

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
May 10, 2023**

1. CALL TO ORDER

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

2. ROLL CALL

Present: Chair David Cremons, Vice-Chair Nick Sandell, Commissioners Bob Ostlund, Stig Hauge (attended via teleconference), Grover Sayre III, Scott Wiens, and Joyce Yoshimura-Rank. Staff Present: Administrator Kevin Kress, City Planner Kendra Lindahl, City Attorney Bridget Nason, Engineer Larina DeWalt.

Others Present: Videographer Kenny Ronnan, North Oaks Company President Mark Houge, Regional Director of HR Green John Morast; 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 was no one present in the room, or online wishing to comment on the application.

5. APPROVAL OF AGENDA

**MOTION by Yoshimura-Rank, seconded by Sayre, to approve the agenda as submitted.
Motion carried unanimously by roll call.**

6. APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of Planning Commission Meeting minutes of April 12, 2023 Minutes

MOTION by Sandell, seconded by Yoshimura-Rank, to approve the Planning Commission Meeting Minutes of April 12, 2023. Motion carried unanimously by roll call.

7. BUSINESS ACTION ITEMS

a. PUBLIC HEARING on the application by North Oaks Company, LLC for Subdivision (Preliminary Plan/Plat Approval) for the Southern Portion of Site K, Red Forest Way South Phase 2 for the property legally described as Tract R, Registered Land Survey No. 640, Ramsey County, MN. Discussion and possible action following the hearing.

- City Planner Lindahl gave a presentation on the final subdivision Red Forest Way South Phase 2. She explained the request is approval of a 17-lot subdivision on 35.09 acres. The Planning Commission deemed the application complete at the April 12, 2023 meeting.
- Ms. Lindahl reviewed the background of the project including the recommendation from the Planning Commission to approve a request for a Comprehensive Plan Amendment. The

amendment would amend the maps to bring into the MUSA and would allow sanitary sewer and water to Red Forest Way South. She noted the City Council is expected to act at the June 8, 2023 meeting and if denied, plans would need to be revised to show septic sites. Phase 1 was approved on December 17, 2020 and showed 34 lots in Phase 1 and 2.

- Ms. Lindahl noted the Planning Commission should review the subdivision for consistency with the City Code, the master development plan and the East Oaks PDA and should approve the plan if it is consistent.
- Ms. Lindahl noted some changes from Phase 1 included lot lines being modified from the concept plan approval and lots having sanitary sewer and water.
- Ms. Lindahl explained the DNR reviewed and noted the accuracy of the 150 foot setback from ordinary high water level (OHWL) from Black Lake. Lots within the shoreline overlay have additional and different standards than lots outside of it including a 150 foot setback. The 150 foot setback is a no mow zone and have discussed with the applicant how to identify the section such as including signage in order to protect the area as a natural landscape area since it is a requirement of PDA. The lot sizes are range from 1.29-4.05 acres which is more than the EDA and City Code require.
- Ms. Lindahl stated the NOHOA has reviewed and recommended changes to the streets approved in Phase 1 which include curb and ditch transitions and recommended having the transition zone at the top of the crest. Typically the City has transition zone at the bottom instead of the top and therefore do not recommend moving the transition to the top. The City engineer has reviewed the streets and recommended no changes. Staff would like more information on erosion control methods in the transition location and would like to continue to work with NOHOA on the transition zone.
- Ms. Lindahl noted the park dedications and added Tract S of RLS 640 and Tract C of RLS 561 will be deeded to NOHOA with this phase. A custom grade is proposed for lots K-Q in order to maximize tree preservation but have included an additional condition for graphed elevations to ensure lots are buildable and the driveways are less than 10% grades. A condition has been added for the applicant to provide preliminary draft elevations and to follow the guidance of the City forester's recommendations.
- Ms. Lindahl reviewed the options the Planning Commission has and added the Staff have found that the plans are consistent and have prepared a draft resolution with conditions of approval.
- North Oaks Company President Mark Houge stated he was happy to work with the City regarding the curb and ditch transitions as well as the run off issues in the lots to the north of Black Lake.
- Commissioner Ostlund asked why urban gutters were chosen. Mr. Houge stated it began with the desire to preserve trees and in order to do that, it is required to convey the water into storm water ponds to treat it before it goes into the wetlands which requires to curb it and put in a pipe or create large ditches which leads to cutting down trees. After discussion, the decision was to create a curb in order to preserve trees.
- Administrator Kress asked Mr. Houge to speak on the potential of adjusting the lot lines to stagger the parcels so as residents are coming in and out of their driveway, lights will not go into neighboring parcels. Mr. Houge noted there is some latitude to move the lot lines but would need to ensure the setback and lot sizes remain consistent; he showed the Commissioners a map of the parcels and where there is room to move lot lines.

