comments

Prior to the submittal of this amendment, the 2040 Plan's average minimum communitywide density stands at 3.0 units per acre, consistent with regional land use policy. Due to the proposed density (at 0.23 units per acre (u/a)), this amendment will significantly reduce the City's average communitywide density resulting in an inconsistency with regional land use policy. If the 2040 Plan does not adequately reflect planning for minimum densities required for sewer service, this may constitute a potential conformance issue.

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

The map revisions within the amendment detail inconsistent acreages and number of units subject to a MUSA boundary and Community Designation change. Four maps found in submittal materials provide four different spatial areas to be added, and the maps dated "6/1/2023" are not internally consistent with one another:

- Map 16, "Updated 6/1/23", indicates "Future [Sewer] Service Area" that includes Land Survey #561 tract F (approx. 45 acres, 2 residential lots planned), Land Survey #640 tracts A thru R (approx. 105 acres, 33 residential lots), and two unidentified parcels on the north side of Black

Lake (approx. 10 acres, 2 lots). Summary: 37 residential units on 160 acres; density of 0.23 u/a.

- Map 17, "Updated 6/1/23", indicates a conflicting "Future [Sewer] Service Area" that includes Land Survey #561 tract F (approx. 45 acres, 2 residential lots planned), a subset of Land Survey #640 tracts D,F,G,H,I,R (approx. 60 acres, 22 residential lots), and two unidentified parcels on the north side of Black Lake (approx. 10 acres, 2 lots). Summary: 26 residential units on 115 acres; density of 0.23 u/a. This map is inconsistent with the previous map.
- Alternative Map 16 (as well as Map 17), from "5-10-21", indicates "Future [Sewer] Service Area" that includes Land Survey #561 tract F (approx. 45 acres, 2 residential lots planned), Land Survey #640 tracts A thru R (approx. 105 acres, 33 residential lots). Summary: 35 residential units on 150 acres; density of 0.23 u/a.
- Figure 7 in planning report dated May 31, 2023, indicates a "revised sewer request" that includes Land Survey #561 tract F (approx. 45 acres, 2 residential lots planned), and a subset of Land Survey #640 tracts D,F,G,H,I,R (approx. 60 acres, 22 residential lots). Summary: 24 residential units on 105 acres; density of 0.23 u/a.

The descriptive text of the City's resolution action, May 31, 2023, is most consistent with the Figure 7 map. Assuming this is the MUSA extension the City requests, none of the information on Maps 16 and 17 are sufficiently accurate to be authorized by the Metropolitan Council.

Advisory Comments:

The City wants MUSA extended to a new neighborhood with 24 to 35 additional homes. If the amendment was consistent with regional policy, this would add 24-35 households to the sewer-serviced forecast. The City needs to clearly request the intended number, for completeness of forecast content.

Development yielding at least 3 units per acre is needed to conform to regional policy. The density proposed in the plan amendment appears to be 0.23 units per acre – below the required minimum.

Water Supply (*John Clark, 651-602-1452*)

The amendment is inconsistent with Water Resources Policy Plan (WRPP) policies regarding water supply. North Oaks is primarily served by private wells and therefore is not required to complete a local water supply plan (LWSP); however, as North Oaks receives water supply from White Bear Township, the LWSP for White Bear Township should be attached to the community's comprehensive plan update and referenced in amendments that will be served by the Township's public supply system. This would ensure that North Oaks' water demand can be met. The amendment does not provide information that indicates the Township will have the water available to meet the additional demand or if their LWSP will require updating with the MN DNR for this development. This information is necessary prior to further Council review.

Advisory Comments

The proposed changes and additional development propose to use water supplied by White Bear Township. The following is stated under the Joint Powers Agreement:

"The installation and operations of the requested sewer and water system would require the City to amend the existing Joint Powers Agreement (JPA) with White Bear Township. North Oaks Company has started this conversation with White Bear Township and plans to have a meeting with the Township once there are more detailed engineering plans available. Initial conversations with White Bear Township indicate White Bear Township is willing and able to extend municipal water and sanitary sewer services to Red Forest Way South."

Comments provided by White Bear Township state:

1. *Water supply – The proposed watermain through RLS 561, 637, and 640.*
 - *The 8” watermain connection to Island Field appears to be connecting to the sanitary sewer line.*
 - *The 6” watermain connection to Gate Hill is recommended to be 8” watermain.*
 - *The City of North Oaks should consider installing a larger water feed from Centerville Road, either a 12” or 16” pipe for future expansion. Exhibit 4 shows some more area being served between Anderson Woods and Gate Hill that is not identified on Exhibit 6.*
 - *No documentation was provided showing water pressures or supply capacity for residential usage or fire protection.*
2. *The Town’s water supply has pending litigation regarding White Bear Lake levels that may impact this proposed expansion.*
3. *The Town has sent the City of North Oaks notification of termination of the existing water agreement.*
4. *Agreements defining usage, capacity and maintenance will be necessary.*
5. *Due to the items listed above, it appears that the proposed project has significant item to address before moving forward.*
6. *This is only a preliminary review of items that need to be addressed before any formal recommendations or actions can be made.”*

The community should refer to White Bear Township’s LWSP when planning for water supply that will be provided by the Township. The City states that current agreements with White Bear Township will need to be modified to supply water to the development. White Bear Township states that notification has been provided that the current joint powers agreement will be terminated. At present, the source for water needed to supply the development is uncertain. The amendment does not provide information that indicates the Township will have the water available to meet the additional demand or if their LWSP will require updating with the MN DNR.

Restrictions placed on the White Bear Township water supply system by the MN DNR regarding sustainable water management around White Bear Lake may limit the amount of water available for this development. Strategies to use water efficiently in residential homes and outdoors through water efficient landscape design should be considered in development planning.

Council staff would welcome a meeting with the consultant planner and City staff to further discuss this letter and how best to accommodate requirements for completeness and other potential policy inconsistencies or system conformance issues. If you would like to schedule a meeting, feel free to reach out to Eric Wojchik, Principal Reviewer, at 651-602-1330 or via email at Eric.Wojchik@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Peter Lindstrom, Metropolitan Council District No. 10
Eric Wojchik, Sector Representative/Principal Reviewer
Reviews Coordinator

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Attachment 2. Incomplete for Review letter, dated September 15, 2023



September 15, 2023

Kendra Lindahl, City Planner
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: City of North Oaks – Red Forest Way South Comprehensive Plan Amendment – Incomplete for Review

Metropolitan Council Review File No. 21796-3
Metropolitan Council District No. 3

Dear Kendra Lindahl:

The Metropolitan Council received the City's Red Forest Way South comprehensive plan amendment for review on June 8, 2023, found incomplete on June 30, 2023, and received supplemental information on August 24, 2023. Council staff finds that parts of the plan amendment submittal remain incomplete and further review has been suspended pending receipt of the following:

Water Supply (*John Clark, 651-602-1452*)

The amendment is inconsistent with 2040 *Water Resources Policy Plan* (WRPP) policies regarding water supply. North Oaks is primarily served by private wells and therefore is not required to complete a local water supply plan (LWSP); however, as North Oaks receives water supply from White Bear Township, the LWSP for White Bear Township should be attached to the community's comprehensive plan update and referenced in amendments that will be served by the Township's public supply system.

The amendment requests authorization in lieu of a joint powers agreement for water service with White Bear Township. The amendment does not provide any information from White Bear Township indicating that the Township is willing and able to provide water service to the additional properties, nor does the amendment provide the White Bear Township Local Water Supply Plan indicating that the additional demand can be met by the Township's water supply system.

These two pieces of information, that clearly indicate that service will be made available to these parcels and that the demand for water supply services can be met by the supplying system, are critical and required components for the water supply policy consistency of the amendment. These pieces of information help to ensure the water demands of development can be addressed without causing undue harm or stress to water supply resources and service providers.

In lieu of a joint powers agreement being in place, a letter from White Bear Township indicating that they can and will provide water supply services to the affected parcels may suffice.

Advisory Comments

The below items are provided to the City as they consider how they will proceed with the proposed amendment. These items are not incomplete items, but items that the City should be aware of as it pertains to consistency and conformance with regional plans.

Land Use (Eric Wojchik, 651-602-1330)
Wastewater (Roger Janzig, roger.janzig@metc.state.mn.us)

The amendment is inconsistent with regional land use policy and may constitute a potential conformance issue reflecting a substantial departure from the regional wastewater system plan due to the planned underutilization of the system. In supplemental information, received August 24, 2023, the City clarifies the request for Metropolitan Urban Service Area (MUSA) extension to 23 parcels (with 24 sewer connections) on 89.55 acres that are proposed to be added to sanitary service as shown on Maps 16 and 17. The [net] total acreage of these lots is 72.25 acres, yielding a residential density of 0.32 units per acre. The development needs to yield a residential density of at least 3 units per acre to be consistent with regional land use policy. The density of this amendment is proposed at 0.32 units per acre, which reduces the City's communitywide density from 3.0 units per acre to 2.2 units per acre, representing a land use policy inconsistency.

Additionally, this area of the City is designated in *Thrive MSP 2040* as Rural Residential which does not allow for the provision of regional sewer services. In order to extend sewer service to this area as proposed in the amendment, the Council would need to agree to change this area from Rural Residential to a Suburban Edge community designation. Suburban Edge communities are required to plan for new development and redevelopment at minimum residential densities of between 3 and 5 units per acre. The proposed development is inconsistent with the required minimum density for the Suburban Edge community designation.

The City can modify its Plan to propose the new neighborhood in Red Forest Way without sewer service from the metropolitan disposal system. Without sewer service, this amendment would not require a change in community designation and would be technically acceptable and consistent with regional land use policy.

Forecasts (Todd Graham, 651-602-1322)

The City offers that the plan amendment does not affect forecasts. Council staff find that the amendment would entail additional sewer-served households and population served by the metropolitan disposal system. If the amendment was determined to conform with regional system plans and was consistent with regional policy, a sewer-served forecast revision would be required.

Housing (Olivia Boerschinger, 651-602-1327)

Council staff encourage the City to guide land at higher minimum densities to be found consistent with the Council's Housing Policy Plan. Communities inconsistent with Council housing policy will be unable to enroll in Livable Communities Act programs.

After the supplemental information is received and evaluated, if staff finds the plan complete the Council's review process will be restarted.

If you have any questions about the information requested in this letter or about the review process, contact the technical reviewers directly, or Eric Wojchik, Principal Reviewer, at 651-602-1330 or via email at eric.wojchik@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Peter Lindstrom, Metropolitan Council District No. 10
Eric Wojchik, Sector Representative/Principal Reviewer
Reviews Coordinator

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Attachment 3. Complete for Review letter, dated November 8, 2023



November 8, 2023

Kendra Lindahl, City Planner
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: City of North Oaks – Red Forest Way South Comprehensive Plan Amendment – Complete for Review
Metropolitan Council Review File No. 21796-3
Metropolitan Council District No. 10

Dear Kendra Lindahl:

The Metropolitan Council received the City's Red Forest Way South comprehensive plan amendment on June 8, 2023 and found the submission incomplete for review on June 30, 2023 and September 15, 2023. Most recently, the Council received supplemental information on October 19, 2023. The amendment proposes to expand the Metropolitan Urban Service Area (MUSA) to include properties in the Red Forest Way South development (23 parcels, with 24 sewer connections, across 72.25 net acres). The purpose of the amendment is to connect these parcels to regional sanitary sewer. The amendment would require a change from the Rural Residential Community Designation to the Emerging Suburban Edge Community Designation. Council staff finds the proposed amendment complete for review.

As we have discussed in our most recent meeting on October 30, 2023 and detailed in our email correspondence dated November 1, 2023, the amendment as proposed constitutes a conformance issue reflecting a substantial departure from the regional wastewater system plan. The amendment also creates a consistency issue with regional land use policy. If the City would like to take a different approach, options for delaying the schedule are available. Council staff are amenable to discuss potential alternatives to address the issues that we have raised. Council staff continue to be committed to working with the City to explore alternatives that are in conformance with regional system plans and consistent with regional policies.

Under Metropolitan Council comprehensive plan amendment review procedures, outlined in the *Local Planning Handbook*, the Council has 60 days to complete its formal review of the amendment. The 60-day period ends on January 7, 2024. To allow for work on resolving the potential conformance and consistency issues, the Council is extending the review period for an additional 60-day period as permitted by statute. This extends the review period to March 7, 2024.

Staff will notify you when dates for the review schedule are finalized and forward a copy of the staff report for review when it is mailed to the Council's Community Development Committee. If

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you have any questions regarding the review, please contact Eric Wojchik, Principal Reviewer, at 651-602-1330 or via email at Eric.Wojchik@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Peter Lindstrom, Metropolitan Council District No. 10
Kyle Colvin, Metropolitan Council Environmental Services
Eric Wojchik, Sector Representative/Principal Reviewer
Reviews Coordinator

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Attachment 4. Committee Meeting Dates and Conformance/Consistency Issues with dates, dated January 2, 2024



January 2, 2024

Kendra Lindahl, Consulting City Planner
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

**RE: City of North Oaks – Red Forest Way South Comprehensive Plan Amendment –
Committee Meeting Dates & Conformance/Consistency Issues
Metropolitan Council Review File No. 21796-3
Metropolitan Council District No. 10**

Dear Kendra Lindahl:

The Metropolitan Council received the City's Red Forest Way South comprehensive plan amendment on June 8, 2023, and found the submission incomplete for review on June 30, 2023 and September 15, 2023. The Council received supplemental information on October 19, 2023. Council staff determined the amendment complete for review in a letter dated November 8, 2023, which also extended the review period an additional 60 days as permitted by statute to March 7, 2024.

The amendment proposes to expand the Metropolitan Urban Service Area (MUSA) to include properties in the Red Forest Way South development (23 parcels, with 24 sewer connections, across 72.25 net acres). The purpose of the amendment is to connect these parcels to regional sanitary sewer services. The amendment would require a change from the Rural Residential Community Designation to the Emerging Suburban Edge Community Designation.

As we have discussed throughout the review process and in our most recent meeting on October 30, 2023, detailed in our email correspondence dated November 1, 2023, and in our complete for review letter dated November 8, 2023, the amendment as proposed constitutes a conformance issue reflecting a substantial departure from the regional wastewater system plan. Regional system plans do not include extension of regional sewer service to this area. Further, the proposed net density for this development is 0.32 units per acre (u/a). The amendment would reduce the overall city-wide density for land with regional wastewater services from 3.0 u/a to 2.2 u/a.

The current Community Designation for Red Forest Way South is Rural Residential which precludes the provision of regional sewer service. The City has proposed a Community Designation change to the Emerging Suburban Edge Community Designation. However, the Council's regional development guide, *Thrive MSP 2040* requires an overall minimum net residential density of 3.0 units per acre within the Emerging Suburban Edge Community Designation for all planned new development and redevelopment areas. The amendment, as proposed, would constitute a departure from regional wastewater system plans and is inconsistent with regional land use policy.

This reduced density constitutes a conformance issue reflecting a substantial departure from the regional wastewater system plan, as outlined in the Council's *2040 Water Resources Policy Plan*. The Council's *2040 Water Resources Policy Plan* (amended 2018) p. 60 states:

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Local comprehensive plans and plan amendments that have substantial impacts on — or contain substantial departures from — the metropolitan wastewater system plan affect how the Council constructs, operates, and maintains the regional wastewater system and can result in system inefficiencies if the nonconforming plans are allowed to be implemented.

Council staff have suggested several options for the City to resolve the conformance and consistency issues. These options include the following:

- As authorized in the City's 2040 Comprehensive Plan, develop Red Forest Way South at proposed densities on individual subsurface sewage treatment systems (SSTS) within the current Rural Residential Community Designation.
- Identify areas within the sewered portions of the City to increase planned residential densities to offset the decrease in density in the Red Forest Way South area to retain the overall minimum 3.0 units per acre required density for new development and redevelopment areas.
- Revise the amendment to propose densities for Red Forest Way South that are consistent with sewered densities within the Emerging Suburban Edge Community Designation at a minimum of 3-5 units per acre.

The Council recognizes the City's desire for flexibility, and we are willing to work with the City on this challenge. However, it is a statutory requirement for all communities to conform to metropolitan system plans, and the City is advised that any changes to planned densities in the City's 2040 Plan must be reviewed and authorized by the Council for system conformance prior to local implementation, as required by sections 473.175, 473.858, and 473.864 of the Metropolitan Land Planning Act.

As permitted by Minnesota Statutes section 473.175, subdivision 1, the Council may require a local governmental unit to modify any comprehensive plan or part thereof that is inconsistent with the metropolitan system plan if the Council concludes that the local plan is more likely than not to have either a substantial impact on, or to contain a substantial departure from, the Council's adopted metropolitan system plans. As explained above, the proposed amendment constitutes a departure from regional wastewater system plans and is inconsistent with regional land use policy. As such, Council staff will proceed with the Plan Modification procedure and seek Council approval to schedule a public hearing on the proposed amendment.

Council staff intends to propose the following schedule for a plan modification and review of the amendment:

1. Tuesday, January 16, 2024 - Community Development Committee – Presentation on the proposed Plan Modification and request to schedule a public hearing on the Plan Modification
2. Monday, February 5, 2024 – Community Development Committee – Hold public hearing
3. Tuesday, February 20, 2024 – Community Development Committee - Considers information and takes action
4. Wednesday, February 28, 2024 – Metropolitan Council – final action

The City may choose to withdraw or modify the amendment request at any time before Tuesday, February 20, 2024. We are committed to continue working together to resolve these challenges and continue to offer to meet with the City to further discuss the amendment and resolve these comprehensive land use planning issues to the satisfaction of the City and the Council. The City and Council can mutually agree to a different schedule if the proposed dates are not agreeable to the City.

Staff will notify you if any changes to the review schedule are necessary. Staff will forward a copy of the staff report for review when it is provided to the Council's Community Development Committee.

If you have any questions about this review or would like to meet again to discuss further, please call Eric Wojchik, Principal Reviewer, by phone at 651-602-1330 or by email at eric.wojchik@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Kevin Kress, City Administrator
Peter Lindstrom, Metropolitan Council District 10
Robert Lilligren, Chair of the Community Development Committee
LisaBeth Barajas, Executive Director of Community Development
Kyle Colvin, Metropolitan Council Environmental Services
Eric Wojchik, Sector Representative/Principal Reviewer
Reviews Coordinator

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PROPOSED

Attachment 5: Resolution 2024-5



METROPOLITAN COUNCIL RESOLUTION NO. 2024-5

RESOLUTION FINDING THE NORTH OAKS COMPREHENSIVE PLAN AMENDMENT IS MORE LIKELY THAN NOT TO HAVE A SUBSTANTIAL IMPACT ON OR CONTAIN A SUBSTANTIAL DEPARTURE FROM THE METROPOLITAN SYSTEM PLAN FOR REGIONAL WASTEWATER SERVICE AND REQUIRING MODIFICATIONS TO ASSURE CONFORMANCE WITH THE METROPOLITAN SYSTEM PLAN

WHEREAS, Minnesota Statutes section 473.851 reflects the Legislature’s recognition “that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space”; and

WHEREAS, section 473.851 also reflects the Legislature’s concern that “problems of urbanization and development transcend local governmental boundaries,” and that “there is a need for the adoption of coordinated plans, programs and controls by all local governmental units in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly, and economic development”; and

WHEREAS, Minnesota Statutes section 473.145 requires the Metropolitan Council (“Council”) to develop and adopt “a comprehensive development guide for the metropolitan area” that must “recognize and encompass physical, social, or economic needs of the metropolitan area and those future developments which will have an impact on the entire area including but not limited to such matters as land use, climate mitigation and adaptation, parks and open space land needs, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, and other public buildings”; and

WHEREAS, the Council has prepared and adopted a comprehensive development guide for the metropolitan area known as *Thrive MSP 2040* (“*Thrive*”), and a long-range policy plan for wastewater treatment known as the *2040 Water Resources Policy Plan* (amended 2018) (“*2040 WRPP*”) which, in conjunction with other Council-adopted comprehensive policy plans, prescribe guides for the orderly and economic development of the metropolitan area; and

WHEREAS, under Minnesota Statutes sections 473.501 to 473.549 the Council is responsible for constructing, operating, and maintaining a regional wastewater treatment system; and

WHEREAS, the *2040 WRPP* is a “metropolitan system plan” under section 473.852, subdivision 7, of the Metropolitan Land Planning Act (“MLPA”); and

WHEREAS, the MLPA establishes requirements for local comprehensive plans and plan amendments and requires local governmental units to submit their plans and plan amendments to the Council for review; and

- WHEREAS**, under Minnesota Statutes section 473.175 the Council reviews comprehensive plans and plan amendments “to determine their compatibility with each other and conformity with metropolitan system plans” and it reviews and comments on the apparent consistency of the comprehensive plans with adopted plans of the Council; and
- WHEREAS**, the *2040 WRPP* (p. 16) states that a local comprehensive plan conforms with metropolitan system plans if the local plan: accurately reflects the metropolitan system plans; integrates public facilities plans; and addresses land use policies, plans for forecasted growth, meets density standards, and maximizes the efficiency and effectiveness of the regional system; and
- WHEREAS**, at its December 22, 2021, meeting the Council authorized the City of North Oaks (“City”) to place its 2040 local comprehensive plan update into effect, and approved the City’s comprehensive sewer plan, which then showed planned land uses and densities that conformed to the 3.0 unit per net acre density standard for sewer-serviced residential growth required by *Thrive MSP 2040* and the *2040 WRPP*; and
- WHEREAS**, on May 24, 2023, (Business Item No. 2023-110) the Council authorized a proposed amendment to the City’s comprehensive plan which changed a 17.4-acre area (comprising two lots) from the Rural Residential community designation to Emerging Suburban Edge designation because the plan with the proposed Lapoutre amendment was consistent with the land use policies for the Emerging Suburban Edge community designation; and
- WHEREAS**, the staff report noted that “[t]he addition of two large previously unsewered lots (totaling 17.4 acres) reduces the communitywide net density from 3.3 units per acre to 3.0 units per acre” and that cities designated as Emerging Suburban Edge communities “are expected to plan for forecasted population and household growth at average densities of a least 3-5 units per acre for new development and redevelopment”; and
- WHEREAS**, the staff report also contained this advisory comment:
- The Council advises the City to guide other areas of North Oaks to higher densities to ensure that the City’s planned land use remains at or above 3.0 units per acre, consistent with regional land use policy. If the density drops below 3.0 units per acre, this would represent a regional policy inconsistency and a potential wastewater system conformance issue.
- WHEREAS**, the Council action authorizing the City to place its Lapoutre comprehensive plan amendment into effect adopted the review record and advised the City that “the advisory comments in the 2040 Plan staff report related to wastewater . . . remain in effect and need to be addressed in future amendments” and advised the City “to implement the advisory comments in the Review Record for Land Use”; and
- WHEREAS**, on June 8, 2023, the City submitted a comprehensive plan amendment (“Amendment”) that proposed to expand the Metropolitan Urban Service Area (“MUSA”) to include properties in the Red Forest Way South development which would consist of 23 parcels, with 24 sewer connections, across 72.25 net acres; and
- WHEREAS**, on June 30, 2023, and September 15, 2023, Council staff found that the submission was incomplete for review; and
- WHEREAS**, the Council received supplemental information from the City on October 19, 2023, and in a letter dated November 8, 2023, Council staff determined the proposed Amendment was complete for review and informed the City that the review period, as permitted by statute, was extended for an additional 60 days to March 7, 2024; and
- WHEREAS**, on January 31, 2024, the City submitted an e-mail message extending the deadline for the review of this Amendment to April 7, 2024; and

- WHEREAS**, the *2040 WRPP* (p. 97) defines the MUSA as “[t]he area in which the Metropolitan Council ensures that regional services and facilities under its jurisdiction are provided”; and
- WHEREAS**, the *2040 WRPP* (p. 13) states that the Council supports the MUSA through investments such as regional wastewater services, regional highways, transit service, regional parks system, and programs that support redevelopment; and
- WHEREAS**, *Thrive* (p. 94) states that the MUSA is divided into five community designations, one of which designations is the Emerging Suburban Edge; and
- WHEREAS**, the City’s proposed Amendment would require a change from the current Rural Residential community designation to the Emerging Suburban Edge community designation as these community designations are defined in *Thrive* (pp. 103 and 108); and
- WHEREAS**, *Thrive* (p. 108) states that communities designated as Rural Residential have residential patterns characterized by large lots and do not have plans to provide urban infrastructure with a maximum allowable density of 1 unit per 2.5 acres; and
- WHEREAS**, under *Thrive* (pp. 103-104), communities designated as Emerging Suburban Edge communities include cities or townships (or portions of them) that are in the early stages of transitioning into urbanized levels of development, are in the MUSA, and have a minimum average net density of 3 to 5 units per acre; and
- WHEREAS**, the *2040 WRPP* (p. 60) defines that a substantial departure occurs when: a local government unit proposes forecasts for sewered development densities that are lower than the Council density standards that are the basis for regional infrastructure planning purposes; and
- WHEREAS**, in a January 2, 2024, letter Council staff referenced correspondence, discussions, and meetings that occurred during the review process, informed the City that staff determined the “amendment as proposed constitutes a conformance issue reflecting a substantial departure from the regional wastewater system plan,” and stated that “[r]egional system plans do not include extension of regional sewer service to this area”; and
- WHEREAS**, the January 2024 letter also noted that “the proposed net density for this development is 0.33 units per acre (u/a),” that the proposed Amendment “would reduce the overall city-wide density for land with regional wastewater services from 3.0 u/a to 2.3 u/a,” and that “[t]his reduced density constitutes a conformance issue reflecting a substantial departure from the regional wastewater system plan, as outlined in the Council’s *2040 Water Resources Policy Plan*”; and
- WHEREAS**, the January 2024 letter quoted this text from page 60 of the *2040 WRPP*:
- Local comprehensive plans and plan amendments that have substantial impacts on—or contain substantial departures from—the metropolitan wastewater system plan affect how the Council constructs, operates, and maintains the regional wastewater system and can result in system inefficiencies if the nonconforming plans are allowed to be implemented.
- and noted that Council staff had suggested several options for the City to resolve the conformance and consistency issues including:
- As authorized in the City’s 2040 Comprehensive Plan, develop Red Forest Way South at the proposed densities on individual subsurface sewage treatment systems (SSTS) within the current Rural Residential Community Designation.
 - Identify areas within the sewered portions of the City to increase planned residential densities to offset the decrease in density in the Red Forest Way

South area to retain the overall minimum 3.0 units per acre required density for new development and redevelopment areas.

