



STAFF REPORT

DATE: July 19, 2022

CONSENT

AGENDA ITEM: Resolution Supporting Conservation Easement at 4452 Lake Elmo Ave
SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Neil and Deb Krueger, along with their son John, approached the city about placing a conservation easement on their property located at 4552 Lake Elmo Ave (Krueger's Tree Farm) a couple of years ago. Since that time we have had a number of meetings with the Kruegers, the MN Land Trust and staff from Washington County to discuss the proposed easement and concerns. The MN Land Trust would be the holder of the easement and the Kruegers are seeking funding from Washington County to participate in the program. Because of the public funding, Washington County reached out to the City of Lake Elmo and is asking for a resolution of support before moving forward.

ISSUE BEFORE COUNCIL:

Should Council approve a resolution supporting a conservation easement at 4552 Lake Elmo Ave which includes language to allow a future utility easement?

PROPOSAL:

As noted in the attached resolution, there are a number of qualities listed that make this site ideal for a conservation easement including closing the greenbelt around the old village area. Given the city's past experience with conservation easements, we wanted to make sure that the path to extending utilities in the future was not cutoff. For example, one of the challenges in getting water to the folks on 45th St from Tapestry is the conservation easement language says only utilities serving the development are allowed. Because of that we asked that language be included in this easement that allows for the extension of utilities to serve other properties. Also, as we experienced with the easement in Sanctuary, while it is possible to extinguish easements it is timely and costly. It took two years and thousands of dollars for the city to get the outlot with the private septic system turned back to the HOA as the county and land trust worked through the process to extinguish the portion of the easement that was needed for the Manning/TH36 project. In order to avoid a similar situation in the future, we wanted to have the rights from the land trust built into the agreement to allow for utilities to serve a public purpose. While there is no specific project at this time, with the easement proposed now was the time to begin planning for what might happen. There is a 100 foot area east of the proposed new building in which the city would be able to place a 40 foot wide easement. Should a project be identified, the city would still need to obtain an easement from the landowners. This simply takes away the obstacle from the land trust.

FISCAL IMPACT:

There are no outlay of funds from the city. As mentioned, the landowners are seeking funding from the county to place the easement with the land trust. The city will see a reduction in taxable

value once the easement is in place since it limits what can occur on the site. When the easement was placed on the Manning tree farm the city tax collect went from \$699.17 in 2015 to \$324.39 in 2016 and was \$406.57 in 2022.

In 2022 the Lake Elmo Ave site will pay \$1,236.99 in city taxes. The council should expect that to go down in future years once the conservation easement is in place.

OPTION:

- 1) Approve Resolution 2022-068
- 2) Amend and then Approve Resolution 2022-068
- 3) Do not approve Resolution 2022-068

RECOMMENDATION:

“Motion to approve Resolution 2022-068 A Resolution Supporting a Conservation Easement on 38 Acres at 4452 Lake Elmo Ave.”

ATTACHMENTS:

- Resolution No 2022-068
- Info from MN Land Trust
 - Acreage Calculation
 - Aerial Map
 - Context Map
 - Property Map

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION 2022-068

**RESOLUTION SUPPORTING A CONSERVATION EASEMENT ON 38 ACRES AT
4452 LAKE ELMO AVE**

WHEREAS, the City desires to support projects in its community that protect its natural features quality of life, and

WHEREAS, protection of water is essential to our health and well being; and

WHEREAS, having adequate natural holding capacity for water is good planning that assists in flooding prevention, soil retention, improved water quality and efficient aquifer recharge; and

WHEREAS, having adequate ecological corridors to allow wildlife to move, flourish and remain in our midst is of inherent value; and

WHEREAS, this parcel is identified as part of a Minnesota Land Cover Classification System regional ecological corridor and adjacent to Regionally Significant Ecological Areas; and

WHEREAS, this parcel contains natural features including deciduous forest, vernal pools, wetlands and over 1,000 feet of shoreline on a small unnamed lake; and

WHEREAS, this property contains natural habitat, is used for tree farming and has very little impervious surface or tilled area, making it an important parcel for local water quality; and

