

## Community Development Committee Report

For the Metropolitan Council meeting of September 22, 2021

**Subject:** Cleary Lake Regional Park Master Plan Amendment and Land Conversion, Three Rivers Park District, Review File No. 50227-2

### *Proposed Action*

That the Metropolitan Council:

1. Approve the Cleary Lake Regional Park Master Plan Amendment and Land Conversion.
2. Approve the permanent release of the restrictive covenant on 2.21 acres of land and the temporary release of the restrictive covenant on 1.41 acres of land within Cleary Lake Regional Park – a total of 3.62 acres – in exchange for a channel stabilization project within Cleary Lake Regional Park.

### **Summary of Committee Discussion/Questions**

Colin Kelly, Planning Analyst, presented the staff report to the Community Development Committee at its September 7, 2021 meeting.

Council Member Cummings asked what concerns were raised by the Metropolitan Parks and Open Space Commission members who did not support the proposed action. Kelly responded that the concerns centered on the natural resource project being considered a facility and the potential for additional pollutants entering the park from the reconstructed roadway, and the perception that any removal of land from a regional park is a negative.

Council Member Wulff noted that there are precedents for equally valuable land-for-facility exchanges in the Regional Parks System, the reconstructed roadway will improve trail access in the area, and that she supported the plan amendment and land conversion.

The Community Development Committee voted unanimously to approve the proposed action.

## Metropolitan Parks and Open Space Commission Report

For the Community Development Committee meeting of September 7, 2021

For the Metropolitan Council meeting of September 22, 2021

**Subject:** Cleary Lake Regional Park Master Plan Amendment and Land Conversion, Three Rivers Park District, Review File No. 50227-2

### Proposed Action

That the Metropolitan Council:

1. Approve the Cleary Lake Regional Park Master Plan Amendment and Land Conversion.
2. Approve the permanent release of the restrictive covenant on 2.21 acres of land and the temporary release of the restrictive covenant on 1.41 acres of land within Cleary Lake Regional Park – a total of 3.62 acres – in exchange for a channel stabilization project within Cleary Lake Regional Park.

### Summary of Committee Discussion/Questions

Colin Kelly, Planning Analyst, presented the staff report to the Metropolitan Parks and Open Space Commission at its meeting on September 2, 2021. Nathan Moe and Kelly Grissman, both with Three Rivers Park District, were in attendance and responded to questions.

Commissioner Harris asked whether there was any public engagement on this topic. Moe responded that there was some engagement during the traffic study. He added that people were generally pleased to hear the park would continue to operate as it does today. Grissman added that the proposed natural resource project will enhance recreational use at the regional park.

Commissioner Peichel asked multiple questions. Peichel asked whether there had been any consideration of pollutants that are likely to come from the expanded roadway, like chlorides. Moe responded that he wasn't aware of any analysis of chloride inputs, but mentioned there had been some analysis of phosphorus and suspended solids as they relate to the channel stabilization project. Peichel then asked if the proposed channel stabilization project was in the middle of the golf course; whether the course was run by a concessionaire; and if any funds associated with the course would be going to the project. Moe responded that it was on the lake edge of the park and golf course; that Three Rivers Park District operates the golf course as a non-enterprise, training facility; and that only mitigation dollars would be going to the stabilization project, not funds collected from the golf course. Peichel then asked if there was long-term maintenance funding set aside for the project. Moe responded that parks staff were working closely with the maintenance team and that there is a plan for regularly clearing and maintaining the associated settlement basin.

Following a motion by Commissioner Taylor to approve the Proposed Action and a second from Commissioner Dillenburg, Commissioner Peichel noted he would not be supporting the action because he did not think there was enough consideration of the pollutants produced by the highway project, and he wasn't convinced the channel stabilization project was the best exchange. Commissioner Harris also indicated that she would not be supporting the action because she was not in favor of this proposed land-for-facility exchange.

Council Parks Manager Emmett Mullin spoke to Three Rivers Park District's efforts to first seek a land-for-land exchange at one of the two regional park units that are owned by the Park District and operated in partnership with Scott

County: Cleary Lake Regional Park and Murphy Hanrehan Park Reserve. Mullin noted that there were no inholdings currently available at either of the park units. As such, the Park District moved to considering an equally valuable land-for-facility exchange.

Commissioner Dillenburg suggested that, given the proximity of the highway to the regional park, inputs from the roadway are likely already present on the roadside. Dillenburg expressed support for the proposal.

Chair Yarusso noted that this proposed exchange is different than those the Commission has considered in the past. This proposal suggests that the channel stabilization project be considered as a facility.

Commission Moeller noted that the amount of land that is being removed is small and the environmental benefits of the channel stabilization project are significant. Moeller expressed support for the proposal.

