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| C | Community Development Committee | SW Item 2007-19 |
| | Meeting date: January 16, 2007 | |
| | Metropolitan Council meeting date: January 17, 2007 | |

ADVISORY INFORMATION

| | |
|----------------------------|---|
| Date | January 9, 2007 |
| Subject | Proposed Resolution Granting Lake Elmo's Request to Extend the Time for Amending Conflicting Official Controls and Fiscal Devices |
| Districts, Members | All |
| Prepared by | Guy Peterson, Acting Director, Community Development (651-602-1418) Dave Theisen, Associate General Counsel (651) 602-1706 |
| Division/Department | Community Development / Local Planning Assistance |

REQUEST SUMMARY

Staff recommends that the Council grant Lake Elmo's request for a six-month extension of the time period within which the City must amend official controls and fiscal devices that conflict with the *City of Lake Elmo Comprehensive Plan-2030*, subject to certain requirements and conditions.

BACKGROUND, PREVIOUS COUNCIL ACTIONS

City of Lake Elmo Comprehensive Plan-2030

In February 2002, the City of Lake Elmo's comprehensive plan update for the December 1998 decennial review was deemed complete for Council review purposes. The Council determined the City's plan update may have a substantial impact on or contain a substantial departure from metropolitan system plans and required the City to modify its plan update. The City appealed the Council's plan modification decision. In August 2004, the Minnesota Supreme Court concluded the Council has the statutory authority to require the plan modifications.

In a January 27, 2005 Memorandum of Understanding, the City and the Council agreed to certain criteria that would guide the City and the Council as the City modified its comprehensive plan update to ensure conformity with metropolitan system plans. According to the Memorandum of Understanding and the Metropolitan Land Planning Act, the City was required to complete and submit its modified plan update within nine months after the Supreme Court's decision. In June 2005, the City asked the Council to extend the nine-month period and permit the City to submit its updated plan to the Council by September 30, 2005. The Council granted the extension request, but the City's plan submission was not complete for Council review purposes until February 1, 2006. On April 12, 2006 the Council acted on the City's comprehensive plan update.

Conflicting Official Controls and Fiscal Devices

The Metropolitan Land Planning Act prohibits local units from adopting official controls or fiscal devices that conflict with their comprehensive plans or that permit activities in conflict with metropolitan system plans. Section 473.865 of the Act states: "If an official control conflicts with a comprehensive plan as the result of an amendment to the plan, the official control shall be amended by the unit within nine months following the amendment to the plan so as to not conflict with the amended comprehensive plan." The City's nine-month period expired on or about January 11, 2007.

On December 18, 2006, City and Council representatives met to review the City's planning efforts and discuss a possible extension request from the City. On December 19, 2006, the Lake Elmo City Council approved Resolution No. 2006-147 (copy attached) which requests the Council to extend by six months the time within which the City must amend conflicting official controls and fiscal devices. The resolution outlines the City's planning efforts undertaken since April 2006, describes zoning regulation work the City proposes to take, and notes the City Administra-

tor's sudden death on October 7 and the recent resignation of the City Planner.

Time Extension and Reasonable Requirements and Conditions

Section 473.869 of the Metropolitan Land Planning Act authorizes local units to request from the Council and extension of the time for fulfilling the requirements of the Act. Section 473.869 states:

Upon a finding of exceptional circumstances or undue hardship, the Council may, in its discretion, grant by resolution a request for extension and may attach reasonable requirements or conditions to the extension.

Although reviewing and amending local official controls and fiscal devices can be a difficult and time-consuming process, the City's ordinance review and amendment efforts could have been more focused and productive since April 2006. Nevertheless, the City's need to deal with ground-water contamination issues in the Fall of 2005 and the Spring of 2006, the sudden death of the City Administrator and the recent resignation of the City Planner may provide the basis for a Council finding of exceptional circumstances or undue hardship.

Proposed Metropolitan Council Resolution Granting Extension Request

The proposed resolution granting the City's six-month extension request includes some suggested reasonable requirements and conditions that staff believes will help ensure the City amends its conflicting zoning regulations by July 12, 2007 and meets its comprehensive planning obligations under the Metropolitan Land Planning Act.

PROPOSED ACTION

That the Community Development Committee recommend that the Metropolitan Council adopt the attached resolution with its reasonable requirements and conditions.

