



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/21/2016

REGULAR

ITEM #: 30

AGENDA ITEM: Call for a Public Hearing on Extension of the Interim Ordinance (Moratorium)

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Sarah Sonsalla, City Attorney

BACKGROUND:

On July 7, 2015, the City Council adopted Interim Ordinance No. 08-123 declaring a moratorium pertaining to development in the Stage 1, 2 and 3 development areas for a one year period. The interim ordinance (moratorium) went into effect upon its publication on July 22, 2015. It is due to expire on July 22nd of this year.

Within the Stage 1, 2, and 3 development areas there are six water bodies, whose corresponding shoreland areas will have an impact on development. The City's shoreland ordinance has been revised to comply with the Minnesota Department of Natural Resources' model shoreland ordinance. It is currently being reviewed by the DNR, which is required by law. Pursuant to Minnesota Statutes Section 462.355, subdivision 4 (c)(1), a city may extend its interim ordinance (moratorium) up to an additional 120 days following the receipt of the final approval or review by a federal, state or metropolitan agency when the approval is required by law and the review or approval has not been completed and received by the city at least 30 days before the extension of the interim ordinance (moratorium).

Because the shoreland ordinance is currently being reviewed by the DNR and the DNR's review will most likely not have been completed and received by the City within 30 days before the expiration of the interim ordinance (which would be June 22nd) and this review is required by law, the City may extend the interim ordinance (moratorium) for up to an additional 120 days following the receipt of the final approval or review by the DNR. Having approved shoreland regulations in place are important to the orderly development in the Stage 1, 2, and 3 development areas. Therefore, the City Council may want to consider extending the interim ordinance (moratorium) in order to allow for the shoreland ordinance to be reviewed by the DNR and adopted by the City Council.

ISSUE BEFORE COUNCIL:

Whether to call for a public hearing on the extension of the interim ordinance (moratorium).

PROPOSAL DETAILS/ANALYSIS:

In order to extend the interim ordinance (moratorium), the City Council will need to call for and conduct a public hearing on the proposed extension. The public hearing must be held at least 15 days but not more than 30 days before the expiration of the interim ordinance (moratorium). In this case, the interim ordinance expires on July 22nd, so the public hearing should be held at the next regular City Council meeting on July 5, 2016. After the public hearing is held, the City Council will then need to decide whether or not it wants to extend the interim ordinance (moratorium).

RECOMMENDATION:

Staff recommends that the City Council call for a public hearing to be held at the July 5th Regular City Council meeting with the following motion:

“Move to direct staff to call a public hearing on the extension of the interim ordinance (moratorium) to be conducted by the City Council at its regular meeting on July 5, 2016.”

ATTACHMENTS:

None