

## POLICIES AND STRATEGIES

Strategy 7: Trails that may be used for transit in the future should only be acquired if it is clear they will be used as trails for at least 10 years.

Regional parks system funds should only be used to acquire or develop a corridor identified for future transit use in a Council-approved transit implementation plan when there is a guarantee that the trail facility will be operational for its useful design life, as negotiated by the transit provider and the regional park implementing agency.

Strategy 8: The Council will support the activities of its non-profit partner, the Regional Parks Foundation of the Twin Cities in order to raise awareness of the regional parks funds support the regional park system, and raise private funds to help acquire and develop regional park lands and facilities.

Master plans for regional linking trails:

Each master plan for a regional linking trail must include information for each of these items:

- 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 and other conditions that affect acquisition of the site or location of the boundaries.
- 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 development, including schedule and cost estimates for the project and the approximate capacity of the trail.
- 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 participation. A process to involve affected municipalities and the general public in the master planning of the trail. The

process 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 comment received, with emphasis on issues raised.

- Special needs. A plan that identifies special populations to be served by the facility and addresses accessibility, affordability and other measures designed to ensure that the trail can be used by members of special population groups.

Each regional park implementing agency is responsible for preparing a master plan for each regional system park or trail assigned to it by this policy plan. The regional park implementing agency shall present the master plan and planned amendments to affected local units of government, as well as local, state and federal recreation providers with facilities within the primary service area of the park or trail, and address their concerns prior to submitting the plan to the Metropolitan Council. (The primary service area of a park or trail is the area in which 75 percent of the unit's visitors come from.) The master plan submitted to the Metropolitan Council shall include a summary of comments received that identifies issues raised.

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 trails as well as a stewardship plan, and natural resource inventory:

- 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 the Metro Geographic Information System – a consortium of government entities in the region that create, manage and share digital geographic data. It is the same format used in the Metro Greenways program. 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 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. Vegetation management is important for maintaining water quality, preserving plants, and providing bird and wildlife habitat. It involves protection of old growth trees and rare and endangered plant species, control of exotic species, forest management practices, vegetative buffers on water bodies, and consideration of hard surfaces, including shortly mowed turf. The DNR’s “Guidelines for Managing and Restoring Natural Plant Communities along Trails and Waterways” is a good reference. State Critical Area guidelines/standards on vegetation management and resource protection should be addressed in master plans of parks and trails within the Mississippi River Critical Area/Mississippi National River and Recreation Area.

Each regional park implementing agency is responsible for preparing a master plan for each regional system park or trail that it owns or operates. The regional park implementing agency shall present the master plan and planned amendments to affected local units of government, as well as local, state and federal recreation providers with facilities within the primary service area of the park or trail, and address their concerns prior to submitting the plan to the Metropolitan Council. (The primary service area of a park or trail is the area in which 75 percent of the unit’s visitors come from.) The master plan submitted to the Council shall include a summary of comments received that identifies issues raised.

Strategy 2: Release of restrictive covenants.

Restrictive covenants are placed on regional parks system lands to ensure that these lands are available for regional park uses in perpetuity, and that the regional investment in these lands is protected. Under certain narrow circumstances, the Metropolitan Council will release restrictive covenants on regional park land, if equally valuable land is added

in exchange for the released park land. “Equally valuable land” is defined as land that is contiguous to the regional parks system unit containing the land proposed to be exchanged (within the same park/trail unit) and the land has comparable or better natural resource characteristics and could provide comparable or better recreation opportunities than the land being released from the covenant. In exceptional circumstances, the Metropolitan Council may accept as equally valuable land the addition of land to another unit of the regional parks system where that replacement land has comparable or better natural resource characteristics and comparable or better recreation opportunities than the land being converted, where no other reasonable alternative exists and where all other provisions of this policy can be met.

“Equally valuable facility” is defined as an exchange of land for facilities when recreational benefits and/or natural resource benefits are increased as a result of the exchange. For example, some land in a regional trail corridor may be exchanged to widen a highway if a highway department constructs a trail overpass or underpass of the widened road at no cost to the regional park implementing agency.

