

Land Conservation Plan for Dakota County

Land Conservation Program Guidelines

Application, Review and Acquisition Process



Revised September 2024

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Land Conservation Background

The **Land Conservation Plan for Dakota County** (Plan), approved by the Dakota County Board of Commissioners in 2020, includes 24 Preliminary Conservation Focus Areas (CFAs) located throughout the County. Most of the CFAs include existing public or privately protected lands, surface waters, contiguous areas with high ecological quality, agricultural and other lands that present opportunities to hold and infiltrate water, restore natural resource integrity and connect high-quality habitat. See [Map A](#) on page 18. By intent, the current CFAs are deemed “preliminary” because the boundaries may be revised as more information is attained. The Plan is the guiding document for the Dakota County Land Conservation Program (LCP).

A. Land all or partially within a CFA is eligible for participation in the LCP.

B. Land located outside a CFA is eligible for participation in the Land Conservation Program if it includes:

- Watercourses (Conservation or Aquatic Corridors as shown on Map B)
- Land within or adjacent to parks, greenway corridors and other public or protected private conservation lands
- Potentially restorable wetlands
- Groundwater protection areas (Drinking Water Supply Management Areas and Recharge Areas as identified in the newly adopted Groundwater Plan for Dakota County)
- All or portions of forest/woodlands greater than 40 contiguous acres
- Locally significant open spaces (e.g., historic, cultural, scenic, or having rare/unique features)
- Sites that could be a reliable source for harvesting local ecotype native seeds

NOTE: Projects less than five acres in size may be considered on a case-by-case basis. Natural resource and other benefits, estimated costs, and project challenges will be the primary factors considered for potential project eligibility.



Landowners can contact County or Soil and Water Conservation District staff regarding potential projects and applications will be accepted year-round. Following an annual advertised application deadline date, projects received by the deadline will be evaluated, scored, and ranked using the [Evaluation Criteria](#) outlined in this document. These criteria have been designed to recognize and address the wide diversity and location of potential projects, while establishing an objective method to help determine individual project scores and overall application round rankings.

Guidelines Overview

The process of selling or donating land or a permanent conservation easement starts with the landowner learning about the Dakota County Land Conservation Program (LCP) by reviewing the LCP Guidelines. The Guidelines provide: basic information about the LCP; the applications and processes included in a potential County acquisition; and the eligibility and scoring criteria used to evaluate potential projects. The County seeks to obtain conservation easements or

ownership of the highest quality natural areas, unique and important natural resource areas, or areas with the greatest habitat restoration potential.

Participation in the Dakota County LCP is voluntary, and landowners may withdraw from the acquisition process at any time. Because selling land or a permanent conservation easement is a significant decision, the County does its best to provide complete information and transparency during the entire process.

After reviewing these Guidelines, County staff are available to answer questions and provide clarification. For more information on the Dakota County LCP or these Guidelines, please contact Lisa West, Senior Project Manager, at 952-891-7018 or by email at lisa.west@co.dakota.mn.us.

LCP Applications

If landowners want to participate in the LCP, they first submit a pre-application form, followed by a detailed meeting with County LCP staff; and if interest continues, they submit a final application form.

Pre-applications may be submitted for natural area protection, wetland restoration, and/or water retention projects.

In 2015, the County discontinued the agricultural land protection component of its LCP, due to a no-net-loss of cultivated land between 2003 and 2014, and changes to the 2013 federal Farm Bill that reduced funding, changed the project criteria, and changed the funding formula. Conditional options for agricultural land protection are included in the Land Conservation Plan for Dakota County (2020).

Submitting a pre-application does not commit the applicant to selling land or a conservation easement, nor does it commit Dakota County to acquiring an interest in land.

If a project is eligible, the landowner is contacted to schedule a meeting with County staff to learn about the LCP in greater detail. If a project does not appear eligible, County staff contacts the applicant to see if the project can be revised to become eligible.

Figure 1 on page 3, illustrates the general project application, evaluation, and project selection process, followed by information about the required application forms.

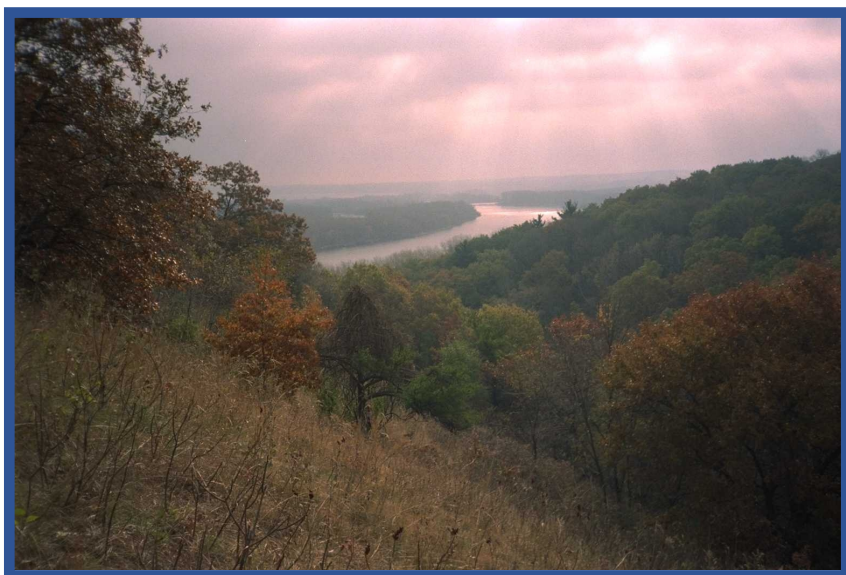
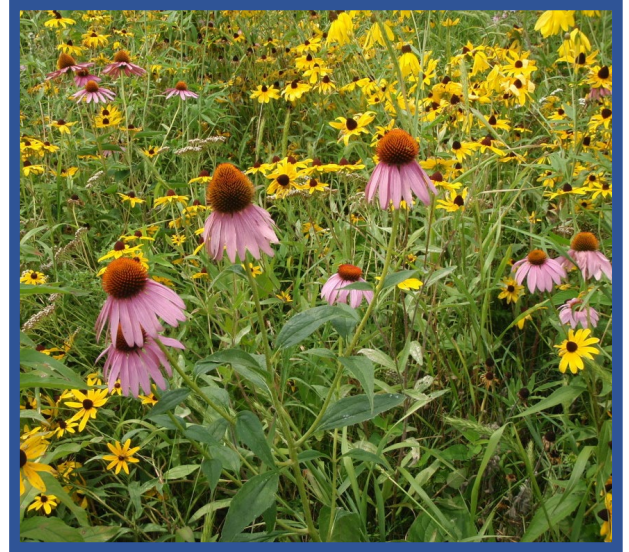


Figure 1: General Landowner Application Process

1. Landowner Submits Pre-Application for: <ul style="list-style-type: none"> Natural area conservation easement or land (fee title) acquisition Wetland restoration project Water retention project
2. County Staff Reviews Application for Eligibility <ul style="list-style-type: none"> Program criteria are met (some or all, as required) Aerial photo assessment Landowner notified about project eligibility
3. On-Site Landowner Meeting <ul style="list-style-type: none"> Discuss project and acquisition process Answer questions and review prioritization criteria Preliminary site assessment completed by County staff or contractor
4. Landowner Submits Final Application <ul style="list-style-type: none"> Staff prepares materials for project evaluation, scoring, and ranking
5. Staff Review Committee <ul style="list-style-type: none"> Committee evaluates, scores, and ranks projects Land Conservation Manager reviews and approves Committee project recommendations Landowner notified of County staff decision
6. Appraisal and Acquisition Process (for recommended projects) <ul style="list-style-type: none"> Independent appraisal conducted Preliminary purchase offer made Title work/documents prepared (final documents executed before closing, if possible) County offer accepted
7. County Board Approval (if County offer is accepted) <ul style="list-style-type: none"> Authorizes easement acquisition Landowner notified of County Board decision
8. Closing <ul style="list-style-type: none"> Settlement statement requested Closing date scheduled with landowner \$750 Commitment of Interest check refunded, as appropriate
9. Annual Monitoring
10. Restoration Begins
Natural Area Permanently Protected
Wetland Restoration Begins
Water Retention Project Commences

Pre-Application

Submitting this form is an initial indication of interest in enrolling the LCP. The information is used to determine if a proposed project is eligible for consideration. Completing a pre-application is a voluntary choice by the landowner. This easy-to-complete form provides the County with landowner contact information, a general property location and description, and other preliminary information about the property and project. County staff reviews the pre-application to determine if the project meets minimum eligibility requirements. Applicants are contacted once eligibility is determined.



