

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. The project will also 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 project 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 has been 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 an 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 formally 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

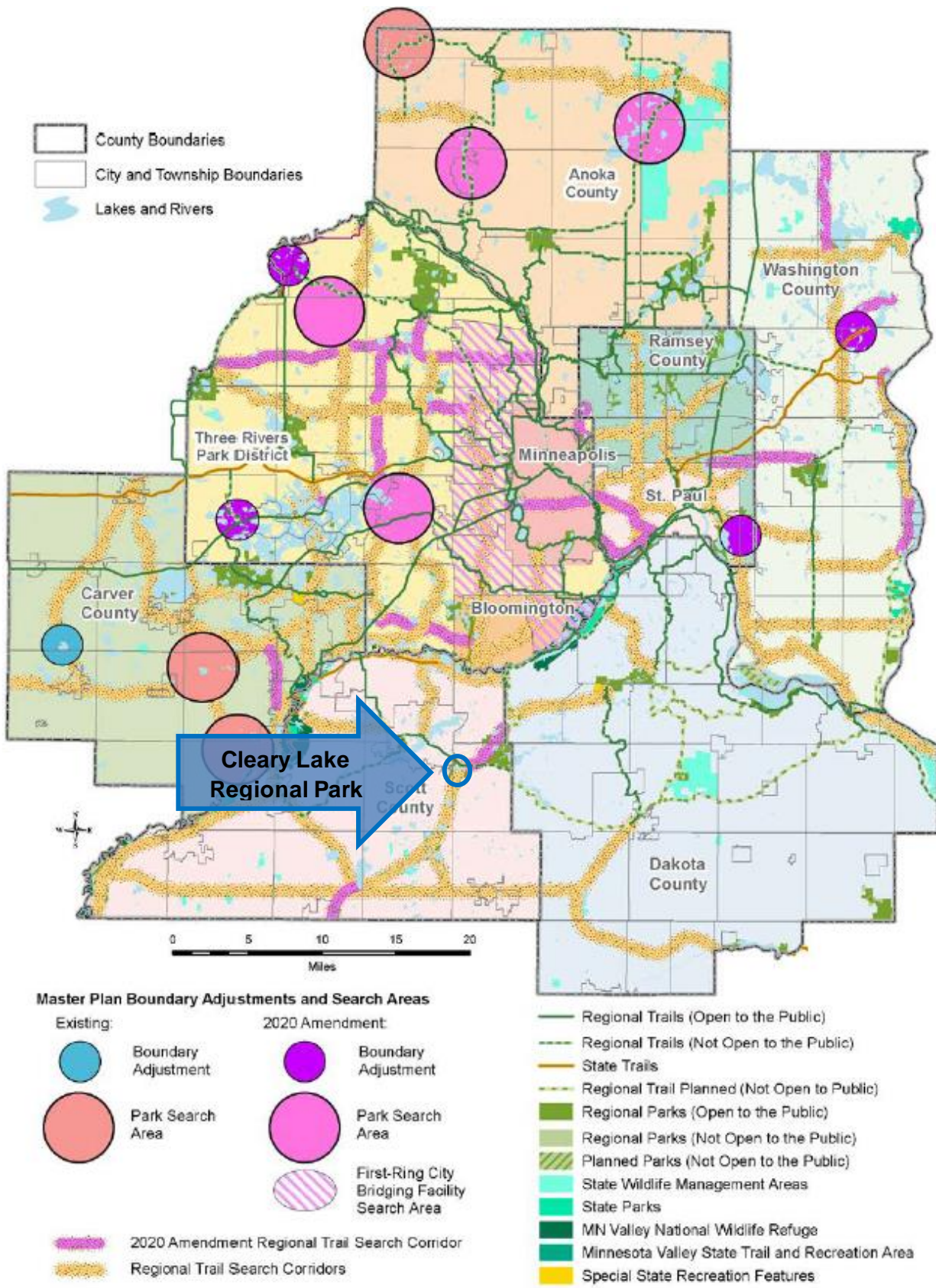
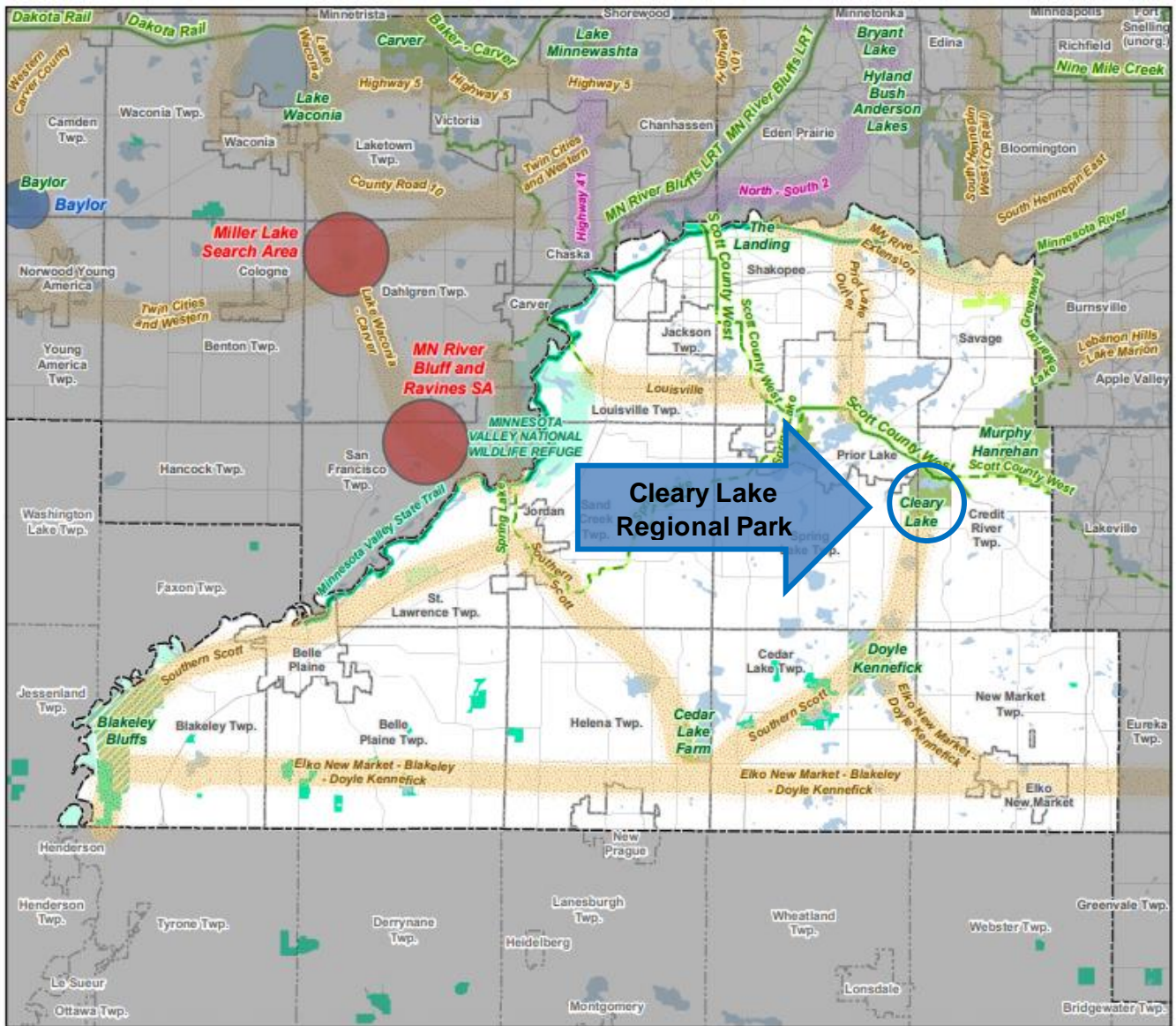


