



## **STAFF REPORT**

DATE: January 16, 2018

**REGULAR**

ITEM #: 19

**MOTION**

**TO:** City Council  
**FROM:** Emily Becker, Planning Director  
**AGENDA ITEM:** 2030 Comprehensive Plan Amendment Moratorium  
**REVIEWED BY:** Kristina Handt, City Administrator  
Sarah Sonsalla, City Attorney

---

### **BACKGROUND:**

The City is currently undergoing a 2040 Comprehensive Plan update, as the Metropolitan Land Planning Act requires all cities and counties in the Twin Cities Metropolitan Area to adopt a Comprehensive Plan (“Plan”) and to update the Plan on a decennial basis. The Plan is required to comply with the Metropolitan Council’s regional system plans that include transportation, wastewater services, airports, parks and open space. The Plan update must be submitted to the Metropolitan Council by December 31, 2018.

Any requested 2030 Comprehensive Plan amendments prior to submission of the 2040 Comprehensive Plan update may not take in to consideration the process involved and progress made in the 2040 Comprehensive Plan update.

### **ISSUE BEFORE COUNCIL:**

Does the City Council wish to adopt an interim ordinance (moratorium) on 2030 Comprehensive Plan amendments in order to facilitate the process of the 2040 Comprehensive Plan update?

### **PROPOSAL DETAILS/ANALYSIS:**

The process of updating the 2040 Comprehensive Plan generally involves review of the existing 2030 Comprehensive Plan; background report preparation, issue identification, visioning and goal setting; identification of specific issues and plan components that need updating; facilitation of a working group, community review and input opportunities; a comprehensive update of the Plan; and Plan review and adoption by the City’s Planning Commission and City Council.

As previously mentioned, updates to the 2030 Comprehensive Plan changes background report information and data; and may not take in to consideration community input that has been provided thus far and will be provided during the 2040 Comprehensive Plan update.

**Exemptions.** The proposed interim ordinance exempts the following from the moratorium:

- a) any Comprehensive Plan Amendment request for which the City has already received application;
- b) any plan amendment that is necessary for a project that would address environmental threats through the installation of essential services such as sewer, water, storm sewer, or other public safety mechanisms and that would extend these services into areas that are planned for public infrastructure; or

The interim ordinance would be in effect for a one year period, but could be repealed earlier if the 2040 Comprehensive Plan update is complete.

**RECOMMENDATION:**

The City Council has three options:

1. Hold a public hearing and adopt Interim Ord. 08- 195 declaring a moratorium for a one year period on 2030 Comprehensive Plan amendments along with Resolution 2018-007 approving Summary Publication of Interim Ord. 08-195.
2. Hold a public hearing on Interim Ord. 08-195, make amendments to Interim Ord. 08-195 and adopt Interim Ord. 08-195 declaring a moratorium for a one year period on 2030 Comprehensive Plan amendments as amended along with Resolution 2018-007 approving Summary Publication of Ord. 08-195.
3. Hold a public hearing on Interim Ord. 08-195 and do not adopt Interim Ord. 08-195 declaring a moratorium for a one year period on 2030 Comprehensive Plan amendments.

It is recommended that the City Council choose either Option 1 or Option 2.

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

**ORDINANCE NO. 08-195**

**AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON 2030  
COMPREHENSIVE PLAN AMENDMENTS**

The City of Lake Elmo City Council ordains:

**Section 1. Purpose and Intent.** The purpose and intent of this interim ordinance (this “Ordinance”) is to impose, pursuant to Minnesota Statutes Section 462.355, subdivision 4, a moratorium within the jurisdictional boundaries of the City of Lake Elmo (the “City”) on amendments to the City’s comprehensive plan during the period of this Ordinance in order to protect the planning process and the health, safety, and welfare of the citizens of the City.

**Section 2. Legislative Findings.** The City Council hereby finds and determines as follows:

- (a) The City has established a 2030 Comprehensive Plan (“2030 Plan”) that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and
- (b) The Metropolitan Land Planning Act requires all cities and counties in the Twin Cities Metropolitan Area to adopt a Comprehensive Plan (“Plan”) and to update the Plan on a decennial basis; and
- (c) The Plan is required to comply with the Metropolitan Council’s regional system plans that include transportation, wastewater services, airports, parks, and open space; and
- (d) The 2040 Comprehensive Plan update must be submitted to the Metropolitan Council by December 31, 2018; and
- (e) The process of updating the Plan generally involves review and study of the existing 2030 Plan; background report preparation, issue identification, visioning and goal setting; identification of specific issues and Plan components that need updating; facilitation of a working group, community review and input opportunities; a comprehensive update of the Plan; and Plan review and adoption by the City’s Planning Commission and the City Council; and
- (f) The City is currently in the process of undergoing the 2040 Comprehensive Plan update; and

- (g) Requested amendments to the 2030 Plan prior to the City's submission of the 2040 Comprehensive Plan update may not take in to consideration the process involved and progress made in the 2040 Comprehensive Plan update; and
- (h) The City determines that it is in the best interests of the City to impose a moratorium on amendments to the 2030 Plan until the 2040 Comprehensive Plan update is complete in order to ensure that any amendments to the Plan are consistent with the future vision of the Plan and to allow the City sufficient time to properly consider the update of the Plan.

**Section 3. Study Authorized.** The City has initiated a study of its 2030 Comprehensive Plan in order to determine changes that may be needed in the 2040 Comprehensive Plan update.

**Section 4. Moratorium Imposed; Exceptions.** A moratorium is hereby imposed within the City on Plan amendments. No application for an amendment to the Plan will be accepted by the City during the term of this Ordinance. Plan amendments for which the City has already received an application are exempt from this moratorium. Plan amendments that are necessary for a project that would address environmental threats through the installation of essential services such as sewer, water, storm sewer, or other public safety mechanisms and that would extend these services into areas that are planned for public infrastructure are exempted from this moratorium.

**Section 5. Duration.** This Ordinance shall be remain in effect for one year from the date that it is effective unless it is expressly repealed earlier by the City Council.

**Section 6. Severability.** Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

**Section 7. Enforcement.** The City may enforce any provision of this Ordinance by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

**Section 8. Effective Date.** This Ordinance shall be effective upon its legal passage and publication.

Adopted by the City Council of the City of Lake Elmo on this 16<sup>th</sup> day of January, 2018, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

---

Mike Pearson, Mayor

ATTEST:

---

Julie Johnson, City Clerk

This Ordinance 08-195 was published on the \_\_\_\_ day of \_\_\_\_\_, 2018.

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

**RESOLUTION NO. 2018-007**

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-195 BY TITLE  
AND SUMMARY**

**WHEREAS**, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-An Interim Ordinance Imposing a Moratorium on 2030 Comprehensive Plan Amendments; and

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-195 to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-195, An Interim Ordinance Imposing a Moratorium on 2030 Comprehensive Plan Amendments which declares a moratorium for a one year period on all 2030 Comprehensive Plan Amendments as the City prepares for its 2040 Comprehensive Plan update.

The full text of Ordinance No. 08-195 is available for inspection at Lake Elmo City Hall during regular business hours.

**BE IT FURTHER RESOLVED** by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: January 16, 2018

\_\_\_\_\_  
Mayor Mike Pearson

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof: \_\_\_\_\_ and the following voted against same: \_\_\_\_\_

Whereupon said resolution was declared duly passed and adopted.