The Metropolitan Parks and Open Space Commission voted 6-3 to approve the proposed actions.

## Metropolitan Parks and Open Space Committee

Meeting date: September 2, 2021

For the Community Development Committee meeting of September 7, 2021

For the Metropolitan Council meeting of September 22, 2021

**Subject:** Cleary Lake Regional Park Master Plan Amendment and Land Conversion, Three Rivers Park District, Review File No. 50227-2

**MPOSC District, Member:** District B, Robert Moeller

**Council District, Member:** District 16, Wendy Wulff

**Policy/Legal Reference:** Minnesota Statutes § 473.313; *2040 Regional Parks Policy Plan*: Chapter 6 – System Protection, Strategy 2 – Conversions; Chapter 4 – Siting and Acquisition, Strategy 1 – Priorities

**Staff Prepared/Presented:** Colin Kelly, Planning Analyst (651-602-1361)

**Division/Department:** Community Development/ Regional Planning

### Proposed Action

That the Metropolitan Council:

1. Approve the Cleary Lake Regional Park Master Plan Amendment and Land Conversion.
2. Approve the permanent release of the restrictive covenant on 2.21 acres of land and the temporary release of the restrictive covenant on 1.41 acres of land within Cleary Lake Regional Park – a total of 3.62 acres – in exchange for a channel stabilization project within Cleary Lake Regional Park.

### Background

Cleary Lake Regional Park is located in the southwest portion of the Regional Parks System (Figure 1). The proposed land conversion and the majority of the regional park is located in Credit River Township in the eastern part of Scott County (Figure 2). The westernmost portion of the regional park is located in Spring Lake Township and borders the City of Prior Lake.

Cleary Lake Regional Park is owned by Three Rivers Park District (TRPD) and operated in partnership with Scott County. The master plan for this regional park was approved in 1998.

The focus of this master plan amendment is a proposed land conversion to allow the Scott County Highway Department to make improvements to the County State Aid Highway (CSAH) 27 corridor. In 2015, a traffic study was completed for the CSAH 27 corridor. The study identified challenges within the segment of CSAH being addressed by the current highway project including an above average crash rate for similar roadways. The study recommended a four-lane, divided roadway consistent with the segment to the north as the preferred solution.

In 2019, Scott County worked to develop engineering drawings to address the issues identified in the traffic study. In resolving the skewed intersection and in tapering the new four-lane road to the existing two-lane rural section roadway, portions of the regional park will be impacted both temporarily for construction and permanently for needed road right of way.

Scott County would hold a permanent easement of 2.21 acres (2.12 acres of highway easement and 0.9 acre of drainage and utility easement) for the permanent road right-of-way and a temporary easement of 1.41 acres during the

construction of the roadway. The total impact is 3.62 acres. Removing land from the Regional Parks System requires an equally valuable land or facility exchange.

In exchange for this removal, TRPD proposes a channel stabilization project within the regional park that will address channel erosion, reduce excess sediment being carried to Cleary Lake, and address flooding that is impacting park infrastructure. The project will stabilize a section of 560 linear feet of channel using check dams, vegetated class II riprap, and vegetated buffer improvement, and stabilize an additional 150 linear feet by re-establishing the channel grade. Minor impacts to the regional park's golf course and cross-country ski trail will also be mitigated. This is proposed as an equally valuable land-for-facility exchange.

The land conversion is proposed in the northeast portion of the regional park, near the intersection of CSAH 27 (Texas Avenue) and CSAH 21 (Eagle Creek Avenue). The proposed channel stabilization project is also in the northeast portion of the park, located southwest of the CSAH 27 improvement project (Figure 3).

### **Rationale**

The Cleary Lake Regional Park Master Plan Amendment and Land Conversion is consistent with the requirements of the *2040 Regional Parks Policy Plan* (RPPP) including Chapter 6, Strategy 2 and Chapter 4, Strategy 1.

### **Thrive Lens Analysis**

The master plan amendment and land conversion advances the Thrive outcome of stewardship by responsibly managing the region's natural resources and investing in natural resource restoration.

### **Funding**

The 3.62 acres of regional park land identified for permanent and temporary removal was acquired with Metropolitan Council funds. When Metropolitan Council funds are used, an agreement and restrictive covenant is recorded on the purchased property that provides a higher level of protection to ensure regional recreational open space use in perpetuity. Approval of this amendment would remove the Council agreement and restrictive covenant on the identified land and transfer easement rights to Scott County.

In preparation for the reconstruction of the roadway, an appraisal was completed to better understand the impact to the park and place a value on the loss of land and the impact to amenities. Along with the appraisal (\$111,000, less the appraisal firm's valuation of tree loss for a total of \$90,338), an independent evaluation of the tree loss impacts was conducted by the Three Rivers Park District forestry department (\$53,683). The total settlement amount agreed upon between Three Rivers and Scott County is \$144,021.

