



MAYOR AND COUNCIL COMMUNICATION

DATE: 4/4/2023

CONSENT

AGENDA ITEM: Ordinance No. 2023-09 - An Ordinance Terminating a Moratorium Declared by Ordinance No. 2022-03 that Imposed a Moratorium on Platted Development within the Water System Low Pressure Zone

SUBMITTED BY: Jenni Faulkner, Planning Consultant

REVIEWED BY: Kristina Handt, City Administrator

BACKGROUND:

In April of 2022, the City adopted an interim ordinance (attached) declaring a moratorium for a period of 12 months on new platted development for the area south of the Union Pacific Railroad and east of Keats Avenue, based on the following findings:

- There is a certain area within the City that has been determined to be a “low pressure zone” with respect to the City’s ability to provide water services to that area. The Water System Low Pressure Zone is shown on the map attached as Exhibit A. This area has low water pressure and the City is concerned that if additional water users are added to this area that it may have issues supplying water to this area in the future.
- That before additional water users are added to the Water System Low Pressure Zone, the City needs to study the current and future water usage in the Water System Low Pressure Zone in order to determine if additional infrastructure is needed.
- That it is in the best interest of the city to impose a moratorium on platted development within the Water System Low Pressure Zone so that the City can study the current and future water usage within the Water System Low Pressure Zone.

STUDY OF AREA:

In the past year, the City has gone through a series of updates to the Municipal Code for the described area that the moratorium impacts. These effectively address the issues with the Water System Low Pressure Zone and make sure new plating can commence with no issue to capacity for the developed area. These updates that occurred were as follows:

- Update to the Stormwater Reuse in the Planned Unit Development Code
- Update to the Irrigation Reuse Standards for Engineering
- Update to the Topsoil requirement

Each of these updates was determined to be necessary in accommodating future development in the described area of the City of Lake Elmo that the moratorium applies to.

ISSUE BEFORE COUNCIL:

Staff respectfully requests the Council consider adopting Ordinance No.2023-09, An Ordinance Terminating the Moratoria Declared by Ordinance No. 2022-03 that Imposed Moratoria on Certain Development Activity within the City. A public hearing is not required for terminating the moratorium.

FINDINGS:

The Ordinance terminating the moratorium imposed by Interim Ordinance No. 2022-03 is being proposed based on the following findings:

- An update to the Stormwater Reuse in the Planned Unit Development Code has been completed to address the issues that were identified in the study and analysis of the area identified as a Water System Low Pressure Zone.
- An update to the Irrigation Reuse Standards for engineering has been completed that addresses the issues that were identified in the study and analysis of the area identified as a Water System Low Pressure Zone.
- An update to the Topsoil requirements has been completed to address the issues that were identified in the study and analysis of the area identified as a Water System Low Pressure Zone.
- Based upon the completed study, analysis, and updates, the moratorium that extends south of Union Pacific Railroad and east of Keats Avenue on new platted development is no longer needed to protect and prepare for new development and assure that the capacity of the water system in the area can meet the demands of new development.

OPTIONS:

The Council may:

- Adopt Ordinance No. 2023-09 as proposed.
- Make amendments to Ordinance No. 2023-09 and adopt as amended.
- Not adopt Ordinance No. 2023-09.

RECOMMENDATION:

Staff recommends that the Council adopt Ordinance No. 2023-09

“Move to adopt Ordinance No.2023.09- An Ordinance Terminating the Moratorium Declared by Ordinance No. 2022-03 that Imposed a Moratorium on Platted Development within the Water System Low Pressure Zone”

ATTACHMENTS:

- Ordinance No. 2023-09
- Ordinance No. 2022-03

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

ORDINANCE NO. 2023-09

**AN ORDINANCE TERMINATING THE MORATORIUM DECLARED BY
ORDINANCES NO. 2022-03 THAT IMPOSED A MORATORIUM ON PLATTED
DEVELOPMENT WITHIN THE WATER SYSTEM LOW PRESSUE ZONE**

