

Committee Report

Community Development Committee



Committee Meeting Date: October 21, 2024

For the Metropolitan Council: November 13, 2024

Business Item: 2024-300

City of North Oaks Red Forest Way South Sanitary Sewer Comprehensive Plan Amendment, Review File 21796-4

Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

1. Authorize the City of North Oaks to place its comprehensive plan amendment into effect.
2. Find that the amendment does not change the City's forecasts.
3. Advise the City that the lots outside of the amendment area (shown in Figure 4) cannot be provided sanitary sewer without first being added to the MUSA, and therefore the service stubs and lateral to those lots outside the amendment area lots need to be eliminated from future construction plans and future Minnesota Pollution Control Agency permit applications. The Council's authorization of this amendment is only for the proposed 17 lots identified in the materials. Any future additions in this area will require a comprehensive plan amendment and Council review.
4. Advise the City to implement the advisory comments in the Review Record for Wastewater, Forecasts, and Land Use, and Water Supply.

Summary of Community Development Committee Discussion/Questions

The Community Development Committee unanimously recommended approval of the proposed action as part of its consent agenda at its meeting on October 21, 2024.



Business Item

Community Development Committee



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City of North Oaks Red Forest Way South Sanitary Sewer Comprehensive Plan Amendment, Review File 21796-4

District(s), Member(s): District 10, Peter Lindstrom
Policy/Legal Reference: Metropolitan Land Planning Act (Minn. Stat. § 473.175)
Staff Prepared/Presented: Eric Wojchik, Policy Analyst (651-602-1330)
Angela R. Torres, Senior Manager (651-602-1566)
Division/Department: Community Development / Regional Planning

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4. Advise the City to implement the advisory comments in the Review Record for Wastewater, Forecasts, and Land Use, and Water Supply.

Background

The City of North Oaks submitted the Red Forest Way South Sanitary Sewer comprehensive plan amendment on September 11, 2024. The amendment proposes to expand the Metropolitan Urban Service Area (MUSA) to add 17 properties (27.6 net acres) in the Red Forest Way South Phase 2 development. The amendment also includes a Community Designation change from Rural Residential to Emerging Suburban Edge. The amendment site is located north of Black Lake. This is the City's third amendment to its 2040 Comprehensive Plan. A similar amendment was reviewed by the Council ([Business Item 2024-25](#), Review File No. 21796-3), and this amendment was deemed inconsistent with regional land use policy and represented a significant departure from the regional wastewater system plan prior to the City withdrawing the proposed amendment. This new amendment seeks to address these issues by scaling back the proposal.

Rationale

The proposed amendment conforms to regional system plans, is consistent with Council policies, and is compatible with the plans of other local communities and school districts.

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.

Funding

None.

REVIEW RECORD

City of North Oaks

Red Forest Way South Sanitary Sewer Comprehensive Plan Amendment

Review File No. 21796-4, Business Item No. 2024-300

BACKGROUND

The City of North Oaks is located in the northern part of Ramsey County. It is surrounded by the communities of White Bear Township, Vadnais Heights, and Shoreview.

Thrive MSP 2040 (Thrive) designates North Oaks with “Rural Residential” and “Emerging Suburban Edge” Community Designation. The Council forecasts from 2020 to 2040 that the City will grow from 5,370 to 5,700 population and 2,130 to 2,310 households. The Council also forecasts that the City’s employment will not change between 2020 and 2040 and will remain the same at 1,530 jobs.

The Metropolitan Council reviewed the City of North Oaks 2040 Comprehensive Plan ([JT Business Item 2021-341](#), Review File No. 21796-1) on December 22, 2021. This is the third comprehensive plan amendment since the 2040 Plan was reviewed.

REQUEST SUMMARY

The City of North Oaks submitted the Red Forest Way South Sanitary Sewer comprehensive plan amendment on September 11, 2024. The amendment proposes to expand MUSA to add 17 properties (27.6 net acres) in the Red Forest Way South Phase 2 development. The amendment also includes a Community Designation change from Rural Residential to Emerging Suburban Edge. This request includes revisions to developed acreages of previous amendments. A similar amendment was reviewed by the Council ([Business Item 2024-25](#), Review File No. 21796-3), and this amendment was deemed inconsistent with regional land use policy and represented a significant departure from the regional wastewater system plan prior to the City withdrawing the proposed amendment. This new amendment seeks to address these issues by scaling back the proposal.

