

**North Oaks Planning Commission
Special Meeting Minutes
North Oaks City Council Chambers
April 12, 2023**

1. CALL TO ORDER

Chairman Cremons called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Chair Dave Cremons, Joyce Yoshimura-Rank, Nick Sandell, Grover Sayre III, Stig Hauge (attended via teleconference).

Absent: Bob Ostlund, Scott Wien.

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason, City Planner Kendra Lindahl, Engineer Jon Morast, Engineer Tim Korby.

Others Present: Videographer Kenny Ronnan. North Oaks Company President Mark Houge, City Council Liaison Mark Azman.

A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Chair Cremons led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

There were no citizen comments.

5. APPROVAL OF AGENDA

MOTION by Yoshimura-Rank, seconded by Sandell, to approve the Agenda. Motion carried unanimously by roll call.

6. APPROVAL OF PREVIOUS MONTH'S MINUTES

Administrator Kress noted some clerical changes to the previous month's minutes.

MOTION by Yoshimura-Rank, seconded by Sandell, to approve the Planning Commission Meeting Minutes of March 9, 2023. Motion carried unanimously by roll call.

7. BUSINESS ACTION ITEMS

a. Discussion and possible action on naming a Vice-Chair

Chair Cremons has asked Nick Sandell to step into the role of Vice-Chair in the event the Chair cannot attend a meeting.

MOTION by Cremons, seconded by Sayre, to appoint Nick Sandell as Vice-Chair of the Planning Commission. Motion carried unanimously by roll call.

b. Consider Application for Comprehensive Plan Amendment to amend City of North Oaks 2040 Comprehensive Plan to add additional properties within the areas

designated for future municipal sewer and water service and within the area designated as emerging suburban edge. (Modification of Tables 12, 13, 14 and 15 of Chapter 3 and amendments to Maps 1, 16, 17 and 18 of the City of North Oaks 2040 Comprehensive Plan which would allow the installation of municipal sanitary sewer and water systems, as well as the addition to the Emerging Suburban Edge (Map 1), Future Sewer Area (Map 16), Future Service Area (Map 17), and Future Water Service Areas (Map 18). The areas proposed to be added to Maps 16, 17 are Tracts A through R of RLS 640. Maps 1 and 18 areas proposed to be added area Tracts A through R of RLS 640 and Tracts F and H of RLS 561.)

City Planner Lindahl shared about the Comprehensive Plan noting it is a document used by City Council and Planning Commission to make decisions. She shared about zoning designations within the City, as well as density.

North Oaks Company President Mark Houge gave history on Red Forest Way noting lift station was built with capacity to service another 33 lots. Given the desire to move away from septic systems it makes sense to have sanitary sewer serving the remaining 17 lots before the Commission on subdivision Phase 2 and make provisions to extend to Phase 1 lots if possible. He shared about gravity systems and pressure systems.

Commissioner Hauge asked to see a map of page 26 onscreen showing how the sewer system ties into the lift station.

Chair Cremons asked about a water connection.

Mr. Houge replied factors include a lawsuit in the works with White Bear Lake and their willingness and capacity to extend water to the development, the possibility of a loop system, and whether the system could be set up to extend water further west for fire protection and domestic water use.

Commissioner Hauge asked what kind of capacity an 8-inch sanitary sewer would give.

Mr. Houge replied engineers have designed for a minimum of 33 homes and they have not looked to see if they can connect more but noted they will look into that scenario.

Engineer Korby clarified an 8-inch pipe, at his estimate, would be plenty big for most of the City. The constriction would be the size of the force main and they may need to reconstruct a parallel force main from any lift station to the next point.

Chair Cremons asked to clarify that in the future if the City wanted to extend sewer further into the City it would require further amendments to the Comprehensive Plan.

Administrator Kress replied in the affirmative.

Commissioner Sayre clarified this would allow one to go with City sewer or water, although they would not have to.

Commissioner Yoshimura-Rank asked with Mr. LePoutre's situation and his lot being hooked up to City sewer, was an amendment made to the Comp Plan for just that property?

Administrator Kress replied in the affirmative noting the City had to change the MUSA (Metropolitan Urban Service Area) line.

Chair Cremons agrees with Commissioner Hauge that moving forward it makes sense to have the maximum flexibility even if they do not end up using any of the excess capacity. If the City does need this in the future they would not have to put in all the pipes.

