

March 5, 2013

Kyle Klatt, Planning Director
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, MN 55042

RE: City of Lake Elmo I-94 Corridor Comprehensive Plan Amendment
Metropolitan Council Review File No. 20599-3
Metropolitan Council District 12

Dear ^{Mr. Klatt} ~~Mr. Klatt~~:

At its meeting on February 27, 2013, the Metropolitan Council reviewed the City's I-94 Corridor Comprehensive Plan Amendment (CPA), based on the staff's report (Business Item 2013-28). The amendment proposes new land use guiding for the I-94 Corridor area, adjust forecasts and staging for sewer development in the community, includes a new Housing Plan chapter, and reguides inholding parcels in the Lake Elmo Park Reserve to Parks/Open Space.

The Council found that the CPA conforms to the regional system plans for transportation, wastewater, and parks; is consistent with the *2030 Regional Development Framework* and Council policies; and is compatible with the plans of adjacent jurisdictions. Therefore, the City may place the CPA into effect.

The Council took the following actions:

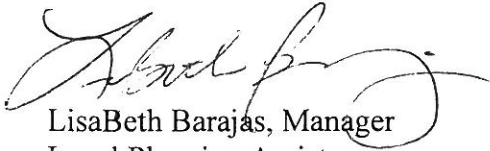
1. Adopt the attached review record and allow the City of Lake Elmo to put the I-94 Corridor CPA into effect.
2. Adopt the revised interim milestone forecasts for the City as shown in the corrected Table 2 in the attached memorandum.
3. Encourage the City to begin participation in the Livable Communities Act (LCA) Local Housing Incentives Account in order to become eligible for LCA grants that can assist in the development and preservation of affordable housing.
4. Advise the City to implement the advisory comments in the Review Record for transportation and Housing.

In addition, the Council adopted Resolution No. 2013-1 (Business Item 2013-76), which modifies and clarifies the scope and nature of the Memorandum of Understanding (MOU) between the City of Lake Elmo and the Council to address planning issues brought out by the proposed CPA. Council staff is finalizing the MOU amendment and will forward it to the City for execution in the near future.

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A copy of the staff report to the Council on both business items is attached for your records, along with a copy of the resolution. The Council will append the amendment, submission form, and supplemental information to the City's plan in the Council's files. If you have any questions at all, please do not hesitate to contact me at 651-602-1895.

Sincerely,



LisaBeth Barajas, Manager
Local Planning Assistance

Attachment

CC: Julie Monson, Minnesota Housing
Tod Sherman, Development Reviews Coordinator, MnDOT Metro
Harry Melander, Metropolitan Council District 12
Guy Peterson, Community Development
Leisa Thompson, Environmental Services
Kyle Colvin, Environmental Services
LisaBeth Barajas, Principal Reviewer / Sector Representative
Dave Theisen, Legal
Raya Esmaeili, Reviews Coordinator

**PROPOSED RESOLUTION
METROPOLITAN COUNCIL**

390 Robert Street North, Saint Paul, Minnesota 55101

RESOLUTION NO. 2013-1

MODIFYING AND CLARIFYING THE SCOPE AND NATURE OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAKE ELMO AND THE METROPOLITAN COUNCIL TO ADDRESS PLANNING ISSUES

WHEREAS, in September 2002, the Council found that a proposed comprehensive plan update submitted by the City may substantially depart from and may have a substantial impact on metropolitan system plans, and subsequently required the City to modify its proposed plan update to ensure the City's proposed plan update did not have a substantial impact on or contain a substantial departure from metropolitan system plans; and

WHEREAS, the City appealed the Council's "final decision," but in August 2004, the Minnesota Supreme Court concluded the Council has the statutory authority to require modifications to the City's proposed plan update and affirmed the Council's "final decision"; and

WHEREAS, in January 2005, the Mayor of Lake Elmo and the Chair of the Metropolitan Council signed a Memorandum of Understanding, subsequently ratified by their respective governing bodies, that outlined certain criteria for guiding the City and the Council as the City modified its proposed plan update to ensure conformity with metropolitan system plans; and

