

## **Attachment 1: 2026 Metropolitan Urban Service Area (MUSA) Implementation Guidelines**

### ***2026 MUSA Implementation Guidelines***

1. The city's planned overall net residential density for areas planned to accommodate forecasted growth within the relevant staging period(s), including the new area to be served, must be consistent with regional density policy for the applicable community designation.
  - a. For cities enrolled in the Plat Monitoring Program, the Council will calculate net residential density by combining the average net density of the city's last 10 years of actual platting or the average net density of the city's last 10 plats, if fewer than 10 plats have been recorded in the last 10 years, and the lowest allowable density on land identified to support forecasted growth for the relevant staging period. Cities may elect not to have their plat monitoring program data included in the calculations.
  - b. For cities not enrolled in the Plat Monitoring Program, the Council will calculate net residential density using the lowest allowable density on land identified to support forecasted growth for the relevant staging period(s).
2. The following will not be included in the city's planned overall net residential density calculations:
  - a. Lots that have failing individual 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. Failing communal systems are not covered by this policy and will be included in density calculations.
  - b. Acreage that is undevelopable due to:
    - i. State or local ordinances which prohibit development (i.e. steep slopes, wetlands, wetland buffers, waterbodies, etc.)
    - ii. Insufficient depth to bedrock or water table.
    - iii. The presence of publicly owned and properly maintained stormwater BMP facilities that do not encroach upon or modify an existing natural resource. Facilities owned and maintained by homeowners associations and other private entities are not covered by this policy and will be included in density calculations. Drainage and utility easements along lot lines are not covered by this policy and will be included in density calculations.
    - iv. The presence of publicly owned parks and open space. Parks and open spaces owned by homeowners associations and other private entities are not covered by this policy and will be included in density calculations.
    - v. The presence of arterial right of way. Right of way for local and collector streets is not covered by this policy and will be included in density calculations.
    - vi. The presence of Council sewer easements, gas pipeline, and high voltage transmission line easements. Drainage and utility easements along lot lines are not covered by this policy and will be included in density calculations.
    - vii. The presence of publicly held conservation/preservation easements.

Conservation/preservation easements held by homeowners associations and other private entities are not covered by this policy and will be included in density calculations.

3. MUSA Expansion Requests

- a. MUSA expansion requests will only be approved for cities that meet Guideline 1 above and that have fulfilled all previous conditions relating to the Council authorization of a comprehensive plan or comprehensive plan amendments and city participation in Council programs (Plat Monitoring Program, building permit survey, etc.) must be current and complete.
- b. When a MUSA expansion request is associated with a known development, an approved preliminary plat may be used to determine the areas eligible for exclusion for planned overall net residential density calculations under 2.b above. Environmental Reviews (AUARs, EAWs, etc.) as well as concept plans, ghost plats, and other similar exhibits may not be used.
  - i. If this area is subsequently replatted or the final plat results in a net residential density no longer in conformance and consistent with regional policies and goals, a sewer permit will not be issued for the development until the city amends its comprehensive plan to remedy the conformance/consistency issue.
- c. When a MUSA expansion request is not associated with a known development with an approved preliminary plat, the city's Future Land Use Map and relevant available data will be used to determine the areas eligible for exclusion from planned overall net residential density calculations under 2.b above.
- d. MUSA expansion requests not associated with a known development or failing SSTS must demonstrate the need for additional land supply. This can be done through demonstrating a need to amend adopted forecasts or by demonstrating that additional land is needed to maintain a 20-year rolling land supply considering both regional and local market demand.
  - i. If a city cannot demonstrate the need for additional land supply, the city may propose removing acreage in other areas from the MUSA such that there is no net increase to MUSA in the current planning horizon, or another solution mutually agreed upon by the Council and city.
- e. MUSA expansion into areas governed by Orderly Annexation Agreements and identified for accommodating forecasted growth during the relevant staging period will be considered to have demonstrated a need for additional land supply.
- f. MUSA expansion into area areas annexed by a city but not governed by Orderly Annexation Agreements must demonstrate a need for additional land supply unless:
  - i. The city's forecasted growth includes an assumption of annexing adjacent lands not governed by Orderly Annexation Agreements during the relevant staging period; or,
  - ii. The annexation is associated with a known development.
- g. When a MUSA expansion request is necessary as a result of requirements by another regulatory agency, the local government requesting the MUSA expansion may be required to pay for studies, infrastructure, and costs associated with MUSA expansion. In cases where the average net density of planned future growth combined with the average net density of the new area to be served cannot meet regional density policy, an inefficiency

surcharge may be added to sewer connections within the jurisdiction to offset the density shortfall.

4. Sewer Extensions within the MUSA

- a. Sewer Extension Permits will only be issued for developments that are consistent with regional density policy and the authorized local comprehensive plan.
- b. To be found consistent with the authorized local comprehensive plan the net residential density must fall within the density range listed for the land use. If a development has multiple land uses, the net residential density within each individual land use must fall within the planned density range identified in the comprehensive plan. Net residential density may not be averaged within the development.
  - i. Net residential density will be determined by excluding undevelopable acreage described in 2.b above. In cases of redevelopment, defined as converting an existing built property into another use, that advances regional policy existing local and collector right of way can also be removed from the calculations.
  - ii. If a development has a single phase/stage the final plat will be used to calculate net residential density.
  - iii. If a development has multiple phases/stages, the approved preliminary plat will be used to calculate net residential density. Environmental Reviews (AUARs, EAWs, etc.) as well as concept plans, ghost plats, Planned Unit Development Ordinances, and other similar exhibits may not be used. If this area is subsequently replatted or the final plat for a phase results in a net residential density no longer in conformance and consistent with regional policies and goals, a sewer permit will not be issued for the development until the city amends its Comprehensive Plan to remedy the conformance/consistency issue.
- c. To be found consistent with the authorized local comprehensive plan the product types and allowable uses within the development must be consistent with those specified for the guided land use in the city's comprehensive plan.