

City of Lake Elmo  
Washington County, Minnesota

Resolution 96-3

A RESOLUTION REQUESTING THE CITY OF OAKDALE DENY THE PETITION OF THOMAS G. ARMSTRONG, THOMAS P. ARMSTRONG AND JODI M. ARMSTRONG, "THE ARMSTRONG'S", AND DOUGLAS M. DECOSTER AND JEAN F. DECOSTER, "THE DECOSTER'S" FOR ANNEXATION OF CERTAIN LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LAKE ELMO.

WHEREAS, the City of Oakdale received a request from the Armstrong's and the DeCoster's for annexation of approximately 284 acres of land within the corporate boundaries of the City of Lake Elmo; and

WHEREAS, through an Agreement between the Cities of Lake Elmo and Oakdale dated February 14, 1995, both cities agreed that: " In order to allow each City to undertake a reasonable planning process and to maintain the integrity of the planning process, each City agrees that it will not support annexation petitions filed by property owners requesting detachment and annexation from one city to the other for a period of one year following the execution of this Agreement by both Cities;" and

WHEREAS, by application dated June 9, 1994, the Armstrong's requested the City of Lake Elmo amend the text of the City's Alternative Agricultural Use Regulations as contained in Lake Elmo Code Sec. 301.070 D1b6 in the manner proposed by the applicants, and 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; and

WHEREAS, on June 21, 1994, the Lake Elmo City Council adopted Ordinance No. 8097 repealing the then existing Lake Elmo Code, Section 301.070 D1b6 thereby placing all currently existing alternative agricultural uses into a legal non conforming use category; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, by correspondence dated August 10, 1994, the Armstrong's requested that the City continue to process its application even though the City Council had repealed the Alternative Agricultural Use Regulations on June 21, 1994; and

WHEREAS, on September 20, 1994, the City Council directed the Planning Commission reschedule a public hearing to review the Armstrong application. The Armstrong's 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; and

WHEREAS, a public hearing was commenced before the Planning Commission on October 24, 1994, and continued for further review until November 14, 1994; and

WHEREAS, On November 14, 1994, the public hearing was concluded before the Planning Commission and was tabled; and

WHEREAS, on December 12, 1994, the Lake Elmo Planning Commission requested additional information prior to making its recommendation to the City Council; and

WHEREAS, 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; and

WHEREAS, at the Planning Commission meeting on February 27, 1995, after discussions with the City Council, the Planning Commission 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 recommended that the Armstrong's 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

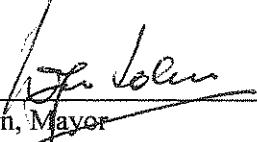
WHEREAS, the City is in the process of evaluating what, if any, benefit would result from a reinstitution of some type of regulations which would permit Alternative Uses in Agricultural zones, and the City will conduct further meetings or hearing as determined appropriate by the City Council or as required in response to future resident applications.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council respectfully requests the City of Oakdale to deny the petition for concurrent detachment from Lake Elmo and annexation to Oakdale of any and all of the Armstrong property for the following reasons:

1. All but twenty acres of the Armstrong property is in the Metropolitan Agricultural Preserves Program , a voluntary program administered by local governments, which are first required to plan and zone the land for agricultural use.
2. The purpose of the Metropolitan Agricultural Preserves Act was to provide measures for the preservation of farmland in the seven-county Twin Cities Metropolitan area, and provides incentives in the form of both benefits and protections to farmer-landowners to keep their lands in agricultural use.
3. The Armstrong's have stated emphatically that they have no desire to develop their property, have not initiated expiration of their Agricultural Preserves status, and have prepared an agreement for the City of Oakdale to consider prior to proceeding with the annexation that would permit their property to remain in Agricultural Preserves until such time as the Armstrong's initiated expiration.
4. In a petition to the Minnesota Municipal Board, the Armstrong's contradict previously stated future uses of their land. Said petition states that Oakdale is better qualified to provide municipal services to the property.
5. The City of Lake Elmo has never been asked to provide municipal services to the Armstrong property. In fact, the purpose of Agricultural Preserve law is to prevent premature development of agricultural property.
6. If requested by Armstrong's, the City would conduct public hearings to consider extending public utilities to the Armstrong property in conjunction with the City's current review of extending utilities to the United Property site located south and east of the Armstrong property.
7. The City of Lake Elmo has permitted an intensive non-Agricultural use of the Armstrong property at Armstrong's request pursuant to the City of Lake Elmo's prior Alternative Agriculture Use Regulations.
8. The non-agricultural use of the Armstrong site can continue indefinitely, but cannot be expanded under current Lake Elmo regulations.

9. Upon request of the Armstrong's the City would also conduct public hearings in order to consider rezoning the Armstrong property to a residential or some other appropriate use.
10. The DeCoster property is now owned by School District 622 and at the request of the School District was rezoned to PF by the City of Lake Elmo to accommodate the new school's sports and recreational facilities. Therefore, the DeCoster's no longer qualify as petitioners.
11. Acceptance of the petition from the Armstrong's for concurrent detachment and annexation of the Armstrong property from Lake Elmo to Oakdale will negatively impact the City of Lake Elmo's intent to control the development of its community; the City of Lake Elmo's intent to maintain the integrity of the City's Comprehensive Plan and development regulations; and the intent of the City to provide for its future growth and to protect its tax base.

Adopted by the Lake Elmo City Council this 6th day of February, 1996.

  
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Wyn John, Mayor

Attest:

  
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Mary Kueffner, City Administrator