WHEREAS, on July 27, 2005, the Council adopted Resolution No. 2005-20 and granted the City's request for additional time within which to submit its update comprehensive plan, but the Council deemed it appropriate and necessary to attach certain requirements and conditions to the time extension to ensure the Memorandum of Understanding would be successfully implemented over time and ensure costly regional infrastructure is used effectively and efficiently; and

WHEREAS, Council Resolution No. 2005-20 established certain population, household, and residential equivalent unit ("REC") levels the City is required to meet beginning in 2010 and extending through 2030; and

WHEREAS, Council Resolution No. 2005-20 required the City to pay the Council by January 31, 2011 a wastewater inefficiency fee ("WIF") if the City did not meet its REC commitments in the 2007 to 2010 timeframe; and

WHEREAS, the WIF is intended to help pay the operation, maintenance, and capital costs of underutilized regional wastewater infrastructure and the costs of providing regional sewer service for development elsewhere in the region that would have occurred within the City; and

WHEREAS, the City requested temporary relief from the WIF payment due in January 2011 because the prolonged downturn of the economy made it difficult for the City to meet its population, household, and employment REC commitments for the 2007 to 2010 timeframe; and

PROPOSED RESOLUTION

WHEREAS, on March 24, 2010, the Council adopted Council Resolution No. 2010-08 and agreed to provide the City with its requested relief subject to the execution of a binding Memorandum of Understanding acknowledging the City's continuing agreement to comply with the requirements and conditions stated in Council Resolution No. 2005-20; and

WHEREAS, the City has prepared a proposed amendment to its comprehensive plan for the South of 10th Street Area, but the staging of development served by wastewater in the proposed amendment may not technically comply with the Memorandum of Understanding (as amended on March 24, 2010) between the Council and the City; and

WHEREAS, the City's proposed comprehensive plan amendment reflects the City's efforts to plan consistent with the Memorandum of Understanding (as amended), the requirements of the Metropolitan Land Planning Act, and the Council's adopted policies and metropolitan system plans; and

WHEREAS, the Metropolitan Council is updating its metropolitan development guide, and in that process, is examining forecasted growth through 2040 and will continue dialog with the City regarding the long-term forecasted growth and pace of growth for the City.

NOW THEREFORE, BE IT RESOLVED:

- Consistent with the MOU granting the City relief from the WIF, Paragraph 3(i) of Council Resolution 2005-20 (as amended on March 24, 2010) is changed to reflect a compressed schedule for development through 2030 to read as follows:

	Households	Population	RECs*	
2010	2,749	8,689	0	
2015	3,519	9,677	615	(515 residential, 100 employment)
2020	5,114	14,981	3,200	(1,750 residential, 1,450 employment)
2025	6,524	17,941	4,670	(3,400 residential, 1,270 employment)
2030	8,777	24,900	6,800	(4,900 residential, 1,900 employment)

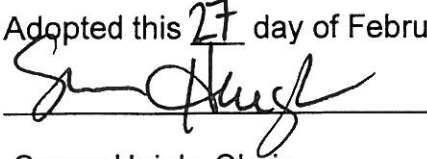
* Includes 500 RECs existing Cimarron, 200 RECs existing Village, 300 RECs existing Eagles Point

- This modification and clarification of the Memorandum of Understanding (as amended on March 24, 2010) is effective on the date the Council and the City enter into a binding agreement under which the City acknowledges this modification and clarification and states its continued agreement to comply with the requirements and conditions stated in the Council Resolutions and the Memorandum of Understanding.

PROPOSED RESOLUTION

3. The Regional Administrator is authorized to negotiate and execute on behalf of the Council a Memorandum of Understanding consistent with this Resolution.
4. Except for the modifications and clarifications identified in this Resolution, the requirements and conditions of Council Resolution Nos. 2005-20 and 2010-08 shall remain in force and effect without change.

Adopted this 27 day of February, 2013.



Susan Haigh, Chair



Emily Getty, Recording

