

**North Oaks Planning Commission  
Meeting Minutes  
City of North Oaks Via Electronic Means and Community Room  
May 26, 2022**

**CALL TO ORDER**

Chair Azman called the meeting of May 26, 2022 to order at 7:01 p.m.

Pursuant to Minnesota Statute 13D.021, the meeting was conducted with attendees and Commissioners participating both in the Community Room and via Zoom.

**ROLL CALL**

Present in the Community Room: Chair Mark Azman, Commissioners Marc Asch, Robert Ostlund, Scott Wiens, City Administrator Kevin Kress, City Council liaison Jim Hara, City Engineer Tim Korby, City Planner Kevin Shay

Present via electronic means: Commissioner Joyce Yoshimura-Rank, Councilor Watson

Absent: Commissioners Dave Cremons, Nick Sandell

A quorum was declared present.

**PLEDGE OF ALLEGIANCE**

Chair Azman led the Pledge of Allegiance.

**CITIZEN COMMENTS**

None.

**APPROVAL OF AGENDA**

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

**APPROVAL OF PREVIOUS MONTH'S MINUTES**

**a. Approval of April 28 and May 12, 2022 Planning Commission Meeting Minutes**

Commissioner Yoshimura-Rank suggested an edit to a sentence of the April 28, 2022 meeting minutes.

**MOTION by Yoshimura-Rank, seconded by Wiens, to approve the minutes of the April 28, 2022 meeting as amended. Motion carried by roll call vote. Commissioner Asch abstained.**

**MOTION by Wiens, seconded by Azman, to approve the minutes of the May 12, 2022 meeting. Motion carried by roll call vote. Commissioners Asch and Yoshimura-Rank abstained.**

**BUSINESS ACTION ITEMS**

**a. Public Hearing – consider an amendment to the Cities 2040 Comprehensive Plan maps, zoning, and verbiage for NOHOA properties, pursuant to State Statute 462.355**

**ADOPT, AMEND COMPREHENSIVE PLAN. Discussion and possible recommendation to City Council.**

- Chair Azman called the public hearing to order at 7:10 p.m.
- City Planner Kevin Shay gave a presentation on NOHOA's proposal to rezone three parcels. They are requesting to change the zoning of two parcels on the south side of the city at the entrance off of Highway 96 from Residential Single Family (RLS) to Recreation (R). The third parcel on the northwest side of the city where the maintenance center is located would be rezoned from Residential Multiple Family-Medium Density (RMM) to Limited Industrial (LI).
- The two requests on the south side are for taxing purposes in an effort to reduce taxes on the parcels. The third is for equipment storage for the NOHOA common area maintenance program. All three of the parcels are undeveloped.
- The ordinance criteria that Commissioners should use when considering applications such as these are: 1. Consistency with the comprehensive plan; 2. The public need for additional land space; 3. Compatibility with adjacent land uses; 4. Effects of noise, odors, or other nuisances; 5. Availability of necessary utilities and public services.
- Planning Commission options are to recommend to City Council approval or denial of the rezoning requests, and recommendation of approval or denial of the amendment to the 2040 Comprehensive Plan Land Use Map to rezone the third parcel from Medium Density Residential to Limited Industrial. The three parcels can be recommended to approve or deny separately, but the approval or denial of the third parcel is tied to approval or denial of the amendment to the 2040 Comprehensive Plan.
- Commissioner Yoshimura-Rank asked how much tax savings there would be on the southern two parcels. City Planner Shay said the exact amount is unknown because that is up to the County Assessor, but it is believed that the taxes would be reduced.
- Commissioner Asch said he was uncomfortable with any report from staff referring to NOHOA property as public because NOHOA property by definition is never public. He also thinks there is a threshold question on the third parcel. It is his understanding based on discussions with the City Administrator that the City of North Oaks has not ever modified the Comprehensive Plan. The question in his mind is how does this raise to the level of doing something that has never been done before, and if they are going to do something that has never been done before, what is the appropriate process to follow to make sure that all interested parties are involved and that the city is protected to make sure they are not delivering an opening to the Met Council?
- Chair Azman asked to hear from the applicant. NOHOA Engineer Kristie Elfering came to present on behalf of the organization. She stated that the intention behind their rezoning requests is to better align the zoning of these parcels with their current usage. NOHOA does not have any plans to change the way the parcels are currently used, they just want their operation to be in compliance with the City codes. The request to change the third parcel to Limited Industrial is also tied to a request to fence in the maintenance center with a higher fence, which is allowed in areas zones as Limited Industrial. The fencing will be done in pieces as budget allows. Elfering noted that she understands the

