Information Item

Land Use Advisory Committee

METROPOLITAN
C O U N C I L

Meeting Date: March 21, 2024

Topic

Draft Land Use Policies and Actions for Objective 1 (growth management), Objective 3 (community wellbeing and safety) and Objective 6 (equity)

Staff Prepared/Presented: Angela R. Torres, Senior Manager, Local Planning Assistance (651-602-1566)

Division/Department: Community Development / Regional Planning

Background

The Land Use Advisory Committee (LUAC) has reviewed and provided feedback on draft land use objectives for *Imagine 2050*. Most recently providing feedback on the direction on density policy at the special meeting held on February 22, 2024. At the March 21, 2024, LUAC meeting, the Committee will briefly review a comparison of *Thrive MSP 2040* land use policies and begin review of key land use policies drafted for *Imagine 2050,* starting with review of policies and actions for:

Objective 1: Respect the relationship with land and water as a foundation for regional growth.

Objective 3: Establish vibrant, inclusive, connected, and safe communities for people to live in.

Objective 6: Remedy past and present discriminatory land use practices.

Objective 1 reflects key policy areas critical to the comprehensive planning process, reflecting much of the Council's land use regulatory role. The discussion topics, like density requirements and the Metropolitan Urban Service Area (MUSA), have been the subject of recent committee discussions.

Objectives 3 and 6 do not have a direct correlation with a *Thrive MSP 2040* land use policy and should be discussed independently. The remaining five objectives (below) will be discussed at the next LUAC meeting on May 16, 2024, to allow for a more robust conversation of key policies related to each objective.

2. Maximize opportunities for growth in places well-served by transit, bicycle, and pedestrian infrastructure.

4. Ensure that development activities contribute to the fullest protection and restoration of natural systems on every level.

5. Ensure that in all types of communities, people find housing opportunities that align with their needs.

7. Strengthen the climate resilience of neighborhoods and communities through sustainable land use and development patterns.

8. Support the economic wellbeing of our region and its communities.

Discussion Questions

The Committee will be asked to consider these questions:

• Are new approaches to policies going in the right direction?

• Should existing approaches be refined?

- Are there existing approaches that should not be carried forward?
- Are we missing any approaches in any areas?

Comparison of land use direction in *Thrive MSP 2040* and *Imagine 2050*

	Thrive MSP 2040	*Imagine 2050* Objectives
Growth Management	Orderly and Efficient Land Use: Align land use, development patterns, and infrastructure to make the best use of public and private investment.	Respect the relationship with land and water as a foundation for regional growth.
Transportation	Access, Mobility, and Transportation Choice: Sustain and improve a multimodal transportation system to support regional growth, maintain regional economic competitiveness, and provide choices and reliability for the system's users.	Maximize opportunities for growth in places well-served by transit, bicycle, and pedestrian infrastructure.
Community Wellbeing and Safety	*No Thrive MSP 2040 equivalent*	Establish vibrant, inclusive, connected, and safe communities for people to live in.
Natural Systems	Natural Resources Protection: Conserve, restore, and protect the region's natural resources to ensure availability, support public health, and maintain a high quality of life. Water Sustainability: Conserve, restore, and protect the quality and quantity of the region's water resources to ensure ongoing availability, support public health, and maintain a high quality of life.	Ensure that development activities contribute to the fullest protection and restoration of natural systems on every level.
Housing	Housing Affordability and Choice: Promote housing options to give people in all life stages and of all economic means viable choices for safe, stable, and affordable homes.	Ensure that in all types of communities, people find housing opportunities that align with their needs.
Equitable Development	*No Thrive MSP 2040 equivalent*	Remedy past and present discriminatory land use practices.
Climate Resilience	Building in Resilience: Promote sensitive land use and development patterns to achieve Minnesota's adopted greenhouse gas emissions goals at the regional scale, and to develop local resiliency to the impacts of climate change.	Strengthen the climate resilience of neighborhoods and communities through sustainable land use and development patterns.
Economic Wellbeing	Economic Competitiveness: Foster connected land use options to provide businesses and industries with access to materials, markets, and talent.	Support the economic wellbeing of our region and its communities.

