

Community Development Committee

Meeting date: June 16, 2014

Subject: 2040 Regional Parks Policy Plan Update on Special Recreation Features, Master Plans and System Protection

District(s), Member(s): All

Policy/Legal Reference: MN Statute 473.147

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Division/Department: Community Development, Regional Parks and Natural Resources

Proposed Action

Information item only. No action required.

Background

Minnesota Statute 473.147 requires the Metropolitan Council to prepare and adopt a long-range system policy plan for the regional recreation open space as part of the Council's Metropolitan Development Guide. As per Statute, the 2040 Regional Parks Policy Plan will:

- Identify generally the areas which should be acquired for the Regional Parks System
- Estimate the costs of the recommended acquisition and development

The 2040 Regional Parks Policy Plan will include policies and strategies for siting and acquisition, finance, recreation activities and facilities, planning, and protection of the Regional Parks System. Council staff has prepared draft policy and strategy language for Special Recreation Features, Master Plans and System Protection.

Special Recreation Features

The Regional Parks System is subdivided into four major components: park reserves, regional parks, regional trails and special recreation features. The 2030 Regional Parks Policy Plan defines special recreation features as “regional parks system opportunities not generally found in the parks, the park reserves or the trail corridors” (p. 3-58). Special recreation features proposed for inclusion into the regional parks system must:

- Be unique and complement or enhance the services already offered by the regional system.
- Be capable of functioning within the existing management structure of the regional parks system.
- Not duplicate or compete with recreation facilities adequately provided by the public or private sector.
- Not drain funds from other facilities in the system either because they have an existing or committed financial base or because prior management for a public subsidy has been reached that is in the public's interest.
- Demonstrate the existence or potential for drawing a sizable number of people from throughout the metropolitan area.
- Be approved through the master plan process (p. 2-18).

The 2030 Regional Parks Policy Plan also provides greater information on special recreation features in the classification system for local and regional facilities located on page 3-61. The classification table specifies that a special recreation feature is an “area that preserves, maintains and provides specialized or single-purpose recreational activities such as golf course, nature center, marina, zoo, conservatory, arboretum, display gardens, arena, gun club, downhill ski area, and sites of historic or archeological significance” (p. 3-61). Among park reserves, regional parks and special recreation features, special recreation features are the only classification that does not have a minimum acreage requirement.

Metropolitan Parks and Open Space Commission (MPOSC) members in the past have brought forward the request to revisit the special recreation feature definition and description. Most notable, not all activities listed in the description are considered suitable to a nature-based system. Additionally, previous 2040 Regional Parks Policy Plan discussions at MPOSC, related to equitable usage of regional parks and trails, included a new policy concept recommendation that sought to add “bridging facility” to the description of special recreation features. Based on the developments described, staff is proposing the following language revisions in the 2040 Regional Parks Policy Plan:

The description of a special recreation feature in the 2030 Regional Parks Policy Plan on page 3-61 should be revised in the 2040 Regional Parks Policy Plan as follows: “area that preserves, maintains and provides specialized or single-purpose recreational activities such as ~~golf course~~, nature center, marina, zoo, conservatory, arboretum, display gardens, ~~arena, gun club~~, downhill ski area, ~~and~~ sites of historic or archeological significance **and bridging facilities. Bridging facilities are viewed as facilities that are intended to assist with the introduction into a specialized or single-purpose recreational activity in an effort to enhance participation in outdoor recreation**”. [Additions and revisions that were proposed by staff for incorporation into the 2040 Regional Parks Policy Plan are highlighted in yellow. Proposed deletions are shown with a strike-through in red.]

The Metropolitan Parks and Open Space Commission voted to request staff to add language to Siting and Acquisition Strategy 3 for the requirements of a Special Recreation Feature from the 2030 Regional Parks Policy Plan to include an emphasis on natural resource based facilities. MPOSC also voted to accept the changes highlighted above and replace “gun club” with “Hunter Training Education Facility” in the classification table description of Special Recreation Features.

Master Plans

Minnesota Statute 473.313 requires each regional park implementing agency to prepare, after consultation with all affected municipalities, a master plan that is consistent with the Council’s policy plan. While the statute requires only one master plan per regional park implementing agency, the Council requires individual master plans for each regional park, park reserve, regional trail and special recreation feature.

Staff is proposing revisions to the master plan requirements based on three factors: the policy concepts recently confirmed by MPOSC; the provisions of Minnesota Statute 473.351 for Metropolitan Area Regional Parks Funding; and the addition of funding eligibility for contamination cleanup as part of an amendment to the 2030 Regional Parks Policy Plan in 2013.

Policy concepts: MPOSC recommended that policy concepts regarding equitable usage of regional parks and trails and multimodal access to regional parks and trails be incorporated into the 2040 Regional Parks Policy Plan at its meetings on May 6 and May 20, respectively. Some of these policy concepts called for additional requirements for master plans.

Metropolitan Area Regional Parks Funding: Minnesota Statute 473.351, Subd. 6 requires an implementing agency receiving grant money for operations and maintenance to provide drinking water supplies adequate to the recreational needs of the park. Staff is proposing to acknowledge this requirement in the 2040 Regional Parks Policy Plan.

Funding eligibility for environmental cleanup: An amendment to the 2030 Regional Parks Policy Plan was adopted in 2013 with regard to System Protection Strategy 3 (p 2-49), which states that the Council will consider reimbursing implementing agencies for contamination cleanup under certain conditions. As part of this amendment, soil contamination remediation and capping of abandoned wells that have contaminated their groundwater aquifer on regional parkland became grant eligible expenses under certain circumstances. Due to these additional expenses that may be eligible for regional parks funding, staff is recommending that master plans include information on known sources of environmental contamination. The Minnesota Pollution Control Agency collects and publishes data on contaminated sites. Implementing agencies may use this information in determining the boundaries of a regional park or trail and in estimating development costs. This information will also be helpful for the Council as it reviews and approves a master plan.

System Protection Strategy 4 (p 2-50) states that Phase I Environmental Site Assessments must be done for land that may be contaminated or that may have abandoned wells on it. This section requires an implementing agency to conduct a Phase I Environmental Site Assessment (Phase I ESA) as part of the master planning process. Staff is proposing to change this condition to require a Phase I ESA to be conducted as part of an implementing agency's due diligence process for acquisition of regional parkland. This revision is proposed for the following reasons:

- Implementing agencies may not have access to private property as part of the master planning process.
- It may be cost prohibitive to conduct individual Phase I ESAs for a proposed regional park or trail that includes several parcels.
- The timeframe for acquisition of land within a regional park or trail boundary is unknown. Conditions of the property may change between the time a master plan is developed and land acquisition occurs.

The Metropolitan Parks and Open Space Commission affirmed the staff recommendation that the Metropolitan Council revise language related to regional park and trail master plans as shown in **Attachment A**.

System Protection

Since the Regional Parks System was established in 1974, the Council has invested over \$616 million in State and regional funds for land acquisition and capital improvement projects. The Council has long indicated that lands within the Regional Parks System are considered to be in their highest and best permanent use. Since 1991, the Council has had a System Protection Policy within the Regional Parks Policy Plan to:

“Protect public investment in acquisition and development by assuring that every element in the system is able to fully carry out its designated role as long as a need for it can be demonstrated.”

In an effort to protect its investment in the Regional Parks System, the Council has had various policies and strategies since 1991 regarding the conversion of regional parkland to other uses, detailed below:

- 1991: “Lands in a regional park, park reserve, trail or special recreation feature will not be converted to a use other than acceptable recreation open space”
- 2001: “Lands in the regional park system will only be converted to other uses if approved by the Metropolitan Council through an equally valuable land or facility exchange.....”

The 2030 Regional Parks Policy Plan was developed in 2005 and retained the language regarding the conversion of regional parkland to other uses from the 2001 Policy Plan. When the 2030 Regional Parks Policy Plan was updated in 2010, the language was revised to only apply to land that contained restrictive covenants, and reads as follows:

- 2010: “Restrictive covenants are placed on regional parks system lands, trail and greenways to ensure that these lands area available for regional park uses, and that the regional investment in these lands is protected. Under certain exceptional circumstances, the Metropolitan Council will release restrictive covenants on regional park land if an equally valuable land or facility is added in exchange for the released park land.”

The Council requires an implementing agency to record a restrictive covenant on land that is acquired with regional funds. The restrictive covenants limit the use of the land for regional recreation open space purposes only and cannot be released or amended without approval from the Metropolitan Council. However, not all of the land within the Regional Parks System was acquired with Council funds. For example, when the Regional Parks System was established in 1974, approximately 31,000 acres of existing parks were designated as regional recreation open space, including the Minneapolis Chain of Lakes Regional Park and Como Regional Park, Zoo and Conservatory. This land would not be protected from conversion to another use under the current policy. The Council has granted capital improvement funds for much of this parkland and has passed through State funds to supplement operations and maintenance costs. Therefore, in order to uphold the Council policy to protect the public investment in acquisition and development of the Regional Parks System, staff is proposing to revise the System Protection language to apply to all regional parkland as part of the 2040 Regional Parks Policy Plan. The Metropolitan Parks and Open Space Commission affirmed the staff recommendation that the Metropolitan Council revise language related to system protection in the 2040 Regional Parks Policy Plan as shown in **Attachment B**.

Rationale

Periodic updates to the Community Development Committee regarding the 2040 Regional Parks Policy Planning process are included in the 2014 work plan for the Community Development Committee as well as in the engagement plan for the 2040 Regional Parks Policy Plan.

Funding

N/A

Known Support / Opposition

As described in the Background section, the Metropolitan Parks and Open Space Commission voted to request staff to add language to Siting and Acquisition Strategy 3 for the requirements of a Special Recreation Feature from the 2030 Regional Parks Policy Plan to include an emphasis on natural resource based facilities. MPOSC also voted to accept the changes highlighted in the Background section and replace “gun club” with “Hunter Training Education Facility” in the classification table description of Special Recreation Features.

MPOSC unanimously affirmed the staff recommendation that the Metropolitan Council revise language related to regional park and trail master plans as shown in Attachment A and revise language related to system protection as shown in Attachment B in the 2040 Regional Parks Policy Plan.

Attachment A Master Plans

Existing text from the 2030 Regional Parks Policy Plan is shown below. Additions and revisions that are proposed for incorporation into the 2040 Regional Parks Policy Plan are highlighted in yellow. Proposed deletions are shown with a strike-through in red.

Master Plan Content Requirements and Funding Process

Each master plan for a regional park, park reserve, and special recreation feature must include information for each of these items: (pp 2-30 to 2-31)

- **Boundaries and acquisition costs:** A list of parcels to be acquired and the estimated total cost and schedule for their acquisition, and information on natural resources, site suitability, special assessments, potential contamination based on data from the Minnesota Pollution Control Agency, and other conditions that affect acquisition of the site or location of the boundaries.
- **Stewardship plan:** A program for managing park property, including activities, expenses and anticipated revenue prior to developing the property for recreation purposes. Planned non-recreation uses and disposition of revenue from such use should be detailed.
- **Demand forecast:** The recreational demand to be met by the site as identified by the Council, the regional park implementing agency or other sources.
- **Development concept:** A plan for recreational development and natural resources management including schedule and cost estimates for each project and the approximate capacity of each facility, that should include:
 - Description and location of planned development and natural resources management projects
 - Approximate capacity of each facility
 - Mapping of existing and planned local and regional trail connections to the site and information on how they relate to development within the park
 - Wayfinding signage plan, indicating the types of signs and general locations within the park
 - Information on the source and location of drinking water that is adequate for the recreational uses of the park
 - Schedule and cost estimates for each project

Conflicts between recreational and natural resource management needs in developing the park until should be addressed and resolved. Amendments to an acquisition-phase master plan should be made prior to funding recreation and visitor support facilities if there is insufficient detail on the scope and cost of the facility. Alternatively, the final design/engineering phase of a proposed facility should be funded first, with construction funding provided in a separate capital improvement grant

- **Conflicts:** Identification of conflicts with other existing or proposed projects or land uses affecting the park, including steps necessary for their resolution.
- **Public services:** A description of any non-recreational public services and facilities, such as roads or sewers, needed to accommodate the proposed recreational use, including the timing of these services and the arrangements necessary to provide them.
- **Operations:** Rules, regulations or ordinances affecting the site, including estimated operations and maintenance costs and sources of revenue to operate and maintain recreation facilities and to manage natural resources in the park unit. The operations plans should indicate how energy to operate and maintain the park unit is being managed and conserved. The plan should also state how solid waste from park users is recycled and disposed of consistent with applicable laws.

