

Warren E. Peterson  
Jerome P. Filla  
Daniel Witt Fram  
Glenn A. Bergman  
John Michael Miller  
Michael T. Oberle  
Steven H. Bruns\*  
Paul W. Fahning\*  
Sonja R. Ortiz  
Amy K. L. Schmidt  
Ben I. Rust  
Jared M. Goerlitz



Suite 800  
55 East Fifth Street  
St. Paul, MN 55101-1718  
(651) 291-8955  
(651) 228-1753 facsimile  
[www.pfb-pa.com](http://www.pfb-pa.com)

(651)290-6907  
[jfilla@pfb-pa.com](mailto:jfilla@pfb-pa.com)

December 3, 2007

Mayor Dean Johnston and  
Lake Elmo City Councilmembers  
City of Lake Elmo  
3800 Laverne Ave. North  
Lake Elmo, MN 55042

Re: Sewered Housing Units  
Old Village Area

Dear Mayor Johnston and Members of the City Council:

In 2004, the Minnesota Supreme Court determined that the Metropolitan Council had the statutory authority to require the City to modify its proposed Comprehensive Plan in the manner provided by Metropolitan Council Resolution No. 2003-10. This particular Metropolitan Council Resolution effectively incorporated a list of nine (9) required modifications, including a requirement that there would be development to accommodate 7,850 Residential Equivalent Units (REC's) of regional sewer capacity. All City Councilmembers opposed this level of development and asked the Metropolitan Council if it would be willing to negotiate some other solution. The negotiation resulted in the Memorandum of Understanding.

The Memorandum of Understanding was intended to provide guidance to the City as it began the task of revising the Comprehensive Plan draft that had been rejected by the Metropolitan Council. The Memorandum of Understanding mandates that the City achieve certain development goals by 2030 (Population-24,000; residential REC's- 5,200; and employment REC's-1,400), but it permits the City to use its discretion in determining how to achieve the 2030 development goals. The specific manner in which the City chose to exercise its discretion is reflected in the Comprehensive Plan that was approved by the City and by the Metropolitan Council, and in the official control which the City has and will adopt to implement the policies of the Comprehensive Plan.

In regard to the Old Village (both existing and new), the Comprehensive Plan identifies the number of sewered housing units in two (2) ways. First, it specifically states that there will be 1,100 sewered housing units in the Old Village by 2030 (Comprehensive Plan III-17). The City Engineer advises me there are 194 current

December 3, 2007

Page 2

housing units in the Old Village. By subtracting current housing units from the projected housing units, the result is 906 new housing units.

Secondly, the Comprehensive Plan indirectly estimates the possible number of new housing units by adopting zoning categories for the Old Village (Comprehensive Plan III-3 through III-5); by specifying permissible densities within zoning categories for the Old Village (Comprehensive Plan III-3 through III-5); and by identifying the number of acres available for development within various zoning categories (Comprehensive Plan III-7).

Zone	Units/Acre	Acres	Max. Units
1. VR/HD	14.5	7	101.5
2. VR/LD	0.45	77	34.65
3. VR MU/MD	5-6	86	430-516
4. VR P/S	0.45	43	19.5
5. VR/GB	0.45	717	322.65

The above calculations indicate that there could be 909-995 new housing units to the Village area in addition to the existing 194.

If you have any questions please contact me.

Very truly yours,

/s/

Jerome P. Filla

JPF/jmt