Metropolitan Council

Objective 1: Comparison of themes / policies in *Thrive MSP 2040* and *Imagine 2050*

This table includes the policy and action themes that are either proposed to be new in *Imagine 2050*, are similar or the same as *Thrive MSP 2040* policies and actions, or reflect re-emerging or evolving approaches from previous regional plans.

New	Same/Similar	Re-emerging or evolving
Indigenous perspectives	Maximize infrastructure investment	Rolling land supply
Regional land management guidelines	Promote compact development	Minimum density increases with opportunities for flexibility
Establish a Native Partnership Council	Direct growth where infrastructure already exists	MUSA expansions based on defined criteria
Equitable development approaches	Reduce outward development pressures in rural and natural resource areas	
Focus on people, residents, and community benefits rather than public/private benefits	Density expectations are based on community designations, with additional expectations near transit stations	
Identify forecasted growth and land supply by decade; future land use GIS data provided	Rural Service Areas meet maximum allowable densities	
Density policies address trends reflecting lower developed densities than required regional minimum density requirements	Accommodate growth within the existing MUSA boundary	
Discourage solar developments on prime farmland or farmland of statewide importance	Establish minimum density requirements by Community Designation	
Support urban agricultural uses on vacant/underutilized land	Protect agricultural and rural areas from urbanization	
Community-wide growth considers water supply constraints	Encourage redevelopment, infill, and adaptive reuse	
Rural Residential Community Designation is inconsistent regional system plans	Direct growth away from sensitive ecosystems to protect natural systems	
	Prevent groundwater contamination from development	
	Adopt regional guidelines to protect priority waters and aquifers and restore water quality as part of development	
	Local Water Supply Plans demonstrate availability of clean, safe drinking water where accommodating forecasted growth	

For discussion: Land Use Objective 1 Policies and Actions

Objective 1: Respect the relationship with land and water as a foundation for regional growth.
Land and water are essential for sustaining all life. We recognize that planning for the region is about more than accommodating a growing human population, but also about respecting the needs of all living things in the region. Regional growth requires the orderly and efficient development of land to meet evolving and expanding needs. A development pattern that minimizes the amount of land used to accommodate growth supports this outcome by leveraging the region's existing resources. Directing growth to areas where infrastructure already exists promotes efficient use of available infrastructure capacity in the urban and rural service areas and reduces the need for infrastructure expansion. The concentration of growth in existing service areas also prevents premature development of agricultural areas and destruction of natural systems. Managing growth in this manner allows our region to preserve its agricultural economy and rural lifestyles while accommodating the needs of residents and businesses.

Policies and Actions Draft Language
1. Incorporate indigenous approaches, values, and practices in management of land and water sources.
   a. Adopt regional land management guidelines co-created with indigenous community partners.
   b. Establish a Native Partnership Council with authority and dedicated resources to develop and advise on the implementation of land management guidelines in areas of Council influence or ownership.
2. Minimize the amount of land needed to accommodate regional growth and reduce the cost of infrastructure expansion and service improvements through orderly and economical growth.
   a. Promote more compact development in areas with existing infrastructure. Compact development occurs in all areas with existing infrastructure, from rural downtowns to the growing suburban areas to the most densely developed urban communities. Infrastructure investments at all scales, in all community types, need to be planned for a more compact development pattern. Planning for compact development patterns at all scales maximizes the benefits of investment, mitigates impacts of climate change, and builds localized resilience.
   b. Plan for a 20-year rolling land supply for to support regional forecasted growth. Requests for new community connection to the regional wastewater system outside of the Council's long-term sewer service area will be based on the regional need for additional land to accommodate growth.
   c. New connections to the regional system must meet the minimum density requirement for the local government's community designation. Flexibility to connect lower density developments will only be considered if the local government has a demonstrated history of exceeding minimum density requirements through the Council's Plat Monitoring or other development monitoring programs.
   d. Requests for MUSA expansions within already served communities shall be consistent with regional density policy at the development scale and reviewed against the need for additional land to accommodate forecasted growth.
   e. Focus growth, both community-wide and in transit station areas, to maximize infrastructure investments.
   f. Local plans must identify forecasted growth and land supply by decade. Local plans shall designate guided land use shall at the parcel level. Local governments shall submit future land use GIS data to the Council and update it as needed including as part of amendments to plans.
   g. PLACEHOLDER for Development Expectations by Community Designation. Minimum and maximum densities for both Urban (within the MUSA and Rural Centers) and Rural (outside the MUSA) Service Areas will be included here.
      - Density policies shall address trends in approved plats and existing development patterns that reflect lower developed densities than required regional minimum density requirements.

