



Preparing for Potential System Statement Hearings

Land Use Advisory Committee



Angela R. Torres, Senior Manager, Local Planning Assistance

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Today's Agenda



Systems Statements and the Dispute Hearing Process

Background

Detailed hearing process

History of hearings

Background and Introduction



Statutory Role for the Committee

- Why prepare LUAC for potential System Statement hearings?
 - Must meet requirements in state law for conducting hearings to resolve disagreements over contents System Statements
- Role for LUAC in state law
<https://www.revisor.mn.gov/statutes/cite/473.857>
- Outlined in LUAC Bylaws
<https://metro council.org/Council-Meetings/Committees/Land-Use-Advisory-Committee/Documents/Bylaws-2017.aspx>
- Dispute period concludes at end of November 2025

Regional Planning Cycle



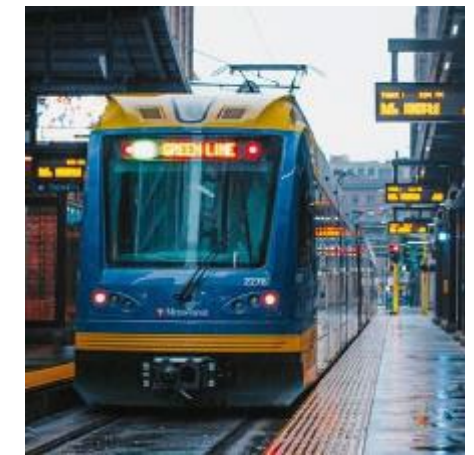
Statutory Direction

Minn. Stat. §473.856

“The council shall prepare and transmit to each affected local governmental unit a metropolitan system statement **when the council updates or revises its comprehensive development guide** for the metropolitan area in conjunction with the decennial review required under section 473.864, subdivision 2, and when the council amends **or modifies a metropolitan system plan**. The statement shall contain information relating to the unit and appropriate surrounding territory that the council determines necessary for the unit to consider in reviewing the unit's comprehensive plan.”

The statement may include:

1. “the timing, character, function, location, projected capacity, and conditions on use for existing or planned metropolitan public facilities, as specified in metropolitan system plans, and for state and federal public facilities to the extent known to the council; and
2. the population, employment, and household projections which have been used by the council as a basis for its metropolitan system plans.”

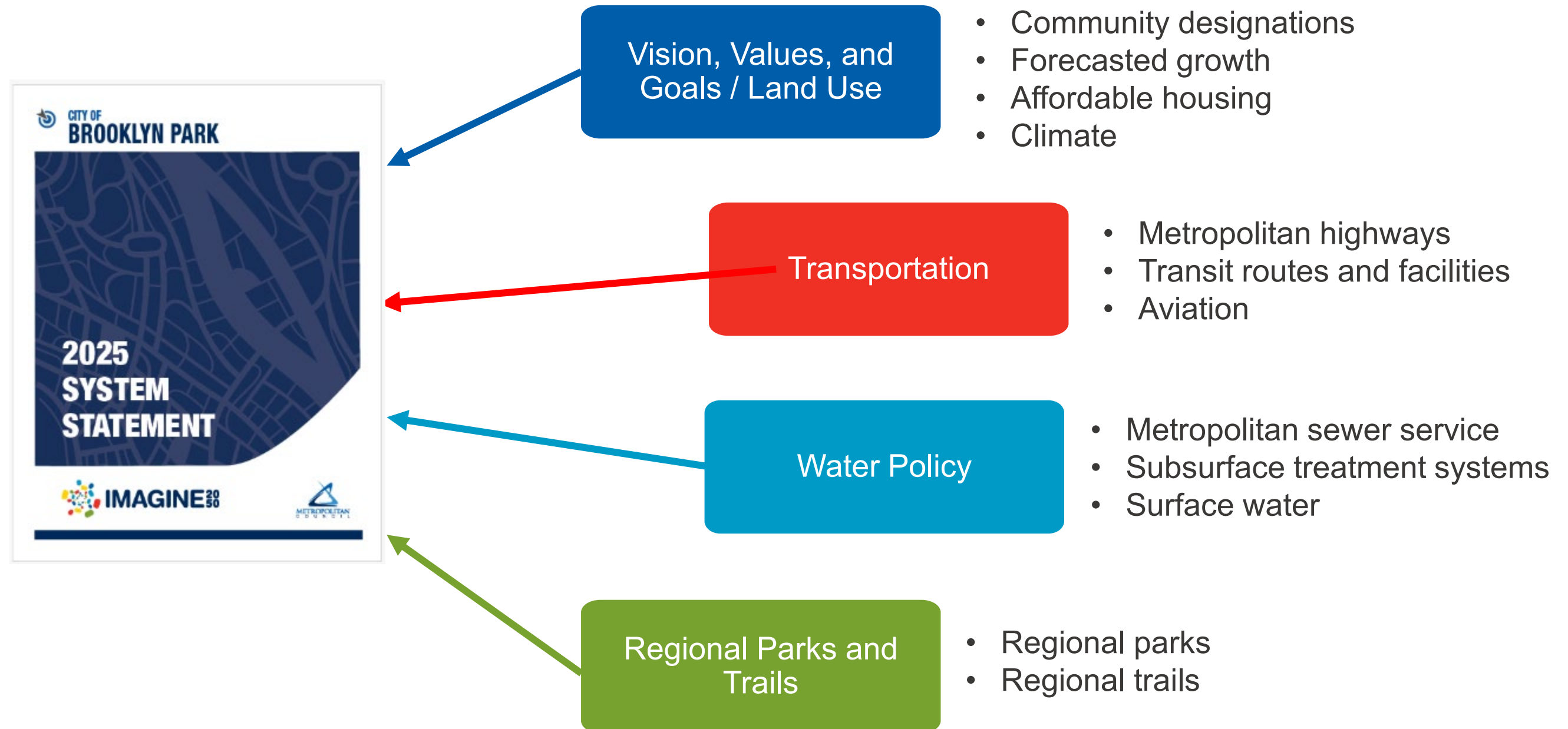


System Statement Purpose

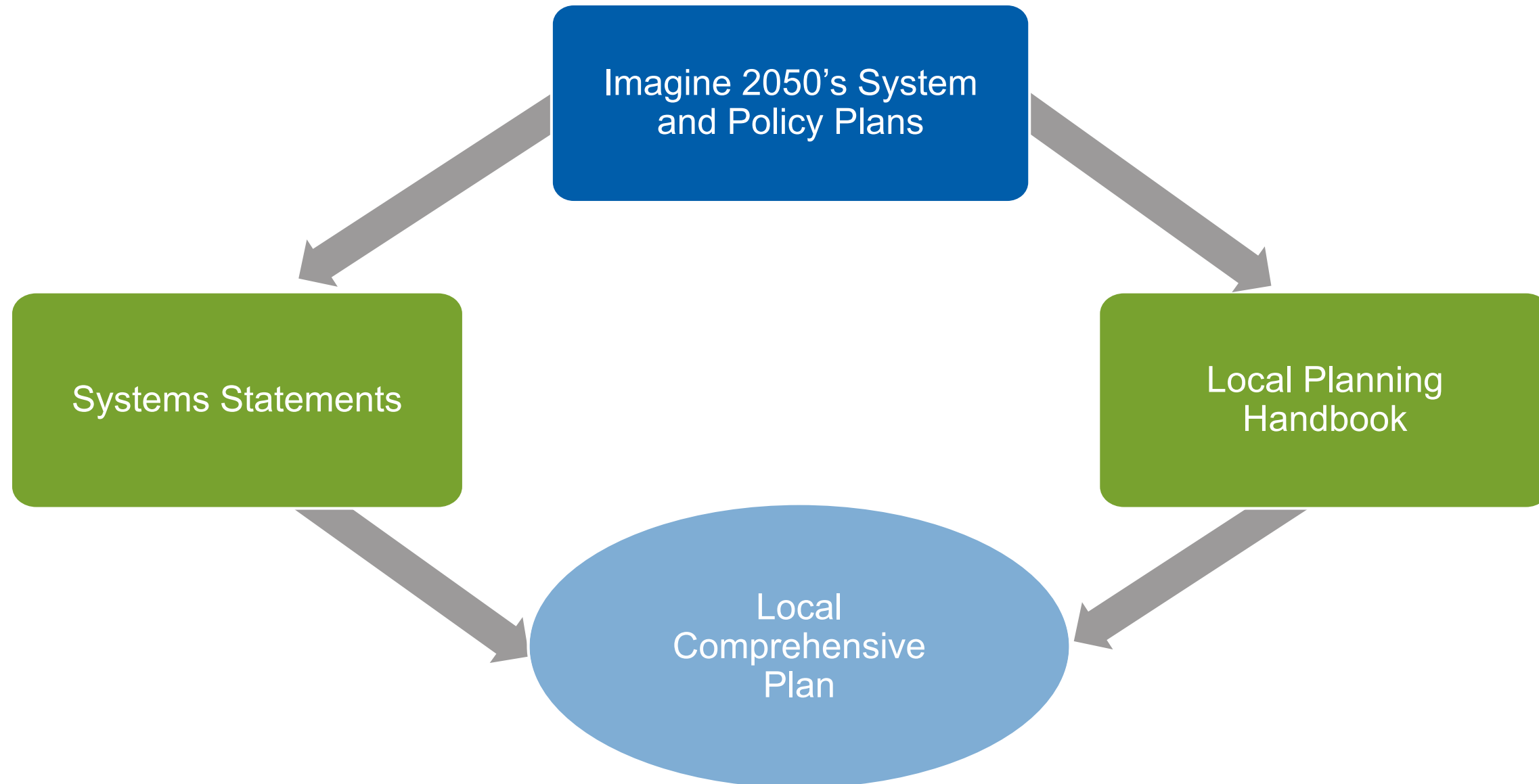


- Individualized for each local unit of government
- Explains the implications of system plans and capital budgets in that jurisdiction
- Includes forecasted growth and general development expectations

System Statement Content



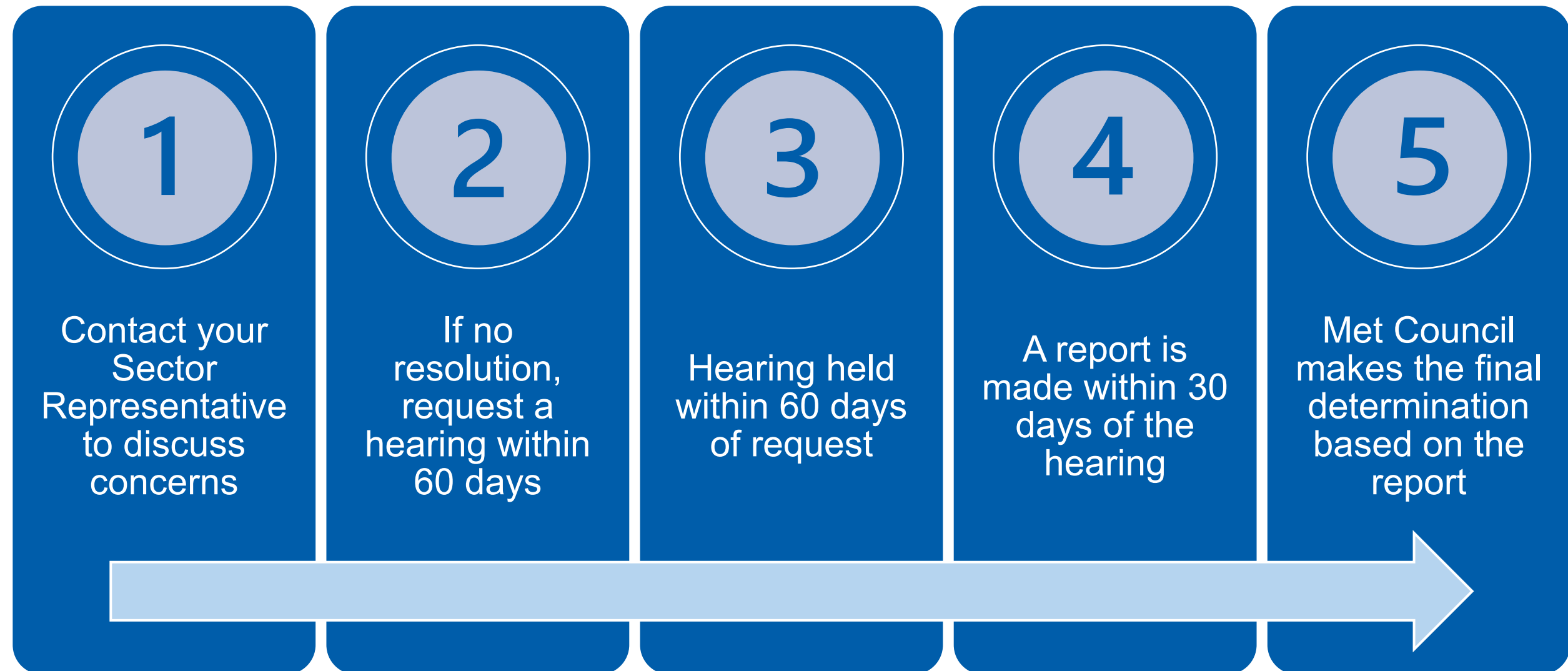
Planning Document Relationship



Process for Dispute Hearings



Main steps for hearing process



Hearing request requirements

Local Government:

- Provides a Resolution to request hearing
- Makes request for hearing within 60 days of receipt of its System Statement
- Describes the disagreement
- Includes specific proposed amendments to its System Statement
- Local Government determines preferred location
 - LUAC or Office of Administrative Hearings



Roles of LUAC and the Office of Administrative Hearings

LUAC

- Local government to be heard by peers
- Locally elected officials make up majority of LUAC members
- Committee members reflect perspectives of local governments
- Specialized knowledge of local planning and regional planning
- Experience working with land use issues

Office of Administrative Hearings (OAH)

- Local government to be heard by Administrative Law Judge
- Administrative Law Judge hears cases on rulemaking, state licensing, utility regulation, data practices, operation of government programs, and other subjects

LUAC qualifications: work plans



- Made recommendations on geographic planning areas (Community Designations)
- Provided feedback on Imagine 2050
 - Vision, Values, and Goals
- Helped develop regional land use objectives, policies, and actions including density
- Guidance on implementation of regional policy
 - Planning Assistance Grant Program
 - Small Communities Planning Program
 - Plat Monitoring Program
 - MUSA Implementation Guidelines
 - Flexible Development Guidelines
 - Redevelopment Monitoring Program
 - Administrative Review Guidelines
 - Technical Assistance tools and resources (Local Planning Handbook)

Met Council's Role

Met Council:

- Receives a report on the proposed amendments to the System Statement within 30 days of the hearing
- Makes final determination of whether to amend System Statement as part of hearing process



Changes in state law



“The hearing ~~shall not~~ **may consider the need for or reasonableness of the metropolitan system plans or parts thereof.”**

- Change became effective in 2019
- Broadens the considerations allowed as part of the hearing
- [Minn. Stat. § 473.857, subd. 2](#)

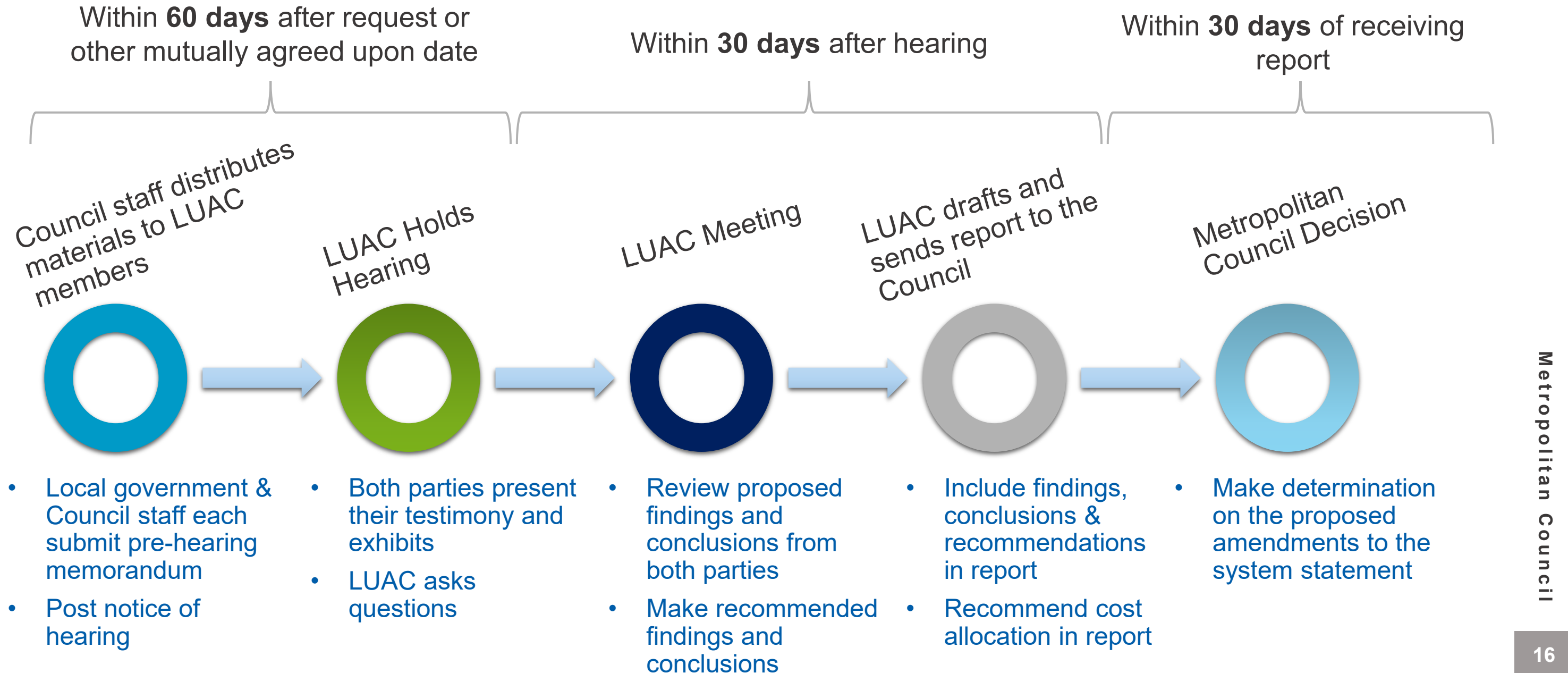
Advice on what to consider



At LUAC hearing, Council staff advise considering disagreements over contents of System Statement identified in state law.

- Forecasts
- Timing, character, function, location, projected capacity, and conditions on use for existing and planned metropolitan public facilities in metropolitan system plans
- [Minn. Stat. § 473.856](#)

What happens after a hearing is requested before LUAC?