ATTACHMENTS

City of Lake Elmo Resolution No. 2006-147 (with its attachments)
Proposed Metropolitan Council Resolution Granting the City's Extension Request

METROPOLITAN COUNCIL
390 Robert Street North, Saint Paul, Minnesota 55101

RESOLUTION NO. 2007-__

GRANTING THE CITY OF LAKE ELMO'S REQUEST TO EXTEND THE TIME WITHIN WHICH THE CITY MUST AMEND OFFICIAL CONTROLS THAT CONFLICT WITH THE CITY'S ADOPTED LOCAL COMPREHENSIVE PLAN AND ATTACHING REASONABLE REQUIREMENTS AND CONDITIONS TO THE EXTENSION

WHEREAS, Minnesota Statutes section 473.864, subdivision 2 states that at least once every ten years local governmental units must review and, if necessary, amend their entire comprehensive plan and amend their fiscal devices and official controls to ensure there are no conflicts with comprehensive plan; and

WHEREAS, Minnesota Statutes section 473.865, subdivision 2 prohibits local governmental units from adopting any official controls or fiscal devices that conflict with their local comprehensive plans or permit activities that conflict with metropolitan system plans; and

WHEREAS, if official controls or fiscal devices conflict with local comprehensive plans as the result of plan amendments, Minnesota Statutes section 473.865, subdivision 3 requires local governmental units to amend those official controls within nine months following the plan amendments; and

WHEREAS, at its April 12, 2006 meeting the Metropolitan Council considered and acted on the *City of Lake Elmo Comprehensive Plan-2030* that was submitted in fulfillment of the City's December 31, 1998 decennial review obligations under section 473.864 of the Metropolitan Land Planning Act; and

WHEREAS, the nine-month period within which the City was required to amend conflicting official controls and fiscal devices expired on or about January 11, 2007, but the City has not yet amended the official controls and fiscal devices that conflict with the City's 2030 comprehensive plan; and

WHEREAS, pursuant to Minnesota Statutes section 473.869, local governmental units may request the Metropolitan Council to extend the time for fulfilling the requirements of Minnesota Statutes sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871; and

WHEREAS, a local governmental unit requesting an extension under Minnesota Statutes section 473.869 must describe the activities previously undertaken by the local unit in fulfillment of the relevant planning statutes and explain the reasons necessitating and justifying an extension request; and

WHEREAS, on December 19, 2006 the Lake Elmo City Council approved, and on December 20, 2006 the Mayor signed, Resolution No. 2006-147 which requests the Metropolitan Council to extend the January 11, 2007 deadline by which the City must review and amend its conflicting official controls to July 12, 2007; and

WHEREAS, Lake Elmo City Council Resolution No. 2006-147 describes planning procedures the City has undertaken to review its official controls and fiscal devices; and

WHEREAS, the City states in Resolution No. 2006-147 states that it has not completed the review and amendment of its conflicting official controls and fiscal devices in part because: (1) in the Fall of 2005 and the Spring of 2006, considerable staff time and resources were necessary to address groundwater contamination issues affecting west central portions of the City; (2) the City Administrator died suddenly on October 7, 2007; and (3) the City Planner resigned December 5, 2006; and

WHEREAS, pursuant to Minnesota Statutes section 473.869 the Metropolitan Council may “in its discretion” grant by resolution a request for extension upon a finding of “exceptional circumstances or undue hardship” and “may attach reasonable requirements or conditions to the extension”; and

WHEREAS, it is appropriate and necessary to attach reasonable requirements and conditions to this time extension to ensure the City amends its official controls and fiscal devices in a timely manner, eliminate conflicts with the City’s recently completed plan update and avoid land uses and development that conflict with metropolitan system plans; and

WHEREAS, additional delay in amending its conflicting official controls and fiscal devices will further delay local and regional planning processes that should have been completed eight years ago; and

WHEREAS, it will cost the Metropolitan Council additional time, resources and money if the City does not amend in a timely manner its conflicting official controls and fiscal devices to prohibit activities that conflict with metropolitan system plans.

NOW THEREFORE, BE IT RESOLVED:

1. Pursuant to Minnesota Statutes section 473.869, the Metropolitan Council finds there are exceptional circumstances and undue hardship in this case for the following reasons:
 - (a) In the Fall of 2005 and the Spring of 2006, the City of Lake Elmo diverted staff time and other resources to groundwater contamination issues affecting west central portions of the City.
 - (b) The Lake Elmo City Administrator who was actively involved in the City’s comprehensive plan update efforts after the Minnesota Supreme Court’s August 2004 decision in the *Lake Elmo* matter died suddenly on October 7, 2006.
 - (c) The City Planner who was involved in the update of the City’s comprehensive plan and the review of its official controls and fiscal devices resigned December 5, 2006.
2. Pursuant to Minnesota Statutes section 473.869, the Metropolitan Council determines it is appropriate to extend the time within which the City must amend all official controls and fiscal devices that conflict with its local comprehensive plan or that permit activities in conflict with metropolitan system plans. Subject to the following reasonable requirements and conditions, the deadline by which the City must amend conflicting official controls and fiscal devices is extended from January 11, 2007 to July 12, 2007.