The deadline to submit pre-applications may vary, but is typically sometime in March or April. Check the Dakota County web page for the submittal deadline date or call County staff (952-891-7018).

Final Application

Following a detailed informational meeting with County staff, if a landowner is interested in continuing to participate, submittal of a final application is required. The final application form requests more detailed information that is used to evaluate how well the project meets LCP goals, based on established prioritization criteria. Note that natural areas may contain agricultural land that the landowners intend to restore to natural vegetation.

If landowners intend to submit a final application, a preliminary site assessment will be conducted by County staff or a contractor.

The deadline to submit a final application is typically about two months after the deadline to submit a pre-application. Check the Dakota County web page for the deadline date or call County staff (952-891-7018).

Application Review and Ranking

Dakota County uses an established review process for evaluating and ranking LCP applications. This section describes the criteria and process for reviewing and ranking applications.

Criteria Reflect Program Purposes

The Land Conservation Program (LCP) criteria reflect the following purposes:

1. Every natural area protection project should accomplish at least one of the following:
 - a. Protect high-quality natural areas
 - b. Protect restorable natural areas that connect or buffer other high-quality natural areas
 - c. Protect and improve wildlife habitat
 - d. Protect and improve water quality.
2. Every wetland restoration project should accomplish at least one of the following:
 - a. Restore historic or existing degraded wetlands

- b. Improve surface water quality
 - c. Increase groundwater recharge
 - d. Improve downstream erosion and flood control functions
 - e. Protect threatened or rare wetlands species
 - f. Provide habitat for wildlife Species of Greatest Conservation Need (SGCN)
3. Every water retention project should accomplish at least one of the following:
- a. Reduce downstream erosion and flood damage
 - b. Increase groundwater recharge
 - c. Provide surface water wildlife habitat

Any pre-application that does not meet the intent of these purposes could be removed from consideration or may be ranked lower during the project evaluation.

Two-Step Review Process: Eligibility and Prioritization

A pre-application submitted to the Dakota County LCP will be reviewed using the following two steps:

1. The initial step is to review the pre-application to determine whether the project meets minimum eligibility requirements. County staff will determine project eligibility. As part of the initial eligibility review, County staff may consult with applicants/landowners when information on the pre-application is incomplete or unclear. Pre-applications that do not meet the program eligibility requirements will not be considered. Applicants will be informed of the results of the initial review. If circumstances change, an ineligible property may be re-submitted and considered in a later round.
2. The second step is to evaluate and prioritize eligible projects. To begin this step, County staff will schedule a meeting with eligible project applicants to discuss their project in more detail, answer questions, and conduct an initial site assessment. The meeting will provide valuable information about the unique characteristics and circumstances for each project and allow landowners to fully understand the LCP process and project prioritization criteria. The goal of the prioritization process is to objectively evaluate each project and then determine project scores and ranking. County staff will collect and organize preliminary project information and present the information to the Staff Review Committee (SRC). The SRC will evaluate, score, rank, and make specific and general recommendations. The SRC findings and recommendations are forwarded to the Land Conservation Manager for review. The Land Conservation Manager will confirm which projects should be approved for continued consideration.



Donation of Land or Conservation Easements

Some landowners may want to donate land or a conservation easement to Dakota County or some other entity through the Land Conservation Program (LCP). A landowner interested in donating property or an easement at no cost or at a significant cost reduction can contact LCP staff throughout the year. LCP County staff will review all potential donations to determine if the property and conditions meet LCP goals. If it does, the project will not be required to complete the same selection process and schedule as other submitted projects.

Natural Area Projects Reviewed

Natural area applications must meet natural area eligibility requirements and will then be prioritized among other natural area applications.

Natural Area Eligibility Criteria

Natural areas are lands with significant natural features or lands with potential for restoration of significant natural characteristics and ecological functions. The Dakota County Board of Commissioners directed the LCP to protect natural areas with at least one of the following significant natural characteristics:

- Contains and protects features of ecological significance
- Improves and/or expands wildlife habitat
- Is adjacent to a stream, river, or lake
- Provides additional environmental benefits, such as protecting or improving surface or groundwater

The Land Conservation Plan for Dakota County identifies 24 main Conservation Focus Areas (CFAs) and several sub-unit areas determined to have natural resource characteristics that are a

high priority for permanent protection and restoration. Applications for projects located within one of the CFAs receive additional points during the project evaluation process. However, all applications will be considered for enrollment in the LCP. The CFA map is on page 17. To be eligible, a property must be identified within a CFA or demonstrate at least one of the significant natural characteristics listed.

Natural Area Prioritization Criteria

Dakota County will prioritize properties that meet the natural area eligibility requirements according to an objective scoring system. Pages 9-20 outline the prioritization criteria and the numerical values.

The LCP Staff Review Committee will evaluate projects using the prioritization criteria, score and rank the projects, and forward a prioritized project list and recommendations to the County Land Conservation Manager.



Dakota County Land Conservation Program

Acquisition Eligibility and Scoring Criteria

Minimum Eligibility Requirements

The **Land Conservation Plan for Dakota County** (LC Plan), approved by the Dakota County Board of Commissioners in 2020, includes 24 Preliminary Conservation Focus Areas (CFAs) located throughout the County. Most of the CFAs include existing public or privately protected lands, surface waters, contiguous areas with high ecological quality, agricultural and other lands that present opportunities to hold and infiltrate water, restore natural resource integrity and connect high-quality habitat (see [Map A](#)). By intent, the current CFAs are deemed “preliminary” because the boundaries may be revised as more information is attained.

C. Land all or partially within a CFA is eligible for participation in the Program.

D. Land located outside a CFA is eligible for participation in the Program if it includes:

- Watercourses (Conservation or Aquatic Corridors as shown on Map B)
- Land within or adjacent to parks, greenway corridors and other public or protected private conservation lands
- Potentially restorable wetlands
- Groundwater protection areas (Drinking Water Supply Management Areas and Recharge Areas as identified in the newly adopted Groundwater Plan for Dakota County)
- All or portions of forest/woodlands greater than 40 contiguous acres
- Locally significant open spaces (e.g., historic, cultural, scenic, or having rare/unique features)
- Sites that could be a reliable source for harvesting local ecotype native seeds

NOTE: Projects less than five acres in size may be considered on a case-by-case basis. Natural resource and other benefits, estimated costs, and project challenges will be the primary factors considered for potential project eligibility.

Landowners can contact County or Soil and Water Conservation District staff regarding potential projects and applications will be accepted year-round. Following an annual advertised application deadline date, projects received by the deadline will be evaluated, scored, and ranked using the [Evaluation Criteria](#) outlined in this document. These criteria have been designed to recognize and address the wide diversity and location of potential projects, while establishing an objective method to help determine individual project scores and overall application round rankings.



Location Eligibility

There are four location eligibility categories:

1. Property (all or a portion) within a CFA as identified in the LC Plan
2. Property outside a CFA, but within the core area or adjacent to an approved Regional Greenway corridor
3. Property outside a CFA, but adjacent to existing public land or protected private conservation land
4. Property outside a CFA (See sub-categories in B. above)

Projects in each of these four location eligibility categories will be evaluated based on one of three conservation project types described below. Projects that exceed the minimum established score within any location eligibility category (see Table 1) may be recommended for further consideration.

Evaluation Criteria

The Evaluation Criteria are based on one of the three following conservation project types:

- Surface Water: Project includes property with a lake, pond, river, tributary and intermittent or perennial stream
- Wetland: Project includes property with existing or restorable wetlands and existing or potential upland habitat
- Mixed Upland: Project includes a diversity of existing or potential upland habitat, such as forest, woodland, savanna, and grasslands, but does not include surface waters or wetlands

The same evaluation criteria will be used to evaluate each conservation project. However, criteria may be weighted differently for each project type to reflect the varying importance of each criterion when applied to the potential diversity of projects within each of the four location eligibility categories.

The purpose of varying the points for each criterion is to: 1) differentiate and rank the best projects within each of the three project types; and 2) differentiate and comparably rank different projects across the four location eligibility categories. These criteria are organized based on the following six LC Plan goals:

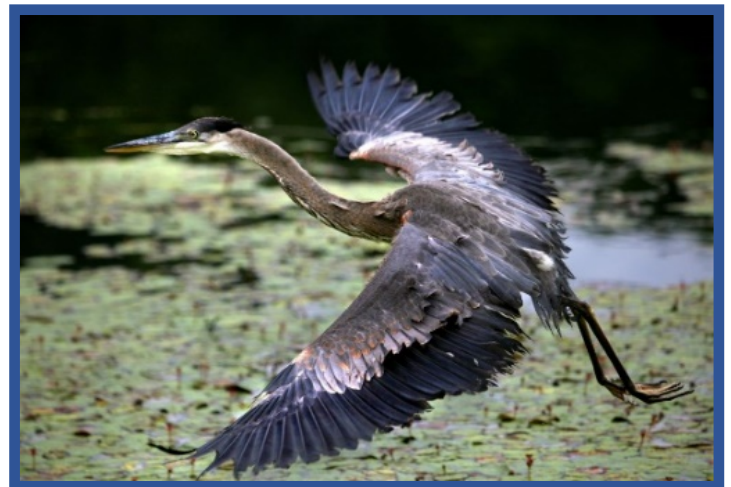
1. **Ecologically important areas are prioritized for protection.**
2. **Water quality and quantity are enhanced and protected.**
3. **Natural resource quality is improved and sustained.**
4. **Biodiversity is restored and sustained.**
5. **The public supports and is involved in natural resource protection and management.**
6. **Recreational access to conservation lands is enhanced.**

Goal 1

A. Ecological Quality (more points awarded for higher quality and/or lack of ecological issues)

Attribute 1: Level of invasive species

Attribute 2: Level of hydrologic and topographic stability



Attribute 3: Level of desirable plant and animal species

Attribute 4: Level of structural and spatial diversity

Attribute 5: Level of ecosystem function (i.e., nutrient cycling, decomposition, plant-animal interactions, and ongoing species reproduction and regeneration)

Attribute 6: Level of linkages and connectivity within the larger conservation landscape

Goal 2

A. Surface Water

1. Water Quality (more points for documented higher quality as determined by MN Pollution Control Agency or other assessments)
2. Potential Water Quality Improvements (more points if the project will prevent degradation or could contribute to improvements)
3. Proportionality
 - a. Rivers and Streams
 - i. Length of Shoreline {based on linear feet of water body} (more points for longer distance and both shorelines)
 - b. Lakes and Existing Ponds
 - i. Acres of Open Water (more points for a higher percent of overall project size)
 - c. New Open Water
 - i. Acres of Potential New Open Water (more points for higher percentage of overall project size provided there is a minimum of associated habitat)

B. Groundwater (as identified in the County Groundwater Plan and as shown on Map C)

1. Location Within a Drinking Water Supply Management Area (DWSMA) (more points)
2. Location Within a Desired Recharge Area (DRA) outside a DWSMA (less points)

C. Wetland Restoration and Infiltration

1. Increased Infiltration and/or Water Retention Capacity (more points for greater increase)

Goals 3 and 4

A. Past Documented Restoration (more points for previous, discernible landowner activities and current actions to maintain restored areas)

- B. Restoration Potential** (more points for higher cost/benefit and likelihood of success, based on current conditions, target community, size, difficulty, cost, etc.)
- C. Future Landowner Commitment** (points for initial landowner commitment of cash/in-kind contribution)
- D. Upland Habitat Buffer** (waterbody, park, greenway, development buffers – minimum of 75 feet wide with 100-foot wide average, with more points for greater proportional habitat acreage associated with a wetland restoration)

Goal 5

- A. Subject to Land Conversion Threat** (more points for a more immediate, legitimate threat - provided there is a reasonable ability to complete a conservation-focused alternative)
- B. Provides Important Land Conservation Program Opportunity** (Yes or No)

Goal 6

- A. Provides New Outdoor Recreational Use for Underserved Populations** (Yes or No if it could provide a new opportunity within one mile of qualified census tracts)
- B. Public Recreational Use** (more points for higher levels of use)
- C. Visibility from Public Land or Right-of-Way** (Yes or No)

Definitions

- A. Adjacent/Adjacency:** Land physically connected to any point of neighboring land, including corners. Roadways of any size and number of lanes do not disqualify adjacency.
- B. Aquatic Corridors:** Principle Connectors (DNR-designated watercourses), Trout Streams (DNR-designated), and Tributary Connectors (FEMA-designated watercourses) as shown on Map B.
- C. Biodiversity:** The variety of plants, animals, micro-organisms, etc. that can be found in natural communities/habitats.
- D. Conservation Corridors:** Larger watercourses (Mississippi, Minnesota, Cannon, and Vermillion rivers) and areas watershed organizations prioritized as corridors, as shown on Map B.
- E. Conservation Program Opportunity:** A potential program or conservation benefit such as providing greater program visibility, creating a demonstration model, fostering new partnerships, etc.
- F. Contiguous Properties:** Property that may be owned by one or more landowners.
- G. DNR:** Minnesota Department of Natural Resources.



- H. **Drinking Water Supply Management Area (DWSMA)**: The land area above a groundwater aquifer that could provide water to a public water supply well within 10 years. The public water supplier must have a Wellhead Protection Plan to manage potential contamination within the DWSMA. See Map C.
- I. **Ecological Quality**: A cumulative assessment of individual ecological qualities described in the Ecological Recovery Wheel description found on page 33 of LC Plan.
- J. **FEMA**: The Federal Emergency Management Agency is responsible for leading national efforts to prepare for, protect and mitigate against, respond to, and recover from the impacts of natural disasters and man-made incidents or terrorist events. FEMA is typically associated with establishing floodplains/flood zones.
- K. **Important Recharge Area (IRA) Outside a DWSMA**: Areas that meet relevant infiltration criteria (geologic and hydrogeologic) according to the Metropolitan Council Regional Feasibility Assessment, and if the current land use is natural/open or undeveloped having greater than 90% percent pervious surfaces. See Map C.
- L. **Invasive Species**: Generally non-native and some native plants and animals that can cause environmental harm, such as diminishing habitat or recreational quality or reducing biodiversity and specie populations.
- M. **Land Conversion Threat**: Any official or imminently proposed conversion of land cover or use that reduces existing or potential ecological quality of the subject or adjacent conservation properties and/or prevents future ecological or recreational connectivity.
- N. **MUSA**: Metropolitan Urban Service Area – the area within which known urban development and anticipated future development can exist with adequate sewer capacity at efficient service levels.
- O. **Natural Habitat**: Areas of viable assemblies of plant and animal species, largely of native origin and/or where human activity has not essentially modified the primary ecological functions and species composition.
- P. **Public Recreational Access**: Ability for the general public to use the property for low-impact, outdoor recreational uses. Types of use, times and location on public lands may be open to all, but limited by rules and regulations established by a governmental entity or private landowner. Conservation easements on private property may be open to public use, but only with landowner permission.
- Q. **Spacial Diversity**: The habitat variation in a given area.
- R. **Structural Diversity**: The age and vertical plant community layers (e.g., groundcover, shrub layer and tree canopy).
- S. **Uplands**: Areas generally with elevations above the ordinary highwater mark, floodplains and wetlands (e.g., forest, grassland – mainly dry areas).
- T. **Wetlands**: Low areas with hydric soils that may or may not include open water. Existing wetlands often have specially adapted plants.
- U. **WWIA**: Wetland and Watercourse Inventory and Assessment, relative to the Dakota County Soil and Water Conservation District data.



Project Points and Scoring Calculations

The following are scores/score calculations for the six Goals. Numbers in the tables are the available points.