- Revise the amendment to propose densities for Red Forest Way South that are consistent with sewered densities within the Emerging Suburban Edge Community Designation at a minimum of 3-5 units per acre.

WHEREAS, Council staff met with City representatives throughout the review process in 2023, specifically April 21, July 10, September 29, and October 30, to discuss the proposed Amendment, clarify questions, and relay concerns regarding the development proposal associated with the Amendment, but the City decided not to modify its proposed Amendment and elected to proceed with the plan amendment review process; and

WHEREAS, Minnesota Statutes section 473.175, subdivision 1, authorizes the Council to “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” and the Council’s procedure on Public Involvement Related to Comprehensive Plan Updates & Amendments (PIC 2-2d) requires a public hearing when the Council proposes to require a local governmental unit to modify any comprehensive plan or part thereof; and

WHEREAS, at its March 4, 2024, meeting (Business Item No. 2024-71) the Council’s Community Development Committee conducted a public hearing on the City’s Red Forest Way South plan Amendment and received comments on a proposed modification of the City’s plan Amendment to ensure the City’s 2040 comprehensive plan as amended will conform to the 2040 WRPP; and

WHEREAS, the City submitted a February 29, 2024, letter to the Council stating why it believes the Council should allow the City to place its proposed plan Amendment into effect and representatives of the City, interested parties, and members of the public attended the March 4, 2024, public hearing and were given an opportunity to provide input on the proposed plan Amendment; and

WHEREAS, after having had an opportunity to review the public hearing record and hearing a presentation from Community Development Division staff at its March 18, 2024, meeting (Business Item No. 2024-71), the Community Development Committee voted to recommend that the Council’s governing body adopt proposed Resolution No. 2024-5 finding the City’s comprehensive plan Amendment is more likely than not to have a substantial impact on or contain a substantial departure from the metropolitan system plan for regional wastewater service and requiring the City to modify its comprehensive plan Amendment to assure conformance with the metropolitan system plan.

Based on its review and consideration of the Council staff reports and analyses, the responses and materials submitted by the City, the other materials and information provided in connection with the proposed plan Amendment, and the Community Development Committee’s recommended action, the Council makes the following:

FINDINGS

1. Under Minnesota Statutes section 473.175, subdivision 1, the Council can 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 the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans.
2. In *City of Lake Elmo v. Metropolitan Council*, 685 N.W.2d 1 (Minn. 2004), the Minnesota Supreme Court concluded that: the Metropolitan Land Planning Act “expressly empower[s] the Council to

revise local comprehensive plans that are in conflict with the Council's overarching plan"; the Council may require "minimum density levels" to ensure conformance with metropolitan system plans; and "[c]ities must conform their comprehensive system plans to the Council's system plans" when the Council finds that a city's comprehensive plan may¹ have a substantial impact on the Council's system plans.

3. The *2040 Water Resources Policy Plan* is the Council's adopted long-range comprehensive policy plan for wastewater treatment and is a "metropolitan system plan" as defined in section 473.852, subdivision 8, of the Metropolitan Land Planning Act.
4. Density standards are the basis for the Council's regional infrastructure planning purposes.
5. *Thrive MSP 2040* (p. 88) states: "In order to ensure efficient use of regional wastewater infrastructure, the Council defines minimum residential density levels in areas planned for regional wastewater service by 2040."
6. *Thrive MSP 2040* (p. 117) states: "Communities in the Metropolitan Urban Services Area (MUSA) . . . are expected to plan for achieving the overall minimum average density expectations in their community across all areas that a community identifies for new growth, development, and redevelopment." Development of the 23 parcels (with 24 sewer connections) on the 72.25 net acres of the Red Forest Way South development would *decrease* the City's current overall average density from the minimum 3.0 unit per net acre density required by the *2040 WRPP* for sewered land to 2.3 units per net acre. Allowing the City to place the proposed plan Amendment into effect would cause the City's plan to substantially depart from the metropolitan system plan for regional wastewater service.
7. The proposed Red Forest Way South development would consist of 23 parcels, with 24 sewer connections, across 72.25 net acres, which equates to a residential density level of approximately 0.32 units per acre. If the Red Forest Way South development were included in the MUSA and designated as an Emerging Suburban Edge area and therefore subject to the density standards for this type of community designation, the development would be expected to have between 217 units (at 3 units per acre) and 361 units (at 5 units per acre) across the 72.25 net acres.
8. Changing the current Rural Residential community designation to the Emerging Suburban Edge community designation as requested by the City and allowing development of only 23 parcels, with 24 sewered connections, across the 72.25 net acres of the Red Forest Way South development would constitute a substantial departure from the *2040 WRPP* and the policy plan's density standards for regional wastewater service.
9. The City's proposed Amendment is inconsistent with regional land use policy.

NOW, THEREFORE, BE IT RESOLVED:

1. THAT the February 5, 2024, March 4, 2024, and March 18, 2024, staff reports to the Community Development Committee with their findings and conclusions are adopted; and

¹ At the time of the *Lake Elmo* decision, section 473.175, subdivision 1, authorized the Council to require a plan modification if the plan "*may* have a substantial impact on or contain a substantial departure from metropolitan system plans." (emphasis added). In 2003, this statutory provision was amended to read: "The council may require a local governmental unit to modify any comprehensive plan or part hereof ~~which may~~ 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." (emphasis added). There is no material difference between "may" and "more likely than not."

2. THAT the Metropolitan Council concludes North Oak's proposed plan Amendment if adopted and implemented by the City in the form submitted to the Metropolitan Council is more likely than not to have a substantial impact on or contain a substantial departure from the metropolitan system plan for regional wastewater service; and
3. THAT pursuant to Minnesota Statutes section 473.175, subdivision 2, the City shall modify its proposed plan Amendment by making the text changes described in Table 3 of the staff report which will bring the City's 2040 comprehensive plan into conformance with the *2040 Water Resources Policy Plan* and make the plan consistent with regional land use policy; and
4. THAT pursuant to Minnesota Statutes section 473.175, subdivision 2, the City shall take no action to place its plan Amendment into effect until the City has incorporated the plan amendment modifications required by this resolution.

Adopted this 27th day of March, 2024.

Charles A. Zelle, Chair

Recording Secretary

Table 3. Text Changes required to bring the 2040 North Oaks Comprehensive Plan into conformance with the 2040 Water Resources Policy Plan and consistent with regional land use policy

Reference No.	Text or Map to be Modified	Chapter / Section	Page Reference
	Text and maps to be modified are indicated in <i>Italics</i> . All references are to the Red Forest Way South Comprehensive Plan Amendment to the City of North Oaks 2040 Comprehensive Plan received by the Metropolitan Council on June 8, 2023, as revised through supplemental information received on August 24, 2023, and October 19, 2023, respectively.		
1.	<p>Remove: <i>Red Forest Way South Phase 2 and part of Red Forest Way South Phase 1 (23 parcels consisting of 72.2 net acres) from the ‘Emerging Suburban Edge’ Community Designation in Map 1 – Metropolitan Council Community Designation.</i></p> <p><i>The area referenced above, including the entire Red Forest Area, must be detailed as ‘Rural Residential’ Community Designation in Map 1 – Metropolitan Council Community Designation.</i></p>	Chapter 4: Implementation	95 of 212
2.	<p>Remove: <i>Red Forest Way South Phase 2 and part of Red Forest Way South Phase 1 (23 parcels consisting of 72.2 net acres) from ‘Sewer Only’ in Map 16 – 2017 North Oaks Neighborhoods with Common Utilities.</i></p> <p><i>The area referenced above, including the entire Red Forest Area (neighborhood 20), must be detailed as ‘Not served by common utilities’ in Map 16 – 2017 North Oaks Neighborhoods with Common Utilities.</i></p>	Chapter 4: Implementation	110 of 212
3.	<p>Remove: <i>Red Forest Way South Phase 2 and part of Red Forest Way South Phase 1 (23 parcels consisting of 72.2 net acres) from ‘Future Sewer’ in Map 17 – Areas Served by Municipal Sewer and Subsurface Treatment Systems (SSTS) 2017 North Oaks Neighborhoods with Common Utilities.</i></p> <p><i>The area referenced above, including the entire Red Forest Area, must be detailed as ‘Not Served by Sewer’ in Map 17 – Areas Served by Municipal Sewer and Subsurface Treatment Systems (SSTS).</i></p>	Chapter 4: Implementation	110 of 212
4.	<p>Remove: <i>For future developments in the East Oaks PUD area, the subdivider may utilize centralized sanitary sewer depending on sewer accessibility and sewer line capacities.</i></p> <p>OR</p>	Chapter 3: Community Facilities	67 of 212



Reference No.	Text or Map to be Modified	Chapter / Section	Page Reference
	<p>Leave text in document and add qualifying sentence to the statement: <i>“Any connections to the regional wastewater system must conform to wastewater policies within the Metropolitan Council’s Water Resources Policy Plan and remain consistent with regional land use policy within Thrive MSP 2040.”</i></p>		



PUBLIC COMMENT AND HEARING REPORT

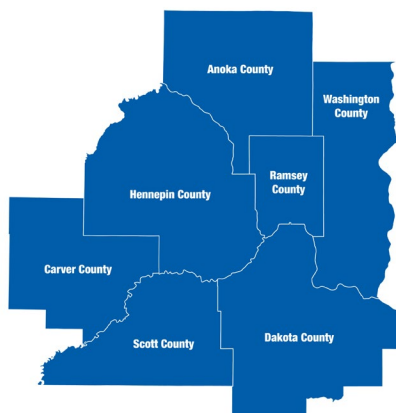
North Oaks 2024 Red Forest Way South Comprehensive Plan Amendment, 21976-3



The Metropolitan Council's mission is to foster efficient and economic growth for a prosperous metropolitan region

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The Metropolitan Council is the regional planning organization for the seven-county Twin Cities area. The Council operates the regional bus and rail system, collects and treats wastewater, coordinates regional water resources, plans and helps fund regional parks, and administers federal funds that provide housing opportunities for low- and moderate-income individuals and families. The 17-member Council board is appointed by and serves at the pleasure of the governor.

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Comment overview

This report serves to summarize public comments received during the public hearing and public comment period for the proposed modification for the City of North Oaks Red Forest Way South Comprehensive Plan Amendment. The comprehensive plan amendment proposes to expand the Metropolitan Urban Service Area to include properties in the Red Forest Way South development, for the purpose of connecting 23 parcels to regional sanitary sewer.

Additional information related to this proposed modification for the comprehensive plan amendment and the [full review record is available at the Met Council's website](#).

The Met Council proactively promoted the public hearing and opportunity for submitting public comments. An opportunity for in-person comment in a public hearing from members of the public was provided at the regularly scheduled meeting of the Metropolitan Council Community Development Committee on March 4, 2024. During the meeting, two people provided comments related to the amendment. Both people offered testimony in favor of the city's request to amend its comprehensive plan for the Red Forest Way South development. [Their testimony is recorded as part of the meeting](#).

The table below summarizes the comments related to the North Oaks plan amendment; the contents of each comment are on the following pages (or attached to this document where appropriate).

Date	Format	Commenter last name	Commenter first name	Organization represented
3/4/24	Public hearing	Lindahl	Kendra	City of North Oaks
3/4/24	Public hearing	Houge	Mark	North Oaks Company
3/4/24	Letter, by email	Moe	Andrew	Minnesota Land Trust
3/7/24	Email	Bobyak	Alexa	Twin Cities resident
3/7/24	Email	Johnson	Alexander	Twin Cities resident
3/8/24	Email	Kraut	Gerald	North Oaks resident
3/9/24	Email	Lester	A.B.	Twin Cities resident
3/11/24	Letter, by email	Houge	Mark	North Oaks Company
3/13/24	Letter, by email	Kress	Kevin	City of North Oaks

Andrew Moe, Minnesota Land Trust

I am writing on behalf of the Minnesota Land Trust ("Land Trust") to bring attention to the significance of existing conservation easements in the City of North Oaks ("City") held by the Land Trust. The permanent protection of these conservation lands should be considered as part of the Metropolitan Council's review of the City's request for a comprehensive plan amendment to connect to municipal sanitary sewer.

At nearly 900 acres, the conservation easements in the City comprise the largest tract of conserved land protected by the Land Trust in the 7-county Metropolitan Area. As you are no doubt aware, natural landscapes, particularly at this scale, play a crucial role in preventing water pollution, erosion, and other environmental stressors. The conservation easements in question play a pivotal role in protecting habitat and water quality, not only for the residents of the City, but also for the greater Twin Cities Metropolitan Area.

Indeed, one of the key advantages of the conservation easements lies in their durable impact on water quality protection. The entirety of Wilkinson Lake, Black Lake, and a portion of Deep Lake are all contained within the conservation easements. Collectively, these lakes constitute a significant portion of the waterbodies in the Vadnais Lakes Area Watershed. Whenever practical, connecting to a municipal sanitary sewer system, as opposed to relying on individual septic systems for each lot, constitutes the more effective method to protect water resources long-term by minimizing the potential for nonpoint source pollution.

Thank you for your consideration of this matter. If you have any questions, please contact me directly...[contact information removed]

Alexa Bobyak, Twin Cities resident

I am a resident of the metro area. Met Council has invited public comment on City of North Oaks' request that your Council extend the Metro Urban Services Area (MUSA) to a new subdivision that will be developed at 0.3 units / acre. I urge you to refuse North Oaks' request.

Metropolitan Council has a long-standing policy of requiring minimal density in cities served by the metro wastewater disposal system. Cities in the service area are expected to plan for a citywide average of at least 3 housing units/acre.

City of North Oaks previously, in 2021, brought to Met Council a city plan purporting to conform with metro policy. Either deliberately or accidentally, large development sites were "omitted" from the planned urban services area. If not for the omission (deliberate or accidental), the city plan would never have been approved. Met Council's own analysis, presented in January 2024, shows the Red Forest subdivision will lower the citywide planned density from 3.0 units/acre to 2.3 units/acre.

North Oaks could conform to metro policy simply by adding space for a 200-units apartment building, anywhere in the city limits. Instead, the City insists it can only provide space for 2-acre and 3-acre rural estate homes (with urban services) because the plans of a HOA has tied its hands.

The City has claimed that its previous plan - with information omitted - was "not a significant departure" from policy, and that the new development result will be only 25% below the required minimum. This claim should be rejected. The policy of a minimum is only effective if cities are required to do at least the minimum that is required.

The City, in its testimony, also claimed that the private, outlot land of Red Forest subdivision is effectively "park and open space." This claim should be rejected. No steps have been taken for the "open space" to be transferred to public ownership or control. No park or open space planning has happened. **Instead, the plan is that the land would be inaccessible to the public; North Oaks is effectively a gated community.**

I urge you to refuse North Oaks' request for MUSA extension while its plan fails to accomplish minimal housing density in the MUSA. In addition to the policy on minimal housing density, North Oaks' proposal also appears to violate Met Council's expectations of equitable development patterns and its policy on minimal provision of affordable housing.

Alexander Johnson, Twin Cities resident

I am a resident of the metro area. Met Council has invited public comment on City of North Oaks' request that your Council extend the Metro Urban Services Area (MUSA) to a new subdivision that will be developed at 0.3 units / acre. Metropolitan Council has a long-standing policy of requiring minimal density in cities served by the metro wastewater disposal system. Cities in the service area are expected to plan for density at least 3 housing units/acre (citywide average). City of North Oaks previously, in 2021, brought to Met Council a city plan purporting to conform with metro policy. Either deliberately or accidentally, large development sites were "omitted" from the planned urban services area. If not for the omission (deliberate or accidental), the city plan would never have been approved. Met Council's own analysis, presented in January 2024, shows the Red Forest subdivision will lower the citywide residential density from 3.0 units/acre to 2.3 units/acre. North Oaks could conform to metro policy simply by adding space for a 200-units apartment building, anywhere in the city limits. Instead, the City insists it can only provide space for 2-acre and 3-acre rural estate homes (with urban services), because the plans of a HOA has tied its hands. The City, in its testimony, has claimed that its previous plans were "not significant" departure from policy, and that the new development result will be only 25% below the required minimum. This claim should be rejected. The policy of a minimum is only effective if cities are required to do at least the minimum that is required. The City, in its testimony, also claimed that the private, outlot land of Red Forest subdivision is effectively "park and open space." This claim should be rejected. No steps have been taken for the "open space" to be transferred to public control. No park or open space planning has happened. Instead, the plan is that the land would be inaccessible to the public; North Oaks is effectively a gated community. I urge you to refuse North Oaks' request for MUSA extension while the City's plan fails to accomplish minimal housing density in the MUSA. In addition to the policy on minimal housing density, the North Oaks proposal also appears to violate Met Council's expectations of equitable development patterns and minimal provision of affordable housing.

Gerald Kraut, North Oaks resident

I am writing you to express my support for an extension of the sanitary sewer system to this addition planned for North Oaks.

I have been a resident of North Oaks for nearly 30 years and was drawn to this community by its unique history and its environmental stewardship.

It always struck me as odd, though, that the majority of homes use septic systems rather than sanitary sewer.

I'm certainly not an expert but I can't imagine septic systems being good for the aquifer supporting the community or for the surface water supporting the St. Paul water supply.

Allowing the sewer extension into Red Forest Way South would be a small but cost effective step in rectifying this situation.

Thank you for your consideration.

A.B. Lester, Twin Cities resident

As a resident of the metro area, I want to see the Met Council do everything in its power to limit urban sprawl. This is crucial to mitigate climate change and help our cities thrive. As a region, we should no longer allow any expansions of the MUSA line unless it will be high-density, affordable development. I write today in opposition of North Oaks' request to expand the MUSA to accommodate a low density subdivision that will lower the citywide planned density from 3.0 units/acre to 2.3 units/acre. I urge you to refuse North Oaks' request for MUSA extension while its plan fails to accomplish minimal housing density in the MUSA.

Mark Houge, North Oaks Company

Thank you for your consideration of the request by the City of North Oaks to amend the comprehensive plan to allow the City to connect the final twenty-three (23) lots in the City to sanitary sewer. Please provide a copy of this letter to the Community Development Committee and Metropolitan Council as part of the City's application materials.

The entire community was developed by a single developer, North Oaks Company, as a unique residential community required to protect the natural environment. James J. Hill purchased the land in 1883 that is now the City of North Oaks from Charles D. Gilfillan, knowing that deed restrictions control (superseding the rights of future landowners) and Hill family must protect the future water supply to the region. In 1950, Louis Hill Jr., grandson of James J. Hill, established the North Oaks Company ("The Company") and worked with nationally recognized planners and landscape architects to plan a residential community. Due to the unique nature of the deeds, Louis Hill Jr. created the North Oaks Homeowners Association (NOHOA) to manage the operations of this private community and assure the perpetual deed restrictions are enforced. In 1999, the daughter of Louis Hill, Jr., Mari Hill/Harpur and husband Doug Harpur again worked with a nationally recognized planner to update the design approach of the remaining undeveloped 1,650 acres by establishing a conservation easement on 889 acres (greater than 50% of remaining lands) with neighborhoods clustered around the perimeter to create the most climate resilient natural environment possible. The Conservation Area includes over ten (10) miles of trails used by residents and their guests, and will be managed by the Minnesota Land Trust, into perpetuity.

The deed restrictions limit the total number of lots (homes) that can be created in the City. Red Forest Way South (RFWS) is the final subdivision in the City, on the last undeveloped area in the City. The Company installed a sanitary sewer lift station to serve the Hill Farm Condominium project at the east boundary of RFWS with capacity to service the twenty-three (23) lots in RFWS. While individual sanitary sewer septic systems are 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.

The City was created to preserve significant natural resources. These natural resources include the water supply to fourteen (14) communities in the region, including St. Paul. These natural resources, acres of parkland and the deed restrictions make it impossible for the City to meet the Metropolitan Council density goals.

The staff report states that adding this land to the service area would decrease the community-wide planned density from 3.0 to 2.3 units per acre. However, that is only if the Council does not give credit for privately held conservation easements, parks and trails. North Oaks is a private city with no public roads and facilities owned by the City, but these private roads and facilities are used both by its residents and their guests. By way of example the recreational facilities (e.g. soccer and baseball fields) are used by teams in which 90% of the participants do not live in North Oaks. The density calculation from the 2040 Comprehensive Plan was updated to include actual data based on the final development layouts and is included with this packet. The density of the City based on this data a density of 3.8 units per acre (Table 2), not the 3.0 units per acre that was approved (Table 1) on December 22, 2021 with the 2040 Comprehensive Plan.

(See full letter for table from comprehensive plan)

If parkland is deducted from the density calculation as allowed in other cities, approval of the Comprehensive Plan Amendment for Red Forest Way South would result in a net density of 2.3 units per acre. We continue to request approval of the amendment as submitted.

However, North Oaks Company is willing to consider an alternative plan that excludes the 44.85 acre (Tract F of RLS 561) and 2 sanitary sewer connections that are part of the current application for sewer connection. With this the density of development would be 3.1 units per acre, when you exclude the parks, recreation areas, wetlands and buffers, and open spaces, in accordance Metropolitan Council policy. We would propose this as another option for approving this request so that the density requirement is met.

The Company has also submitted plans and an application to the Minnesota Pollution Control Agency

("MPCA") for sanitary sewer extension. The MPCA has conditionally approved our application and will be able to issue the permit when the Met Council approval is issued given you are the wastewater treatment plan authority. The attached email from Dave Sahli states the permit status. We ask the Community Development Committee and the Metropolitan Council to use the discretion granted by MN Statute 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. If you have any questions, please contact me at [contact information removed].

Kevin Kress, City of North Oaks

The City of North Oaks (City) has prepared a comprehensive plan amendment to allow a change in designation for 23 lots from Rural Residential to Emerging Suburban Edge and the associated relocation of the existing MUSA boundary for Phase 2 of the planned Red Forest Way South subdivision to allow the last residential subdivision to be built within the City to connect to sanitary sewer to better protect the environment, take advantage of existing adjacent system capacity, and meet the goals of the City and the Metropolitan Council with respect to efficient use of existing infrastructure.

The City asks that you find that the amendment is not more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans and that it is consistent with regional land use policy. That said, even if the Metropolitan Council finds that the amendment is more likely than not to contain a substantial departure from the regional wastewater system plans or is inconsistent with the regional land use policy, the Metropolitan Council exercise its statutorily-authorized discretion and not require the City to modify its comprehensive plan as any actual impacts or inconsistencies are inconsequential within the scope of the larger regional systems.

1. The Impact to the Wastewater Collection and Treatment System is Not Substantial

The existing Metropolitan Council regional wastewater treatment and collection system treats "approximately 350 million gallons of wastewater daily" and serves "over 2.5 million people."¹ Adding a total of 24 additional connections, 22 of which will serve currently planned single-family residences, is anticipated to add minimal daily gallons to the system. Additionally, the existing system infrastructure adjacent to the proposed connections has more than adequate capacity for these proposed connections. Moreover, there is no impact to the wastewater collection and treatment system, and the proposed connections will "[e]fficiently use existing sewer investments in developing ... areas" as contemplated by the Water Resources Policy Plan.²

The wastewater system plan has sufficient capacity to accept the sewage from the 24 proposed connections. Likewise, there is no system expansion or major investment planned based on an expectation that this area would develop at higher sewer densities, and therefore there is no impact from development at lower densities (substantial departure due to underutilization of system).

2. There is No Substantial Departure from the Housing System Plan by Allowing the Development of 23 Additional Lots Within an Expanded Emerging Suburban Edge Designation

The City recognizes that the Water Resources Policy Plan states that a substantial departure can occur from the Council's adopted policy when a local governmental unit "proposes forecasts for sewer development densities that are lower than the basis for regional infrastructure planning purposes."³ However, the City's proposal to add these 23 lots within the MUSA and modify the designation to

¹ 2040 Water Resources Policy Plan, p. 3 and 34

² 2040 Water Resources Policy Plan, p. 235

³ 2040 Water Resources Policy Plan, p. 60

Emerging Suburban Edge is dealing with such a small number of lots, there is no real systemic impact by the proposed Amendment.

