



MEMORANDUM

Comfort Lake-Forest Lake Watershed District

Date: January 27, 2026
To: CLFLWD Board of Managers
From: Mike Kinney, District Administrator
Subject: U. of St. Thomas Sustainable Communities Program



District Wide

Background/Discussion:

The purpose of this agenda item is to inform the Board about the Sustainable Communities Program (SCP) through the University of St. Thomas. Late last fall, I had contacted the University of St. Thomas about their SCP Program. The SCP collaborates with government and campus partners to engage students in real-world, experiential learning and creative problem-solving by integrating partner-identified sustainability projects into St. Thomas courses across disciplines. SCP expands partner capacity to address long-standing and emerging sustainability challenges facing our communities and prepares students to be sustainability leaders and collaborators in their future career paths.

I have recently been in touch with the University of St. Thomas to commit to doing a project with a faculty member and a student who is funded by a grant from the University itself for up to 200 hours of work. There will be no costs to the District unless we offer to pay for some travel expenses to the District for occasional meetings and some related work. The program requires that I execute a contract to ensure that we support the project.

<https://www.stthomas.edu/about/sustainability/osi/>

The attached memo from the Sensible Land Use Coalition is a separate but related matter to the topic of permitting costs. The Sensible Land Use Coalition was discussed at the February 12th regular board meeting during the Report of Managers. The February 12th draft minutes are available on the [March 26th regular board meeting](#) packet webpage.

Attached:

Sensible Land Use Coalition Paper

Housing Affordability Retreat – SLUC White Paper (Released 12-29-25)

Sensible Land Use Coalition (SLUC)

This white paper was commissioned by SLUC. SLUC originated in the 1980's with the goal of creating a space where the private and public sectors could hold a dialogue regarding land development issues. It has been based on strong collaboration with a focus on education and practicality. One example is that the 1991 Wetland Conservation Act (WCA) was initiated by SLUC. You will notice that one recommendation in this paper is a refresh of the WCA.

Executive Summary

On October 1, 2025, the Sensible Land Use Coalition held a well-attended program with a panel consisting of two city planners and two builders/land developers that discussed potential state legislative topics that all could agree to regarding housing affordability. There was consensus that housing affordability has become a significant problem in the Twin Cities.

The panel discussion in October, evolved into a "Retreat" for interested participants which was then held on November 21, 2025. There were eleven city representatives and eleven builder/developer representatives for a total of 22 participants. This all-day retreat was facilitated by a neutral third party (Jake Loesch with the Citizens League). There are many factors associated with our housing affordability crisis. It is a complex issue that will involve a wide variety of complex solutions. This white paper attempts to identify and implement some of those solutions. Our goal in holding the retreat and assembling this list of agreed upon actions is to present to our state legislature an initial list of actions that have a significant amount of support from both cities and land development/home builders.

It should be noted that many of the retreat participants have experience in both the public and private sectors. These people are experts who understand land development and construction. They are the people who deal with the detailed issues associated with land development and housing daily. This is a highly credible group of professionals that collectively have **559 years** of experience in the industry.

During the retreat, the following issues were agreed upon which could positively impact housing affordability:

1. **Remove Environmental Assessment Worksheet (EAW) thresholds for housing projects in cities with approved Comprehensive Plans.**
 - a. If the above is deemed to not be feasible, it is recommended to increase the EAW threshold for any housing projects to 1,500 single family housing units or 2,500 total units if 1,250 or more are multifamily units.
2. **Comprehensive Plan Amendments** should be changed to require city council votes from a supermajority (4 votes out of 5 or 5 votes out of 7) to a simple majority (3 votes out of 5 or 4 votes out of 7).
3. **Simplify the Comprehensive Plan Amendment process.** If the amendment involves less than 50 acres, then the Metropolitan Council must act on this application within 30 days through an administrative process.

4. **Comprehensive Plan land use boundaries are approximate.** Comprehensive Plan Amendments should not be required by the Metropolitan Council so long as overall density meets the guided density outlined in the Comprehensive Plan.
5. **Increase the Municipal Urban Service Area (MUSA)** metro wide by 25% to account for non-willing land sellers and price disparities.
6. The 1991 **Minnesota Wetland Conservation Act (WCA)** should be refreshed to become more effective and efficient.
7. **Simplify the designated local governing units.** Cities shall have the option of assuming sole wetland and storm water jurisdictional/regulatory authority. In doing so, watershed districts will not have different design standards than cities and may only advise cities in an advisory capacity.
8. **Housing where it makes sense.** Let cities decide where housing makes sense within existing commercial/industrial areas. There is general agreement that no new local control preemption or regulation is needed regarding this issue currently.
9. **Cities must justify their fees.** Every five years, all cities should be required to identify and justify their sewer, water, and storm water trunk charges.
10. **City fees should be transparent.** Net acre calculation methodologies should be clear, and all calculations should be shown with example calculations provided. Cities should provide a fee statement.
11. **City fees for roadways.** Allow cities to charge fees for needed roadway construction and upgrades funded by fair and proportional impact fees (area charges) if fees are transparent, directly related and disclosed in advance of any approvals.
12. **Comprehensive Plan and Zoning District coordination.** Within one year of adoption of a city's Comprehensive Plan, cities shall confirm that minimum lot/unit sizes within corresponding zoning districts meet minimum densities identified in the Comprehensive Plan. If not, then cities shall allow a Planned Unit Development option without additional public benefit requirements that will meet the prescribed density.
13. **Allow Accessory Dwelling Units (ADUs) by right** with cities allowed to create minimum standards (size, height, location, materials, occupancy, etc.) in all residential districts.
14. **City Engineering Standards.** Create a task force including the private sector and the City Engineers Association of Minnesota (CEAM) specifically focused on identifying value engineering recommendations for municipal infrastructure standards.
15. **Up to 50% of trees may be removed on a property without compensation or replacement. A City may allow greater than 50% removal.** Implement uniform standards about types and definitions of trees (exempted species, significant, specimen, etc.).
16. **A letter of credit (LOC) should be limited to no greater than 100% of the engineering cost** estimate and not duplicative with another regulatory agency.

This group of experienced experts recognizes that there are other measures that could positively impact housing affordability. The goal of this white paper is to summarize potential legislative efforts that were agreed upon by this group of city and builder representatives.

Background on Housing Affordability

The most accurate measure of housing affordability would account for the different costs of living in various metropolitan areas. The ratio of home price to average household income accounts for cost of living and therefore is the most accurate and useful measure of affordability. A ratio of 3.0 or less has historically been considered affordable (Demographia International: <http://www.demographia.com/dhi.pdf>). In 1970, all states had a ratio less than 2.5 except

Hawaii. As recently as the late 1980's, the national average was 2.75. In 2021, our national median was 4.2 and Minnesota was 3.9. In 2024, our national median was 4.8 and Minnesota was 4.1.

Table ES-1 DEMOGRAPHIA HOUSING AFFORDABILITY RATINGS	
Housing Affordability Rating	Median Multiple
Affordable	3.0 & Under
Moderately Unaffordable	3.1 to 4.0
Seriously Unaffordable	4.1 to 5.0
Severely Unaffordable	5.1 & Over
Median multiple: Median house price divided by median household income	

This long-term trend of home prices and rents growing faster than incomes has led to a crisis in housing affordability, leading to a strong growth in inequality. The causes of the long-term trend are very complex and involve many factors. The goal of the retreat participants was to address a portion of one component of this trend: the accumulation of regulations.

Admittedly, the ideas outlined in this paper are not an exhaustive list of options. More can be done regarding regulations and other factors. Representatives of both the public and private sectors recognize the scale of the housing affordability issue and wanted to create an impactful starting point in addressing it. This retreat showed that there is mutual agreement on some issues that could result in meaningful legislative changes.

Problems & Solutions

1. Environmental Assessment Worksheets

The Problem – EAW thresholds are too broad for housing projects

Within the 7-County Metropolitan Area, all cities are required by the Metropolitan Council to prepare a Comprehensive Plan every ten years. This plan is truly comprehensive, requiring future land use analysis, housing projections including mandatory density thresholds, resilience, infrastructure, parks, and the protection of natural resources. Additionally, the Comprehensive Plans must include sanitary sewer analysis, water supply, and the recent requirement to include a Local Surface Water Management Plan (LSWMP). Decades in advance of residential development, cities and the Metropolitan Council plan for which areas will ultimately develop. From an infrastructure efficiency standpoint, it is beneficial to develop properties that are contiguous to existing and planned infrastructure instead of exurban areas that may otherwise develop. From a climate change standpoint, developing properties that are within planned infrastructure areas is beneficial to minimize the distance of vehicle commuting and creates a more efficient/reliable transit system. From an overall environmental standpoint, placing housing where it has been carefully planned is preferable to exurban areas.

Comprehensive Plan requirements and scope, as well as other regulations, have grown to the point where requiring EAWs for residential developments within the Metropolitan Council's jurisdiction results in duplicative findings, delays and additional costs that only compound the housing affordability crisis in our region.

EAWs grew out of the 1973 Minnesota Environmental Policy Act, and in the last few decades, the local regulatory environment has strengthened to the point that EAWs no longer provide

environmental review value for residential development in the Twin Cities metropolitan area. Due to the various layers of environmental regulations impacting projects within the Twin Cities metropolitan area, we are struggling to find a city planner or land developer who has observed an EAW in their career that has identified an issue that wouldn't otherwise be identified. To be clear, all housing related EAWs that we are aware of resulted in a "negative declaration" which means none were required to prepare an Environmental Impact Statement (EIS). The cost and delays associated with completing EAWs for residential projects within the Twin Cities far surpass any incidental benefits derived. We recognize that environmental stewardship is a highly sensitive and politicized issue. However, the career experiences of this retreat group overwhelmingly indicated that EAWs for typical housing projects in cities with approved Comprehensive Plans no longer provide new information that would help the environment due to regulatory overlap/redundancy.

Note: The current threshold for mandatory EAWs is complicated and dependent on the type of housing being proposed. A good rule of thumb is that if the number of units is greater than 250, the threshold is surpassed. This encompasses a significant amount of new housing in the Twin Cities.

The Solution – Eliminate the threshold for residential development

Remove Environmental Assessment Worksheet (EAW) thresholds for housing projects in cities with approved Comprehensive Plans. This issue was approved by our retreat participants by an overwhelming majority.

Participants in this retreat deal with the details of land development and EAWs daily. EAWs may be very valuable scoping documents for other projects such as mines and powerplants, but when applied to typical residential housing projects that have been planned for decades it is viewed by our retreat members as wasteful and unnecessary.

Remove Environmental Assessment Worksheet (EAW) thresholds for housing projects in cities with approved Comprehensive Plans.

a. Environmental Assessment Worksheets

The Problem - EAW thresholds are too broad for housing projects

This problem was outlined in item 1.

The Solution – Extend threshold for residential development

The participants preferred the Item 1 solution. However, there was debate about whether specific lobbying groups may influence the legislature to maintain current requirements, even though this group of 22 participants deal with EAWs daily and overwhelmingly concluded that there is not enough value in completing EAWs for residential projects. Our recommendation is to enact the Item 1 solution. If for some reason this does not occur, then we recommend the Item 1a solution.

If Item 1 is deemed to not be feasible, it is recommended to increase the EAW threshold for any housing projects to 1,500 single family housing units or 2,500 total units if 1,250 or more are multifamily units.