Goal 1:

Ecological Quality for [Surface Water & Wetland Project Types](#) (0=lowest and 10=highest, except for #1)

Atributes:	0	1	2	3	4	5	6	7	8	9	10
1. Level of invasive species (10=none and 0=many)											
2. Level of hydrologic and topographic stability											
3. Level of desirable plant and animal species											
4. Level of structural and spatial diversity											
5. Level of ecosystem function											
6. Level of linkages and connectivity											

Ecological Quality for the [Mixed Upland Project Type](#) (0=lowest and 40=highest, except for #1)

Atributes:	0	4	8	12	16	20	24	28	32	36	40
1. Level of invasive species (40=none and 0=many)											
2. Level of hydrologic and topographic stability											
3. Level of desirable plant and animal species											
4. Level of structural and spatial diversity											
5. Level of ecosystem function											
6. Level of linkages and connectivity											

Goal 2:*2.A. Surface Water*

Water Quality	High = 20	Medium = 15	Low = 10
Potential Water Quality Improvements	High = 10	Medium = 7	Low = 3

Existing Surface Water

Rivers & Streams	Length of Project Perimeter = A	Linear Feet = B	B / A = % of 10	Both Shorelines Yes = 10 No = 0	= Total Points
Lakes & Ponds	Total Project Area = C	Submerged Area = D	D / C = % of 10	All Shoreline Yes = 10 No = 0	= Total Points

New Surface Water (pond or retention basin that would delay flow to a surface water)

Total Project Area = E	New Open Water Area = F	F/E = % of 10	Total Points
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2.B. Groundwater

DWSMA	Total Project Area = A	DWSMA Area = B	B / A = % of 15 (20 – MU Proj. Type)	= Total Points
DRA	Total Project Area = C	IRA Area = D	D / C = % of 10 (15 – MU Proj. Type)	= Total Points

2.C. Wetlands

Existing Wetland

Total Project Area = A	Wetland and Buffer Area = B		B / A = % of 10	= Total Points
Total Acres	1-5 acres = 5	6-10 acres = 10	11-20 = 15	21 or more acres = 20

New Wetland (wetland that would increase groundwater infiltration)

Total Project Area = C	New Wetland and Buffer Area = D		D/C = % of 20	= Total Points
Total Acres	1-5 acres = 15	6-10 = 25	11-20 = 40	21 or more acres = 60

Goals 3 and 4:

Evaluation factors to consider for past documented restoration activities could include: difficulty, size, cost, proportion of the site, and current habitat quality of the restored area(s).

Past Documented Restoration – Current Landowner (points awarded up to the total available)

Scoring methodology: first number = some, second number = significant

	Surface Water	Wetlands	Mixed Upland
Shoreline (stabilizing, installing buffers)	10 or 22	7 or 15	
Wetlands (min. 1 acre)	6 or 12	18 or 27	
Forest (removing invasive species, planting trees/shrubs) (min. 3 acres)	5 or 10		15 or 31
Grasslands (removing invasive species, planting native grasses/forbs) (min. 5 acres)	5 or 10	5 or 10	8 or 16
Controlling Upland Erosion	4 or 8	4 or 8	4 or 8
Installing Ponds or Basins	4 or 8		5 or 10
Planting Pollinator Habitat	3 or 5	3 or 5	5 or 10
TOTAL POSSIBLE POINTS	75	75	75

Potential Restoration – Components are Additive

	Surface Water	Wetlands	Mixed Upland
Shoreline (stabilizing, installing buffers)	65	23	
Wetlands (min. 1 acre)	20	90	
Forest (removing invasive species, planting trees/shrubs) (min. 3 acres)	15		65
Grasslands (removing invasive species, planting native grasses/forbs) (min. 5 acres)	15	15	50
Controlling Upland Erosion	13	13	13
Installing Ponds or Basins	13		13
Planting Pollinator Habitat	9	9	9
POSSIBLE TOTAL POINTS	150	150	150

Potential Restoration Area Percentage Calculation (based on land cover areas, not total acres)

Total Land Cover Area = A	Restoration Area = B	$B / A = C$
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Potential Restoration Considerations – Multiplier for Each Potential Restoration Component

<p>High likelihood of success</p> <p>Not difficult</p> <p>Normal costs</p> <p>Significant NR Improvements</p> <p>= 1.0 x Potential Restoration Points</p>	<p><u>Example</u> – one or more factors could change</p> <p>High likelihood of success</p> <p>Not difficult</p> <p>Higher costs</p> <p>Medium NR Improvements</p> <p>= 0.2-0.9 x Potential Restoration Points</p>
<p><u>Example</u> – one or more factors could change</p> <p>Low likelihood of success</p> <p>Difficult</p> <p>Normal costs</p> <p>Significant NR Improvements</p> <p>= 0.2-0.9 x Potential Restoration Points</p>	<p>Low likelihood of success</p> <p>Difficult</p> <p>Higher costs</p> <p>Insignificant NR Improvements</p> <p>= 0.1 x Potential Restoration Points</p>
Subtotal of Restoration Points =	

Potential Restoration Score Example – For One Component (20-acre wetland restoration on 40-acres)

Wetland Points (90 Possible)	Restoration Considerations (Subtotal of Restoration Points)	Subtotal	Area Percentage = 50 (only 50% of site is being restored)	Total Points
90	x 0.8	= 72	x 0.5	= 36

Future Landowner Restoration and Maintenance Commitment – as indicated in Final Application Form

Commitment to Required Cash or In-Kind Contribution	10
Commitment Above Required Cash or In-Kind Contribution	30
Commitment to Required Easement Value Donation, in lieu of Restoration Contribution	30
Commitment to Easement Value Donation AND Restoration Contribution	50

Existing and New Upland Buffer Habitat

Existing Buffer Width	A	New Buffer Width	B	Total Points
100 Feet Wide (average)	20	100 Feet Wide (average)	20	
More than 100 Feet Wide	40	Buffer Averaging – 75-foot minimum	15	
		100+ Feet Wide	40	
Total Points	A = XX		B = YY	A + B = ____

Goal 5:

A. Land Conservation Threat

Within MUSA	15	Developed Property Adjacency = 1.0	Platted/for Sale = 2.0	Possible Points 15-30
Outside MUSA	5	Developed Property Adjacency = 1.0	Platted/for Sale = 2.0	Possible Points 5-10
Ability to Complete Project to Eliminate Threat (0 = Not Likely to 1.0 = Likely)				Possible Points 5-30
Total Possible Points				5-30

B. Provides an Important Land Conservation Program Opportunity

Yes = 20	No = 0
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Goal 6:

A. Provides New Outdoor Recreational Use for Underserved Populations

Within One Mile of Qualified Census Tract	40
One to Two Miles from Qualified Census Tract	20
Outside Two Miles of Qualified Census Tract	0

B. Public Recreational Use (Points for General Public OR Special Groups)

Type of Access	Uses	Percent of Area = A	Duration = B	Total Score A + B
General Public	Low impact (e.g., hiking, skiing, biking, hunting, fishing, trapping, picnicing, camping, nature study, etc.)	<p>100% = 25</p> <p>Less than 100%: 25 x ____% = ____</p>	<p>Year-round = 15</p> <p>With Landowner Permission = 10</p>	<p>A + B = ____</p> <p>Up to 40</p>
Special Groups (e.g., education; youth; scouts; adults; veterans; disabled)	Low impact (e.g., hiking, skiing, biking, hunting, fishing, trapping, picnicing, camping, nature study, etc.)	<p>100% = 15</p> <p>Less than 100%: 15 x ____% = ____</p>	<p>Year-round = 10</p> <p>With Landowner Permission = 5</p>	<p>A + B = ____</p> <p>Up to 25</p>

C. Visibility from Public Land Right-of-Way

Can be Seen within One-Quarter Mile of Public ROW	10
Cannot be Seen within One-Quarter Mile of Public ROW	0