3. Pursuant to Minnesota Statutes section 473.869, the Metropolitan Council attaches the following reasonable requirements and conditions to the extension:

- (a) The City must prepare and submit written reports that describe in narrative form and in reasonable detail the activities undertaken by the City to fulfill its statutory obligation to review its official controls and amend the official controls and fiscal devices that conflict with the City's comprehensive plan or that permit activities in conflict with metropolitan system plans. The written reports are due as follows:

| <u>Covered Period</u> | <u>Due Date</u> |
|---------------------------------|------------------|
| January 1 to January 31, 2007 | February 7, 2007 |
| February 1 to February 28, 2007 | March 7, 2007 |
| March 1 to March 31, 2007 | April 9, 2007 |
| April 1 to April 30, 2007 | May 7, 2007 |
| May 1 to May 31, 2007 | June 7, 2007 |
| June 1 to July 12, 2007 | July 19, 2007 |

- (b) As required by Minnesota Statutes section 473.865, subdivision 1, the City must submit to the Metropolitan Council copies of the City's amended official controls and fiscal devices within thirty (30) days after adoption by the City.
- (c) As appropriate and as required by Minnesota Statutes section 473.513, the City must promptly prepare (or amend) and submit to the Metropolitan Council for review and approval, the City's policy plan(s) for the collection, treatment and disposal of sewage for which the City is responsible.
- (d) If the City does not prepare, amend and submit official controls and fiscal devices consistent with this time extension and Metropolitan Land Planning Act requirements and if the Metropolitan Council commences an enforcement action pursuant to Minnesota Statutes section 473.175, subdivision 3 or other law, the City will pay the Metropolitan Council's costs and expenses, including reasonable attorney fees, and will not contest a judicial action by the Metropolitan Council to compel compliance.
- (e) By granting this time extension, the Metropolitan Council does not waive its right to commence civil proceedings under Minnesota Statutes section 473.175 or other applicable law; nor does it waive its right to enforce any requirement or condition stated in Metropolitan Council Resolution No. 2005-020 (adopted July 27, 2005).
- (f) The City must comply with the decennial review provisions of Minnesota Statutes section 473.864, subdivision 2. The review and amendment of official controls and fiscal devices that are the subject of this extension are separate from and in addition to the review of official controls and fiscal devices and, if necessary, amendments the City must complete by December 31, 2008 pursuant to the decennial review provisions of Minnesota Statutes section 473.864.

4. This time extension is subject to the City's acceptance and compliance with all the requirements and conditions stated in Paragraph 3.

5. Metropolitan Council staff will provide to the City appropriate and reasonable technical and advisory assistance to help the City identify and amend conflicting official controls and fiscal devices on or before July 12, 2007.
6. The Metropolitan Council will work with the City in an effort to resolve these important planning and metropolitan system issues in a cooperative and collaborative manner.

Adopted this ___th day of January, 2007.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

LAKEELMOEXTENSIONRESOLUTION2

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

RESOLUTION NO. 2006-147

**A RESOLUTION REQUESTING AN EXTENSION OF TIME FOR FULFILLING REQUIREMENTS
OF M.S. 473.865.**

WHEREAS, the City of Lake Elmo 2030 Comprehensive Plan was approved by the Metropolitan Council on the 12th day of April, 2006 (the "Comprehensive Plan Approval Date"); and

WHEREAS, there are conflicts between the City of Lake Elmo 2030 Comprehensive Plan and the current City of Lake Elmo Official Controls; and

WHEREAS, pursuant to M.S. 473.865, Subd. 3, the City of Lake Elmo has nine (9) months from the Comprehensive Plan Approval Date to amend its Official Controls so as to eliminate conflicts between the City of Lake Elmo 2030 Comprehensive Plan and the City of Lake Elmo Official Controls (the "Conflict Review Term"); and

WHEREAS, the Conflict Review Term will expire on the 11th day of January, 2007; and