- The Council will calculate consistency with Community Designation density expectations by including all land guided to support growth, not just areas of change.
- The Council will consider requests for forecast changes based on the likelihood of development, reasonableness of expectations, conformance with other policies, and consistency with regional systems planning.
- The Council will update the MUSA Implementation Guidelines, Flexible Development Guidelines, and other resources to align with regional goals and to be consistent with the updated policies in *Imagine 2050*.
- The Council will use a performance-based approach to allow for consideration of flexibility in determining consistency with minimum planning requirements. Past plans and actions including regional goal and regional policy consistency, existing development patterns, plat monitoring data, adopted plans and ordinances as well as other relevant data will be used to determine eligibility for MUSA expansion, flexible density programs (to be established), or application of density credits.
- Explore a programmatic approach to flexible application of density requirements to incentivize local implementation of regional goals. Develop a structure and requirements where flexibility may be acceptable in developing communities without jeopardizing conformance/consistency.
- Establish a "target/goal" for overall community density.

h. Encourage orderly annexation agreements between growing Rural Centers and adjacent townships to encourage planned and orderly development in rural areas, where applicable.
- Local governments may only plan for areas within their municipal boundaries unless an orderly annexation agreement authorizes another jurisdiction to assume planning authority. Planning to utilize the annexation-by-ordinance process does not convey long term planning authority and will not be considered as part of comprehensive plan review.
- Orderly annexation agreements must encompass the entire planning horizon, and must identify updates that need to occur within the planning period. Plan authorization may only apply to timelines permitted within the orderly annexation agreement.
- Local planning that encompasses areas outside of jurisdictional authority will not be considered as part of authorization of local comprehensive plans. Local governments need to plan for their forecasted growth within the confines of their jurisdictional authority.

3. Minimize urbanization of rural and agricultural areas and retain the ability to provide urban services based on regional system plans and long-term needs.
   a. Promote enrollment in the Metropolitan Agricultural Preserves Program including supporting legislative changes to strengthen the Metropolitan Agricultural Preserves Program.
   b. Encourage preservation of land identified as Prime Agricultural Soils from uses other than agricultural production and its ancillary uses. Discourage solar developments on prime farmland or farmland of statewide importance.
   c. Encourage promulgation of right to farm policies and ordinances at the local level.
   d. Support the growth of urban agriculture by encouraging the use of vacant and underutilized parcels for this purpose and by providing model ordinances that promote urban agriculture. The Council will evaluate how the following can promote long-term agriculture consistent with adopted regional goals in *Imagine 2050*.
- supporting changes to building code to reduce the barriers for constructing hoophouses and similar agricultural structures on non-farm properties.
- encouraging creation of small (sub 40 acre) farms within Diversified Rural communities.
- supporting changes to definition of farm to expand benefits to smaller (sub 10 acre) farmsteads.
   e. Evaluate the impact of rural development patterns within the Long-term Sewer Service Area, particularly near Rural Centers.

f. The Council will not consider any additions or expansions to the Rural Residential Community Designation, as it is a development pattern inconsistent with regional goals. expansion of the designation constitute a substantial departure from regional system plans.

4. Maximize use of the existing built environment by encouraging redevelopment, infill, and adaptive reuse.
    a. Establish a Redevelopment Monitoring program to track and report on redevelopment trends and evaluate consistency with Council policies.
    b. Evaluate building permit survey information that may be necessary to inform frequency and success of adaptive reuse of buildings.
    c. Encourage adaptive reuse of vacant or historic buildings and structures for cultural and community purposes.