When land is acquired for the regional parks system, restrictive covenants are required to be placed on that land to ensure that it is used only for regional parks system purposes. These covenants cannot be broken or amended unless the Metropolitan Council approves. The only restrictive covenant amendments approved by the Council in which no land was exchanged were for small strips of land needed for public highway improvements. The land was needed to make roads safer and there was no alternative. These projects also improved access to the adjacent regional parks system unit. The Metropolitan Council will consider land exchanges for other uses only if the exchanges will not harm the regional parks system.

For those changes that represent a potential system impact, the Council will use a process comparable to the 90-day review period for comprehensive plan amendments with a potential impact on the regional system. For conversions such as small exchanges of land to provide right-of-way for access, an expedited review comparable to the 10-day waiver will be used. The following criteria will be used to determine whether regional parks system land may be exchanged for other parkland:

Before releasing a restrictive covenant, the Metropolitan Council will make findings with respect to the existing park system unit which consider the following factors:

- Whether the park system unit can continue to meet Council site and site attribute standards established for the particular type of park system unit (regional park, park reserve, trail greenway or special recreation feature)?
- Whether the park system unit will continue to function as indicated in the adopted master plan?
- Whether environmental features (wildlife habitat, water quality) will be adversely affected?
- Whether the loss of site or function be made up through acquisition of a site with comparable characteristics adjacent to or in the immediate area of the current location.

- Whether the need for the conversion, as in the instance of transportation improvements, is generated by the recreational park system unit?

Before releasing a restrictive covenant, the Metropolitan Council will make findings with respect to the transportation alternatives which consider the following factors:

- Whether the proposed project of greater benefit to the region than continuance of the regional parks system unit?

Lands in the regional parks system are subject to use-conversion proposals for a number of reasons.

Some very limited conversions may be accommodated and still not affect the ability of the remaining area to offer the facilities and services planned. A well-designed transit waiting station or a properly located and operated yard waste compost site could be of positive value to the regional system and can be worked out between the proposing parties, the implementing agencies and the Council in accordance with the system management guidelines.

However, most conversions are likely to detract from the ability to provide the type and quality of outdoor recreation experiences promised in the master plan. Some of the undesirable conversion impacts will be obvious and direct, such as unsightly landscapes, barriers to movement, loud noises, night light or obnoxious odors. Other conversion impacts are more indirect, such as those that affect water quality and plant and animal life. In addition to adversely affecting the regional parks system's ability to deliver service, removal of lands for non-recreation open space uses also sets a bad precedent.

The Council has long indicated it considers lands intended for outdoor recreation activities to be in their highest and best permanent use. The Council requires restrictive covenants to be put on all lands acquired with regional funds. The covenants are to ensure that nondiscriminatory regional parks system use is continued in the future.

Strategy 3: The Council will pay for contamination cleanup only when there is no real alternative for the park or trail function and/or funding.

The Metropolitan Council will not consider funding soil contamination cleanup or capping abandoned wells that have contaminated their ground water aquifer on regional park land unless:

- The land is already under regional park implementing agency ownership or control via a joint powers agreement or lease, and was acquired or was under the park implementing agency's control before Phase 1 environmental audits were required.
- The land is essential to make the regional park or trail function as intended according to a Council-approved master plan, and no reasonable alternative exists to relocate the park or trail facilities elsewhere.

- The park or trail is essential in contributing to strengthening neighborhood vitality consistent with the Regional Development Framework.
- The cost of cleanup is not eligible to receive federal or state soil contamination cleanup funds or abandoned well-capping funds from any other program or funding has been denied.
- The regional park implementing agency has an agreement with the party that will remediate/clean up the contamination or cap an abandoned well that absolves the regional park implementing agency from any future liability of pollution caused by the contaminated soil or contaminated groundwater.

Strategy 4: Phase 1 environmental site assessments must be done for land that may be contaminated or that may have abandoned wells on it.

Regional park implementing agencies must conduct Phase 1 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. The Phase 1 environmental site assessments will determine the likelihood of soil contamination or abandoned wells, including the likelihood of contaminated groundwater aquifers. The findings of the site assessments should be submitted to the Metropolitan Council in the master plan.

The cost of the Phase 1 environmental site assessments 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 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 preceding conditions have been met.