3. The City’s Existing Comprehensive Plan and Recent Approved Comprehensive Plan Amendment Demonstrate that there is No Reason to Require a Modification to the City’s Comprehensive Plan or the Requested Amendment

The City’s 2040 Comprehensive Plan was adopted on January 13, 2022. That plan was approved by the Metropolitan Council with the following understandings related to sewered development and density. First, the Plan reiterated that dating back to the City’s 2020 comprehensive plan “the [Metropolitan Council] acknowledge in its report That the City proposed residential densities between 1.8 and 3.3 units per acre,” and that despite this the plan met “most Metropolitan Land Planning Act (LPA) requirements for 1998 plan updates, with the exception essentially limited to the housing element.”⁴ It was further acknowledged that “remaining undeveloped lands that are planned to receive sanitary service *have a planned density lower than 3 units per acre,*” and that the Metropolitan Council “agrees to hold the City harmless in regard to minimum units per acer density requirements required for ‘Emerging Suburban Edge’ communities” through the termination date of the East Oaks PDA on February 11, 2029.⁵ (emphasis added)

Likewise, less than a year ago, the Community Development Committee approved a comprehensive plan amendment to modify the MUSA to include two lots totaling 17 acres within the Emerging Suburban Edge designation. While the amendment was found to be consistent with the land use policies for the Emerging Suburban Edge Community Designation, the uniqueness of the City and the fact that the primary governing planning and regulatory document for the East Oaks Development Area in the City is the East Oaks Planned Unit Development (PUD) which it notes is memorialized in the City’s comprehensive plan.

4. The Impact on the Decreased Density for the Sewered Areas of the City within the East Oaks PUD Is Insignificant

The Amendment would result in the areas subject to the East Oaks PDA with sanitary sewer being developed at a density of less than 3 units per acre.

There are 23 parcels with 24 proposed connections in 89.55 gross and 72.2 net acres. If Tract F (44.84 acres) is removed from the calculation, and the services are reduced down to 22 connections, then the total acreage to be added to the sewered area is 37.1 acres.

Reference is made to reduction in the community-wide density from 3.0 units per acre to 2.3 units per acre. It is important to note that the vast majority of the City (5,461 total acres) is designated as rural residential, not emerging suburban edge. Rural Residential areas are intended, per the Metropolitan Council Land Use Policies, to “encourage rural development at densities that are not greater than 1 unit per 10 acres.”

Looking at the Net Acres to be guided Emerging Suburban Edge, the total acreage is 199.9 acres, with a planned unit count of 24, and an overall density for the areas designated Emerging Suburban Edge of 2.3 units per acre. If developed at 3 units/acre instead of the proposed density, this would only add 191 additional units. While development at less than 3 units/acre is less than what the Metropolitan Council looks for areas designated Emerging Suburban Edge, the practical result of the amendment is an 191-

⁴ City of North Oaks 2040 Comprehensive Plan, p. 27
⁵ City of North Oaks 2040 Comprehensive Plan, p. 30

unit difference between development at 3.0 units/acre and at the City's proposed density. A total of 191 fewer units does not result in a substantial difference in development within the City.

5. The Metropolitan Council Can Recognize the Uniqueness of the City and Allow the Amendment Without Requiring any Modification to the Plan

While the Metropolitan Council has the statutory authority to require a local governmental unit to modify any comprehensive plan or part thereof that is inconsistent with the metropolitan system plan *if* the Council concludes that the local plan is more likely than not to have either a substantial impact on, or to contain a substantial departure from the Council's adopted metropolitan system plans, it is not required to. Based on the information provided regarding this unique situation and the insignificant *actual* impacts on overall regional policy from allowing this, the City respectfully requests the Community Development Committee to recommend that the Metropolitan Council *not* find a substantial departure from the regional wastewater system plans and an inconsistency with regulation land use policy. Further, even if it is found that those exist, the Metropolitan Council is urged to use the discretion granted to it by statute and choose not to require the City to modify its comprehensive plan and this amendment thereto. Alternatively, as noted in the letter recently submitted by the North Oaks Company, should the Council so choose, it could approve the City's requested amendment, excluding Tract F of RLS 561, thereby reducing further any concerns related to the density and wastewater system plans.

Conclusion

The City of North Oaks encourages the Committee and the Metropolitan Council to see its comprehensive plan amendment for what it is—a small change that will not have any actual system-wide impacts or a substantial departure from system plans, but one that will instead have a significant and positive benefit for the City and the environment by facilitating the development of 23 lots connected to adjacent sanitary sewer with more than sufficient capacity to serve those lots.

As noted, the City is unable to compel development of these lots at a higher density than proposed, based primarily on the density constraints of the PDA, as well as the practical reality of the topography and sensitive ecological areas within the proposed development area.

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.

If you have any questions, please contact me at 651.792.7755.



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MINNESOTA LAND TRUST

March 4, 2024

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

Subject: Request for Comprehensive Plan Amendment – City of North Oaks

Dear Mr. Wojchik,

I am writing on behalf of the Minnesota Land Trust (“Land Trust”) to bring attention to the significance of existing conservation easements in the City of North Oaks (“City”) held by the Land Trust. The permanent protection of these conservation lands should be considered as part of the Metropolitan Council’s review of the City’s request for a comprehensive plan amendment to connect to municipal sanitary sewer.

At nearly 900 acres, the conservations easements in the City comprise the largest tract of conserved land protected by the Land Trust in the 7-county Metropolitan Area. As you are no doubt aware, natural landscapes, particularly at this scale, play a crucial role in preventing water pollution, erosion, and other environmental stressors. The conservation easements in question play a pivotal role in protecting habitat and water quality, not only for the residents of the City, but also for the greater Twin Cities Metropolitan Area.

Indeed, one of the key advantages of the conservation easements lies in their durable impact on water quality protection. The entirety of Wilkinson Lake, Black Lake, and a portion of Deep Lake are all contained within the conservation easements. Collectively, these lakes constitute a significant portion of the waterbodies in the Vadnais Lakes Area Watershed. Whenever practical, connecting to a municipal sanitary sewer system, as opposed to relying on individual septic systems for each lot, constitutes the more effective method to protect water resources long-term by minimizing the potential for nonpoint source pollution.

Thank you for your consideration of this matter. If you have any questions, please contact me directly at (651) 917-6280 or amoe@mnland.org.

Sincerely,

Andrew Moe
Director of Conservation Stewardship
Minnesota Land Trust



March 11, 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:

Thank you for your consideration of the request by the City of North Oaks to amend the comprehensive plan to allow the City to connect the final twenty-three (23) lots in the City to sanitary sewer. Please provide a copy of this letter to the Community Development Committee and Metropolitan Council as part of the City's application materials.

The entire community was developed by a single developer, North Oaks Company, as a unique residential community required to protect the natural environment. James J. Hill purchased the land in 1883 that is now the City of North Oaks from Charles D. Gilfillan, knowing that deed restrictions control (superseding the rights of future landowners) and Hill family must protect the future water supply to the region. In 1950, Louis Hill Jr., grandson of James J. Hill, established the North Oaks Company ("The Company") and worked with nationally recognized planners and landscape architects to plan a residential community. Due to the unique nature of the deeds, Louis Hill Jr. created the North Oaks Homeowners Association (NOHOA) to manage the operations of this private community and assure the perpetual deed restrictions are enforced. In 1999, the daughter of Louis Hill, Jr., Mari Hill/Harpur and husband Doug Harpur again worked with a nationally recognized planner to update the design approach of the remaining undeveloped 1,650 acres by establishing a conservation easement on 889 acres (greater than 50% of remaining lands) with neighborhoods clustered around the perimeter to create the most climate resilient natural environment possible. The Conservation Area includes over ten (10) miles of trails used by residents and their guests, and will be managed by the Minnesota Land Trust, into perpetuity.

The deed restrictions limit the total number of lots (homes) that can be created in the City. Red Forest Way South (RFWS) is the final subdivision in the City, on the last undeveloped area in the City. The Company installed a sanitary sewer lift station to serve the Hill Farm Condominium project at the east boundary of RFWS with capacity to service the twenty-three (23) lots in RFWS. While individual sanitary sewer septic systems are 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.

The City was created to preserve significant natural resources. These natural resources include the water supply to fourteen (14) communities in the region, including St. Paul. These natural resources, acres of park land and the deed restrictions make it impossible for the City to meet the Metropolitan Council density goals. The staff report states that adding this land to the service area would decrease the community-wide planned density from 3.0 to 2.3 units per acre. However, that is only if the Council does not give credit for privately held conservation easements, parks and trails. North Oaks is a private city with no public roads and facilities owned by the City, but these private roads and facilities are used both by its residents and their guests. By way of example the recreational facilities (e.g. soccer and baseball fields) are used by teams in which 90% of the participants do not live in North Oaks. The density calculation from the 2040 Comprehensive Plan was updated to include actual data based on the final development layouts and is included with this packet. The density of the City based on this data a density of 3.8 units per acre (Table 2), not the 3.0 units per acre that was approved (Table 1) on December 22, 2021 with the 2040 Comprehensive Plan.

Table 1: Comprehensive Plan, Review File 21796-1, Authorized on December 22, 2021

Land Use	2020-2040 Change				Planned Units
	Density Range		%	Net Acres	
	Min	Max	Residential		
Mixed Residential: Rapp Farm (#4)	1	4		92.0	156
Mixed Use: East Wilkinson (#5)	1	4		31.4	283
Mixed Residential: Anderson Woods (#6)	1	4		19.9	13
Mixed Use: Gate Hill (#7)	1	4		29.1	73
Mixed Use: Island Field (#8)	1	4		10.1	74
Total				182.50	599
				Overall Density	3.3

Table 2: Comprehensive Plan, Review File 21796-1, Authorized on December 22, 2021 with Final Data

Land Use	2020-2040 Change				Planned Units
	Density Range		%	Net Acres	
	Min	Max	Residential		
Mixed Residential: Rapp Farm (#4)	1	4		71.5	156
Mixed Use: East Wilkinson (#5)	1	4		45.6	288
Mixed Residential: Anderson Woods (#6)	1	4		11.8	13
Mixed Use: Gate Hill (#7)	1	4		18.9	73
Mixed Use: Island Field (#8)	1	4		12.5	74
Total				160.29	604
				Overall Density	3.8

If parkland is deducted from the density calculation as allowed in other cities, approval of the Comprehensive Plan Amendment for Red Forest Way South would result in a net density of 2.3 units per acre. We continue to request approval of the amendment as submitted.

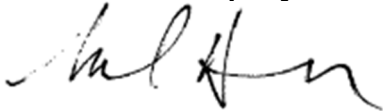
However, North Oaks Company is willing to consider an alternative plan that excludes the 44.85 acre (Tract F of RLS 561) and 2 sanitary sewer connections that are part of the current application for sewer connection. With this the density of development would be 3.1 units per acre, when you exclude the parks, recreation areas, wetlands and buffers, and open spaces, in accordance Metropolitan Council policy. We would propose this as another option for approving this request so that the density requirement is met.

The Company has also submitted plans and an application to the Minnesota Pollution Control Agency ("MPCA") for sanitary sewer extension. The MPCA has conditionally approved our application and will be able to issue the permit when the Met Council approval is issued given you are the wastewater treatment plan authority. The attached email from Dave Sahli states the permit status.

We ask the Community Development Committee and the Metropolitan Council to use the discretion granted by MN Statute 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.

If you have any questions, please contact me at 651.631.6226 or Lauren Grouws at 253.312.6913.

Sincerely,
North Oaks Company LLC



Mark Houge
President

CC: Kendra Lindahl, City Planner
Bridget Nason, City Attorney
Kevin Kress, City Administrator
Peter Lindstrom, District 10
Lauren Grouws, North Oaks Company LLC
Mari Hill Harpur
Doug Harpur

Attachments:

- Revised Density Calculation (24 pages)
- Email from Dave Sahli, MPCA (5 pages)

North Oaks Density Calculation Log

Comprehensive Plan, Review File 21796-1, Authorized on December 22, 2021

Land Use	2020-2040 Change				
	Density Range		%		Planned Units
	Min	Max	Residential	Net Acres	
Mixed Residential: Rapp Farm (#4)	1	4		92.0	156
Mixed Use: East Wilkinson (#5)	1	4		31.4	283
Mixed Residential: Anderson Woods (#6)	1	4		19.9	13
Mixed Use: Gate Hill (#7)	1	4		29.1	73
Mixed Use: Island Field (#8)	1	4		10.1	74
Total				182.50	599
				Overall Density	3.3

Comprehensive Plan Amendment, Review File

Comprehensive Plan, Review File 21796-2, Authorized on May 24, 2023

Land Use	2020-2040 Change				
	Density Range		%		Planned Units
	Min	Max	Residential	Net Acres	
Mixed Residential: Rapp Farm (#4)	1	4		92.0	156
Mixed Use: East Wilkinson (#5)	1	4		31.4	283
Mixed Residential: Anderson Woods (#6)	1	4		19.9	13
Mixed Use: Gate Hill (#7)	1	4		29.1	73
Mixed Use: Island Field (#8)	1	4		10.1	74
Nord (addition x 2 lots)	1	4		17.4	2
Total				199.90	601
				Overall Density	3.0

Comprehensive Plan, Review File 21796-3

Land Use	2020-2040 Change				
	Density Range		%		Planned Units
	Min	Max	Residential	Net Acres	
Mixed Residential: Rapp Farm (#4)	1	4		92.0	156
Mixed Use: East Wilkinson (#5)	1	4		31.4	283
Mixed Residential: Anderson Woods (#6)	1	4		19.9	13
Mixed Use: Gate Hill (#7)	1	4		29.1	73
Mixed Use: Island Field (#8)	1	4		10.1	74
Red Forest Way Development	1	4		72.2	23
Nord (addition x 2 lots)	1	4		17.4	2
Total				272.10	624
				Overall Density	2.3

Comprehensive Plan, Review File 21796-3 - Revision 3/11/24

Land Use	2020-2040 Change				
	Density Range		%		Planned Units
	Min	Max	Residential	Net Acres	
Mixed Residential: Rapp Farm (#4)	1	4		71.5	156
Mixed Use: East Wilkinson (#5)	1	4		45.6	288
Mixed Residential: Anderson Woods (#6)	1	4		11.8	13
Mixed Use: Gate Hill (#7)	1	4		18.9	73
Mixed Use: Island Field (#8)	1	4		12.5	74
Red Forest Way Development	1	4		37.7	22
Nord (addition x 2 lots)	1	4		7.4	2
Total				205.36	628
				Overall Density	3.1

Mixed Residential: Rapp Farm (#4)

Tract	RLS	Total Tract Area	Wetland Area	Wetland Buffer	Open Space	Road ROW	Net Acreage	Address	Development Area	Notes
A	589	66,395	-	-	-	-	66,395	24 Leaf Wing Drive	D	Ph. 1
B	589	19,464	-	-	-	-	19,464	22 Leaf Wing Drive	D	Ph. 1
C	589	24,238	-	-	-	-	24,238	20 Leaf Wing Drive	D	Ph. 1
D	589	25,266	-	-	-	-	25,266	18 Leaf Wing Drive	D	Ph. 1
E	589	35,965	5,590	2,952	-	-	27,423	16 Leaf Wing Drive	D	Ph. 1
F	589	38,523	10,670	1,854	-	-	25,999	14 Leaf Wing Drive	D	Ph. 1
G	589	46,707	3,070	2,455	-	9,943	31,239	12 Leaf Wing Drive	D	Ph. 1
H	589	38,598	-	-	-	10,140	28,459	19 Leaf Wing Drive	D	Ph. 1
I	589	21,758	-	-	-	1,975	19,782	17 Leaf Wing Drive	D	Ph. 1
J	589	26,354	-	-	-	4,231	22,122	15 Leaf Wing Drive	D	Ph. 1
K	589	26,303	-	-	-	3,884	22,419	11 Leaf Wing Drive	D	Ph. 1
L	589	21,218	-	-	-	920	20,297	9 Leaf Wing Drive	D	Ph. 1
M	589	66,311	-	-	-	18,980	47,331	7 Leaf Wing Drive	D	Ph. 1
N	589	62,195	-	-	-	12,336	49,859	3 Monarch Way	D	Ph. 1
O	589	21,033	-	-	-	-	21,033	5 Monarch Way	D	Ph. 1
P	589	18,437	-	-	-	-	18,437	7 Monarch Way	D	Ph. 1
Q	589	39,684	10,190	3,073	-	-	26,420	10 Monarch Way	D	Ph. 1
R	589	37,338	20,770	2,941	-	-	13,627	8 Monarch Way	D	Ph. 1
S	589	40,414	23,210	2,901	-	-	14,303	6 Monarch Way	D	Ph. 1
T	589	27,177	6,860	2,484	-	-	17,832	4 Monarch Way	D	Ph. 1
U	589	20,252	6,500	1,886	20,252	-	-	-	D	Ph. 1, Open Space
V	589	27,934	9,850	2,580	-	-	15,504	4 Leaf Wing Drive	D	Ph. 1
W	589	28,726	9,910	3,178	-	-	15,638	6 Leaf Wing Drive	D	Ph. 1
X	589	46,350	26,530	3,217	-	-	16,603	8 Leaf Wing Drive	D	Ph. 1
Y	589	77,059	33,560	9,624	-	-	33,875	10 Leaf Wing Drive	D	Ph. 1
Z	589	38,859	5,740	5,025	-	-	28,095	18 Crescent Lane	D	Ph. 1
AA	589	22,361	5,360	3,469	-	-	13,532	16 Crescent Lane	D	Ph. 1
BB	589	24,889	8,060	3,886	-	-	12,943	14 Crescent Lane	D	Ph. 1
CC	589	36,781	1,270	4,653	-	-	30,858	12 Crescent Lane	D	Ph. 1
DD	589	40,774	2,530	8,827	-	-	29,417	10 Crescent Lane	D	Ph. 1
EE	589	18,088	-	-	-	-	18,088	8 Crescent Lane	D	Ph. 1
FF	589	28,071	4,510	3,346	-	-	20,216	6 Crescent Lane	D	Ph. 1
GG	589	30,767	3,790	6,590	-	-	20,387	4 Crescent Lane	D	Ph. 1
HH	589	26,633	2,710	7,174	-	-	16,750	2 Crescent Lane	D	Ph. 1
II	589	80,182	13,880	11,652	-	-	54,650	1 Crescent Lane	D	Ph. 1
A	611	28,213	-	-	-	-	28,213	73 Monarch Way	D	Ph. 2
B	611	30,041	-	2,619	-	-	27,422	11 Crescent Lane	D	Ph. 2
C	611	21,651	-	-	-	-	21,651	15 Crescent Lane	D	Ph. 2
D	611	16,617	-	-	-	-	16,617	17 Crescent Lane	D	Ph. 2
E	611	25,180	-	-	-	-	25,180	19 Crescent Lane	D	Ph. 2
F	611	20,076	480	2,993	-	-	16,603	18 Crescent Lane	D	Ph. 2
G	611	22,728	2,160	3,554	-	-	17,014	16 Crescent Lane	D	Ph. 2
H	611	19,516	504	1,884	-	-	17,128	14 Crescent Lane	D	Ph. 2
I	611	18,691	3,203	2,362	-	-	13,126	12 Crescent Lane	D	Ph. 2
J	611	20,613	5,177	2,766	-	-	12,670	10 Crescent Lane	D	Ph. 2
K	611	25,154	3,859	3,962	-	-	17,333	8 Crescent Lane	D	Ph. 2
L	611	30,167	-	2,720	-	-	27,447	6 Crescent Lane	D	Ph. 2
M	611	33,141	4,009	7,413	-	-	21,719	4 Crescent Lane	D	Ph. 2
N	611	97,551	1,892	6,613	97,551	-	-	62 Monarch Way	D	Ph. 2, Open Space
A	612	18,385	300	2,466	-	-	15,619	47 Monarch Way	D	Ph. 3
B	612	16,435	-	1,149	-	-	15,286	49 Monarch Way	D	Ph. 3
C	612	16,593	-	-	-	-	16,593	51 Monarch Way	D	Ph. 3
D	612	16,538	-	-	-	-	16,538	53 Monarch Way	D	Ph. 3
E	612	17,493	-	-	-	-	17,493	55 Monarch Way	D	Ph. 3
F	612	24,784	-	-	-	-	24,784	57 Monarch Way	D	Ph. 3
G	612	15,272	-	682	-	-	14,590	68 Monarch Way	D	Ph. 3
H	612	17,093	-	69	-	-	17,024	66 Monarch Way	D	Ph. 3
I	612	17,562	-	343	-	-	17,219	64 Monarch Way	D	Ph. 3
J	612	20,096	-	2,448	-	-	17,648	62 Monarch Way	D	Ph. 3
K	612	19,620	-	-	-	-	19,620	60 Monarch Way	D	Ph. 3
L	612	16,536	-	-	-	-	16,536	58 Monarch Way	D	Ph. 3
M	612	20,255	-	-	-	-	20,255	56 Monarch Way	D	Ph. 3
N	612	20,562	-	-	-	-	20,562	54 Monarch Way	D	Ph. 3
O	612	26,767	-	-	-	-	26,767	10 Monarch Lane	D	Ph. 3
P	612	14,831	-	-	-	-	14,831	12 Monarch Lane	D	Ph. 3
Q	612	17,938	-	-	-	-	17,938	14 Monarch Lane	D	Ph. 3
R	612	24,636	200	2,409	-	-	22,027	16 Monarch Lane	D	Ph. 3
S	612	22,545	6,677	4,239	-	-	11,629	18 Monarch Lane	D	Ph. 3
T	612	27,165	6,128	4,464	-	-	16,573	17 Monarch Lane	D	Ph. 3
U	612	17,364	-	-	-	-	17,364	15 Monarch Lane	D	Ph. 3
V	612	16,109	-	147	-	-	15,961	11 Monarch Lane	D	Ph. 3
W	612	21,039	-	1,750	-	-	19,289	9 Monarch Lane	D	Ph. 3
X	612	4,465	-	-	4,465	-	-	-	D	Ph. 3, Open Space
Y	612	20,365	-	-	20,365	-	-	-	D	Ph. 3, Open Space
Z	612	18,016	-	-	18,016	-	-	-	D	Ph. 3, Open Space
AA	612	76,335	27,669	N/A	76,335	-	-	-	D	Ph. 3, Open Space
BB	612	97,722	40,336	N/A	97,722	-	-	-	D	Ph. 3, Open Space
A	614	22,315	410	3,528	-	-	18,377	43 Monarch Way	D	Ph. 4
B	614	18,932	464	1,067	-	-	17,401	45 Monarch Way	D	Ph. 4
C	614	16,268	-	-	-	-	16,268	46 Monarch Way	D	Ph. 4
D	614	15,192	-	-	-	-	15,192	44 Monarch Way	D	Ph. 4
E	614	14,682	-	-	-	-	14,682	42 Monarch Way	D	Ph. 4
F	614	25,492	-	-	-	-	25,492	40 Monarch Way	D	Ph. 4
G	614	24,262	-	-	-	-	24,262	2 Rapp Farm Boulevard	D	Ph. 4
H	614	14,725	-	-	-	-	14,725	4 Rapp Farm Boulevard	D	Ph. 4
I	614	15,012	-	-	-	-	15,012	6 Rapp Farm Boulevard	D	Ph. 4
J	614	16,344	-	-	-	-	16,344	8 Rapp Farm Boulevard	D	Ph. 4
K	614	23,681	-	-	-	-	23,681	10 Rapp Farm Boulevard	D	Ph. 4
L	614	23,924	-	-	-	-	23,924	12 Rapp Farm Boulevard	D	Ph. 4
M	614	26,253	227	2,675	-	-	23,351	14 Rapp Farm Boulevard	D	Ph. 4
N	614	24,974	2,270	3,379	-	-	19,326	16 Rapp Farm Boulevard	D	Ph. 4
O	614	16,974	-	-	-	-	16,974	9 Rapp Farm Boulevard	D	Ph. 4
P	614	14,691	-	-	-	-	14,691	7 Rapp Farm Boulevard	D	Ph. 4
Q	614	13,089	-	-	-	-	13,089	5 Rapp Farm Boulevard	D	Ph. 4
R	614	12,879	-	-	-	-	12,879	3 Rapp Farm Boulevard	D	Ph. 4
S	614	16,478	-	-	-	-	16,478	64 Rapp Farm Boulevard	D	Ph. 4
T	614	20,744	-	-	-	-	20,744	2 Monarch Court	D	Ph. 4
U	614	15,890	-	-	-	-	15,890	4 Monarch Court	D	Ph. 4
V	614	18,555	-	-	-	-	18,555	6 Monarch Court	D	Ph. 4
W	614	14,498	-	-	-	-	14,498	3 Monarch Court	D	Ph. 4
X	614	21,261	-	-	-	-	21,261	1 Monarch Court	D	Ph. 4
Y	614	122,046	23,212	-	122,046	-	-	-	D	Ph. 4, Open Space
Z	614	95,768	18,410	-	95,768	-	-	-	D	Ph. 4, Open Space

