

## Community Development Committee

Meeting date: April 17, 2017

For the Metropolitan Council meeting of April 26, 2017

**Subject:** Updated Metropolitan Urban Service Area Implementation Guidelines

**District(s), Member(s):** ALL

**Policy/Legal Reference:** Minn. Stat. § 473.145 and § 473.851

**Staff Prepared/Presented:** LisaBeth Barajas, Local Planning Assistance Manager (651-602-1895)

**Division/Department:** Community Development / Regional Planning

### Proposed Action

That the Metropolitan Council adopt the updated Metropolitan Urban Service Area Implementation Guidelines as follows:

1. Regarding comprehensive plan amendment requests for land use and staging changes:
  - a. The city's overall residential density for development since 2000 must be a minimum of three units per developable acre. Determination of this density will be based on approved preliminary plats as reported in the Plat Monitoring Program.
  - b. The following will not be counted in a city's density calculation:
    - i. Replatted areas that were previously platted and reported in the Plat Monitoring Program.
    - ii. Existing developments that are part of townships or areas being annexed from townships.
    - iii. Areas that have failing sub-surface sewage treatment systems (SSTS) and no on-site alternative SSTS locations. The city shall provide documentation from a licensed SSTS inspector confirming the failure of the existing system and the existing conditions on the site that prohibit the installation of a new SSTS.
  - c. Communities may receive credit for the installation of stormwater BMP facilities provided that the facilities are located on separate lots or outlots, are publicly-owned, properly maintained, and do not encroach upon or modify an existing natural resource.
2. Regarding review of decennial updates to local comprehensive plans:
  - a. For communities that participate in the Council's Plat Monitoring Program, the Council will calculate density giving credit on a 1:1 basis for housing units platted or developed that yield an overall average density in excess of the applicable minimum net density required in the current metropolitan development guide. The housing unit credits will be applied to areas guided for the next decade of planned development on urban services and to any other proposed reguided areas.
  - b. For communities with platted development history, the Council will calculate density using an acreage average of the city's actual platting since 2000, the lowest allowable density on land guided for development for the next decade of planned development, and any reguided land within the community's current approved MUSA.
  - c. For communities without platted development history, the Council will calculate density using the lowest allowable density on land guided for development for the next decade of planned development and any reguided land within the community's current approved MUSA.

- d. The Council will not include in the density calculations any remaining undeveloped land within the current approved MUSA in the city's existing comprehensive plan, with the exception of areas that are being reguided in the comprehensive plan update.

## Background

At committee meetings on October 17, 2016, and December 6, 2016, staff provided a policy overview on the area in which the Council provides and plans for regional service (i.e. Metropolitan Urban Service Area, MUSA). Staff indicated the need to update the guidelines used when reviewing changes to the geography or staging of the MUSA. A draft of the revised guidelines were presented as an information item at the February 21, 2017 committee meeting.

The existing MUSA Implementation Guidelines (Attachment A) were last revised in 2007 in preparation for the Council's review of the 2030 comprehensive plans, due in 2008. Updating the guidelines is needed now to reflect how the Council will implement the policies in *Thrive* and the *2040 Water Resources Policy Plan* as it relates to comprehensive plan review. The guidelines outline how the Council will consider plan amendment requests for MUSA staging and service expansion from communities already in the Metropolitan Urban Service Area, and how the Council will consider density in its review of forthcoming comprehensive plan updates. Updating the guidelines will:

- Reflect the Council's adoption of *Thrive MSP 2040*, in which the Council's methodology for calculating density is defined (p. 117);
- Clarify the density calculation process for communities as they prepare their 2040 comprehensive plan updates; and
- Incorporate considerations from the *2040 Water Resources Policy Plan* and staff's experience implementing the existing guidelines over the last 9 years.

Staff have identified the following revision needs:

- Housekeeping to reflect *Thrive MSP 2040* and current practice implementing existing guidelines
- Consideration for failing subsurface sewage treatment systems (SSTS)
- Incorporate into density calculations publicly-owned stormwater management facilities that use best management practices (BMPs)

A copy of a resource sheet used to distribute and explain implementation of the Guidelines is shown in Attachment B. Attachment C is the same document, but with changes from the original version shown with redlining and strike-throughs, as well as annotated explanations of the proposed changes.

## Rationale

The proposed updates to the MUSA Implementation Guidelines will clarify the Council's approach to reviewing planned land use densities in the forthcoming 2040 comprehensive plan updates. Some local plans are expected to be submitted for review this year. In addition, the proposed updates will incorporate new guidelines to reflect adopted policies in *Thrive MSP 2040* and the *2040 Water Resources Policy Plan*.

