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SENT BY EMAIL TO
c/ocouncil@lauderdalemn.org
AS AN ATTACHMENT

Mayor Mary Gaasch
Council Member Jeffrey Dains
Council Member Kelly Dolphin
Council Member Roxanne Grove
Council Member Andi Moffatt

Dear Fellow Neighbors:

Lauderdale's 2040 comprehensive land use plan developed under the guidance of *Thrive MSP 2040* strives to fulfill five lofty Outcomes: **Stewardship, Prosperity, Equity, Livability** and **Sustainability**. "Policymakers make tough decisions at the intersection of these five outcomes." Of particular guidance to Lauderdale which is blessed with a remnant urban woods ecosystem nestled within its border, part of a wild-life corridor that continues into an adjacent community, should be the following attributes of each "Outcome", as articulated by Met Council in its handbook guiding our community in developing its comprehensive plan:

Accepting the mantle of **Stewardship** compels cities to manage the region's bounty of rich natural resources which are "part of our regional identity, enhancing our quality of life." *Thrive* points out that "natural resources also provided a variety of benefits that would be costly to replace. Tree canopies shade our buildings and absorb carbon dioxide and pollutants. Wetlands, upland woods, and prairies provide wildlife habitat and offer access to nature." *Thrive* concedes that "challenges to quality and extent of natural resources abound" but "making natural resources a key part of the planning and development process will help protect highly prized natural features, for current and future generations"!

Met Council offers numerous ways in which it will help cities protect natural resources but asks each city to "**include local natural resources inventories, identify the tension points between resource protections and development pressures, and adopt local land uses and planning strategies for protecting natural resources and minimizing development impacts.**"

Striving for **Prosperity** helps cities to preserve a strong "regional economic competitiveness" by investing not only in infrastructure but also in "amenities" to "attract a talented workforce". "People are increasingly choosing where they want to live — especially in urban areas that offer attractive amenities and lifestyles — and then looking for jobs there." "They are choosing high-amenity places that have ... natural beauty, abundant recreation, and sufficient walkability."

Embracing **Equity** enhances each city's capacity to connect all residents to opportunities not only for affordable housing but "recreation options"; "creating real choices" ... "in where we recreate" and "engaging a full cross-section of the community in decision-making."

Focusing on **Livability** challenges each city to champion the quality of its residents' lives and experiences recognizing that "abundant and beautiful open space" is one component of the "high quality of life." *Thrive* points out that each jurisdiction has a "unique combination of natural landscape" encouraging communities to increase access to nature and outdoor recreation, promote bicycling for transportation and recreation and engage land use decisions which promote active living. Parks and open spaces contribute "transportation, carbon capture, heat island mitigation, water quality recharge, active living and wellness." Cities are encouraged "to conserve, protect, and interconnect the full range of local open spaces to provided seamless active living experiences across systems, including local parks, green corridors and boulevards." Astutely, cities are also asked to recognize opportunities for "small-scale local food production" as part of the focus on livability.

Heeding the cry for **Sustainability** enlists each city "to protect our regional vitality for generations to come" through the wise use, re-use, conservation and recharge of water and to plan for and respond to the effects of climate change - both challenges and opportunities - for mitigation, adaption and resilience to the onslaught of climate change. **Recognizing the importance of climate change mitigation, adaption and resilience, "the Council will use climate impacts as a lens though which to examine all of its work."** Part of that work being "to protect open spaces and vegetative cover that mitigate the impact of the urban heat island and improve local wind circulation." "The Council intends to expand its role supporting local governments in climate change planning to assist their efforts toward mitigation, adaption, and resilience" thereby insuring that "local communities will incorporate climate change planning into their local comprehensive plans."

In summary, *Thrive* embraces that the challenges which may appear to be only local have regional implications and opportunities and suggests that "focusing on outcomes allows for flexibility in implementation."