Figure 2: Cleary Lake Regional Park location in Scott County



Regional Parks

- Existing
- In Master Plan
- Planned Parks and Reserves

Regional Trails

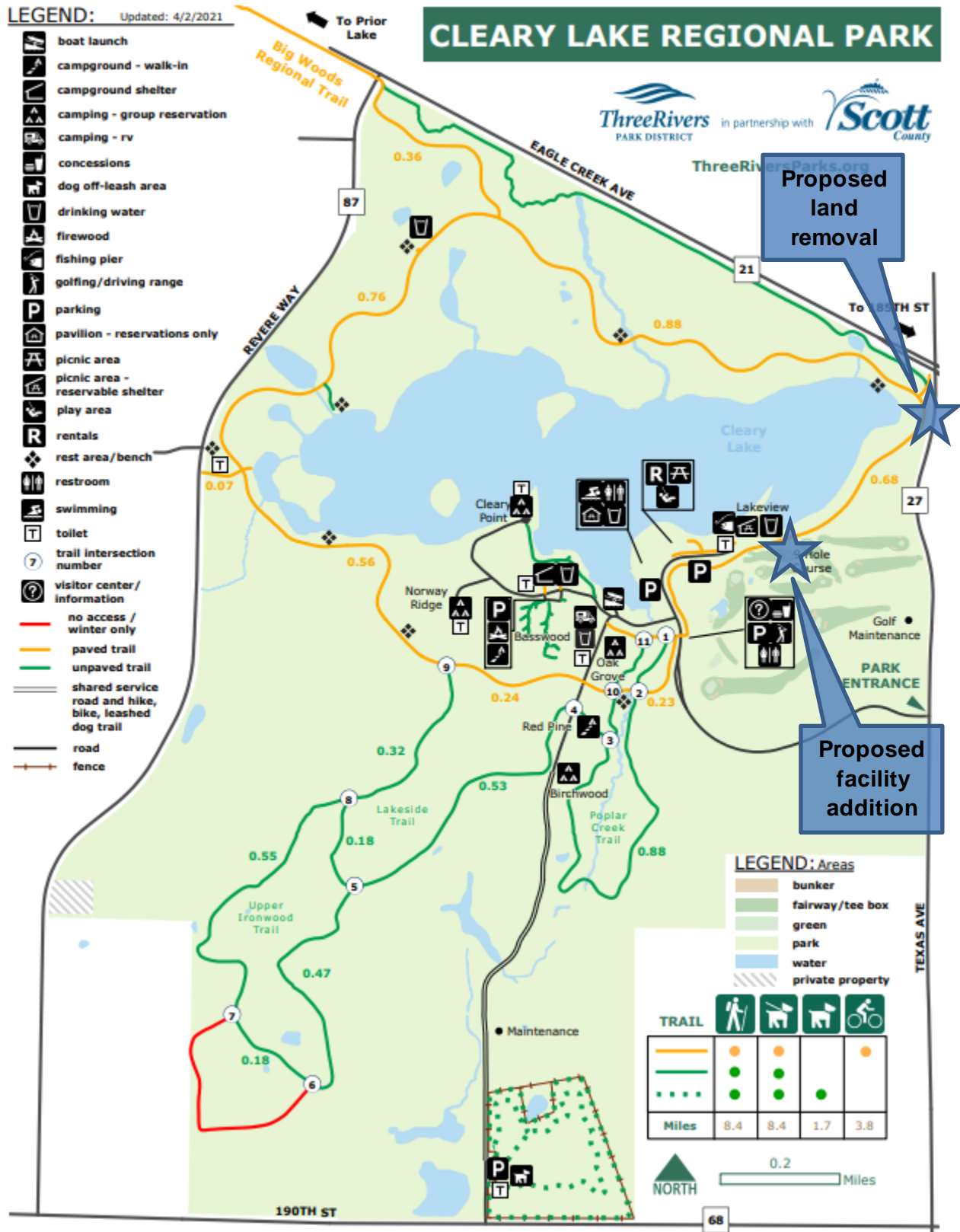
- Existing Regional Trails
- Planned Regional Trails
- Regional Trail Corridor Land

Regional Park Search Areas and Regional Trail Search Corridors

- Boundary Adjustments
- Search Areas
- Regional Trail Search Corridors
- Regional Trails - 2040 System Additions

- Minnesota Valley National Wildlife Refuge
- State Parks
- State Wildlife Management Areas (Publicly Accessible)
- Scientific and Natural Areas
- Other Parks and Preserves
- Existing State Trails
- Street Centerlines (NCompass)
- Lakes and Major Rivers

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 of the RPPP 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).

