



MAYOR & COUNCIL COMMUNICATION

DATE: 12/3/13
REGULAR
ITEM #12
ORDINANCE 08-098

AGENDA ITEM: RAD-ALT Moratorium

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The City Council is authorized under State Statutes to adopt a moratorium on specific development when the City is undertaking a planning effort related to the type of development or activity that is being reviewed. The Planning Commission has been reviewing the City's rural development areas, and given a potential reduction in the City's future household and population forecast, has recommended that the City Council adopt a moratorium on development activity within the City's RAD-ALT category while this matter is being studied. A moratorium would also allow the City to incorporate the final 2040 forecast numbers into any future decision concerning the RAD-ALT category.

FISCAL IMPACT: No public fiscal impacts. The moratorium would not allow private land owners to develop their property until the moratorium has been expired or is rescinded by the Council.

SUMMARY AND ACTION REQUESTED: The Planning Commission has spent a portion of its last two meetings discussing the City's rural development areas. As part of this discussion, the Commission has noted that the RAD-ALT (formerly identified as RAD-2) land use category may not be needed in order to achieve the City's pending 2040 household and population forecasts. The RAD-2 land use category was created as a direct result of the previous 2030 forecast and the subsequent adoption of the Memorandum of Understanding between the City and Metropolitan Council. In 2005, the City guided approximately 120 acres for this type of use, which was needed for the City to reach the projected household numbers with the rural development areas based on the amount of land available outside of future sewered areas. Since then, the City has added an additional 24 acres to this category, which was renamed RAD-ALT as part of the most recent land use plan amendment.

Staff has attached the most recent Planning Commission report concerning rural development areas for consideration by the Council, and will provide previous staff reports or minutes from previous Commission meetings on this topic to members of the Council upon request.

The Commission has given Staff direction to continue working on options for growth and development within rural areas as part of the Commission's 2014 work plan, but did express some concern that the RAD-ALT land use category may not be necessary in the future (especially if the 2040 numbers are reduced in the manner previously proposed by the City Council). In order to give the Commission time to research this issue, and to also allow the City to further consider the RAD-ALT land use after the 2040 forecast is finalized, the Planning Commission has recommended that the City Council adopt a moratorium within these planning areas for a period of nine months. This action will help ensure that the City does not need to review any development activity on land that is guided for RAD-ALT while this matter is being studied.

The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Ordinance No. 08-098 adopting a moratorium on RAD-ALT development for a period of nine months”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The Planning Commission has been reviewing rural development areas over its past two meetings. A detailed Staff report to the Commission from its last meeting is attached for consideration by the Council. The Council may also want to review the Staff report from the October 28th Planning Commission meeting as well (not attached). A moratorium does not require a public hearing.

BACKGROUND INFORMATION (SWOT):

Strengths

- Provides time to review rural development areas.
- Allows the public review to occur without needing to respond to development requests.
- Will allow the City to incorporate the final 2040 forecast numbers into a final decision

- Weaknesses**
 - Does not alter the Comprehensive Plan or ordinances until after the review period has ended
 - Prohibits development on three City parcels until the moratorium has expired
 - Puts these properties into a waiting state until the moratorium is lifted
- Opportunities**
 - Gives the City time to ensure that the Comprehensive Plan truly reflects the stated objective to maintain rural character
- Threats**
 - The loss of potential developments that would have otherwise been able to move forward in the absence of a moratorium

RECOMMENDATION: The Planning Commission is recommending that the City Council adopt a moratorium on the development of property within the City’s RAD-ALT land use category for a period of nine months. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Ordinance No. 08-098 adopting a moratorium on RAD-ALT development for a period of nine months”

ATTACHMENTS:

1. Ordinance No. 08-098
2. Planning Commission Staff Report – 11/13/13