

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

ORDINANCE NO. 08-160

**AN ORDINANCE TERMINATING THE MORATORIA DECLARED BY
ORDINANCES NOS. 08-123 (EXTENDED BY ORDINANCE NO. 08-146) AND 08-
156 THAT IMPOSED MORATORIA ON CERTAIN DEVELOPMENT
ACTIVITY WITHIN THE CITY**

WHEREAS, on July 7, 2015, the City Council (the “Council”) of the City of Lake Elmo (the “City”) adopted Ordinance No. 08-123, pursuant to its authority under Minnesota Statutes Section 462.355, subdivision 4, which established a 12 month 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 State 1, 2, or 3 Staging Areas as identified in the Lake Elmo Comprehensive Plan with certain exceptions (“Ordinance No. 08-123”); and

WHEREAS, Ordinance No. 08-123 was adopted as a result of the City receiving a draft of the 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 and the City wished to undergo a planning process and adopt an interim growth management strategy in order to rebalance the future land use plan and guide residential development in a manner consistent with the 2040 forecast; and

WHEREAS, because the City’s shoreland regulations were under review by the Minnesota Department of Natural Resources (the “DNR”), on July 5, 2016, the Council adopted Ordinance No. 08-146, 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 (“Ordinance No. 08-146”) pursuant to the extension authority in Minnesota Statutes Section 462.355, subdivision 4 (c)(1); and

WHEREAS, because there were properties that are in the Shoreland District that were not included in the moratorium because they were outside of the Stage 1, 2, and 3 development areas and because the City’s shoreland regulations were still under review by the DNR, on October 18, 2016, the Council adopted Ordinance No. 08-156, An Interim Ordinance Authorizing Continuance of a Study of the City’s Shoreland Regulations and Imposing a Moratorium on Development Activity within the Shoreland District (“Ordinance No. 08-156”); and

WHEREAS, the DNR has communicated that the review of the City’s shoreland regulations is nearly complete; and

WHEREAS, the City will soon begin its Comprehensive Plan update process, which will allow the City to rebalance the future land use plan in a manner consistent with the 2040 forecast and update its Staging Plan to establish specific targets and dates for development within later stages; and

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

SECTION 1. FINDINGS.

1. In light of the DNR's review of the City's shoreland regulations being nearly complete and the City beginning its Comprehensive Plan update process, it is hereby found and determined by the City that the areas described in Ordinances Nos. 08-123 and 08-156 no longer need to be subject to a moratorium.

2. It is hereby declared that the areas described in Ordinances Nos. 08-123 and 08-156 are no longer subject to the moratoria imposed by those ordinances. City staff shall henceforth accept and process applications and regulate development activity in accordance with the City's shoreland regulations and other relevant City ordinances and regulations.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon its legal passage and publication.

SECTION 3. ADOPTION DATE. This Ordinance No. 08-160 was adopted on this 20th day of December, 2016, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk