

# Budget bill could invite more challenges of Met Council's regional plans

For first time, Legislature redesignated land and made it easier for cities to fight back.



Oak Grove Mayor Mark Korin showed a 2.5-acre parcel that was under construction in March in Oak Grove.

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The Metropolitan Council escaped the legislative session without being restructured (<http://www.startribune.com/gop-lawmakers-take-aim-at-metropolitan-council-structure/414294243/>), but language in one budget bill could open the door to more cities challenging the agency.

The bill reclassified a slice of land at the heart of a dispute over sprawling development (<http://www.startribune.com/in-oak-grove-a-fight-over-sprawling-development-illustrates-met-council-tensions/417095693/>) — an unprecedented move for the Legislature — and made it easier for cities to pursue legal objections to regional plans governing wastewater, transportation and other infrastructure.

“We are deeply concerned about the precedent of circumventing the public planning process when a local unit of government does not achieve a specific outcome that they wanted, despite the potential impacts to surrounding communities and to the region,” Met Council spokesman John Schadl wrote in an e-mail.

The change is a victory for the city of Oak Grove, which fought Met Council plans preserving a corner of the city as largely rural until it could support traditional suburban development served by Met Council wastewater sewer pipes. Oak Grove leaders instead want to allow 2.5-acre lot development there — as is typical elsewhere in the city — which the Met Council considers “unsustainable growth patterns.”

Oak Grove Mayor Mark Korin said it was “a great day for all of my residents of Oak Grove.”

“We weren’t asking to do something that would impose disaster on their growth plans,” Korin said. “All we were asking was to do something normal, in allowing our residents to do the same thing that the rest of the residents get to do in our city.”

The council’s plans for the region, updated periodically, help guide the region’s housing development and the pipes, roads and transit that support it. That planning is one reason, the council says, why the region pays less than the national average for wastewater treatment.

In 2014 the Met Council finished construction on a wastewater plant in the rural city of East Bethel, and earmarked a 2,600-acre corner of Oak Grove as part of its potential service area after the year 2040. That came with a special designation for the land to remain more rural — no more than four homes per 40 acres — which city leaders said impinged on the rights of property owners there.

The transportation bill signed this week reversed that. House Speaker Kurt Daudt, who represents part of Oak Grove, warned in March that if the Met Council did not justify or change the designation, he could “put [the change] in a bill that makes it very difficult for the governor not to sign it.”

The bill also allows cities to challenge the reasonableness of regional plans through the administrative hearing process, which Oak Grove had pursued unsuccessfully. Previously a city would need to make a challenge in the Court of Appeals, as Lake Elmo did (<http://caselaw.findlaw.com/mn-supreme-court/1267424.html>) in the early 2000s.

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