

Metropolitan Parks and Open Space Commission

Meeting date: June 3, 2014

Subject: Master Plan Requirements for the 2040 Regional Parks Policy Plan Update

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

That the Metropolitan Council revise language related to regional park and trail master plans in the 2040 Regional Parks Policy Plan as shown in Attachment A.

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.

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.

Planning Strategy 1 from the 2030 Regional Parks Policy Plan (p 2-28) states that acquisition and development projects must be part of approved master plans or their amendments. Therefore, regional park and trail master plans are very important since they are the basis for determining what capital projects are eligible for funding through the regional parks capital improvement program and the park acquisition opportunity fund grant program.

Staff is proposing revisions to the master plan requirements based on three factors: the policy concepts recently confirmed by the Metropolitan Parks and Open Space Commission (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 additions and revisions described above are detailed in Attachment A.

Rationale

Minnesota Statute 473.147 states that the Metropolitan Council shall consult with and make maximum use of the expertise of the Metropolitan Parks and Open Space Commission in preparing the policy plan.

Funding

N/A

Known Support / Opposition

The Metropolitan Parks and Open Space Commission confirmed the policy concepts for promoting multimodal access at its meeting on May 6 and the policy concepts for strengthening equitable usage at its meeting on May 20. Applicable portions of those policy concepts have been integrated into the requirements for master plans, shown in Attachment A.

Attachment A

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.