2. City Council Vote Requirements for Comprehensive Plan Amendments (CPAs)

The Problem – Supermajority votes stop some housing

Housing is sometimes denied by a city council minority due to the need for a supermajority vote for a Comprehensive Plan Amendment (CPA). CPAs are commonly required for land use changes, timing of development, etc. This results in less housing being developed and built for the public to purchase.

The Solution – Change some votes to majority

For a Comprehensive Plan Amendment to be approved by a City Council, change the required votes from a supermajority (4 votes out of 5 or 5 votes out of 7) to a simple majority (3 votes out of 5 or 4 votes out of 7). This will result in the delivery of more housing, which impacts affordability. The logic behind this concept is that the vast majority of city business is voted on by a majority vote (city budget, ordinances, policies, etc.). If a majority of a City Council is supportive of new housing, this majority support is representative of the city's population. Why place additional burdens on the delivery of more housing when other important city decisions are decided via a simple majority system? (Note: Statute 462.355 Subd 3 indicates that if affordable housing is involved in project, a simple majority vote is required.)

For a Comprehensive Plan Amendment to be approved by a City Council, change the required votes from a supermajority (4 votes out of 5 or 5 votes out of 7) to a simple majority (3 votes out of 5 or 4 votes out of 7).

3. Met Council Processing of Comprehensive Plan Amendments (CPAs)

The Problem - CPA process at Met Council delays housing production

CPAs are common. The previous item dealt with a reduction in the number of required CPAs. This item deals with the time for a Metropolitan Council review. This regional review of CPAs can take valuable time from the short construction season inherent in Minnesota summers. The stated review time for 40 acres or less is 60 days, but the actual review timeline is 60 to 120 days. Adding time delays the delivery of additional housing and adds costs to housing.

The Solution – Shorten the Met Council portion of CPA review

Our goal is to remove unnecessary barriers to deliver housing at more affordable prices.

Simplify the Comprehensive Plan Amendment process. If the amendment involves less than 50 acres, then the Metropolitan Council must act on this application within 30 days through an administrative process.

4. Metropolitan Council Policy Changes

The Problem – Metropolitan Council policy changes harm housing

Recently, the Metropolitan Council has changed their policies on a handful of issues. Each of these actions delays and prevents the delivery of new housing. One such issue is regarding Comprehensive Plan Amendments (CPAs). Previously, the Metropolitan Council staff recognized that land use boundaries were drawn at a high level, city-wide scale in each city's Comprehensive Plan. Minor adjustments to these lines were seen for what they are: minor revisions to match actual property lines, wetland boundaries, new road alignments, and other practical matters. Small revisions to these land use boundaries did not rise to the level of

needing a CPA because they were recognized as “approximate.” Recently, Metropolitan Council staff have required CPAs for any minor land use boundary revision, even small land use boundary revisions. This results in more process, more delays and cost, and less housing. We continue to see no benefit to such delays and the prevention of new housing.

While other stakeholders are attempting to streamline the delivery of more housing and to revise regulations that unnecessarily increase the cost of new housing, the Metropolitan Council is implementing a variety of policies that do the opposite.

The Solution – Retract Metropolitan Council policy changes

The Metropolitan Council needs to peel back this new policy as well as a handful of other policies that delay the delivery of housing and increase the cost of housing without corresponding public benefit. We would be happy to have an in-depth conversation about other recent Metropolitan Council policy revisions which are negatively impacting the delivery and cost of housing.

Comprehensive Plan land use boundaries are approximate. Comprehensive Plan Amendments should not be required by the Metropolitan Council so long as overall density meets the guided density outlined in the Comprehensive Plan.

5. Growth Boundary – Our Greatest Threat to Housing Costs

The Problem – Our growth boundary constrains housing

Studies show a strong correlation in other metropolitan areas between having a growth/urban containment boundary and low levels of housing affordability. The Municipal Urban Service Area (MUSA) is the Twin Cities version of such a boundary. Historically, growth/urban containment boundaries have consistently been restrictive and heavily controlled, driving up the price of land within the growth boundary due to artificial land scarcity. This is a self-inflicted condition that provides little benefit and creates extraordinary problems. We must proactively consider how to further prevent the Twin Cities from unnecessarily driving up the price of developable land.

The Solution – Ensure that we have enough land

A key metric will be to monitor and ensure that the price of land within the MUSA is not dramatically greater than the price of land outside of the MUSA. When a large gap exists, not enough land has been made available for development. This could be managed by requiring the Metropolitan Council to monitor and release results of this issue regularly. And/or we could tie MUSA expansions to maximum average price differentials on either side of the MUSA. To start the conversation, we have proposed increasing the Municipal Urban Service Area metro wide by 25% to account for non-willing land sellers and price disparities.

Increase the Municipal Urban Service Area (MUSA) metro wide by 25% to account for non-willing land sellers and price disparities.

6. Wetland Conservation Act Modernization/Refresh

The Problem – Wetland regulation inefficiencies are apparent

Since SLUC first approached our legislature to pass a holistic regulatory bill, the Wetland Conservation Act has been a valuable tool in protecting the environment. Over the decades, we have learned the value of recharging the ground water through wetlands, protecting ecosystems within wetlands, and cleaning our storm water before discharging to lakes and rivers. We have built a robust regulatory framework that has been effective. But even though it has protected the environment, we have learned a great deal since we first implemented the WCA and there are

many ideas that could modernize and make the process more efficient without harming the environment.

The Solution – Refresh/modernize current law

Based on decades of working with the current law and process, wetland scientists have come up with many creative and innovative revisions. They just haven't been seen or heard. Their proposed updates to refresh the WCA will result in a more effective and efficient regulatory process and still protect the environment. This white paper is not the appropriate instrument to outline the many revisions that would improve the WCA and the associated regulatory process. We have accumulated a list of recommended revisions (made by experts in the industry) and would be happy to share this list and participate in the refresh process.

The 1991 Minnesota Wetland Conservation Act (WCA) should be refreshed to become more effective and efficient. (Administrative Rule 8420)

7. Storm Water/Wetland Regulations

The Problem – Duplicative wetland and storm water regulations

Both cities and watershed districts have separate and distinct wetland and storm water requirements. The approval process can be confusing, duplicative, and long. Complicating matters is the fact that watershed districts determine what storm water infrastructure is constructed, yet cities are required to own and maintain the storm water infrastructure. Sometimes the two agencies even have conflicting requirements which cause delays and creates uncertainty for each project. The current approach is highly inefficient and is not working.

These many problems reveal an inefficient regulatory process for wetlands and storm water. This is an area ripe for improvement and streamlining to the benefit of the delivery of housing while continuing to manage and deliver environmental wetland and storm water goals.

The Solution – Consolidate jurisdiction to cities

One agency should have sole jurisdiction over wetlands and storm water. Retreat participants felt strongly that this agency should be in cities. Cities already deal with storm water, wetlands, and environmental issues. They are better able to deal with the internal communications between city planners, city engineers, environmental consultants/staff, maintenance crews, and public safety regarding the interplay between wetlands/storm water and infrastructure operations. Furthermore, it is commonplace that the cities are the entity that owns and performs the long-term maintenance and management of these systems, making them the natural selection to be the regulatory body providing oversight.

The solution is for cities to assume jurisdictional regulatory authority over wetlands and storm water if they wish. There may be occasions where city may wish for a watershed district to maintain this authority.

We recognize that this approach may result in a new role for watershed districts. Watershed districts could focus on technical guidance as a recommending or advisory body on regional watershed issues much like the Board of Soil and Water Resources provides guidance on wetland issues and like a planning commission makes recommendations to the City Council.

Cities shall have the option of assuming sole wetland and storm water jurisdictional/regulatory authority. In doing so, watershed districts will not have different design standards than cities and may advise cities in an advisory capacity.