5. Direct growth away from sensitive ecosystems to prioritize protection of natural systems.
    a. Prevent groundwater contamination from development, especially in highly vulnerable Drinking Water Supply Management Areas.
    b. Community-wide growth shall consider water supply constraints in the management of growth and development across the region.
    c. Adopt regional guidelines to protect vulnerable, regional priority waters and aquifers from development and restore water quality as part of development practices.
    d. Local Water Supply Plans, as part of the local comprehensive plan, shall adequately demonstrate availability of clean, safe drinking water in areas where accommodating forecasted growth. Amendments to Local Water Supply Plans are needed when changes exceed the Council-adopted threshold for change which will be established through adopted guidelines for comprehensive plan amendments.

For discussion: Land Use Objective 3 Policies and Actions

Objective 3: Establish vibrant, inclusive, connected, and safe communities for people to live in.
Peoples' experiences of the places in which they live, work, and recreate reflect the livability of the region. Feelings of safety and connection in one's community promote a sense of belonging and ownership, offering residents access to many of the things they desire close to home. Planning for future growth presents the opportunity to design places where new and existing residents can gather, interact, and connect. Communities can use these spaces to celebrate local culture and history through events that bring together people from different backgrounds. While community connection impacts feelings of safety within a community, land use decisions also create a built environment that supports safety, physical activity, and access to amenities and services, contributing to the notion that residents can conveniently access many of their needs and desires within their own community.

Policies and Actions Draft Language
1. Prioritize planning practices that support mixed-use development, walkable neighborhoods, and easy access to public transportation.
    a. Develop transportation, land use, and open space plans that prioritize human-scale urban planning.
    b. Reevaluate parking requirements for new developments to encourage alternative modes of transportation.
    c. Consider form-based codes to ensure that new developments contribute positively to the overall urban fabric.
    d. Implement a holistic infrastructure design review process for coherent and connected public spaces.
    e. Adopt a Complete Streets policy in the land use plan and integrate this policy into zoning ordinances, transportation plans, and development regulations to ensure its consistent application in all projects and street redesigns.
    f. Incorporate Crime Prevention through Environmental Design principles into new developments.
2. Plan and maintain public spaces for community gatherings.
    a. Incorporate placemaking initiatives, such as street vending, pop-up parks, farmers markets, and community art installations, to inject vibrancy and encourage social interaction in public spaces.

b. Facilitate creation and maintenance of free and accessible public gathering spaces.
c. Facilitate update of zoning ordinances that allow for public spaces, including specific locations with access to water, restrooms, public transit, and parking.
d. Support culturally significant design elements that animate the urban landscape.
e. Support public art installations that draw residents to public spaces.

3. Prioritize and plan for creation and preservation of green public spaces in urban areas.
    a. Support neighborhood scale public open space and use of green spaces for community benefit.
    b. Consider innovative and emerging practices to adapt underutilized land or buildings for development of green infrastructure.
    c. Incentivize preservation and integration of existing green spaces in new developments or redevelopments for public use.
    d. Incentivize and support the development of community-based urban agriculture initiatives.

4. Center community engagement in the planning process to build community trust and ownership.
    a. Utilize public and private partnerships to implement projects, including community groups, neighborhood organizations, and schools, to enhance context sensitive design and foster community identity.
    b. Invest in community-led development initiatives that support the long-term affordability and stability of gentrifying neighborhoods.

5. Protect historic and cultural assets.
    a. Local governments must identify historic and cultural assets within their community.
    b. Local governments must develop policies to protect and preserve historic and cultural assets within their community.
    c. Local governments should adopt culturally expansive ordinances for the preservation, protection, and restoration of historic and cultural assets.
    d. Provide technical assistance to local governments on culturally expansive historic preservation practices.

6. Incorporate inclusive design principles that consider the needs of all community members including various cultural backgrounds, age groups, languages, and gender identities.
    a. Plan for developments that meet or exceed the minimum ADA standards to fully meet the needs of people with disabilities.
    b. Collaborate with educational institutions to implement safety measures around schools.
    c. Incorporate designated Safe Routes to Schools into urban planning strategies to enhance infrastructure and safety measures, as well as optimize land use around educational institutions.

