

# Committee Report

Community Development Committee



**Committee Meeting Date:** June 6, 2022

**For the Metropolitan Council:** June 22, 2022

## Business Item: 2022-139

Rush Creek Regional Trail, Land-for-Facilities Exchange, Three Rivers Park District

### Proposed Action

That the Metropolitan Council:

1. Approve the Rush Creek Regional Trail Land-for-Facilities exchange described in the body of this report.
2. Approve the consent to easement on 0.439 acres of land and consent to temporary easement on 5.40 acres of land within the Rush Creek Regional Trail corridor, as illustrated in Figure 3, in exchange for two grade separated trail crossings.
3. Require Three Rivers Park District, prior to initiating any new development of the regional trail corridor, to send preliminary plans to the Metropolitan Council's Environmental Services Interceptor Engineering Assistant Manager.

### Summary of Community Development Committee Discussion

This business item was passed as part of the Community Development Committee's consent agenda on June 6, 2022

# Committee Report

Metropolitan Parks and Open Space Commission



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### Summary of Metropolitan Parks and Open Space Commission Discussion/Questions

Tracey Kinney, Senior Planner, presented the staff report to the Metropolitan Parks and Open Space Commission on June 2, 2022. Kelly Grissman, Three Rivers Park District Planning Director and Maggie Heurung, Three Rivers Park District Associate Planner, were in attendance and responded to questions.

Commissioner Dillenburg asked if the trail alignment will change due to the Xylon Avenue extension project. Kinney responded that the trail alignment will not only remain in place as it is today but will be improved since the new trail will cross under the new road through a grade separated road crossing. Dillenburg asked if the crossing at Winnetka Avenue will be improved since it is currently an on-street crossing in an area with increased traffic. Kinney responded that the Winnetka Avenue crossing will also be improved with a grade separated crossing as part of this land-for-facility exchange, that builds on a past 2019 land-for-facility exchange approval ([Business Item 2019-227](#)).

Chair Tony Yarusso asked which agency will be paying for the Xylon Avenue grade separated crossing. Kinney responded that the City of Brooklyn Park will be paying for the Xylon crossing and is contributing to the Winnetka crossing. Brooklyn Park's contribution far exceeds the value of the permanent and temporary easements as reflected in the costs shown in Table 1 of this business item. Yarusso stated that he valued that the local agency was contributing to the equally valuable exchange as compared to the implementing agency bearing the cost of a local improvement.

The Metropolitan Parks and Open Space Commission voted unanimously to approve the proposed actions.

# Business Item

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<b>District(s), Member(s):</b>	District A, Monica Dillenburg District 2, Reva Chamblis
<b>Policy/Legal Reference:</b>	Minn. Stat. § 473.313; <i>2040 Regional Parks Policy Plan</i> : Chapter 6, System Protection, Strategy 2 Conversions and Chapter 4 Siting and Acquisition
<b>Staff Prepared/Presented:</b>	Tracey Kinney, Senior Planner (651-602-1029)
<b>Division/Department:</b>	Community Development / Regional Planning

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### Background

Rush Creek Regional Trail is located in the northwest part of the Regional Parks System (Figure 1) and the northern part of Three Rivers Park District and Hennepin County (Figure 2). When complete, the 18-mile trail will connect the Mississippi River in the City of Brooklyn Park with the Crow River in the City of Hanover and the Crow-Hassan Park Reserve.

This land conversion request includes a land-for-facilities exchange within the Rush Creek Regional Trail corridor, to allow for the extension of Xylon Avenue South. The extension of the road was planned for in the City of Brooklyn Park's [Comprehensive Plan](#) (Page 5-20) to accommodate anticipated development in the area. Approval of this request will allow Three Rivers to provide Brooklyn Park permanent and temporary easements for the road project (Figure 3). In exchange, Three Rivers will be adding two separated trail crossings including one located within the Xylon Road easement and one located at Winnetka Avenue (Table 1). The Winnetka Avenue separated trail crossing was partially funded from a 2019 land-for-facility exchange for road right-of-way for the Highway 169/101st Avenue Interchange ([Business Item 2019-227](#)).