OVERVIEW

Conformance with Regional Systems

The amendment conforms to the Regional System Plans for Parks, Transportation (including Aviation), and Wastewater, with no substantial impact on, or departure from, these plans.

Consistency with Council Policies

The amendment is consistent with the *Thrive MSP 2040*, with the *Housing Policy Plan*, with water resources management, and is consistent with Council forecasts.

Compatibility with Plans of Adjacent

The amendment will not have an impact on adjacent communities, school districts, or watershed districts, and is



PREVIOUS COUNCIL ACTIONS

- The Council acted on the 2040 Plan on December 22, 2021 ([Business Item 2021-341 JT](#), Review File No. 21796-1)
- The Council authorized the Lapoutre amendment on May 24, 2024 ([Business Item 2023-110](#), Review File No. 21796-2). The amendment proposed to modify the MUSA boundary (and Community Designation change from Rural Residential to Emerging Suburban Edge) to include two lots totaling 17 acres to accommodate future development.
- The Council reviewed the Red Forest Way South amendment on March 6, 2024 ([Business Item 2024-25](#), Review File No. 21796-3). The amendment proposed to add 72.2 acres to the MUSA, including properties in the Forest Way South development (23 parcels with 24 sewer connections) and change the Community Designation from from Rural Residential to Emerging Suburban Edge. The City withdrew this amendment prior to the Council taking action on a proposed Plan Modification.

ISSUES

- I. Does the amendment conform to the regional system plans?
- II. Is the amendment consistent with Thrive MSP 2040 and other Council policies?
- III. Does the amendment change the City's forecasts?
- IV. Is the amendment compatible with the plans of adjacent local governmental units and affected jurisdictions?

ISSUES ANALYSIS AND FINDINGS

Conformance with Regional Systems

The amendment conforms to the regional system plan for Regional Parks, Transportation, and Wastewater, with no substantial impact on, or departure from, these system plans. Additional review comments are included below.

Regional Parks

Reviewer: Colin Kelly, Community Development (CD) – Regional Parks (651-602-1361)

The proposed amendment conforms to the 2040 Regional Parks Policy Plan. There are no existing or planned units of the Regional Parks and Trails System in the vicinity (i.e., within ½ mile) of the proposal to expand municipal water service to 17 properties in the Red Forest Way South Phase 2 development. The nearest unit of the Regional Parks and Trails System – Bald Eagle-Otter Lake Regional Park – is approximately 1.2 miles east of the proposed expansion in White Bear Township, on the opposite side of I-35E (see Figure 1).

Wastewater Service

Reviewer: Kyle Colvin, Environmental Services (ES) – Wastewater Planning and Community Programs (651-602-1151)

The proposed amendment is for a project that consists of adding 17 single family residential lots to the City's Metropolitan Urban Sewer Area (MUSA). Proposed service to these lots will be provided through the installation of a gravity sewer that will convey flow to an existing City lift station, and eventually conveyed to Council interceptor 6901. There is adequate capacity in interceptor 6901 to accommodate the additional 17 residential units covered under the amendment. It is the Council's understanding that the billing for wastewater services will be covered under the existing joint powers agreement that the City has with the Town of White Bear and that the Council will not need to adjust for these flows in its flow/cost allocation process, meaning that flow generated by these 17 homes will be billed to the Township by the Council.

The proposed amendment and related project does not appear to pose a potential impact to, or

reflect a departure from, the Regional Wastewater System Plan.