8. Residential Uses Within Commercial Guided Properties

The Problem – Cities wish to prevent losing commercial property

There have been efforts to require cities to allow multifamily housing (apartments, etc.) within commercial and/or industrial areas by right without local decision making. Some cities desperately rely on the tax revenue from existing and future commercial/industrial properties. Cities also wish to guide retail development near residential areas for the convenience of nearby residents. And a final concern is that the economics of retail centers would greatly suffer if a major anchor tenant (grocer, big box retailer, restaurant, etc.) were redeveloped into housing, thereby eliminating the primary traffic generator for the retail center.

The Solution – Maintain current regulations allowing cities to decide

There is general agreement that no new regulation or preemption is needed regarding this issue.

Let cities decide where housing makes sense within existing commercial/industrial areas. There is general agreement that no new local control preemption or regulation is needed regarding this issue currently.

9. Infrastructure Charges/Fees

The Problem – Inaccurate infrastructure charges

Cities prepare Comprehensive Sanitary Sewer, Comprehensive Water Supply, and Comprehensive Storm Water plans (studies) for the long-term buildout of these infrastructure systems. These plans result in a “layout” of the large (trunk) systems needed throughout the city. Within these plans, calculations are made to determine the entire “trunk” system cost, the entire developable area, and the resulting cost of the trunk systems per developable area. Typically, a degree of conservatism is incorporated into the “area charges” during the early build out years of a city to allow some flexibility in changes to the trunk system as it is gradually built out.

As the infrastructure trunk systems are gradually built out, most cities simply increase the costs of the area charges each year without newly calculating what the charges should be. This can lead to higher charges than necessary and does not address the legal “nexus” between costs and charges. Over many years, the charges may be significantly greater than what is actually needed.

There are also cities that levy area charges even though their entire trunk system has been completed. This should not be allowed.

The Solution – Regularly calculate updated infrastructure charges

Justification of sewer, water, and storm water trunk charges should be updated every five years. This update should incorporate new cost estimates of the remaining trunk system costs and calculations of the remaining developable land to create a direct nexus between the cost and the charge. No charges should be allowed when trunk systems have been completed.

Justification of sewer, water, and storm water trunk charges should be updated every five years.

10. Transparency in City Fees

The Problem – Large development fees are not known until too late

Various city fees can accumulate and add to the land development costs of a project. Cities vary in how they calculate their fees and the fees are sometimes not known until late in the approval process. Given the importance of this budget item, cities need to provide a high level of transparency early in the approval process to enable wise go/no go decisions.

The Solution – Cities publish example calculations

City fees should be reviewable and transparent.

City fees should be transparent. Net acre calculation methodologies should be clear and all calculations should be shown with example calculations provided. Cities should provide a fee statement.

11. Transportation Fees

The Problem – Cities are unable to evenly spread the costs of large roads

Often new major city road improvements are borne by those developments occurring immediately adjacent to the necessary improvements. Some adjacent properties pay for the full cost of improvements. Some properties not immediately adjacent to the necessary improvements pay nothing, even though they contribute to the need for improvements.

The Solution – Enact area charge similar to sewer, water, and storm water charges

Allow new roadways and upgrades to existing roadways to be funded by fair and proportional impact fees (area charges) if they are transparent, directly related, and disclosed in advance of any approvals. This is like what has been authorized via state statutes about trunk sanitary sewer, water main, and storm water improvements. This new street/road charge cannot be used to repair and replace existing roadways, which must be taxpayer funded improvements.

Allow roadways and upgrades to existing roadways to be funded by fair and proportional impact fees if fees are transparent, directly related and disclosed in advance of any approvals.