WHEREAS, the City of Lake Elmo will not have reconciled all relevant conflicts between the City of Lake Elmo 2030 Comprehensive Plan and the City of Lake Elmo Officials Controls by the current expiration date of the Conflict Review Term; and

WHEREAS, pursuant to M.S. 473.869, the City of Lake Elmo may request the Metropolitan Council to extend the time for the City of Lake Elmo to fulfill the requirements imposed by M.S. 473.865, Subd. 3; and

WHEREAS, since the Comprehensive Plan Approval Date, the City of Lake Elmo has undertaken the following procedures in order to fulfill its requirements and has experienced the following exceptional circumstances during the Conflict Review Term:

1. The City of Lake Elmo retained a consulting firm to prepare a zoning code based primarily on performance zoning criteria. After the project was completed, the City determined that this type of zoning regulation could become arbitrary and difficult to administer. The City Planner then drafted a more standard Euclidian Zoning Regulation which would apply to all property within the City of Lake Elmo. The process of first considering a Performance Zoning Regulation and then an Euclidian Zoning Regulation was time-consuming.

2. In the Fall of 2005, and the Spring of 2006, the Minnesota Department of Health conducted meetings relative to contamination which was spreading southerly and westerly from the former Washington County/Ramsey County Landfill near Jamaca and Highway 5 in the City of Lake Elmo. The contamination had polluted individual wells in

the west central portion of Lake Elmo. The Minnesota Department of Health recommended that these wells be sealed and that the City provide water to serve this neighborhood. In response, the City designed, bid, and built water mains and laterals to serve the west central portion of Lake Elmo. The City is also in the process of connecting individual wells to the City's water system. The coordination of these projects consumed a considerable amount of the City's Administrator's time.

3. When the City Administrator died suddenly on October 7, 2006, the City Planner was asked to absorb the City Administrator's duties. Consequently, the City Planner could not devote full time to planning activities.

4. On the 19th day of July, 2006, the City of Lake Elmo retained the Robert Engstrom Companies and Close Landscape Architecture, Inc. to prepare a Village Area Master Plan. The scope of the contractor's duties is attached as Exhibit A. It is critical that the Village Area Master Plan be completed prior to final adoption of the City of Lake Elmo's Zoning Regulations for the Village Area.

5. On the 8th day of November, 2006, the City of Lake Elmo retained Susan Hoyt as a project director. The Project Director is to provide project management services to the Lake Elmo City Council and to the City's interim City Administrator. The Project Director has analyzed the various components involved in the implementation of the City of Lake Elmo 2030 Comprehensive Plan and has provided the report attached as Exhibit B to the City Council.

6. On the 5th day of December, 2006, the City Council authorized the preparation of a feasibility report for the extension of sanitary sewer from the vicinity of Interstate 94 and County Road 17 to the Village Area. The feasibility study will be presented to the City Council on the 20th day of February, 2007. This project is designed to satisfy some of the requirements of the Lake Elmo 2030 Comprehensive Plan.

7. Between May 22, 2006 and December 11, 2006, the Lake Elmo Planning Commission has reviewed the status of the proposed zoning regulations and the Village Area Master Plan at twenty (20) meetings and/or public hearings. Most of these public hearings and meetings were devoted to reviewing the Euclidian Zoning Regulations.

8. Between April 11, 2006 and December 19, 2006, the Lake Elmo City Council has reviewed the status of the proposed zoning regulations, the Village Area Master Plan, the efforts of the Lake Elmo City Planning Commission and the extension of sanitary sewer to the Village Area at seven (7) meetings and has received and reviewed the minutes of the Lake Elmo Planning Commission.

9. On the 5th day of December, 2006, the City Planner resigned.

10. On the 11th day of December, 2006, the City of Lake Elmo sent out requests for qualifications for consulting services to prepare an AUAR on the Lake Elmo Village Area Master Plan. The scope of services defined in the request for qualifications is attached as Exhibit C.

11. Even though the City of Lake Elmo has spent considerable funds and hundreds of hours of time reviewing and drafting plans and regulations to implement the City of Lake Elmo 2030 Comprehensive Plan, it will not be able to meet the current deadline for the submission of Official Controls. The City's inability to meet the nine-month submittal deadline is due, in part, to staffing; the unexpected but necessary effort to provide water to the west central portions of the City of Lake Elmo; the sudden death of the City Administrator and the requirement that the City Planner absorb the Administrator's duties; and the resignation of the City Planner.