WHEREAS, the City has been approached by private landowners who would like to protect 38 acres at 4452 Lake Elmo Avenue N., Lake Elmo, to assure it remains naturally intact for current and future generations; and

WHEREAS, the landowners would like to obtain the City's support in proceeding to be able to complete the project with the necessary partners; and

WHEREAS, the Minnesota Land Trust has reviewed the property in detail and signaled its interest in protecting the area with a permanent conservation easement; and

WHEREAS, the permanent conservation easement will allow the property owner to grant a 40 foot wide utility easement in the northwesterly portion of the property to the City of Lake Elmo. If a utility easement is pursued, its terms and conditions will begin with negotiations between the Landowners and the City and be consistent with the terms and conditions of the conservation easement; and

WHEREAS, the utility easement corridor was selected to be in an area without wetlands, native plant communities, or cultural sites. The area is dominated by planted conifers that are a part of the Owner's tree farm. It is also adjacent to a proposed building envelope in the northwestern

corner of the property to be protected by a Conservation Easement, consolidating the impacts of permitted development into a smaller portion of the Protected Property. The Land Trust acknowledges that said utility easement, if granted, would provide utility service to adjacent properties not protected by the Conservation Easement and would provide access rights only to the City to service any utilities that would be installed within the corridor.

NOW, BE IT RESOLVED, that the City Council signals its support for placement of a conservation easement over the property located at 4452 Lake Elmo Avenue N., Lake Elmo, Valley Branch Watershed District (Parcel IDS: 11.029.21.41.0005) with the proposed Utility Easement Area, as described above, to be held by the Minnesota Land Trust and Washington County.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE 19th DAY OF JULY, 2022.

CITY OF LAKE ELMO

By: _____
Charles Cadenhead
Mayor

(Seal)
ATTEST:

Julie Johnson
City Clerk

EXHIBIT A – SITE MAP





MINNESOTA LAND TRUST

- Acreage Calculation Sheet -

Project: Krueger Tree Farm (Krueger)

Washington County, Minnesota

Located in the following Ecological Subsections:
St. Paul - Baldwin Plains (222Md)

09/03/2019

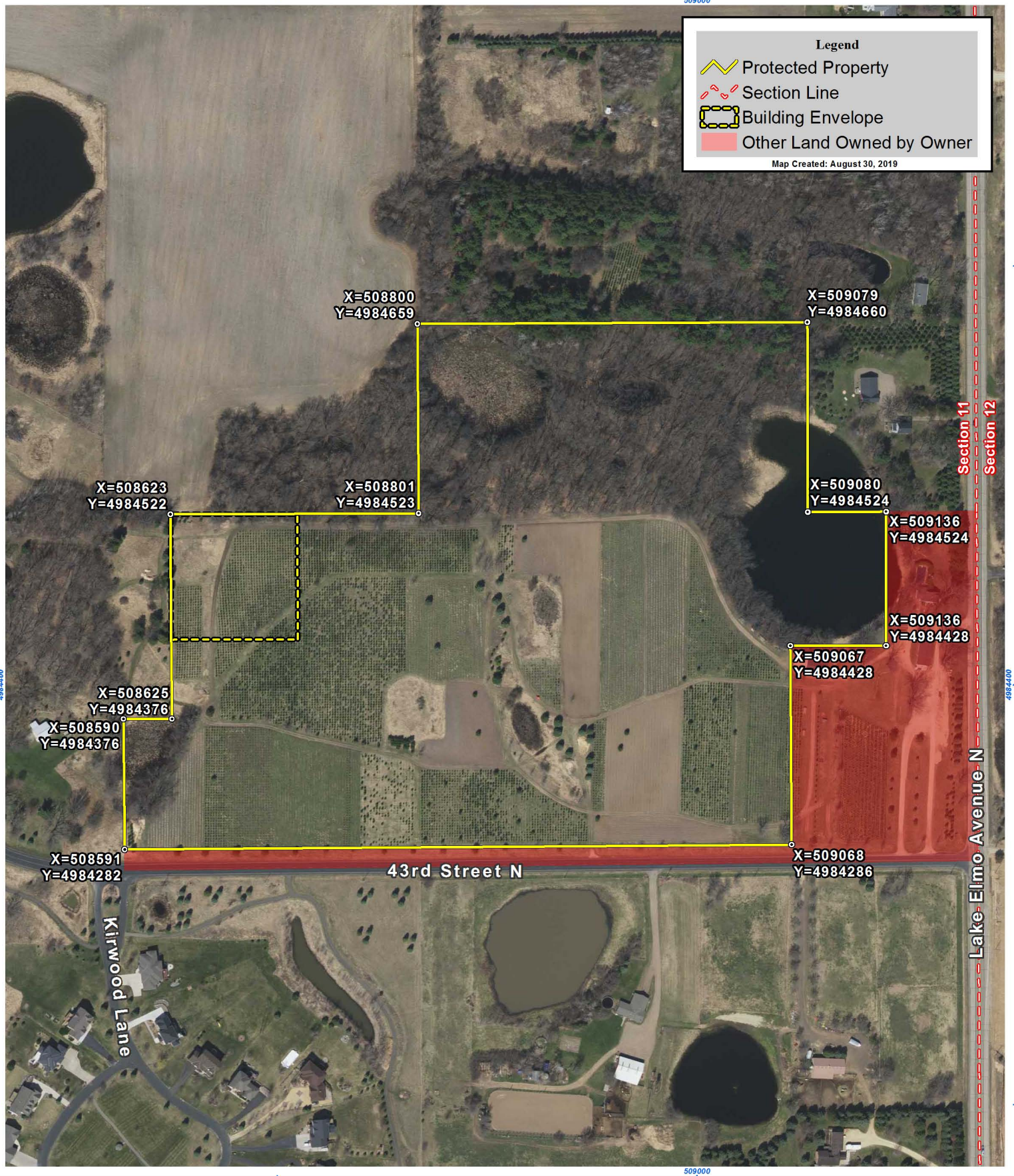
Total Protected Property: 37.90 Acres
Total Protected Shoreline: 1,002 Feet

- LAND COVER TYPES -	Acres		% of Protected Property
AGRICULTURAL LANDS:	0.00	(Sub-total)	0.00%
• Hay	0.00		0.00%
• Cultivated Land	0.00		0.00%
GRASSLANDS:	3.99	(Sub-total)	10.53%
• Grasslands	3.99		10.53%
• Prairie Cultivation	0.00		0.00%
WOODLANDS:	0.00		0.00%
FORESTED:	28.82		76.04%
WETLANDS:	2.57		6.78%
WATER:	2.52		6.65%

- SHORELINE TYPES -	Length (Feet)	Name	Designated Trout?	MPCA Impaired?
Lake (Shoreline)	1,002	Unnamed	No	No
River (Shoreline)				
Ponds (Shoreline)				
Wetland Connector (Centerline)				
Perennial Streams (Shoreline)				
Intermittent Streams (Centerline)				

- OTHER CATEGORIES -				

Aerial Photography Map



Map Resource Information

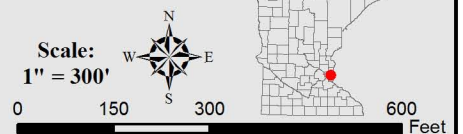
Protected Property & Section Lines created by Community GIS Services Inc. All data overlaid 2016 7-County Aerial Photography, Map & labeled coordinates use projection of: UTM, Zone 15, Datum NAD83

Users of this map agree and acknowledge that Community GIS Services Inc. and the Minnesota Land Trust cannot be held liable for accuracy of GIS material provided. GIS materials should not be relied upon to establish legal title, boundary lines, or locations of improvements.

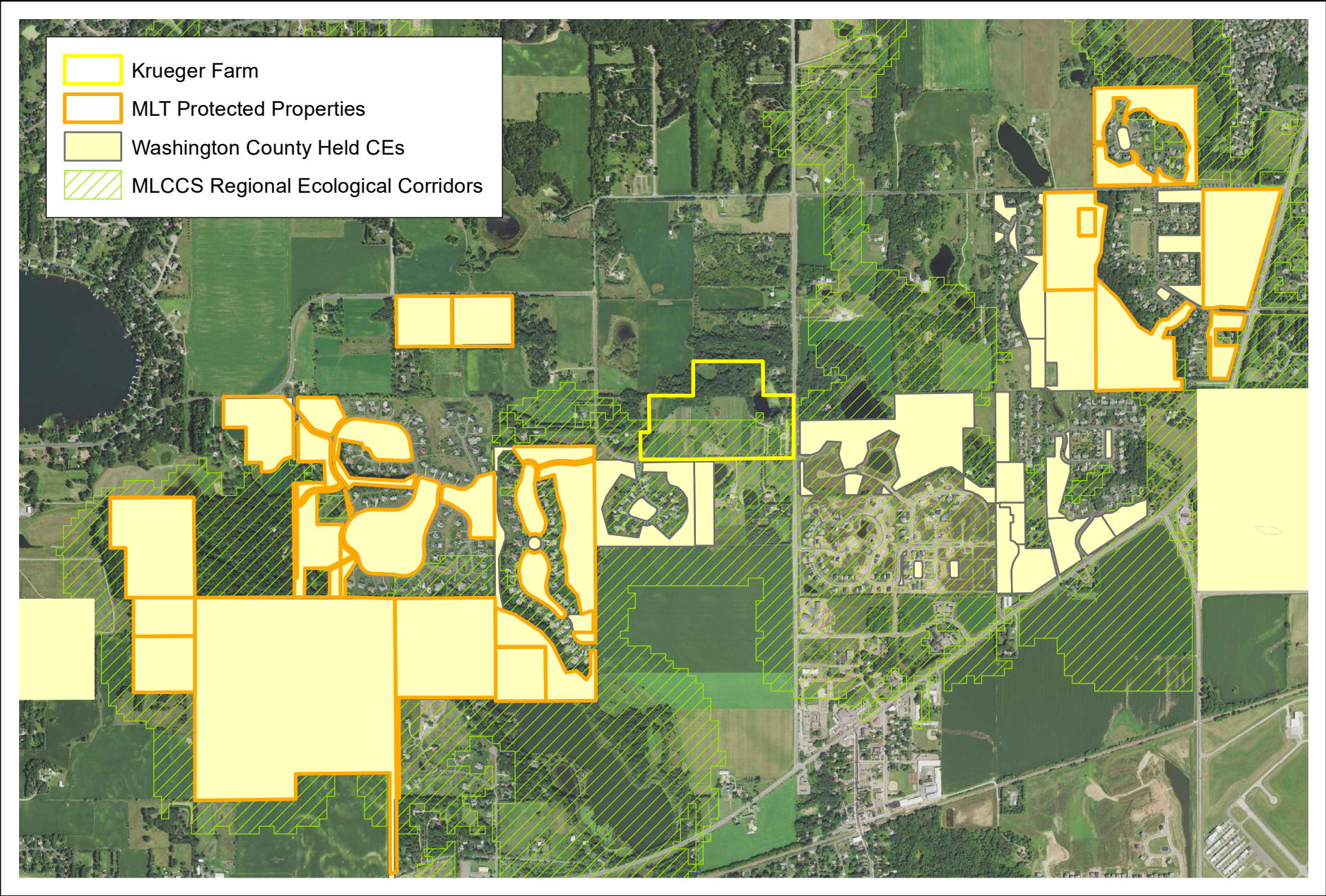


Site: Krueger Tree Farm - Tract: Krueger

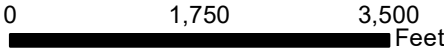
Washington County - Twp. 29 N Rng. 11 W Sec. 11