Tract	RLS	Total Tract Area	Wetland Area	Wetland Buffer	Open Space	Road ROW	Net Acreage	Address	Development Area	Notes
AA	614	4,160			4,160	-	-		D	Ph. 4, Open Space
BB	614	46,834			46,834	-	-		D	Ph. 4, Club House
CC	614	4,665			4,665	-	-		D	Ph. 4, Open Space
DD	614	37,204				3,438	33,766		D	Ph. 4, Road
EE	614	51,555			51,555	-	-		D	Ph. 4, Open Space
GG	614	11,424			11,424	-	-		D	Ph. 4, Tot Lot
A	617	14,941				-	14,941	62 Rapp Farm Boulevard	D	Ph. 5
B	617	14,081				-	14,081	65 Rapp Farm Boulevard	D	Ph. 5
C	617	14,087				-	14,087	63 Rapp Farm Boulevard	D	Ph. 5
D	617	14,087				-	14,087	61 Rapp Farm Boulevard	D	Ph. 5
E	617	14,065				-	14,065	59 Rapp Farm Boulevard	D	Ph. 5
F	617	18,051		1,107		-	16,944	80 Rapp Farm Lane	D	Ph. 5
G	617	19,909		1,066		-	18,843	78 Rapp Farm Lane	D	Ph. 5
H	617	14,218		2,372		-	11,846	76 Rapp Farm Lane	D	Ph. 5
I	617	15,345		1,504		-	13,841	74 Rapp Farm Lane	D	Ph. 5
J	617	18,246		1,122		-	17,124	72 Rapp Farm Lane	D	Ph. 5
K	617	16,692		2,849		-	13,843	75 Rapp Farm Lane	D	Ph. 5
L	617	15,338				-	15,338	73 Rapp Farm Lane	D	Ph. 5
M	617	23,206				-	23,206	71 Rapp Farm Lane	D	Ph. 5
N	617	25,950	2,932	3,102		-	19,916	18 Rapp Farm Boulevard	D	Ph. 5
O	617	26,318	1,760	2,032		-	22,526	20 Rapp Farm Boulevard	D	Ph. 5
P	617	27,748	6,159	4,201		-	17,388	22 Rapp Farm Boulevard	D	Ph. 5
Q	617	37,571	6,102	7,307		-	24,162	24 Rapp Farm Boulevard	D	Ph. 5
R	617	22,520		185		-	22,335	26 Rapp Farm Boulevard	D	Ph. 5
S	617	20,040				-	20,040	28 Rapp Farm Boulevard	D	Ph. 5
T	617	18,744				-	18,744	30 Rapp Farm Boulevard	D	Ph. 5
U	617	17,551				-	17,551	31 Rapp Farm Boulevard	D	Ph. 5
V	617	14,393				-	14,393	29 Rapp Farm Boulevard	D	Ph. 5
W	617	14,618		219		-	14,399	27 Rapp Farm Boulevard	D	Ph. 5
X	617	25,409		2,399		-	23,010	25 Rapp Farm Boulevard	D	Ph. 5
Y	617	12,568	5,829	3,275	12,568	-	-		D	Ph. 5, Open Space
Z	617	4,218			4,218	-	-		D	Ph. 5, Open Space
AA	617	320,094	108,136		320,094	-	-		D	Ph. 5, Open Space
A	626	13,986				-	13,986	56 Rapp Farm Boulevard	D	Ph. 6
B	626	13,517				-	13,517	58 Rapp Farm Boulevard	D	Ph. 6
C	626	14,204				-	14,204	60 Rapp Farm Boulevard	D	Ph. 6
D	626	12,962				-	12,962	57 Rapp Farm Boulevard	D	Ph. 6
E	626	21,434				-	21,434	55 Rapp Farm Boulevard	D	Ph. 6
F	626	21,522				-	21,522	53 Rapp Farm Boulevard	D	Ph. 6
G	626	13,365				-	13,365	49 Rapp Farm Boulevard	D	Ph. 6
H	626	13,421				-	13,421	47 Rapp Farm Boulevard	D	Ph. 6
I	626	13,508		1,969		-	11,539	41 Rapp Farm Boulevard	D	Ph. 6
J	626	15,228				-	15,228	39 Rapp Farm Boulevard	D	Ph. 6
K	626	18,612		1,468		-	17,144	37 Rapp Farm Boulevard	D	Ph. 6
L	626	18,874		2,100		-	16,774	35 Rapp Farm Boulevard	D	Ph. 6
M	626	18,176		2,100		-	16,076	33 Rapp Farm Boulevard	D	Ph. 6
N	626	26,022				-	26,022	82 Rapp Farm Place	D	Ph. 6
O	626	15,542				-	15,542	84 Rapp Farm Place	D	Ph. 6
P	626	17,127				-	17,127	86 Rapp Farm Place	D	Ph. 6
Q	626	27,934				-	27,934	90 Rapp Farm Place	D	Ph. 6
R	626	18,712				-	18,712	96 Rapp Farm Place	D	Ph. 6
S	626	23,740				-	23,740	98 Rapp Farm Place	D	Ph. 6
T	626	19,434				-	19,434	97 Rapp Farm Place	D	Ph. 6
U	626	19,087				-	19,087	95 Rapp Farm Place	D	Ph. 6
V	626	21,003				-	21,003	93 Rapp Farm Place	D	Ph. 6
W	626	22,949	1,756	2,817		-	18,376	91 Rapp Farm Place	D	Ph. 6
X	626	20,368	609	1,588		-	18,171	89 Rapp Farm Place	D	Ph. 6
Y	626	17,438				-	17,438	87 Rapp Farm Place	D	Ph. 6
Z	626	18,084				-	18,084	85 Rapp Farm Place	D	Ph. 6
AA	626	15,974				-	15,974	83 Rapp Farm Place	D	Ph. 6
BB	626	17,852				-	17,852	81 Rapp Farm Place	D	Ph. 6
CC	626	17,916				-	17,916	34 Rapp Farm Boulevard	D	Ph. 7
DD	626	16,675				-	16,675	36 Rapp Farm Boulevard	D	Ph. 6
EE	626	18,800				-	18,800	38 Rapp Farm Boulevard	D	Ph. 6
FF	626	19,215				-	19,215	40 Rapp Farm Boulevard	D	Ph. 6
GG	626	17,665				-	17,665	42 Rapp Farm Boulevard	D	Ph. 6
HH	626	15,742				-	15,742	44 Rapp Farm Boulevard	D	Ph. 6
II	626	13,646				-	13,646	46 Rapp Farm Boulevard	D	Ph. 6
JJ	626	16,513				-	16,513	48 Rapp Farm Boulevard	D	Ph. 6
KK	626	17,227				-	17,227	50 Rapp Farm Boulevard	D	Ph. 6
LL	626	21,501				-	21,501	52 Rapp Farm Boulevard	D	Ph. 6
MM	626	18,056				-	18,056	54 Rapp Farm Boulevard	D	Ph. 6
NN	626	58,597			58,597	-	-		D	Ph. 6, Open Space
OO	626	3,856			3,856	-	-		D	Ph. 6, Open Space
PP	626	17,212			17,212	-	-		D	Ph. 6, Open Space
QQ	626	4,356			4,356	-	-		D	Ph. 6, Open Space
RR	626	118,048			118,048	-	-		D	Ph. 6, Open Space
Total (SF)		4,848,841	495,431	206,251	1,210,108		3,114,962			

Total (AC) **111.3** **11.4** **4.7** **27.8** **71.5**

Road ROW County Road J

Phase	Units
1	34
2	13
3	23
4	24
5	24
6	38
Total	156

DATE: AUGUST 11, 2005
 rev. SEPTEMBER 8, 2005
 rev. NOVEMBER 14, 2005

SHEET 3 OF 9 SHEETS

SHEET DESCRIPTION
 rev. November 20, 2006 (Address's)
 rev. November 28, 2005 (quest)

FINAL
 EASEMENT
 AND VARIABLE
 SETBACK PLAN

RAPP
 FARM

N O R T H
 O A K S

C O M M U N I T Y

PROJECT:

LEGAL DESCRIPTION
 TRACT E, REGISTERED LAND SURVEY NO. 565
 RAMSEY COUNTY, MINNESOTA

LEGEND

- LOT LINE
- SETBACK LINE
- 12 FT. UTILITY EASEMENT ADJACENT TO ROADWAY EASEMENT
- SANITARY SEWER, UTILITY AND WATER MAIN EASEMENT
- WETLAND BUFFER AREA EASEMENT
- NO-MOW AREA EASEMENT
- DRAINAGE EASEMENT
- STORM SEWER AND PONDING EASEMENT
- LANDSCAPE EASEMENT
- 30 FT. TRAIL EASEMENT
- RESTRICTED DRIVEWAY ACCESS

1B = FUTURE ADDRESS
 E = TRACT LETTER ON FINAL REGISTERED LAND SURVEY UPON RECORDATION.
 DL = DRIVEWAY WITH LIMITED ACCESS

NOTE:
 SQUARE FOOTAGE SHOWN IS TOTAL LOT AREA

CITY OF NORTH OAKS STANDARDS FOR RMH - PUD LOTS

BUILDING TO BUILDING:
 FRONT TO FRONT: 40 FEET
 SIDE TO SIDE: 15 FEET
 REAR TO REAR: 50 FEET

BUILDING TO ROADWAY EASEMENT
 FRONT: 15 FEET
 SIDE: 20 FEET
 REAR: 20 FEET
 WETLAND SETBACK: 30 FEET

SETBACK STANDARDS PER THIS PLAN

FRONT YARD: VARIABLE UNLESS OTHERWISE SPECIFIED
 SIDE TO R/W: VARIABLE UNLESS OTHERWISE SPECIFIED
 REAR YARD: VARIABLE UNLESS OTHERWISE SPECIFIED
 WETLAND: 30 FEET

MINIMUM BUILDING SETBACK DIMENSION ESTABLISHED PER THIS PLAN

30
 25
 20
 15

LEGAL DESCRIPTION
 TRACT E, REGISTERED LAND SURVEY NO. 565
 RAMSEY COUNTY, MINNESOTA

SCALE
 0 60 120 180

LOCATION MAP
 NO SCALE

WILKINSON LAKE
 DEEP LAKE

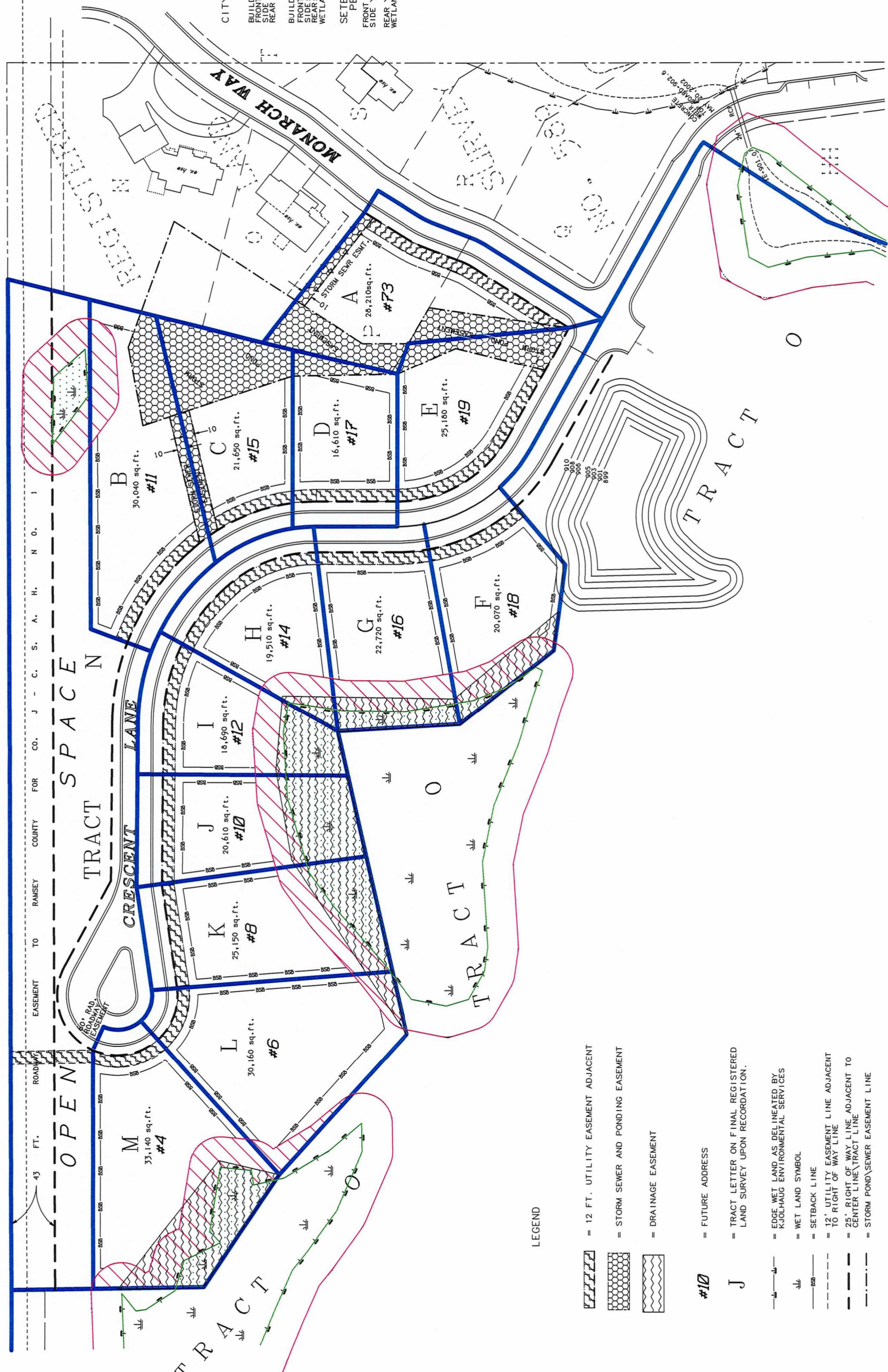
SITE

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769 FAX: (763) 788-7602
 E-MAIL: KURTHSURVEY@aol.com

Randy L. Kurth, R.S. No. 20270
 Minnesota
 I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota.

DEVELOPMENT AREA

COUNTY ROAD J (RAMSEY COUNTY C.S.A.H. NO. 1) (ANOKA COUNTY C.S.A.H. NO. 32)



PROJECT: RAPP FARM PHASE II
 SHEET DESCRIPTION: FINAL EASEMENT PLAN
 DATE: April 19, 2012

PROJECT: RAPP FARM PHASE II

C O M P A N Y
 N O R T H O A K S

Russell J. Kurth, RLS, No. 20270
 4/19/12 22x34 1"=50'

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769 FAX: (763) 788-7602
 E-MAIL: KURTHSURVEY@AOL.COM

LEGAL DESCRIPTION
 TRACTS P & J, REGISTERED LAND SURVEY
 NO. 569, RAMSEY COUNTY, MINNESOTA

DEVELOPMENT AREA "D"

LOCATION MAP
 NO SCALE

CO. RD. J

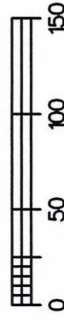
SITE

CITY OF NORTH OAKS STANDARDS FOR RMH - PUD LOTS

BUILDING TO BUILDING:
 FRONT TO FRONT: 40 FEET
 SIDE TO SIDE: 15 FEET
 REAR TO REAR: 50 FEET

BUILDING TO ROADWAY EASEMENT:
 FRONT: 15 FEET
 REAR: 20 FEET
 WETLAND SETBACK: 30 FEET

SETBACK STANDARDS PER THIS PLAN:
 FRONT YARD: 20 FEET UNLESS OTHERWISE RESERVED BY EASEMENT
 REAR YARD: 30 FEET
 WETLAND: 30 FEET



- LEGEND**
- [Hatched pattern] = 12 FT. UTILITY EASEMENT ADJACENT
 - [Cross-hatched pattern] = STORM SEWER AND PONDING EASEMENT
 - [Wavy pattern] = DRAINAGE EASEMENT
 - [Dashed line] = FUTURE ADDRESS
 - [Letter #10] = TRACT LETTER ON FINAL REGISTERED LAND SURVEY UPON RECORDATION.
 - [Dashed line with arrow] = EDGE WET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
 - [Dotted line] = WET LAND SYMBOL
 - [Solid line] = SETBACK LINE
 - [Dashed line with arrow] = 12' UTILITY EASEMENT LINE ADJACENT TO RIGHT OF WAY LINE
 - [Dashed line with arrow] = 25' RIGHT OF WAY LINE ADJACENT TO CENTER LINE TRACT LINE
 - [Dashed line with arrow] = STORM POND/SEWER EASEMENT LINE

SHEET 4 OF 8 SHEETS

Rev. 5-17-12 (util. esmt. thru "M")

DATE: August 27, 2012
 rev. 8/29/12 (address)
 rev. 9/05/12 (drng ems)

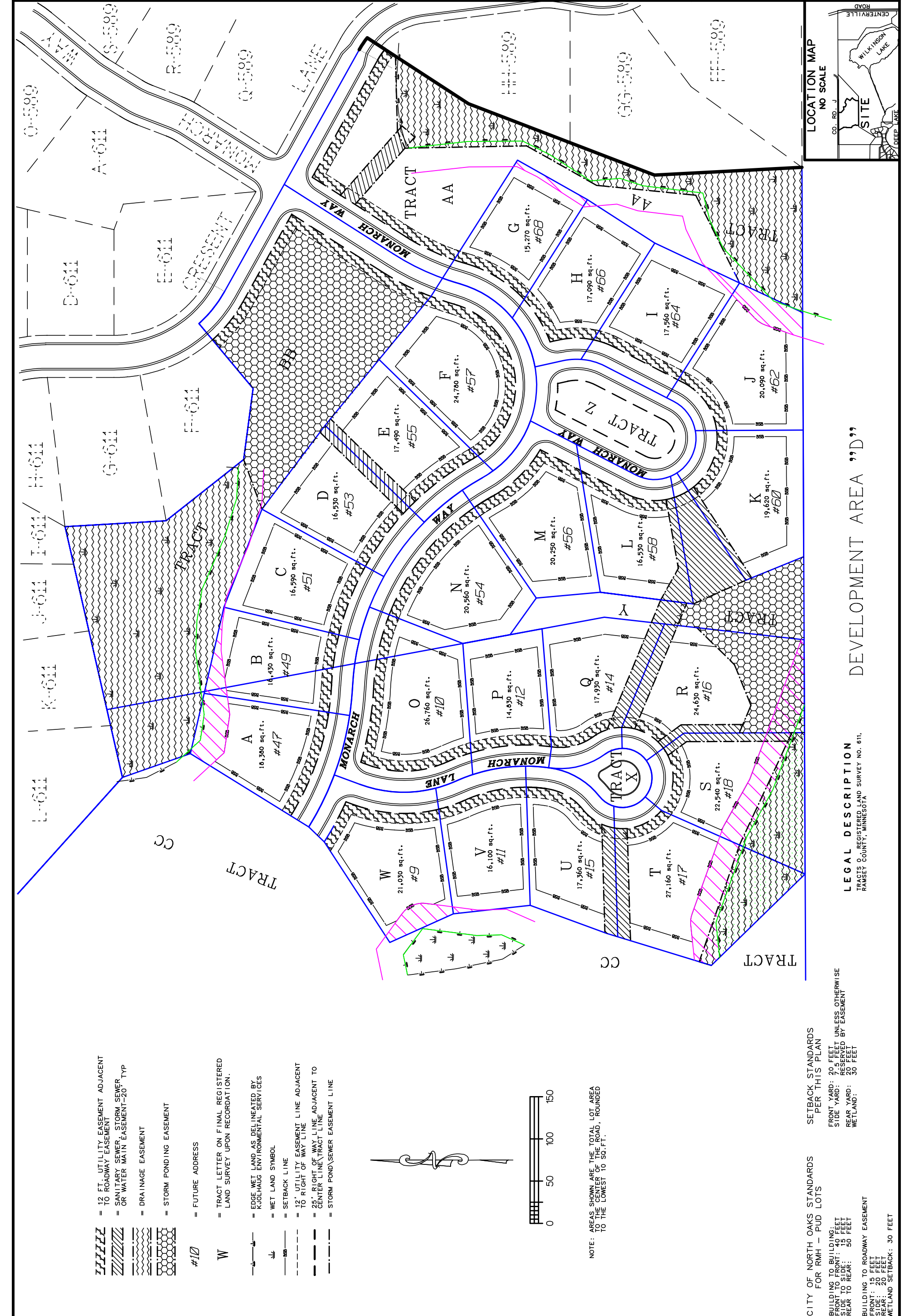
SHEET DESCRIPTION
 FINAL EASEMENT PLAN

PROJECT:
 RAPP FARM PHASE III

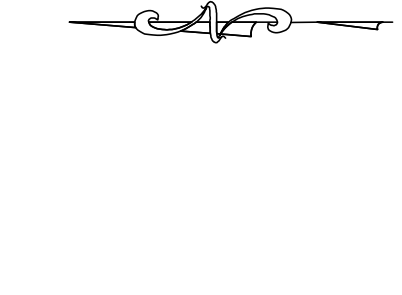
C O M P A N Y
 N O R T H O A K S

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor in the State of Minnesota.
 Randy L. Kurth, RLS, No. 20270
 Russell J. Kurth, RLS, No. 16113

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-8769 FAX: (763) 788-7802
 E-MAIL: KURTHSURVEY@AOL.COM



- = 12 FT. UTILITY EASEMENT ADJACENT TO ROADWAY EASEMENT
- = SANITARY SEWER, STORM SEWER OR WATER MAIN EASEMENT-20' TYP
- = DRAINAGE EASEMENT
- = STORM PONDING EASEMENT
- = FUTURE ADDRESS
- = TRACT LETTER ON FINAL REGISTERED LAND SURVEY UPON RECORDDATION.
- = EDGE WET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
- = WET LAND SYMBOL
- = SETBACK LINE
- = 12' UTILITY EASEMENT LINE ADJACENT TO RIGHT OF WAY LINE
- = 25' RIGHT OF WAY LINE ADJACENT TO CENTER LINE/TRACT LINE
- = STORM POND/SEWER EASEMENT LINE



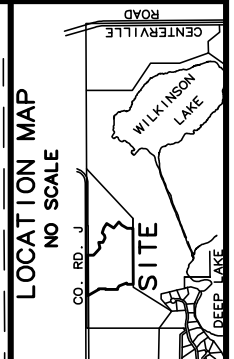
NOTE: AREAS SHOWN ARE THE TOTAL LOT AREA TO THE CENTER OF THE ROAD, ROUNDED TO THE LOWEST TO SQ. FT.

CITY OF NORTH OAKS STANDARDS FOR RWH - PUD LOTS PER THIS PLAN

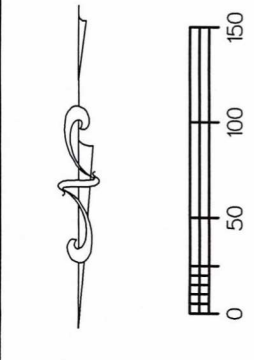
BUILDING TO ROADWAY EASEMENT	FRONT: 15 FEET	REAR: 20 FEET	WETLAND SETBACK: 30 FEET
BUILDING TO BUILDING:	FRONT TO FRONT: 40 FEET	SIDE TO SIDE: 15 FEET	REAR TO REAR: 50 FEET
SETBACK STANDARDS PER THIS PLAN	FRONT YARD: 20 FEET	SIDE YARD: 7.5 FEET UNLESS OTHERWISE RESERVED BY EASEMENT	REAR YARD: 30 FEET
			WETLAND: 30 FEET

LEGAL DESCRIPTION
 TRACTS 0, REGISTERED LAND SURVEY NO. 611,
 RAMSEY COUNTY, MINNESOTA

DEVELOPMENT AREA "D"



30,100 sq. ft.



