



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/5/2016

REGULAR

ITEM #:

AGENDA ITEM: Consideration of an Interim Ordinance Extending the Moratorium on Development

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Sarah Sonsalla, City Attorney

BACKGROUND:

On July 7, 2017, 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 12 month period. The ordinance went into effect upon its publication on July 22, 2015. It is due to expire on July 22nd of this year.

After conducting a public hearing, the City may extend an interim ordinance for 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 expiration of the interim ordinance.

The City's shoreland regulations affect the use and development of property in the Stage 1, 2 and 3 Staging Areas. The City recently revised its shoreland regulations in order to bring them into compliance with the state law. The City sent its revised shoreland regulations to the Department of Natural Resources ("DNR") for the DNR's review. The shoreland regulations are required by law to be reviewed by the Department of Natural Resources ("DNR"). The City has not received notification from the DNR that the DNR's review has been completed. Therefore, the City could extend the interim ordinance on this basis.

At its June 21, 2016 meeting the City Council called for a public hearing on the extension. Notice of the public hearing was published in the City's official newspaper on June 22, 2016.

ISSUE BEFORE COUNCIL:

Whether to adopt an interim ordinance extending the moratorium on residential development within the Stage One Development Area and all development activity within Stage Two and Three Development Areas as described by the Lake Elmo Comprehensive Plan.

PROPOSAL DETAILS/ANALYSIS:

After conducting the public hearing on the extension of the interim ordinance, the City Council will need to decide whether or not to extend the interim ordinance.

PROCEDURE:

The City Council should conduct the public hearing on the extension of the interim ordinance. The following motion should be made:

“Motion to open the public hearing on the extension of the moratorium.”

After the public hearing is held, the City Council should close the public hearing. The following motion should be made:

“Motion to close the public hearing on the extension of the moratorium.”

If the City Council wishes to adopt the interim ordinance extending the moratorium, the following motion should be made:

“Motion to adopt Ordinance No. _____, An Interim Ordinance Extending the Moratorium on Residential Development within the Stage One Development Area and All Development Activity within the Stage Two and Three Development Areas as Described by the Lake Elmo Comprehensive Plan.”

ATTACHMENTS:

Interim Ordinance