concerns from residents on this rezoning request, and she stated that the intention from NOHOA is not to remove any trees and to keep the fencing on high ground so as not to impact the wetland on this parcel. Elfering said that the land is currently used for access to the back side of the cell tower area. They have no intention of putting a building or anything similar on the area, just to use the parcel as they have been. There is some material storage over there as well. Chair Azman asked if NOHOA is currently using the property consistent with the zoning. Elfering said there is currently material on the site, but no equipment that she is aware of. Chair Azman asked if they could still fence the area without a zoning change. Elfering said they would need to look at it because they would want to make sure they have enough access on the East side of the cell towers. City Administrator Kress said they could still fence the area, but not to the height allowed by a Limited Industrial zoning designation.

- Commissioner Asch asked how NOHOA ended up with residentially zoned lots. Elfering said she was not aware. She said she looked at the aerial photographs to see how long they have been using the property in this manner and she said that it goes back to the early 2000s. Commissioner Asch said he assumes at some point Louis Hill gave the property to NOHOA. He asked if NOHOA can go to the county and seek an alteration in the taxation of those two front parcels based on their current usage or lack thereof. Elfering said yes, they can approach the county on this as well. Commissioner Asch asked about the size of the parcels. Elfering said the industrial property is 3.3 acres. She did not know the acreage on the front two. Councilor Hara noted that when he went back and toured the industrial area, he did not recall seeing anything else on the property other than a pile of dirt. He suggested that fencing the area will appease the neighbors and shield the maintenance center activities from view.
- Chair Azman asked if City Administrator Kress could explain permitted use as it is currently used and as it is proposed. Kress stated that RMM allows for the same use as RLS, but there are some additional uses in Limited Industrial. NOHOA Engineer Elfering said if zoning is changed to Limited Industrial, the height of any building on the property still has to meet the single-family criteria, but it allows for some additional activities pursuant to a maintenance facility. Chair Azman asked if they don't want to change the use, what is driving the request? Elfering said the goal is to clear up everything to be consistent with how the property is currently used.

**MOTION by Asch, seconded by Yoshimura-Rank, to open the public hearing at 7:30 p.m.  
Motion approved unanimously by roll call vote.**

Chair Azman noted that there were 4-5 emails received prior to the meeting that were circulated among Commissioners and will be entered into the public record. Chair Azman noted that the comments he read were uniformly against rezoning the maintenance center property.

Resident Scott Larson of 17 Peterson Place introduced himself. He stated that he sent a series of documents to Kevin that he asked be entered into the record as well. He recommended that the Commission vote no on the zoning change for the lot connected to the maintenance center. His

main concern is safety for families, people around the area and the environment. He noted that there is a lot of traffic in the neighborhood related to the maintenance center that spikes during different times of the year. He provided the Commission with a PowerPoint PDF with pictures, comments and previous letters from when they dealt with traffic related to recycling services using the site. He believes there is a water issue related to dumping of street sweeping at the site that has been going on for years. There is a lot of noise and storage of equipment in the area. He has objected to this for a long time because the lot in question was not zoned for this. He has photos that indicated that in 2003, the lot was in pristine condition connected to the wetland, but about a third of it has since been cleared and has been used for various storage including plows, etc.

