

WHAT WAS THE LAWSUIT ABOUT?

Ramsey County wanted to discuss changing the master plan for Rice Creek Commons after determining the initial plan would not meet the community needs for housing and economic growth. Arden Hills did not want to make changes. After the City declined the County's request to voluntarily mediate the issues as provided in the Joint Powers Agreement between the County and the City, Ramsey County sued to dissolve the JDA (joint development authority) which is the entity created by a joint powers agreement between the city and the county to oversee the remediation and development of the property. Ramsey County also argued that the city was not acting in good faith towards development. The city countersued arguing that the county was breaching the agreement by not attending the JDA meetings and that the county's previous approval of the master plan prevented them from asking for changes. After exhaustive mediation between the parties extended over many months failed to yield an agreement, the judge dismissed all claims, determining that the JDA was still valid but that the county was not obligated to attend meetings. Further, the Court determined that the county was not bound by the terms of the previous master plan and could ask for changes. The county's claim regarding good faith was dismissed because the court concluded that it does not have a judicially manageable standard to determine good faith.

Essentially, the parties were left in the same legal position as before the lawsuit. The JDA remains in place but there is no obligation for the county to attend meetings and the master plan may be amended.

WHAT WOULD HAVE HAPPENED IF THE COUNTY HAD WON?

The JDA would have been dissolved and the development of the property would have reverted to a more traditional landowner and city relationship. The city would have retained their zoning and regulatory authority, but the county would have had more flexibility to develop within city regulations working more directly with the developer.

WHAT IS HOLDING UP AN AGREEMENT?

In my opinion, it's an honest conversation about density and, to a lesser extent, affordability. From the beginning of discussions about the development of the TCAAP Master Plan, selecting a developer, and initial negotiations of a master development agreement, the County has asked for a reasonable number of units on the site as determined by the Alternative Urban Areawide Review (AUAR) (see below), but reluctantly agreed to 1,460 units in order to not lose

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development momentum. Despite asking the city to consider higher density and more flexibility to add density to the development as the market demands, there has been no movement on the city side to increase from the currently approved 1460 in over four years. The county has encouraged the city to -- at a minimum -- meet the affordable housing levels it pledged for the TCAAP property in its [2040 Comprehensive Plan](#). At the current level, it is not possible for a development at Rice Creek Commons to meet the county's goals for economic development, property tax growth, climate initiatives, affordability and economic inclusion.

DOES THE COUNTY WANT TO BUILD AN URBAN DEVELOPMENT IN ARDEN HILLS?

No. Although the county wants *more* density on the site, the density request is still well of most contemporary suburban development. Denser does not mean dense.

The city will not allow more than 1460 units of housing on the 427 acres of property. The AUAR performed by Arden Hills in 2014 and updated in 2019 evaluated a development between 1500-2500 dwelling units. The county would like there to be a higher minimum expected number of units and more flexibility for the developer to respond to market changes in determining an exact number of units within the studied development scenarios. However, it's hard to compare density in urban vs. suburban because very few urban developments have the acreage that we have in Arden Hills. This size of development is normally only available in outer suburbs or ex-urbs. I've tried to find a few examples that may be helpful.

Suburban developments				Urban developments			
Development	Acres	Dwelling units	RCC equivalent	Development	Acres	Dwelling units	RCC equivalent
<i>Amber Fields, Rosemount</i>	435	2000	1954	<i>Highland Bridge, St. Paul</i>	122	3040	10,640
<i>Windmere, Shakopee</i>	618	1619	1118	<i>Excelsior & Grand, St. Louis Park</i>	16	660	17,613
<i>Willowbrooke, Oakdale</i>	208	1400	2874	You can also check out the Met Council Density of Development Presentation for visual examples			

My takeaway from this is that a development between 1500-2500 units, as studied by the AUAR would be well within the density range of typical suburban developments being built in

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the metro area and allowing the developer the flexibility to develop within those limits is the best approach.

WHY DOES THE COUNTY WANT HIGHER DENSITY?

There are multiple reasons why higher density is better for the development and the community. Ultimately, higher density directly and indirectly helps the county achieve more county priorities in the development and provides a better return on investment to Ramsey County taxpayers.



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HOUSING CRISIS

The Minneapolis-Saint Paul metro area has a severe housing shortage – at all income levels – in Ramsey County. The Governor’s Task Force on Housing released a [report in August of 2018](#) that set a goal of building 300,000 more homes by 2030. According to the Itasca Project, to meet projected future growth and make up for a decade of underbuilding, the MSP region needs to produce 18,000 housing units per year, a 30% increase over the 2000-2016 average. Within Ramsey County, there is a deficit of approximately 15,000 units of housing affordable at 30% of Area Median Income (this corresponds to monthly rent of \$660 for a 1-bedroom and \$792 for a 2-bedroom apartment).