12. Zoning Codes Conflict w/Comprehensive Plans

The Problem – Some city zoning codes are in conflict with their Comp Plans

Every 10 years, cities in the Metropolitan Area are required to update their Comprehensive Plans. Embedded in these plans are residential density guidance. It is common for cities to approve and adopt an updated Comprehensive Plan but not have zoning codes that meet the guided densities. This results in no legal path for land developers to meet Comprehensive Plan density requirements other than a “Planned Unit Development” which was created with the intension of including tradeoffs between cities and developers in a win/win model. However, with no alternatives available, this can, at times, allow cities to require additional infrastructure and/or charges from developers which can unnecessarily drive up the cost of homes.

By state law, cities are required to update their zoning codes to comply with their Comprehensive Plans. The law also indicates that the Comprehensive Plans supersede zoning

codes. In practice, many cities have not analyzed their codes for compliance and/or to change their codes to allow for compliance with the Comprehensive Plan.

The Solution – Allow developers to meet city densities w/o raising costs

Within one year of adoption of a city's Comprehensive Plan, cities shall confirm to the Metropolitan Council that minimum lot sizes within a zoning district meet minimum densities identified in the Comprehensive Plan. If not, then cities shall allow a Planned Unit Development option without additional requirements that will meet the prescribed density.

It is believed that over time this measure will result in cities eliminating this conflict, leading to higher densities, eliminating excessive public benefits, and fees and could lower housing costs.

Within one year of adoption of a city's Comprehensive Plan, cities shall confirm that minimum lot sizes within any zoning districts that meet minimum densities identified in the Comprehensive Plan. If not, then cities shall allow a Planned Unit Development option without additional public benefit requirements that will meet the prescribed density.

13. Accessory Dwelling Units (ADUs)

The Problem – Many cities do not allow ADUs

Over time, the most affordable housing (boarding homes, etc.) has been outlawed. Opportunities exist that will increase housing options and moderately increase the number of homes. One such modern housing type is ADUs, which allows additional dwelling units to be constructed on existing lots. Existing zoning regulations in most cities make the construction of such units difficult or impossible.

The Solution – Enable ADU's to be constructed

Allow Accessory Dwelling Units (ADUs) with some minimum standards in all residential districts. We do not believe that this will be a major factor in creating housing units, but it will be incremental.

Allow Accessory Dwelling Units (ADUs) by right with cities allowed to create minimum standards (size, height, location, materials, occupancy, etc.) in all residential districts.

14. Civil Engineering Standards

The Problem – Chaotic civil engineering standards

Currently, the Twin Cities consists of 182 cities within the 7-county metropolitan area. Each of these cities has separate civil engineering design standards for design of new sanitary sewer, water main, storm sewer, and streets.

Each engineering standard has unique and expensive requirements that were added at some point in time. Oftentimes, city staff cannot articulate why or when these unique and expensive requirements were added.

Standards also do not keep up with changes in the marketplace and changes in technology.

In addition, many cities do not allow material alternatives, leading to expensive monopolistic sourcing.

Standardization and the providing of alternative materials lead to efficiency and cost savings. Complying with unique and sometimes expensive requirements is not the most effective and efficient way to undertake infrastructure design and construction. Infrastructure is very expensive. Addressing efficiencies associated with the current engineering standards process can aid in housing affordability.

The plumbing, electrical, and building codes lead to a consistent understanding of design and construction requirements through a specific geographic area. This leads to efficiencies, quicker completion of construction documents, less misunderstandings, and less corrections in the field.

The Solution – Create and implement minimum standards

Create base engineering standards including acceptable alternatives for all municipal construction, much like a building code. Such standards could be the result of a collaboration between the City Engineering Association of Minnesota (CEAM), the land development community, and civil engineers who work for the land development community.

Create a task force including the private sector and the City Engineers Association of Minnesota (CEAM) specifically focused on identifying value engineering recommendations for municipal infrastructure.

15. Tree Preservation

The Problem – Vast variations in tree preservation ordinances add costs

Protection of natural resources is a core goal of most municipalities, residents and builders/developers. In response to this worthy goal and faced with strong resident opposition to the creation of new housing, cities have routinely adopted strong tree preservation ordinances. These ordinances vary widely. Some lead to significant additional expenses for our new homes and have moved beyond protection of significant woodlands as natural resources.