He has a concern for wells, noting that this is a unique property that also covers surface water, the tributary to Charley Lake and it also goes into the St. Paul Water Authority and the wetlands. This lot is much lower than the maintenance center, which brings up concerns about drainage from the maintenance center and also what is stored in the residential lot. With the dumping of the street sweeping, he has observed a lot of dust and particulate matter. There is also quite a bit of noise with a CAT vehicle working regularly, mixing the salt in open air into large sand piles that blows into the neighborhood. He said there is a big track record of issues with Mel's in the neighborhood of not following ordinances, regulations or best practices. The salt shed that they have there is a temporary structure that is open on both ends. Most of the things are done cheaply by NOHOA, so he is concerned when he hears about fences because there was a proposed fence in 1989 that did not get built, and there was also talk of fences when they were dealing with the transfer station for recycling that did not get built. There was a gate put up that was supposed to be temporary that is now failing and is often left open. With regard to street sweeping, this is another area of concern. There is a big pile that has been sitting next to their house for 14 months that includes street sweepings and industrial waste. Going forward, he believes Mel's should take it elsewhere to a waste facility where it can be properly stored. With regard to the gate, he believes there was no permit obtained and it was not built to code. It was supposed to be reviewed by the ASC but it was not. In all his research, he has not seen anything from Mel's get a permit from the city or go through the ASC. His concern is creep that could potentially happen at the site. He also asked the City to look at the MS4 2019 and 2013 submissions. North Oaks has taken the position on the storm sewer permit that they don't deal with the housekeeping. NOHOA and the maintenance center is not included in the MS4 laws and regulations, but if they were to follow it, that would help the neighborhood a lot by having items covered and other various protections in place. Finally, they are concerned with the possibility of building on the residential lot. In the past, there was a proposal to put a building on it. He sees constant creep and is very concerned that it could continue.

Commissioner Asch noted that he couldn't tell which documents specifically Mr. Larson had submitted. Larson stated he will send an itemized list to Kevin.

Janet Guthrie from 5529 Turtle Lake Road introduced herself. She has lived in her home for 30 years. She sent in comments earlier in the afternoon, and appreciated that they had already been

circulated. She has an overriding concern about the quality of the water and environmental impacts of the facility. She said creep was a good way to describe it. The activities at the maintenance facility seem to keep extending without any formal communication to adjacent lots. There is a lot of noise and traffic. She understands this is part of the business of street maintenance in Minnesota, but it is not uncommon for her to be awakened at 2 a.m. when they are getting snowplows ready. Her concern is what sort of communications have taken place with St. Paul Regional Water Services and Ramsey County Soil and Water Conservation District. She is not clear about what sort of due diligence has been done to talk about the current state of the facility and its impact, but also the idea of an expansion. She is also wondering what authority allowed this facility to be built in the first place, what sort of formal action had been taken that has moved the smaller facility to its current footprint. She finds it interesting to be talking about rezoning now when there has already been expansion going on over the years. She understands Elfering's statement that there is no intention to remove trees, impact the wetland, store equipment, etc. now, but it could change in the future. She does not understand why rezoning is required because it opens the door to other activities that are not currently allowed on the site to take place in the future. She does not believe that there is no storage of equipment on this lot. She is also concerned that this small facility will be able to support the expansion of the city on the east side. With the amount of development happening, she is concerned that the activity at the facility will be increased. She said it seems as though another facility should also be developed on the east side. Finally, she said it would be helpful to understand more about the process by which this gets reviewed. Who of the stakeholders has an ability to review the plans and who gets to be a part of the discussion before anything is approved?

Mary Banholzer and her husband Fred Banholzer introduced themselves. They have lived in Shoreview, directly across from the maintenance center, for 47 years. This was the first written notice they received on any topic related to the maintenance center. Every time they have had an issue, they have had to contact the City or NOHOA. There has never been a dialogue between Shoreview and North Oaks or NOHOA. Over the 30 years that the maintenance center has been there, it has been run by volunteers. Volunteers are wonderful, but they are constantly changing, they promise one thing one year and then the next there are new volunteers who know nothing about the promises that were made previously. Last year during the drought there was unbelievable dust at the facility. They asked if someone could wet down the property and it never happened. She stressed that there needs to be some oversight over the facility, and she believes it is the City of North Oaks that needs to step up to do this. Mr. Banholzer said they moved into their home in 1976. About 1990 the maintenance center was established. The neighborhood was very quiet before this, but there has been excessive noise ever since. In 2001 when the development south of the maintenance center went in, he thought the center would move. However, they have continued to live with noise and traffic out of the north gate. He believes there have been a lot of wetlands that have been drained in the area. They have continued to live with this, but he believes it does not belong in North Oaks and it needs to be moved. An expansion has no upswing for North Oaks or the Shoreview neighborhood. Ms. Banholzer asked the Commission to please remember that it is surrounded by residential property.

Mike and Kara Witzmann from 5527 Turtle Lake Road introduced themselves. They stated they are in complete agreement with previous commenters who recommended no to rezoning. Their biggest concern is with the creep. They have only lived in their home for 3 years. The activity around the center is very loud with a lot of exhaust. They encouraged the Commission to do a site visit because they believe more is happening than is being reported.

