

C Community Development Committee

Meeting date: April 16, 2007

ADVISORY INFORMATION

Date: April 10, 2007
Subject: Bunker Hills Regional Park boundary correction, Anoka County
District(s), Member(s): District 9, Natalie Steffen
Policy/Legal Reference: MN Statute 473.313, Subd. 2
Staff Prepared/Presented: Arne Stefferud, Planning Analyst– Parks (651-602-1360)
Division/Department: Community Development/Regional Systems Planning and Growth Strategy, Parks

Proposed Action/Motion

1. That the Metropolitan Council acknowledge the Federal action to remove a park covenant on 66.7 acres northwest of Bunker Hills Regional Park in exchange for placing a park covenant on 210 acres in Bunker Hills Regional Park not currently protected by a covenant consistent with the park land conversion requirements in Strategy 5(b) of the *2030 Regional Parks Policy Plan*.
2. That the Metropolitan Council approve a corrected park boundary for Bunker Hills Regional Park as shown on the map in Attachment 1 as an amendment to the 1998 Council approved master plan for the park, and to direct staff to modify any acreage data for the park.

Issue(s)

Should the Metropolitan Council acknowledge the Federal park covenant on Bunker Hills Regional Park as comparable to the Council's park covenant, and should the Council approve a corrected park boundary that excludes 66.7 acres of land that has never been used for regional park purposes?

Overview and Funding

Anoka County has submitted a request that the Metropolitan Council correct the boundary of Bunker Hills Regional Park by excluding County land adjacent to the park that has been used for county law enforcement and other non-park purposes since the County acquired the land in 1966. The Metropolitan Council reviewed master plans for Bunker Hills Regional Park in 1974 and 1998. Both plans included maps and text that acknowledged the law enforcement and other non-park use of the 66.7 acres in the northwest corner of the park as "other county uses".

Since the land was already in public ownership, the Council had no basis to require the County to place a regional park restrictive covenant between the County and the Metro Council. Although there was no Metro Council/County regional park restrictive covenant on this park, the County was required to place a similar park covenant on the land by the Federal Government as a condition of receiving a grant from the Land and Water Conservation Fund (LWCF).

The federal covenant was placed on part of the park—including the 66.7 acre law enforcement parcel, but not on 210.7 acres on the eastern end of the park. When a proposal was made to expand the law enforcement buildings on the 66.7 acre area, County and National Park Service staff discovered the federal covenant had been placed on this non-park area. In order to remove the covenant on the 66.7 acres, replacement land was placed under a park covenant—in this case 210.7 acres that had not been protected elsewhere in the park. This approach to release the covenant on the 66.7 acres in exchange for placing a covenant on 210.7 acres is comparable to Strategy 5(b) in the *2030 Regional Parks Policy Plan*.

The Metropolitan Parks and Open Space Commission considered this issue at its meeting on April 10 and unanimously approved the recommended action.

METROPOLITAN COUNCIL
390 North Robert Street, St. Paul, MN 55101
Phone (651) 602-1000 TDD (651) 291-0904

DATE: March 30, 2007
TO: Metropolitan Parks and Open Space Commission
FROM: Arne Stefferud, Planning Analyst- Parks (651) 602-1360
SUBJECT: (2007-123) Bunker Hills Regional Park boundary correction, Anoka County

INTRODUCTION

Anoka County has submitted a request that the Metropolitan Council correct the boundary of Bunker Hills Regional Park by excluding County land adjacent to the park that has been used for county law enforcement and other non-park purposes since the County acquired the land in 1966. (See **Attachment 1**, March 21 letter from John VondeLinde).

This memorandum contains a review of the request under applicable parks policy and enabling legislation and recommends approval of the corrected park boundary.

AUTHORITY TO REVIEW

Minnesota Statute Section 473.313 subdivision 1 requires regional park implementing agencies to prepare, and from time to time revise and resubmit to the Metropolitan Council a master plan and annual budget for the acquisition and development of regional recreation open space that is managed by that park agency. Subdivision 2 of this statute authorizes the Metropolitan Council to review with the advice of the Metropolitan Parks and Open Space Commission each master plan to determine whether it is consistent with the Metropolitan Council's park policy plan and other applicable Council policy plans. If the master plan is not consistent with Metropolitan Council policy plans, the Metropolitan Council shall return the plan to the park agency with its comments for the agency to revise and resubmit the plan. .

BACKGROUND

The Metropolitan Council reviewed master plans for Bunker Hills Regional Park in 1974 and 1998. Both plans included maps and text that acknowledged the law enforcement and other non-park use of the 66.7 acres in the northwest corner of the park as "other county uses". Anoka County's letter noted that the park and the 66.7 acre parcel were acquired in 1966. The park was designated a regional park by the Metropolitan Council in 1974 in its first parks policy plan along with other existing parks totaling about 31,000 acres.

ANALYSIS

Since the land was already in public ownership, the Council had no basis to require the County to place a regional park restrictive covenant between the County and the Metro Council. Those covenants are placed on land as a condition of receiving a Council grant to buy land for regional park purposes. Although there was no Metro Council/County regional park restrictive covenant on this park, the County was required to place a similar park covenant on the land by the Federal Government as a condition of receiving a grant from the Land and Water Conservation Fund (LWCF).