- **Citizen engagement and participation:** A process to engage the public and involve affected municipalities and the general public in the master planning development of a master plan. The community engagement process must seek to mitigate existing racial, ethnic, cultural or linguistic barriers and include diverse races, ethnicities, classes, ages, abilities and immigrant statuses. The process also must include, but not be limited to, timely notice to the affected municipality with an opportunity for the public to be heard. The master plan should include a summary of comments received, with emphasis on issues raised.
- **Public awareness:** Plans for making the public aware of services available when the regional park is open, including information on how to access the park by transit, if applicable.
- **Accessibility:** A plan that identifies special populations to be served by the facility and addresses accessibility, affordability and other measures designed to help ensure that the facility can be used by members of special population groups.
- **Natural resources:** As part of the master plan, there should be a natural-resource management component that includes:
 - Natural Resources Inventory (NRI) as a part of the master plan process. An NRI should include a land cover inventory that is consistent with the Minnesota Land Cover Classification System developed by the Minnesota Department of Natural Resources and the MetroGIS – a consortium of government entities in the region that create, manage and share digital geographic data in a GIS (Geographic Information System). The natural resource inventory should include native plant communities mapped in the Minnesota County Biological Survey and listed (rare, endangered, and threatened) species documented in the Natural Heritage Information System. The natural resource inventory may include other land-based information. The Metropolitan Council has created the Natural Resources Digital Atlas (NRDA)--an easy to use mapping application designed to assist communities and other organizations and users in the Twin Cities metropolitan area to identify and protect locally or regionally significant natural resources. Using consistent, region-wide information based on the above data or tool will assure compatibility with other natural resource inventories that have been completed or will be done in the metropolitan region.
 - The Natural Resource Inventory should be a basis for projects/proposals to restore degraded resources and maintain high-quality natural resource features, including the estimated capital costs of natural resource restoration projects. Implementing agencies should consult with natural resource professionals in the design and final construction of park facilities, especially trails, that are adjacent to or cross over natural resource areas. The final design and construction should allow the public to view and enjoy these natural habitats with minimal adverse impact on that habitat.
 - Information on how surface water and groundwater resources in the unit, including wetlands, will be protected. This should include standards and requirements that are consistent with the Council's model ordinance for stormwater management. The master plan should include provisions to, first, avoid wetland impacts; second, minimize impacts; and, finally, mitigate impacts when no other options are available.
 - Information on how vegetation will be managed.

Master plans for linking trails:

Each master plan for a regional linking trail must include information for each of these items (p 2-32):

- **Boundaries and acquisition costs:** A list of parcels to be acquired and the estimated total cost and schedule for their acquisition, and information on natural resources, site suitability, special assessments, potential contamination based on data from the Minnesota Pollution Control Agency, and other conditions that affect acquisition of the site or location of the boundaries.

- **Demand forecast:** The recreational demand to be met by the trail as identified by the Council, the regional park implementing agency or other sources.
- **Development concept:** A plan for development, including schedule and cost estimates for the project. **The plan should include:**
 - Mapping of existing and planned local and regional trail connections to the trail corridor
 - Wayfinding signage plan, indicating the types of signs and general locations along the trail corridor
- **Conflicts:** Identification of conflicts with other existing or proposed projects or land uses affecting the park/trail unit, including steps necessary for their resolution.
- **Public services:** A description of any non-recreational public services and facilities, such as roads or sewers, needed to accommodate the proposed trail, including the timing of these services and the arrangements necessary to provide them.
- **Operations:** Rules, regulations or ordinances affecting the trail, including estimated operations and maintenance costs and sources of revenue to operate and maintain the trail.
- **Citizen engagement and participation:** A process to engage the public and involve affected municipalities and the general public in the master planning development of a master plan. The community engagement process must seek to mitigate existing racial, ethnic, cultural or linguistic barriers and include diverse races, ethnicities, classes, ages, abilities and immigrant statuses. The process also must include, but not be limited to, timely notice to the affected municipality with an opportunity for the public to be heard. The master plan should include a summary of comments received, with emphasis on issues raised.
- **Public awareness:** Plans for making the public aware of services available when the regional trail is open, including information on how to access the trail by transit, if applicable.
- **Accessibility:** A plan that identifies special populations to be served by the facility and addresses accessibility, affordability and other measures designed to help ensure that the trail can be used by members of special population groups.