Table 1. Land conversion, value, and recreational facility

Land Conversion	Value	Recreation Facility
Permanent easements – 0.439-acre Temporary easement – 5.40 acres	\$871,423	Trail Alignment
Replacement Facility – Xylon and Winnetka Grade-Separated Crossings	\$1,721,862-\$2,070,870	Two Safe Crossings

### Rationale

As described in the Analysis section of this report, the Rush Creek Regional Trail Land-for-Facilities Exchange is consistent with the requirements of the *2040 Regional Parks Policy Plan* (RPPP) including Chapter 6, System Protection, Strategy 2 Conversions and Chapter 4 Siting and Acquisition.

### Thrive Lens Analysis

The Rush Creek Regional Trail Land-for-Facilities Exchange advances the Thrive outcome of stewardship and prosperity by planning for and investing in infrastructure, amenities, and quality of life needed for economic competitiveness. The amendment also advances the Thrive outcome of livability by investing in trail safety features that promote bicycling for recreation, transportation, and healthy lifestyles.

### Funding

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 request would allow the road project to take place while allowing for the regional trail corridor land to remain in the Regional Parks System.



Figure 1. Rush Creek Regional Trail in relation to the Regional Parks System

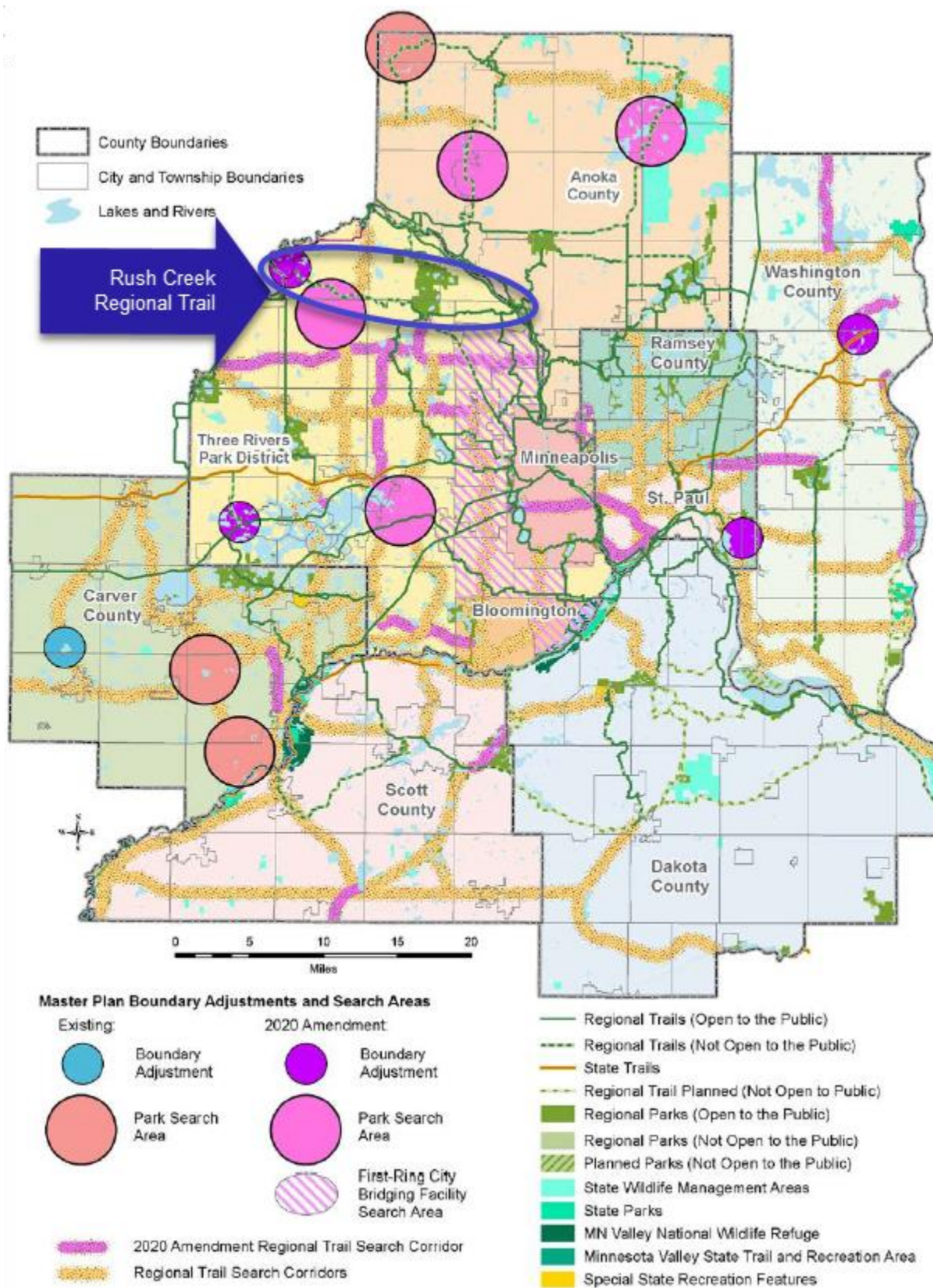
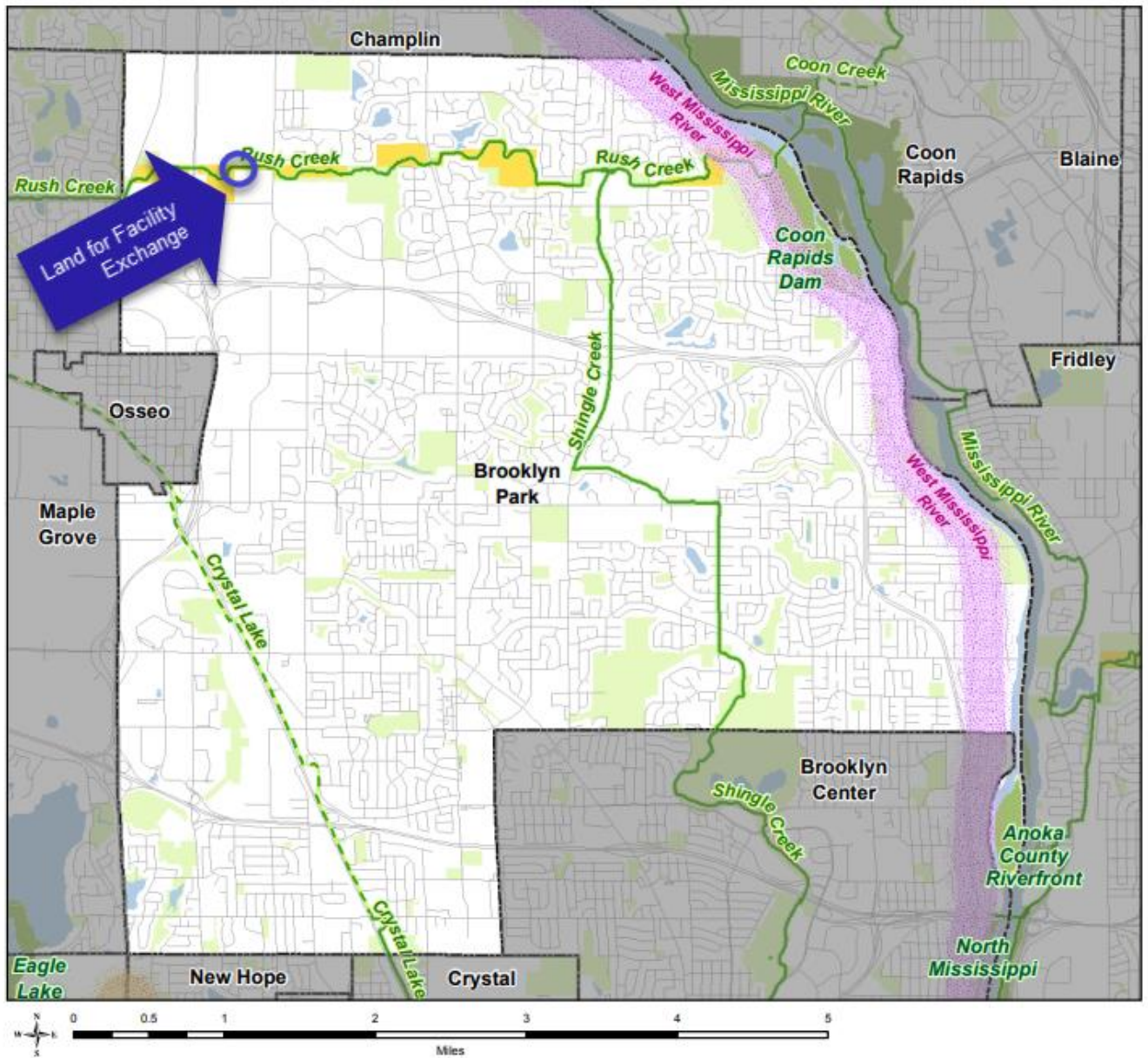
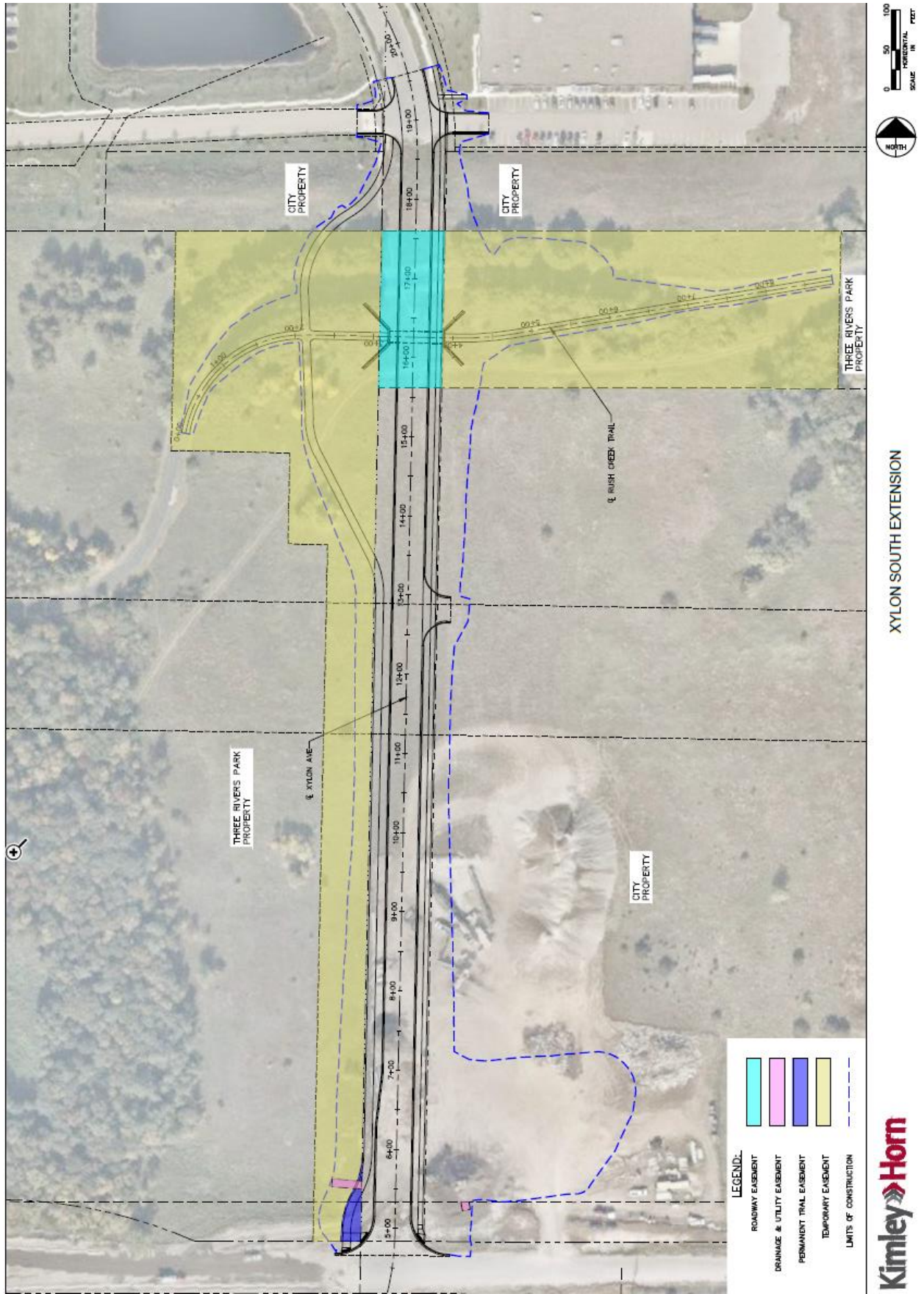


Figure 2. Land-for-Facility Exchange in relation to the City of Brooklyn Park



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| <p><b>Regional Parks</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #8ebf42; border: 1px solid black; margin-right: 5px;"></span> Existing</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> In Master Plan</li> <li><span style="display: inline-block; width: 10px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, #8ebf42 2px, #8ebf42 4px); border: 1px solid black; margin-right: 5px;"></span> Planned Parks and Reserves</li> </ul> <p><b>Regional Trails</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 2px; background-color: #8ebf42; border: 1px solid black; margin-right: 5px;"></span> Existing Regional Trails</li> <li><span style="display: inline-block; width: 10px; height: 2px; background-color: #8ebf42; border: 1px dashed black; margin-right: 5px;"></span> Planned Regional Trails</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ffc000; border: 1px solid black; margin-right: 5px;"></span> Regional Trail Corridor Land</li> </ul> | <p><b>Regional Park Search Areas and Regional Trail Search Corridors</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid blue; border-radius: 50%; margin-right: 5px;"></span> Boundary Adjustments</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e74c3c; border: 1px solid black; border-radius: 50%; margin-right: 5px;"></span> Search Areas</li> <li><span style="display: inline-block; width: 10px; height: 10px; background: radial-gradient(circle, #f1c40f 1px, transparent 1px); background-size: 4px 4px; border: 1px solid black; margin-right: 5px;"></span> Regional Trail Search Corridors</li> <li><span style="display: inline-block; width: 10px; height: 10px; background: radial-gradient(circle, #9b59b6 1px, transparent 1px); background-size: 4px 4px; border: 1px solid black; margin-right: 5px;"></span> Regional Trails - 2040 System Additions</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #a2d4c9; border: 1px solid black; margin-right: 5px;"></span> Minnesota Valley National Wildlife Refuge</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #27ae60; border: 1px solid black; margin-right: 5px;"></span> State Parks</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #27ae60; border: 1px solid black; margin-right: 5px;"></span> State Wildlife Management Areas (Publicly Accessible)</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #9b59b6; border: 1px solid black; margin-right: 5px;"></span> Scientific and Natural Areas (SNA)</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> Other Parks and Preserves</li> <li><span style="display: inline-block; width: 10px; height: 2px; background-color: #27ae60; border: 1px solid black; margin-right: 5px;"></span> Existing State Trails</li> <li><span style="display: inline-block; width: 10px; border-bottom: 1px solid black; margin-right: 5px;"></span> Street Centerlines (NCompass)</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #add8e6; border: 1px solid black; border-radius: 50%; margin-right: 5px;"></span> Lakes and Major Rivers</li> </ul> |
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Figure 3. Easement Locations



## Analysis

The land conversion within Rush Creek Regional Trail includes a land-for-facilities exchange. The RPPP guides for facility exchanges in System Protection Chapter 6, Strategy 2, Conversion of Regional Parks System Lands to Other Uses.

### **Facility Exchange**

System Protection Chapter 6, Strategy 2, Conversion of Regional Parks System Lands to Other Uses of the RPPP requires that lands in the Regional Parks System only be converted to other uses if approved by the Metropolitan Council through an equally valuable land or facility exchange.

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

### **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 Siting and Acquisition, regional trails:

- Must serve a regional audience, based on visitor origin and service-area research on regional trails,
- Should not duplicate an existing trail,
- Should connect two or more units of the Regional Parks System, and/or
- Should connect state or federal recreational units

The proposed facility exchange will allow for the regional trail to function as originally planned and continue to meet Council standards for regional trails since the trail will be replaced in the same location with a grade separated crossing.

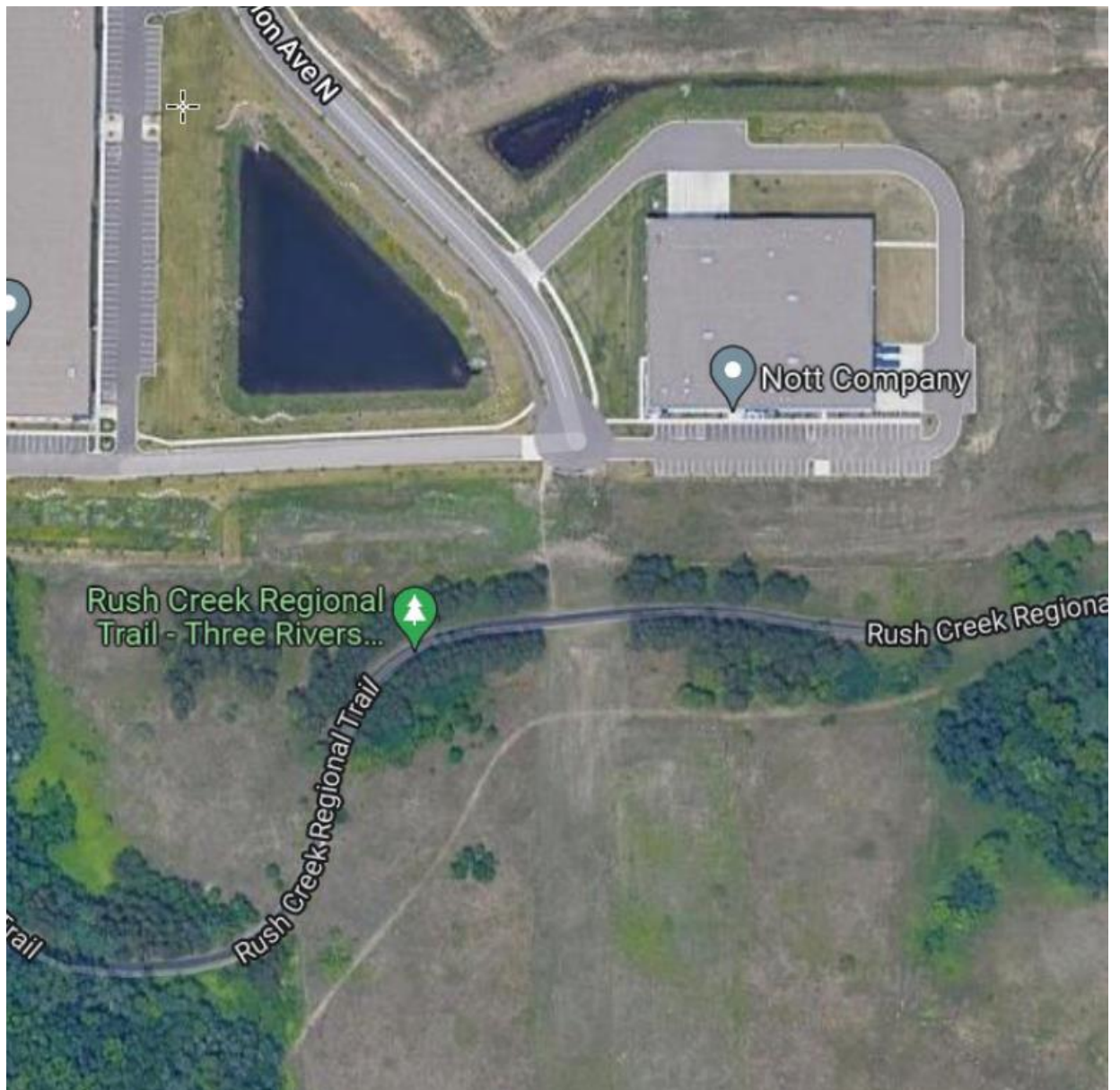
- 2. Whether environmental features (wildlife habitat, water quality) will be adversely affected and can be protected with the new use**

The road easement site was cleared previously for a 2015 utility easement that located drainage and sewer infrastructure. Site conditions include turf grass and some trees as shown in the below aerial photograph, which is of nominal environmental value, as compared to native prairie (Figure 4). The project will minimize disturbance to existing vegetation by limiting tree removal.





Figure 4. Aerial Photo of the Site



**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**

The land removed for the permanent easement area will be replaced by two grade-separated trail crossing facilities including one crossing in the same location and another grade-separated crossing at Winnetka Avenue a block to the east.

**Issues with respect to the alternative use:**

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

The Xylon Road extension project will remove 0.439 acres of regional trail land for permanent easements and allow for a 5.40 acres temporary construction easement. The permanent easements include a 0.40-acre road easement, 0.03-acre sidewalk and trail easement, and 0.009-acre drainage and utility easement (Figure 3).

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

The roadway will be a two-lane Major Collector type facility that will include local trails on both



sides of the roadway, and a grade-separated crossing facility for the Rush Creek Regional Trail. The improvement includes an 80-foot-wide road, 3-foot-wide sidewalk, 10-foot-wide local trail, and a new culvert under the Xylon Avenue.

The new roadway and underpass project includes construction of multiple stormwater basins which meet or exceed water quality and volume reduction requirements for the proposed impervious surfaces. There is a proposed stormwater basin on Three Rivers' property, but it will only receive contributing drainage from the Three Rivers' property and not the Xylon Avenue runoff, which was coordinated and approved during design.

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

The Rush Creek Regional Trail Land-for-Facilities Exchange is consistent with the requirements of theRPPP including Chapter 6, System Protection, Strategy 2 Conversions, and Chapter 4 Siting and Acquisition.

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

The trail separated crossings at Xylon Avenue and Winnetka Road will increase the safety of the trail users since both roads have fast moving, high volumes of traffic. The regional trail will not be removed, but rather will continue to function with the proposed grade-separated crossings.

## **Consistency with Other Council Policies and Systems**

**Environmental Services – Sewers** (Roger Janzig, 651-602-1119) – The Three Rivers Park District has submitted the Rush Creek Regional Trail land-for-facility exchange for Council review. Metropolitan Council Interceptor (9004) is within 101st Avenue North Right-of Way. The interceptor was built in 1997 and is a 54-inch Reinforced Concrete Pipe. There are specific processes that must be followed before encroachment on our property. Before encroachment on our property, an Encroachment Agreement will be required. To obtain an Encroachment Application, contact Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571) at the Metropolitan Council Environmental Services.

To assess the potential impacts to our interceptor system; prior to initiating this project, preliminary plans should be sent to Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571) at the Metropolitan Council Environmental Services.

**Local Planning Assistance – Land Use** (Eric Wojchik 651-602-1330) – The City of Brooklyn Park's 2040 Comprehensive Plan (Plan) identifies this portion of the Rush Creek Regional Trail in several figures in the Plan, on pages 7-2, 7-9, and 7-11. While the specific facility changes within this Regional Trail Facility Exchange and the Regional Trail Facility Exchange authorized by the Council in 2019 (Review File No. 20144-1; Business Item 2019-227) are not reflected in the City of Brooklyn Park's comprehensive plan, the trail corridor is otherwise accurately depicted. The Council does not anticipate issues of land use conflict, but will communicate with the City regarding a future comprehensive plan amendment to reflect these trail changes. .

