

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

ORDINANCE NO. 9713

**A ORDINANCE ADOPTING A DEVELOPMENT MORATORIUM
WITHIN THE BROWN'S CREEK WATERSHED IN THE CITY OF LAKE ELMO**

WHEREAS, the Brown's Creek Watershed is a recognized watershed in Washington County; and

WHEREAS, the Board of Water and Soil Resources determined that the Brown's Creek Joint Powers Agreement Water Management Organization was not implementing its water plan; and

WHEREAS, Washington County, by operation of law, was required to assume the responsibilities of a watershed management organization within the Brown's Creek Watershed District; and

WHEREAS, certain distinct areas within the Brown's Creek Watershed have suffered from flooding and some property owners have suffered property damage, both real and personal; and

WHEREAS, other distinct areas within the Brown's Creek Watershed have the potential to experience flooding; and

WHEREAS, the cause of the flooding has not been specifically established; and

WHEREAS, distinct areas within the Brown's Creek Watershed are planned for urban density development; and

WHEREAS, capital improvement project to relieve the high water impacts and additional urban density development have the potential of adversely impacting Brown's Creek, a designated State Trout Stream, and its associated ecosystem; and

WHEREAS, little data is currently available to adequately assess the impacts of any capital project or additional development; and

WHEREAS, Washington County believes that additional development within the Brown's Creek watershed is unwise until a study of the complete watershed is conducted, and until the necessary projects are ordered that would alleviate the high water impacts; and

WHEREAS, the process to amend the management plan and to order capital projects to alleviate the high water impacts, will not occur before the spring of 1998;

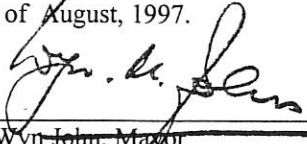
WHEREAS, Washington County has asked each community located within the Brown's Creek Watershed to adopt a one year development moratorium within the watershed area to allow the communities to work together to improve water management within the watershed; and

WHEREAS, the City of Lake Elmo is located partially within the Brown's Creek Watershed.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lake Elmo adopts a one-year development moratorium within that portion of the City of Lake Elmo that lies within the Brown's Creek Watershed; and that this moratorium would be in effect from August 19, 1997 until August 19, 1998; and

BE IT FURTHER RESOLVED, that during the moratorium the City of Lake Elmo agrees to work with the County to gather information on development sites in flood prone areas; to assess the adequacy of existing development controls to protect the water resources and to protect the health and safety of all residents; and to adopt strategies to prevent future water problems and protect the natural resources in the Brown's Creek Watershed.

ADOPTED BY THE CITY COUNCIL this 19th day of August, 1997.



Wyn John, Mayor

ATTEST:



Mary Kueffner, City Administrator

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