Master plans for regional destination trails or greenways:

Master plans for regional destination trails or greenways shall include all of the elements outlined above for regional linking trails as well as a stewardship plan, and natural resource inventory: (p 2-33)

- **Stewardship plan:** A program for managing the surrounding greenway areas and natural resource features.
- **Natural resources:** As part of the master plan, the natural resource management component should include:
 - Natural Resources Inventory (NRI) as a part of the master plan process. An NRI should include a land cover inventory that is consistent with the Minnesota Land Cover Classification system developed by the Minnesota Department of Natural Resources and Metro GIS – a consortium of government entities in the region that create, manage and share digital geographic data. Using the same NRI format will assure compatibility with other natural resource inventories that have been completed or will be done in the metropolitan region. The natural resource inventory should include native plant communities mapped in the Minnesota County Biological Survey and listed (rare, endangered, and threatened) species documented in the Natural Heritage Information System
 - The Natural Resource Inventory should be a basis for projects/proposals to restore degraded resources and maintain high-quality natural resource features, including the estimated capital costs of natural resource restoration projects. Implementing agencies should consult with natural resource professionals in the design and final construction of the trail/ greenway, that are adjacent to or cross over natural resource areas. The final

- design and construction should allow the public to view and enjoy these natural habitats with minimal adverse impact on that habitat.
- Information on how surface water and groundwater resources in the unit, including wetlands, will be protected. If appropriate, this should include standards and requirements that are consistent with the Metropolitan Council's model ordinance for stormwater management. The master plan should include provisions to, first, avoid wetland impacts; second, minimize impacts; and, finally, mitigate impacts when no other options are available.
 - Information on how vegetation will be managed.

System Protection

System Protection Strategy 4: Phase 1 ~~environment site assessments~~ Environmental Site Assessments must be ~~done~~ conducted for land that may be contaminated or that may have abandoned wells ~~on it.~~ prior to seeking regional parks funding for acquisition (pp 2-50 to 2-51)

Regional park implementing agencies must conduct Phase 1 ~~environmental site assessments~~ Environmental Site Assessments on land that is suspected to be contaminated or land suspected to have abandoned wells as part of ~~the master planning process~~ its due diligence process for land acquisition. The Phase 1 ~~environmental site assessments~~ Environmental Site Assessment will determine the likelihood of soil contamination or abandoned wells, including the likelihood of contaminated groundwater aquifers. The findings of the site assessment should be included in the ~~master plan grant request~~ submitted to the Metropolitan Council.

The cost of the Phase 1 ~~environmental site assessments~~ Environmental Site Assessment is eligible for reimbursement as an acquisition cost.

Prior to the Council determining whether the contaminated land, including lands with abandoned wells, should be part of the proposed park or trail, the Council will make findings of fact regarding the following factors:

- The likelihood and extent of the contamination.
- Whether the land is essential to make the regional park or trail function as intended according to a Council-approved master plan and the existence of a reasonable alternative to relocate the park or trail facilities elsewhere.
- Whether responsible parties have been identified who will remediate the site.
- Whether the estimated costs to clean up the contamination or cap the abandoned well(s) outweigh the need versus the recreational, economic and social benefits the park or trail would provide.

If the Council concludes that the land should be added to the regional parks system, this does not imply that the Council will use park funds to clean up the site or cap abandoned wells. Park funds will only be used for contaminated soil cleanup or capping abandoned wells if the four preceding conditions have been met.

Attachment B System Protection

Existing text from the 2030 Regional Parks Policy Plan is shown below. Additions and revisions that are proposed for incorporation into the 2040 Regional Parks Policy Plan are highlighted in yellow. Proposed deletions are shown with a strike-through in red.

System Protection

System Protection Strategy 2: ~~Release of restrictive covenants.~~ Conversion of regional park system lands to other uses (p 2-47 to 2-48)

~~Restrictive covenants are placed on regional parks system lands, trails, and greenways to ensure that these lands are available for regional park uses, and that the regional investment in these lands is protected. Under certain exceptional circumstances, the Metropolitan Council will release restrictive covenants on regional park land, if an equally valuable land or facility is added in exchange for the released park land.~~

Lands in the Regional Parks System will only be converted to other uses if approved by the Metropolitan Council through an equally valuable land or facility exchange as defined below:

“Equally valuable land” is defined as land that is contiguous to the regional parks system unit containing the land proposed to be exchanged (within the same park/trail unit) and the land has comparable or better natural resource characteristics and could provide comparable or better recreation opportunities than the land being released from the covenant. In exceptional circumstances, the Metropolitan Council may accept as equally valuable land the addition of land to another unit of the regional parks system where that replacement land has comparable or better natural resource characteristics and comparable or better recreation opportunities than the land being converted, where no other reasonable alternative exists and where all other provisions of this policy can be met.