NOW, THEREFORE, be it resolved that the Lake Elmo City Council hereby respectfully requests that the Metropolitan Council approve an extension of the Conflict Review Term from the 11th day of January, 2007 until the 12th day of July, 2007.

Dated: December 20 2006

CITY OF LAKE ELMO

By: 

Dean A. Johnston, Mayor

ATTESTED BY:


Thomas Bouthilet, Acting City Administrator

Dec-22-2006 14:30

From-PETERSON FRAM BERGMAN

6512281753

T-815 P.006/016 F-161

EXHIBIT A

SCOPE OF CONTRACTOR'S DUTIES

Attachment A - Scope of Services Description Lake Elmo Village Area Master Plan – Phase II

Task One – Complete the Master Plan

Purpose: verify and refine the Master Plan vision

Work Focus: continue inclusive process with participating stakeholders, Mayor/City Council, City Staff and agency representatives to specifically address the following:

- review and resolve major issues related to unit count, green space/buffer and type/quantity of amenities
- review and refine 'Old Village Improvements Fund', including project descriptions, detailed cost estimates and mechanisms to create, monitor and distribute these funds
- research and seek to organize an 'environmental foundation' to create and manage open space/green belt buffer
- create a multi-purpose Master Plan document that explains the vision, supports fundraising activities and serves as a guide for future decisions

Meetings: multiple meetings with Mayor/City Council, City Staff, Metropolitan Council, Allied Landowner Group, the Shiltgen's, existing business owners, local citizens, MPCA, TKDA, the MAC, the watershed district, Two Rivers Community Land Trust, Family Services organization, YMCA, MnDOT, Stillwater Area Hockey Association, potential funders and other participating stakeholders. (40 meetings total budgeted for this task)

Product: final Master Plan document including illustrative plan and supporting narrative

Time Frame: 12 weeks

Outcome: formal City Council adoption of the Master Plan

Task Two – Prepare Planning Tools

Purpose: clarify process, define priorities, determine specific roles and responsibilities, refine cost estimates, identify funding sources and outline next steps

Work Focus: provide planning and design documents needed to support the Master Plan vision; help define and initiate public/private partnerships; evaluate city 'needs versus wants' related to various components of the plan

Meetings: multiple meetings with Mayor/City Council, City Staff, Allied Landowner Group and other participating stakeholders. (30 meetings total budgeted for this task)

Products: we will either produce, or provide assistance to City Staff in their efforts to create the following documents and entities:

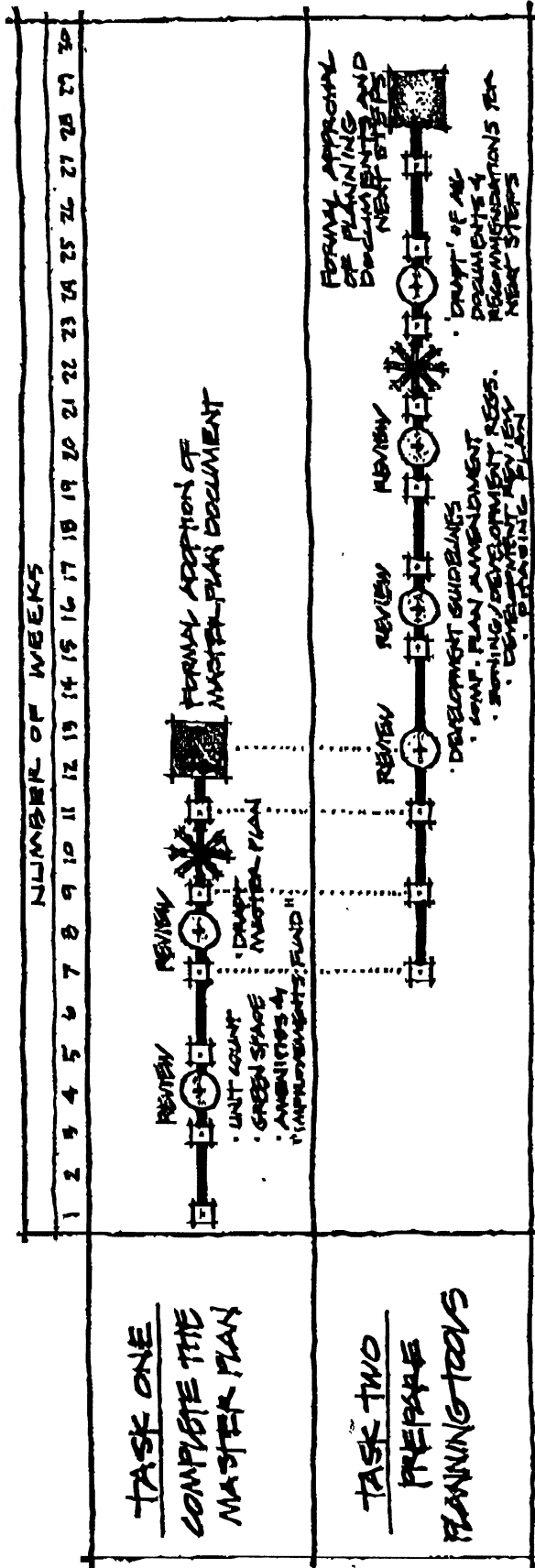
- Prepare Design/Development Guidelines (consultant will be primary author and lead)
- Prepare Comprehensive Plan Amendment (city staff will be primary author and lead)
- Revise Zoning Code and Regulations (city staff will be primary author and lead)
- Pursue Partnership/Development Agreements (consultant will facilitate this process)
- Establish Development Review Committee including review criteria and approval process (consultant will facilitate this process)
- Prepare Prioritized project list, Phasing Plan and detailed cost spread sheet (consultant will be primary author and lead)