- Chair Cremons noted the advantage of not having driveways across from each other and asked Administrator Kress how the lot lines could be moved. Administrator Kress stated they could add it as a condition to adjust the lines so they would be staggered. The Council could also add it as a condition. Chair Cremons asked Mr. Houge if that would create an issue for him. Mr. Houge stated it would not and should be manageable.
- The Commissioners agreed to ask to stagger the lot lines.
- Commissioner Sayre asked about the ground water levels for the lots in the area. Mr. Houge noted they have not had issues regarding ground water levels and have a plan to continue to manage it.
- Chair Cremons stated Black Lake is one of the only bodies of water that is not impaired and would like to preserve it. Mr. Houge mentioned Lots P, N and O are the closest to Black Lake and up high with a 150 foot setback on the lots so the native plants will be preserved. If need be, the home owner could install additional rain guards.
- Administrator Kress asked Mr. Houge to speak on traffic during and after construction. Mr. Houge noted there is no road that connects from the road from Black Lake to Centerville Road. During the construction of the roads and the mass grading they will come in east of Centerville Road and the farm road to access the site. When grading and the majority of utility is finished the access will be cut off and the access will come from the west when the homes are built.
- Chair Cremons encouraged the Staff to do everything they can to preserve the water and to get buy in from the new homeowners to help preserve the lake.
- City Council liaison Azman asked why one lot was not being built on out of the 34 lots. Mr. Houge stated there will be a restricted covenant in place and was a preference of the City in order to not exceed the total unit count. He added he was not sure but thought the current barn and land could potentially have sentimental value to the owner.

**MOTION by Hauge, seconded by Yoshimura-Rank, to open the public hearing at 7:28 p.m.
Motion carried unanimously by roll call.**

- There was no public comment

**MOTION by Sayre, seconded by Yoshimura-Rank, to close the public hearing at 7:29 p.m.
Motion carried unanimously by roll call.**

- Chair Cremons opened the discussion for Commissioners.
- Commissioner Yoshimura-Rank asked if this was the first development that received feedback from HR Green. Administrator Kress stated it was the first for the preliminary plat since there was a different City engineer at the time and the only plats HR Green was involved in was the final ones from 2020. Ms. Yoshimura-Rank noted the feedback they provided were similar to the feedback from homeowners. She asked if they were conditions or comments. Administrator Kress stated some are conditions such as the slope requirements.
- Chair Cremons asked if there was anything identified from an engineer standpoint that would preclude the Planning Commission from approving. Regional Director of HR Green John Morast stated there was not.