WHEREAS, on April 8, 2022, the City Council (the “Council”) of the City of Lake Elmo (the “City”) adopted Ordinance No. 2022-03, 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 new platted development project within the area as identified as the area south of Union Pacific Railroad and east of Keats Avenue; and

WHEREAS, Ordinance No. 2022-03 was adopted as a result of the City identifying the defined area as a “low pressure zone” with respect to the City’s ability to provide water services to that area. Understanding this area has low water pressure, the City wanted to do studies and make changes to be assured that additional water users can be added and will not have issues supplying water to this area in the future; and

WHEREAS, the City, through study and analysis, identified issues in the Stormwater Reuse code in the Planned Unit Development section and addressed and updated this to better maintain the Stormwater Reuse of the area; and

WHEREAS, the City, through study and analysis, identified issues in the Irrigation Reuse code for engineering and addressed and updated this to better maintain the Irrigation Reuse of the area; and

WHEREAS, the City, through study and analysis, identified issues in the Topsoil requirements and addressed and updated this to better maintain the topsoil for future developments of the area; and

WHEREAS, based upon the completed study, analysis, and updates, the moratorium that extends south of Union Pacific Railroad and east of Keats Avenue on new platted development is no longer needed to protect and prepare for new development and assure that the capacity of the water system in the area can meet the demands of new development.

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 City’s updates, study, and analysis of the issues identified to be creating the Water Low Pressure Zone, it is hereby found and determined by the City that the area described in Ordinances No. 2022-03 no longer needs to be subject to a moratorium.

2. It is hereby declared that the area described in Ordinances No. 2022-03 is no longer subject to the moratorium imposed by this ordinance. City staff shall henceforth accept and process applications and regulate development activity in accordance with the City’s subdivision 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.2023-09 was adopted on this 4th day of April, 2023, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

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

ORDINANCE NO. 2022-03

**AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON PLATTED
DEVELOPMENT WITHIN THE WATER SYSTEM LOW PRESSURE ZONE**

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 platted development within the area defined as the “Water System Low Pressure Zone” in the City in order to protect 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) There is a certain area within the City that has been determined to be a “low pressure zone” with respect to the City’s ability to provide water services to that area. The Water System Low Pressure Zone is shown on the map attached as Exhibit A. This area has low water pressure and the City is concerned that if additional water users are added to this area that it may have issues supplying water to this area in the future.
- (b) That before additional water users are added to the Water System Low Pressure Zone, the City needs to study the current and future water usage in the Water System Low Pressure Zone in order to determine if additional infrastructure is needed.
- (c) That it is in the best interests of the City to impose a moratorium on platted development within the Water System Low Pressure Zone so that it can study the current and future water usage within the Water System Low Pressure Zone.

Section 3. Study Authorized. The City will be initiating a study of the water usage and future water needs within the Water System Low Pressure Zone.

Section 4. Moratorium Imposed; Exceptions. A moratorium is hereby imposed within the City with respect to the platting of any property located within the Water System Low Pressure Zone. No application for the platting of property located within the Water System Low Pressure Zone will be accepted by the City during the term of this Ordinance. Any property that has been granted preliminary plat or final plat approval by the City Council is exempt from this moratorium.

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

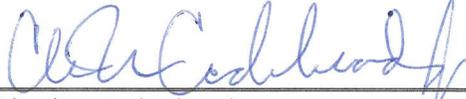
Section 6. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate 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 5th day of April, 2022, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Charles Cadenhead, Mayor