Time Frame: 16 weeks

Outcome: formal City Council approval of various planning documents and entities, along with specific directives for project implementation

Attachment B

PROJECT TIMELINE
'DRAFT'



STAFF WORKSHOP (EVERY 2 WEEKS)
 MAYOR/CITY COUNCIL UPDATE (ONCE A MONTH)

FINAL SUBMITTAL / CITY COUNCIL ACTION

POTENTIAL PUBLIC OPEN HOUSE

EXHIBIT B
REPORT OF PROJECT DIRECTOR

Purpose. The city council is being asked to provide direction on how to proceed with the re-zoning process that the planning commission is undertaking in light of the request for an extension for submitting the zoning code to the Metropolitan Council. It will be important to submit a framework for proceeding with this rezoning to the Metropolitan Council. The staff is proposing a process that begins with joint city council and planning commission workshops to review the draft code and to allow the two bodies to discuss the code and the process. If need be, it will also allow the city council, as the policy setting body for the city, to clarify for the planning commission any policy directions that the city council wants to see specifically incorporated in to the new zoning code. The process also includes a suggestion for ways to communicate the proposed zoning code changes with property owners and citizens.

Background. The city's zoning code is the implementation tool for its comprehensive plan. It provides the legal regulations for what property owners can and cannot do on their land. Because zoning is the city's legal tool for managing its land use and because it is critical for property owners' use of their properties, any zoning code must be specific about what is allowed in each district. Depending upon the magnitude of the changes in the zoning districts, a new zoning code potentially affects every property owner in the city (except for the Cimarron area). In most cases the revisions in the zoning districts may be so minor that there is no real change to how the property owners in that district may use their land. (There are approximately 3,000 parcels of land that are part of zoning districts that are scheduled for some type of revision.) Although many revisions may be very minor, it is important to clearly communicate proposed zoning code changes so no property owner is taken by surprise when he or she comes in for a building permit or other land use planning request. In order to assure property owners that there will be a public process for making any changes, state law requires that planning commissions' hold public hearings on proposed zoning code amendments and that property owners of acres that are 5 acres or less in size and property within 350 feet of these property owners must be notified of the hearing by mail.

Process to date. The preparation of a new zoning code got underway, in part, because the Metropolitan Council required the city to submit a zoning code that reflected the comprehensive plan policies within nine months of the comprehensive plan's adoption. For Lake Elmo, the deadline for submitting the revised zoning code to the Metropolitan Council is January 17, 2007. The city is requesting an extension to that deadline. Providing a process that the city is following will help the city's application for an extension. Over the past several months the planning commission has spent time, care and thought in preparing a revised zoning code for the city. The commission has worked diligently in an effort to meet the Metropolitan Council's January 17, 2007 deadline. The proposed code includes new districts with significantly revised zoning regulations as well as districts with almost no changes. The planning commission is now preparing to bring these revisions to property owners at public hearings before adopting the revised code and recommending it to the city council for the city council's review, revisions and approval. On December 11, 2006 the planning commission held its first public hearing on the new zone, Village Residential (VR). Several property owners and interested citizens in the proposed Village Residential zone attended the hearings. The planning commission hoped to adopt the VR zone changes as well as move forward with the other 10 districts in December. However, there was not time to mail out the legally required notices to property owners in time for the planning commission to complete its process and make a recommendation to the council in time for the council to take action before the deadline of January 17, 2007 Metropolitan Council deadline.