## Thrive Lens Analysis

The proposed updates further the land use policies identified in *Thrive MSP 2040*. To achieve the outcomes identified in *Thrive*, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve *Thrive* outcomes.

## Funding

None.

## **Known Support / Opposition**

Council staff have had individual conversations regarding the proposed updates with several local government staff around the region. In addition, staff have coordinated with MetroCities to seek feedback, particularly on clarity of the proposed language. Local government staff and MetroCities have been supportive of the proposed changes.

## **Attachments**

- Attachment A: Revised Metropolitan Urban Service Area (MUSA) Implementation Guidelines (November 2007)
- Attachment B: DRAFT Metropolitan Urban Service Area Implementation Guidelines – simplified
- Attachment C: DRAFT Metropolitan Urban Service Area Implementation Guidelines – redlined



## Revised Metropolitan Urban Service Area (MUSA) Implementation Guidelines

November 2007

### Background

Local comprehensive plans for “developing” communities submitted in the 1998 comprehensive plan updates (CPUs) identified the timing and staging of lands available for urban development to 2020; and, in many cases, areas planned for longer-term urbanization, often described as urban reserve areas. These areas planned for new development were expected to ultimately achieve a minimum net residential density of 3 dwelling units per acre when wastewater services became available.

To ensure an adequate supply of urban land to accommodate future regional growth the Council continues to monitor the region’s land supply. Monitoring includes designation of 2020-2030 land uses; enforcement of minimum urban density standards of 3-5 dwelling units per net residential acre in sewered areas; and planning for additional MUSA in the 2008 round of comprehensive plans that extend the planning horizon to 2030. In addition, the Council has a plat monitoring program that reports annually on development density trends in several developing communities and will be required in all developing communities following Council review of the 2008 round of comprehensive plan updates.

### Revised Guidelines

In October of 2004 the Council adopted “Guidelines for Evaluating Plan Amendments Proposing Changes to Metropolitan Urban Service Area (MUSA) Timing Staging.” Since early 2007, the Metropolitan Council and Metro Cities staffs have discussed the guidelines relative to the density calculation and the 2008 comprehensive plan reviews. Metro Cities requested that the Council consider revising its implementation guidelines to be more flexible, more responsive to market forces, and to acknowledge the performance of individual communities in achieving the Council’s policy of a minimum of 3 units per net acre.

The Council agreed with Metro Cities’ principles. In an attempt to respond to Metro Cities’ concerns while maintaining the Council’s objective of efficient, economical growth, the guidelines were revised as follows on September 12, 2007:

1. The city's overall residential density for development since 2000 must be a minimum of three units per developable acre. Determination of this density will be based on constructed residential units and approved preliminary plats.
2. Cities that have participated in the Council's Plat Monitoring Program beginning in 2000 or submitted the necessary plat data from 2000 will be credited on a 1:1 basis for housing units platted or developed that yield an overall average density in excess of 3 units per net developable acre. The housing unit credits will be applied to areas guided for 2020-2030 urban services and to any other proposed reguided areas. The combined overall average density needs to be a minimum of 3 units per net developable acre based on an acreage average of the city’s actual development and platting since 2000, the lowest allowable density in 2020-2030 guiding, and any reguided land.



3. Without development history from 2000, the Council will use the lowest allowable density on land guided for development from 2020-2030 and any reguided land from within the 2020 MUSA as changed from the city's 1998 CPU.
4. The Council will not figure into the density calculation remaining undeveloped land within the 2020 MUSA per the city's existing 2020 plan, with the exception of areas that are being reguided in the 2030 CPU.
5. If an area is replatted, the Council will not recalculate the density for this area in the plat monitoring program.
6. Existing developments that are part of townships or areas being annexed from townships, or areas that were developed prior to 1985 with failing septic systems and no on site alternative septic locations will not be counted against a city's density calculation.

### Implications for Planning

Forecasts/planned growth and minimum density requirements are separate but interrelated issues. The Met Council requires an overall minimum density in MUSA areas of at least 3 units per net developable acre. However, this minimum requirement represents a 'worst case' scenario. In accordance with the Regional Development Framework, cities should plan to meet growth forecasts with density ranges between 3-5 units per acre for the MUSA area within each community. The Council also understands the community's need to plan for what their expectations will be for development patterns to accommodate forecasted growth. It is likely that this will in fact result in density that is greater than the lowest end of a density range. Therefore communities and the Council should plan to meet growth forecasts on the basis of a density somewhere between the lowest and highest numbers in the range of land use guiding.