LEGEND

- 600 — SETBACK LINE
- - - 12' MIN. UTILITY EASEMENT LINE ADJACENT TO RIGHT OF WAY LINE
- - - 25' RIGHT OF WAY LINE ADJACENT TO CENTER LINE\TRACT LINE
- - - STORM POND\SEWER EASEMENT LINE
- ||||| 12 FT. MIN. UTILITY EASEMENT ADJACENT TO ROADWAY EASEMENT
- ||||| SANITARY SEWER, STORM SEWER OR WATER MAIN EASEMENT-20" TYP
- ||||| DRAINAGE EASEMENT
- ||||| STORM PONDING EASEMENT

PROPERTY DESCRIPTION

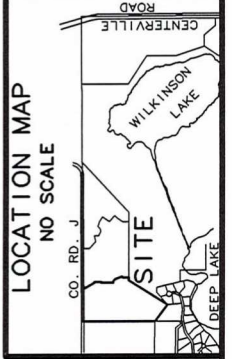
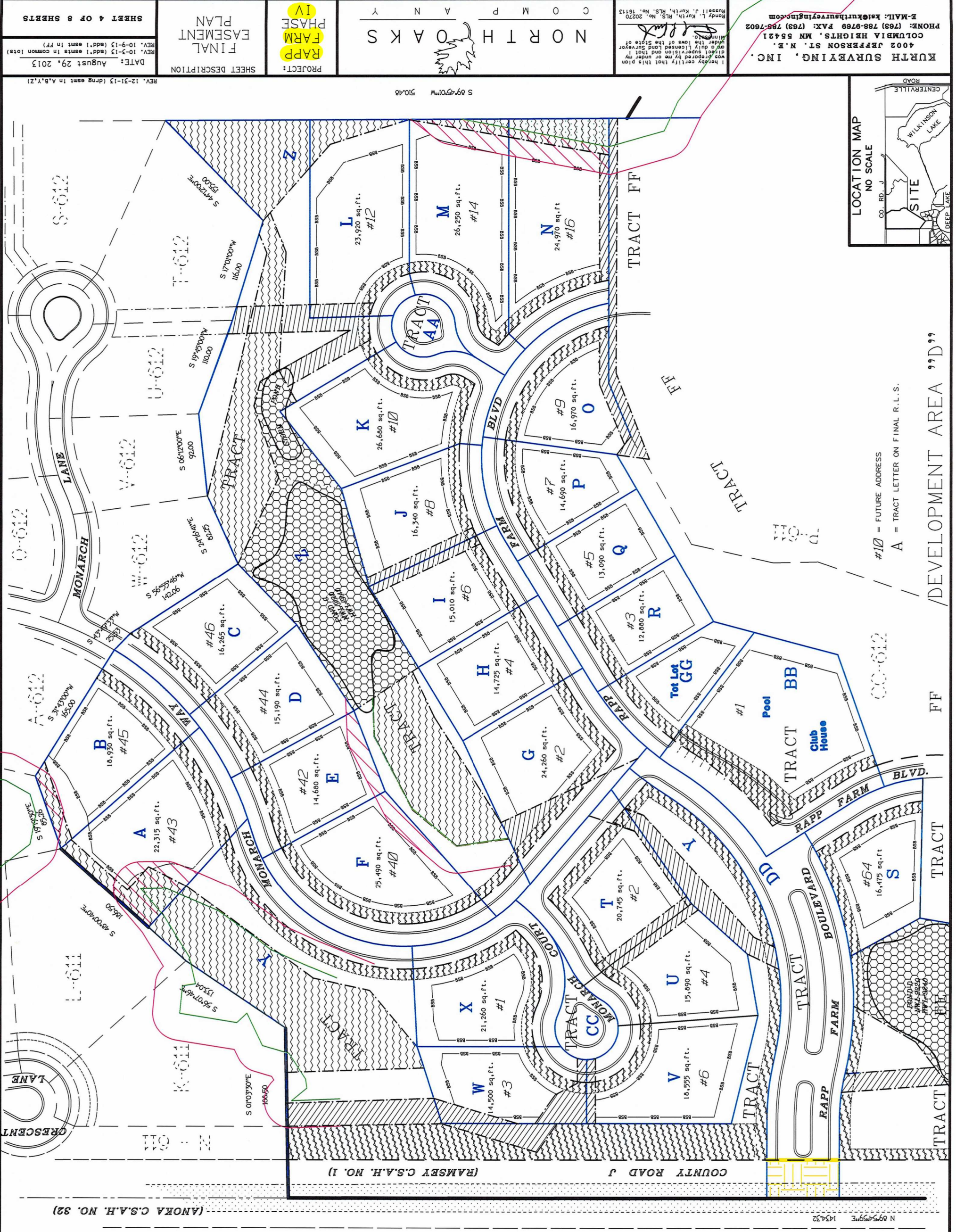
TRACT P., REGISTERED LAND SURVEY NO. 611 and TRACT CC, REGISTERED LAND SURVEY NO. 612, RAMSEY COUNTY, MINNESOTA

SETBACK STANDARDS PER THIS PLAN

- FRONT YARD: 20 FEET UNLESS OTHERWISE SPECIFIED BY EASEMENT
- REAR YARD: 20 FEET
- WETLAND: 30 FEET

CITY OF NORTH OAKS STANDARDS FOR RMH - PUD LOTS

- BUILDING TO BUILDING: FRONT TO FRONT: 40 FEET SIDE TO SIDE: 15 FEET REAR TO REAR: 50 FEET
- BUILDING TO ROADWAY EASEMENT: FRONT: 15 FEET SIDE: 20 FEET REAR: 20 FEET WETLAND SETBACK: 30 FEET



DATE: August 29, 2013
 REV. 10-9-13 (add'l easmt in FF)
 REV. 10-3-13 (add'l easmt in common lots)
 SHEET DESCRIPTION
 FINAL EASEMENT PLAN

PROJECT: RAPP FARM PHASE IV

C O M P A N Y
 N O R T H O A K S

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor in the State of Minnesota.
 Randy L. Kurth, RLS, No. 20270
 Russell J. Kurth, RLS, No. 15113

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769 FAX: (763) 788-7602
 E-MAIL: ksl@kurthsurveying.com

REV. 12-31-13 (Drng easmt in A,B,Y,Z)

SHEET 4 OF 8 SHEETS

#10 = FUTURE ADDRESS
 A = TRACT LETTER ON FINAL R.L.S.

DEVELOPMENT AREA "D"

TRACT

TRACT

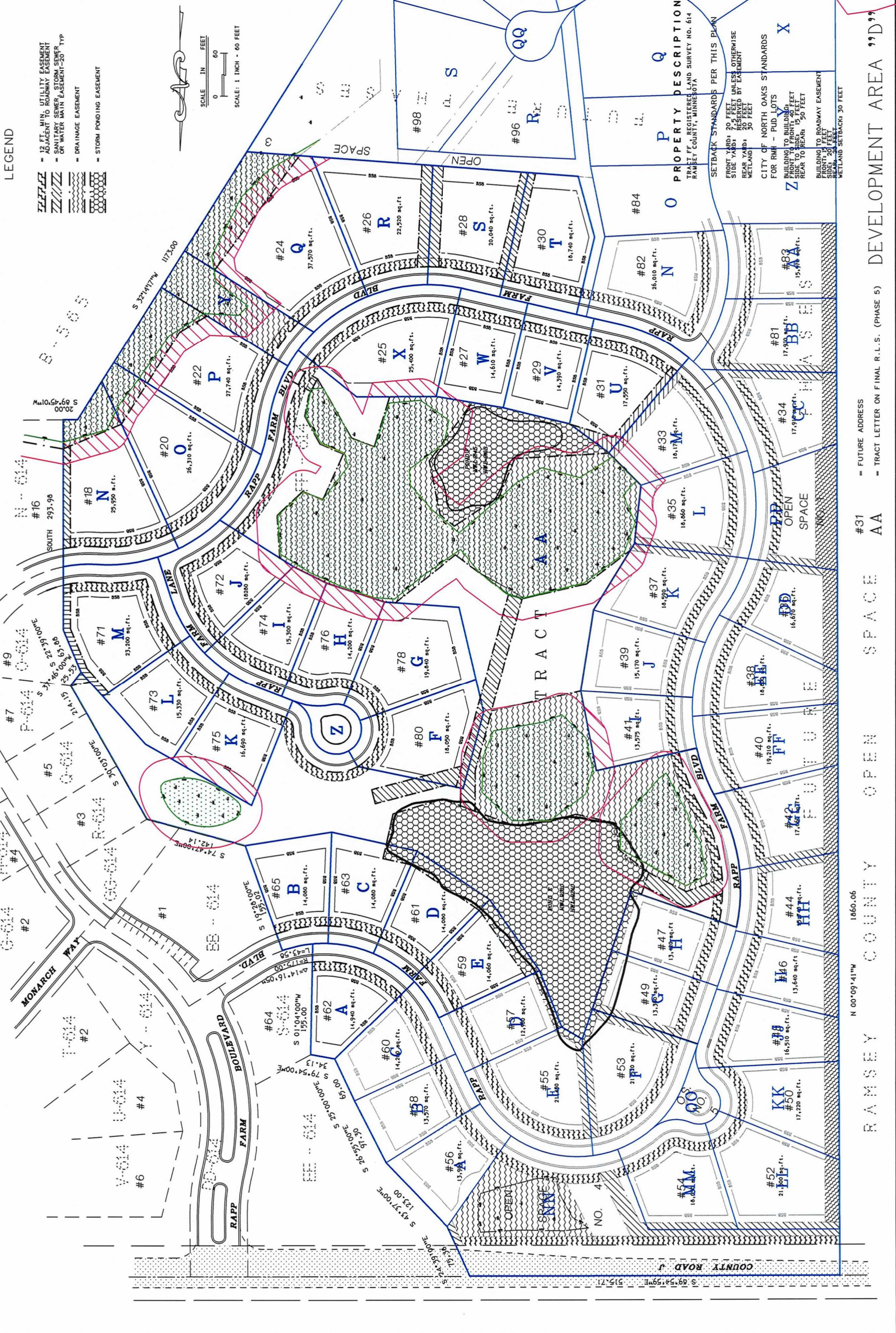
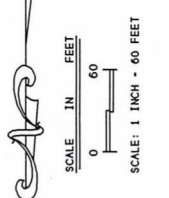
TRACT

TRACT

TRACT

TRACT

- LEGEND**
- 12" ALLEY TO UTILITY EASEMENT
 - SANITARY SEWER EASEMENT-20" TYP
 - OR WATER MAIN EASEMENT-20" TYP
 - DRAINAGE EASEMENT
 - STORM PONDING EASEMENT
- 



PROPERTY DESCRIPTION
TRACT OF REGISTERED LAND SURVEY NO. 614
RAMSEY COUNTY, MINNESOTA

SETBACK STANDARDS PER THIS PLAN
FRONT YARD: 20 FEET MINUS OTHERWISE
SIDE YARD: RESERVED BY EASEMENT
REAR YARD: 20 FEET
WETLAND: 30 FEET

CITY OF NORTH OAKS STANDARDS
FOR RMH - PUD LOTS
BUILDING TO BUILDING FRONT: 10 FEET
FRONT TO FRONT: 15 FEET
SIDE TO SIDE: 15 FEET
REAR TO REAR: 30 FEET
BUILDING TO ROADWAY EASEMENT
FRONT: 15 FEET
REAR: 20 FEET
WETLAND SETBACK: 30 FEET

- #31 - FUTURE ADDRESS
- AA - TRACT LETTER ON FINAL R.L.S. (PHASE 5)
- BB - FUTURE ADDRESS
- CC - FUTURE ADDRESS
- DD - FUTURE ADDRESS
- EE - FUTURE ADDRESS
- FF - FUTURE ADDRESS
- GG - FUTURE ADDRESS
- HH - FUTURE ADDRESS
- II - FUTURE ADDRESS
- KK - FUTURE ADDRESS
- LL - FUTURE ADDRESS
- MM - FUTURE ADDRESS
- NO - FUTURE ADDRESS
- OO - FUTURE ADDRESS
- PP - FUTURE ADDRESS
- QQ - FUTURE ADDRESS
- RR - FUTURE ADDRESS
- SS - FUTURE ADDRESS
- TT - FUTURE ADDRESS
- UU - FUTURE ADDRESS
- VV - FUTURE ADDRESS
- WW - FUTURE ADDRESS
- XX - FUTURE ADDRESS
- YY - FUTURE ADDRESS
- ZZ - FUTURE ADDRESS
- AAA - FUTURE ADDRESS

Mixed Use: East Wilkinson (#5)

Tract	RLS	Total Tract Area	Wetland Area	Wetland Buffer	OHW Setback	Open Space	Road ROW	Net Acreage	Address	Development Area	Notes
A	586	9,658	-	436	-	-	-	9,222	50 Oprey Court	E1	Villas of Wilkinson Lake - 1
B	586	12,329	-	2,401	-	-	-	9,928	48 Oprey Court	E1	
C	586	10,719	-	1,413	-	-	-	9,306	46 Oprey Court	E1	
D	586	10,395	-	1,922	-	-	-	8,474	44 Oprey Court	E1	
E	586	9,978	-	680	-	-	-	9,299	42 Oprey Court	E1	
F	586	11,353	-	-	-	-	-	11,353	40 Oprey Court	E1	
G	586	9,268	-	-	-	-	-	9,268	26 Oprey Court	E1	
H	586	9,538	-	-	-	-	-	9,538	24 Oprey Court	E1	
I	586	9,938	-	-	-	-	-	9,938	22 Oprey Court	E1	
J	586	9,916	-	-	-	-	-	9,916	20 Oprey Court	E1	
K	586	9,439	-	-	-	-	-	9,439	18 Oprey Court	E1	
L	586	11,153	-	-	-	-	-	11,153	16 Oprey Court	E1	
M	586	10,592	-	101	-	-	-	10,491	14 Oprey Court	E1	
N	586	9,689	-	2,022	-	-	-	7,666	12 Oprey Court	E1	
O	586	9,683	-	2,035	-	-	-	7,648	10 Oprey Court	E1	
P	586	12,958	-	371	-	-	-	12,588	8 Oprey Court	E1	
Q	586	11,363	-	1,066	-	-	-	10,297	6 Oprey Court	E1	
R	586	10,188	-	1,153	-	-	-	9,035	4 Oprey Court	E1	
S	586	12,438	-	-	-	-	-	12,438	2 Oprey Court	E1	
T	586	532,294	-	-	-	-	-	-	-	E1	Phase 2 - Future
U	586	83,480	-	-	-	-	-	83,480	-	E1	Road - Osprey Court
V	586	335,612	-	-	-	335,612	-	-	-	E1	Park - NOHOA
W	586	81,289	-	-	-	81,289	-	-	-	E1	Open Space
X	586	13,175	-	-	-	-	-	13,175	-	E1	Road - Osprey Court 1A
Y	586	221,081	-	-	-	221,081	-	-	-	E1	Open Space
A	599	12,968	-	-	-	-	-	12,968	1 Kestrel Court	E2	
B	599	12,130	-	-	562	-	-	12,130	3 Kestrel Court	E2	
C	599	10,035	-	-	364	-	-	10,035	5 Kestrel Court	E2	
D	599	9,602	-	-	-	-	-	9,602	7 Kestrel Court	E2	
E	599	9,457	-	-	-	-	-	9,457	9 Kestrel Court	E2	
F	599	9,254	-	-	-	-	-	9,254	11 Kestrel Court	E2	
G	599	10,003	-	-	-	-	-	10,003	15 Kestrel Court	E2	
H	599	13,189	-	-	-	-	-	13,189	17 Kestrel Court	E2	
I	599	10,500	-	-	-	-	-	10,500	19 Kestrel Court	E2	
J	599	14,650	-	-	-	-	-	14,650	18 Kestrel Court	E2	
K	599	11,286	-	-	-	-	-	11,286	16 Kestrel Court	E2	
L	599	12,624	-	-	-	-	-	12,624	10 Kestrel Court	E2	
M	599	11,357	-	-	-	-	-	11,357	8 Kestrel Court	E2	
N	599	10,595	-	-	-	-	-	10,595	6 Kestrel Court	E2	
O	599	350,857	158,120	-	-	350,857	-	-	-	E2	Open Space
P	599	23,788	-	-	-	-	-	23,788	-	E2	Road - Kestrel Court
A	603	9,640	-	-	-	-	-	9,640	1 Pheobe Lane	E3	
B	603	9,182	-	-	-	-	-	9,182	3 Pheobe Lane	E3	
C	603	9,195	-	-	-	-	-	9,195	5 Pheobe Lane	E3	
D	603	8,965	-	-	-	-	-	8,965	7 Pheobe Lane	E3	
E	603	9,527	-	-	-	-	-	9,527	9 Pheobe Lane	E3	
F	603	10,129	-	-	-	-	-	10,129	11 Pheobe Lane	E3	
G	603	10,465	-	-	-	-	-	10,465	15 Pheobe Lane	E3	
H	603	10,005	-	-	-	-	-	10,005	17 Pheobe Lane	E3	
I	603	9,484	-	-	-	-	-	9,484	19 Pheobe Lane	E3	
J	603	10,324	-	-	-	-	-	10,324	21 Pheobe Lane	E3	
K	603	12,953	-	-	-	-	-	12,953	23 Pheobe Lane	E3	
L	603	10,869	-	1,528	-	-	-	9,340	25 Pheobe Lane	E3	
M	603	10,205	-	-	-	-	-	10,205	27 Pheobe Lane	E3	
N	603	11,381	-	-	-	-	-	11,381	29 Pheobe Lane	E3	
O	603	39,280	-	-	-	-	-	39,280	-	E3	Road - Pheobe Lane
P	603	363,311	-	-	-	363,311	-	-	-	E3	Open Space
Q	603	583,855	301,322	37,819	-	-	-	244,713	-	E3	Future - Villas Phase 4
A	586	209,365	-	-	-	-	-	209,365	-	E	Road - Wilkinson Lake Blvd
B	586	25,209	-	-	-	-	-	25,209	5959 Centerville Road	E	Office Center
C	586	8,852	-	-	-	-	-	8,852	-	E	Waverly Gardens
D	586	136,448	37,000	45,876	-	-	29,283	24,289	-	E	Mitigation Area
E	586	217,022	3,300	10,704	-	-	15,474	187,544	-	E	Waverly Gardens - Parking
F	586	322,435	9,300	-	-	-	-	313,135	5919 Centerville Road	E	Waverly Gardens
G	586	108,238	-	-	-	-	-	108,238	400 E	E	The Mews
H	586	73,672	-	-	-	-	-	73,672	-	E	Community Garden
I	586	146,060	-	-	-	-	-	146,060	325 E	E	The Mews
J	586	435,582	26,300	N/A	-	435,582	-	-	-	E	Park - NOHOA
Total (SF)		4,811,477	535,342	109,528	926	1,787,732		1,986,242			

Total (AC) 110.5 12.3 2.5 0.0 41.0 45.6

Total Unit Count 288
Villa Unit Count 47
Waverly Gardens Unit Count 241

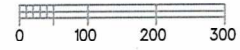
Units	Included as Uni	Unit Type
76	Yes	MEWS
88	Yes	Terrace Apartment
15	Yes	Companion Apt
44	Yes	Assisted Living
18	Yes	Enhance AL
12	No	Memory Care
60	No	Skilled Care

Road ROW Centerville Road

PROPOSED TRACT USES

- TRACT A - ROADWAY, DRAINAGE & UTILITY
- TRACT B - OFFICE/RESTAURANT SITE
- TRACT C - COMMERCIAL SITE
- TRACT D - MITIGATION AREA
- TRACT E - JOINT PARKING/DRIVES
- TRACT F - PRESBYTERIAN HOMES
- TRACT G - THE MEWS
- TRACT H - COMMUNITY GARDEN
- TRACT I - THE MEWS
- TRACT J - PARK
- TRACT K - VILLAS & PINWHEELS
- TRACT L - VILLAS & PINWHEELS
- TRACT M - FUTURE DEVELOPMENT AREA

CONSERVATION AREA



- = EDGE OF WOODS
- = 10 FOOT CONTOUR
- = 2 FOOT CONTOUR
- = SPOT ELEVATION
- = EDGE WET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
- = PROPOSED LOT LINE
- = SETBACK LINE - 30 FT. WETLAND
30 FT ROAD
150 FT O.H.W. LINE
- = SIGNIFICANT TREE
WO = WHITE OAK
RO = RED OAK
BC = BLACK CHERRY

ISLAND

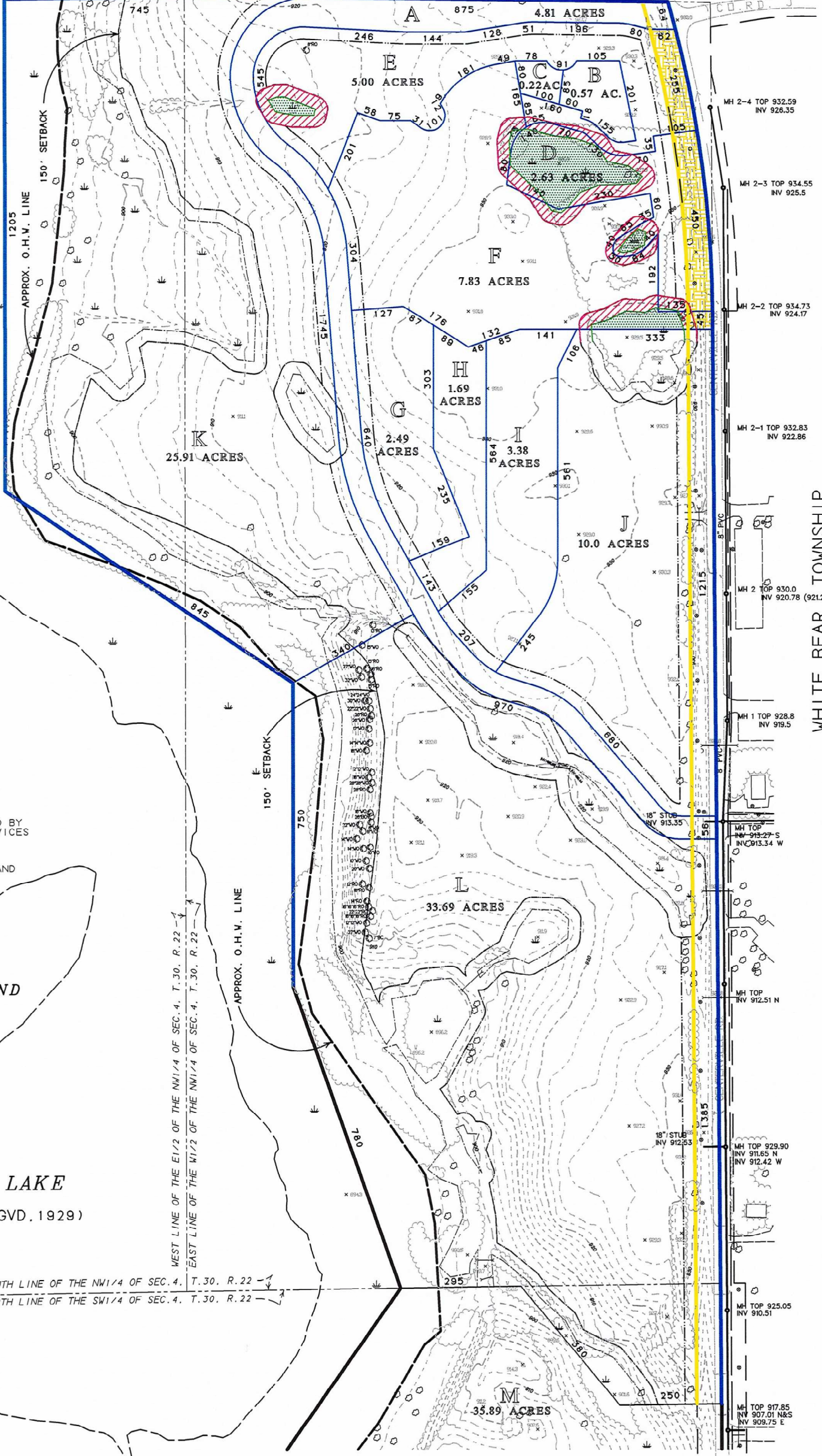
WILKINSON LAKE

N.O.H.W. = 895.2 (NGVD, 1929)

SOUTH LINE OF THE NW1/4 OF SEC. 4, T. 30, R. 22
NORTH LINE OF THE SW1/4 OF SEC. 4, T. 30, R. 22

WEST LINE OF THE NE1/4 OF SEC. 4, T. 30, R. 22
EAST LINE OF THE NW1/4 OF SEC. 4, T. 30, R. 22

APPROX. O.H.W. LINE

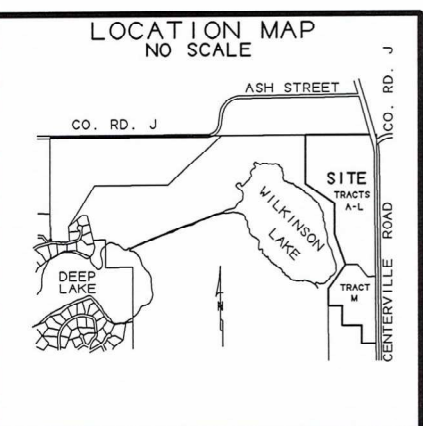


- MH 2-4 TOP 932.59
INV 926.35
- MH 2-3 TOP 934.55
INV 925.5
- MH 2-2 TOP 934.73
INV 924.17
- MH 2-1 TOP 932.83
INV 922.86
- MH 2 TOP 930.0
INV 920.78 (921.2)
- MH 1 TOP 928.8
INV 919.5
- MH TOP 913.27 S
INV 913.34 W
- MH TOP 912.51 N
- MH TOP 929.90
INV 915.5 N
INV 912.42 W
- MH TOP 925.05
INV 910.51
- MH TOP 917.85
INV 907.01 N&S
INV 909.75 E

WHITE BEAR TOWNSHIP

LEGAL DESCRIPTION
TRACT A, REGISTERED LAND SURVEY NO. 565
RAMSEY COUNTY, MINNESOTA

DEVELOPMENT AREA "E"



KURTH SURVEYING, INC.
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN 55421
PHONE: (763) 788-9769 FAX: (763) 788-7602
E-MAIL: KURTHSURVEY@AOL.COM

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Randy L. Kurth, RLS, No. 20270
Russell J. Kurth, RLS, No. 18113

NORTH OAKS
C O M P A N Y

PROJECT:
THE GARDENS OF NORTH OAKS

SHEET DESCRIPTION
FINAL PROPOSED LOTS

DATE: APRIL 25, 2002
rev. 06-04-02 rev. 03-19-03
rev. 04-30-03 rev. 07-08-03
rev. 12-31-03
SHEET 3 OF 7 SHEETS