Advisory Comments

Exhibit 4 “Proposed route of sanitary sewer through RLS 640 from RLS 637” is a map that depicts the proposed sanitary sewer that would be constructed to provide service to the 17 parcels covered under the amendment (see Figure 4). The Exhibit shows both the proposed sewer lateral within the future street, as well as the individual service stubs to each of the lots within the amendment area. However, the Exhibit also shows that individual service stubs are to be provided to those lots on the opposite side of the street of those lots covered under the CPA that are outside of the metropolitan urban service area and not covered under the amendment. It also depicts the future extension of a sewer lateral in that portion of the future street that lies outside of the MUSA. The Exhibit does not include a legend that identifies the utilities depicted on the map. The lots outside of the amendment area cannot be provided sanitary sewer without first being added to the MUSA, and therefore the service stubs and lateral to those lots outside the amendment area lots need to be eliminated from future construction plans and future Minnesota Pollution Control Agency permit applications. Those lots also cannot be assessed for sanitary improvement costs until a formal amendment is submitted and authorized by the Council.

Consistency with Council Policy

The amendment is consistent with Council policies for forecasts, land use, housing, sub-surface sewage treatment systems, and water supply. Additional review comments are detailed below.

Forecasts

Reviewer: Todd Graham, CD – Research (651-602-1322)

The City offers that the plan amendment does not affect forecasts. Council staff find that the households expected at subject site were previously accounted in forecasts at the time of the Plan Update, though the land acreage was not accounted in MUSA service area. The Plan authorized in 2019 obscured this discrepancy; this amendment remedies the discrepancy.

MUSA-served development in the eastern part of the city will total 179 units, and closely matches the approved sewer-served forecast for North Oaks during 2020 – 2040; no forecast adjustment is needed. Table 1 below shows the forecast for the City of North Oaks.

Table 1. Metropolitan Council City of North Oaks Forecasts

Category	Census 2020	Current Approved Forecast		
		2020	2030	2040
Population	5,272	5,370	5,580	5,700
Households	1,972	2,130	2,270	2,310
Employment	1,290	1,530	1,530	1,530

Advisory Comments

Table 1 of the amendment accounts for the MUSA-served development in the eastern part of the City. Table 1 is labeled ‘2020 – 2040 change’. This is a misrepresentation. The first two developments on the list, Rapp Farm and Wilkinson, were completed before 2019. For clarification, Council staff recommend re-labeling Table 1 to read ‘2018 – 2040 change’.

Thrive MSP 2040 and Land Use

Reviewer: Eric Wojchik, CD – Local Planning Assistance (651-602-1330)

Thrive MSP 2040 identifies the City as an Emerging Suburban Edge Community and as a Rural Residential Community (Figure 2). The City of North Oaks submitted the Red Forest Way South Sanitary Sewer comprehensive plan amendment on September 11, 2024. The amendment proposes to expand MUSA to add 17 properties (27.6 net acres) in the Red Forest Way South Phase 2 development. The amendment also includes a Community Designation change from Rural Residential to Emerging Suburban Edge. This request includes revisions to developed acreages of previous amendments.

The City is unique in the region that, with few exceptions, the entire City is part of 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 Plan.

This proposed amendment reduces the scope and acreage of a previously proposed amendment submitted by the City that included 23 parcels with 24 sewer connections on 72.2 acres of land. The Council found that the previous amendment ([Business Item 2024-25](#), Review File No. 21796-3) was inconsistent with regional land use policy and constituted a departure from the regional wastewater system plan. 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. The City withdrew the previous amendment prior to the Council taking final action on the proposed Plan Modification.

Table 2 below identifies the guiding land uses and development status for the sewered 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 17 previously unsewered lots, across 27.6 acres, yields a residential density of 1.62 units per acre for the project. The table also includes minor adjustments to East Wilkinson and the Nord developments, showing build out acres and units.

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. As shown in Table 2 below, the City's Plan, including this plan amendment, remains consistent with the land use policies for the Emerging Suburban Edge Community Designation.

Table 2. 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	<u>314</u>
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	<u>7.4</u>	2
<u>Red Forest Way South</u>	<u>Under Development</u>	<u>27.6</u>	<u>17</u>
TOTALS		217.5	649
Overall Density			3.0

Advisory Comments

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. Council staff are available to support the City through enrollment in the Plat Monitoring program, a voluntary program that provides density credit to communities that build housing above the minimum planned density of a respective residential land use category. Given typical differences between planned and platted densities, the Council strongly recommends that the City enroll in the Plat Monitoring program.



