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November 9, 2017

Via U.S. Mail

U.S. Department of the Interior
Bureau of Indian Affairs
Midwest Regional Office
Norman Pointe II
5600 West American Boulevard, Suite 500
Bloomington, MN 55437
Attn: Acting Regional Director

Re: August 24, 2017 Notice of (Non-Gaming) Land Acquisition Application submitted by the Prairie Island Indian Community

Dear Acting Regional Director:

Enclosed herewith is the requested information/comments West Lakeland township, Minnesota with respect to the above-referenced trust land acquisition application as requested by your Notice of (Non-Gaming) Land Acquisition Application dated August 24, 2017.

If you have any questions regarding the foregoing, please contact this office. Thank you.

Sincerely,



Kevin C. Quigley

CC: West Lakeland Township Board
Scott McDonald, Township Attorney

enclosure

**Requested Information/Comments of
WEST LAKELAND TOWNSHIP, MINNESOTA
to
“(Non-Gaming) Land Acquisition Application”
submitted by
Prairie Island Indian Community**

Dated: November 9, 2017

I. Introduction

Pursuant to the Notice of (Non-Gaming) Land Acquisition Application dated August 24, 2017, the Midwest Regional Office of the Bureau of Indian Affairs, U.S. Department of the Interior (“BIA”), requested that West Lakeland Township, Minnesota (“West Lakeland”) provide certain information with respect to the trust land acquisition application dated July 7, 2017 submitted to the BIA by the Prairie Island Indian Community (“PIIC”) regarding the “former Mogren Property.” The BIA also invited West Lakeland to provide comments on the proposed acquisition. This document and its attachments are submitted in accordance with 25 CFR Part 151 and constitute West Lakeland’s response to the request for information and invitation to provide comments.

II. West Lakeland Township

West Lakeland is an urban township organized in July of 1950 under Minnesota law, and is located along the St. Croix River in east central Washington County, approximately 10 miles east of downtown Saint Paul, the state capital. It is a decentralized community with a unique lifestyle enjoyed by its residents. Living in West Lakeland allows area residents to enjoy the benefits of a rural community close to an urban center, without costly public services. Older homes, characteristic of the St. Croix Valley, still remain in the area. The residents and farms of the township, and neighboring communities, have contributed much to the unobstructed lifestyle of West Lakeland which its residents enjoy today.

West Lakeland is geographically located just north of Interstate 94 and touches the west bank of the St. Croix River. It has a total area of 12.6 square miles (12.4 square miles (97.94%) is land and 0.3 square miles (2.06%) is water). *See Attachment No. 1*.

As of July 1, 2017, the population estimate for West Lakeland is 4,359, with 1,393 households. The population density is approximately 354 persons per square mile (or approximately 0.51 persons per acre), and the housing density is approximately 111 households per square mile (or approximately 0.35 households per acre). The per capita income for the township is \$50,588, with a median income per household of \$128,273.

In keeping with its long-time rural residential character, West Lakeland is a bedroom community coexisting with a small amount of nonresidential uses. The majority of residents live in individual single-family homes, with most dwellings on a minimum lot size of two and one-half acres. West Lakeland's "Comprehensive Plan," adopted pursuant to Minnesota law in October 2010, expresses the goal "to continue and to encourage this unique rural lifestyle, to preserve a rural environment, and to limit the need for urban services." It is anticipated that future land use will continue along these same lines, with commercial activities limited by applicable zoning limitations.

The Metropolitan Council, the regional planning agency with land use authority pursuant to Minnesota's Metropolitan Land Planning Act, considers West Lakeland to be "rural residential" – meaning within a district "established to provide areas for rural low-density housing in agricultural/rural areas on lands not capable of supporting long-term agricultural activities. The purpose of this district is to retain the rural character of [Washington] county. Dwelling unit density in this district is 8 per 40 acres."

West Lakeland is governed by an elected three-member board.

III. Subject Property

The subject property of the PIIC trust land acquisition application is located in the southwest corner of West Lakeland, and consists of three contiguous tracts comprising six tax parcels of approximately 113 acres. As of January 1, 2017, Washington County has relinquished its land use authority to West Lakeland. The subject property lies mostly within West Lakeland's "Single Family Estates" zoning district which has a limit of 16 dwelling units per 40 acres. A small portion of the southwest corner of the subject property lies within West Lakeland's "Neighborhood Commercial Business" zoning district. *See Attachment No. 2* – West Lakeland Township Zoning Map, revision date 12/09/02.

For many years the subject property, which is undeveloped land with no dwelling units located on it, has been used by its title owner, West Lakeland Sod Farm, LLC, as a sod farm as an "allowed use" in West Lakeland's "Single Family Estates" zoning district. The subject property is, however, taxed by West Lakeland and other local, county and state government units on an "agricultural non-homestead" use basis.

The subject property was conveyed by West Lakeland Sod Farm, LLC to Four Sisters Investments, LLC by limited warranty deed dated June 25, 2015. The subject property continues to be used for agricultural purposes as of this date, with corn production having replaced the sod farming. Based upon PIIC's statements in its trust land acquisition application, West Lakeland understands that while PIIC has "no fixed plans for the use" of the subject property in the event the land is placed into trust with the United States of America for the benefit of PIIC, the "current agricultural use" of the subject property "will continue for the next several years." *See PIIC Application at p.13.*

West Lakeland further understands that it is PIIC's intent that "any change in use" of the subject property will be consistent with the purpose and intent of Minn. Stat. §261B.1645, Subd. 4 – i.e. for "housing and other residential purposes." In this respect, PIIC has stated in its trust land acquisition application that although "no plans exist and none are being developed" currently for use of the land, it is anticipated by PIIC that if the current use is "altered in the future, it will be for low density residential housing with considerable open space, consistent with the surrounding family farming and low density residential uses." PIIC has indicated that it has developed residential housing areas for its members in the past consisting of "low density, single family dwellings with large building sites and subdivision-like roads rather than cross-section streets and avenues," and that "it is likely that any future development [of the subject property] would be similar and could be served by individual wells and septic, . . . or could utilize centralized sewer and water if available in [West Lakeland]." Also, PIIC has indicated that such development would "involve the installation of all necessary infrastructure, the development of park space and the preservation of green space, among other residential amenities." See PIIC Application at p.14.

IV. Requested Information

The BIA has requested the following information with respect to the PIIC trust land acquisition application:

- 1) If known, the amount of property taxes currently levied on the subject property allocated to your organization;**

See Attachment No. 3 for details about the amount of property taxes currently levied on the subject property by West Lakeland. The amount of property taxes levied on the subject property by West Lakeland (\$1,469.83) equates to 0.262% of the total property tax of \$561,380.00 collected each year by West Lakeland.

West Lakeland already has significant areas of non-taxable property totaling 747 acres: including 263 acres of Minnesota DNR property; 204 acres of MnDOT property consisting of a truck weight station and wayside rest area; 80 acres of Metropolitan Airport commission property with the potential of an additional 65 acres to be purchased for an airport expansion; and approximately 200 acres owned by Belwin Conservancy, a nonprofit conservation organization. In early 2014, the Township Board reviewed a preliminary concept plan for proposed commercial development of the southwest corner area of the township, which includes a portion of the subject property. See Attachment No. 4. If this preliminary concept plan for the area were to be implemented, West Lakeland estimates that the township could potentially receive additional property tax revenue ranging from \$9,000 to \$90,000.

- 2) Any special assessment, and the amounts thereof, that are currently assessed against the property in support of your organization;**

No special assessments are currently assessed against the subject property by West Lakeland.

3) Any governmental services that are currently provided to the property by your organization; and

West Lakeland currently provides the following governmental services to the subject property: emergency and fire services. In addition, West Lakeland provides some administrative services related to the land use of the subject property – i.e. variance requests, building permits, burning permits, land use requests, etc. West Lakeland does not provide any utility or law enforcement services to the subject property.