DATE: SEPTEMBER 26, 2006
 REV: 11-15-06 (NO DRIVE ACCESS-TRAIL DOC. NO.)
 SHEET DESCRIPTION
 SHEET 3 OF 7 SHEETS

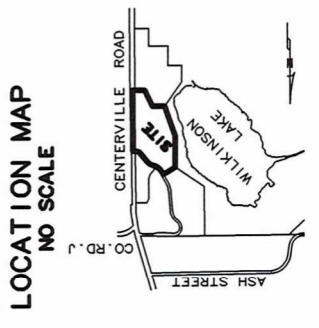
PROJECT:
THE VILLAS OF WILKINSON LAKE PHASE I
 FINAL EASEMENT PLAN

PROJECT:
THE VILLAS OF WILKINSON LAKE PHASE I

C O M P A N Y
N O R T H O A K S

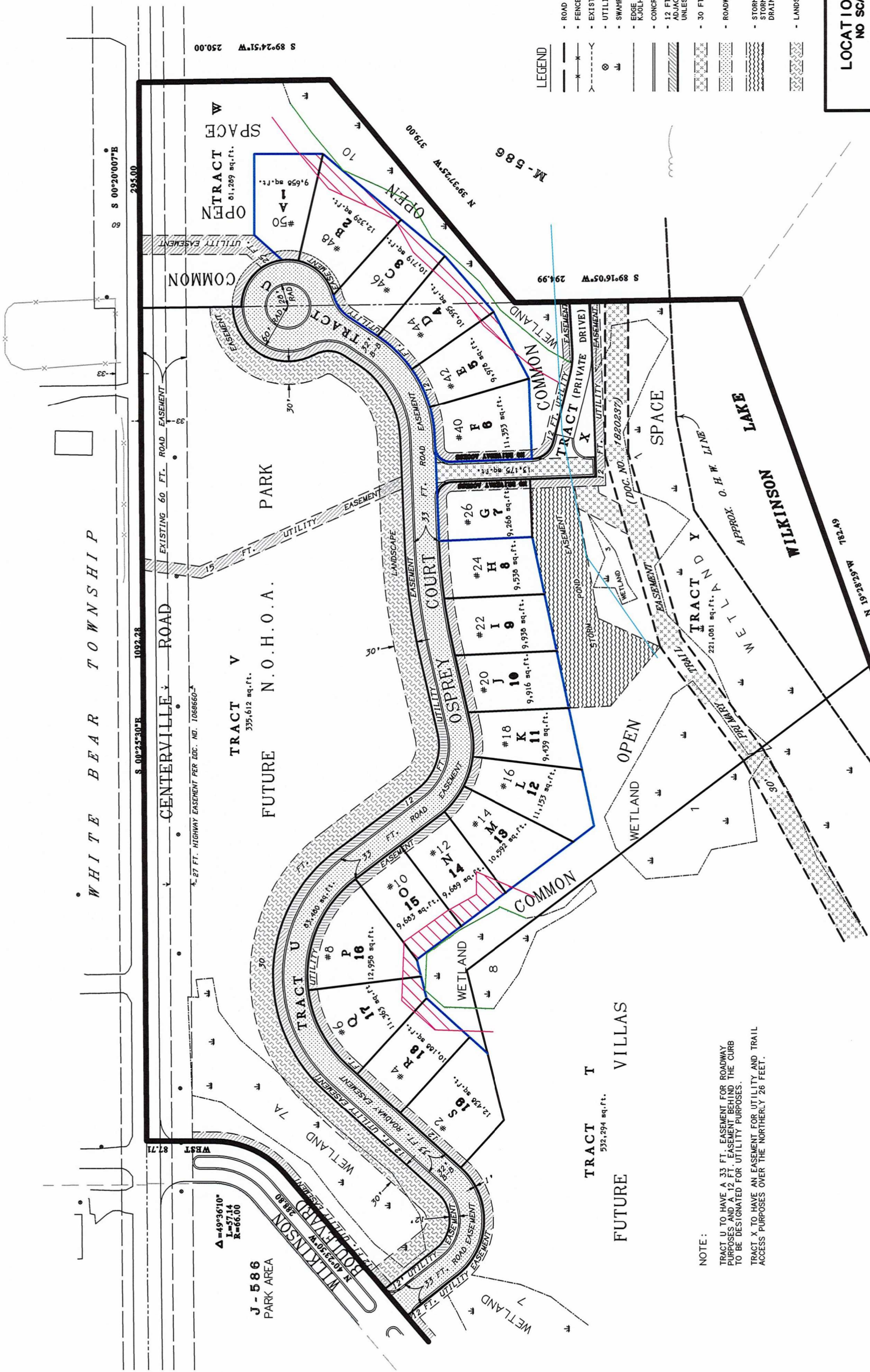
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Missouri.
 L. Kurtz, RLS, No. 20270
 E-Mail: KURTZSURVEY@aol.com

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769 FAX: (763) 788-7602
 E-MAIL: KURTZSURVEY@aol.com

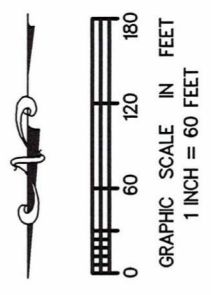


- LEGEND**
- ROAD RIGHT OF WAY
 - FENCE
 - EXISTING CULVERT
 - UTILITY POLE
 - SWAMP SYMBOL
 - EDGE WET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
 - CONCRETE CURBS
 - 12 FT. UTILITY EASEMENT LINE ADJACENT TO ROAD EASEMENT UNLESS OTHERWISE SHOWN.
 - 30 FT. TRAIL EASEMENT
 - ROADWAY EASEMENT
 - STORM SEWER EASEMENT / STORM PONDING AND DRAINAGE EASEMENT
 - LANDSCAPE EASEMENT

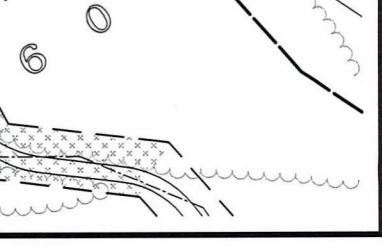
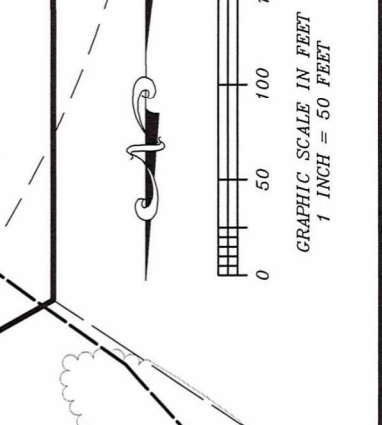
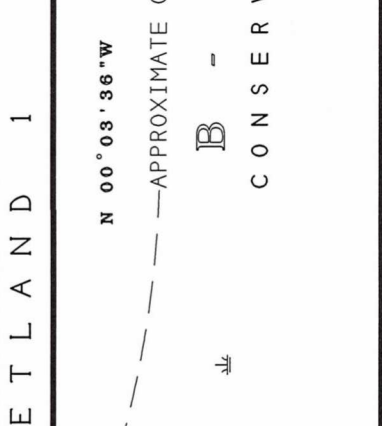
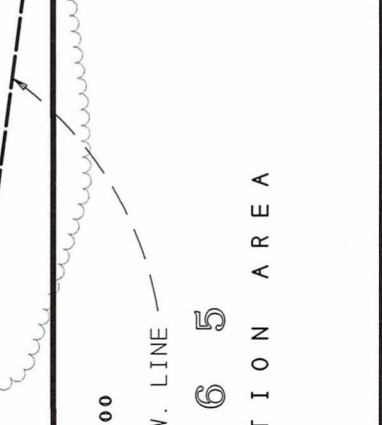
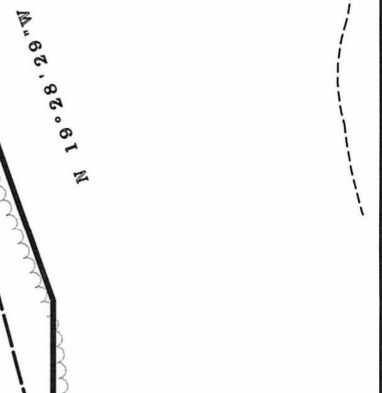
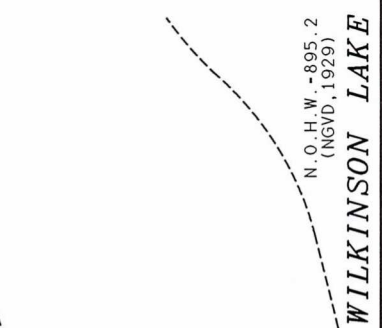
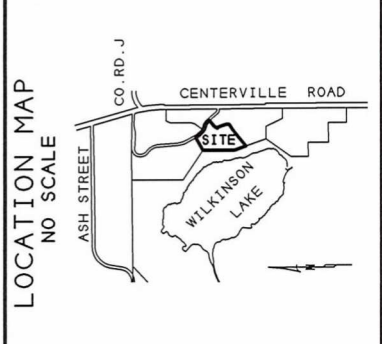
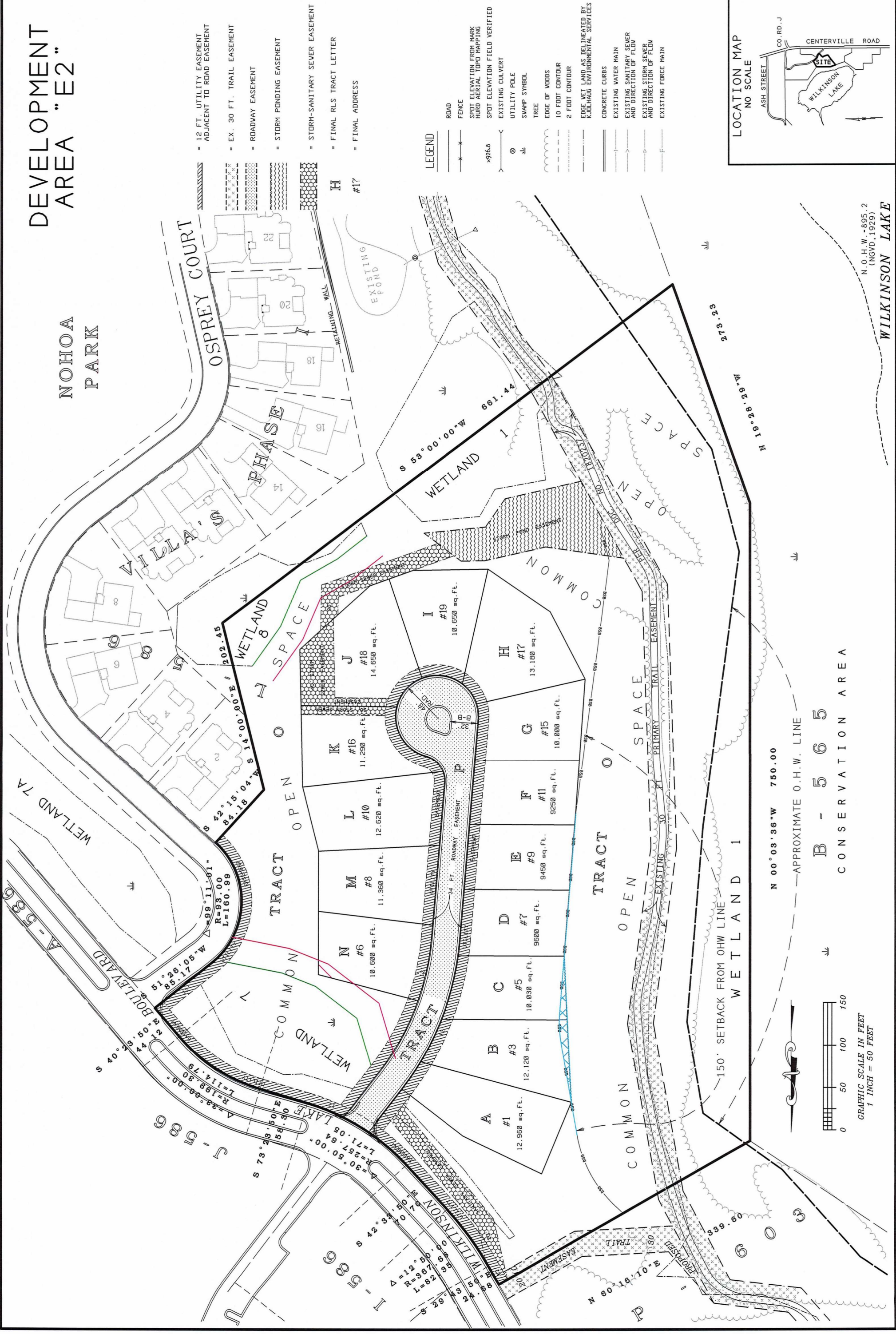
DEVELOPMENT AREA "E1"

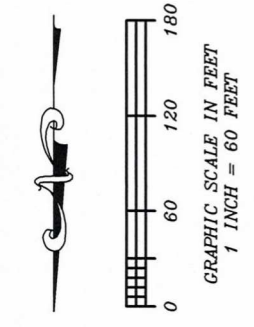


NOTE:
 TRACT U TO HAVE A 33 FT. EASEMENT FOR ROADWAY PURPOSES AND A 2 FT. EASEMENT BEHIND THE CURB TO BE DESIGNATED FOR UTILITY PURPOSES.
 TRACT X TO HAVE AN EASEMENT FOR UTILITY AND TRAIL ACCESS PURPOSES OVER THE NORTHERLY 26 FEET.



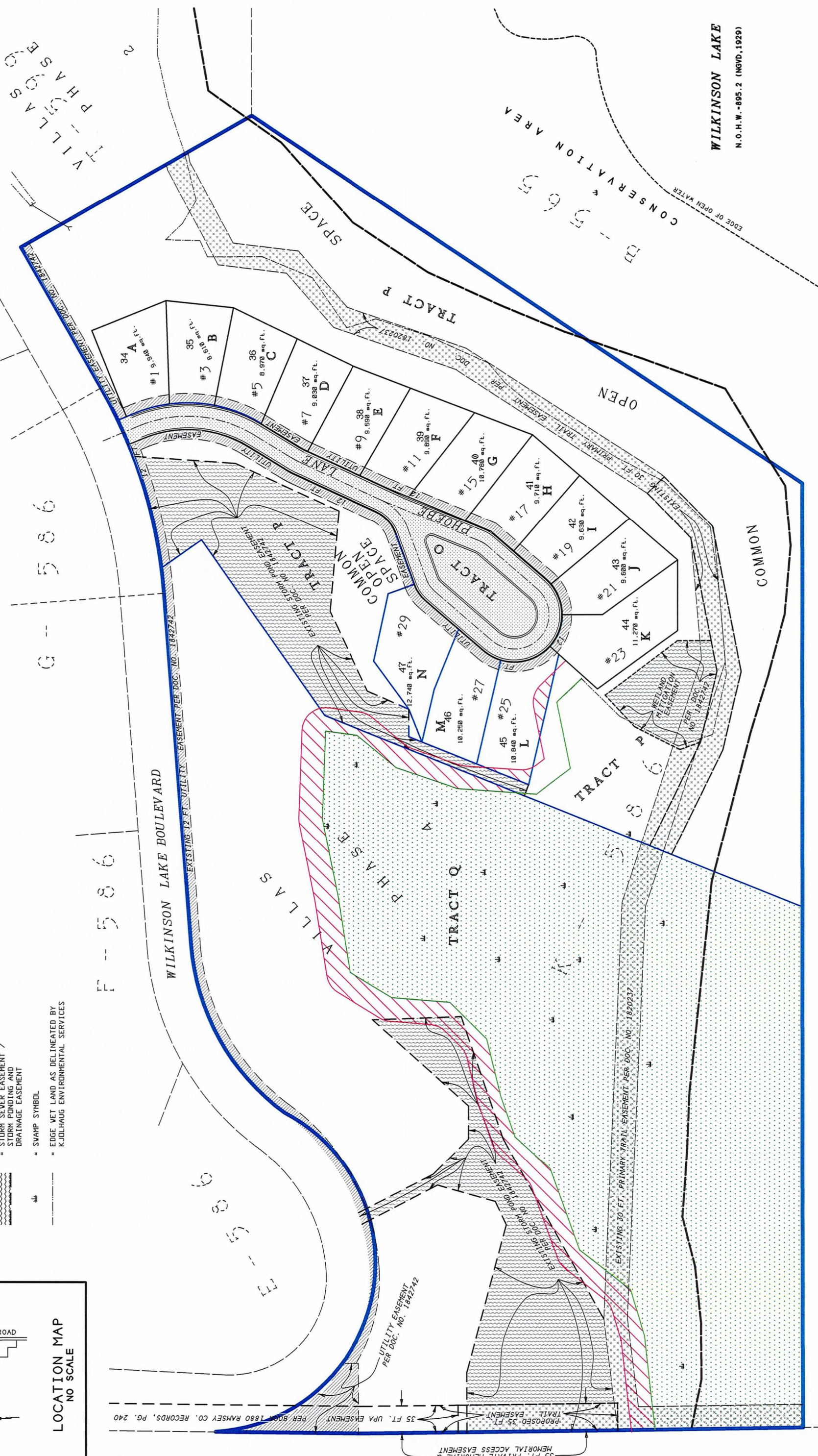
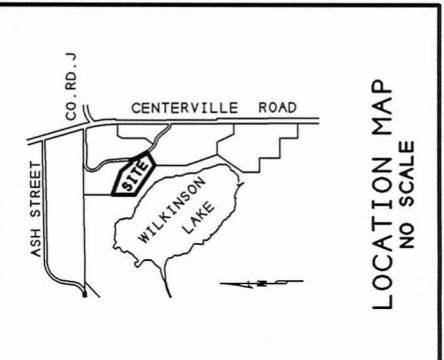
DEVELOPMENT
 AREA "E2"





DEVELOPMENT AREA "E3"

- LEGEND**
- = 12 FT. UTILITY EASEMENT LINE ADJACENT TO ROAD EASEMENT UNLESS OTHERWISE SHOWN.
 - = 30 FT. TRAIL EASEMENT
 - = ROADWAY EASEMENT
 - = STORM SEWER EASEMENT / STORM PONDING AND DRAINAGE EASEMENT
 - = SWAMP SYMBOL
 - = EDGE VET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES



Mixed Residential: Anderson Woods (#6)

Tract	RLS	Total Tract Area	Road ROW	Wetland Area	Wetland Buffer	OHW Setback	Open Space	Net Acreage	Address	Development Area	Notes
A	636	58,540	6,574	17,320	8,453	-	-	26,192	1 Pondview Trail	F	Anderson Woods
B	636	24,880	-	2,764	3,107	-	-	19,009	3 Pondview Trail	F	Anderson Woods
C	636	23,320	-	1,368	2,766	-	-	19,186	5 Pondview Trail	F	Anderson Woods
D	636	32,950	-	4,330	3,976	-	-	24,644	7 Pondview Trail	F	Anderson Woods
E	636	76,040	-	10,010	8,463	-	-	57,567	15 Pondview Trail	F	Anderson Woods
F	636	300,190	-	113,330	49,026	-	-	137,834	17 Pondview Trail	F	Anderson Woods
G	636	207,500	-	113,813	29,173	-	-	64,514	20 Pondview Trail	F	Anderson Woods
H	636	62,280	-	37,368	5,527	-	-	19,385	10 Pondview Trail	F	Anderson Woods
I	636	147,640	52,626	36,995	4,053	-	-	53,966	8 Pondview Trail	F	Anderson Woods
A	633	44,414	-	5,433	4,569	14,347	-	20,065	30 Osprey Court	F	Wilkinson Lake Villas 1A
B	633	22,202	-	4,292	2,808	-	-	15,102	32 Osprey Court	F	Wilkinson Lake Villas 1A
C	633	24,005	-	6,148	3,177	-	-	14,680	34 Osprey Court	F	Wilkinson Lake Villas 1A
D	633	37,197	-	1,700	8,058	-	-	27,439	36 Osprey Court	F	Wilkinson Lake Villas 1A
E	633	15,585	-	-	-	-	-	15,585	-	F	Road - Osprey Court
F	633	486,642	-	344,677	N/A	-	486,642	-	-	F	Open Space
Total (SF)		1,563,385	59,201	699,548	133,156		486,642	515,168			
Total (AC)		35.9	1.4	16.1	3.1		11.2	11.8			
Road ROW											
											Centerville Road

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769 FAX: (763) 788-7602
 E-MAIL: k@kurtsurveyinginc.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Randy L. Kurth, RLS, No. 20270
 Russell J. Kurth, RLS, No. 16113

C O M P A N Y
 N O R T H
 O A K S

PROJECT:
 ANDERSON WOODS

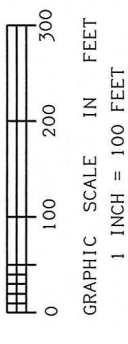
SHEET DESCRIPTION
 FINAL PLAN
 EASEMENT PLAN

DATE: February 19, 2021
 REV: 5-27-21 (TRAIL & UTILITY ESMTS)
 SHEET 3 OF 8 SHEETS

PROPERTY DESCRIPTION
 TRACT G, REGISTERED LAND SURVEY NO. 633
 RAMSEY COUNTY, MINNESOTA

- LEGEND**
- |-| = EDGE WET LAND AS DELINEATED BY KUOLHAG ENVIRONMENTAL SERVICES
 - ⊥ = WET LAND SYMBOL
 - ▨ = 30' BUILDING SETBACK
 - ▨ = ROADWAY EASEMENT
 - ▨ = 12' UTILITY EASEMENT ADJACENT TO ROADWAY EASEMENT
 - ▨ = STORM POND\DRAINAGE EASEMENT
 - ▨ = TRAIL EASEMENT
 - ▨ = EXISTING BITUMINOUS
 - ▨ = WETLAND BANKING EASEMENT

A = FINAL RLS TRACT LETTER
 #30 = FUTURE ADDRESS



WILKINSON LAKE
 N.O.H.W. - 895.2 (NGVD, 1929)

B - 565

CONSERVATION AREA

AREA

M.L.T

H-561

ANDERSON LANE

TRACT W - 599

TRACT F - 633

AREA

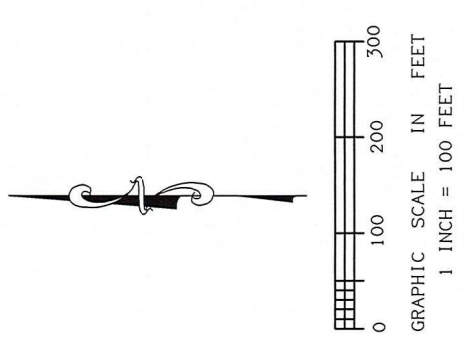
Mixed Use: Gate Hill (#7)