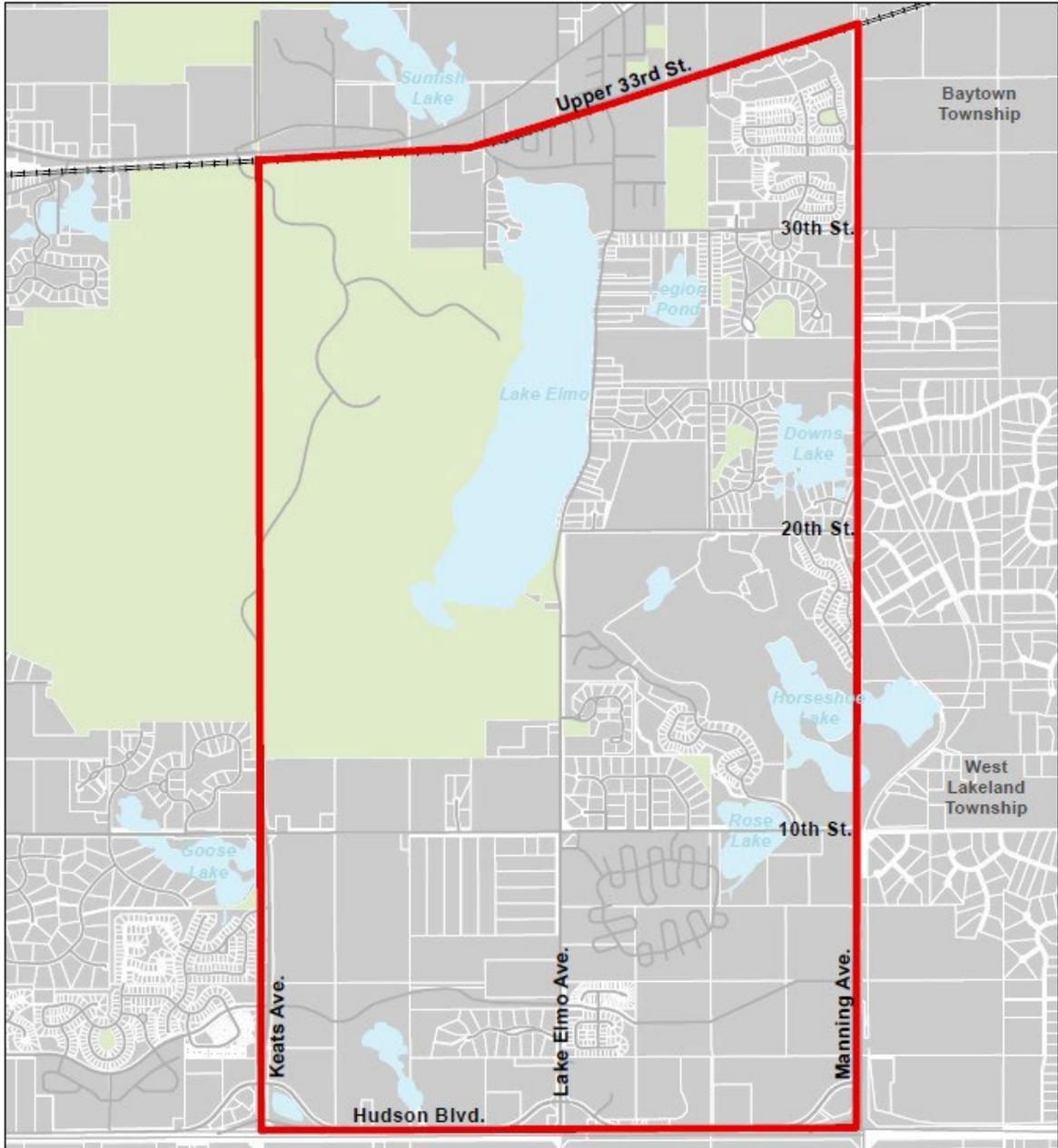
ATTEST:



Julie Johnson, City Clerk

This Ordinance 08- was published on the 8th day of April, 2022.

EXHIBIT A
Map of Water System Low Pressure Zone



CITY OF LAKE ELMO
WATER SYSTEM LOW PRESSURE ZONE

 **LOW PRESSURE ZONE BOUNDARY**



Map Date: March 2022
Created By: Planning Dept.