Mr. Houge clarified the installation into the development from the lift station would be adequate based on the City Engineer's comments. However, they would have to evaluate upsizing the pumps in the lift station and increasing the size of the pressure line before he can definitively say that it could pick up more homes with what is proposed.

Commissioner Yoshimura-Rank thinks it is exciting about the possibility for the City as she has always been concerned about septic and wells and their sustainability. Being able to hook up to City sewer and water would be ideal.

Ms. Lindahl gave a presentation onscreen and summarized the proposed plans noting it would change the map in the Comprehensive Plan, which is a change of the MUSA line. She noted approval of the request would allow the Applicant the option to connect to both sewer and water while denial would require that they move forward on individual well and septic system. Cost of construction of these utilities is borne by the developer and will be formalized as the project comes forward. Long-term maintenance would be the responsibility of the homeowners, there is no part of this that is the City's responsibility, whether construction or maintenance. Ms. Lindahl shared about issues that may need to be worked through with White Bear Lake, and approvals would be needed from White Bear Township, the MN Department of Health, and the MN Pollution Control Agency before beginning construction on those utilities.

Commissioner Sandell asked if the City changes the zoning, does it give a homeowner the right to sewer and water? If during the development process, the City does not feel it is the right thing to do, is there still a control point to say they do not think a particular parcel should have sewer and water?

Ms. Lindahl replied the City will need to finalize that with the Applicant before submitting to the Met Council. The water issue is a little more fluid because it is not tied to the MUSA, it will need to be refined before granting preliminary approval. From a policy perspective, the Commission should consider that it is feasible to service all 33 lots with sanitary sewer, which is currently the Applicant's request.

a. Public Hearing

Chair Cremons opened the public hearing at 7:38 p.m. There were no public comments.

MOTION by Yoshimura-Rank, seconded by Sayre, to close the public hearing at 7:38 p.m. Motion carried unanimously by roll call.

b. Discussion and Consideration of Recommendation to City Council Regarding Application

MOTION by Sayre, seconded by Yoshimura-Rank, to recommend approval with conditions as set forth in Option 1 regarding the request to for an amendment to the 2040 Comprehensive Plan that would modify Maps 1, 16, 17 and 18 and Tables 12- 15 of the plan to bring the subject parcels into the Metropolitan Urban Service Area (MUSA) and allow them to be served by sanitary sewer and water.

City Council Liaison Azman noted there is capacity for 33 lots and asked if the Company is requesting 33 lots.

Administrator Kress clarified this item is just in regards to the map in the Comp Plan, rather than the preliminary plat. In connecting all 33 lots the Applicant would need to come back and amend some things.

Mr. Azman asked if the City amends the Comp Plan, will they have to connect because that is what Met Council wants.

Ms. Lindahl replied in the affirmative noting there is a meeting with Met Council to discuss the amendment before going to the City Council. A discussion on flexibility will be part of the meeting as North Oaks is unique and this is the last development.

Mr. Azman asked if there are any sold lots and whether the Company can force people to connect.

Mr. Houge noted that may be a legal question for the attorney but noted they have sold 7 of the 16 lots in Phase 1. The idea was that it would be nice to have the option to connect if systems could be designed to extend further west. He thinks they need clarification around what Met Council would require, and whether the property owners would be obligated to connect.

Attorney Nason noted regarding the question of whether people would have to connect if it is changed to sanitary sewer, the development that occurs will have to be consistent with the Comp Plan. If there is not intent to have those houses develop and connect to sanitary sewer, then they should likely be removed from the request for that Comp Plan amendment before the City this evening.

Administrator Kress asked if in one month the City hears from Met Council that changes will not be allowed in Phase 1, what will the Met Council be required to send to the City as an amendment?

Attorney Nason replied they may have to start over with the process, or could perhaps backtrack and have the Planning Commission review and respond to a revised application.

Mr. Houge clarified the Company are not adamant that they have the ability to connect Phase 1 lots to sanitary sewer, rather it was more of an option for the benefit of the community. He asked if the Planning Commission's vote should be conditioned upon the response from the Met Council.

Ms. Lindahl thinks they should proceed with the request to bring all of Red Forest Way in, noting the intent is to suggest to Met Council that the lots are already platted and they want the option to connect.