- Chair Cremons asked Mr. Morast how he felt about the erosion control and water flow in Lots O, P and Q. Mr. Morast noted more information would be needed and will be discussed further during the final plan but added there would be ways to mitigate it.
- Chair Cremons asked if it would be challenging to build a house on a 30-foot slope. Mr. Morast the house designer will need to assess the best ways to build stable homes in the areas with larger slopes.
- Chair Cremons noted Lot Q appears to have a slope in the entire lot and asked how a home could be built on it. Mr. Morast stated it was possible and the site engineer would need to ensure it is not mass graded, have erosion control measures before water leaves, and the foundation is stable.
- Chair Cremons expressed his concern that Lot Q would not be sold if a homeowner believed it could not have a home built on it. Mr. Morast replied that it could limit a buyer but added it would not preclude a potential buyer from purchasing the lot.
- Chair Cremons asked Mr. Morast if he feels confident that they can protect the watershed. Mr. Morast stated he did and noted there have been discussions to ensure protection such as grading, erosion control, and slope protection. Ms. Lindahl noted there are conditions included to have a grading plan for the lots and could show it to the Council as well.
- Commissioner Sandell asked what the timeframe was for the development of the lots. Mr. Houge stated if all of the approvals come they hope to complete the grading and putting utilities by the end of summer 2023 since there is an opportunity to extend sanitary sewer and/or water to Phase 1 lots.
- City Council Liaison Azman asked Mr. Houge if the sewer were approved if they could make capacity to build further. Mr. Houge stated they would like to discuss with the City Engineer to see what is possible. Administrator Kress added they would need to see the pipe size and that typically the City pays the difference in pipe size.
- Commissioner Hauge asked Administrator Kress to clarify the connection to the sewer in White Bear Township water and how that would affect future homeowners in the City financially. Administrator Kress stated it was standard charges with no exceptional costs. Mr. Hauge mentioned a previous discussion regarding the pipe size being 8 inches for the future homes and the limitation would be the pump station.
- Commissioner Sayre asked to review the update on the meeting the City had with White Bear Township regarding water. Administrator Kress replied that the Council would be reviewing a memorandum of understanding during the next Council meeting regarding the lawsuit over White Bear Lake water.
- City Attorney Nason gave an update on the lawsuit regarding the White Bear Lake water and stated there was an unsuccessful mediation with the DNR, the cities affected and the lake association. The cities that were involved have challenged the changes to their water appropriations permit and are contesting the changes the DNR have been imposing through the contested case proceeding which is going through the Office of Administrative Hearing.
- Chair Cremons asked what the significance of the memorandum of understanding if the lawsuit was pending. Administrator Kress explained it was to reinstate the joint powers agreement.
- Commissioner Sandell asked if the water cap was at the City level or the development. Administrator Kress stated it was all over. Mr. Sandell noted it would affect how new homes are developed because it would limit what each individual house is currently using. Administrator Kress noted there has been no discussion on how the DNR and State are

going to regulate homeowners who have their own private wells. Mr. Sandell asked if the new homes would impact the current homes in the City. Administrator Kress stated it would have no impact since the limitations would be there regardless and added the only limitation is if White Bear Township did not have capacity because then they would not be able to put the new homes in.