Communicating re-zoning to property owners and citizens. The request for an extension from the Metropolitan Council for the submission of its zoning code gives the city an opportunity to re-visit how it wants to proceed with this critical land use document. From a communication standpoint two things are desirable in the re-zoning process: 1) that property owners' be invited to learn about the proposed zoning code changes in a manner that allows clear information and questions, and 2) that, if at all possible, the zoning code approved by the planning commission and recommended to the city council reflect the policy direction that the city council wants to see in the document going before the public hearings so that the document recommended by the planning commission does not undergo substantial policy revisions if at all possible. This is not a legal issue, but a communication issue.

To accomplish the first objective, providing information to property owners, the staff suggests a process that provides for public information meetings/hearings by the planning commission to be held on individual zones (one or a few at time). Information handouts accompanied by maps that are easily understandable can be distributed to those attending the meeting and also be provided to those who cannot attend. The format for these meetings might include some informal question/answer and information gathering time prior to the start of the formal public hearing.

To accomplish the second objective, asking the planning commission to incorporate city council policy direction into the draft zoning code, is more complex and may not be viewed as desirable by all parties. However, to minimize major changes occurring between the planning commission's adoption of the zoning code for recommendation to the city council and the final zoning code adopted by the city council, the staff suggests that the city council and planning commission jointly meet so that the city council can learn about the planning commission's work on the zoning code and the planning commission has the opportunity to understand what key policies the city council will want to see incorporated into the revised code. Using this approach, the zoning code prepared by the planning commission and presented to the public by the planning commission may reflect the policies that the city council will want incorporated into the original draft document.

Proposed process. Please see the attached chart for a possible process for proceeding with this approach to the zoning code for your input and comment.

December 13, 2006 PROPOSED PROCESS FOR MOVING FORWARD WITH RE-ZONING

Goals: To create consistent policies between the council and commission;
To maximize communication of public information

| RESPONSIBLE PARTY | ACTIVITY |
|-----------------------------------|--|
| City Council/ Planning Commission | Joint workshop to: Review roles of planning commissions/ city councils according to statute. (Attorney) Review the statutes related to comprehensive planning and zoning code. (Attorney) Identify approach to reviewing proposed revisions to the zoning code. (Council/Commission) |
| City Council/Planning Commission | At joint workshop review draft zoning code |
| City Council/Planning Commission | At joint workshop review draft zoning code |
| City Council | Provide key policy principles for zoning code to planning commission |
| Planning Commission Meeting | Review draft zoning code Determine next steps for any changes in zoning code Identify public communication process to follow as sections of the code become ready to public input/hearings |
| Planning Commission | Revisit/revise draft zoning code sections as needed |
| Attorney | Review draft zoning code sections as they are drafted for legal issues and report back to the planning commission |
| Planning Commission | Revise, if needed, based upon attorney's review |
| Planning Commission | Plan meetings on individual or a few zones at a time Determine format for meetings - <ul style="list-style-type: none"> ▪ Consider time for informal information and Q and A as well as the public hearing portion Determine location for meetings Determine schedule for meetings of individual/few districts at a time |
| Staff | Prepare notices for property owners that briefly explain what the purpose of the meeting is and why it is important Public notice in paper with explanation Prepare materials for handouts/presentations at the meetings and for distribution to those property owners/citizens who cannot be at the meeting |
| Planning Commission | Host public meetings/hearings on proposed zoning code districts as scheduled |
| Planning Commission | Revisit each zone after the public input/hearing and revise as desired |
| Planning Commission | Adopt and recommend sections of the revised zoning code to the city council as they are completed |
| City Council | Review sections of the zoning code as they are passed on by the planning commission |
| Attorney | Final legal review |
| City Council | Incorporate legal comments |
| Metropolitan Council | Adopt final zoning code districts as they are completed Receives final zoning code from the city |

EXHIBIT C

SCOPE OF SERVICES AND QUALIFICATIONS OF CONSULTANT

City of Lake Elmo, Minnesota

REQUEST FOR QUALIFICATIONS
FOR CONSULTING SERVICES TO PREPARE AN AUAR ON THE
LAKE ELMO OLD VILLAGE MASTERPLAN DEVELOPMENTBackground.