The mitigation, as proposed, provides several benefits to the regional park. The channel stabilization project will reduce runoff and erosion, strengthen environmental stewardship, and enhance water quality. The total cost of the channel stabilization project and other minor facility changes is \$144,021.

### **Known Support / Opposition**

On June 17, 2021, the Three Rivers Park District Board of Commissioners approved the conveyance of easements totaling 3.62 acres for the CSAH 27 road widening project – contingent upon Council approval to the modifications to the restrictive covenant – and approved a Resolution (21-09) determining that the easement rights to be conveyed to Scott County for the reconstruction of County State Aid Highway 27 are not needed to operate Cleary Lake Regional Park (Attachment 1).

**Figure 1: Cleary Lake Regional Park location in the Regional Parks System**

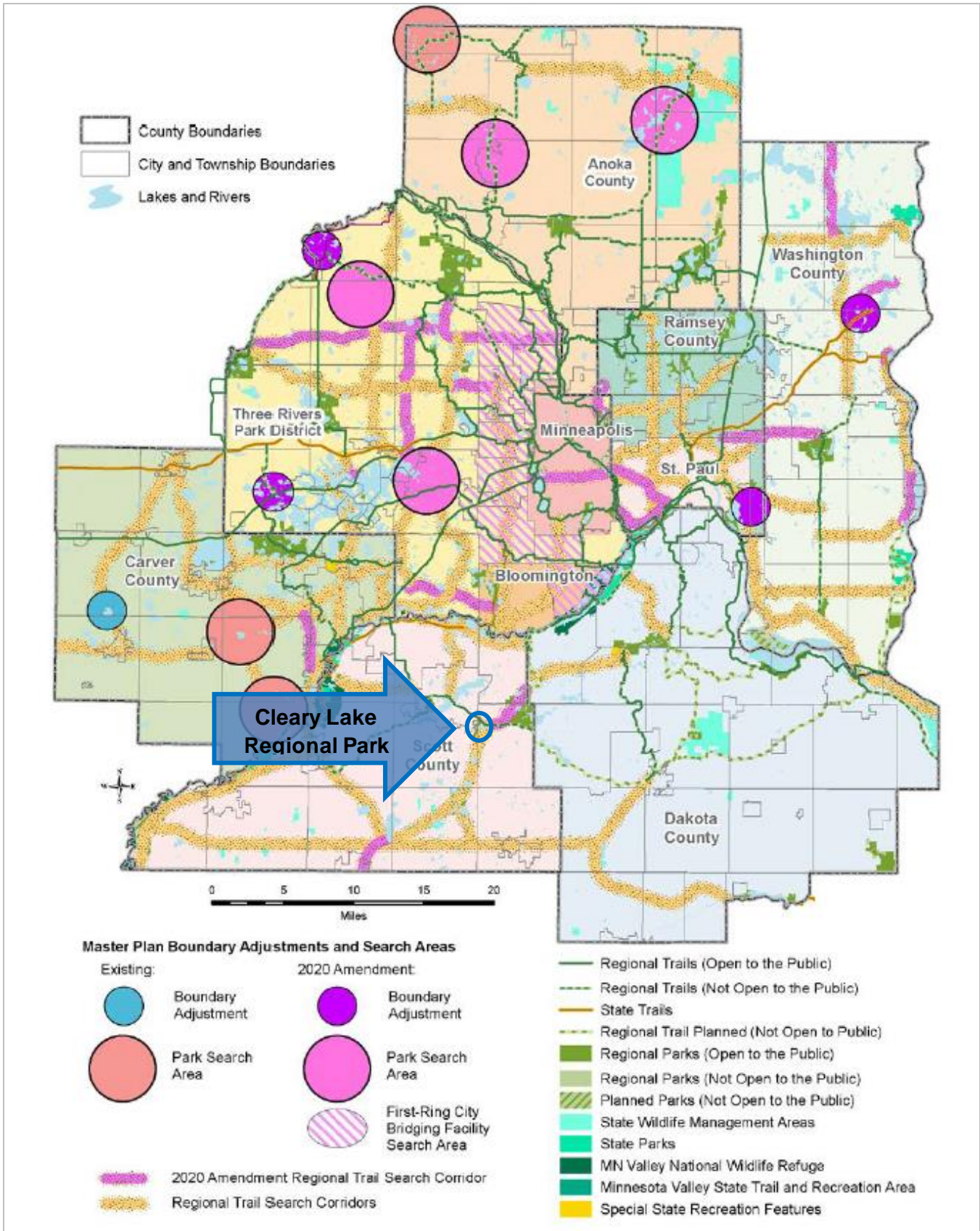


Figure 2: Cleary Lake Regional Park location in Scott County

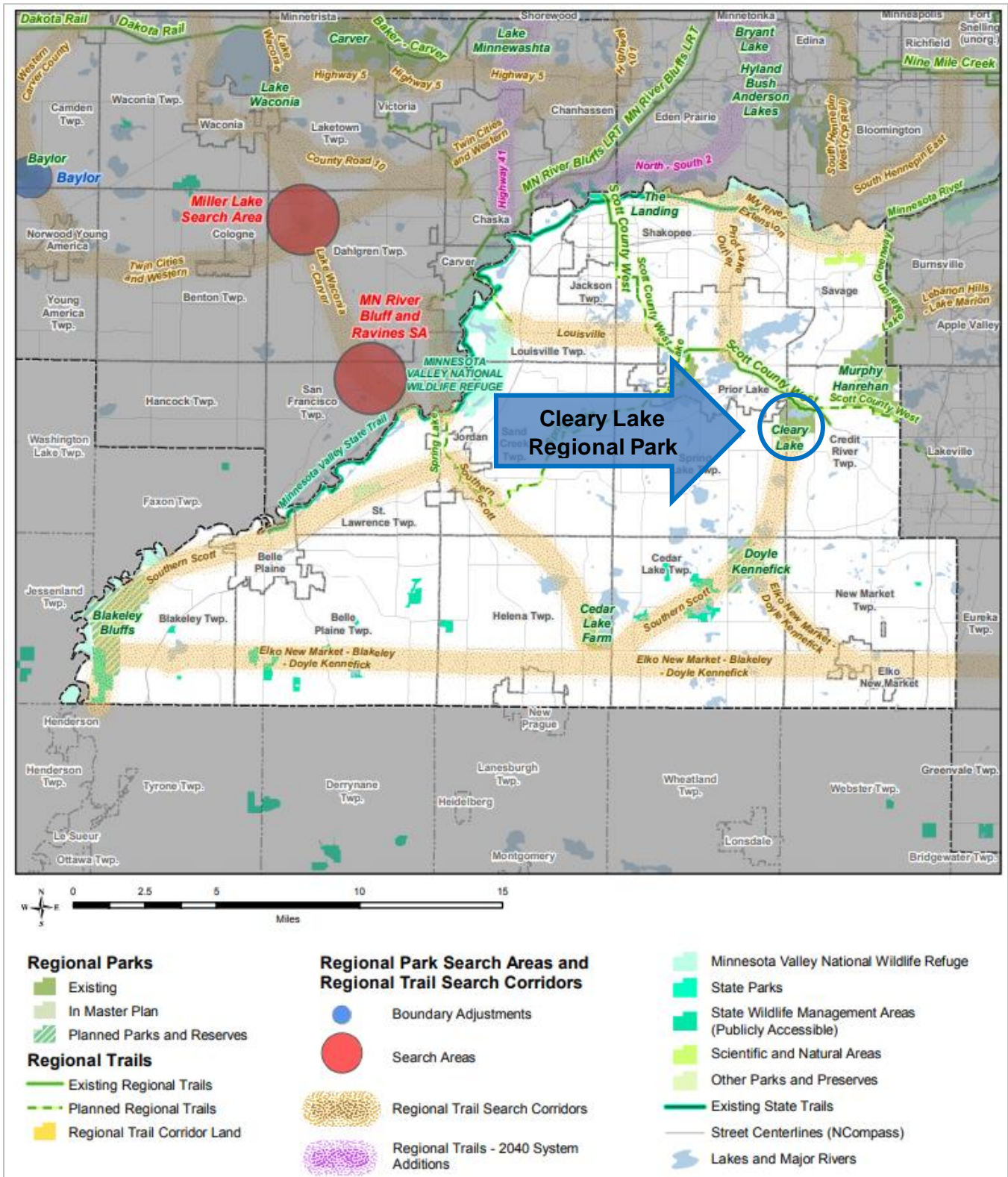
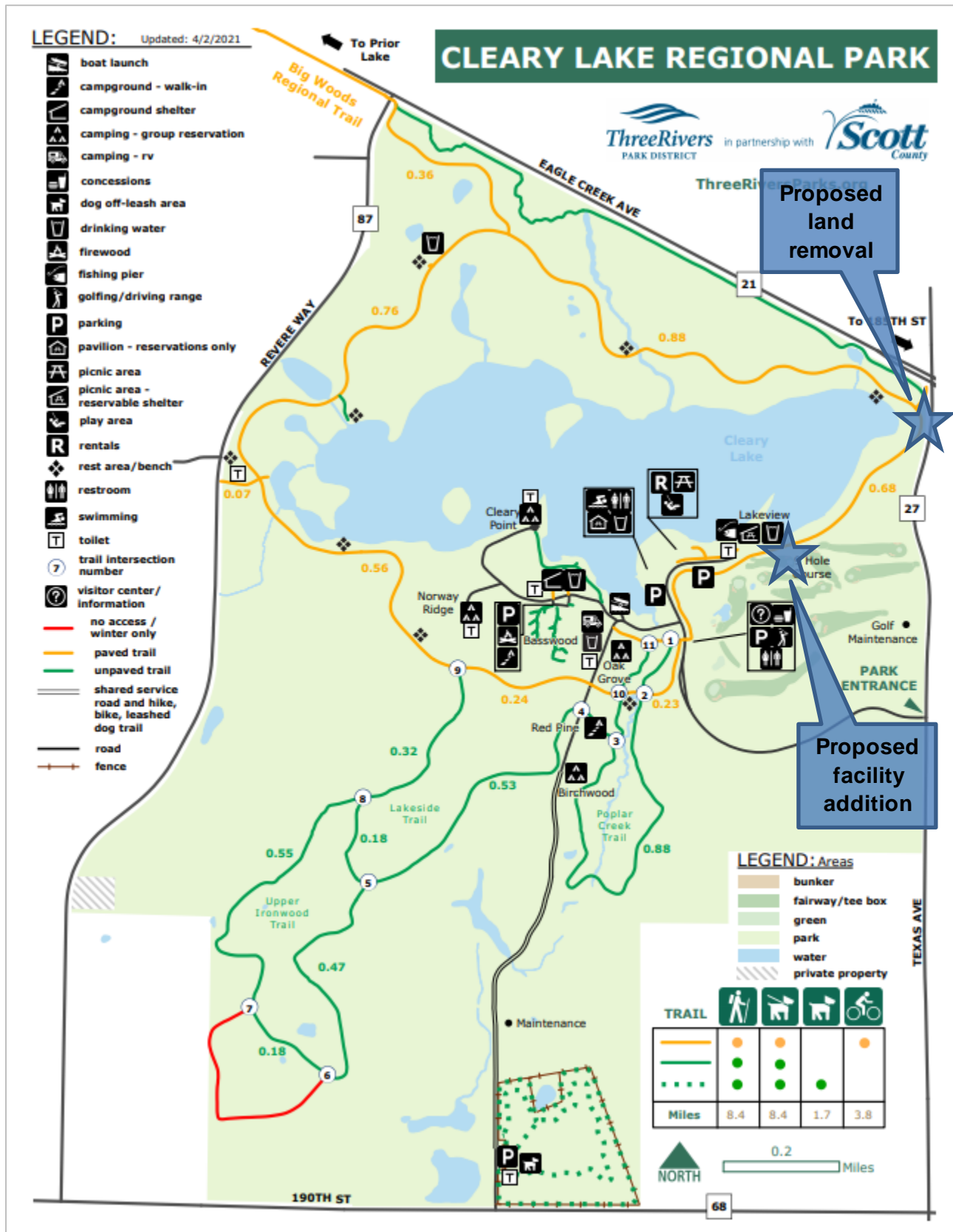