Partners at the event who could speak to the housing crisis include the [Met Council](#) and [St. Paul Area Association of Realtors](#).

Additional resources:

- [Itasca Project report on Housing Affordability](#)
- [Minnesota Housing Partnership report on Housing Affordability](#)

PROPERTY TAX BASE

Counties, cities, and school districts set a property tax levy number based on the costs to do their work that are not covered by other government dollars (like state and federal funds), grants or fees assessed for services. That levy amount is then applied to all the property in the municipality’s jurisdiction based on the property’s value. Your property tax amount is based partially on the levy set by the local government, but also on independent factors like your home’s value (which is controlled by the housing market) and the amount and value of other taxable property in the jurisdiction. Maximizing the property value of the new development, provides a larger tax base and can lower the property tax contributions of other properties and/or provide additional revenue for the local government without having to raise property taxes on existing property owners.

Partners at the event who could speak to expanding the property tax based included [Community and Economic Development](#).

Additional resources:

- [Smart Growth and Economic Success](#)

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ECONOMIC INCLUSION

Developing a comprehensive economic development strategy has been identified as a Strategic Priority by the county for some time. In 2019, Ramsey County took this charge and began leading the development of a comprehensive economic development strategy centered around equitable growth and strengthening economic competitiveness. Denser development at Rice Creek Commons will help us ensure place-based inclusion, create resilient and equitable communities, and foster economic competitiveness, innovation, and transformation.

Partners at the event who could speak to economic inclusion included the [Community and Economic Development](#) department.

Additional resources:

- [Ramsey County Economic Inclusion Plan](#)
- [Smart Growth America](#)

PROMOTE JOB CREATION AND ECONOMIC INVESTMENT

Related to economic inclusion, density promotes job creation and economic investment. Business owners consider many factors in determining where to physically locate their business. Offices and manufacturing facilities want to make sure that their workplaces are centrally located to where their workforce resides. Retail and public facing entities need to consider workforce **and** customer bases. Density and affordability provide a range of potential employees and customers for businesses and make locations attractive to business owners and entrepreneurs. Business may also beget business. When there are many employees in a workplace in one location, it can entice other businesses to co-locate so employees can run errands over lunch, go to a happy hour or dinner after lunch, drop off their children at child care close by, or get to a medical appointment over their break.

Partners at the event who could speak to job creation and economic investment [the Twin Cities North Chamber of Commerce](#), and [Community and Economic Development](#).

INCENTIVIZE ALTERNATE TRANSPORTATION (BUS, BIKE, WALK) OPTIONS

A denser community makes it easier to live, work, and play right in your neighborhood and higher density offsets the costs of infrastructure necessary to make it safer to choose walking or biking instead of driving. Decisions about future bus routes are based on an analysis that considers the density of housing and destinations in an area. Providing alternative transportation options like busing, biking, and walking is essential in new development because reduction of fossil fuel use is necessary to address climate change. It is also proven to contribute to healthier communities. Designing communities that make these choices easier and more accessible is one way that infrastructure can promote climate-protective choices.

Partners at the event who could speak to incentivizing alternate transit included the [Sierra Club](#), [Met Council](#), [Parks and Recreation](#), [Active Living Ramsey Communities](#), and [Public Works](#).

Additional resources:

- [Ramsey County All-Abilities Transportation Network](#)
- [Blue Zones: Twelve Principles for Designing Healthy Communities](#)
- [East Metro Strong: Return on Investment of the Regional Transit System](#)

PROMOTE CLIMATE RESILIENT DEVELOPMENT

We can make Rice Creek Commons a pinnacle of cutting-edge, climate-conscious development. However, doing so makes the project more complex and requires greater financial outcomes to offset the costs of that complexity. Density helps offset the costs of clean energy creation and is more climate resilient on its own.

Partners at the event who could speak to promoting climate resilient development included the [Evergreen Energy](#) and [Sierra Club](#).

Additional resources:

- [Newburg: Embracing Density at the Urban Fringe](#)

ENHANCE AND DEEPEN AFFORDABILITY

Far too many Ramsey County families are cost burdened in their current housing situation, paying more than 30% of their monthly income on housing. There are also many families who are unhoused or remain unstably housed. Density provides more opportunities to deepen affordable housing options at multiple income levels to address these community needs. There are many people who are necessary for communities to function who work in jobs that do not pay enough to afford housing. These may be our school paraprofessionals, retail workers, health care workers, and service workers who help our community thrive.

Partners at the event who could speak to deepening housing affordability included the [Housing Justice Center](#), [Met Council](#), and [Community and Economic Development](#).

Additional resources:

- [Itasca Project report on Housing Affordability](#)
- [Strong Towns: Focus on Neighborhood design](#)