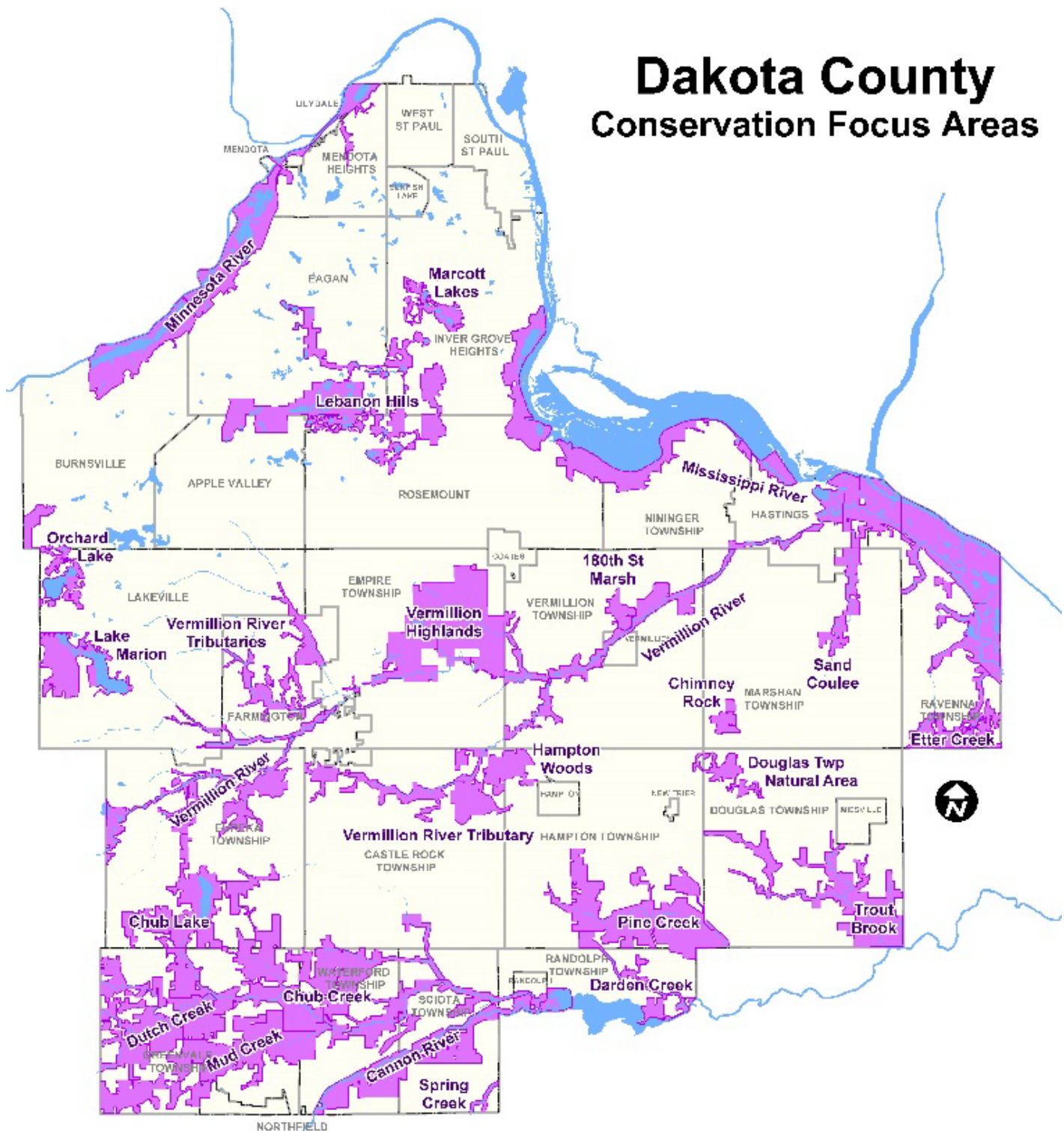
TABLE 1

Goal	EVALUATION CRITERIA	Available Points: Surface Water & Wetland Project Types	Available Points: Mixed Upland Project Type <u>ONLY</u>	CONSERVATION PROJECT TYPES		
				Surface Water	Wetland & Adjacent Habitat	Mixed Upland Habitat
	Maximum Project Score = 719 points Minimum Project Score = XXX points					
	PRE-SCORED CRITERIA	UP TO 265	UP TO 265			
1	Ecological Quality	Up to 60	Up to 240			
	Level of invasive species/overuse/contamination	0 - 10	0 - 40			
	Level of hydrologic and topographic stability	0 - 10	0 - 40			
	Level of desirable plant and animal species	0 - 10	0 - 40			
	Level of structural and spatial diversity	0 - 10	0 - 40			
	Level of ecosystem function	0 - 10	0 - 40			
	Level of overall landscape linkages and connectivity	0 - 10	0 - 40			
2. A	Surface Water	Up to 80	-----			
	Water Quality	10, 15, or 20	-----			
	Potential Water Quality Improvements	3, 7, or 10	-----			
	Proportionality	-----	-----			
	a. Length of River or Stream Shoreline – % of Points	1 - 10	-----			
	b. Encompasses both shorelines	0 or 10	-----			
	OR					
	c. Acres of Existing Open Water – % of Points	1 - 10	-----			
	d. Encompasses entire waterbody	0 or 10	-----			
	AND/OR		-----			
	e. Acres of Potential New Open Water – % of Points	0 - 10	-----			
2. B	Groundwater	Up to 25	Up to 35			
	Located in DWSMA - % of Points	15	20			
	Located in IRA (Outside DWSMA) - % of Points	10	15			
2. C	Wetlands	Up to 110	-----			
	a. Area of Existing Wetlands - % of Points	0 - 10	-----			
	b. Acres of Existing Wetlands (0, 5, 10, 15 or 20 Points)	0 - 20	-----			
	AND/OR					
	c. Area of New Wetlands - % of Points	1 - 20	-----			
	d. Acres of New Wetlands (0, 15, 25, 40 or 60 Points)	15 - 60	-----			
	EVALUATION TEAM SCORING CRITERIA	UP TO 495	UP TO 495			
3 & 4	NR Quality/Biodiversity Improved or Sustained	Up to 355	Up to 355			
	Past Documented Restoration	0 - 75	0 - 75			
	Potential Restoration - Reflects X Components	0 - 150	0 - 150			
	Future Landowner Commitment	0 - 50	0 - 50			
	Existing and New Upland Habitat Buffer	15 - 80	15 - 80			
	PRE-SCORED CRITERIA					
5 & 6	Other Public Land Conservation Program Benefits	Up to 140	Up to 140			
	Land Conservation Threat	5 - 30	5 - 30			
	Provides Important LC Program Opportunity	0 or 20	0 or 20			
	Provides New Outdoor Recreational Use for Underserved Populations	0 or 40	0 or 40			
	Public Recreational Use	0 - 40	0 - 40			
	Visible from Public Land or ROW	0 or 10	0 or 10			
	TOTAL POINTS			0	0	0