Figure 3: General locations of proposed land removal and facility addition within Cleary Lake Regional Park





## Analysis

The Cleary Lake Regional Park Master Plan Amendment includes the removal of land and the addition of a facility – in the form of a channel stabilization project – to the park (Table 1). The RPPP guides for land conversions in Chapter 6, Strategy 2.

Table 1: Land conversion appraised value and cost estimates

Land Conversion	Appraised Value, Cost Estimates
Removal Land	\$144,021
Facility Additions	\$144,021

## Land Conversion

Chapter 6, Strategy 2 requires that 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 .

The RPPP defines an “equally valuable facility” as “an exchange of land for facilities when recreational benefits and/or natural resource benefits are increased as a result of the exchange.”

The Council considers conversion of regional park land to other uses only if the conversion will not harm the Regional Parks System. The following section evaluates the proposal against criteria outlined in the RPPP 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:*

- 1. Whether the regional park system unit can continue to function as originally planned, meeting Council standards for sites and site attributes established for the particular type of park system unit (regional park, park reserve, trail greenway or special recreation feature)**

According to the RPPP Chapter 4, Strategy 1, regional parks must:

- Draw visitors from across the region
- Provide for geographic balance
- Conserve a diversity of high-quality natural resources, either naturally occurring or human built, that support outdoor recreation activities
- Be at least 100 acres; typically 200-500 acres
- Accommodate a variety of outdoor recreation activities.

The proposed project will not impact the ability of Cleary Lake Regional Park to continue to meet Council standards for a regional park. The sliver of land required for the road right of way project will have a minimal impact to park facilities. However, the Cleary loop trail and a cross country ski trail will need to be realigned (Figure 4).