Focusing on the above mentioned *Thrive MSP 2040* Outcomes, endorsing its quoted comment by Dr. Jonas Salk on page 58 - "Our greatest responsibility is to be good ancestors" - I respectfully ask for consideration of the following alternatives to Lauderdale's proposed 2040 Comprehensive Land Use Plan:

I. Adopt 2040 Plan Without Addressing Urban Woods

In meeting personally with our sector representative (Eric Wojchik), the Met Council Representative for our district (Jon Commers) and former Met Council Land Use Planning Administrator (Mark VanderSchaaf) I learned that the comprehensive plans are fluid documents. As you know, Lauderdale, like all metropolitan communities has an opportunity and a continuing duty to amend the most recent land use plan reviewed by the Met Council. Amendments are regularly, in some cases routinely, made to land use comprehensive plans.

By adopting the 2040 plan with a neutral stance on Breck Woods, any of the alternatives suggested by me in the ensuing sections which are deemed to be consistent with *Thrive's* espoused Outcomes could be undertaken without being crimped by deadlines imposed by another extension. Leaving the particular issue of Breck Woods development open-ended for now is consistent with *Thrive's* three stated principles of Integration, Collaboration and Accountability of how to carry out the planning process. Involvement of other potential stakeholders will be assured (see the parties which have gotten a carbon copy of this communication); potential shared strategies, supportive partnerships and reciprocal relationships will be explored and "data driven analysis" assured.

Luther Seminary announced its intention to sell the 15 acres of land in the summer of 2018 just months before Lauderdale was to complete preparation of its 2040 comprehensive plan. Faced with the Seminary's announcement to sell (not develop itself) and an implied legal grievance against the conservation zoning of Breck Woods, Lauderdale took on a totally new dimension unanticipated by it during the first two and a half years after it received its 2015 System Statement from the Met Council. Cities are given a three-year window to creatively address the issues presented in the System Statement. A reasonable time-frame for comprehensive planning should be used by the city especially in light of the November 2018 *National Climate Assessment* (NCA4) released by the United States Global Change Research Program, the February 2018 *Regional Climate Vulnerability Assessment* released by the Metropolitan Council and the 2017 inter-agency report *Adapting to Climate Change in Minnesota*.

The value of regional assets, such as Breck Woods, needs to be “measured through the lens of potential climate impacts and associated vulnerability.” (Please refer to Met Council's recently released interactive “extreme heat map” of Lauderdale at: metro council.maps.arcgis.com). **An urban woods is at the forefront of the fight against carbon emissions, Urban Heat Island effect, air pollution, storm water run-off and land erosion.** Faced with the economic and health hazards of climate change Lauderdale should be taking its time to thoroughly plan for the opportunities and risk associated with selling an urban woods.

II. Defer Adoption To Explore Substantial Land Swap With St. Paul

The eventual developer of Breck Woods cannot dedicate all or any portion of Breck Woods to a conservation easement in exchange for creative relaxing of zoning or density restrictions over the land between Hoyt and Hendon because the woods lies entirely in Lauderdale. In addition, as Heather pointed out to me, when constructing a building a developer will rarely have the structure straddle two jurisdiction because of different zoning and building provisions between the two cities. Thus, even if the developer could visualize a development with minimal incursion into Breck Woods it would be required to build the entire structure in the city. A solution to both problems would be to have St. Paul annex some or all of Breck Woods.

Why would Lauderdale or St. Paul cooperate with the developer in this way?

Lauderdale could request that it receive property from St. Paul in exchange for Breck Woods. That property, such as the apartment complex across from Health Partners would give Lauderdale an addition to its tax base. Plus, not having a developable woods as part of its acreage and a high density addition to its jurisdiction, it could modify its 2040 plan to incorporate a more high end development at the old school site which would have a higher fair market value and not be saddled with a delay in collecting real estate taxes because the new development would not need tax increment financing assistance.

Because St. Paul's Park and Rec. Department manages open space and urban woods the city can confidently accept the woods as a trade-off with the developer knowing that the woods would be in good hands. As an “Implementing Agency” (Minnesota Stat. 473.351 Sub. 1 (a)) St. Paul may more likely be able to work toward ultimately achieving a regional status for the woods enabling it to receive funding assistance from the Metropolitan Council.