The Solution – Create maximum standards

By creating maximum standards, we can limit the additional costs added to new homes.

Up to 50% of trees may be removed on a property without compensation or replacement requirements. Implement uniform standards about types and definitions of trees (exempted species, significant, specimen, etc.).

16. Sureties/Letters of Credit

The Problem – Public sureties are higher than needed

Cities require sureties (typically letters of credit) to ensure that public infrastructure is constructed by land developers. If a project or a land developer encounters financial problems, the sureties enable cities to bring the land development site to a stable condition. This may mean rough grading, spreading topsoil, and establishing the growth of grass (seeding). In extreme cases, there may be compelling reasons for the city to complete some or all the public infrastructure.

Cities typically require sureties amounting to 125% of the total public infrastructure costs. This is unnecessarily high, adding costs to new housing.

In addition, sometimes there are duplicative sureties required by multiple agencies (ex.: cities and watershed districts) for the same construction work. This too is unnecessary and costly.

The Solution – Place reasonable maximums on public sureties

Place a reasonable limit on sureties and prevent duplicative sureties.

A letter of credit (LOC) or other securities should be limited to no greater than 100% of the engineering cost estimate and not duplicative with another regulatory agency.

Conclusion

The work within this white paper has been deeply vetted by industry leaders, with over 500 years of collective expertise, as part of the initial SLUC program and during the day long retreat. As the past few legislative cycles have not been successful in gaining consensus on housing related matters, SLUC leadership felt it was important to leverage our member knowledge in efforts to move forward. The authors of this document offer to meet with all interested parties and legislative leaders to continue this consensus building approach to delivering meaningful regulatory changes that will begin to address housing affordability that impacts us all.

Disclaimer

Although each of the retreat participants works for either a public or private organization, their thoughts, opinions, and ideas are solely their own and do not represent the organizations for which they work.

The two attorneys participating in the retreat represent clients that have a wide range of opinions on the topics being discussed and while they offered their personal opinions as a part of the deliberations, they are not themselves able to formally promote the points within this white paper.

Definition of Consensus – Methodology

To reach consensus on a particular issue, we needed to agree on what consensus meant. Here is the methodology that we all agreed to.

Retreat participants voted from 0 to 5 on each issue using the “Fist to Five” approach using the Mentimeter application on our cell phones:

- | | |
|---|-------------------------------|
| 0 | Totally Against |
| 1 | Strong Reservation |
| 2 | Can go along with Reluctantly |
| 3 | Okay |
| 4 | Okay and Support |
| 5 | Wholeheartedly Support |

On any individual vote, neither side (public/private) could have fewer than 9 votes that were 2 or higher. This was equivalent to 82% of the group voting in favor of the recommendation.

Retreat Participants

Public

Eric Searles, City of Woodbury
Tina Goodroad, AICP City of Lakeville
Julie Wischnack, FAICP City of Minnetonka
Jason Wedel, ICMA-CM, PE City of Prior Lake
Natalie Davis McKeown, City of Corcoran
Kevin Shay, AICP City of Inver Grove Heights
Paul Mogush, City of Brooklyn Park
Michael Grochala, AICP City of Lino Lakes
Mike Mroska, City of Burnsville
Addison Lewis, AICP City of Edina
Soren Mattick, Campbell Knutson (consulting city attorney)

Private

Paul Tabone, JP Brooks Builders
Todd Stutz, Tradition Development
Josh McKinney, Measure Group (consulting engineer)
Joe Jablonski, Lennar
Mike Suel, DR Horton
Jacob Fick, Enebak Construction Company
Paul Robinson, Rachel Development
Paul Heuer, Pulte Homes
Tracey Rust, Twin Cities Land Development
Brian Tucker, Summergate Companies
Jacob Steen, Larkin Hoffman (consulting builder/developer attorney)