



MEMORANDUM

To: MCWD Board of Managers
From: Laura Domyancich, Project and Land Technician
Date: December 18, 2017
Re: Wally Marx – School Lake Preserve Conservation Easement Update

Purpose:

To provide an update on District staff coordination with Wally Marx and the School Lake Preserve Conservation Design – Planned Unit Development and potential conveyance of a conservation easement to the District.

Background:

In November 2016, Wally Marx engaged the District in discussions regarding plans to develop his 89-acre property under the City of Medina’s Conservation Design – Planned Unit Development (CD-PUD) ordinance. Development as a CD-PUD can allow for greater lot density than Rural Residential zoning if plans provide for clustered residential lots and the protection of at least 30% of upland buildable land in permanent conservation easement. Mr. Marx expressed interest in the District serving as the conservation easement holder for the 71 acres to be protected by easement based on aligned natural resource goals and the District’s investment in easements on adjoining School Lake properties.

During the December 15, 2016 and August 10, 2017 Policy and Planning Committee (PPC) meetings, District staff provided informational updates on the project, the District’s potential role as easement holder, and related allocation of District resources. The PPC has directed staff to evaluate the opportunity in respect to District initiatives in the Long Lake Creek subwatershed and to move forward in coordination with the City and Mr. Marx.

Over the past 12 months, District staff have worked with Mr. Marx to identify mutual natural resource goals for the property, draft the conservation easement language, develop accompanying documents, provide regulatory review through the concept plan and preliminary plat process, and contribute to Medina City Council updates for the project. Mr. Marx intends to submit for City Council approval of the School Lake Preserve final plat in early 2018.

A notable change has been made in the structure of the development. Mr. Marx intends for the six individual lot owners to form a Homeowner’s Association. This will allow District staff to direct

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communications to a single contact and for the funding of future natural resource management to be managed through a single fund contributed to by the individual fee owners.

Next Steps

By serving as the conservation easement holder for the 71-acre conservation area, the District would further build on a significant conservation corridor linking existing District easements to the north, Baker Park to the west and south, the Deerhill Preserve conservation easement to the south, and the Wolsfeld Woods Scientific and Natural Area to the southeast (see attached map). The District has been afforded a number of opportunities to enact natural resource protection in the Long Lake Creek and Painter Creek subwatersheds with the minimal investment of staff time and technical assistance. In this case, District staff have identified opportunities to support and enhance the long-term restoration work Mr. Marx has conducted over the past 20 years and provided regulatory assistance through the various stages of development planning.

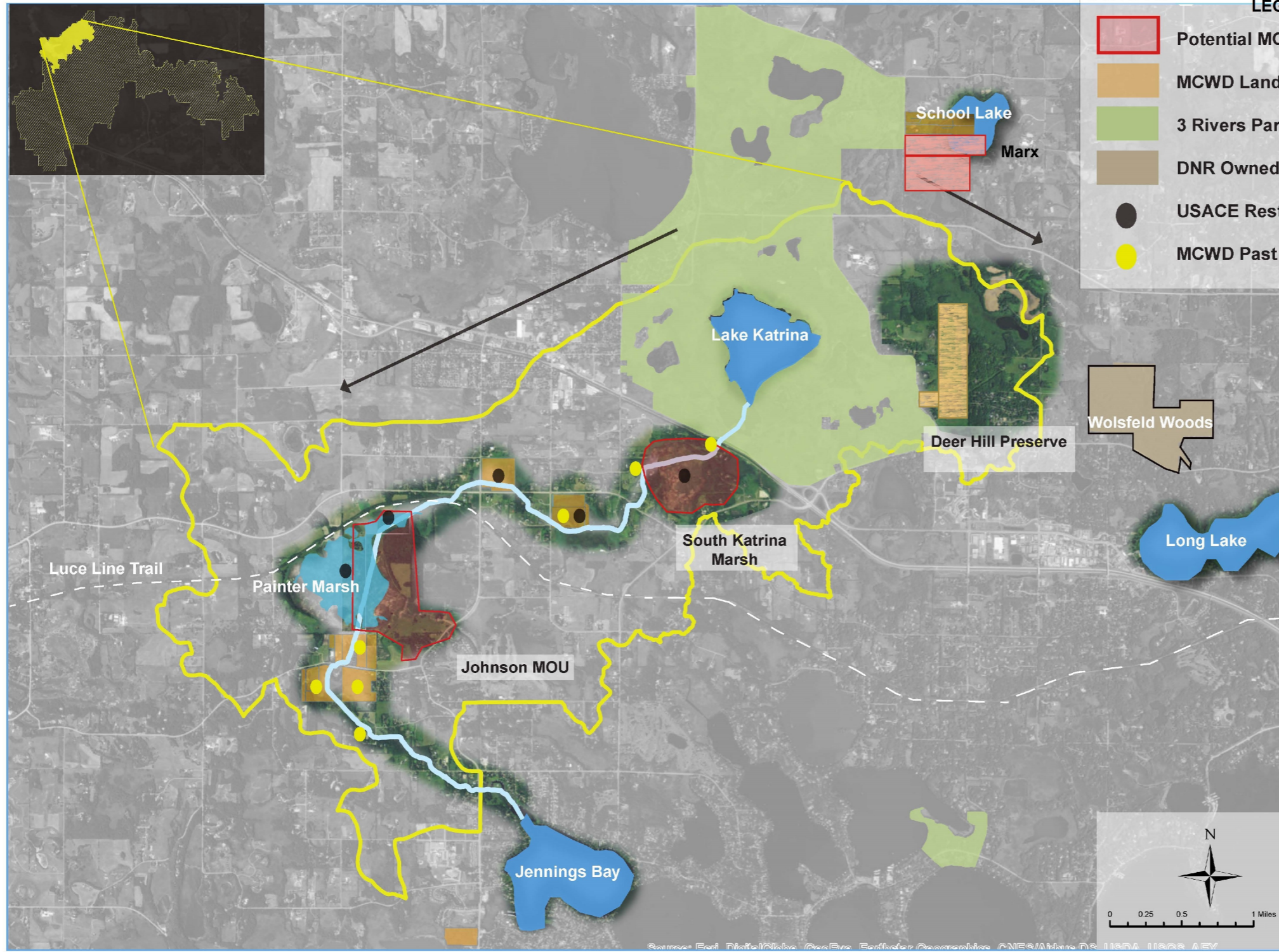
The City of Medina's CD-PUD ordinance requires the developer to submit a Land Stewardship Plan that defines long-term natural resource management objectives, maintenance associated with those objectives, funding of long-term management, and a communication framework between the easement holder and fee owner(s). This document aligns with goals of the District's new Conservation Easement Stewardship Policy.

Once the District and Mr. Marx reach agreement on easement and Land Stewardship Plan terms, and the City concurs, District staff would move towards a more formal process of MCWD Board action in commitment of serving as the easement holder. This action may include accepting the role of land steward and easement holder and establishing a document framework with the City to include a Memorandum of Understanding for easement enforcement and an Indemnification Agreement for the City's construction of public trails within the development. Staff expects this process to move forward in early 2018.

If there are questions in advance of the meeting, please contact: Laura Domyancich at ldomyancich@minnehahacreek.org or 952-641-4582.

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PAINTER CREEK / LONG LAKE CREEK SUBWATERSHED PLANNING



LEGEND

-  Potential MCWD Conservation
-  MCWD Land & Easements
-  3 Rivers Park District Owned
-  DNR Owned
-  USACE Restoration Planning
-  MCWD Past Capital Projects

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero