

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, June 8, 2015 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. May 27, 2015
4. Business Items
 - a. PROPOSED NATURE CENTER - SUNFISH LAKE PARK. Tony Manzara is proposing to construct a nature center in Sunfish Lake Park. He is requesting to present the proposal to the Planning Commission for feedback and ensure compliance with the Lake Elmo Comprehensive Plan.
5. Updates
 - a. City Council Updates – June 2, 2015 Meeting
 - i. Village Preserve Developers Agreement - approved
 - ii. Wedding Venues Ordinance Amendment - postponed
 - iii. Interim Ordinance – postponed.
 - b. Staff Updates
 - i. Upcoming Meetings:
 - June 22, 2015
 - July 13, 2015
 - c. Commission Concerns
6. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of May 27, 2015**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Dodson, Dorschner, Williams, Fields, and Griffin

COMMISSIONERS ABSENT: Haggard, Kreimer, and Larson

STAFF PRESENT: Community Development Director Klatt

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: May 11, 2015

M/S/P: Williams/Dorschner, move to approve minutes as presented, ***Vote: 5-0, motion carried unanimously.***

Public Hearing: Zoning Text Amendment – Commercial Wedding Ceremony Venues in the RR zoning district.

Klatt began his presentation regarding the Zoning Text Amendment to allow Commercial Wedding Ceremony venues in the Rural Residential zoning district as an interim use. It is current allowed in the AG and RT zoning. The applicant is also asking to increase the maximum number of guests allowed from 150 to 200 with additional restrictions such as hours, no wedding receptions, etc.

If this Zoning Text Amendment passes, there would be a separate public hearing that would be heard for the interim use application.

Things to consider would be that the Comprehensive Plan contains numerous statements about maintaining the rural character in the City, an interim use does not run with the land, but is for a limited time and can be re-evaluated, and sites zoned AG and RT can be in as close a proximity to neighborhoods as RR parcels.

Staff heard from a number of residents in the area, and the main concern was traffic on 50th Street. The current estimate of traffic on 50th street is estimated at 500 trips per day and is expected to increase to 1500 trips per day by 2030. The average home

generates an estimated 10 trips per day. The proposed wedding venue would need 67 parking spaces to meet the ordinance standard.

Staff is recommending approval of the Zoning Text Amendment with 2 more restrictions added to limit the applicability in the Rural Residential zone to properties that 1) Have historically been used as farmsteads for the surrounding farmland and 2) Utilize a barn or other historic agricultural building over 75 years old for the wedding ceremony.

Klatt talked about the Planning and Zoning discretion pyramid. This particular item falls in the green, or towards the bottom of the pyramid which is having the most discretion, while the interim use permit is farther up and has less discretion if an application meets the ordinance requirements. This would be the time to decide if this is an appropriate use in the RR zoning district. Klatt went through the current code on Commercial Wedding Ceremony and highlighted what would be changed.

There was some discussion about the 2 additional restrictions and if they should remain.

Danielle Hecker, the applicant, spoke regarding her desired outcome in requesting the ordinance change. She wants to preserve the historic barn and rural lands through a new use. She met with many of the neighbors and the adjoining developer and got mostly positive feedback, except for the traffic concern.

Public Hearing opened at 7:56 pm

Reid Gilbertson, 11421 50th Street, is in opposition to the proposal. He does not feel it fits the current intent to continue the agricultural use. In addition, he does not feel a 10 acre parcel was intended for farming. These sites are intended for single family dwellings. He feels that the RR district was excluded from the wedding ordinance for a reason. The traffic at this venue would all be leaving at the same time and it would be difficult to get out to highway 5.

Brett Thompson, 11491 50th Street, noted similar concerns to Reid Gilbertson. The traffic will be concentrated going in and going out. He is concerned about noise generated from the events. He also noted that there is not a large group asking for the ordinance change, and the City shouldn't make the change just for 1 individual.

There were 3 letters received and put in the public record. 2 letters were in opposition to the request and 1 included concerns regarding traffic.

Klatt also spoke to a resident who did not want to give their name who expressed that they were opposed.

Klatt stated that the barn is 226 feet from the north property line. Property line to the west is about 150 feet. Klatt stated that the code states that setbacks are from

residential homes and there currently are not any that would apply. However, with the new OP development, that could be a problem.

Public Hearing closed at 8:12 pm

Williams stated that RR land is typically land that has already been developed. This land is already at the minimum. He states that in this circumstance the justification would be to preserve the historic barn.

Dodson feels that for wedding venues you need an attractive location to attract customers. He feels that it does give an attractive character of the community.

Fields asked what other commercial, retail or other would be allowed in RR. Klatt stated that there is agricultural entertainment, agricultural sales, cemetery, commercial kennel, private kennel, private stable, greenhouses and wayside stands. On other larger sized agricultural parcels the City allows for limited non-agricultural use.

Dorschner stated that he struggles between the traffic and trying to preserve the rural character. He feels that the ordinance is fairly restrictive to protect the surrounding neighbors. He likes the applicant wanting to partner with other Lake Elmo businesses is a plus as well.

Dodson stated that the traffic issue should be separated and discussed at the interim use application that is not before them now. Dorschner felt the interim use should maybe be given a year and revisited.

Griffin stated that the Comprehensive Plan would seem to support this. The barn venue seems to be becoming a popular venue. She also feels that the traffic should be discussed at the interim use permit stage.

Fields stated that they could have the same traffic issues with an agricultural venue as well and that would be an allowed use.

Williams thinks the only justification for this change is the preservation of a historic structure in a residential zone. He feels there should be some sort of certification that the structure is 75 years old and has been used for an agricultural use.

Klatt stated that there would be a lot of cost associated with renovating a historic barn to be able to bring it up to a standard to use for this venue. There has also been a number of barns restored in open space neighborhoods for community buildings.

Williams is not in favor of increasing the number of guests. One of the reasons it was restricted was for anticipated traffic and noise problems. He feels we need to have

experience with an actual operation before we raise that number. The average guest count is 140 and seems to be decreasing over time.

Dorschner asked if a variance could be applied for if they had an unusually high venue. Klatt stated that they could, but would need to meet all of the variance criteria which could be difficult.

Dodson disagrees with not increasing the number based on the average. Hecker stated that the average was probably based on all types of wedding venues.

M/S/P: Dorschner/Fields, move to recommend approval of the request to amend the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as an interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200 with the additional restrictions 1) have historically been used as a farmstead for the surrounding agricultural land and 2) that would use a barn or other historic agricultural building that is older than 75 years for the wedding ceremonies, **Vote: 5-0, motion carried unanimously.**

Williams made a motion to amend Dorschner's motion that the number of allowed guests be changed from 200 to 175. This motion failed for lack of second.

Klatt stated you could be more restrictive than what is in the code, but not be more lenient. He believes that you can request additional conditions like landscaping, but he would like more time to research that and talk to the City attorney.

Business Item: 2015 Systems Statement – Growth Management Update

Klatt presented a verbal update concerning the City's 2015 Systems Statement and recent discussions with the City Council concerning the City's growth staging plan. Discussions concern rural area planning, transit planning and planning for the 2015 system statement. Staff would like to see this done as a larger planning effort. The Planning Department has been busy this spring with a large amount of developments coming forward with their construction plans, but will be starting to spend more time regarding the growth management.

The City Council has asked staff to bring forward some growth management strategies. Staff is recommending adopting some kind of policy document with criteria for when there is enough development in stage 1 to move forward to stage 2. There should be a public facilities ordinance to ensure that growth pays for growth, and expanding on the language that we already have. Klatt stated there could also be some interim steps the City could take to slow growth to plan against the new numbers.

Klatt stated that the Planning Commission would be involved in this process as there is a public process to go through. Klatt stated that the rapid transit line could play a large role in the growth of the area. There was a general discussion regarding the infrastructure costs.

Council Updates – May 19, 2015 Meeting

1. United Land/Bremer Minor Subdivision – passed.
2. Inwood Final Plat and Final PUD Plans – passed.
3. Inwood Developers Agreement – passed.

Staff Updates

1. Upcoming Meetings
 - a. June 8, 2015
 - b. June 22, 2015

Commission Concerns

Dorschner stated that the Commission should be patient with the Planning Staff as they have a lot of work right now.

Klatt stated that Casey is still working with the City regarding gateway issues.

Dodson asked the Commission to start thinking about what they would like to receive from staff to start looking at the larger planning issues.

Meeting adjourned at 8:40 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

Proposal: Interpretive Nature Center at Lake Elmo's Sunfish Lake Park

Presentation for Lake Elmo Planning Commission
Tony Manzara, June 8th 2015
5050 Kirkwood Ave N, Lake Elmo
651-439-0389, edited June 8th

Basic Idea: private-public partnership

- Private fundraising by a 501c3 non-profit organization (NPO) to plan and construct an Interpretive Nature Center building in Lake Elmo's Sunfish Lake Park
- Involve the community in fundraising about \$250,000
 - The NPO would match donations of residents and businesses
- Transfer Building to City ownership when completed
- Continued fundraising by NPO to support some activities
 - Purchase and operation of educational systems and materials
 - Naturalist salary, training of volunteer docents
 - Other expenses

Community Benefits

- Brings us together to build community spirit
- Location for Community Activities
- Under local control, near local schools
- Nature education opportunities
 - Kindergarten through Senior Citizens
- Encourages utilization of one of Lake Elmo's jewels
- Serves as a memorial to the late Sally Manzara

A Focus of Community Involvement

- Education
 - Interpretive Nature Center open to the public during regular hours
 - ISD 834 Student tours and projects, 4H Club activities, Adult Lecture Series
 - Trail and birdfeeder webcams
- Project Opportunities
 - Eagle Scouts and other organizations
 - Fundraising e.g. Trail Maps, Photo Contest Calendar, T-Shirts, Birdsong Wakeup Alarm
 - Intern projects e.g. in Geology, Ecology, Tree Identification, etc
- Public Meeting Area
 - Volksmarch Start/End
 - Family Day similar to the one of May 16th 2015
 - Birding tours / Wildflower tours
 - Warming house for cross-country skiers
 - Civic meetings



Lake Elmo 2030 Comprehensive Park & Recreation Plan Part 2-31 excerpt

Department of Natural Resources Regionally Significant Ecological Areas/Metro Conservation Corridors **Regionally Significant Ecological Areas (RSEA)** are identified by the Minnesota Department of Natural Resources (Maps 5 and 6). **Sunfish Lake Park**, Olson Lake, and the Lake Elmo Regional Park Reserve contain RSEAs. RSEAs are places where intact native plant communities and/or native animal habitat are found. They provide habitat for game and non-game animals, biological diversity, groundwater recharge, and improved water quality. Lake Elmo's RSEAs are identified as part of the network that makes up the Metro Conservation Corridors. The area identified as a Conservation Corridor within Lake Elmo is part of a larger system of habitat. The DNR's recognition of Lake Elmo's natural resources indicates that these lands are of environmental importance. Within Lake Elmo's park system, **these areas present opportunities for stewardship that preserves and improves the natural environment**

Lake Elmo 2030 Comprehensive Park & Recreation Plan Part 2-31 excerpt

2. The southernmost, non-wooded area of Sunfish Lake Park is an integral part of the Park and should be developed in ways that are consistent with the overall vision for Sunfish Lake Park as a whole. No future development should be pursued in this section that does not speak directly to or enhance the overall vision of Sunfish Lake Park as a natural oasis. Nor should this open area be used for non-park purposes or for organized sports and recreation that require significant allotment of land, the construction of large facilities, or outdoor lighting that does not conform to Lake Elmo's Dark Skies practices.

Minnesota Land Trust CONSERVATION EASEMENT June 30, 2009 excerpt

3.5 **Recreational and Educational Structures.** Minor rustic structures such as tents, trail barriers, boardwalks, overlook decks, footbridges, benches, birdhouses, and informational kiosks may be placed on the Protected Property in conjunction with permitted recreational and educational activities.

Additionally, the Owner may choose to use and develop Area 2 of the Protected Property, or a portion of it, as an educational, outdoor recreational, nature observation or interpretive center. Such use must be consistent with and must not interfere with the Conservation Values and purposes of this Easement. The size, location, and characteristics of the buildings and structures, as well as all necessary utilities, driveways, parking areas, and all other improvements associated with the facility or the users described in this section, including a park entry monument and signs, must be in accordance with a park concept plan developed by the Owner and approved in writing by the Land Trust. All buildings, structures and improvements must be designed and constructed so as not to detract from the natural and scenic character of the Protected Property. Review and written approval of architectural plans by the Land Trust is required prior to commencing construction.

The Owner will request and obtain approvals and give the Land Trust notices as set out in section 7.7 of this Easement before beginning any construction permitted under this section.



What might a Nature Center look like?

• View 1

• View 2

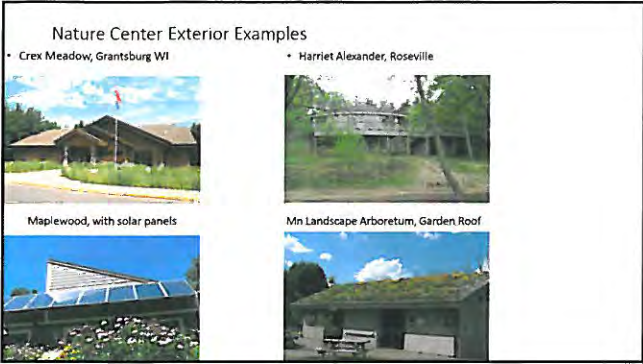
What might a Nature Center look like?



• View 2

What might a Nature Center look like?









Building Areas and Features

- Exterior Design for low maintenance and harmony with surroundings
- Exhibit space – photos, aquaria, curated specimens, webcam screens
- Prairie Restoration Project Exhibit ?
- Classroom – lockable project area
- Reference Materials Area– print and electronic
- Gift Shop – helps support activities
- Office for Naturalist / Building Manager
- Kitchen area for meeting snacks and staff lunch (not commercial kitchen)
- Accessible Restrooms
- Site Planning consideration for footprint expansion as Lake Elmo grows

Utility considerations

- Electrical Connection
 - Location 2 is about 300 feet away from nearest home
- Geothermal heat pump for HVAC
 - space exists for ground loop
- Water supply
 - Purchase from neighbor, or drill well?
- Waste disposal
 - Septic, waterless, or pump-out?
- Security cameras inside and outside

Lake Elmo City Contacts so far –

all positive responses, got good suggestions

- Todd Williams
- Kyle Klatt
- Alyssa MacLeod - fits with the strategic plan for parks development
- Shane Weis
- Dave Snyder
- Rick Chase
- Dean Zuleger
- Mike Pearson

Action so far –

- Met with Steve Erban, Architect, and DSGW's Rick Warner 5-4-2015
 - Both interested, possible donation of some pro bono effort
 - Might get 2000 square feet for \$250,000
- Met with Nick Johnson 6-1-2015 – received Land Trust boundary map
 - Area 2 is compatible with Interpretive Nature Center construction
- Met with Shane Weis 6-1-2015 to discuss/request cost estimate
- Met with MAP for Nonprofits and with St. Croix Area Foundation –
 - Can provide 501c3 "fiscal sponsorship" while awaiting IRS NPO approval
- Presented to Parks Commission May 18th 2015
 - Voted 7-0 to allow L.E. staff time for further exploration of the idea

Time Line Possibilities

- Lake Elmo Planning Commission Meeting, June 8, 2015
 - Any insurmountable obstacles?
- Lake Elmo City Council Meeting Later in June 2015
 - Request execution of License/Donation/Publicity agreement
- Set up Non-Profit Organization– July 2015
- Fundraising August-December 2015, monthly progress reports to City
- Architectural Final Plans and Drawings January-February 2016
- Permitting process and City Council review March-April 2016
- Groundbreaking May 2016
- Official acceptance of gift of Nature Center Building by City in writing
- Grand Opening August 2016

Others to contact after Council approval

- Minnesota Land Trust
- Administrators of other Nature Centers
- Valley Branch Watershed District
- Independent School District 834
- Closest Neighbors (those living just east of parking lot area)
- Minnesota Legacy Act committee for grant request information
- North Star Ski Touring Club (established trails in the Park)
- Maintenance-grant agencies as suggested by Dean Zuleger

Request for Planning Commission Action

- Resolution approving the continued exploration of this idea
 - No cost to City except a few hours of Staff time
- Advise on how to get approval from Land Trust organization
- Approve Agenda item for L.E. City Council Meeting June 16 or 23 (?)
 - I would present the License/Donation/Publicity Agreement for consideration:
 - City gives NPO a license to build on City property
 - City agrees to accept the donation of the building if it is built to approved plan
 - City allows NPO to access LE Source and LE website to publicize the project

In Memory of Sally Manzara, 1944-2015

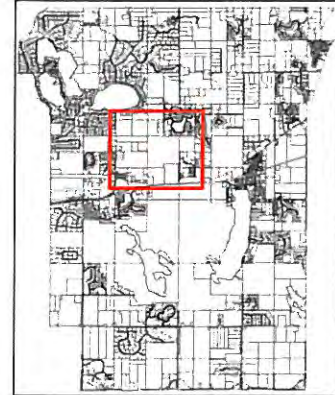
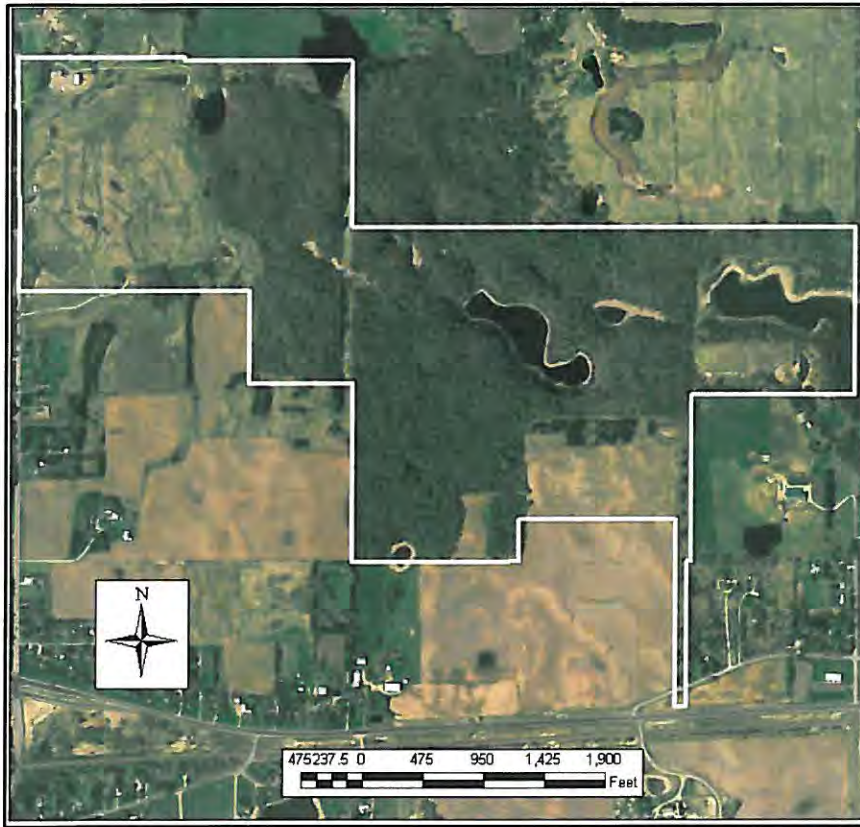
She loved Nature Centers, Gift Shops, and Sunfish Lake Park.
Pictured with Red-Spotted Purple Butterfly 6-16-2014 at Sunfish Lake Park



Sunfish Lake Park

Sunfish Lake Park is considered by many to be the crown jewel of the Lake Elmo park system – an important symbol of the quiet, rural character Lake Elmo. The first European settlement in Lake Elmo was located near this park, and it is here where the assembly met that created the township we now know as the City of Lake Elmo. This park’s unspoiled rolling landscape is the same today as it was for the first settlers: a well-preserved oak forest with gentle ridges separating ponds that showcase both landscape and a lush wildlife habitat. Spanning almost 300 acres near the geographic center of

the city, this park provides an important public access to Sunfish Lake. The northwestern corner of the park was previously utilized for the Washington County landfill and will be undergoing remediation.



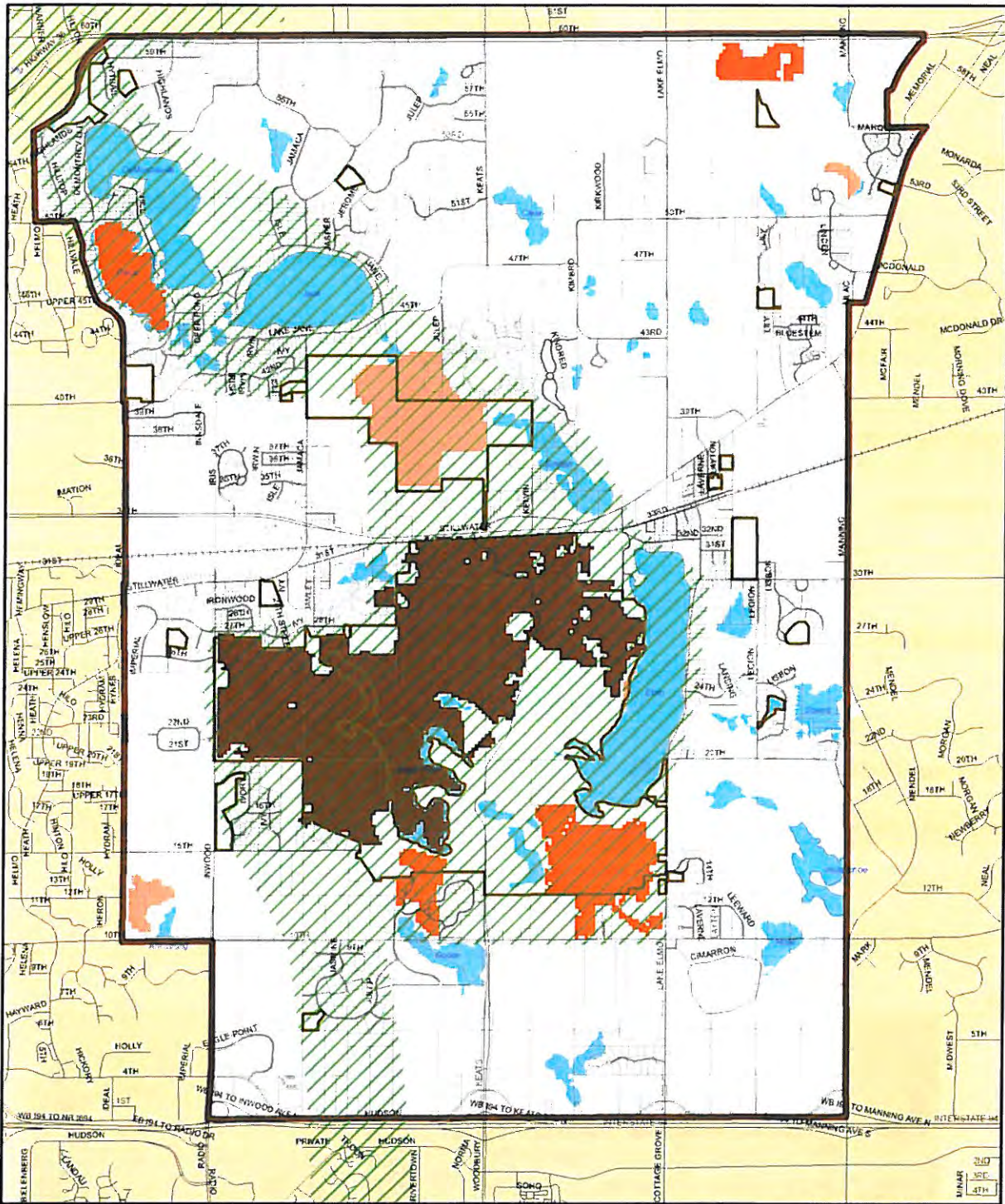
Classification: Community Park
Location: 10000 Stillwater Lane North
Size: 284 acres

Natural Features	Passive Uses	Active Uses	Other Facilities
lakes/ponds natural parkland natural resource area	picnicking walking, jogging canoeing flora/fauna identification quiet/solitude	sliding hill cross country skiing horseback riding	off-street parking restrooms - portable

areas. The land cover data used for the park planning process was created from interpretation of aerial photography and is available from the Metropolitan Council. The Minnesota Department of Natural Resources is developing the *Minnesota Land Cover Classification System (MLCCS)* which uses on-the-ground field work to describe land cover. This field work has not yet been conducted in Lake Elmo. When the data does become available, it will be a tool available to the Parks Commission in further identifying noteworthy natural resources.

Department of Natural Resources Regionally Significant Ecological Areas/Metro Conservation Corridors

Regionally Significant Ecological Areas (RSEA) are identified by the Minnesota Department of Natural Resources (Maps 5 and 6). Sunfish Lake Park, Olson Lake, and the Lake Elmo Regional Park Reserve contain RSEAs. RSEAs are places where intact native plant communities and/or native animal habitat are found. They provide habitat for game and non-game animals, biological diversity, groundwater recharge, and improved water quality. Lake Elmo's RSEAs are identified as part of the network that makes up the Metro Conservation Corridors. The area identified as a Conservation Corridor within Lake Elmo is part of a larger system of habitat. The DNR's recognition of Lake Elmo's natural resources indicates that these lands are of environmental importance. Within Lake Elmo's park system, these areas present opportunities for stewardship that preserves and improves the natural environment.



MAP 5. NATURAL RESOURCE DNR PRIORITIES

SOURCE: MINNESOTA DEPARTMENT OF NATURAL RESOURCES

March 2008
TKDA
DESIGNERS • ARCHITECTS • PLANNERS

DNR Regionally Significant Ecological Areas

- Moderate
- High
- Outstanding

- Metro Conservation Corridors
- Public Parks

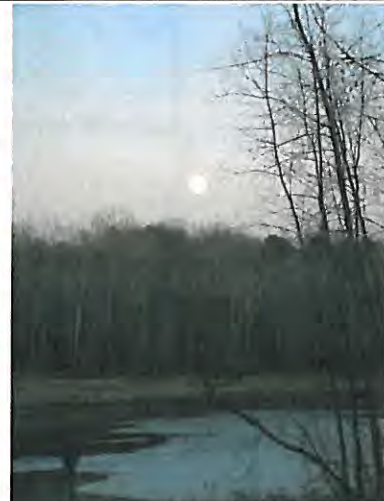
1
 Mile

Community Park

Purpose	<ul style="list-style-type: none"> ○ Serves recreational and open-space needs for residents living throughout the city. ○ Preserves unique landscapes and open spaces. ○ Provides community gathering places and locations for group activities that would be too large for an neighborhood park.
Service Area and Location	<ul style="list-style-type: none"> ○ Service Area is city-wide. ○ An additional community park will be located within the Village Area.
Size	<ul style="list-style-type: none"> ○ Minimum size is 20 acres.
Level-of-Service	<ul style="list-style-type: none"> ○ 15 acres per 1,000 persons.
Key Facilities	<ul style="list-style-type: none"> ○ Park identification sign, portable or permanent bathroom, off-street parking spaces
Facilities Menu	<ul style="list-style-type: none"> ○ Passive parkland: natural resource areas, picnic and sitting areas, gardens, water features, shore fishing, boat launch, swimming beach, natural and cultural interpretation, paths, trail connections, park shelter ○ Active parkland: ice skating rink, skate park, disc golf course, sledding hill, shared parking arrangements

Lake Elmo Community Parks (2006)

Community Parks	Acres	Active/Passive Parklands
Sunfish Lake	284	Passive
Demontreville Wildlife Area	24	Passive
Total	308	



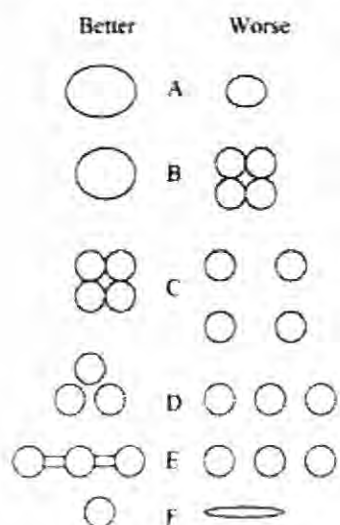
Sunfish Lake Park

Natural Resource Areas

Purpose	<ul style="list-style-type: none"> ○ Showcase, preserve, respect, and restore significant natural resources. ○ Provide aesthetic variety.
Service Area and Location	<ul style="list-style-type: none"> ○ It is preferred that natural resources areas are integrated into neighborhood parks, community parks, mini parks and greenways to facilitate appreciation of natural resource areas by park users, and so that other park land may buffer natural resource areas. Natural resource areas may also be stand-alone elements of the park system. ○ Location of natural resource areas is dependent on the landscape and its natural resource potential. ○ Service area is city-wide.
Size	<ul style="list-style-type: none"> ○ Variable, depending on the natural resources and landscape.
Additional Policies	<ul style="list-style-type: none"> ○ Natural resources inform park design. ○ Passive recreational use of natural resource areas is provided for through marked trails and viewing areas. ○ Natural resource areas provide for wildlife habitat. Areas are consolidated, contiguous, and connected where feasible. ○ Native plantings are used in natural resource areas to restore prairie, savannah, woodlands, forests, wetlands, and lakes.

Lake Elmo Natural Resource Areas (2006)

Natural Resource Areas are located within Sunfish Lake Park, Demontreville Wildlife Area, Reid Park, Kleis Park, Pebble Park, Lake Jane Hills Park, Legion Avenue North (unnamed) Park, Ridge Park, Heritage Park, Homestead Park, and Heights Park.



This diagram identifies preferred layouts of natural resource areas. Example A is showing that a larger contiguous area is better than a smaller contiguous area. Example C shows that smaller individual areas would be better if they were closer together or adjacent rather than spread apart.

Design Principles for wildlife habitat within Natural Resource Areas.

From *Drafting a Conservation Blueprint: A Practitioner's Guide to Planning for Biodiversity*. Jonathan V. Higgins, Earl C. Saxon, Craig R. Groves, Michael W. Beck.

POLICIES FOR SUNFISH LAKE PARK

Sunfish Lake Park is considered the crown jewel of Lake Elmo's park system. This 284-acre park has rolling hills, forests, and wetlands. Its mulched and mowed trail system provides a shady hiking area and a challenging natural terrain for cross-country skiers. Sunfish Lake Park is recognized by the Department of Natural Resources as a "Regionally Significant Ecological Area" and is a central feature of the Metro Conservation Corridor running across Lake Elmo. This plan classifies Sunfish Lake Park as a community park, designates it as passive parkland, and recognizes it as a natural resource area within the Parks Classification System.



Sunfish Lake Park

In 1973, the Nature Conservancy developed a representative catalog of the woods of Sunfish Lake Park, calling it, “probably the best upland forest in the County and unique in the area because of the unusually high diversity of the fauna and especially the flora.” In 1994, the Minnesota Department of Natural Resources also created such a catalog, calling it, “a fairly high quality native forest, including two records of rare species (Blanding’s Turtle and Red-shouldered Hawk) that occur in the vicinity, and a remnant of an important natural community that was once more widespread in the state.”

To ensure that Sunfish Lake Park continues to serve future generations as an ecological treasure and as a place for nature-based recreation experiences, the Parks Commission is working with the Minnesota Land Trust to create a conservation easement for Sunfish Lake Park. A factor to consider in creating the conservation easement is the type of park uses that the easement will allow or restrict. One area of the park - a field currently used for agricultural purposes at the southern end of the park near the entrance road - was deemed critical to the long-term conservation of Sunfish Lake Park, and the Parks Commission emphasized that all plans relating to the development of the park must include strategies for conserving the open area of the park as critical habitat.

The following policy statements were generated through Parks Commission discussion. They provide guidance for decisions that affect Sunfish Lake Park and specifically the agricultural field within the park.

1. The Park is a unique natural oasis within the Lake Elmo park system, and all future development within the Park should be pursued in a way that fosters only quiet, low-impact uses that are protective and sustaining of a natural environment that the citizens of Lake Elmo hope to bequeath to future generations.
2. The southernmost, non-wooded area of Sunfish Lake Park is an integral part of the Park and should be developed in ways that are consistent with the overall vision for Sunfish Lake Park as a whole. No future development should be pursued in this section that does not speak directly to or enhance the overall vision of Sunfish Lake Park as a natural oasis. Nor should this open area be used for non-park purposes or for organized sports and recreation that require significant allotment of land, the construction of large facilities, or outdoor lighting that does not conform to Lake Elmo’s Dark Skies practices.
3. Consistent with the designation by the Minnesota Department of Natural Resources of a corridor of land encompassing all of Sunfish Lake Park as well as large areas surrounding the Park on all sides as “Regionally Significant Ecological Areas,” all future development within the Park as well

as in those adjoining areas should be significantly informed by a need to protect natural resources, habitat, and flyways, and the City should explore the *possibility* – as land becomes available for purchase -- of extending the southern borders of the Park to Highway 5 as a strategy for creating a contiguous natural wildlife corridor between Sunfish Lake Park and the Lake Elmo Park Reserve.

4. The entrance to Sunfish Lake Park shall provide a calming landscape that prepares those entering the park for a nature-based experience.
5. Sunfish Lake Park's natural resources shall be preserved and enhanced to act as a wildlife habitat corridor. The corridor shall link Sunfish Lake Park's habitat with that of the Lake Elmo Regional Park Reserve.
6. Recreation facilities shall be low-impact and in harmony with the quiet and natural qualities of Sunfish Lake Park.

CONSERVATION EASEMENT

This is a CONSERVATION EASEMENT granted by the City of Lake Elmo, a political subdivision under the laws of the State of Minnesota, (the "Owner") to the Minnesota Land Trust, a non-profit corporation organized and existing under the laws of the State of Minnesota (the "Land Trust".)

RECITALS:

- A. OWNER. The Owner is the current owner of approximately 256 acres of real property located in Washington County, Minnesota. That real property is more fully described below as the "Protected Property."

- B. PROTECTED PROPERTY. The Protected Property is that real property legally described in Exhibit A and generally depicted on the "Property Map" in Exhibit B. Both exhibits are attached to this conservation easement and incorporated by this reference.

The Protected Property, known to area residents as "Sunfish Lake Park," consists of approximately 173 acres of rolling forest land that includes a number of hardwood tree species such as oak, maple, birch, and cherry. The Protected Property also consists of approximately 2 acres of woodland, 25 acres of grassland, 20 acres of wetland, and 4 acres of open water ponds. Sunfish Lake, which is classified by the Minnesota Department of Natural Resources as a natural environment lake, covers approximately 17 acres of the eastern

- c. As reasonably required to prevent or control insects, noxious weeds, invasive vegetation, disease, fire, personal injury, or property damage.
- d. Landscaping in areas immediately adjacent to permitted buildings, within the divided entry road corridor, or as specifically authorized in section 3 below.

2.13. Vehicles. Motorized vehicles may not be used on the Protected Property except on roads or parking areas permitted under this Easement or in conjunction with construction and maintenance of permitted buildings, structures, roads, trails, or other improvements, forest or habitat management, agricultural use, or in conjunction with Minnesota Pollution Control Agency permitted activities including those permitted under the recorded documents specifically referenced in section 7.5 below. Use of motorized vehicles shall not result in significant erosion or have an adverse impact on the natural and scenic quality of the Protected Property.

3. **RESERVED RIGHTS**. The Owner retains all rights associated with ownership and use of the Protected Property that are not expressly restricted or prohibited by this Easement. The Owner may not, however, exercise these rights in a manner that would adversely impact the Conservation Values of the Protected Property. Additionally, the Owner must give notice to the Land Trust before exercising any reserved right that might have an adverse impact on the Conservation Values of the Protected Property.

Without limiting the generality of the above, the following rights are expressly reserved and the Owner may use and allow others to use the Protected Property as follows:

- 3.1. Right to Convey. The Owner may sell, give, lease, bequeath, devise, mortgage or otherwise encumber or convey the Protected Property. This right to convey the Protected Property is subject to the following:
- a. Any conveyance or encumbrance of the Protected Property is subject to this Easement.
 - b. The Owner will reference or insert the terms of this Easement in any deed or other document by which the Owner conveys title to the Protected Property. The Owner will also specify to what extent reserved rights have been exercised, if at all, and are no longer available for use by the new owner and which reserved rights are specifically allocated to the property being conveyed in accordance with other provisions of this Easement.
 - c. The Owner will notify the Land Trust of any conveyance within fifteen (15) days after closing and will provide the Land Trust with the name and address of the new owner and a copy of the deed transferring title.
 - d. If the Protected Property is owned by a trust, business entity or any common or jointly held ownership, the Owner shall designate a representative authorized to receive notice on behalf of the owner and provide the Land Trust with the name and address of the designated representative. The Owner shall notify the Land

Trust of any change in the designated representative and provide the Land Trust with the new name, address and other contact information.

The enforceability or validity of this Easement will not be impaired or limited by any failure of the Owner to comply with this section 3.1.

- 3.2. Agricultural Use. Agricultural use of the Protected Property is limited to only that area designated as Cultivated Land on the Property Map attached as Exhibit B. If this area is restored to forest or grassland, then no further agricultural use is permitted.
- 3.3. Forest and Habitat Management. The Protected Property may be used to create, maintain, restore, or enhance habitat for wildlife and native biological communities in accordance with a restoration or habitat management plan approved in writing by the Land Trust. The Owner may remove timber and other wood products and otherwise manage the vegetation on the Protected Property in accordance with this approved plan.
- 3.4. Recreational and Educational Uses. The Protected Property may be used for hiking, cross-country skiing, horseback riding, nature observation or study, and other non-intensive recreational and educational programs or activities that have no more than minimal impact on the Conservation Values of the Protected Property.

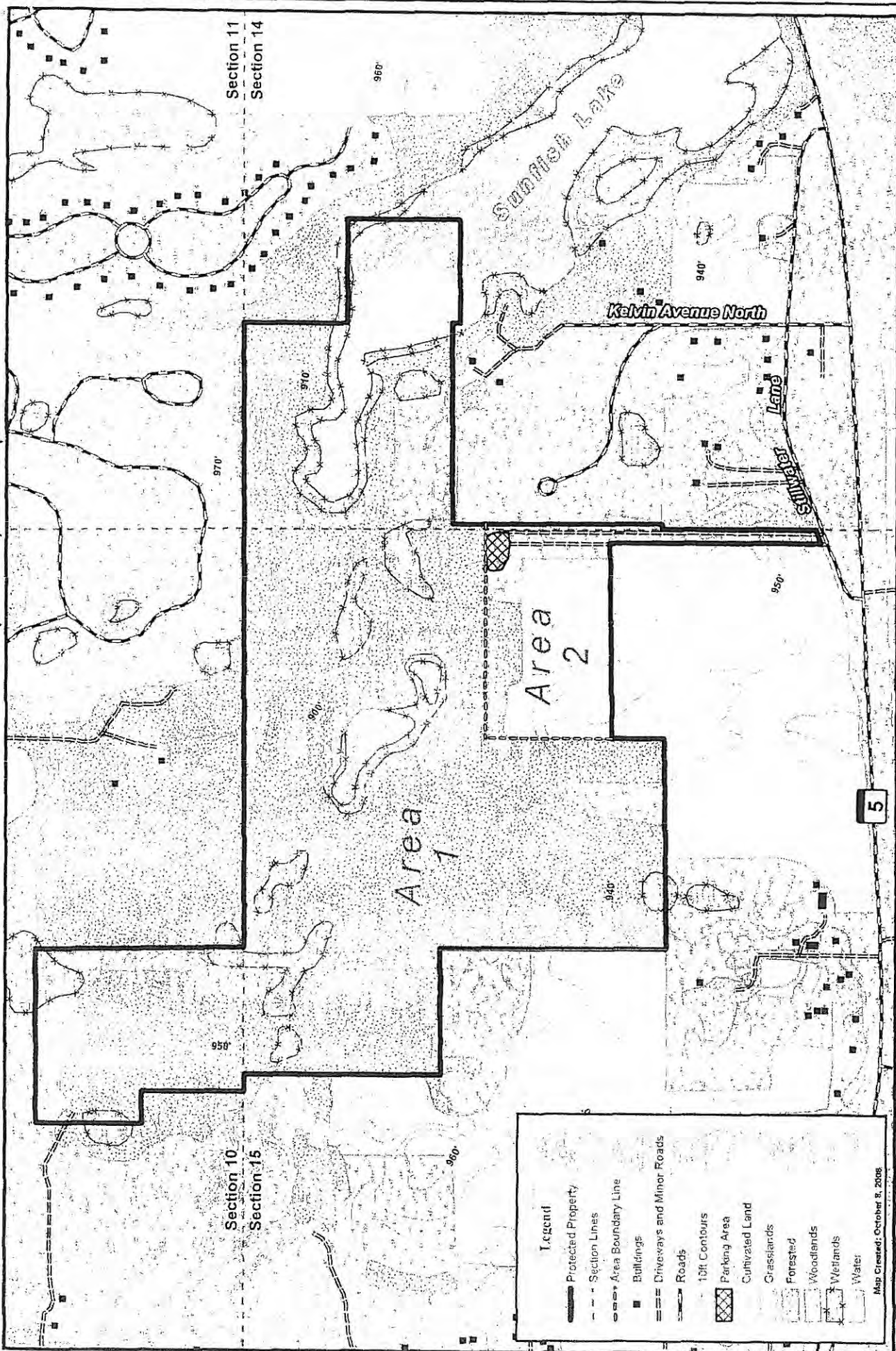
The Protected Property may not be used for more than minimal commercial recreational purposes.

- 3.5. Recreational and Educational Structures. Minor rustic structures such as tents, trail barriers, boardwalks, overlook decks, footbridges, benches, birdhouses, and informational kiosks may be placed on the Protected Property in conjunction with permitted recreational and educational activities.

Additionally, the Owner may choose to use and develop Area 2 of the Protected Property, or a portion of it, as an educational, outdoor recreational, nature observation or interpretive center. Such use must be consistent with and must not interfere with the Conservation Values and purposes of this Easement. The size, location, and characteristics of the buildings and structures, as well as all necessary utilities, driveways, parking areas, and all other improvements associated with the facility or the uses described in this section, including a park entry monument and signs, must be in accordance with a park concept plan developed by the Owner and approved in writing by the Land Trust. All buildings, structures and improvements must be designed and constructed so as not to detract from the natural and scenic character of the Protected Property. Review and written approval of architectural plans by the Land Trust is required prior to commencing construction.

The Owner will request and obtain approvals and give the Land Trust notices as set out in section 7.7 of this Easement before beginning any construction permitted under this section.

Exhibit B: Property Map



Legend

- Protected Property
- Section Lines
- Area Boundary Line
- Buildings
- Driveways and Minor Roads
- Roads
- 10ft Contours
- Parking Area
- Cultivated Land
- Grasslands
- Forested
- Woodlands
- Wetlands
- Water

Map Created: October 8, 2008

Map Resource Information

Protected Property, Section Lines, Area Boundary Lines, Buildings, Roads, Driveways and Minor Roads, 10-Foot Contours, Parking Area, Cultivated Land, Grasslands, Forested, Woodlands, Wetlands, and Water created by GIS.

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



Site: Sunfish Park - Tract: City of Lake Elmo
Washington County - Twp. 29 N Rng. 21 W Sec. 10, 14 & 15

Scale:
1" = 800'

800 400 0 800 Feet