Please, please go to savebreckwoods.com to grasp the passion of the supporters for preserving Breck Woods. Admittedly, most of the people who have signed the petition contending the woods pro-

foundly impacts the livability of its community reside in St. Paul. Obviously the mayor and city council member would garner substantial political capital if they can take some credit for orchestrating the preservation of Breck Woods.

To permanently recognize the good will of the Seminary and Lauderdale in preserving Breck Woods St. Paul could officially name the woods - perhaps the "Luther - Lauderdale Memorial Woods"?

With St. Paul as the owner of Breck Woods it could use its bonding authority to help with the acquisition, if necessary, or renew a request for help from the Trust for Public Land which has worked with St. Paul before.

III. Defer Adoption To Explore Modest Land Swap With St. Paul

If the developer's preference would be to have a structure constructed partly in both St. Paul and Lauderdale then either community could give to the other community sufficient property to lessen the impact on the woods. A corresponding parcel of non-woods land could be given in exchange to the municipality without the development in it.

IV. Defer Adoption To Explore Land Swap with Falcon Heights

Why would Lauderdale or Falcon Heights cooperate with such a swap?

Hopefully you visited savebreckwoods.com to glean the importance of the woods to the signatories. The number of signers from Falcon Heights is substantial. The Bell Museum, located in Falcon Heights, wants to have examples of various ecosystems in Minnesota as part of its "Living Landscape" and for walking tours. The large soccer field south of the Museum is one area to use for that project. Its director has expressed an interest in having it available for its Landscape Learning. But that does not provide a woodland ecosystem.

Various departments of the University of Minnesota located in Falcon Heights on the St. Paul Campus have brought classes into Breck Woods for learning.

If the University of Minnesota ever abandons its golf course, contracts it to 9 holes or relocates holes 10 and 11 in the area of the current driving range the swaths of Savannah Oaks and green space between could be acquired by Falcon Heights creating the possibility for restoration, (with or without the cooperation of Gibbs Farm and the Bell Museum), back to a magnificent example of a deciduous woodland. The net acreage with Breck Woods, the Trolley Woods and Bell Museum area would likely enable it to qualify as a regional park, trail or preserve letting Ramsey County (as an "Implementing Agency") seek funding from the Metropolitan Council.

As a 5 step Green City Falcon Heights has shown a serious concern for mitigating the problems of climate change and even incorporated ideas into its 2040 comprehensive plan.

If the 2040 plan goes ahead as proposed Lauderdale will almost certainly find a portion of Breck Woods is under its control or ownership as part of a conservation easement and its tax base will receive a boost from a new development in Breck Woods, not to mention the two residential lots west of Fulham. It will incur responsibilities for police and fire protection and street cleaning for another iso-

lated parcel almost certainly only accessible by going through an adjoining city. It will be left with the burden of maintaining an urban woods that few of its residents frequent.

The western border of Falcon Heights is the eastern side of Fulham Street. Currently the University of Minnesota owns the land operating its golf course which probably means to Falcon Heights that it is barren of tax revenue. However, a north/south slice of the western edge of the golf course could be annexed by Lauderdale with the long term, but not far-removed, prospect of being a source of tax revenue. Having the eastern side Fulham be part of Lauderdale would enable it to generate income with little or no expense integrating city services to the new residents.

V. Planning Opportunities Justifying Temporary Deferral the 2040 “Comprehensive” Plan

Using a “Best Practices” approach endorsed by *Thrive* as part of the comprehensive planning process, Lauderdale should conduct an interdisciplinary landscape-level inventory of Breck Woods consistent with the Minnesota Department of Natural Resources: *Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota*. “The team should include a forester, arborist, soil scientist, wildlife ecologist, landscape architect, other natural resource professional, planner, engineer, archeologist, community activist, and nonprofit organization representative,” as has been undertaken by at least two other metro area cities. Alternatively, do a woodland survey and natural resource assessment including information about watershed, drainage, topography, soil types and areas of significant historical and cultural values.