Housing

Reviewer: Olivia Boerschinger, CD – Housing (651-602-1327)

The 2040 Plan remains inconsistent with the *Housing Policy Plan*. This amendment does not create any further inconsistencies with housing policy. At the time of comprehensive plan authorization, the Plan did 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 and therefore the amendment does not inhibit North Oaks from implementing their housing element but neither does it guide sufficient land to address their share of the region's affordable housing need for 2021-2030.

Water Supply

Reviewer: John Clark, ES – Water Supply (651-602-1555)

This amendment is considered sufficiently complete for water supply review and the community's comprehensive plan remains consistent with *Water Resources Policy Plan* policies related to water supply.

North Oaks receives water supply services for select areas of their community. These services are provided by White Bear Township. North Oaks' 2040 Plan includes a joint powers agreement with White Bear Township that recently expired. White Bear Township must ensure that their water supply system and sources can meet the ongoing and future demands of their community and any surrounding communities they provide water supply services to, and any other limitations associated with their water appropriation permit put in place by the Minnesota Department of Natural Resources.

Advisory Comments

The amendment is considered complete for water supply related information. However, we ask that North Oaks provide the Council with a copy of their updated agreement for water supply service with White Bear Township to be included with their 2040 Plan.

1. Please keep in mind that restrictions placed on the White Bear Township water supply system by the Minnesota Department of Natural Resources regarding sustainable water management around White Bear Lake may limit the amount of water available for future development.
2. Strategies to use water more efficiently in residential homes and outdoors through water efficient landscape design should be considered in development planning.
3. Also look for strategies to minimize potential sources of contamination to privately-owned wells in landscape and development planning.

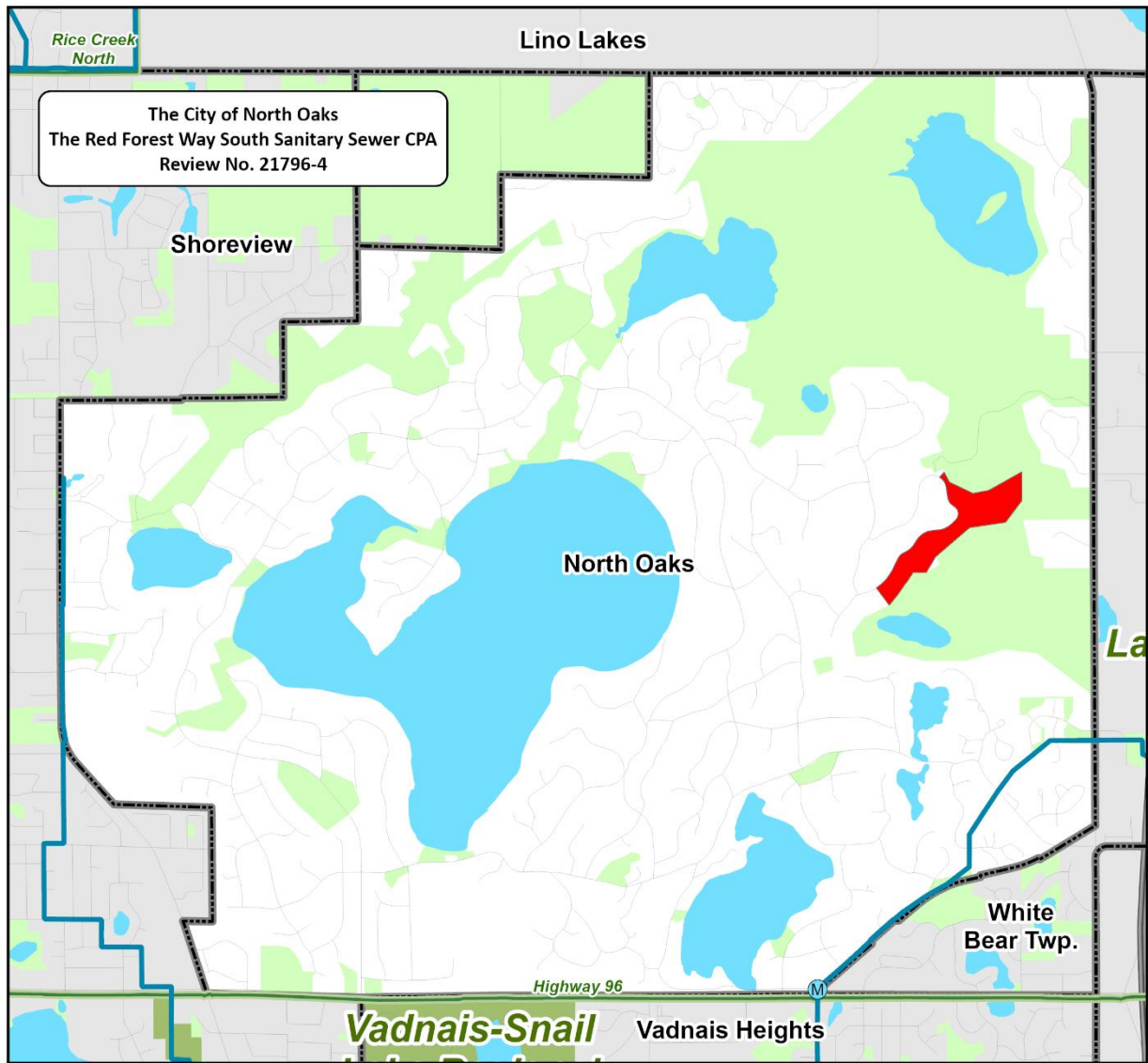
Compatibility with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