Attorney Nason clarified the Planning Commission could recommend approval as presented and to the extent the Met Council does not approve of the full application, Planning Commission still recommends that the City Council move forward with the modifications that include the Red Forest Way Phase 2 and adjacent properties.

Commissioner Sayre stated if his motion did not say that, he'd like to make sure that it does should it be approved.

Mr. Azman asked what the incentive is to use water over wells.

Mr. Houge noted the economics sometimes balances out with equal costs for a lot owner. It is nice to have municipal water for fire protection, and provides an upgrade pass to continue water into North Oaks in the future.

Motion carried unanimously by roll call.

c. Consideration of Application for Property Subdivision (Preliminary Plan Approval) for Subdivision of RLS 640, Tract R, Red Forest Way South Phase 2) to Determine if Application is Complete

Attorney Nason clarified this is to determine completeness for the application of Preliminary Plan and Plat approval. The Planning Commission evaluates whether all requirements in City Code and the East Oaks PDA documentation have been received.

Ms. Lindahl noted three things on the checklist that are not in the packet but Staff does not believe are required for this application. Staff believes it is complete for what is required of this project. She explained the items on the checklist: 1) the checklist requires a landscape plan but the PDA does not; 2) basement elevations were not provided for all lots. However, elevations are provided for lots 1-10 and the Applicant has asked to wait until the homes on lots 11-17 are designed so they can do custom grading to maximize tree preservation; 3) the checklist requires a signage plan, yet no signage is proposed.

a. Discussion

Chair Cremons asked about easements.

Administrator Kress replied easements are typically discussed with NOHOA (North Oaks Home Owners Association) during Preliminary Plan approval, and if this is deemed complete it will go into the subdivision phase to receive comments from NOHOA on different easements for open space or trails. Depending on what Met Council says, some easements may be different throughout the area.

Chair Cremons asked about long-term maintenance and repair on water retention ponds.

Administrator Kress explained the majority are managed by NOHOA or the North Oaks Company. The City does not own any stormwater facilities or have any obligation to them.

b. Consideration of Resolution No.2023-1 Determining the Preliminary Plan Application is Complete

MOTION by Sandell, seconded by Hauge, to approve Resolution No. 2023-1 deeming the application complete. Motion carried unanimously by roll call.

c. Discussion and Possible Action on Planning Commission 2023 Meeting Schedule

Administrator Kress put forth two options for a meeting schedule with the Commission have two dates on the calendar per month. The Commissioners discussed possible dates to meet during each month and what works best. Part of the discussion determined that every other month they would meet on the last Thursday of the month.

MOTION by Cremons, seconded by Sandell, to adopt the Annual Planning Commission 2023 Calendar as discussed. Motion carried unanimously by roll call.

d. Discussion on Land Use Ordinances including possible future amendments to Planning Commission Ordinance, and Comprehensive Plan Ordinance, as well as Voting Procedures and Adoption of Rules of Order

Chair Cremons stated in June 2019 a section of City Code related to the Planning Commission was removed regarding its role in the Comprehensive Plan process. State Statute requires the Commission to be involved in the Comp Plan work, and he would like look at getting the Ordinances back into the place where the Planning Commission are legally authorized. No decisions have been made. He hopes to have a working group that includes Councilmember Azman and others interested to begin looking at Ordinances and suggested changes. This could potentially save homeowners and the City considerable headaches and cost by making sure the Ordinances work the way the City Council intends. Anything recommended by the Commission goes to the City Council and can be approved or rejected.

Administrator Kress noted a task force consisting of himself, Councilmember Azman, and Chair Cremons could work behind the scenes to look at things and bring back a discussion for the Planning Commission.

The Commissioners were in favor of the task force.

9. COMMISSIONER REPORTS

Mr. Cremons noted the following night they will meet with the City Council to learn about roles, standards, and the Open Meeting Law.

Administrator Kress reminded the Commissioners to complete the INET training.

10. ADJOURNMENT

**MOTION by Yoshimura-Rank, seconded by Sayre, to adjourn the meeting at 8:23 p.m.
Motion carried unanimously by roll call.**

Kevin Kress

Kevin Kress, City Administrator

Dave Cremons

Dave Cremons, Chairman

Date approved 5/10/2023