Ask representatives from the two cities which used the DNR best practices approach to development described above to indicate their assessment of the process.

Establish a Lauderdale Environmental Committee and ask it to study the 2040 plan in the context of mitigation, adaption and resilience to climate change.

Ask the City Administrator to report back to the Council on a broad range of resources and timing for funding to purchase the woods from the Seminary or the projected developer including the value for naming rights of the woods.

Give the Shakopee Mdewakanton Sioux a copy of the 2040 Plan asking if its historical records show Breck Woods has any archeological significance to the tribe. It is established that the Mdewakanton tribe traveled from the Minnesota River up through this area every fall to harvest wild rice up north.

Recognizing by the comments on savebreckwoods.com how significant Breck Woods can be for quality of life in an urban setting, Lauderdale should explore ideas and funding sources to enhance access to Breck Woods for city residents living north of Larpenteur.

Meet with the Ramsey County Parks Administration, Metropolitan Council Parks and Open Space Commission, University of Minnesota, State Fair Administration, Falcon Heights, Como Park and Hennepin County bicycle pathway planners to see about the north edge of Breck Woods, Trolley Corridor, U of M Campus and State Fair could become part of a regional trail and Lauderdale can link up with the evolving eastern corridor of the grand Hennepin County bicycle circle.

Consider converting the two lots into a community garden fulfilling the *Thrive* goal of assisting small-food production, so residents find a good reason to walk through the woods to do their gardening.

VI. Adopt a 2040 Plan With the City Working to Acquire Breck Woods.

Could the 2040 plan be re-designed declaring that Lauderdale plans to concentrate its efforts on acquiring by purchase and/or gift Breck Woods from the Seminary or the developer who purchases the woods from the Seminary?

Why would the Seminary cooperate in such a plan? Please note that the Lutheran Church has issued a strong statement of purpose that it is called to "care for creation":

http://download.elca.org/ELCA%20Resource%20Repository/EnvironmentSS_Introduction.pdf?_ga=2.160233150.249402431.1542313212-972362052.1541725507

As part of that plan Lauderdale would conduct a thorough investigation to determine any and all of the ways, public and private, to fund an acquisition. Lauderdale would consider how it could harness the public support for the woods found at savebreckwoods.com. It would determine how best to use the *Bugle* to advance its plans and would partner with "Friends of Breck Woods" in its efforts. It would also factor into its assessment the value of "naming rights," especially the possibility that the Shakopee Mdewakanton Sioux might want to name the woods; Luther Seminary might want its name attached to the woods; or significant public figures, like the Elmer and Eleanor Andersen Family Foundation, might be recognized in the formal naming of the woods.

One possible idea to move forward with a purchase would be to enter into a contract for deed with Luther Seminary in advance of finalizing its sale to the developers. A contract would require some money down but could have a 2-year balloon payment date, recognizing that gathering funds from various sources could take a significant amount of time. As a part of the contract Lauderdale would agree to have the contract be a non-assignable agreement and preclude any development. Acquiring the land under such a contract would enable interested parties to start the woods restoration process. The Seminary would receive the initial payment on the contract but would be entirely relieved of owning the woods because the developer would have purchased the land **subject to the contract for deed**, thereby receiving the balance of the payments due under the contract. As part of the negotiation process Lauderdale could agree that it would undertake a modification of its zoning from conservation to high density/conservation. Thus, if it defaulted on the purchase the developer would have a clearer pathway to do its development.

Another idea would be to have Lauderdale sign a purchase agreement with the developer to acquire the woods pursuant to a contract for deed with a realistic balloon payment date. Have the property rezoned as mentioned before so its value would be enhanced. The sale could be for a price below the assessed value allowing the developer an income tax deduction for a bargain sale. Whether the purchase agreement could be entered into before the rezoning or not is a question I could not answer.