The proposed amendment is compatible with the plans of adjacent jurisdictions. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

ATTACHMENTS

- Figure 1: Location Map Showing Regional Systems
- Figure 2: Location Map Showing Community Designations
- Figure 3: Current and Proposed Land Use Guiding
- Figure 4: Amendment Materials - Exhibit 4 Proposed route of sanitary sewer through RLS 640 from RLS 637

Figure 1. Location Map Showing Regional Systems



Regional Systems

Regional Transitways

- Existing
- - - Planned Current Revenue Scenario
- - - Potential Increased Revenue Scenario

Wastewater Treatment

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

Regional Highway System

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

Regional Parks

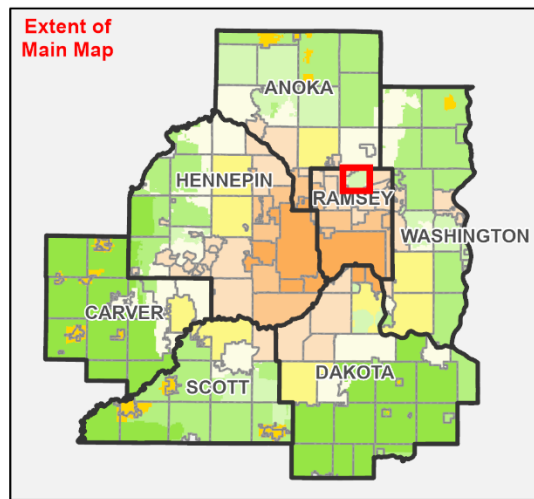
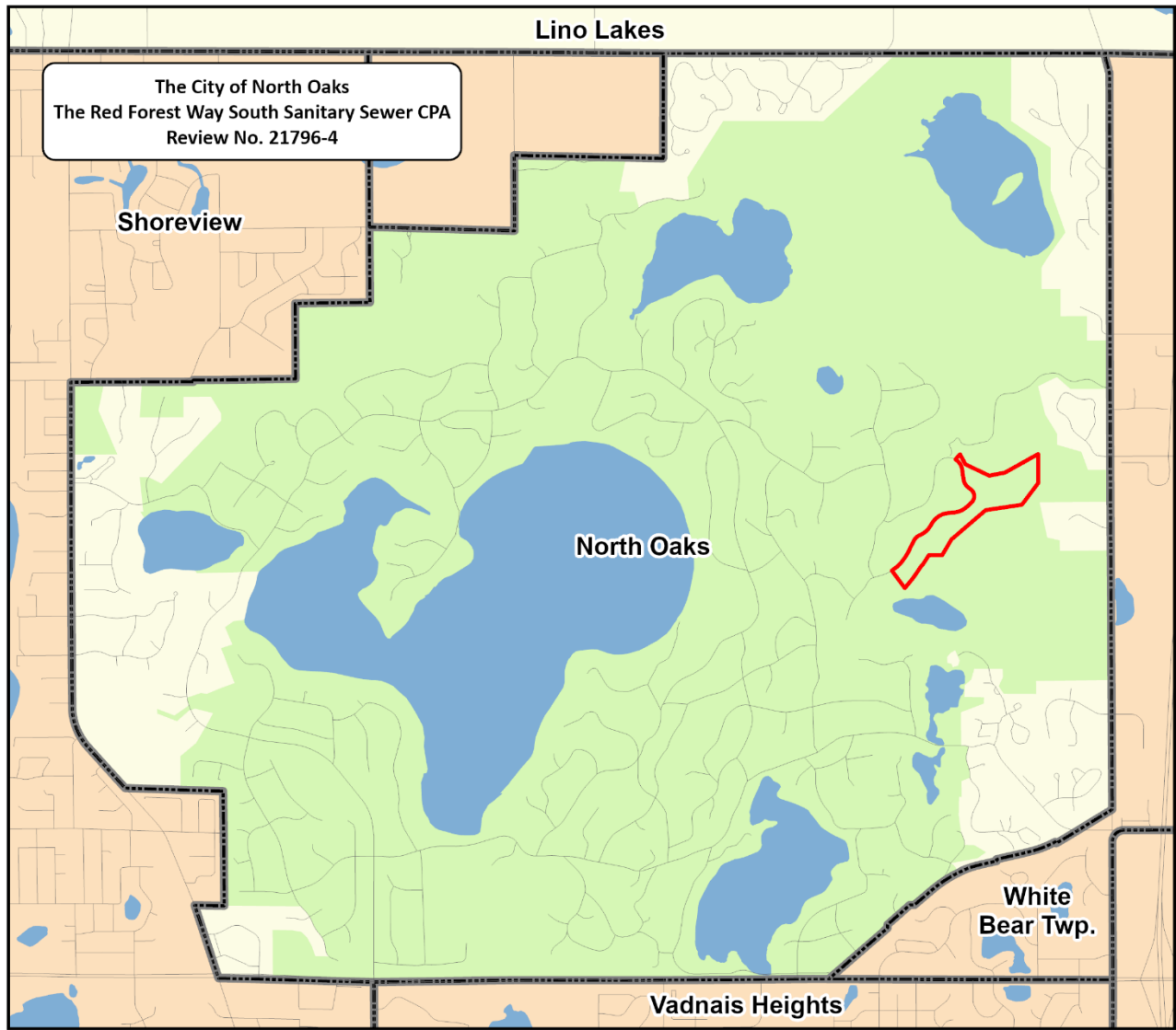
- Existing (Open to Public)
- In Master Plan (Not Open to Public)
- Planned Units
- Other Parks, Preserves, Refuges and Natural Areas