4) If subject to zoning, how the intended use is consistent or inconsistent with the zoning.

Based upon PIIC's statements in its trust land acquisition application that the "current agricultural use" of the subject property "will continue for the next several years," the intended use would be consistent with an "allowed use" in West Lakeland's "Single Family Estates" zoning district. See **Attachment No. 5** – West Lakeland Township Present Land Use Map, June 2010 and West Lakeland Township Future Land Use Map, 2030; also PIIC Application at p.18 ("There are no current plans to change the current land use, and there will be no jurisdictional problems. . . . Because the Community does not anticipate an immediate change in the use of the Subject Property, it does not anticipate any land use conflicts with local government.") and p. 19 ("No development or land use change for the Subject Property is currently proposed or planned."). Moreover, any change in use of the subject property in the future which comports with PIIC's stated intent to adhere to the purpose and intent of Minn. Stat. §261B.1645, Subd. 4 (i.e. for "housing and other residential purposes"), such as development of "low density residential housing with considerable open space," would appear to be consistent with West Lakeland's "Single Family Estates" zoning district. Any use of the subject property that exceeds the land use limitations established for West Lakeland's "Single Family Estates" zoning district, however, would be incompatible with West Lakeland's land use regulatory jurisdiction and counter to West Lakeland's goal to encourage and preserve the rural open nature of the area.

West Lakeland understands that even in the event the land is accepted into trust with the federal government for the benefit of PIIC, any change in use of the subject property with respect to development of a gaming facility will be subject to further review and approval under federal law. Specifically, should PIIC attempt in the future to develop a gaming facility on the subject property, such development would be subject to federal regulations for trust lands acquired after October 17, 1988, 25 CFR Part 292. Under these regulations, any development of a gaming facility on the subject property must first satisfy the Part, 292, Subpart C requirements pertaining to a Secretarial Determination and Governor's Concurrence that such development is "not detrimental to the surrounding community." West Lakeland further understands that before such determination and concurrence is made, the federal government will consult with local officials about possible detrimental impacts to the surrounding community, see 25 CFR §§ 292.19 &

292.20, and such consultation will include, among other things, “anticipated impacts on the social structure, infrastructure, services, housing, community character, and land use patterns of the surrounding community.”

V. Comments

Consistent with the vast majority of comments received from township residents with respect to the PIIC trust land acquisition application, West Lakeland officials would strongly prefer to retain local control with low density housing zoning requirements maintained on the subject property. West Lakeland officials, however, acknowledge that federal law and regulations will govern the consideration of the trust land acquisition application. In this regard, West Lakeland officials appreciate the efforts made by PIIC tribal leaders to inform West Lakeland residents about the nature and status of the PIIC trust land acquisition application, such as the October 13, 2016 meeting with the Town Board and concerned residents. These efforts to build a good working relationship between PIIC and West Lakeland are very much appreciated. In the event the land is placed into trust with the United States of America for the benefit of PIIC, West Lakeland welcomes the opportunity to develop “good neighbor” ties with PIIC to help ensure that the unique rural character and lifestyle of the area is preserved through “low density residential housing with considerable open space.”

Many residents of West Lakeland, however, continue to have questions and concerns about PIIC’s trust land acquisition application. A special meeting of the Town Board was held on November 29, 2016 to provide residents with information regarding the fee-to-trust process under federal law to better understand the process and its potential impact on the subject property. Another meeting of the Town Board was held on February 13, 2017 to provide the Town Board and residents with information about sewer service extension issues that may arise if the PIIC trust land acquisition application is approved by the BIA. In addition, the Town Board invited residents to submit comments they believed to be relevant to PIIC’s trust land acquisition application. While the Town Board does not endorse any specific resident comment, nor do these comments necessarily reflect the position of the Town Board, West Lakeland has attached these resident comments as **Attachment No. 6** for the BIA’s consideration as appropriate under 25 CFR Part 151.

This submission is authorized by and submitted on behalf of the West Lakeland Township Board.

By: 
Kevin C. Quigley

Date: November 9, 2017

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