The city of Lake Elmo is a 25 square mile municipality of approximately 8,000 residents. It is located in Washington County in the Twin Cities Metropolitan Region. The city has a history of rural residential development and plans to maintain its rural identity in the future. To accomplish this goal, the city developed a masterplan around its Old Village area and surrounding property. This area is planned for future sewered development. The city is at the point of translating its masterplan vision into reality so it is time to undertake an AUAR on the project.

Planning information

The city of Lake Elmo is requesting qualifications for the preparation of an AUAR on approximately 1,000 acres in the city's Old Village area. The city of Lake Elmo created a masterplan of the Old Village, which includes approximately 300 homes and businesses, some of which are historic. In addition, there are approximately 800 to 900 acres of land that are proposed for developing into a Village that will include housing, community facilities, open space, trails and parks. A majority of the land to be developed is owned by four property owners.

The masterplan vision is incorporated into the city's 2030 comprehensive plan that was approved by the Metropolitan Council on July 27, 2005. The masterplan is being refined and will be adopted by the city council. The AUAR process will be coordinated with this masterplan.

Related studies

The masterplan is supported by a variety of studies that underly the implementation of this plan. These include: a water system plan, a surface water analysis, traffic study and downtown flooding study. The city is currently undertaking a sanitary sewer feasibility study. The masterplan also includes relocated and new transportation routes. The implementation of the masterplan relies on the provision of utilities by extending the sanitary sewer from the Metropolitan Council Interceptor located in Cottage Grove.

- Old Village Masterplan, Robert Engstrom Companies/Close Landscape Architects (Spring, 2006) (A CD copy will be mailed.)
- 2030 Comprehensive Plan
- Water Systems Interconnection, TKDA, (November 16, 2004)
- Old Village Housing Traffic Study Draft Report, TKDA, February 24, 2004
- Old Village Study Area Comprehensive Water System Plan, TKDA, (April, 2004)
- Downtown Area Flooding Analysis, TKDA, (November 19, 2004)
- Preliminary Engineering Report, North American Wetland Engineering, P. A. (January 30, 2004)
- Minnesota Pollution Control Agency, Findings of Fact and Authorization to Issue a Negative

December 11, 2006
City of Lake Elmo
RFQ

Declaration, (March 28, 2006)

- Map of major property owners

December 11, 2006
City of Lake Elmo
RFQ

City staff on the project and contact for the AUAR

- Susan Hoyt, Project Director, City of Lake Elmo
Susan.hoyt@lakeelmo.org
651-233-5401 (office)
651-472-1435 (cell)

Consultants on the project

- The Old Village Master Planning Team
Project lead - Bruce Jacobson, Close Landscape Architects
612-455-2980
bjacobson@closeandarch.com
- TKDA Engineering
City engineer - Tom Prew
651-292-4463
prew.td@tkda.com

Summary of major activities to undertake as part of the AUAR

- Complete all requirements for an AUAR on the Old Village Masterplan
- Incorporate the elements of the Old Village Masterplan still to be adopted by the city council
- Provide a process for meaningful public participation in reviewing major elements of the AUAR.
- Present the AUAR to the city council and other boards and commissions, as requested, at key points along the way.
- Coordinate the AUAR process with the property owners, city staff and the reviewing agencies.

Qualifying information

1. Demonstrate experience in the lead role (not a subcontractor) in preparing an AUAR for a city initiated project that included:
 - o open space and natural areas
 - o public/private improvements
 - o new development being implemented by more than one private property owner (developer)
 - o an area of 800 or more acres in size.
2. Provide an example of an AUAR prepared as the lead firm for a local government

December 11, 2006
City of Lake Elmo
RFQ

- 3. Describe a process and a proposed timeline for completing all AUAR associated activities
- 4. Provide a cost estimate for the AUAR
- 5. Provide three references

Submission timeline

RFQ responses are due by 4 PM on January 9, 2007.

Submit RFQ responses to

Email : susan.hoyt@lakeelmo.org

Mail to:

Susan Hoyt
 Project Director
 City of Lake Elmo
 3800 LaVerne Avenue North
 Lake Elmo, Minnesota 55042

FAX to:

Susan Hoyt, Project Director
 651-777-9615

Selection Timeline

ACTIVITY

RFQ distribution
 RFQ pre-submission meeting with staff
 RFQ Due
 Staff Review/Follow up
 Selection /interview process
 Select Consultant

DATES

December 13, 2006
 December 21, 11 AM
 January 11, 2007 at 4 PM
 Week of January 15,2007
 To Be Determined
 No later than February 6, 2007

December 11, 2006
 City of Lake Elmo
 RFQ