- Commissioner Sandell noted if White Bear Township did not agree to any changes it would have negative implications on existing homes since they get less allotments and asked if that was on the table. Administrator Kress stated it was not on the table and they would be more considered with water availability since the sewer is set up.
- Commissioner Hauge asked if the new homes would have an option to their own water well and septic. Administrator Kress stated it depends on the decision from the Planning Commission and the City Council.
- Administrator Kress noted MET Council would meet 120 days after the Council approves. Commissioner Sandell asked why it was not in May. Administrator Kress noted he could ask the mayor to do a special meeting.
- Chair Cremons expressed his desire for the Planning Commission to be involved if the plan is denied or if there were changes.
- Commissioner Wiens asked who controls the water. Administrator Kress replied it was the DNR. Mr. Wiens asked if they continue to work with the Metropolitan Council will the City become like Lake Elmo. Administrator Kress stated it was unlikely due to the deed restrictions that do not allow lot splits and that it is difficult to increase density.
- Chair Cremons asked if it would be reasonable to take a vote to have the plan come back to the Planning Commission if there were any changes. Administrator Kress replied it would be reasonable to add it as a condition.
- Mr. Sayre asked if a resident has City water can they also have a well for irrigation. Administrator Kress stated not unless the resident gets authorization from the City.
- Mr. Sandell asked to clarify the curb recommendation. Administrator Kress replied the City is looking to tighten roads in sections to preserve trees. City Planner Lindahl added an issue NOHOA had was the location on where the transition occur between curb to ditches and believed it should have been moved a few feet to the west to the top of the hill. The City disagreed and wanted to have the transition at the bottom of the hill. Administrator Kress added the City engineer has full authority over the road designs.
- Mr. Azman also asked what the road standards were for the subdivision. Mr. Morast stated the cross section is a 7-ton standard, 4 inches of asphalt, and 6 inches of base material. Administrator Kress added 7 tons is standard and added they were not expecting heavy loads on that road and NOHOA would need to authorize an overweight permit.
- Mr. Sandell asked who got to name the roads. Mr. Houge replied they make a recommendation and run it by the City, the County, and the post office. Ultimately, City Council signs off on it.
- Administrator Kress displayed the resolution for the Planning Commission to give feedback on.
- Chair Cremons suggested language on condition 1 to include “resubmittal of revised application if Metropolitan Council approval of the pending amendments is not received.”
- Chair Cremons added suggested language to include “lot lines on lots (...) to be adjusted to be staggered.”

- Chair Cremons suggested an addition of condition to read “A no mow zone area shall be established.” City Attorney Nason stated it was already a condition and would not need to be included in the resolution.

MOTION by Hauge, seconded by Sandell, to recommend approval of Resolution No. 2023-02, Resolution Recommending Approval of Preliminary Plan/Plat (Subdivision) Application for Phase 2 of the Red Forest Way South Development Site, subject to the fulfillment of conditions 1-5 and based on the application submission:

1. Compliance with all conditions listed in the Staff Recommendation of the Planning Report dated May 5, 2023 and resubmittal of a revised application if Metropolitan Council approval of the pending map amendments is not received.
2. Lot lines on the lots shall be adjusted to be staggered.
3. The developer shall enter into a Development Contract with the City (the form of which shall be acceptable to the City) and post all necessary securities required by it and pay all required fees and costs including all City planning, engineering, and legal fees.
4. The developer shall enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney, and an easement shall be required for the stormwater facilities and access.
5. Compliance with all applicable requirements for final plat approval

Motion carried unanimously by roll call.

b. Review of City Ordinances for Potential Updates, Chapter 151 Zoning and Comprehensive Plan and Chapter 34 Planning Commission

- Administrator Kress asked the Planning Commission to review the two updated ordinances and provide feedback via email.
- Chair Cremons noted the point was to put the Planning Commission back to how it previously was in 2019 and it is hoped to have a public hearing during the next meeting in order to provide guidance for the Council.
- Mr. Azman stated Chapter 151 is important to put back into the ordinance. He added the City needs to look at road standards since there are not any at the moment.

c. Discussion and possible action on Planning Commission calendar for 2023.

- Administrator Kress mentioned they would cancel the May 25, 2023 meeting since there are no items. The regular meeting is scheduled on June 29, 2023 with no additional meetings for the month. Mr. Hauge asked if the meeting could be moved to June 22, 2023. The other members were in agreement of shifting the meeting to June 22, 2023.
- Administrator Kress noted during the May 11, 2023 City Council meeting, the Council would be considering removing the emergency declaration and Commissioners would need to follow 13.d02 if they intended to attend the meeting remote.

8. COMMISSIONER REPORT(S)

- Chair Cremons noted there was training on April 13, 2023 that was helpful.

9. ADJOURN

MOTION by Yoshimura-Rank, seconded by Sayre, to adjourn the Planning Commission meeting at 8:18 p.m. Motion carried unanimously by roll call.

Kevin Kress

Kevin Kress, City Administrator

David Cremons

David Cremons, Chair

Date approved 6/22/2023