

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON

RESOLUTION NO. 95-34

**A RESOLUTION DENYING THE ARMSTRONG REQUEST TO ADD  
ALTERNATIVE AGRICULTURAL USE REGULATIONS TO THE LAKE ELMO  
CITY CODE.**

1.0 WHEREAS,

- A. By application dated June 9, 1994, Thomas G. Armstrong, Jody M. Armstrong and Thomas P. Armstrong (herein collectively "Armstrong") requested:
  - 1. That the City of Lake Elmo amend the text of the City's Alternative Agricultural Use Regulations as contained in Lake Elmo Code §301.070D1b6 in the manner proposed by the applicants, and
  - 2. That the City amend the Armstrong's conditional use permit in a manner that would be consistent with the Armstrong's requested amendment to the City's Alternative Agricultural Use Regulations.
- B. On June 21, 1994, the Lake Elmo City Council adopted Ordinance No. 8097 repealing the then existing Lake Elmo Code §301.070D1b6 thereby placing all currently existing alternative agricultural uses into a legal nonconforming use category.
- C. Prior to the City Council action on June 21, 1994, a public hearing on the Armstrong application had been scheduled before the Planning Commission for June 27, 1994.
- D. On June 27, 1994, the Armstrong application was removed from the Planning Commission Agenda because of the City Council's action on June 21, 1994, in repealing the Alternative Agricultural Regulations for the City.
- E. By correspondence dated August 10, 1994, Armstrong requested that the City continue to process its application even though the City Council had repealed the Alternative Agricultural Use Regulations on June 21, 1994.
- F. On September 20, 1994, the City Council directed that the Planning Commission reschedule a public hearing to review the Armstrong application. Armstrong continued to assert

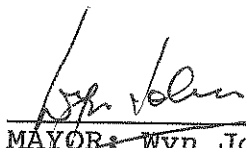
that a portion of the application was to amend the text of the City Code. The City Council agreed to continue processing this portion of the application as a request to add text to the City Code since the original text had been repealed by the City Council on June 21, 1994.

- G. A public hearing was commenced before the Planning Commission on October 24, 1994, and continued for further review until November 14, 1994.
  - H. On November 14, 1994, the public hearing was concluded before the Planning Commission and was tabled.
  - I. On December 12, 1994, the Lake Elmo Planning Commission requested additional information prior to making its recommendation to the City Council.
  - J. On January 9, 1995, the Lake Elmo Planning Commission continued its review of the Armstrong application to a meeting which could be attended by the City Council. The Planning Commission wanted to understand the City Council's reasons for repealing the City's Alternative Agricultural Use Regulations.
  - K. At the Planning Commission meeting on February 27, 1995, after discussions with the City Council, the Planning Commission:
    - 1. Recommended that the City Council deny reinstatement (amendment) of the Alternative Agricultural Use Regulations because the proposed addition (amendment) would allow a use that is not allowed anywhere else in the City and because it would allow spot zoning; and
    - 2. Recommended that the Armstrong request to amend its conditional use permit be tabled for sixty days to pick a liaison from the Planning Commission and City Council to consider other options.
  - L. On March 7, 1995, the City Council reviewed the recommendations of the Planning Commission and directed staff to prepare findings to support the denial of the Armstrong application for a text addition (amendment) relating to Alternative Agricultural Uses.
- 2.0 NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby denies the Armstrong application to amend the Alternative Agricultural Use Regulations of the City Code for the following reasons:
- A. On June 21, 1994, the Lake Elmo City Council repealed the City's then existing Alternative Agricultural Use Regulations and such regulations or similar regulations


have not been re-adopted in the interim.

- B. It is the City Council's determination that, at the present time, the City's prior Alternative Agricultural Use Regulations do not adequately protect the future welfare of the residents of the City of Lake Elmo because they do not address termination of such Alternative Agricultural Uses upon future development of adjacent property.
- C. It is the City Council's determination that the Armstrong application to add (amend) the City's Alternative Agricultural Use Regulations to the City Code, do not contain provisions which adequately protect the future welfare of the residents of the City of Lake Elmo and which otherwise properly address concerns about effective spot zoning.
- D. The City is in the process of evaluating what, if any, benefit would result from a reinstitution of some type of regulations which would permit Alternative Uses in Agricultural zones. The City will conduct further meetings or hearings as determined appropriate by the City Council or as required in response to future resident applications.

Approved by the City Council  
on the 4<sup>th</sup> day of  
April, 1995

  
MAYOR: Wyn John

ATTEST:

  
Mary Kueffner, City Administrator