

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

**RESOLUTION NO. 2006-004
A RESOLUTION AMENDING THE 2030 COMPREHENSIVE PLAN**

WHEREAS, in September, 2005, the City of Lake Elmo submitted its 2030 Comprehensive Plan to the Metropolitan Council as substantially modified from earlier versions by the Memorandum of Agreement between Lake Elmo and the Metropolitan Council.

WHEREAS, at its August 8th meeting, the Lake Elmo Planning Commission held a public hearing regarding the modified Plan and the City Council had adopted the Plan, subject to Metropolitan Council review and endorsement.

WHEREAS, on September 28, 2005, Lake Elmo received a letter from the Metropolitan Council staff requesting the City to submit certain modifications and factual/technical corrections/amplifications to the Plan.

WHEREAS, at its December 19th meeting, the Planning Commission held a new Hearing on the two modifications to the Plan.

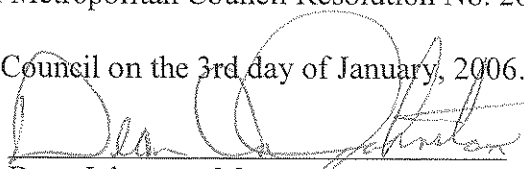
WHEREAS, at its January 3, 2006 meeting, the Lake Elmo City Council reviewed the two plan modifications as follows:

1. Replacement text for the second to last paragraph on Page III-11 addressing future remedial actions by the City responsive to Metropolitan Council Resolution No. 2005-20.
2. Text regarding the Village Area Plan, as prepared by the City's Village Area Plan consultant, that would be inserted following Page III-9 of the Plan.

WHEREAS, at its January 3, 2006 meeting, the Lake Elmo City Council amended Chapter III, Land Use as outlined in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve amending the 2030 Comprehensive Plan regarding the Village Area and regarding compliance with Metropolitan Council Resolution No. 2005-20.

ADOPTED, by the Lake Elmo City Council on the 3rd day of January, 2006.


Dean Johnston, Mayor

ATTEST:

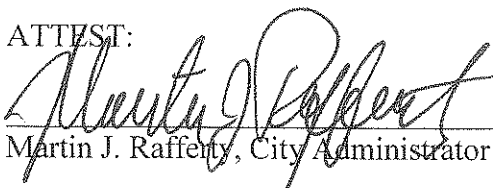

Martin J. Rafferty, City Administrator

EXHIBIT A

Except as hereinafter provided, should the periodic review reveal the City has not attained the projected population and the projected use of REC units, the City will implement the following remedial measures in a manner which is proportional to the shortfall and reflects the annual sewer charges established by the Metropolitan Council, provided that, a “wastewater inefficiency fee” will not be imposed if imposing such fee would be in conflict with any of the provisions of the Memorandum of Understanding and, in no case will the implementation of these remedial measures result in year 2030 projections of sewerage dwelling units, sewerage employment, total dwelling units or population in excess of those agreed to by the City and the Metropolitan Council by the 2005 Memorandum of Understanding between the City and the Metropolitan Council.

1. Automatic adjustment of the growth staging table to reflect the growth of households, population and RECs needed to meet the population commitments the City agreed to under the Memorandum of Understanding. The adjusted growth staging table, upon approval of the Metropolitan Council, shall be deemed to be immediately incorporated in the City’s comprehensive plan. This remedy includes appropriate and timely modification of official controls, e.g., zoning and subdivision ordinances which are consistent with the comprehensive plan, in accordance with state law, to implement the comprehensive plan.
2. If the City does not meet its population commitment in 2010, its household commitments for 2015, 2020, 2025 and 2030 shall each be adjusted upward by an amount equal to the difference between the committed population and the actual population in 2010, multiplied by 0.5. This process shall be repeated in 2015, 2020, 2025 and 2030. Housing units added under this provision shall be added at an average density of at least 3 units per acre.

If the City does not meet its REC commitments in 2010, it shall pay to the Metropolitan Council a “wastewater inefficiency fee” (WIF) to help pay the operation, maintenance, and capital costs of underutilized regional wastewater infrastructure and the costs of providing regional sewer service for development elsewhere in the region that would have occurred within the City. A determination will be made on the number of deficient RECs by subtracting actual RECs from the committed RECs identified in the adopted comprehensive plan. A WIF shall be paid for every deficient REC and will be due on the dates specified below.

Time Frame	Estimated WIF per Each Deficient REC	Payment Date
2007-2010	\$2,600.00	January 31, 2011
2010-2015	\$4,200.00	January 31, 2016
2015- 2020	\$5,200.00	January 31, 2021
2020-2025	\$5,500.00	January 31, 2026
2025-2030	\$5,600.00	January 31, 2031

If the City achieves the committed number of RECs after a WIF is assessed to the City, a service availability charge (SAC) credit will be granted for each deficiency REC for which a WIF was assessed. The SAC credit will be granted at the end of each five-year staging period.

Conditions beyond the control of the City, such as a reduction in housing construction in the region's development communities, due to a downturn in the economy or a long-term recession, may adversely affect the City's ability to meet its population, household and REC commitments. Accordingly, if the City has been unable to meet its population, household and REC commitments because of adverse economic conditions, the City may petition the Metropolitan Council for a modification of the growth staging components of the plan if, after the end of a five-year staging period, the following circumstance is verified: the City's production of population households and RECs as a percent, as a percentage of the population, household and REC commitments stated in the growth staging table, equals or exceeds the regions developing communities production of population, households and RECs as a percentage of the regions developing communities forecasted population, households and RECs. If the City's right to petition is triggered and the City petitions the Metropolitan Council for modifications, the Metropolitan Council will not unreasonably deny the petition.