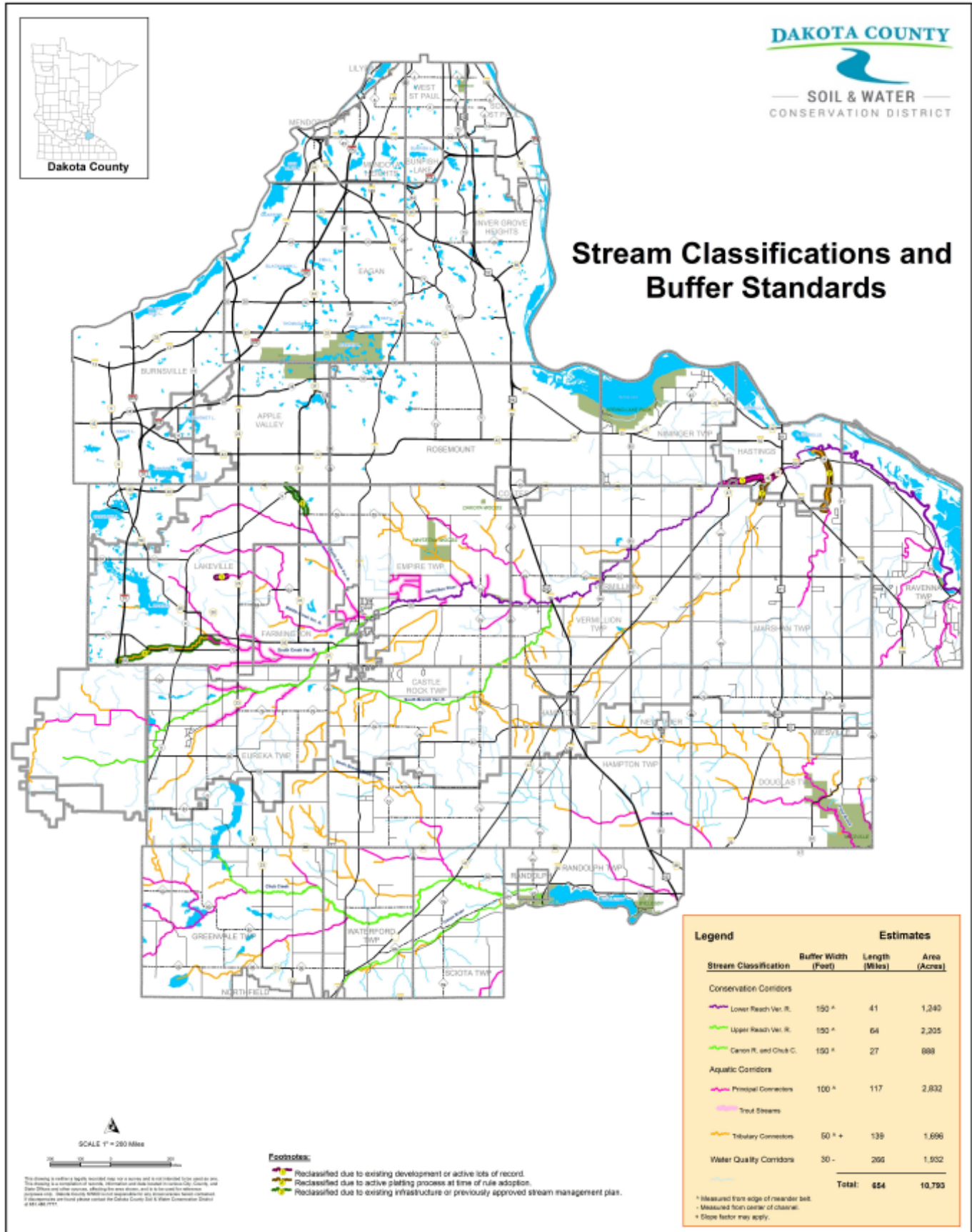
* It would take a significant amount of past and future restoration to achieve the total points.

MAP A

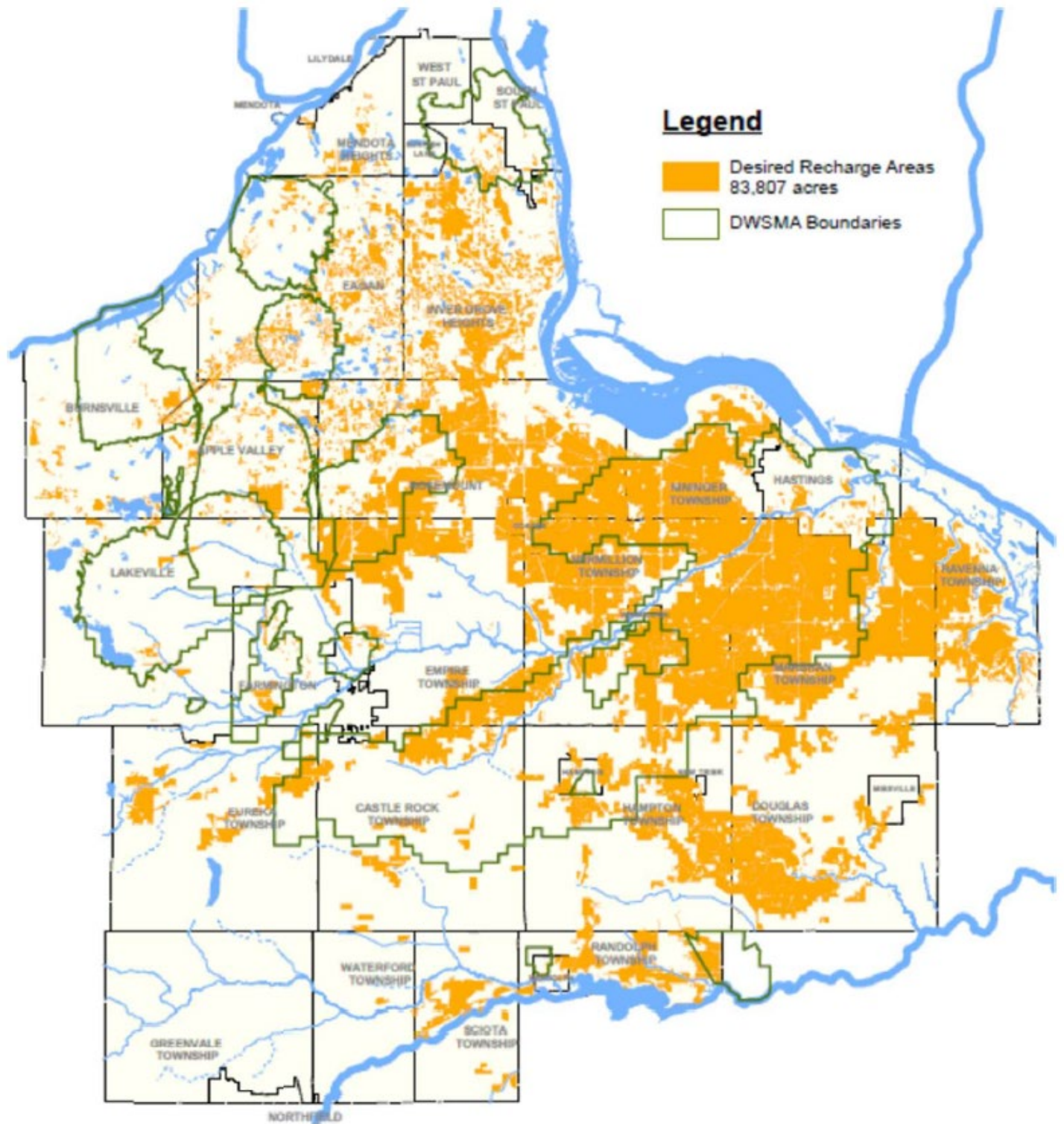
Dakota County Conservation Focus Areas



MAP B



MAP C



Property Acquisition Process

Commitment of Interest

Following the project evaluation, landowners are contacted by Land Conservation Program (LCP) staff to determine if they are still interested in participating in the program. Willing owners are asked to review and sign a “Commitment of Interest” form and submit a refundable \$750 deposit to Dakota County to initiate the acquisition process. If a project is successfully negotiated, these funds will be reimbursed at the time of the transaction. If a landowner chooses to withdraw from the program prior to the completion of an appraisal, or after a tentative agreement is reached, the landowner forfeits the deposit funds.

Appraisal Process

After a list of projects is approved for continued consideration, County staff will work with respective project partners and landowners to complete an appraisal to establish fair market value for the property (before value), an easement-restricted value for the property (after value), and the difference between the two values (easement value).

Dakota County will hire a qualified, independent appraiser to determine the fair market value of the interest to be acquired. The landowner may also hire an appraiser to provide an independent opinion of the property value. If a landowner chooses to hire an appraiser, this should be done at the same time as the County appraiser is hired, so appraisal instructions are consistent, and the landowner appraisal can be considered along with the County’s appraisal. The cost of the landowner’s independent appraisal is the responsibility of the landowner. And, it should be noted that the \$750 commitment of interest deposit is not partial payment for either a County or landowner appraisal.



Landowners, the County’s appraiser, and County staff will conduct an initial meeting to discuss the project, including special appraisal instructions and a subsequent inspection of the property. The County is not allowed to discuss the value with the landowner before the appraisal has been completed. The County-hired appraiser cannot discuss the value with the landowners, and will not act as negotiator for the purchase.

For the sale of fee title to land, the appraiser estimates what an independent buyer would pay for the land based on sales of comparable property. As indicated earlier in this section, for the sale of a conservation easement, the appraiser determines “before” and “after” values. First, the appraiser determines the value of the land “as is” in its unrestricted condition, before an easement is placed on the property. The appraiser then determines the value of the land after the easement restrictions are in place. The difference between the two values is the conservation easement value.