#### Example:

**Forecast:** Growth of 3,000 sewered housing units, 2020-2030

**Guiding:** 3-5 units per acre

**Question:** How much land is needed to accommodate this much development?

**Answer:** Community may/should plan based on reasonable expectations (e.g., 4 units per acre => 750 acres) rather than lowest allowable (i.e., 3 units per acre => 1,000 acres). The Council is already planning on this basis (ES sewer planning expects 4 units per acre).

### Application

For all comprehensive plan amendments, the community needs to complete the comprehensive plan amendment submittal form. If a comprehensive plan amendment proposes a MUSA expansion, change in MUSA timing or staging, or sewer staging changes at less than 3 units/acre, the community will also need to complete the question(s) which address each of the MUSA expansion guidelines. The submittal form can found on the Council's website at <http://www.metrocouncil.org/planning/assistance/resources.htm>

## Background

Local comprehensive plans for communities with regional wastewater service must identify the timing and staging of lands available for urban development through the planning horizon in 10 year stages. In many cases, communities also identify areas planned for longer-term urbanization, described as urban reserve areas or long-term service areas. These areas planned for new development are expected to ultimately achieve a minimum net residential density of 3 dwelling units per acre when wastewater services become available.

To ensure an adequate supply of urban land to accommodate future regional growth the Council continues to monitor the region's land supply. Monitoring includes tracking the designation of guided land uses, enforcement of minimum urban density standards in sewered areas, and planning for additional area in which the Council will ensure that regional services are provided (i.e. MUSA) in the next decennial round of comprehensive plans that extends the planning horizon an additional decade. In addition, the Council continues to run the Plat Monitoring Program, which tracks and reports annually on density trends of residential development in all Suburban Edge and Emerging Suburban Edge (formerly "Developing") communities.

In October of 2004, the Council adopted "Guidelines for Evaluating Plan Amendments Proposing Changes to Metropolitan Urban Service Area (MUSA) Timing Staging." In early 2007, the Metropolitan Council and Metro Cities staffs discussed the guidelines relative to the density calculation and the 2008 comprehensive plan reviews. The Council revised these implementation guidelines in 2007 to be more flexible, more responsive to market forces, and to acknowledge the performance of individual communities in achieving the Council's policy for average minimum net residential densities.

## Updated Guidelines

Building on the previous versions, the Guidelines are updated to provide clarity in the language, remove outdated references, and recognize innovative practices in local stormwater management. The Council adopted these Updated Guidelines on XXXXX ##, 2017.

### *Changes to the Geography or Staging of the Metropolitan Urban Service Area*

For communities wholly or partly within the Metropolitan Urban Service Area, the Council will consider requests for changes to the geography or staging of the MUSA. The Council will review for system conformance and policy consistency, using the following guidelines regarding calculating density:

1. The city's overall residential density for development since 2000 must be a minimum of three units per developable acre. Determination of this density will be based on approved preliminary plats as reported in the Plat Monitoring Program.
2. The following will not be counted in a city's density calculation:
  - a. Replatted areas that were previously platted and reported in the Plat Monitoring Program.
  - b. Existing developments that are part of townships or areas being annexed from townships.
  - c. Areas that have failing sub-surface sewage treatment systems (SSTS) and no on-site alternative SSTS locations. The city shall provide documentation from a licensed SSTS inspector confirming the failure of the existing system and the existing conditions on the site that prohibit the installation of a new SSTS.

3. Communities may receive credit for the installation of stormwater BMP facilities provided that the facilities are located on separate lots or outlots, are publicly-owned, properly maintained, and do not encroach upon or modify an existing natural resource.

### *Comprehensive Plan Updates*

In review of decennial updates to local comprehensive plans, the Council will calculate density consistent with the policies of the current metropolitan development guide as follows:

1. For communities that participate in the Council's Plat Monitoring Program, the Council will calculate density giving credit on a 1:1 basis for housing units platted or developed that yield an overall average density in excess of the applicable minimum net density required in the current metropolitan development guide. The housing unit credits will be applied to areas guided for the next decade of planned development on urban services and to any other proposed reguidd areas.
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3. For communities without platted development history, the Council will calculate density using the lowest allowable density on land guided for development for the next decade of planned development and any reguidd land within the community's current approved MUSA.
4. The Council will not include in the density calculations any remaining undeveloped land within the current approved MUSA in the city's existing comprehensive plan, with the exception of areas that are being reguidd in the comprehensive plan update.