**MOTION by Asch, seconded by Wiens, to close the public hearing at 7:34 p.m.**

- Commissioner Asch asked if NOHOA has any problem with severing the maintenance center decision from the decision on the other two properties. He felt the Commission could deal with the other two properties expeditiously and focus on the maintenance center separately. NOHOA Engineer Elfering said NOHOA is at their disposal for how they would like to handle the item.
- Chair Azman stated that he felt like NOHOA should have been at the hearing. He would have liked to see the President, Executive Director, or someone else from the board. Elfering explained that NOHOA takes this issue very seriously, but the Executive Director had only been on staff two weeks, and even if she or other board members had been there, Elfering is the NOHOA representative who has the most knowledge or information on the topic.
- Chair Azman asked if the NOHOA board voted on this application. Elfering stated that they are aware it was submitted, and no one voted against it. She stated that comments from citizens seem to imply that the maintenance center is not following rules or regulations at the site. She assured the City that they take every comment very seriously. Multiple organizations have stopped by the facility to review it. NOHOA has also talked to multiple organizations including Ramsey County, the Fire Department, the Board of Soil and Water, the watershed. Elfering has met with many of them and none of them have found any violations that are occurring at the site. In fact, all have said that the operations are occurring as a typical maintenance facility would operate. They have taken multiple comments and have responded to all of the neighbors concerns and take them very seriously.

**MOTION by Asch to approve the rezoning of the front two lots from residential to recreation. There was no second, motion failed.**

- Commissioner Asch stated that the Planning Commission, the prior City Council and the North Oaks Company plotted out the east side development without any allowance to move the maintenance center. The reason that NOHOA is stuck there is because of the action of others. He thinks it is important that they find a way of dealing with it, but he believes it is entirely inappropriate to amend the Comprehensive Plan when it has never been done.
- Chair Azman asked if it was correct that amending the comprehensive plan has never been done. City Administrator Kress stated that he has not seen any reference to changing the plan outside of the typical 10-year processes where they are regularly updated. He said it is common in other cities, but not in North Oaks.

- Chair Azman asked to clarify the purpose of rezoning the front two parcels. Elfering stated it is to be consistent with the use and for tax savings. Chair Azman noted that even if they make the zoning change, it doesn't guarantee a tax savings, but it sets it up to make it easier. Councilor Hara agreed, stating that a tax issue can be appealed with the County to get some tax relief, but if you change the zoning designation, he believes it would put them in a lower tax base.
- Chair Azman clarified for the record that changing the zoning to the front entrance parcels will not require a change to the comp plan. City Planner Shay confirmed this.

**MOTION by Wiens, seconded by Asch to approve the rezoning of the front two lots from residential to recreation. Motion carried unanimously by roll call.**

- Chair Azman noted that the motion serves as a recommendation up to Council, which will make the final decision to approve or deny the rezoning.
- Chair Azman asked what the 60-day obligation is on the third lot. City Administrator Kress stated that they already gave NOHOA a written extension because when they originally submitted it, there was a mix-up at the newspaper and they did not publish it in time. The City currently has an August 6 deadline to act on this parcel. Councilor Hara asked Elfering to check with County on what actual tax savings will be before the Council acts on the issue.
- Commissioner Asch stated that he understands the primary concern of the neighbors on the north side is visual and noise. Part of the reason that the Commission and the Council agreed to enable NOHOA to put in a 10 foot fence was to ameliorate some of that. He is not taking a position on how things are stored, safety, pollution, noise, etc., but if that end piece is not rezoned, they cannot put up a 10 foot fence there unless the City Council allows it. He does not know the impact of having a shorter fence on the people across the street. Nothing has been admitted to that would indicate that the parcel is being used inappropriately. To him, it comes down to the fence. But as much as he would like to see them provide protection with a fence, opening up the comprehensive plan over an issue of a few feet of fence is a bridge too far.
- Chair Azman asked the City Administrator and the City Planner if this is a substantive review that is going to trigger a deeper look at our city. Is it routine or not? Planner Shay said it is not routine, but it does come up in other cities from time to time because things can change at a faster rate than a 10-year cycle. City Administrator Kress said in this case it would be an administrative review because it doesn't involve sewer. Chair Azman asked if there will be additional requests from NOHOA in the next couple of years to change the comprehensive plan. Kress said yes, probably for recreational in some of the new developments.
- Chair Azman asked if we have we had any complaints about the maintenance center from residents in North Oaks or Shoreview that were substantiated. Kress said he is not aware of any citations or enforcement action against the facility, and there is no evidence he is aware of that it is being used inappropriately. Azman asked if NOHOA is considering other locations for a maintenance facility. NOHOA Engineer Elfering said not at this time. NOHOA knows what the full buildout of the east side development is going to be and they

have met with an architect on the current maintenance center site and they believe it is fully capable of meeting all of their needs in the future.