7. Integrate sustainable water management strategies into the design of vibrant public spaces.
    a. Incorporate water conservation practices such as wastewater and stormwater reuse, and low-impact development practices when designing public spaces.

For discussion: Land Use Objective 6 Policies and Actions

Objective 6: Remedy past and present discriminatory land use practices.
Our region has a history of discriminatory planning and policy decisions that contributed to persisting inequities and disparities. Discriminatory practices such as redlining, racially restrictive covenants, and disproportionate investment have left lasting impacts on Black, Indigenous, and people of color across the entire region. Such practices have resulted in:

- Disparities in income and homeownership rates,
- Hindrance to generational wealth building opportunities
- Disparities in generational wealth between white and Black, Indigenous, and people of color
- Disproportionate exposure to environmental injustices that contribute to health disparities,
- Inadequate provisions and access to green spaces,
- Stifled community connection and cultural connection,
- Adverse impacts on job access and educational opportunities, and
- Constrained transportation options across the region.

Although federal law and court cases have prohibited overtly discriminatory planning and policy

decisions, gaps between white people and Black, Indigenous, and people of color continue to widen and the effects of past practices reverberate and are perpetuated today. These policies have been replaced by seemingly neutral policies that reinforce barriers to more equitable outcomes. As we move forward, it is imperative to not only acknowledge the historical faults embedded in our land use policies but also actively engage in collaboration with communities that have borne the brunt of discriminatory decisions to work towards a more equitable region.

Policies and Actions Draft Language
1. Take ownership of past harms, provide transparent communication, and hold governments accountable to plans and actions.
    a. Provide technical assistance for equitable land use planning and development practices.
    b. Develop a public dashboard to share progress toward equity goals.
    c. Provide technical assistance for developing and implementing decision-making tools to prioritize equitable outcomes across capital projects.
    d. Acknowledge inequities and disparities that exist within local jurisdictions and across the region and identify strategies to address them.
    e. Partner with Just Deeds to discharge racially restrictive covenants from housing deeds.
    f. Evaluate existing and proposed programs, policies, and procedures for disproportionate impacts on marginalized and underrepresented communities.
2. Prioritize engagement and collaborate with underrepresented populations to develop plans, policies, and programs responsive to and reflective of community needs.
    a. Expand representation of marginalized and underrepresented populations on boards, commissions, and committees.
    b. Partner with organizations that represent marginalized and underrepresented populations to inform program and policy development with a focus on cultivating trust and forming long-standing relationships.
    c. Partner with community organizations to support building community capacity to understand and engage successfully with local and regional government processes.
    d. Identify and eliminate barriers to engagement participation including location, timing, and access to childcare.
    e. Build capacity to conduct culturally responsive and inclusive engagement, including language services, ADA services, community assessments, and best practices.
    f. Reimburse community members participating in engagement for their time and expertise.
3. Promote equitable distribution of public investments to benefit communities disproportionately harmed by past and present planning practices and to eliminate racial disparities and discrimination.
    a. Develop strategies to restore community connections in areas negatively impacted by planning and investment decisions.
    b. Explore the opportunity to establish a reparative actions fund to finance mitigation measures for known and acknowledged past harms to the environment, to native communities, to black communities, and communities of color unjustly harmed by past local or Council actions.
    c. Apply the Anti-Displacement Framework to ensure Metropolitan Council investments and policies center and empower communities and reduce harm.
    d. Provide technical assistance to create an analysis methodology and equity/environmental justice framework to evaluate how projects benefit or harm different communities and demographics.
4. Center the native experience in decision-making and implement the actions included the Council's acknowledgment statement that all land in this region is Dakota land.
    a. Engage in Tribal consultation with adjacent and affected Tribal governments throughout the planning process.
    b. Create a power sharing structure to partner with urban Indian organizations and community members in the planning processes identified in the land acknowledgment actions.
    c. Update the Council's processes for tribal consultation and native community engagement.