The contract for deed idea provides time for Lauderdale, in cooperation with others, to secure funds to complete the purchase. Another idea would be to seek a lending source or sources to immediately complete the purchase. With the help of the Met Council, DNR, legislators, Friends of Breck Woods and signatories at savebreckwoods.com see if funds could be raised from state and federal governmental organizations, environmental organizations, foundations, environmentally conscious lending institutions, philanthropists, St. Anthony Park Foundation, Sierra Club, Sunrise Bank, etc. My impression is that using the loan concept Lauderdale could ask the Seminary for a shorter period of time to raise the capital. However, by using a loan to purchase I suspect that raising funds to repay the loan would be a more difficult process than fund-raising to purchase the woods.

Early last fall when the 2040 plan was rolled out for public comment Lauderdale and its consultant were not aware of the magnitude of support for retaining the woods, so clearly reflected at savebreckwoods.com. Please go there today. Hearing the voices of Lauderdale residents and its neighbors in adjoining communities is part of “representative democracy.”

You may tend to discount the voices because many of them are not from Lauderdale. However, I ask you: why not adjust our 2040 plan to incorporate plans which would get residents living north of Larpenteur to visit the woods so they can relish its benefits?

VII. Adopt the 2040 Plan With Conditions Regarding Breck Woods.

If adoption of the current 2040 Plan “is all over but the shouting,” then I would request that certain contingencies be considered as modifications to the plan.

1. Request Luther Seminary, in conjunction with the potential developer if necessary, to dedicate into permanent easement (conservation or not) legally defined routes of the main pathways through Breck Woods. Who knows what the eventual developer will or will not permit for access to and through the woods? *Thrive's* Outcomes would certainly endorse such a course rather than being entirely beholden to the whim of the eventual developer. In Sweden they have a concept called “*allmannsritt*” (literally: “everyone’s right”) which lets everyone have access to and enjoy nature, even on the private property of another. The chorus of signatories at savebreckwoods.com and generations to come would thank you for pro-actively protecting those pathways.

2. If a high density structure will be constructed in the woods access to it becomes a fundamental consideration. Could the 2040 plan make it absolutely clear that developers will be precluded from using an extension of Hoyt for that purpose?

3. Knowing that a thorough inventory of the woods has not been undertaken at this time the 2040 plan should direct that an Environmental Impact Statement will be required for the construction of any structure in Breck Woods above a certain designated size.

4. Because the watershed in the northwest corner of the woods is a “recharge aquifer” as pointed out in Lauderdale’s System Statement, require that all storm water be routed south away from impacting the urban ecosystem and the wetlands, which are already burdened by polluted runoff from the Larpenteur Avenue high density housing and the University golf course.

Please consider using more time in your planning process so the Friends of Breck Woods, signatories of savebreckwoods.com, governmental departments and agencies, environmental groups, foundations, charities, neighborhood bank, local churches, St. Anthony Park Foundation, adjoining communities and the University of Minnesota, if necessary, and hopefully the Seminary and developer can partner in planning to preserve and restore the yet-to-be-named urban woods in our community. By doing so you would embrace the challenges of *Thrive's* five “Outcomes,” producing an outcome consistent with *Thrive's* principles and lauded for generations to come.

Lauderdale, the little visionary city, surrounded by the increasing heat island of the greater metropolitan area, can heed the “canary’s cry” about climate change, by courageously creating an environmen-

tally driven 2040 land use plan. We can each declare (apologies to Martin Luther): “Here I stand - with the trees!”

Sincerely,

Steven C. Ahlgren

SCA:sa

cc. Alice Hausman, John Marty, Mary Jo McGuire, Shakopee Mdewkanton Sioux Historian, Luther Seminary Administration, Members of the St. Anthony Park Community Council Land Use Committee and Environment Committee, Trust for Public Land, Falcon Heights Mayor and City Council, St. Paul Mayor, City Council and Director of Environmental Planning Metro Council Parks and Open Space Commission, Ramsey County Park Officials, Director of the Ramsey County Historical Society, Representatives of the Bell Museum and the University of Minnesota, DNR Regional Forest Manager, St. Anthony Park Foundation and Sunrise Bank.