

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-123

**AN INTERIM ORDINANCE DECLARING A MORATORIUM FOR A PERIOD OF 12 MONTHS  
ON RESIDENTIAL DEVELOPMENT WITHIN THE STAGE ONE DEVELOPMENT AREA AND  
ALL DEVELOPMENT ACTIVITY WITHIN THE STAGE TWO OR THREE DEVELOPMENT  
AREAS AS DESCRIBED BY THE LAKE ELMO COMPREHENSIVE PLAN**

**WHEREAS**, the City of Lake Elmo has received a draft 2040 regional forecast from the Metropolitan Council that would reduce the number of households and total community population by a substantial margin from the 2030 forecast as part of the City's 2015 System Statement to be released in the fall of 2015; and

**WHEREAS**, the draft forecast for 2040 would reduce the City's total population by 5,800 and households by 1,627 compared to the 2030 forecast numbers that were adopted as part of the Lake Elmo Comprehensive Plan; and

**WHEREAS**, the City intends to create an interim growth management strategy that will be used to guide future growth and development within the City in advance of the 2018 decennial Comprehensive Plan Update while also recognizing and planning against the revised 2040 forecast numbers; and

**WHEREAS**, as part of its interim growth management strategy, the City will be considering amendments to the Comprehensive Plan in order to rebalance the future land use plan in a manner that guides development in a manner consistent with the 2040 forecast; and

**WHEREAS**, the City of Lake Elmo has adopted a Staging Plan as part of the Comprehensive Plan, but this Staging Plan does not establish specific targets or dates for development within later stages; and

**WHEREAS**, the 2040 forecast and Systems Statement will not be finalized until late in 2015, and the City cannot adopt any Comprehensive Plan amendments that guide future growth in accordance with the updated Systems Statement until its adoption; and

**WHEREAS**, the City has granted approval for nearly 2,000 housing units to date at a concept, preliminary, or final plat level, and that it is in the public's interest to ensure that future residential development occurs in a manner consistent with the updated 2040 forecast; and

WHEREAS, the City of Lake Elmo has been participating as a member of the Gateway Corridor Commission, and the Commission has been planning for a Bus Rapid Transit (BRT) Line along the I-94 corridor through Lake Elmo. The City intends to study the potential for transit-oriented development along the corridor, with a specific focus on the land uses that are appropriate around planned station areas; and

WHEREAS, while the City is reviewing the land use plan for future sewer service areas in advance of the 2040 forecast and 2015 Systems Statement being finalized by the Metropolitan Council and developing an interim growth management strategy that will be used to guide future growth and development within the City in advance of the 2018 decennial Comprehensive Plan Update, the City Council believes it is reasonable and appropriate and in the best interests of the City of Lake Elmo, for purposes of protecting the planning process and the health, safety and welfare of the citizens of Lake Elmo, to limit the establishment of certain development within the City's future sewer service area as identified in the Comprehensive Plan in accordance with the below provisions; and

WHEREAS, Minnesota Statutes Sec. 462.355, Subd. 4 provides for the adoption of an Interim Zoning Ordinance during a planning process as heretofore and herein described.

NOW, THEREFORE, based on the foregoing, the City Council of the City of Elmo City does ordain:

**SECTION 1. STAGE 1, 2 and 3 RESIDENTIAL DEVELOPMENT.** That for a period of twelve (12) months from the date hereof, there is hereby declared a moratorium on the consideration and/or approval of any residential and related use or mixed-use subdivision or residential and related use or mixed-use development project within the Stage 1, 2 or 3 Staging Areas as identified in the Lake Elmo Comprehensive Plan except for:

- a) projects that have been granted concept, preliminary, or final plan and/or plat approval; or
- b) projects that have paid advance water service committee fees; or-
- c) any project that would benefit the community or address environmental threats by-through the installation of essential services like sewer, water, storm sewer, or other public safety mechanisms and that would extend these services into areas that are planned for public infrastructure -;or
- e)d) Senior housing projects or other uses classified as Congregate Housing under the Lake Elmo Zoning Ordinance.

**SECTION 2. STAGE 2 and 3 ALL DEVELOPMENT.** *That for a period of twelve (12) months from the date hereof, there is hereby declared a moratorium on the*

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consideration and/or approval of any subdivision or development project within the Stage 2 or 3 Staging Areas as identified in the Lake Elmo Comprehensive Plan except for:

- a) projects that have been granted concept, preliminary, or final plan and/or plat approval; or
- b) projects that have paid advance water service committee fees.
- c) commercial development in cases where the City Council determines that the project provides sufficient incremental tax value to the community and the developer would bear the whole cost of extending public infrastructure to the development.

~~SECTION 3. PUD DEVELOPMENT. This Interim Ordinance shall not apply to Planned Unit Development applications that meet the requirements of reduced density per the Met Council's Thrive 2040 numbers, open space preservation, public infrastructure efficiency, and other considerations deemed to be in the community's best interests.~~

SECTION 4. This Ordinance shall be effective upon its legal passage and publication.

SECTION 5. Adoption Date. This Ordinance 08-122 was adopted on this 2<sup>nd</sup> day of June 2015, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

LAKE ELMO CITY COUNCIL

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

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

This Ordinance 08-122 was published on the \_\_\_\_ day of \_\_\_\_\_, 2015.