Regional Trails

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



Figure 2. Location Map Showing Community Designations



ThriveMSP 2040 Community Designations

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

Figure 3. Proposed Land Use Guiding

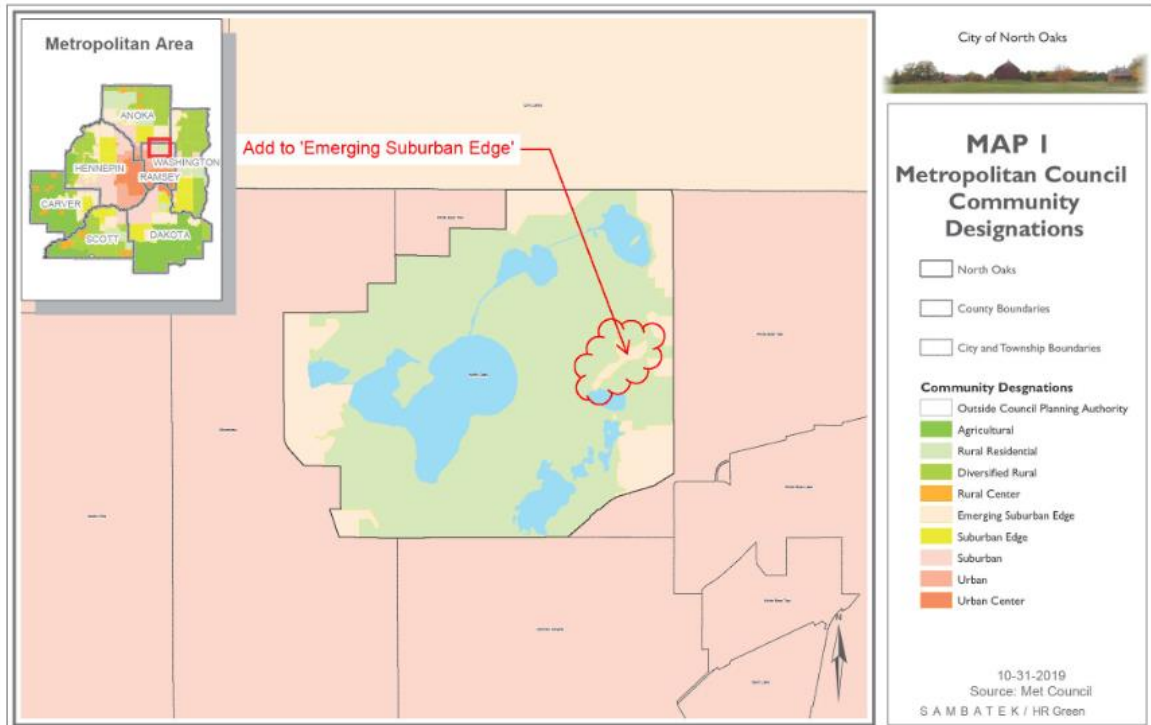


Exhibit 1

Proposed Revisions with Comprehensive Plan Amendment

