



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/5/16

CONSENT

ITEM #: 15

AGENDA ITEM: Comprehensive Plan Text Amendment to Rural Single Family Land Use Designation

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Emily Becker, City Planner

BACKGROUND:

On April 19, 2016, the Lake Elmo City Council approved a Comprehensive Plan Text Amendment to the City's Wastewater Facilities Plan by adding three properties to the Village MUSA. The Metropolitan Council, upon reviewing the amendment, requested that the Rural Single Family land use designation be amended to be in compliance with areas guided for sewer. The Comprehensive Land Use Plan designation is defined as being served by private on-site well and septic systems. Staff originally proposed an amendment to the current Rural Single Family land use designation to allow for sewer in a MUSA. After the public hearing held on June 13, 2016, and prior to the 6/21/16 City Council meeting, it was suggested that it might be better to create a new land use category similar to the Rural Single Family category, but for areas within the MUSA that will remain served by private on-site septic systems except where the City Council deems connection to municipal sanitary sewer practical. This proposed amendment will also re-guide all properties currently guided for Rural Single Family within a MUSA area to Rural Single Family – Sewered. These proposed amendments will have no impact on current or future density. While amending the category descriptions, Staff proposes to fix the incorrect reference to corresponding zoning districts. These corresponding districts are no longer R1 and R2, but rather RS – Rural Single Family. The two areas proposed to be reguided to Rural Single Family-Sewered are the MUSA areas in the Old Village and in the Tri-Lakes.

ISSUE BEFORE COUNCIL:

The Council is respectfully being asked to consider a Comprehensive Plan Text Amendment:

- to correct the reference to corresponding zoning districts in the existing Rural Single Family land use category description; and
- to create a new Rural Single Family – Sewered land use category that will allow municipal sanitary sewer where deemed practical by the City Council in MUSA areas; and
- to guide the properties currently guided for Rural Single Family within a MUSA area to Rural Single Family – Sewered.

PROPOSAL DETAILS/ANALYSIS:

The current Rural Single Family planned land use category description reads:

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

The category as defined is served by private on-site well and septic systems. In addition, the description references zoning districts that are no longer in existence. The amended land use description will reference the RS – Rural Single Family as the corresponding zoning district (deleted text is crossed out and inserted text is underlined):

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): ~~R-1, R-2~~ RS – Rural Single Family].

The proposed new land use category, Rural Single Family – Sewered, will allow on-site well and septic systems, unless the City Council considers connection to the sanitary sewer where practical. As amended above, the corresponding zoning district is RS - Rural Single Family. The proposed Rural Single Family-Sewered land use category is described as (inserted text is underlined):

RURAL SINGLE FAMILY- SEWERED – This category defines a portion of the City that was historically platted for conventional subdivision prior to 2005 that has historically been serviced by private on-site well and septic systems, located within a MUSA area, and may continue to be serviced by private on-site well and septic systems unless the City Council deems connection to the sanitary sewer system practical. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): RS – Rural Single Family].

The areas currently guided as Rural Single Family in the Old Village MUSA and the Tri-Lakes MUSA are proposed to be reguided to Rural Single Family – Sewered. Maps depicting the affected properties have been attached to this report.

This proposed amendment has been reviewed by the Metropolitan Council Staff and will require formal Metropolitan Council approval.

PUBLIC HEARING:

A public hearing on the Comprehensive Plan Text Amendment was held on June 13, 2016. Nobody from the public spoke for or against the amendment. During the Planning Commission discussion, Commissioner Dunn opposed the amendment, stating that residents should have a choice whether or not to connect to municipal sanitary sewer. The Planning Commission recommended approval of the Amendment.

FISCAL IMPACT:

None.

OPTIONS:

The City Council should consider whether the amended land use category description is acceptable or not.

RECOMMENDATION:

Staff and the Planning Commission respectfully request, as part of tonight’s consent agenda, that the City Council approve the Comprehensive Plan Text Amendment amending the Rural Single Family land use category to fix incorrect zoning code references, creating a new land use category called Rural Single Family – Sewered, and reguiding of areas currently guided as Rural Single Family that are within a MUSA to Rural Single Family – Sewered. Comprehensive Plan Text Amendments require a 4/5 affirmative vote of the City Council and Metropolitan Council approval.

If removed from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve Resolution 2016-50 Amending the City of Lake Elmo Comprehensive Land Use Plan amending the Rural Single Family land use category to fix incorrect zoning code references, creating a new land use category called Rural Single Family – Sewered, and reguiding of areas currently guided as Rural Single Family that are within a MUSA to Rural Single Family – Sewered.”

ATTACHMENTS:

- 1) Resolution 2016-50
- 2) Planning Commission Report
- 3) June 13, 2016 Planning Commission Minutes
- 4) Tri-lakes MUSA area
- 5) Old Village MUSA area