“Equally valuable facility” is defined as an exchange of land for facilities when recreational benefits and/or natural resource benefits are increased as a result of the exchange. For example, some land within a regional trail corridor may be exchanged to widen a highway if a highway department constructs a trail overpass or underpass of the widened road at no cost to the regional park implementing agency.

~~When land is acquired for the regional parks system, restrictive covenants on that land ensure that it is used only for regional parks system purposes. Regional park system lands are protected through restrictive covenants when land is acquired with regional funds. These covenants cannot be broken or amended unless the Metropolitan Council approves. The only restrictive covenant amendments approved by the Council in which no land was exchanged were for small strips of land needed for public highway improvements. The land was needed to make roads safer and there was no alternative. These projects also improved access to the adjacent regional parks system unit. The Metropolitan Council will consider land exchanges for other uses only if the exchanges will not harm the regional parks system.~~

~~For those changes that represent a potential system impact, the Council will use a process comparable to the review period for plan amendments with a potential impact on the regional system. For conversions such as small exchanges of land to provide right-of-way for access, an expedited review comparable to the 10-day waiver will be used. The following criteria will be used to determine whether regional parks system land may be exchanged for other parkland.~~

The Metropolitan Council will consider conversion of regional park land to other uses only if the conversion will not harm the Regional Parks System. The following criteria will be used to determine whether regional parks system lands may be exchanged for other land or a facility:

Issues with respect to the existing park system unit:

- Whether the park system unit can continue to meet Council site and site attribute standards established for the particular type of park system unit (regional park, park reserve, trail greenway or special recreation feature)
- Whether the park system unit will continue to function as originally planned
- Whether environmental features (wildlife habitat, water quality) will be adversely affected and can be protected with the new use
- Whether the loss of site or function will be made up through acquisition of a site with comparable characteristics adjacent to or in the immediate area of the current location
- Whether the park system unit benefits from a facility in exchange for the parkland
- Whether the need for the conversion, as in the instance of transportation improvements, is generated by the recreational park system unit

~~Before releasing a restrictive covenant, the Metropolitan Council will make findings with respect to the transportation alternatives which consider the following factor:~~

Issues with respect to the alternative use:

- The land area needs of the proposed project
- Whether the specific site requirements for the proposed project are unique to the area proposed for conversion
- Whether the proposed project is consistent with Council policies
- Whether the proposed project is of greater benefit to the region than continuance of the regional parks system unit

For those changes that represent a potential system impact, the Council will use a process comparable to the review period for plan amendments with a potential impact on the regional system. For conversions such as small exchanges of land to provide right-of-way for access, an expedited review will be used.

Lands in the regional parks system may be subject to use-conversion proposals for a number of reasons. Some very limited conversions may be accommodated and still not affect the ability of the remaining area to offer the facilities and services planned. A well-designed transit waiting station or a properly located and operated yard waste compost site could be of positive value to the regional system and can be worked out between the proposing parties, the implementing agencies and the Council in accordance with the system management guidelines.

However, most conversions are likely to detract from the ability to provide the type and quality of outdoor recreation experiences promised in the master plan. Some of the undesirable conversion impacts will be obvious and direct, such as unsightly landscapes or structures, barriers to movement, loud noises, night light or obnoxious odors. Other conversion impacts are more indirect, such as those that affect water quality and plant and animal life. In addition to adversely affecting the regional parks system's ability to deliver service, removal of lands for non-recreation open space uses also sets a bad precedent.

Restrictive covenants:

The Metropolitan Council requires that a restrictive covenant must be recorded on all land that has been acquired for the Regional Parks System using regional funds. The restrictive covenant ensures the parkland is used in perpetuity for regional parks system purposes and ensures that there is no sale, lease, mortgage of the parkland or other conveyance, restriction or encumbrance filed against the property unless the Council approves the action in writing and the Council's approval is recorded against the parkland.

The only restrictive covenant amendments approved by the Council in which no land was exchanged were for small strips of land needed for public highway improvements. The land was needed to make roads safer and there was no alternative. These projects also improved access to the adjacent regional parks system unit.

~~The Council has long indicated it considers lands intended for outdoor recreation activities to be in their highest and best permanent use. The Council requires restrictive covenants to be put on all lands acquired with regional funds. The covenants ensure nondiscriminatory regional parks system use is continued in the future.~~