Tract	RLS	Total Tract Area	Wetland Area	Wetland Buffer	Open Space	Net Acreage	Address	Development Area	Notes
A	639	18,294	-	-	-	-	18,294 101 Spring Farm Road	G	
B	639	19,330	-	473	-	-	18,857 103 Spring Farm Road	G	
C	639	15,645	-	1,269	-	-	14,376 105 Spring Farm Road	G	
D	639	12,991	117	2,297	-	-	10,577 107 Spring Farm Road	G	
E	639	14,474	496	2,071	-	-	11,907 109 Spring Farm Road	G	
F	639	13,585	2,089	2,180	-	-	9,316 111 Spring Farm Road	G	
G	639	13,030	1,318	2,730	-	-	8,982 113 Spring Farm Road	G	
H	639	13,024	-	325	-	-	12,699 115 Spring Farm Road	G	
I	639	12,579	-	-	-	-	12,579 117 Spring Farm Road	G	
J	639	13,274	-	-	-	-	13,274 119 Spring Farm Road	G	
K	639	15,671	-	-	-	-	15,671 121 Spring Farm Road	G	
L	639	17,375	-	-	-	-	17,375 123 Spring Farm Road	G	
M	639	15,477	-	-	-	-	15,477 125 Spring Farm Road	G	
N	639	17,158	-	-	-	-	17,158 127 Spring Farm Road	G	
O	639	18,245	-	-	-	-	18,245 129 Spring Farm Road	G	
P	639	18,676	-	-	-	-	18,676 131 Spring Farm Road	G	
Q	639	18,826	-	-	-	-	18,826 133 Spring Farm Road	G	
R	639	12,742	77	1,710	-	-	10,955 135 Spring Farm Road	G	
S	639	13,089	425	2,338	-	-	10,326 137 Spring Farm Road	G	
T	639	14,140	-	307	-	-	13,833 139 Spring Farm Road	G	
U	639	17,554	-	-	-	-	17,554 141 Spring Farm Road	G	
V	639	13,461	-	-	-	-	13,461 138 Spring Farm Road	G	
W	639	13,125	-	-	-	-	13,125 136 Spring Farm Road	G	
X	639	13,038	-	-	-	-	13,038 134 Spring Farm Road	G	
Y	639	13,796	-	-	-	-	13,796 132 Spring Farm Road	G	
Z	639	12,286	-	-	-	-	12,286 126 Spring Farm Road	G	
AA	639	11,437	-	-	-	-	11,437 124 Spring Farm Road	G	
BB	639	11,402	-	-	-	-	11,402 122 Spring Farm Road	G	
CC	639	13,334	-	-	-	-	13,334 120 Spring Farm Road	G	
DD	639	14,095	-	-	-	-	14,095 118 Spring Farm Road	G	
EE	639	13,509	-	-	-	-	13,509 116 Spring Farm Road	G	
FF	639	12,771	-	-	-	-	12,771 114 Spring Farm Road	G	
GG	639	12,096	-	-	-	-	12,096 90 Spring Farm Road	G	
HH	639	8,464	-	-	-	-	8,464 93 Spring Farm Road	G	
II	639	6,004	-	-	-	-	6,004 91 Spring Farm Road	G	
JJ	639	6,163	-	-	-	-	6,163 89 Spring Farm Road	G	
KK	639	5,969	-	-	-	-	5,969 87 Spring Farm Road	G	
LL	639	6,105	-	-	-	-	6,105 85 Spring Farm Road	G	
MM	639	5,973	-	-	-	-	5,973 83 Spring Farm Road	G	
NN	639	5,710	-	-	-	-	5,710 81 Spring Farm Road	G	
OO	639	6,252	-	-	-	-	6,252 79 Spring Farm Road	G	
PP	639	6,647	-	-	-	-	6,647 77 Spring Farm Road	G	
QQ	639	5,615	-	-	-	-	5,615 75 Spring Farm Road	G	
RR	639	5,776	-	-	-	-	5,776 73 Spring Farm Road	G	
SS	639	6,109	-	-	-	-	6,109 71 Spring Farm Road	G	
TT	639	6,250	-	-	-	-	6,250 69 Spring Farm Road	G	
UU	639	6,287	-	-	-	-	6,287 67 Spring Farm Road	G	
VV	639	6,128	-	-	-	-	6,128 65 Spring Farm Road	G	
WW	639	6,041	-	-	-	-	6,041 63 Spring Farm Road	G	
XX	639	7,145	-	-	-	-	7,145 61 Spring Farm Road	G	
YY	639	7,960	-	-	-	-	7,960 59 Spring Farm Road	G	
ZZ	639	6,958	-	-	-	-	6,958 57 Spring Farm Road	G	
AAA	639	8,109	-	-	-	-	8,109 55 Spring Farm Road	G	
BBB	639	6,558	-	-	-	-	6,558 53 Spring Farm Road	G	
CCC	639	5,761	-	-	-	-	5,761 51 Spring Farm Road	G	
DDD	639	6,106	-	-	-	-	6,106 49 Spring Farm Road	G	
EEE	639	6,253	-	-	-	-	6,253 47 Spring Farm Road	G	
FFF	639	6,071	-	314	-	-	5,757 45 Spring Farm Road	G	
GGG	639	5,547	-	709	-	-	4,838 43 Spring Farm Road	G	
HHH	639	5,858	-	-	-	-	5,858 42 Spring Farm Road	G	
III	639	6,223	-	-	-	-	6,223 44 Spring Farm Road	G	
JJJ	639	6,383	-	-	-	-	6,383 46 Spring Farm Road	G	
KKK	639	7,393	-	-	-	-	7,393 48 Spring Farm Road	G	
LLL	639	9,082	-	-	-	-	9,082 60 Spring Farm Road	G	
MMM	639	6,860	-	-	-	-	6,860 62 Spring Farm Road	G	
NNN	639	6,879	-	-	-	-	6,879 64 Spring Farm Road	G	
OOO	639	6,286	-	-	-	-	6,286 66 Spring Farm Road	G	
PPP	639	5,861	-	-	-	-	5,861 68 Spring Farm Road	G	
QQQ	639	5,910	-	-	-	-	5,910 70 Spring Farm Road	G	
RRR	639	6,262	-	-	-	-	6,262 72 Spring Farm Road	G	
SSS	639	6,647	-	-	-	-	6,647 74 Spring Farm Road	G	
TTT	639	6,567	-	-	-	-	6,567 76 Spring Farm Road	G	
UUU	639	6,088	-	-	-	-	6,088 78 Spring Farm Road	G	
VVV	639	71,556	-	-	-	-	71,556	G	Road - Spring Farm Road
WWW	639	61,577	-	N/A	61,577	-	-	G	Open No. 1
XXX	639	55,979	375	N/A	55,979	-	-	G	Open No. 2
YYY	639	109,288	-	N/A	109,288	-	-	G	Open No. 3
ZZZ	639	36,163	-	N/A	36,163	-	-	G	Open No. 4
AAAA	639	62,146	-	N/A	62,146	-	-	G	Open No. 5
BBBB	639	29,845	220	N/A	29,845	-	-	G	Open No. 6
CCCC	639	180,030	19,690	N/A	180,030	-	-	G	Open No. 7
DDDD	639	34,983	-	-	-	-	34,983	G	Road - Spring Farm Road
Total (SF)		1,379,357	24,807	16,723		823,083			

Total (AC) **31.7** **0.6** **0.4** **18.9**

Road ROW Centerville Road

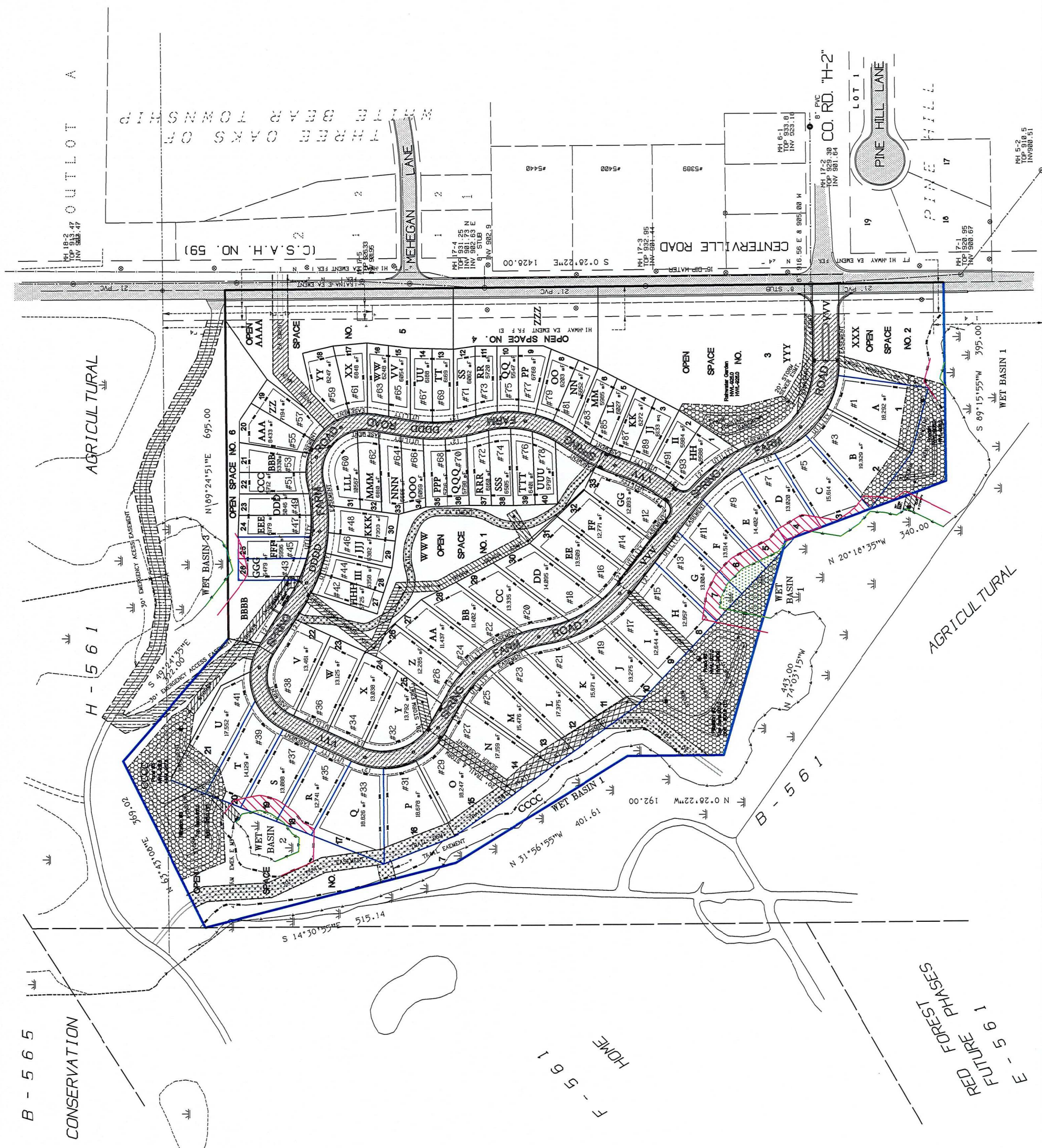
PROPERTY DESCRIPTION
 TRACT G, REGISTERED LAND SURVEY NO. 561
 RAMSEY COUNTY, MINNESOTA



- #33 = PRELIMINARY LOT NUMBER - SINGLE FAMILY
- #18 = PRELIMINARY LOT NUMBER - TWIN HOME
- #30 = FUTURE ADDRESS
- A = FUTURE TRACT LETTER

LEGEND

- [Symbol] = EDGE WET LAND AS DELINEATED BY KUOLHAG ENVIRONMENTAL SERVICES
- [Symbol] = WET LAND SYMBOL
- [Symbol] = BUILDING SETBACK
- [Symbol] = ROADWAY EMERGENCY ACCESS EASEMENT
- [Symbol] = 12' UTILITY EASEMENT ADJACENT TO THE ROADWAY TRACT NO EASEMENT ALONG CENTERVILLE ROAD
- [Symbol] = STORM POND DRAINAGE EASEMENT
- [Symbol] = TRAIL EASEMENT
- [Symbol] = EXISTING BITUMINOUS
- [Symbol] = SANITARY SEWER/STORM SEWER/WATER MAIN EASEMENT
- [Symbol] = COMBINED STORM/TRAIL EASEMENT



B - 5 6 5
 CONSERVATION

F - 5 6 1
 HOME

E - 5 6 1
 RED FOREST
 FUTURE PHASES

Mixed Use: Island Field (#8)

Tract	RLS	Total Tract Area	Road ROW	Wetland Area	Wetland Buffer	Net Acreage	Address	Development Area	Notes
A	637	503,395	23,265	122,000	75,454	282,676	1 Hill Farm Road	H	Condo
B	637	424,245	26,475	117,020	42,945	237,805		H	Extra
C	637	28,270	1,920	3,870		22,480		H	Road
Total (SF)		955,910	51,660	242,890	118,398	542,962			

Total (AC) **21.9** **1.2** **5.6** **2.7** **12.5**

Road ROW Centerville Road

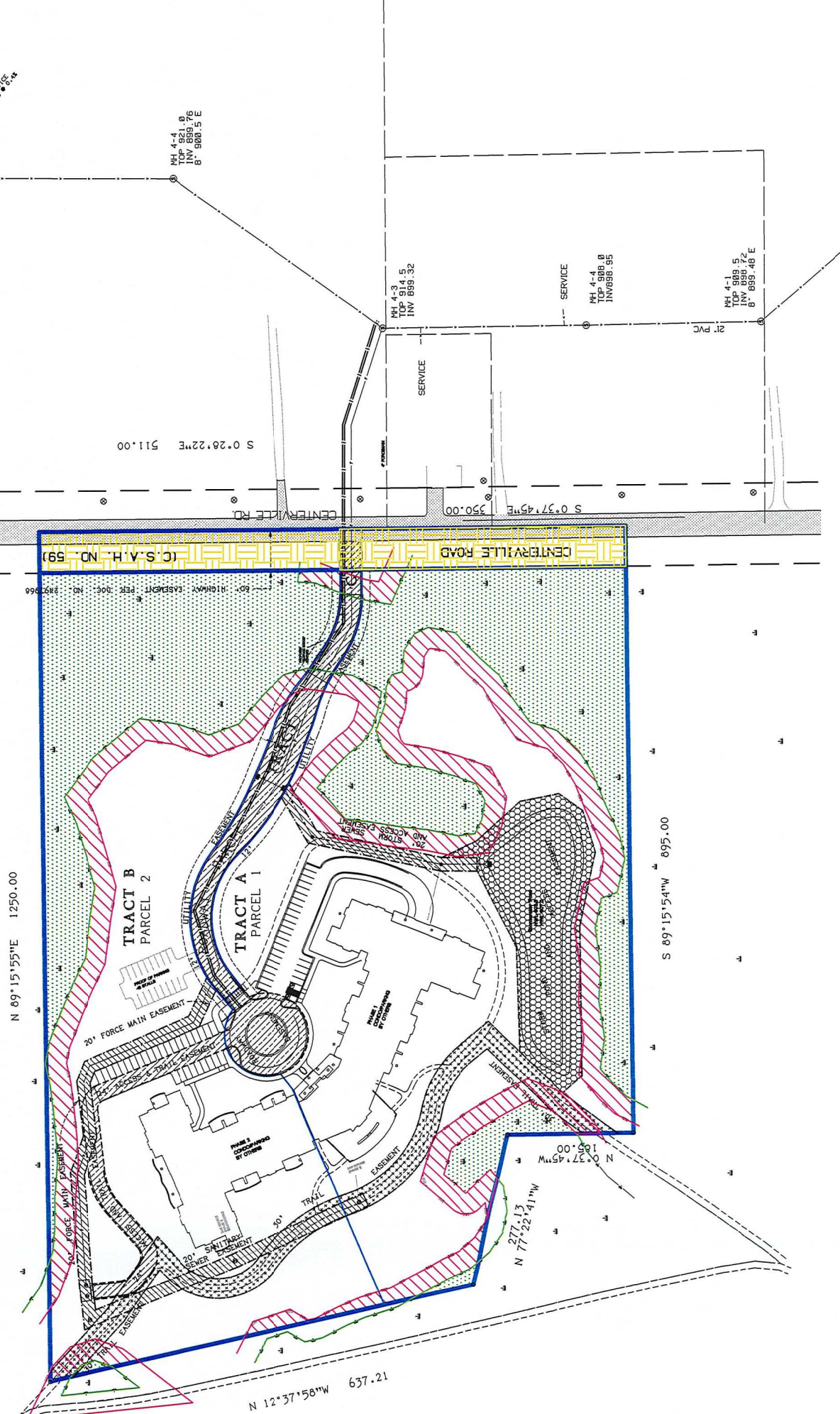
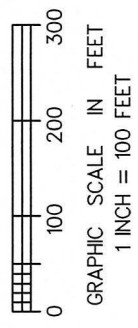
DEVELOPMENT AREA "H"

LEGAL DESCRIPTION

TRACT D, REGISTERED LAND SURVEY NO. 561
RAMSEY COUNTY, MINNESOTA

AREA BREAKDOWNS

TOTAL BOUNDARY AREA	= 955,910 SQ. FT. \ 21.95 ACRES
TOTAL ROAD EASEMENT (60' CENTERVILLE ROAD R/W)	= 51,660 SQ. FT. \ 1.19 ACRES
TOTAL WETLAND AREA	= 242,890 SQ. FT. \ 5.58 ACRES
TOTAL TRACT A' AREA	= 503,395 SQ. FT. \ 11.56 ACRES
CENTERVILLE ROAD R/W	= 23,265 SQ. FT. \ 0.53 ACRES
NEW CUL DE SAC AREA	= 12,530 SQ. FT. \ 0.29 ACRES
TOTAL WETLAND AREA	= 122,000 SQ. FT. \ 2.80 ACRES
Tract A Wetland Buffer	= 75,484 SQ. FT. \ 1.73 ACRES
TOTAL TRACT B' AREA	= 424,245 SQ. FT. \ 9.74 ACRES
CENTERVILLE ROAD R/W	= 26,475 SQ. FT. \ 0.61 ACRES
TOTAL WETLAND AREA	= 117,020 SQ. FT. \ 2.68 ACRES
Tract B Wetland Buffer	= 42,945 SQ. FT. \ 0.99 ACRES
TOTAL TRACT C'	= 28,270 SQ. FT. \ 0.65 ACRES
CENTERVILLE ROAD R/W	= 1,920 SQ. FT. \ 0.04 ACRES
TOTAL WETLAND AREA	= 3,870 SQ. FT. \ 0.09 ACRES



- ### LEGEND
- [Symbol] = EDGE WET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
 - [Symbol] = WET LAND SYMBOL
 - [Symbol] = 30' WETLAND SETBACK
 - [Symbol] = ROADWAY/VEHICLE ACCESS EASEMENT
 - [Symbol] = 12' UTILITY EASEMENT ADJACENT TO THE ROAD TRACT
 - [Symbol] = STORM POND/DRAINAGE EASEMENT
 - [Symbol] = SANITARY SEWER/STORM SEWER EASEMENT
 - [Symbol] = TRAIL EASEMENT
 - [Symbol] = EXISTING BITUMINOUS
 - [Symbol] = FUTURE TRACT LETTER

SHEET DESCRIPTION FINAL PLAT EASEMENT PLAN DATE: MARCH 19, 2021 (REV. 9-29-21 (no red box in amt))	PROJECT: ISLAND FIELD	C O M P A N Y N O R T H O A K S	RANDY L. KURTH, RLS. No. 20270 Minnesota I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.	KURTH SURVEYING, INC. 4002 JEFFERSON ST. N.E. COLUMBIA HEIGHTS, MN 55421 PHONE: (763) 788-9769 email: k@kthurtsurveyinginc.com
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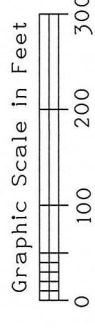
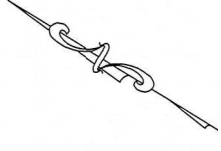
SHEET 3 OF 8 SHEETS

Red Forest Way Development

Tract	RLS	Total Tract Area	Wetland Area	Wetland Buffer	OHW Setback	Net Acreage	Address	Development Area	Notes
A		91,097	-	1,884	-	89,213	TBD Black Lake Road	K3	Ph. 2
B		79,919	-	1,090	-	78,829	TBD Snowshoe Trail	K3	Ph. 2
C		57,112	4,900	6,609	-	45,603	TBD Snowshoe Trail	K3	Ph. 2
D		64,304	6,190	4,776	-	53,338	TBD Snowshoe Trail	K3	Ph. 2
E		122,261	45,410	13,384	-	63,467	TBD Snowshoe Trail	K3	Ph. 2
F		108,411	9,350	8,744	-	90,317	TBD Snowshoe Trail	K3	Ph. 2
G		68,361	-	9,686	-	58,675	TBD Snowshoe Trail	K3	Ph. 2
H		62,092	-	4,515	-	57,577	TBD Snowshoe Trail	K3	Ph. 2
I		68,258	-	5,138	-	63,120	TBD Snowshoe Trail	K3	Ph. 2
J		75,945	-	2,186	-	73,759	TBD Snowshoe Trail	K3	Ph. 2
K		55,977	-	621	-	55,356	TBD Black Lake Road	K3	Ph. 2
L		57,398	-	-	-	57,398	TBD Black Lake Road	K3	Ph. 2
M		73,487	-	933	-	72,554	TBD Black Lake Road	K3	Ph. 2
N		176,579	28,910	34,866	-	112,803	TBD Black Lake Road	K3	Ph. 2
O		128,574	24,870	16,055	-	87,649	TBD Black Lake Road	K3	Ph. 2
P		96,854	26,000	9,506	-	61,348	TBD Black Lake Road	K3	Ph. 2
Q		141,705	21,950	15,530	24,108	80,117	TBD Black Lake Road	K3	Ph. 2
D	640	90,870	-	2,518	-	88,352	17 Blake Lake Road	K3	Ph. 1
F	640	183,330	-	375	-	182,955	37 Black Lake Road	K3	Ph. 1
G	640	76,490	42,050	6,483	-	27,957	25 Black Lake Road	K3	Ph. 1
H	640	65,410	3,360	-	-	62,050	27 Black Lake Road	K3	Ph. 1
I	640	80,340	-	467	-	79,873	29 Black Lake Road	K3	Ph. 1
Total (SF)		2,024,774	212,990	145,368	24,108	1,642,308			

Total (AC) 46.5 4.9 3.3 0.6 37.7

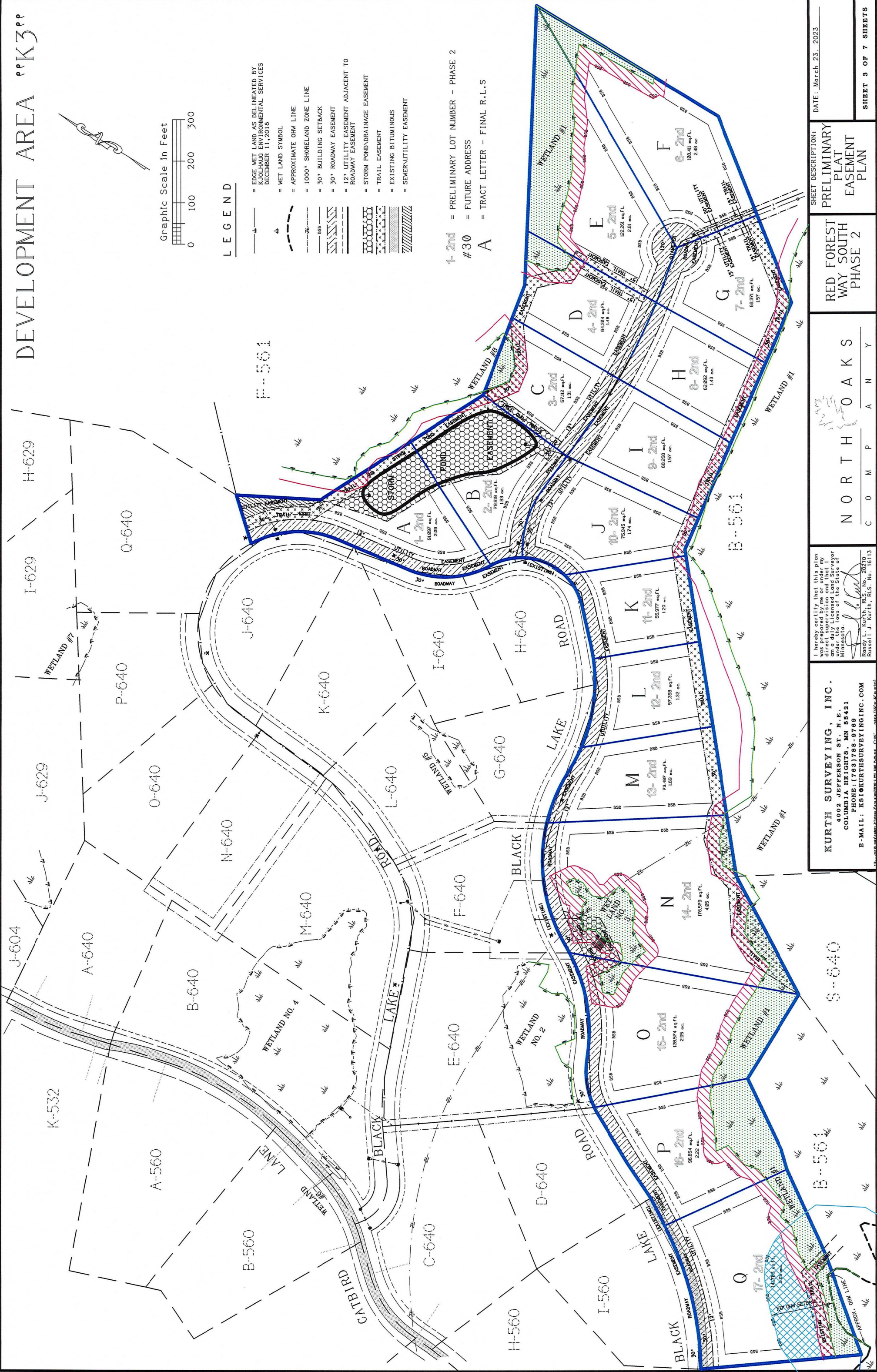
DEVELOPMENT AREA "K3"



LEGEND

- = EDGE WET LAND AS DELINEATED BY KURTH SURVEYING, INC. ON DECEMBER 11, 2010
- = WET LAND SYMBOL
- = APPROXIMATE OHW LINE
- = 1000' SHORELAND ZONE LINE
- = 30' BUILDING SETBACK
- = 30' ROADWAY EASEMENT
- = 12' UTILITY EASEMENT ADJACENT TO ROADWAY EASEMENT
- = STORM POND/DRAINAGE EASEMENT
- = TRAIL EASEMENT
- = EXISTING BITUMINOUS
- = SEWER/UTILITY EASEMENT

- 1-2nd = PRELIMINARY LOT NUMBER - PHASE 2
- #30 = FUTURE ADDRESS
- A = TRACT LETTER - FINAL R.L.S



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor in the State of Minnesota.