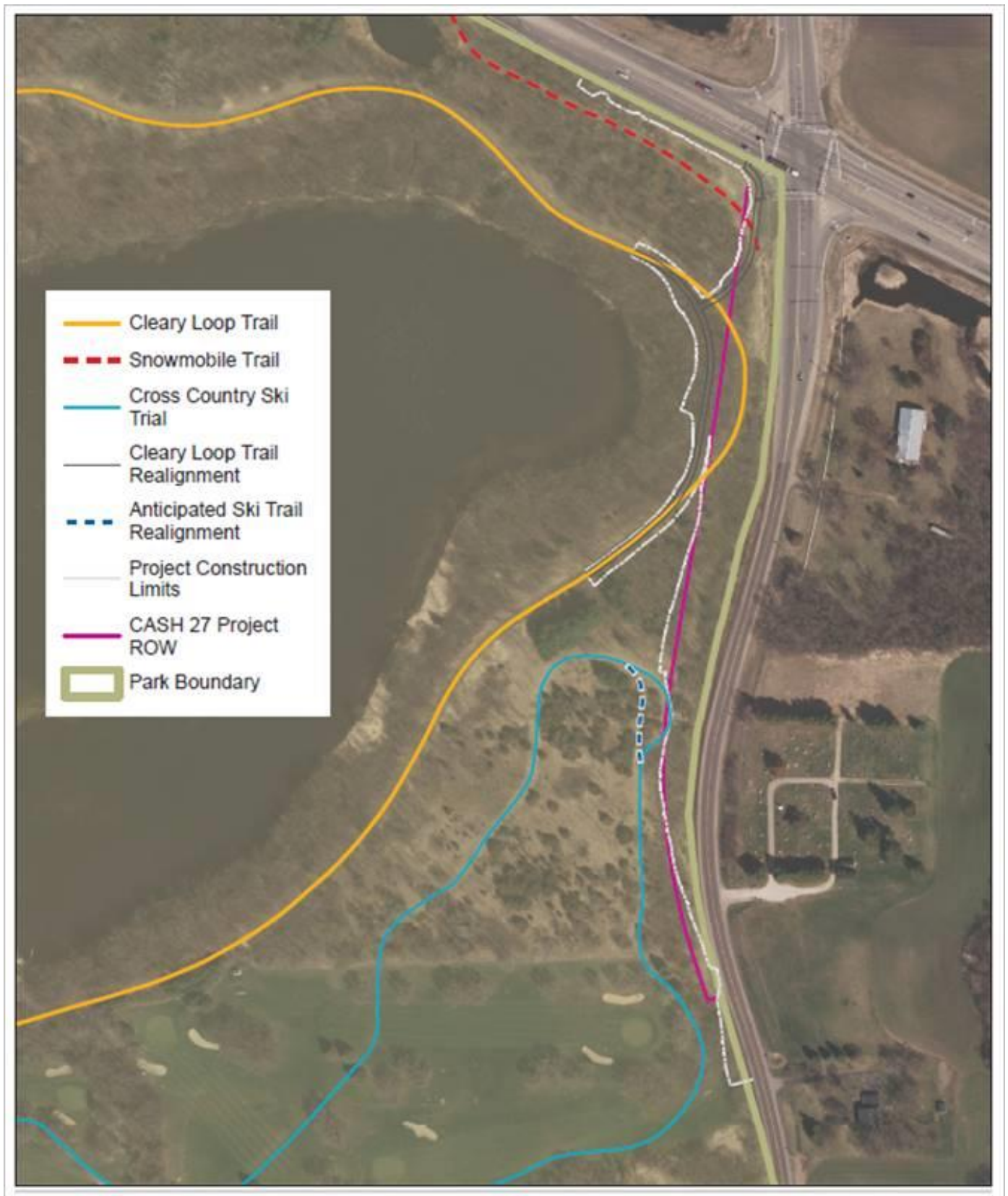
2. Whether environmental features (wildlife habitat, water quality) will be adversely affected and can be protected with the new use

The land needed for road right of way will require the removal of some early successional forest areas along the roadside. The Three Rivers Park District forestry department has recommended that areas affected by the temporary construction locations and areas that are exposed to the new roadway be planted 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 as discussed in this report.