Valuation Formula

Beginning in late 2022, Dakota County will pilot the use of a tax assessed-based formula for establishing the value of a natural area conservation easement on rural land that will be converted to wetlands or grasslands, or permanently protect existing habitat areas. For land predominantly classified as 2a agricultural, the formula will use the tax assessed

value multiplied by 55 percent, and then multiplied by 85 percent. For associated land classified as 2b waste and wildlife, the formula will use the tax assessed value multiplied by 55 percent and then multiplied by 60 percent. The formula will be reviewed annually and adjusted based on analysis from the Dakota County Assessor's Office to determine the difference between assessed and fair market value based on most recent sales. This valuation formula will allow qualified landowners to consider an easement value during the initial phase of the acquisition process, rather than later, after significant work has been done to plan and design a conversion from agricultural production to natural area conservation for the protected land.

Continued Consideration

After the appraisal is completed by the appraiser and reviewed by County staff, a meeting is scheduled with landowners to begin the acquisition process. Landowners are provided with a certified value and real property interested offer letter that includes: a summary of the subject property, a summary of the County Certified Value, summary of landowner donation of value (if applicable), and instructions on accepting or rejecting the certified value offer. Landowners sign this letter, which is only an indication that the contingent offer to purchase letter was provided by County staff.

The appraised value establishes a price ceiling. Dakota County is under no obligation to make an offer to the applicant for the full appraised value of a conservation easement or fee title of the land. If the landowner has also hired an independent appraiser and this appraisal has a higher assigned value, the County is willing to review this appraisal report to determine if an adjustment to the property's fair market value will be made.

County staff and landowners will determine the process and sequence to proceed, depending on respective project circumstances. Except for extenuating circumstances, discussions and signing a purchase agreement must generally conclude within one year of the valuation date of the appraisal. In addition to cost, discussions may include possible changes to easement boundaries, easement terms and conditions, buffer requirements and responsibilities, natural resource management and restoration contributions, time schedules, and other considerations. Signed agreements may contain contingencies and escrow requirements. Closing on the acquisition may also occur later than one year from an approval date, as long as a purchase agreement was signed within one year of the appraisal valuation date.

If discussions between landowners and County staff are successful, the County prepares a purchase agreement for landowner signature. Final approval of the agreement is contingent on County Board approval of all terms and conditions, to be evidenced by a duly adopted County Board resolution. If the County Board approves the acquisition, landowners will be notified.

Although every attempt will be made to conclude an acquisition in a timely, positive, and fair manner, it is anticipated that not all applications will result in the sale of a conservation easement or fee title.

If landowners do not accept an offer from Dakota County, or time has extended beyond agreed on limits, Dakota County will discontinue discussions and terminate the acquisition. If the County Board chooses not to purchase the easement, a written letter will be sent to landowners explaining the reasons for not purchasing the property or an



easement. If the County does not elect to complete an acquisition for which a purchase agreement has been submitted, the County will refund the \$750 “Commitment of Interest” deposit to landowners.

Limit on Conservation Easement Purchase Price

The Dakota County Land Conservation Program will limit its contribution to the purchase of a natural area conservation easement over private property by establishing a \$5,000 per acre cap. Funding contributions from sources other than Dakota County are not subject to this cap. Therefore, the total compensation paid from all sources may exceed this County cap.

The reason for establishing a County funding cap is that at some level, it is more fiscally responsible to pay the full fair market of the entire fee title than a slightly lower amount paid for a conservation easement. Purchase of fee title would allow public access, whereas the purchase of a conservation easement may not. If Dakota County is paying nearly the full fee title price for an easement, it may be more fiscally responsible to purchase fee title and provide access.

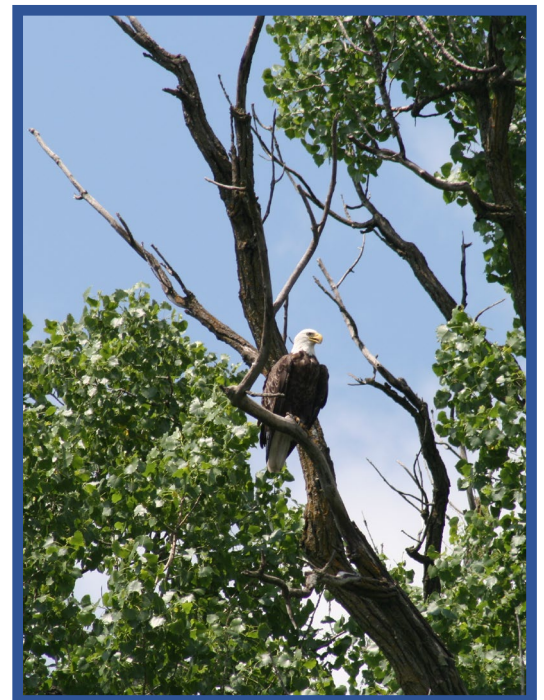
The cap does not apply to fee title acquisitions where a public agency will hold title and allow public access to the property.

Conservation Easement Terms

For properties where a conservation easement will be purchased, Dakota County has established the basic terms of the permanent conservation easement for natural areas. A blank, natural area conservation easement deed template can be requested from County staff. County staff will meet with applicants to discuss terms for each property based on the easement template. The final, negotiated easement deed may contain terms different than the model, but in no case will they be less restrictive than the model.

A conservation easement will contain the following elements:

- Who is giving (Grantor) and receiving (Grantee) the easement
- Legal Description (established at no cost by County Surveyor)
- Purpose for the easement – natural area protection/wetland restoration/water retention project
- Prohibited Uses – any use other than for protecting natural areas/restoring wetlands/retaining water on the land will be prohibited
- Rights of Landowner – maintained right to limit public access, right to use the land for open space, right to transfer, sell, or lease the property
- Rights of Easement Holder – allowed right of the County to enter the land to assist with habitat restoration and management, to monitor compliance, and to enforce the terms of the easement
- Duration – the duration of the easement is perpetual and shall bind future holders of the underlying fee title



- Termination – if Dakota County determines the purpose of easement is no longer possible to meet, and if permitted by law or other easement holders, the parties to the easement will determine whether to: sell the easement back to the landowner at the value of the easement at the time of termination; or purchase the underlying fee title of the property from the landowner at its encumbered value. All costs associated with terminating the easement will be the responsibility of the parties.

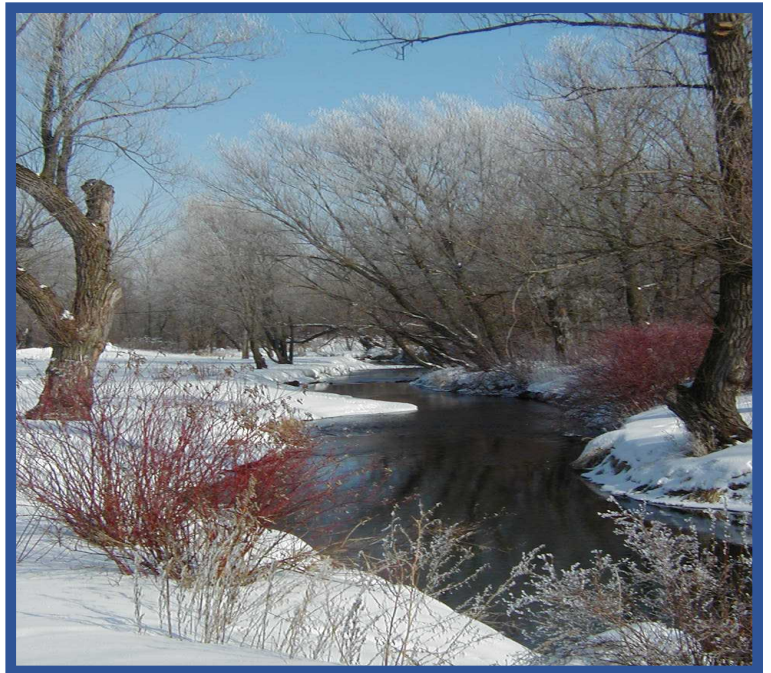
For ease of monitoring and enforcement, current and anticipated buildings and other structures are excluded from conservation easements. An area large enough to include existing structures and anticipated future structures, as well as current and anticipated road right-of-way, will not be included in the land area to be included in the easement. The exceptions to prohibited structures are agricultural use structures, and small structures allowed within natural area easements, per the easement deed and prior written County approval.