Krueger Tree Farm (Krueger) Context Map

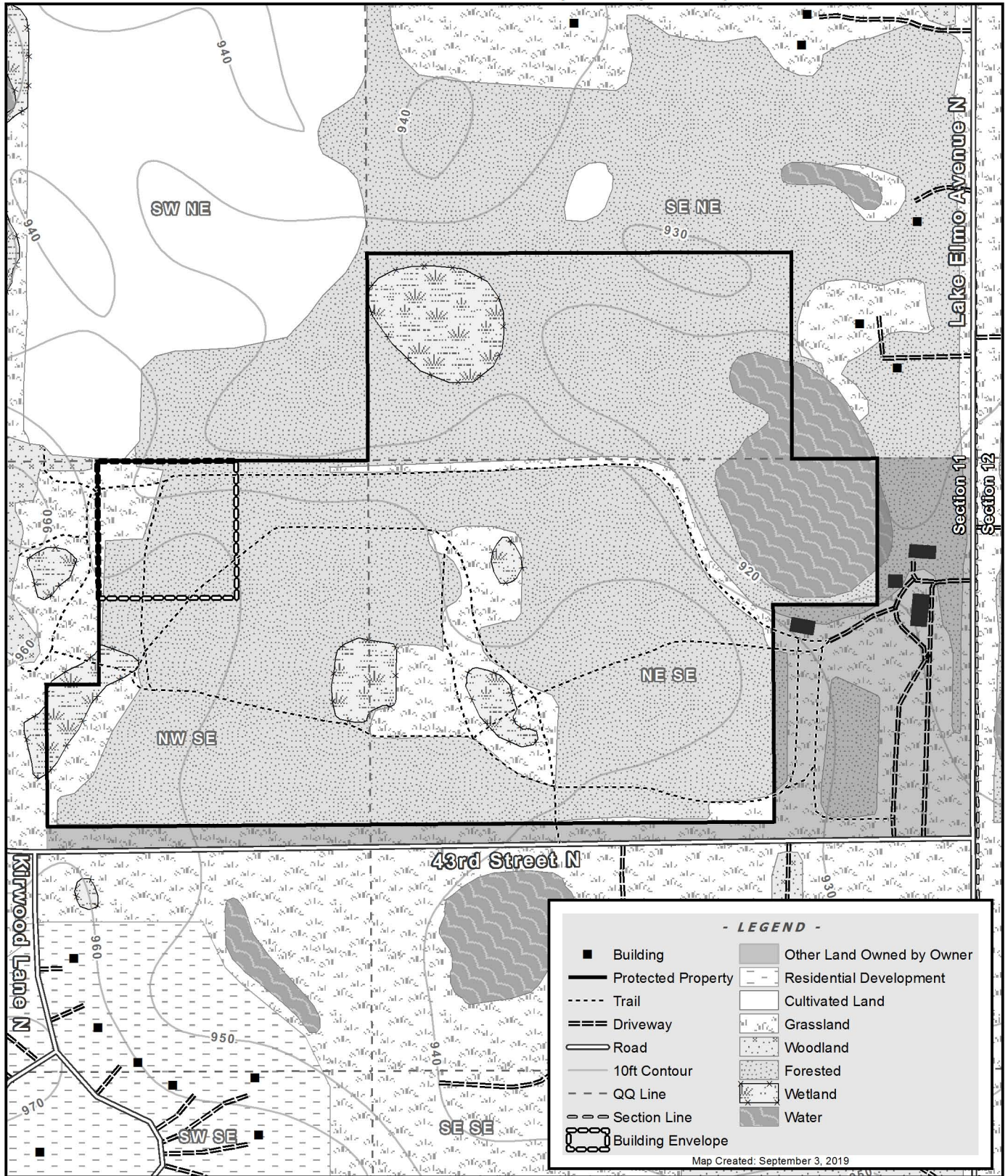


All shapes are approximate.
Imagery: 2017 Color FSA
MN Geospatial Commons
Projection: NAD 1983 UTM 15



Map Created By:
Mark van der Linden
Minnesota Land Trust
January 29, 2019

Exhibit B: Property Map



Map Created: September 3, 2019

Map Resource Information

Protected Property, Section Lines, Buildings, Roads, Driveways & Minor Roads, Contours, Cultivated Land, Forested, Grasslands, Woodlands, Wetlands & Water created by Community GIS Services Inc.

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Site: Krueger Tree Farm - Tract: Krueger

Washington County - Twp. 29 N Rng. 11 W Sec. 11



Scale:
1" = 300'