- Chair Azman said it seems to him that the issue boils down to a fence, and he wondered if a permissible fence was 6 or 8 feet. City Administrator Kress stated it is currently zoned for 5 feet. If they wanted a 10-foot fence, they would have to get a variance for that district.
- Commissioner Ostlund asked if a site visit would be possible before making a decision. Chair Azman said yes, but the decision would have to be delayed until June. Commissioner Wiens concurred that a site visit would be helpful before making a decision.

**MOTION by Asch, seconded by Wiens to table consideration of rezoning the third parcel and amending the comprehensive plan to the June 30 meeting in order for Commissioners to have a site visit. Motion unanimously approved by roll call vote.**

- Chair Azman asked if will there be any objection from NOHOA for a site visit. NOHOA Engineer Elfering said no, they would be happy to accommodate. Councilor Watson, asked that they please extend the invitation to Council members as well.
- Commissioner Yoshimura-Rank asked if it would make sense to have someone from Mel's attend when they discuss the issue again in June. Chair Azman also asked that someone from the board be in attendance at the meeting.

**b. Public Hearing – consider an amendment to the Cities 2040 Comprehensive Plan maps, and verbiage for potential sewer extension to lots located in the Sherwood Trail (Nord subdivision), pursuant to State Statute 462.355 ADOPT, AMEND COMPREHENSIVE PLAN. Discussion and possible recommendation to City**

- City Planner Shay presented on the request from the Lepoutre Family revocable trust on 15 and 17 North Deep Lake Road. This would be a minor amendment to the 2040 Comprehensive Plan that would modify maps 16 and 17 to extend the boundary of parcels that would be allowed to connect to sewer and water.
- City Planner Shay noted that the action tonight is independent of the previous discussion and actions since those were already decided and acted upon by City Council.
- The properties under consideration are currently vacant lots of record with wetlands, woodlands, open space and rolling terrain. The Commission's options are to recommend approval or denial of the request. Regardless of the decision made tonight, the property can still be developed.
- Commissioner Wiens asked what the size of the lots are. City Engineer Tim Korby said lot 1 is 9.26 acres and lot 2 is 8.15 acres.
- Commissioner Wiens asked why they need to be part of the sewer system. City Planner Shay said it is up to the applicant, and it is feasible either way for the properties to connect to sewer and water or use septic and well.

Chair Azman called the public hearing to order at 8:29 p.m.



- Commissioner Asch stated that this request is not a minor adjustment. Where the line for sewer and water is drawn was a long thought-out and carefully considered decision by the City. Sherwood was intentionally excluded. His personal concern is that, while he is no fan of what is being done on the east side, a commitment has been made to the developers of the east side that they would have access to sewer where they wanted it, and this was not one of those areas. This is a major change, and he does not know the numbers, but if it should affect the developers on the east side, there is a real problem.
- Commissioner Yoshimura-Rank stated that in 2017 there was a map drawn by Sambatek that suggested that this whole development be city sewer and water. At the time, they discussed it with Mark Houge who said technically, it would be difficult to run a water line through for the entire area with the pressure and the gravity, etc. However, it sounded like if they started with the two lots in question it would work, but the further down they went it would become more difficult. It is the option of the people buying the properties to make the request.
- The applicant Damien Lepoutre spoke on behalf of his request. He and his wife are requesting one simple alteration of two maps. Their goal with connecting to sewer and water is to lower their environmental footprint. They believe a septic system would interrupt the grading of the lot, its natural prairie slope and water flow. These lots were originally planned to be connected as evidenced by the easement for the lot and shown in the survey document that they provided. There is already an existing connection to the sewage on the lot. The 2040 Comprehensive Plan states that for future developments in the East Oaks PUD area, the subdivider may utilize centralized sewer depending upon sewer accessibility and sewer line capacities. The minor change request is on the metropolitan urban service area map that defines where service is available. It is just adding these two lots, as has already been done by other lots in North Oaks, the Pines being an example. They had asked for this change a year ago, but they were told that the city preferred to wait until the 2040 Comprehensive Plan was finalized and signed by the Met Council before considering it. He understands it is not within the criteria of the Planning Commission to look at environment, but it is very important to him and his wife because they want their house and their lot to be environmentally and climate friendly, with the lowest footprint on their natural resources. This includes building a rambler on a flat area that blends with the prairie and forest, installing geothermal and solar panels to be energy positive, and to maintain the natural prairie slope and water flow or drainage. A septic system would, in fact, be cheaper, but connecting to city sewer and water is more environmentally friendly. All cities around the area make amendments to their comprehensive plans. He does not believe the City should be afraid of the Met Council looking at it. The Met Council would be happy to see properties move to sewage systems.
- Commissioner Yoshimura-Rank asked which lots they would they be building on. Lepoutre said they will be building on Lot 1, which is address 17. They are not sure what they will do with Lot 2 yet, they may build the same kind of house to sell to someone else, or they will sell the lot to someone who will follow their requests for how to build.
- Chair Azman asked who is the “subdivider” noted in the comprehensive plan. City Administrator Kress said it would be the North Oaks Company. Azman stated that the