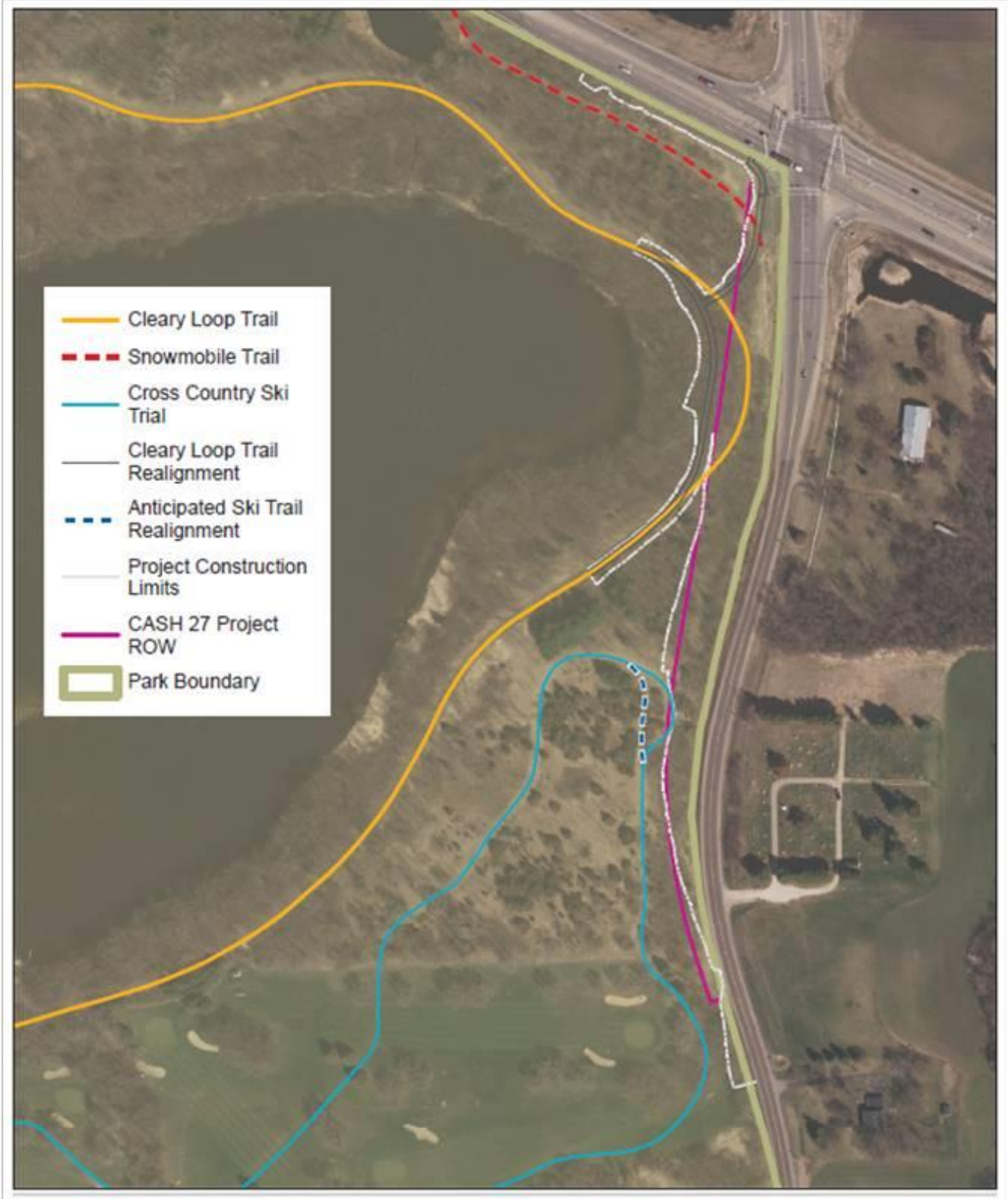
- 2. Whether environmental features (wildlife habitat, water quality) will be adversely affected and can be protected with the new use**

The land needed for road right of way will require the removal of some early successional forest areas along the roadside. The forestry department has recommended that areas affected by the temporary construction locations and areas that are exposed to the new roadway be planned to screen park users from the noise and visual impact of the roadway.

**3. 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**

Equally valuable land options were reviewed to seek reasonable alternative lands to add to the regional park. In accordance with the Three Rivers Park District and Scott County partnership, the only park units considered were those that are owned by Three Rivers Park District and operated within the partnership. This includes Cleary Lake Regional Park and Murphy-Hanrehan Park Reserve. Because Cleary Lake Regional Park only has one inholding – owned by a private party and not currently for sale – options within the regional park do not exist. Similarly, there were no available properties within or adjacent to Murphy-Hanrehan Park Reserve. Given the current housing market, the value of remaining mitigation dollars is not substantive enough to provide a possible solution with any single property.

Figure 4: Affected Area of Cleary Lake Regional Park – CSAH 27



*Issues with respect to the alternative use:*

**1. The land area needs of the proposed project**

The project proposes to stabilize 710 linear feet of channel and provide flood protection to an irrigation pump house associated with the regional park's non-enterprise golf course facility (Figure 5).

**2. Whether the specific site requirements for the proposed project are unique to the area proposed for conversion**

Cleary Lake is listed on the state impaired waters list for excessive nutrients. The channel identified for stabilization receives runoff from a 98-acre watershed before discharging into the southeast corner of Cleary Lake. A recent analysis indicated that the existing channel delivers approximately 12 tons of total suspended solids and 2.41 pounds of phosphorus into the lake annually.

**3. Whether the proposed project is consistent with Council policies**

The channel stabilization project will allow the regional park to function as planned, and will enhance conservation of natural resources and enhance a variety of outdoor recreation activities, consistent with RPPP Chapter 4, Strategy 1. Removal of the land is consistent with RPPP Chapter 6, Strategy 2 and other policies.

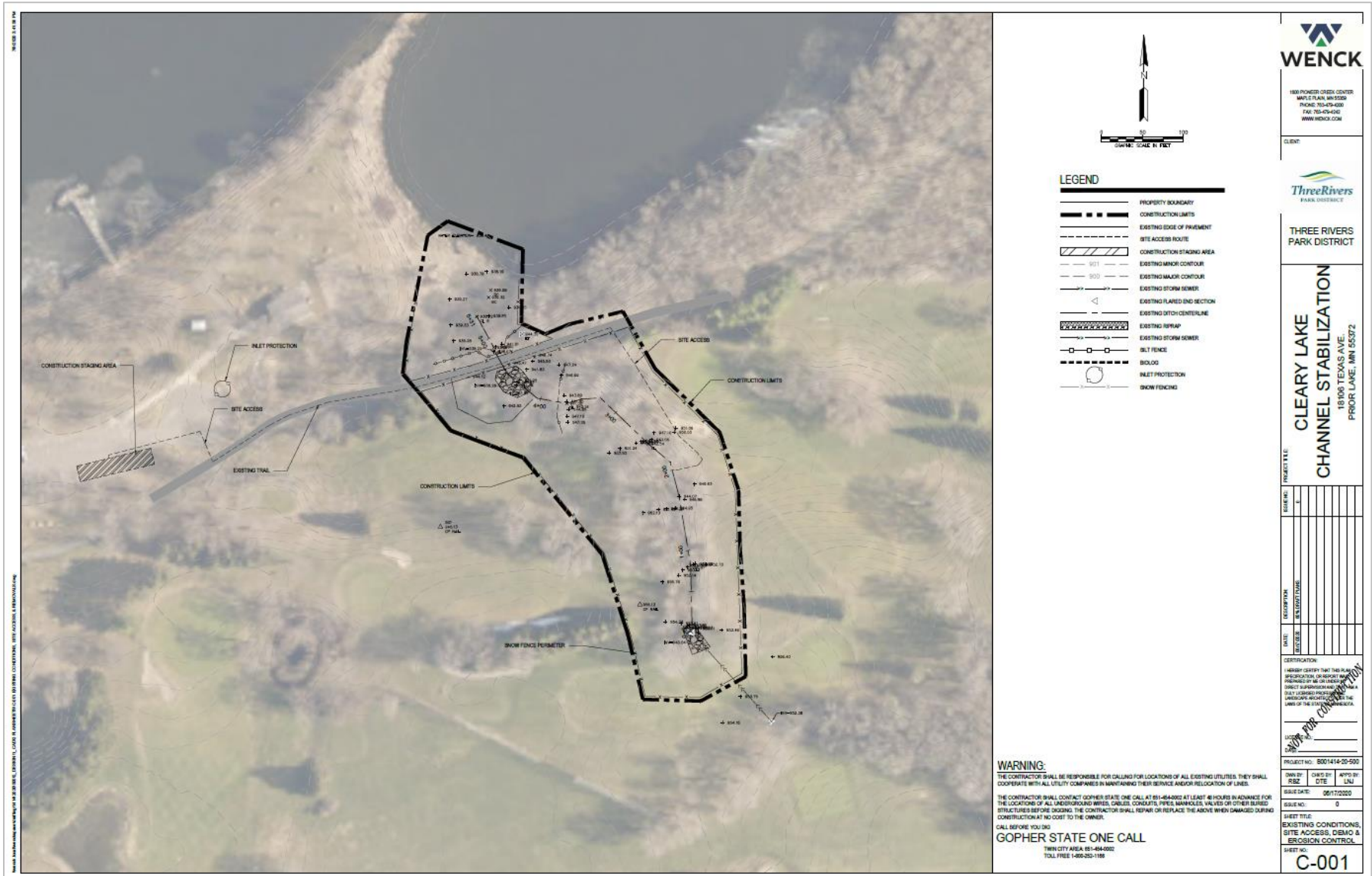
**4. Whether the proposed project is of greater benefit to the region than having the regional park system unit remain in place**

This project is of benefit to the region since it would improve the water quality of Cleary Lake, support recreational activities on the lake, and support stewardship of natural resources in the park and the watershed.

Without the channel stabilization project, erosion of sediment and nutrients into Cleary Lake would continue and potentially compromise the future operations of the irrigation pump house.

The channel stabilization project would reduce sediment loading by an estimated 360 tons and phosphorus loading by 63 pounds for the 30-year life expectancy of the project.

Figure 5: Preliminary site construction plans for Cleary Lake Channel Stabilization



## Consistency with Other Council Policies and Systems

**Community Development – Forecasts** (Todd Graham 651-602-1322) – I have reviewed the easement and covenant removal request documents. The easement and covenant removal request is a minimal change to the Park.

**Community Development – Housing** (Hilary Lovelace 651-602-1555) – I have reviewed the Cleary Lake Regional Park Master Plan Amendment and Land Conversion and it is consistent with the Council's 2040 Housing Policy Plan.

The plan amendment doesn't require the acquisition of private residential land that could impact housing. Within a half-mile of the trail there are no affordable housing developments serving various household income levels at or below 30-80% of Area Median Income.

**Environmental Services – Sewers** (Roger Janzig, 651-602-1119) – The Council does not have any existing facilities or any long-term plans for regional wastewater facilities in this area. Council staff do not object to a release of any restrictive covenants in this area of the regional park.

**Environmental Services – Water** (Joe Mulcahy 651-602-1104) – I have reviewed Three Rivers Park District /Scott County's request for release from restrictive covenants for Cleary Lake Regional Park for Water Resources. The request appears to be accurate and complete, and potential water resource impacts appear to be addressed.

**THREE RIVERS PARK DISTRICT**

**RESOLUTION NO. 21-09**

**A RESOLUTION DETERMINING THAT EASEMENT RIGHTS TO BE CONVEYED TO SCOTT COUNTY ARE NOT NEEDED TO OPERATE CLEARY LAKE REGIONAL PARK**

**WHEREAS**, Three Rivers Park District acquired parts of Government Lots 4 and 5, Section 7, Township 114 North, Range 21 West, Scott County, Minnesota with the proceeds of state general obligation bonds; and

**WHEREAS**, Scott County needs to reconstruct County State Aid Highway 27 to modify the existing two-lane road into a four-lane divided highway to improve safety and operation of the intersection with County State Aid Highway 21; and

**WHEREAS**, the County project requires the acquisition of easements west of the highway on Park District property at Cleary Lake Regional Park; and

**WHEREAS**, the County requires a Highway Easement over, under and across the real property described as follows:

That part of Government Lots 4 and 5, Section 7, Township 114 North, Range 21 West, Scott County, Minnesota, which is denoted and shown as Parcel 1 on Scott County Right of Way Plat No. 107, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota; and

**WHEREAS**, the County requires a Drainage and Utility Easement over, under and across the real property described as follows:

That part of Government Lot 4, Section 7, Township 114 North, Range 21 West, Scott County, Minnesota, which is denoted as Drainage and Utility Easement Parcel 1 and shown by the symbol ("D.U.E. 1") on Scott County Right of Way Plat No. 107, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota; and

**WHEREAS**, the County requires a Temporary Construction Easement over, under and across the real property described as follows:

That part of Government Lots 4 and 5, Section 7, Township 114 North, Range 21 West, Scott County, Minnesota, which is denoted as Temporary Easement Parcel 1 and shown by the symbol ("T.E. 1") on Scott County Right of Way Plat No. 107, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota; and

**WHEREAS**, the easement rights have been appraised and the County and Park District have agreed to terms to mitigate any park impacts from the project; and

**WHEREAS**, the project will benefit the park and the easement areas are not needed to operate Cleary Lake Regional Park.

**NOW, THEREFORE BE IT RESOLVED**, THAT THE BOARD OF COMMISSIONERS OF THREE RIVERS PARK DISTRICT HEREBY DETERMINES THAT THE EASEMENT RIGHTS TO BE CONVEYED TO SCOTT COUNTY FOR THE RECONSTRUCTION OF COUNTY STATE AID HIGHWAY 27 ARE NOT NEEDED TO OPERATE CLEARY LAKE REGIONAL PARK.

Adopted this **17th** day of **June**, 2021.