The federal covenant was placed on part of the park—including the 66.7 acre law enforcement parcel, but not on 210.7 acres on the eastern end of the park. When a proposal was made to expand the law

enforcement buildings on the 66.7 acre area, County and National Park Service staff discovered the federal covenant had been placed on this non-park area. In order to remove the covenant on the 66.7 acres, replacement land was placed under a park covenant--in this case 210.7 acres that had not been protected elsewhere in the park. This approach to release the covenant on the 66.7 acres in exchange for placing a covenant on 210.7 acres is comparable to Strategy 5(b) in the *2030 Regional Parks Policy Plan*.

CONCLUSIONS

1. Discovery of the Federal park use covenant on 66.7 acres used for law enforcement purposes required placing a park use covenant on 210.7 acres in the eastern end of Bunker Hills Regional Park as an exchange. This exchange requirement as a condition of removing the covenant on the law enforcement land is comparable to the requirements of Strategy 5(b) in the *2030 Regional Parks Policy Plan*.
2. Correcting the park's boundary in the master plan is needed to accurately reflect park use versus non-park use of land. Acreage data for the park needs to be modified if it incorrectly includes the 66.7 acres of non-park land.

RECOMMENDATIONS

1. That the Metropolitan Council acknowledge the Federal action to remove a park covenant on 66.7 acres northwest of Bunker Hills Regional Park in exchange for placing a park covenant on 210 acres in Bunker Hills Regional Park not currently protected by a covenant consistent with the park land conversion requirements in Strategy 5(b) of the *2030 Regional Parks Policy Plan*.
2. That the Metropolitan Council approve a corrected park boundary for Bunker Hills Regional Park as shown on the map in Attachment 1 as an amendment to the 1998 Council approved master plan for the park, and to direct staff to modify any acreage data for the park.

Attachment 1: Electronic version. Original on file at Metropolitan Council office



Anoka County Parks and Recreation

550 Bunker Lake Boulevard NW, Andover, MN 55304

March 21, 2007

Ann Beckman
Manager of Regional Systems Planning and Growth Strategy
Metropolitan Council
390 North Robert Street
St. Paul, Minnesota 55101

Subject: Proposed Boundary Correction – Bunker Hills Regional Park Master Plan

Dear Ms. Beckman:

This letter is provided in response to my recent meeting with Arne Stefferud and Jan Youngquist concerning a proposed correction to the master plan boundary of Bunker Hills Regional Park.

As you are aware, Anoka County is currently working with the Department of Natural Resources (DNR) on a land conversion process that would reclassify approximately 66.7 acres of land in the northwest area of the park to non-recreational (public works) uses. In this process, approximately 210.7 acres on the east end of the park will be permanently classified as federally protected under the Federal Land and Water Conservation Program (LWCF).

This "conversion process" will resolve a long-standing debate about the original demarcation of the boundary of the park. It will acknowledge the county's initial intention to use the northwest corner of the "park" for a variety of general county public works uses dating back to the mid-1960's. These uses include the County Highway Shop, Sheriff's Patrol Station, Radio Tower, and a future Public Safety Campus. With this amendment to the grant, the County can use the property in the spirit of its original intention while maintaining the National Park Service interest in the LWCF grant agreement for permanent land dedication for outdoor recreation purposes.

With respect to the Metropolitan Council designation as regional park land, Mr. Stefferud and I both acknowledge that the situation is somewhat different than the LWCF designation. The earliest master plan maps for the park, along with the most recent master plan adopted by the Metropolitan Council in 1998, acknowledge the uses of the northwest portion of the park for "other county uses." While the maps clearly identify the intended general county uses of the land, unfortunately there was not a corresponding correction to the boundary of the park as it relates to these other uses. Even the most recent plan submitted in 1998 (developed by Brauer and Associates) – while showing the county land extending to Hanson Boulevard and Bunker Lake Boulevard – should have depicted the park boundary being further to the east.

OPEN SPACES IN NEARBY PLACES

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In a historical context, I think it is also important to recognize that the original acquisition of the property dates back to 1966 (before the regional park system even existed). Additionally, there have been no Metropolitan Council funds used for the improvement of the regional park west of the Burlington Northern SantaFe railroad tracks, where this property lies. The property planned for the public safety campus has had no recreational uses, none are planned, and the park can continue to function at a full capacity and fulfill all master plan design objectives after the new public safety campus is built. And, as you have pointed out, there are no Metropolitan Council restrictive covenants on the subject property.

To be consistent with the new LWCF boundary designation, Anoka County is seeking a correction to the boundary of the regional park to acknowledge that portion which has been consistently identified for "other county uses." To that end, I have enclosed a corrected master plan boundary map that depicts the new LWCF boundary affecting the northwest corner of the park. As you can see, the boundary designation has been shifted to the east to acknowledge the presence of the non-recreational uses of the county property consistent with the master plan. This new line will also become fixed under the LWCF re-designation and all other areas of the park shown on the master plan will also be encumbered under the LWCF program.

With the acceptance and acknowledgement of this boundary correction by the Metropolitan Council, the official master plan designated boundary will be consistent between all of the affected agencies, i.e. the National Park Service, the Minnesota Department of Natural Resources, the Metropolitan Council, and Anoka County.

Thank you again, Ann, for your acknowledgement of this issue and assistance to our department in it's resolution. Should you have any further questions or need additional information, please feel free to contact me at 763-767-2860.

Sincerely,



John VonDeLinde
Director of Parks and Recreation

JKV:md

cc: Natalie Haas-Steffen, Metropolitan Council
Arne Stefferud, Metropolitan Council
Commissioner Dick Lang, Parks and Recreation Committee Chair
Terry Johnson, Anoka County Administrator
Jon Olson, Public Services Division Manager
Karen Blaska, Park Planner

Non-park area adjacent to Bunker Hills Regional Park with correct park boundary

