

ITEM: Consider approval of a Conservation Easement to the Minnesota Land Trust for Sunfish Lake Park and consider requesting authorization for the Park Commission to develop a park concept plan for Area 2 of Sunfish Lake Park.

SUBMITTED BY: Carol Kriegler, Project Assistant

REVIEWED BY: Susan Hoyt, City Administrator
Mike Bouthilet, Public Works and Parks Superintendent
Jerry Filla, City Attorney
Sarah Strommen, Minnesota Land Trust

SUMMARY AND ACTION REQUESTED: The park commission is being asked to 1) approve a Conservation Easement to the Minnesota Land Trust for Sunfish Lake Park including that expenditure of \$10,000 to the Land Trust for this transaction; and 2) request authorization for the Park Commission to develop a park plan for Area 2. The adoption of a conservation easement for Sunfish Lake Park will fulfill one of the park commission's goals that it has strived to achieve over the past two plus years. Sunfish Lake Park is a 315 acre park of which 225 acres are in woodland, 20 acres are in open fields and 70 acres are under an MPCA easement associated with the landfill. The conservation easement covers 256 acres. The park is used for hiking, horseback riding, cross-country skiing and nature observation. The intent of the conservation easement over Sunfish Lake Park is to ensure its permanency as a natural area to be enjoyed by citizens into perpetuity by preserving and protecting it through an easement to the Land Trust. The easement, if approved, will protect the park for conservation by confining the development, management and use of the property to activities that are consistent with preserving the property. Area 2 is a 20 acre or 6% of the total land area in the park that is currently used for agricultural purposes. The conservation easement notes that it may be used for educational, outdoor recreational and nature observations, but until a park plan details the future uses, the area will remain as it is. It is recommended that the Park Commission recommend a plan within a year after adoption of the easement so that the park plan is a proactive statement that clearly defines the future uses of Area 2 rather than having the park plan be done retroactively in response to a specific project that may or may not meet the intent of the Park Commission and City Council as it has developed this easement document.

BACKGROUND INFORMATION

The city council gave the Park Commission the authority to explore the option of placing a conservation easement over Sunfish Lake Park on June 6, 2006. The Park Commission spent several meetings crafting a report and recommendation for the city council that identified future uses for the park. This report was approved by the city council and submitted to the Land Trust in January of 2008 as a guide from the city for how the city plans to use the park into the future. The Land Trust responded with a project report entitled "Proposed Rights and Restrictions for a Conservation Easement" that was presented by the Park Commission and approved by the city council on July 15, 2008. This document served as a resource for the development of the Conservation Easement document currently under consideration.

The Conservation Easement addresses proposed future uses for two areas in Sunfish Lake Park. Area 3 is restricted by an MPCA easement and is not proposed to be covered by the Minnesota Land Trust easement.

The three areas include:

1. Area 1 is approximately 225 acres or 71% of the land area, which is mostly wooded and contains access to Sunfish Lake itself and three ponds, as well as an extensive system of dirt and woodchip trails
2. Area 2 is a predominantly open area in the southern part of the park consisting of approximately 20 acres or 6 % of the land area and is used for agricultural purposes.
3. Area 3 is approximately 70 acres or 22% of the land area and is controlled by an MPCA easement related to the Washington County landfill. Most of this area is not used for park but may return to park use in the future.

ADDITIONAL INFORMATION

1. WHAT IS THE PURPOSE OF THE EASEMENT?

The purpose of the conservation easement is to preserve and protect the property by limiting and confining the development, management and use of the property to activities that are consistent with defined Conservation Values for the property. To this end, the easement details specific restrictions on use of the property and the reserved rights.

The terms of the Easement are specifically intended to provide a significant public benefit by

- Providing an opportunity for the public to learn about, experience, and enjoy the out-of-doors in a significant and relatively undisturbed natural setting.
- Protecting natural habitat that contributes to a larger complex of protected forest and wetlands that support a variety of wildlife and plants, both terrestrial and aquatic.
- Protecting the water quality and near-shore aquatic habitat of Sunfish Lake by restricting development of the lakeshore of the Protected Property.

2. WHAT ARE CONSERVATION VALUES?

Conservation values are the qualities, characteristics and significant importance of the property. The natural, scenic and open space qualities of the property collectively comprise the "Conservation Values". These values are defined by the Minnesota Department of Natural Resources and the Metropolitan Corridors Partnership, a collaboration of public and private conservation entities.

3. WHAT IS THE RESPONSIBILITY OF THE LAND TRUST in regard to the easement?

The Land Trust is responsible for the conservation easement stewardship. Their responsibilities include regular monitoring; easement administration and record keeping; and enforcement when necessary. The Land Trust is not the enforcement agency for park rules, operations or variations in the use of the park unless it is deemed inconsistent with the easement. For example, the city, not the Land Trust, would be responsible for determining if a limit on the number or the size of horseback riding groups or if specific requirements related to trail clean up from horses would be required in the future.

4. WHAT IS THE RESPONSIBILITY OF THE CITY in regard to this easement?

The City continues to own and manage the property consistent with the easement restrictions while allowing the Land Trust to monitor the easement. While the easements purpose is to preserve and protect the property by confining development and managing use, the city is responsible for adopting policies and ordinances that clarify or specific the use of the park. (See horseback example above).can choose to place additional restrictions on the property and retains the right to further manage the park through local ordinances, rules and laws as long as they don't conflict with terms of the easement.

5. WHY IS THE CREATION OF A PARK CONCEPT PLAN FOR AREA 2 BENEFICIAL FOR NOW AND THE FUTURE?

The easement states that the city can choose to use and develop Area 2, or a portion of it, as an educational, outdoor recreational, and nature observation area. In addition, the terms of the easement are specifically intended to provide for the opportunity for the public to learn about, experience, and enjoy the out-of doors in a relatively undisturbed setting. Given this, the Land Trust recognizes the importance of striking a reasonable balance between preserving the natural setting of Area 2 and providing facilities, structures, and improvements that facilitate educational use and enhance enjoyment of the area before allowing for any changes to be made in Area 2 under the easement. .

For these reasons, The Minnesota Land Trust has suggested that the city develop a park concept plan to serve as a guide for the development of Area 2. The easement is not a substitute for a park plan as it does not provide any detail related to specific structures and improvements such as type, location, size, scale, density, use of materials, etc. It is the intent of the Land Trust to providing the city with flexibility and responsibility in meeting the ever-changing outdoor recreation and education interests and needs of its citizenry while recognizing the overarching parameters and overall purpose of the easement.

Developing a park concept plan for Area 2 as an independent exercise will provide the city with the opportunity to focus specifically on developing a plan for best meeting the educational, outdoor recreational, and nature observation needs of the community within Area 2 of Sunfish Lake Park. This exercise will also provide an opportunity to educate the public about the Sunfish Lake Park easement and park uses and to get public input for the Park Commission on how Area 2 might be used to serve the conservation principles while allowing for specific types of park development. The suggested timeline if for the Park Commission to develop a draft plan for the city council within a year from the adoption of the easement. The timeline is suggested so that the plan can be developed so that the plan is proactive and guides the future use of Area 2 rather than coming later and having the plan be reactive to a specific proposal for the site.

6. WHY DOES THIS REQUIRE \$ 10,000 TO TRANSACT?

The \$10,000 easement transaction fee is used to cover the Land Trust's future costs for managing and enforcing the easement.

The city's park fund has a balance of nearly \$1,000,000 so the \$10,000 cost can be covered through the park fund. This has been a planned expenditure for the past two years.

Suggested motions for consideration:

Motion 1:

Move approval of the conservation easement with the Minnesota Land Trust for Sunfish Lake Park and the expenditure of \$10,000 from the park fund to the Minnesota Land Trust for its execution.

AND

Motion 2:

Request authorization for the Park Commission to develop a park plan for Area 2 of Sunfish Lake Park to recommend to the City Council by November 1, 2009. .

ORDER OF BUSINESS

- Report Sarah Strommen, Minnesota Land Trust

- Action
Resolution
And
Motion

ATTACHMENTS:

- 1 Draft Conservation Easement
2. Aerial Photography Map of easement area
3. Exhibit B: Property Map
4. Aerial Photography
 - a Aerial photo of Area 1 and Area 2
 - b Aerial photo of Area 2
 - c Aerial photo of Area 1, Area 2 and Area 3