History of Dispute Hearings



Issues raised in 2005



Main issues raised by 47 local governments

- Forecasts (majority of issues)
- Geographic planning area designation
- Wastewater service and relationship to potential annexation areas

Requests for hearing in 2005



Five requests for hearings

- Carver (forecasts, sewer flow projections and geographic planning area designation)
- Hassan Twp. (service area and capacity assumptions for extension of Elm Creek interceptor)
- Hugo (forecasts and sewer flows)
- Lake Elmo (whether Park-and-ride lot in System Statement part of Transportation Policy Plan and geographic planning area designation)
- Shorewood (forecasts, geographic planning area designation and sewer flows)

Outcomes in 2005-2006

Hearing held for Lake Elmo

- No amendments to System Statement
 - Park-and-ride part of Transportation Policy Plan
 - Usually make changes to geographic planning areas through process of updating or amending comprehensive plans

Hearing held for Carver

- Hearing held at community's request - after stipulation of settlement
- Stipulation is written agreement to resolve differences over contents of System Statement
 - Stipulation of settlement

Requests withdrawn due to stipulations

- Hassan Twp.
- Hugo
- Shorewood
- Denied request for Carver to hold hearing to consider amendments to System Statement for Dahlgren Twp.

Issues raised in 2015

Issues raised by 27 local governments after 2015 Systems Statements

- Most often mentioned issue
 - Forecasts
- Issues mentioned by several local governments
 - Affordable housing allocation
 - Community designation
 - Transportation
- Less-frequently mentioned issues
 - Sewer flow or service area
 - Staging and phasing & annexation areas
 - General process for updating comprehensive plan

Issues in 2015

Issues resolved for 15 local governments

- Sector Representative answered questions and helped resolve issues
 - Example: Advise local government that the Council typically makes changes to a community designation as part of the process of updating or amending a comprehensive plan

Some issues required further discussion or review for 11 local governments

- Mainly involve forecasts
 - Example: Council staff worked with local governments on forecasts and will bring any proposed changes in forecasts to the Council for adoption

Requests for hearing in 2015



Oak Grove requested hearing before Office of Administrative Hearings

- Requested amending System Statement to:
 - Change community designation
 - Change description of sewer service and guiding
- Administrative Law Judge ruled in favor of Met Council
- City later requested legislative changes to make exceptions for their community

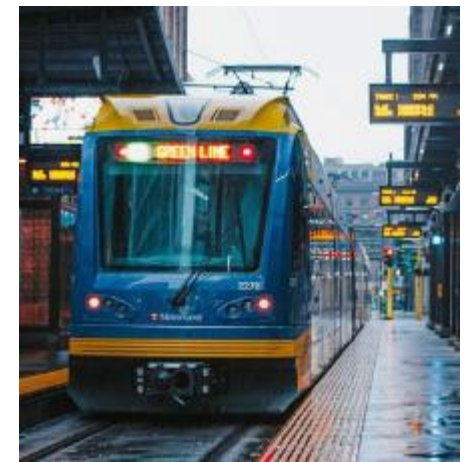
Current status in 2025

Issues Raised

- Household and Population Forecasts
- Mapping updates or corrections
 - MUSA boundaries
 - functional road classifications
 - transitways
- Wastewater services location and timing of availability
- Regional Park System components

Tracking requests

- 19 communities contacted Sector Reps about system statements
 - Fairly even geographic distribution
 - Suburban and Suburban Edge
- Requests:
 - 7 Pending (evaluating issues)
 - 7 In-progress (negotiating solutions)
 - 5 Resolved questions or concerns
 - 1 Formal Request for Hearing
 - Lakeville
 - 4 or 5 anticipated hearing requests
 - Forecast related concerns



Questions?

Angela Torres

Senior Manager, Local Planning Assistance

Angela.Torres@metc.state.mn.us

Kate Lowisz

Intern, Local Planning Assistance

Kate.Lowisz@metc.state.mn.us