Revised Metropolitan Urban Service Area (MUSA)  
Implementation Guidelines

November 2007 Month 2017

## Background

Local comprehensive plans for ~~developing~~ communities with regional wastewater service must ~~submitted in the 1998 comprehensive plan updates (CPUs) identified the timing and staging of lands available for urban development to 2020 through the planning horizon in 10 year stages; and, in many cases, communities also identify areas planned for longer-term urbanization, often described as urban reserve areas or long-term service areas. These areas planned for new development were are~~ expected to ultimately achieve a minimum net residential density of 3 dwelling units per acre when wastewater services become available.

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## Revised Updated Guidelines

In October of 2004 the Council adopted "Guidelines for Evaluating Plan Amendments Proposing Changes to Metropolitan Urban Service Area (MUSA) Timing Staging." Since early 2007, the Metropolitan Council and Metro Cities staffs have discussed the guidelines relative to the density calculation and the 2008 comprehensive plan reviews. Metro Cities requested that the Council consider revising its implementation guidelines to be more flexible, more responsive to market forces, and to acknowledge the performance of individual communities in achieving the Council's policy of a minimum of 3 units per net acre.

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Barajas, Lisa

This section has been updated to make the time references less year-specific and more timeless. In addition, minor housekeeping changes have been made to reflect updated Thrive community designations.



Barajas, Lisa

This paragraph is moved here as it belongs in the Background more than in the Guidelines section.



Barajas, Lisa

This section re-organizes content from the previous guidelines to group the guidelines applicable in requests for changes. The content within this section is also reorganized to improve clarity around what is counted and what is not counted in a community's density calculation.



The Council agreed with Metro Cities' principles. In an attempt to respond to Metro Cities' concerns while maintaining the Council's objective of efficient, economical growth, the guidelines were revised as follows on September 12, 2007:

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### Comprehensive Plan Updates


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~~2. If an area is replatted, the Council will not recalculate the density for this area in the pPlat mMonitoring pProgram.~~


~~Existing developments that are part of townships or areas being annexed from townships, or areas that were developed prior to 1985 with have failing septic sub-surface sewage treatment systems (SSTS)~~

 Barajas, Lisa  
This section removes the 1985 date for development and adds documentation requirements

 Barajas, Lisa  
Previous guidelines that applied to comprehensive plan update reviews are organized in this section for clarity.

 Barajas, Lisa  
As part of the review of 2008 comprehensive plan updates, the Council required the non-participating "Developing" communities to participate in Plat Monitoring. Only about 15 of the 45 PMP communities began participating in 2000.

 Barajas, Lisa  
Spelled out for clarity

 Barajas, Lisa  
This information is moved to the MUSA changes section above.

~~and no on-site alternative septic SSTS locations will not be counted against a city's density calculation. In the instance of a property with a failing SSTS and no on-site alternative, the city shall provide documentation from a licensed SSTS installer confirming the failure of the existing system and the existing conditions on the site that prohibit the installation of a new SSTS.~~

~~3. As part of the Plat Monitoring Program, cities may receive credit for the installation of publicly-owned stormwater management facilities, within a development, that use innovative design practices.~~

~~4.~~

### Implications for Planning

Forecasts/planned growth and minimum density requirements are separate but interrelated issues. The Met Council requires an overall minimum density in MUSA areas of at least 3 units per net developable acre. However, this minimum requirement represents a 'worst case' scenario. In accordance with the Regional Development Framework, cities should plan to meet growth forecasts with density ranges between 3-5 units per acre for the MUSA area within each community. The Council also understands the community's need to plan for what their expectations will be for development patterns to accommodate forecasted growth. It is likely that this will in fact result in density that is greater than the lowest end of a density range. Therefore communities and the Council should plan to meet growth forecasts on the basis of a density somewhere between the lowest and highest numbers in the range of land use guiding.

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### Application

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**Barajas, Lisa**  
This section is moved to the MUSA changes section above.



**Barajas, Lisa**  
This information is not pertinent to the main point of these guidelines and best belongs in a fact sheet explaining how to accommodate forecasted growth.



**Barajas, Lisa**  
Guidelines do not need to include how to submit plan amendments. The process for submitting plan amendments can change as technology changes, leading this section to become outdated when no other changes are need to the Guidelines themselves.