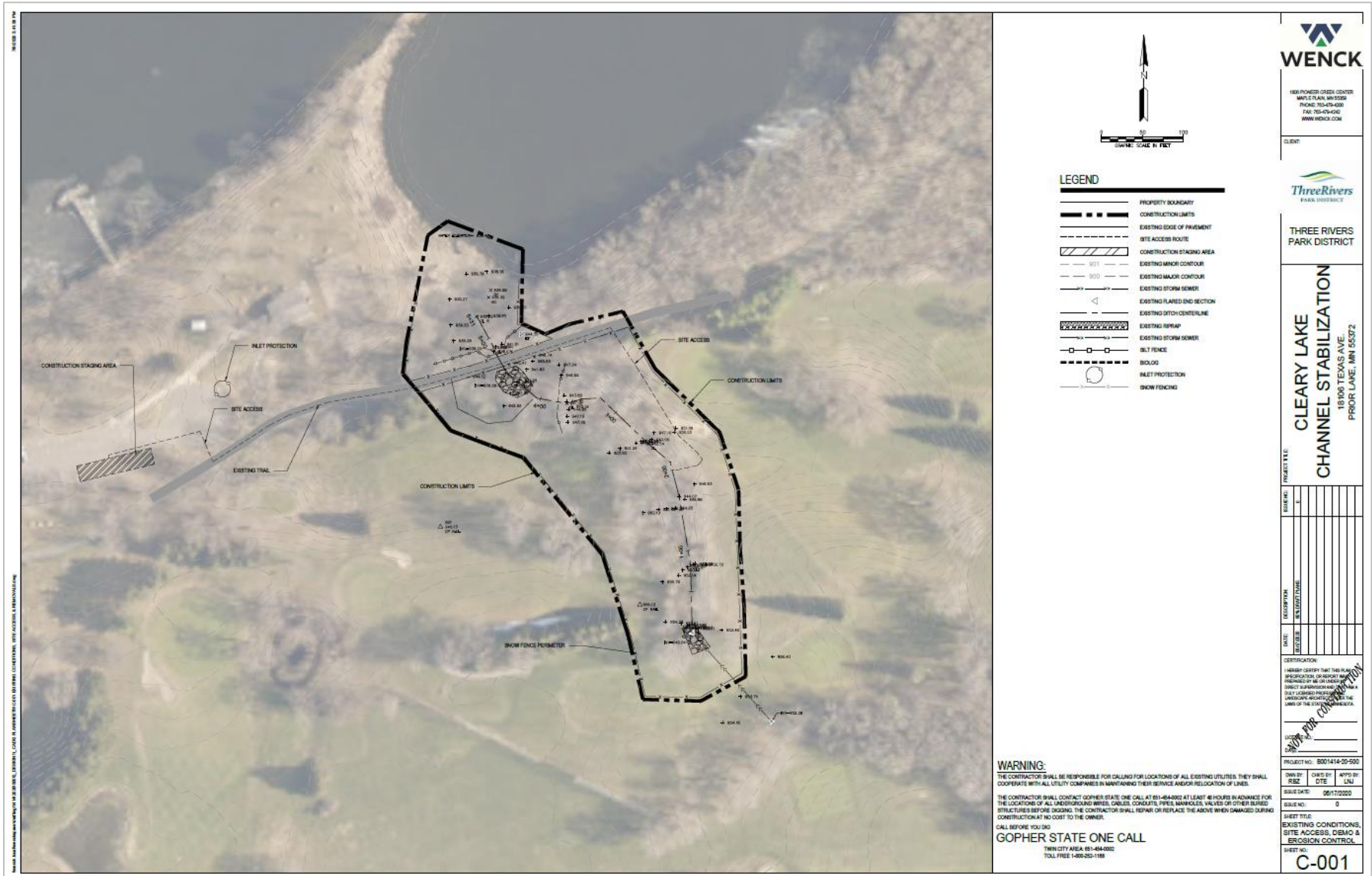
4. Whether the proposed project is of greater benefit to the region than having the regional park system unit remain in place

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) – The Cleary Lake Regional Park Master Plan Amendment and Land Conversion 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 wastewater services 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) – The Cleary Lake Regional Park Master Plan Amendment and Land Conversion 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 CLEARLY LAKE REGIONAL PARK.

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