subdivider could have approached the city with the request in the subdivision application for Nord to sewer the whole development, but they chose not to. Kress confirmed this saying that there were issues with not being able to loop the water, and they didn't want another lift station somewhere in the Nord parcel. However, any applicant can still make a request to connect to city sewer and water.

- Chair Azman asked if the capacity of the lift station is sufficient to service these two lots. City Engineer Korby said he believes so, but he would like to take a look at it again once he sees the plans for the houses. Azman asked if there is an existing easement across the Rapp Farm lots. City Administrator Kress said yes.
- Chair Azman asked if the pipe has to cross NOHOA or North Oaks Company land to get to the lots in question. Lepoutre clarified that the forced main easement is on their lot, and the location of the connection is marked on their lot. The proposed line may cross some NOHOA land, but the connection is on their lot and the easement goes into their lot.
- City Engineer Korby said they believe the easement is in place between lots 93 and 95 in Rapp Farm, but they made it a stipulation that the applicant would need to confirm that it was in place. There is a manhole that is located in the roadway that has a pipe coming out of it to serve if they were to extend a pipe to that. How far they do not know. There are likely engineering plans with the Rapp Farm development documents. Whether they would have to dig between lots 93 and 95 they do not know because they don't know how far out the pipe extends out of the manhole. They could always use directional boring technique to bore from the proposed applicants house to the manhole so you would not need to dig up any property.

**MOTION by Yoshimura-Rank, seconded by Wiens, to open the public hearing at 8:56 p.m.  
Motion approved by roll call vote.**

Rachel Maher of 95 Rapp Farm Place introduced herself. She believes there are too many outstanding questions in this application that need to be answered. The exhibits within the application show a standard 30 foot setback, however the VLAWMO required buffers are different, the northern wetland is 75 feet and the wetland to the south is 40 feet. Therefore, do VLAWMO rules apply to this situation and should they be considered? Also, how would this sewer connection be completed considering it is shown going through properties? How would it affect the residents? Do those residents have a say? Does there need to be a Rapp Farm HOA approval, and would the applicant become a part of the Rapp Farm HOA? She stated that she believes connecting the Rapp Farm sewer maintains the applicant's view while placing the burden on Rapp Farm. The application implies this is a minor and standard amendment, when in reality, it would have large impacts that do need to be considered. The application states connecting to sewer would preserve the view and natural landscape of the applicant's lot. However, the proposed city sewer connection is roughly 1000 feet of city sewer line that would need to be trenched out, disturbing trees, damaging wetlands, etc. in Rapp Farm open space. Installing a septic system would only affect the applicant, but connecting to city sewer negatively affects wetland buffers, wetland open space and the properties, views and privacy of Rapp Farm.

She believes the burden should not be placed on Rapp Farm residents in order to maintain the view and natural landscape of the applicant. She requests that the proposed amendment be denied.