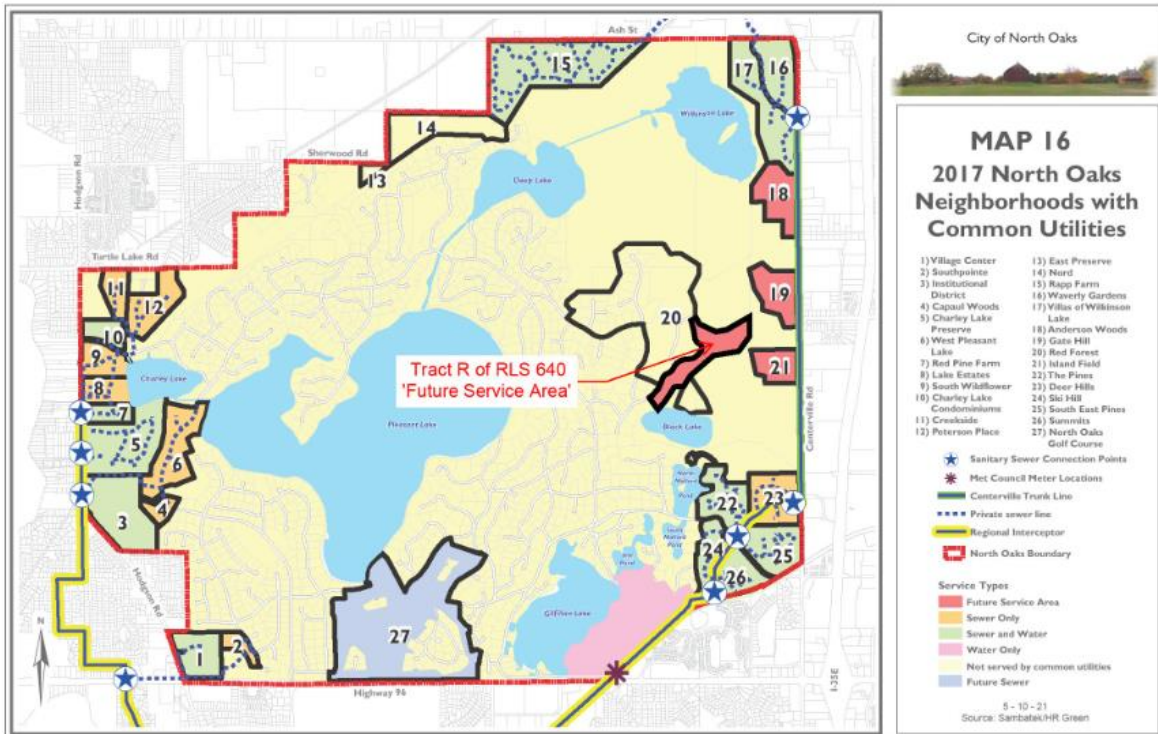


Exhibit 2

Proposed Revisions with Comprehensive Plan Amendment



Figure 4. Amendment Materials - Exhibit 4 Proposed route of sanitary sewer through RLS 640 from RLS 637

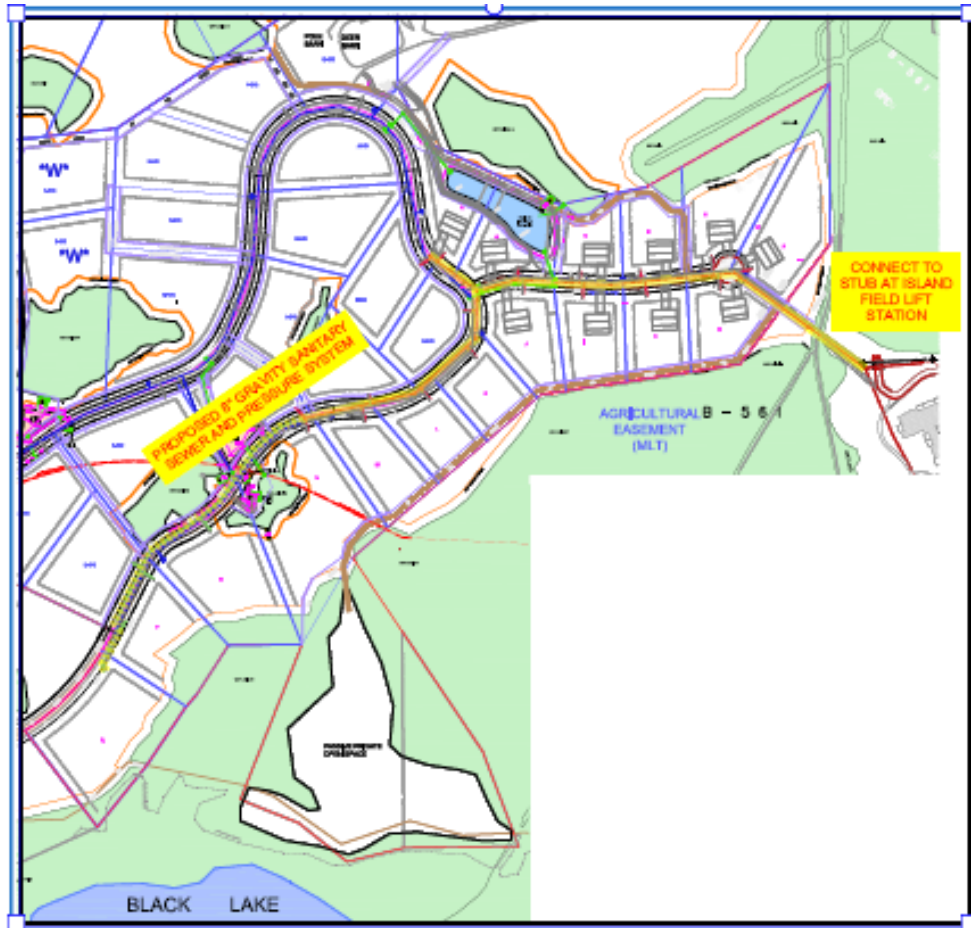


Exhibit 4

Proposed Route of Sanitary Sewer through RLS 640 from RLS 637