Other Requirements

Natural Resource Management Plans

Landowners are required to work with the County to develop, adopt, and implement a Natural Resource Management Plan (NRMP) for natural area easements.

The purpose of the NRMP is to describe the current and preferred natural resource conditions, goals, and activities for the easement area (Protected Property). The NRMP includes: information on the Protected Property location; historic, existing, and adjacent land use; bedrock and surficial geology; soils; topography; hydrology, including groundwater and surface water; historic and existing vegetation cover, noxious and invasive plants, and land cover; ecological impacts, past and present, from fire suppression, diseases, wildlife, and climate change; plant community assessment; wildlife; target vegetation communities, including management priorities, methods, and a five-year work plan. The NRMP also includes plant restoration goals and recommendations, a restoration process, schedule, and cost estimates. The NRMP will be reviewed and updated every five years, or as needed to maintain its relevancy.



Restoration/Enhancement and Maintenance/Management of Easement Area

A Natural Resource Management Agreement (Management Agreement) is developed in conjunction with the NRMP and includes: a workplan for implementing jointly agreed on natural resource activities and priorities; the respective roles and responsibilities of the landowners, the County or partners; schedules: and cost estimates and funding/in-kind sources.

The status of any approved activity under the Management Agreement is monitored and assessed as part of the annual Easement monitoring process or routine ecological monitoring of the restored or enhanced areas by County staff, as allowed by the Management Agreement. A blank Natural Resource Management Agreement template can be requested from County staff.

Through the County Land Conservation Program (LCP), the public is investing in landowners' property. The Protected Property becomes eligible to receive natural resource restoration funding through State grants obtained by the County, and County matching funds, for restoration and management purposes. It is assumed, based on landowner interest in the County LCP, that landowners already manage their property to maintain or improve its natural resource features, or seek to improve its condition through conservation.

For Management Agreements executed after June 1, 2019, public investment to improve the condition of natural areas and natural resources on the Protected Property is based on cost-share agreements with landowners, using Restoration Cost Ratios:

Restoration Cost Ratios	County*	State*	Landowner**
I. Restoration			
A. Protected Private Land INSIDE a CFA			
1. Wetlands, Shoreline, or In-Channel	20%	80%	0%
2. Floodplain/Shoreland	15%	80%	5%
3. Upland (Grassland/Woodland)	10%	80%	10%
B. Protected Private Land OUTSIDE a CFA			
1. Wetlands, Shoreline, or In-Channel	20%	80%	0%
2. Floodplain/Shoreland	10%	80%	10%
3. Upland (Grassland/Woodland)	5%	80%	15%
C. Protected Private Land within Regional Greenway Corridors ***			
1. Within 150 feet of regional trail	20%	80%	0%
2. Beyond 150 feet of regional trail	10%	80%	10%

* Percentages reflect a maximum amount, depending on the restoration evaluation score and available funding.

** Cash and/or In-kind contribution

*** Aligns with Adopted County Greenway NR Management Policy

Additionally, landowners are required to manage/maintain restored areas for at least three years at their expense. The details of cost share agreements and the responsibilities of landowners and the County are confirmed within the Management Agreement.

Title Search

Dakota County Abstract and Title conducts a title search of the property before closing on the sale of land or a conservation easement. The title search must show the applicant holds marketable title before closing may occur. Landowners are asked to provide an abstract and other documents pertaining to property title, if needed.

Survey

Before closing on the sale, a perimeter survey is required of the land to be acquired or the area over which a conservation easement will be acquired. This survey will establish the legal description and an accurate acreage total. The Dakota County Surveyor completes this survey.

Environmental Assessment

The County will conduct an onsite environmental assessment to determine if environmental hazards exist within the proposed acquisition area. Landowners are required to comply with current ordinances and regulations prior to closing,

and work with the County to voluntarily resolve other issues. Please note that Dakota County Ordinance No. 110 prohibits burning and burying waste on all land, including farms.

Subordination Agreement(s)

If a conservation easement will be placed on property that is subject to a mortgage or lien, or is used to secure a loan or other credit, the holder of the mortgage, lien, loan or other credit instrument, must approve the sale, in writing, before closing. Model subordination agreements are available to landowners.

Pipeline Easements

If there is a pipeline or other utility located on the Protected Property, the landowner must work with the respective company to restrict the utility easement to a legally defined corridor and provide recorded documentation to the County prior to closing.

Power of Attorney

If one or more individuals own an interest in the land and are legally represented by a person vested with Power of Attorney (PoA), the County will require documentation that the PoA has been recorded, or be provided with an original PoA that can be recorded prior to closing.

Property Report

Dakota County prepares a baseline Property Report establishing the conditions of the subject property at the time an easement is acquired. This Property Report will contain maps and photographs, and will be used to monitor changes in the use or condition of the protected easement property, including required buffers. The landowner and County agree the Property Report is an accurate representation of the protected easement property at the time of easement acquisition by signing it.



Septic Systems and Unused Wells

Dakota County requires septic systems to be upgraded. If a landowner house was built prior to 1996, a septic system compliance inspection is required, unless an as-built record or inspection report verifying the system was upgraded after 1996 is produced by the landowner. Dakota County requires that unused wells be sealed. These requirements are enforced even though no structures are included in the Protected Property area.

Payment for Other Associated Costs

The County will pay for the abstracting and recording fees related to recording the easement being acquired. If the property is held as security for a loan or advance of credit that requires or permits the imposition of a pre-payment penalty, the County will be reimbursed for any associated penalty expenses. The costs of obtaining and recording

mortgage subordination agreements and clearing title defects, payment of taxes and attorney's fees for any attorney retained by the landowner are the responsibility of the landowner and are not reimbursable.

Closing Sale and Recording Conservation Easement

Following completion of all necessary steps in the acquisition process, a closing is held to sign documents and transfer funds. Closing consists of signing and delivering recordable documents of conveyance to the County. The closing is coordinated through Dakota County Abstract and Title. All landowners, or their legal representatives, are required to attend the closing. Closing on the acquisition of a conservation easement will not be deemed complete until the conservation easement is recorded in the Dakota County Recorder's Office. Recording the conservation easement on the title of the subject property is necessary to notify and bind subsequent holders of the underlying fee title to the terms of the conservation easement.

Table 2.2: Easement Closing Costs Shared by the County and Landowners

Easement Closing Costs	Landowners	Dakota County
Closing fee required by the closing company	50%	50%
Settlement costs	50%	50%
Abstract updates	100%	---
Recording, service and legal fees required to resolve title issues (e.g., deceased spouses, trust issues) or to facilitate the closing	100%	---
Title insurance	---	100%
All remaining taxes payable for the year <u>and beyond</u>	100%	---

Payment Options

Payment for the sale of a conservation easement or fee title can take only three forms under the Dakota County Land Conservation Program:

Lump-sum Payment

A lump-sum payment transfers the entire negotiated purchase price to the landowner at closing. A lump-sum payment may be of most interest to a landowner with a high basis and a large debt load. Note that the lump sum payment is the net amount of the easement payment minus any closing or other costs the landowner is responsible for at closing, per Table 2.2.

Lump sum Payment with a “Bargain Sale” Component

A part cash sale and part donation of a conservation easement is known as a “bargain sale.” The landowner may be able to use the appraised value of the donated portion of easement value as an income tax deduction, because the donation of easement value is considered a charitable gift. Note that the lump sum bargain sale payment is the net amount of the easement payment, minus the donated easement value amount, minus any closing or other costs the landowner is responsible for at closing, per Table 2.2.

Like-kind (1031) Exchanges

A landowner who is selling a conservation easement or fee title to property used in business, trade, or investment may consider “like-kind exchanges” instead of receiving a cash payment. There are a variety of options, and landowners should consult their attorney or other financial professionals regarding this type of transaction.