Geoff Zernicke of 97 Rapp Farm introduced himself. He stated that he agrees with everything Ms. Maher said. He has a number of concerns, including whether a threshold has been met to make a change to the 2040 Comprehensive Plan. It doesn't sound like there is any evidence that changes such as this have been made in the past. He is also concerned about precedence. There are two parcels under consideration now, but it could lead to more requests in the future. He also has a broader concern about capacity. He did not hear certainty from the City Engineer that there would not be an impact to the Rapp Farm properties. Finally, he is concerned about exclusivity of Rapp Farm. The residents there have access to sewer, and the request by other neighborhoods to gain access could put property values at risk in the long term.

Ann Poulter-Hendrickson from 93 Rapp Farm commented that she is concerned for this project. Her property looks out over a wetland and a grove of trees. She does not foresee a way in which a sewer line can be connected without damaging this land and view. Opening the door to these types of requests opens a can of worms and she is not sure where the community would be able to stop it. This project does impact Rapp Farm. The unknowns are too great for a project like this to be considered.

Mr. Lepoutre responded that many of the statements made are not true. Because the sewer connection is already in existence, and there is a pipe with pressure and the connection is already on his lot, there will not be any work done on any adjacent lots in Rapp Farm. Second, with regard to capacity, in the PDA, everything in the area was to have a sewage connection. He also checked the capacity and found that there would be no problem with adding one or two houses. In fact, there is still way more capacity than what is being used. There will not be any impact on Rapp Farm because everything was planned for that and there will not be any work on their lots or property.

**MOTION by Asch, seconded by Wiens, to close the public hearing at 9:10 p.m.**

- Chair Azman asked if there is a line or pipe that goes from the existing manhole to the applicant's property. City Engineer Korby said they do not know. He asked NOHOA how far they think it goes and they said 30-40 feet. They would have to look at the asbuilt, which the city likely has or could be obtained from North Oaks Company. City Administrator Kress said he would be surprised if the pipe ran all the way because it was in a different subdivision. Mr. Lepoutre said the North Oaks Company showed him the location of the pipes and where he would have to connect and it is in his lot right on the border of the property. Staff needs to check it, but that is what the North Oaks Company has shown him.
- Commissioner Asch said the applicant knew what he was buying, it was a property sited for septic. Chair Azman asked what the impact would be if a pipe was stubbed there already. City Administrator Kress said they would still need to run a section of pipe on his land to

connect to it, they would need to connect the grinder pump, pressurize it and send it off the manhole. The map would still need to change.

- Commissioner Wiens asked why would the pipe be stubbed on this property. Could it be stubbed on other properties? City Administrator Kress said this is common in development.
- Commissioner Ostlund said he is not a fan of the Met Council, and he is reluctant to extend the map and risk letting the Met Council have any more influence in North Oaks. He also noted that although the applicants are concerned that a septic system is not environmentally sound, he has read that a properly designed, used, and maintained septic system is environmentally sound. He also believes a skilled designer can work within the environment to maintain the grading and drainage.
- Chair Azman said he is also concerned about cascading requests. He would like to know the capacity, and if it can manage the entire development, are they going to be seeing more requests so that they will begin piecemealing the comp plan.
- Commissioner Wiens stated he is concerned about precedent setting – if we approve one, why would we not approve others?
- City Engineer Korby stated both septic and municipal systems can be equally good, as long as they are well-maintained.
- City Administrator Kress reminded the Commission that they are not necessarily approving the connection to the utility, they are just approving a change to the map. Further review would be needed to approve the connection and the system.

**MOTION by Asch, seconded by Wiens, to deny the amendment to the Cities 2040 Comprehensive Plan maps, and verbiage for potential sewer extension to lots located in the Sherwood Trail (Nord subdivision), pursuant to State Statute 462.355 ADOPT, AMEND COMPREHENSIVE PLAN. Azman abstained. Motion approved by roll call vote.**

Chair Azman noted that the motion serves as a recommendation up to Council, which will make the final decision to approve or deny the amendment at the next meeting.

### **COMMISSIONER REPORTS**

- No reports

### **NEXT MEETING**

The next regular Planning Commission meeting will be Thursday, June 30, 2022 at 7:00 p.m.

### **ADJOURN**

**MOTION by Asch, seconded by Wiens, to adjourn the meeting. Motion carried unanimously by roll call. Meeting ended at 9:25 p.m.**

*Kevin Kress*

Kevin Kress, City Administrator

*Mark Azman*

Mark Azman, Chair

Date approved 6/30/2022