Randy L. Kurth
 Randy L. Kurth, R.L.S. No. 20270
 Russell J. Kurth, R.L.S. No. 16113

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769
 E-MAIL: KSI@KURTHSURVEYING.COM

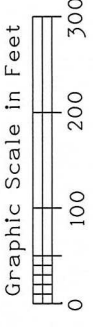
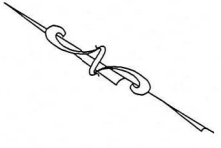
SHEET DESCRIPTION:
**PRELIMINARY
 PLAT
 EASEMENT
 PLAN**

**RED FOREST
 WAY SOUTH
 PHASE 2**

N O R T H O A K S
 C O M P A N Y

DATE: March 23, 2023
 SHEET 3 OF 7 SHEETS

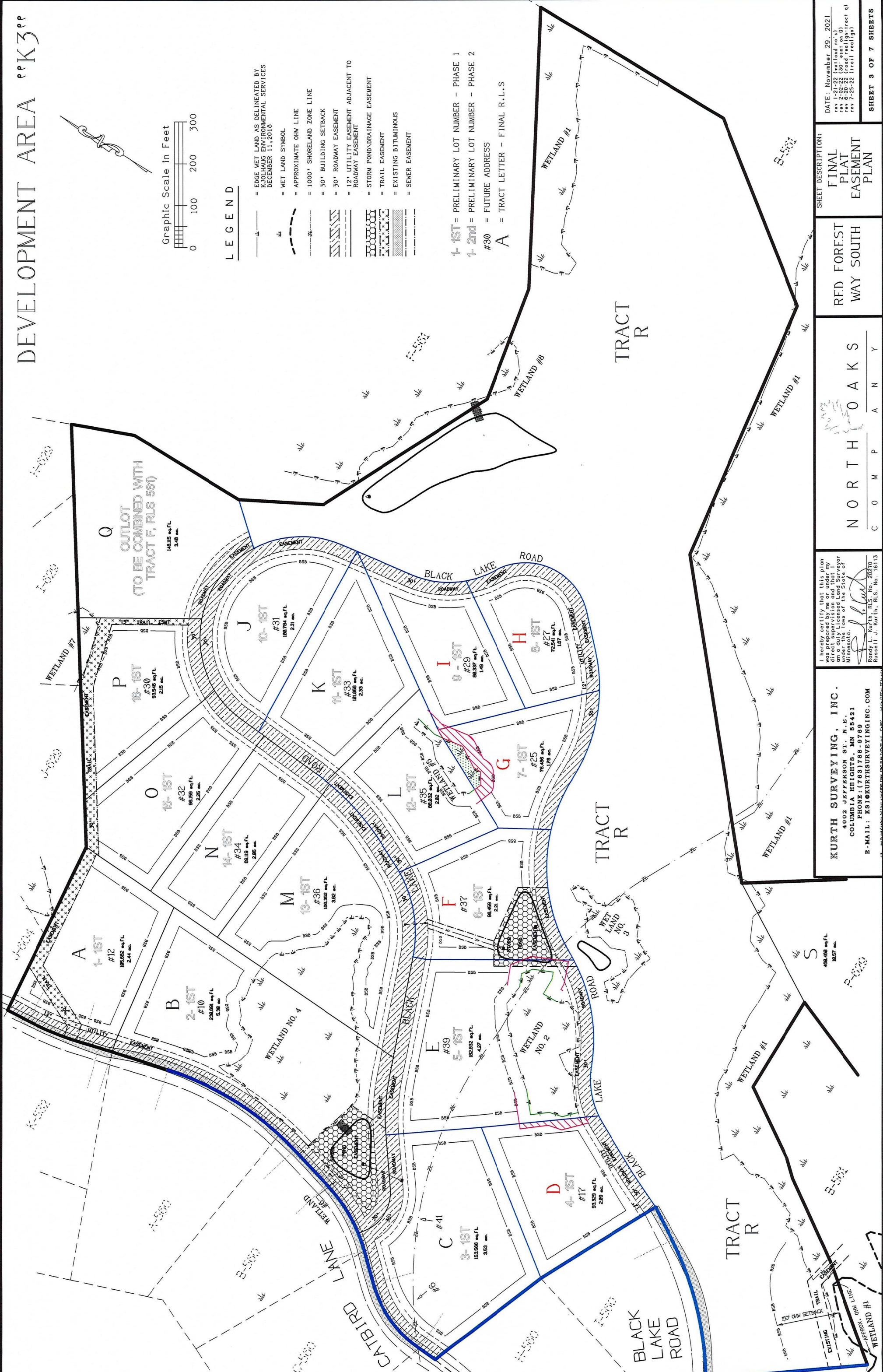
DEVELOPMENT AREA #K3



LEGEND

- = EDGE WET LAND AS DELINEATED BY KSI/KURTH SURVEYING, INC. ON DECEMBER 11, 2019
- = WET LAND SYMBOL
- = APPROXIMATE OHW LINE
- = 1000' SHORELAND ZONE LINE
- = 30' BUILDING SETBACK
- = 30' ROADWAY EASEMENT
- = 12' UTILITY EASEMENT ADJACENT TO ROADWAY EASEMENT
- = STORM POND/DRAINAGE EASEMENT
- = TRAIL EASEMENT
- = EXISTING BITUMINOUS
- = SEWER EASEMENT

- 1-1ST = PRELIMINARY LOT NUMBER - PHASE 1
- 1-2nd = PRELIMINARY LOT NUMBER - PHASE 2
- #30 = FUTURE ADDRESS
- A = TRACT LETTER - FINAL R.L.S



DATE: November 29, 2021
 rev 1-21-22 (final r.l.s.)
 rev 2-02-22 (30' setback on 0)
 rev 6-20-22 (road realign-tract q)
 rev 7-25-22 (trail realign)

SHEET DESCRIPTION:
FINAL PLAT EASEMENT PLAN

RED FOREST WAY SOUTH

N O R T H O A K S

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor in the State of Minnesota.

 Randy L. Kurth, RLS, No. 20270
 Russell J. Kurth, RLS, No. 16113

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769
 E-MAIL: KSI@KURTHSURVEYING.COM

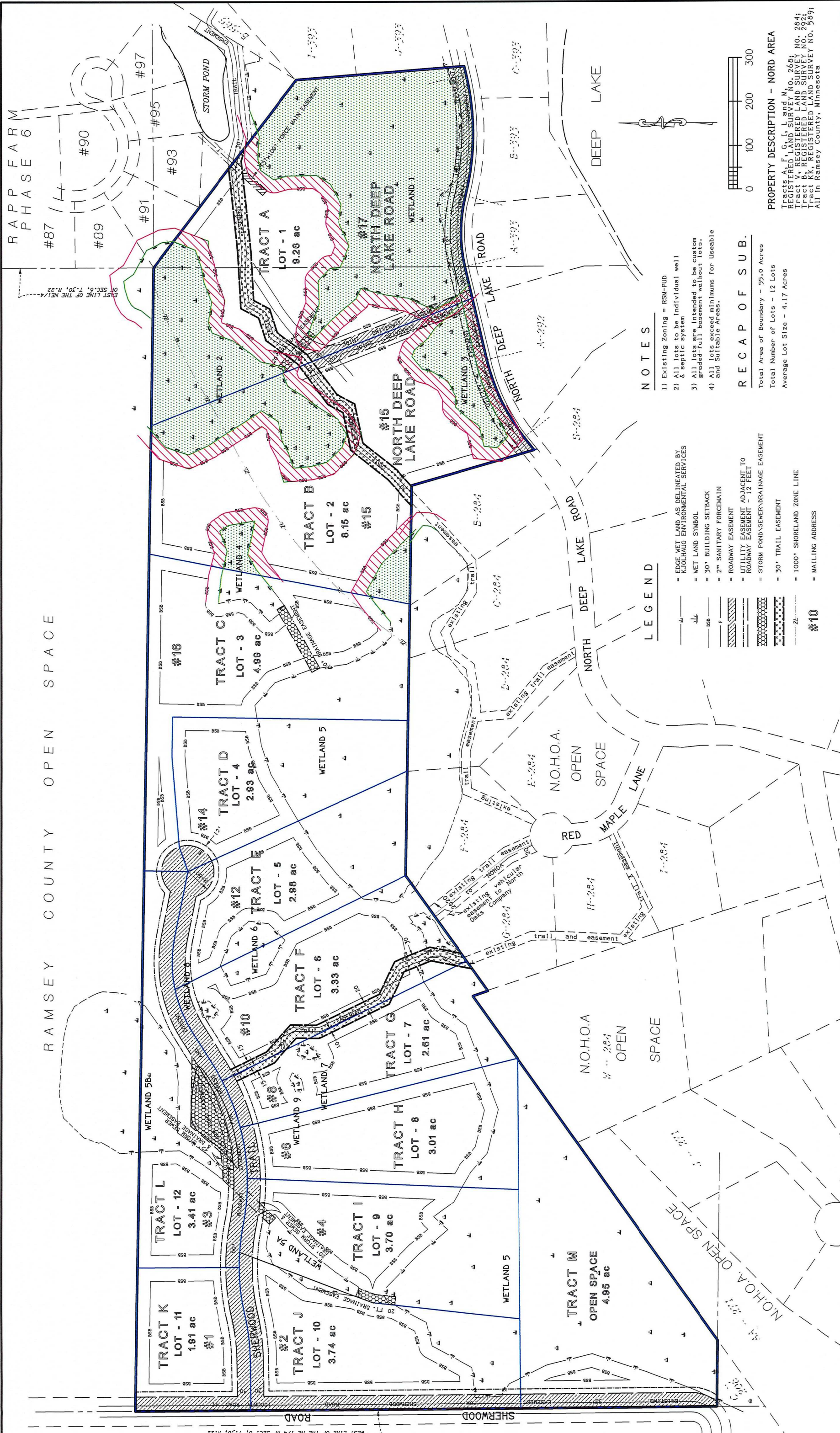
TRACT R

Nord (addition x 2 lots)

Tract	RLS	Total Tract Area	Wetland Area	Wetland Buffer	Net Acreage	Address	Development Area
A	634	403,200	239,540	45,477	118,183	17 Deep Lake Road	C
B	634	354,430	84,720	67,029	202,681	15 Deep Lake Road	C
Total (SF)		757,630	324,260	112,506	320,864		

Total (AC) **17.4** **7.4** **2.6** **7.4**

RAMSEY COUNTY OPEN SPACE



NOTES

- 1) Existing zoning = RSM-PUD
- 2) All lots to be individual well & septic system
- 3) All lots are intended to be custom graded full basement walkout lots.
- 4) All lots exceed minimums for Useable and Suitable Areas.

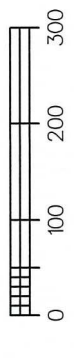
RECAP OF SUB.

Total Area of Boundary - 59.0 Acres
 Total Number of Lots - 12 Lots
 Average Lot Size - 4.17 Acres

LEGEND

- = EDGE WETLAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
- = WETLAND SYMBOL
- = 30' BUILDING SETBACK
- = 2" SANITARY FORCEMAIN
- = ROADWAY EASEMENT
- = UTILITY EASEMENT ADJACENT TO ROADWAY EASEMENT - 12 FEET
- = STORM POND/SEWER DRAINAGE EASEMENT
- = 30' TRAIL EASEMENT
- = 1000' SHORELAND ZONE LINE
- = MAILING ADDRESS

#10



PROPERTY DESCRIPTION - NORD AREA

Tracts A, F, G, I, L and M, N, O,
 REGISTERED LAND SURVEY NO. 2681
 Tract V, REGISTERED LAND SURVEY NO. 2641
 Tract R, REGISTERED LAND SURVEY NO. 2549;
 All in Ramsey County, Minnesota

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-8789
 E-MAIL: ksl@kurthsurveyinginc.com

DATE: September 23, 2020
 REV. 11-16-20 (drainage easements)
 REV. 9-16-21 (project name-address)

PROJECT:
 EAST PRESERVE R.L.S. NO. 634

SHEET DESCRIPTION
 FINAL PLAT EASEMENT PLAN

DEVELOPMENT AREA "C"

NORTH OAKS
 C O M P A N Y

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Russell J. Kurth, R.L.S. No. 20270
 Russell J. Kurth, R.L.S. No. 16113

DATE: September 23, 2020
 REV. 11-16-20 (drainage easements)
 REV. 9-16-21 (project name-address)

RAMSEY COUNTY OPEN SPACE

SHEET 3 OF 6 SHEETS

Lauren Grouws

From: Eric Johnson <ejohnson@sathre.com>
Sent: Wednesday, March 6, 2024 9:51 AM
To: Lauren Grouws
Subject: FW: North Oaks - Red Forest Way South - Sanitary Sewer Ext Permit

See email below regarding the PCA's review of the sanitary sewer ext permit.

Thanks,
Eric

Eric Johnson, PE
Engineering | Sathre-Bergquist, Inc. |
14000 25th Avenue North, Suite 120 | Plymouth, MN 55447 |
Ph 952.476.6000 | Fax 952.476.0104 |
ejohnson@sathre.com

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From: Sahli, David (MPCA) <david.sahli@state.mn.us>
Sent: Wednesday, March 6, 2024 9:50 AM
To: Eric Johnson <ejohnson@sathre.com>
Subject: RE: North Oaks - Red Forest Way South - Sanitary Sewer Ext Permit

Eric,
The MPCA has completed our review of the application and do not require any additional information.
We cannot issue the permit until we receive approval from Met Council as the wastewater treatment plan authority.

Dave Sahli, PE
Municipal Wastewater Section
Minnesota Pollution Control Agency
david.sahli@state.mn.us
651/757-2687



Our mission is to protect and improve the environment and enhance human health.

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From: Eric Johnson <ejohnson@sathre.com>
Sent: Wednesday, March 6, 2024 9:03 AM
To: Sahli, David (MPCA) <david.sahli@state.mn.us>
Subject: RE: North Oaks - Red Forest Way South - Sanitary Sewer Ext Permit

Dave,

Circling back on the review of the Red Forest Way South.

We submitted the permit back in Sept/Oct and wanted to see if your review was complete. The developer, North Oaks Company, is looking for a verification email stating that you have reviewed the permit application and see no issues on your end.

The developer is still awaiting MetCouncil approval.

Thanks,

Eric

Eric Johnson, PE
Engineering | Sathre-Bergquist, Inc. |
14000 25th Avenue North, Suite 120 | Plymouth, MN 55447 |
Ph 952.476.6000 | Fax 952.476.0104 |
ejohnson@sathre.com

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From: Sahli, David (MPCA) <david.sahli@state.mn.us>
Sent: Wednesday, September 27, 2023 2:20 PM
To: Eric Johnson <ejohnson@sathre.com>
Subject: RE: North Oaks - Red Forest Way South - Sanitary Sewer Ext Permit

Eric,
Below is the statute governing construction before issuance of the permit. The statute does allow construction prior to a permit being issued, at your own risk, provided an application/plans have been submitted.
The MPCA will not issue an "approval" to construct without the permit. Our only official approval is the permit.

The first step is to submit the permit application package and fee to both the MPCA and MCES. Since the permit has not yet been approved by MCES, you'll need to send the application and fee to the MPCA by mail. Not the online application.

In paragraph (a), the first condition is to submit plans and specs. That is accomplished with the permit application and depends on how the design certification form is completed. So, the application needs to be submitted to comply with the statute.

All of the conditions in paragraph (b) also need to be met. While not specifically listed, any local permits would also be needed, such as, grading, conditional use, or building permits. The statute only applies to the MPCA permit and you'll still need local approvals.

Paragraph (c) means that no flow can enter the sewer system until the permit is issued.

Minn. Stat. 115.07 Subd. 3. **Permission for extension.**

(a) Except as provided in paragraphs (b) and (c), it is unlawful for any person to make any change in, addition to, or extension of any existing disposal system or point source, or part thereof, to effect any facility expansion, production increase, or process modification which results in new or increased discharges of pollutants, or to operate such system or point source, or part thereof as so changed, added to, or extended **until plans and specifications therefor shall have been submitted to the agency**, unless the agency waives submission of the plans and specifications and a written permit for the change, addition, or extension is granted by the agency.

(b) If a person who discharges a pollutant into the waters of the state is required by statute or rule to obtain a national pollutant discharge elimination system permit or a state disposal system permit, **the person may, prior to issuance of the permit, at the person's own risk**, act to change, add to, or extend an existing disposal system or point source, or part thereof, unless the action taken:

- (1) is prohibited by federal law or regulation;
- (2) is by a municipality constructing a wastewater system with a design capacity of 200,000 gallons per day, or less;

- (3) is subject to environmental review under chapter 116D, and prohibited from commencing construction until that process is completed;
 - (4) is subject to a grant or loan agreement under chapter 446A;
 - (5) requires a construction stormwater permit under rules of the agency; or
 - (6) requires a subsurface treatment system permit under rules of the agency.
- (c) The person is prohibited from operating the system or discharging pollutants into the waters of the state until a written permit for the discharge is granted by the agency and until plans and specifications for the disposal system have been approved, unless the agency waives the submission of plans and specifications.

Let me know if you have any questions.

Dave Sahli, PE

Municipal Wastewater Section
Minnesota Pollution Control Agency
david.sahli@state.mn.us
651/757-2687



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From: Eric Johnson <ejohnson@sathre.com>
Sent: Monday, September 25, 2023 8:25 AM
To: Sahli, David (MPCA) <david.sahli@state.mn.us>
Subject: North Oaks - Red Forest Way South - Sanitary Sewer Ext Permit

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Dave,

Reaching out regarding a project we are working on in North Oaks. We currently are grading the site and are looking for approvals on the sanitary sewer system.

We are currently awaiting Met Council approval on our sanitary sewer system, but the developer (North Oaks Company) would like to get the PCA's approval and possibly proceed, at their own risk, with the sanitary sewer system to keep the ball rolling this Fall on the project. (without having any connections to the system, so the system will be offline)

I spoke with Bob Molstad in my office and he mentioned he is working with a similar situation.

Please let us know if you have any concerns with this and if this is something we are able to proceed with.

Thanks,

Eric

Eric Johnson, PE
Engineering | Sathre-Bergquist, Inc. |
14000 25th Avenue North, Suite 120 | Plymouth, MN 55447 |
Ph 952.476.6000 | Fax 952.476.0104 |
ejohnson@sathre.com

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March 13, 2024

Metropolitan Council and Metropolitan Council
Community Development Committee
390 Robert Street North
St. Paul, MN 55101

RE: City of North Oaks Comprehensive Plan Amendment

Members of the Metropolitan Council and the Metropolitan Council Community Development Committee,

The City of North Oaks (City) has prepared a comprehensive plan amendment to allow a change in designation for 23 lots from Rural Residential to Emerging Suburban Edge and the associated relocation of the existing MUSA boundary for Phase 2 of the planned Red Forest Way South subdivision to allow the last residential subdivision to be built within the City to connect to sanitary sewer to better protect the environment, take advantage of existing adjacent system capacity, and meet the goals of the City and the Metropolitan Council with respect to efficient use of existing infrastructure.

The City asks that you find that the amendment is not more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans and that it is consistent with regional land use policy. That said, even if the Metropolitan Council finds that the amendment is more likely than not to contain a substantial departure from the regional wastewater system plans or is inconsistent with the regional land use policy, the Metropolitan Council exercise its statutorily-authorized discretion and not require the City to modify its comprehensive plan as any actual impacts or inconsistencies are inconsequential within the scope of the larger regional systems.

1. The Impact to the Wastewater Collection and Treatment System is Not Substantial

The existing Metropolitan Council regional wastewater treatment and collection system treats “approximately 350 million gallons of wastewater daily” and serves “over 2.5 million people.”ⁱ Adding a total of 24 additional connections, 22 of which will serve currently planned single-family residences, is anticipated to add minimal daily gallons to the system. Additionally, the existing system infrastructure adjacent to the proposed connections has more than adequate capacity for these proposed connections. Moreover, there is no impact to the wastewater collection and treatment system, and the proposed connections will “[e]fficiently use existing sewer investments in developing ... areas” as contemplated by the Water Resources Policy Plan.ⁱⁱ



p 651-792-7750
f 651-792-7751



northoaks@northoaksmn.gov
www.northoaksmn.gov



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



The wastewater system plan has sufficient capacity to accept the sewage from the 24 proposed connections. Likewise, there is no system expansion or major investment planned based on an expectation that this area would develop at higher sewered densities, and therefore there is no impact from development at lower densities (substantial departure due to underutilization of system).

2. There is No Substantial Departure from the Housing System Plan by Allowing the Development of 23 Additional Lots Within an Expanded Emerging Suburban Edge Designation

The City recognizes that the Water Resources Policy Plan states that a substantial departure can occur from the Council’s adopted policy when a local governmental unit “proposes forecasts for sewered development densities that are lower than the basis for regional infrastructure planning purposes.”ⁱⁱⁱ However, the City’s proposal to add these 23 lots within the MUSA and modify the designation to Emerging Suburban Edge is dealing with such a small number of lots, there is no real systemic impact by the proposed Amendment.

3. The City’s Existing Comprehensive Plan and Recent Approved Comprehensive Plan Amendment Demonstrate that there is No Reason to Require a Modification to the City’s Comprehensive Plan or the Requested Amendment

The City’s 2040 Comprehensive Plan was adopted on January 13, 2022. That plan was approved by the Metropolitan Council with the following understandings related to sewered development and density. First, the Plan reiterated that dating back to the City’s 2020 comprehensive plan “the [Metropolitan Council] acknowledge in its report That the City proposed residential densities between 1.8 and 3.3 units per acre,” and that despite this the plan met “most Metropolitan Land Planning Act (LPA) requirements for 1998 plan updates, with the exception essentially limited to the housing element.^{iv}” It was further acknowledged that “remaining undeveloped lands that are planned to receive sanitary service *have a planned density lower than 3 units per acre,*” and that the Metropolitan Council “agrees to hold the City harmless in regard to minimum units per acer density requirements required for ‘Emerging Suburban Edge’ communities” through the termination date of the East Oaks PDA on February 11, 2029.^v (emphasis added)

Likewise, less than a year ago, the Community Development Committee approved a comprehensive plan amendment to modify the MUSA to include two lots totaling 17 acres within the Emerging Suburban Edge designation. While the amendment was found to be consistent with the land use policies for the Emerging Suburban Edge Community Designation, the uniqueness of the City and the fact that the primary governing planning and regulatory document for the East





Oaks Development Area in the City is the East Oaks Planned Unit Development (PUD) which it notes is memorialized in the City's comprehensive plan.

4. The Impact on the Decreased Density for the Sewered Areas of the City within the East Oaks PUD Is Insignificant

The Amendment would result in the areas subject to the East Oaks PDA with sanitary sewer being developed at a density of less than 3 units per acre.

There are 23 parcels with 24 proposed connections in 89.55 gross and 72.2 net acres. If Tract F (44.84 acres) is removed from the calculation, and the services are reduced down to 22 connections, then the total acreage to be added to the sewered area is 37.1 acres.

Reference is made to reduction in the community-wide density from 3.0 units per acre to 2.3 units per acre. It is important to note that the vast majority of the City (5,461 total acres) is designated as rural residential, not emerging suburban edge. Rural Residential areas are intended, per the Metropolitan Council Land Use Policies, to "encourage rural development at densities that are not greater than 1 unit per 10 acres."

Looking at the Net Acres to be guided Emerging Suburban Edge, the total acreage is 199.9 acres, with a planned unit count of 24, and an overall density for the areas designated Emerging Suburban Edge of 2.3 units per acre. If developed at 3 units/acre instead of the proposed density, this would only add 191 additional units. While development at less than 3 units/acre is less than what the Metropolitan Council looks for areas designated Emerging Suburban Edge, the practical result of the amendment is an 191-unit difference between development at 3.0 units/acre and at the City's proposed density. A total of 191 fewer units does not result in a substantial difference in development within the City.

5. The Metropolitan Council Can Recognize the Uniqueness of the City and Allow the Amendment Without Requiring any Modification to the Plan

While the Metropolitan Council has the statutory authority to require a local governmental unit to modify any comprehensive plan or part thereof that is inconsistent with the metropolitan system plan *if* the Council concludes that the local plan is more likely than not to have either a substantial impact on, or to contain a substantial departure from the Council's adopted metropolitan system plans, it is not required to. Based on the information provided regarding this unique situation and the insignificant *actual* impacts on overall regional policy from allowing this, the City respectfully requests the Community Development Committee to recommend that the Metropolitan Council *not* find a substantial departure from the regional wastewater system plans and an inconsistency





with regulation land use policy. Further, even if it is found that those exist, the Metropolitan Council is urged to use the discretion granted to it by statute and choose not to require the City to modify its comprehensive plan and this amendment thereto. Alternatively, as noted in the letter recently submitted by the North Oaks Company, should the Council so choose, it could approve the City's requested amendment, excluding Tract F of RLS 561, thereby reducing further any concerns related to the density and wastewater system plans.

Conclusion

The City of North Oaks encourages the Committee and the Metropolitan Council to see its comprehensive plan amendment for what it is—a small change that will not have any actual system-wide impacts or a substantial departure from system plans, but one that will instead have a significant and positive benefit for the City and the environment by facilitating the development of 23 lots connected to adjacent sanitary sewer with more than sufficient capacity to serve those lots.

As noted, the City is unable to compel development of these lots at a higher density than proposed, based primarily on the density constraints of the PDA, as well as the practical reality of the topography and sensitive ecological areas within the proposed development area.

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.

If you have any questions, please contact me at 651.792.7755.

Sincerely,

/s/ Kevin Kress

Kevin Kress, City Administrator

COPY:

Kendra Lindahl, City Planner
Peter Lindstrom, District 10





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- ⁱ *2040 Water Resources Policy Plan, p. 3 and 34*
 - ⁱⁱ *2040 Water Resources Policy Plan, p. 235*
 - ⁱⁱⁱ *2040 Water Resources Policy Plan, p. 60*
 - ^{iv} *City of North Oaks 2040 Comprehensive Plan, p. 27*
 - ^v *City of North Oaks 2040 Comprehensive Plan, p. 30*

