

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-103**

**AN ORDINANCE AMENDING MUNICIPAL FEES BY ADDING A FEE FOR COSTS  
RELATED TO THE VILLAGE AREA ALTERNATIVE URBAN AREA WIDE REVIEW**

**Section 1. Findings.** The City Council of the City of Lake Elmo makes the following findings:

- 1) As part of the City's long range planning process related to the Lake Elmo Village Planning Area, the City Council decided to proceed with an Alternative Urban Area Wide (AUAR) review before amending the land use plan for this area.
- 2) The City Council implemented an AUAR review process that was inclusive and sought the input from all affected land owners, stakeholders, and other interested parties as part of this review. A Village AUAR Advisory Panel was created in 2007 to review the document and to further define the development scenarios that were included in the AUAR.
- 3) The City Council adopted the Lake Elmo Village Area AUAR on May 5, 2009 with Resolution 2009-019.
- 4) The Village Area AUAR includes land within the Village Planning Area as identified in the Lake Elmo Comprehensive Plan this is guided for future public sanitary sewer services.
- 5) The development within the area analyzed by the Village Area AUAR likely would have required environmental review for numerous development projects in accordance with the State of Minnesota Environmental Review Program. Development that is consistent with the assumptions of the AUAR and that comply with the Mitigation Plan are exempt from requirements to prepare an Environmental Assessment Worksheet or an Environmental Impact Statement, as specified in Minnesota Rules 4410.3610.
- 6) Property owners and developers of land within the Village AUAR area benefit the preparation and adoption of the AUAR.
- 7) The City authorized the preparation of the AUAR with the intent to seek reimbursement for the costs of the study from future development.
- 8) The AUAR process allowed the City to assess the impact of potential development on the area's natural resources prior to receiving and considering individual development proposals for approval.

- 9) The information and analysis in the AUAR was used in the preparation of the Village Area Comprehensive Plan amendment that now serves as the guide for future development in this area. The Comprehensive Plan amendment adheres closely to one of the land use alternatives studied in the AUAR.
- 10) The AUAR further benefits property owners within the planning area by ensuring adequate infrastructure is available.
- 11) The City incurred costs in the preparation of AUAR.
- 12) The City intends to recover these costs by allocating the expenses across development within the Village AUA area via a fee based on new Residential Equivalency Connection (REC) units.
- 13) The City Council has adopted Ordinance 08-097 establishing the 2014 Fee Schedule for the City of Lake Elmo.

**Section 2. Amendment.** The fee schedule established by Ordinance 08-097 as amended is hereby amended to include the following fee that shall be applied to all development applications that will increase the number of Residential Equivalency Connection (REC) units above existing conditions within the Village Area AUAR study area (see Exhibit A):

Application/Fee/Permit Type	2014 Fee	Escrow or Additional Charge	Department
Environmental Review			
Village Area AUAR Fee	\$230	<p>Per REC Unit. To be charged to development applications that increase the number of REC units above existing conditions within the Village AUAR Area. The fee will be based on the difference between the proposed and existing REC units.</p> <p>Fee to be paid as part of a developer's agreement for larger projects or at the time a building permit is issued for smaller projects.</p> <p>Once paid, the same land will not be charged again.</p>	Planning

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 18<sup>th</sup> day of February, 2014 by a vote of \_\_\_ Ayes and \_\_\_ Nays.

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Mike Pearson  
Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk

**EFFECTIVE DATE:** This ordinance shall become effective immediately upon adoption and publication.

**PUBLICATION DATE:** Published on the \_\_\_\_\_ day of \_\_\_\_\_ 2014.