

**DECLARATION OF COVENANTS, RESTRICTIONS AND
CONDITIONS OF ZUMBRO HAVEN SUBDIVISION**

THIS DECLARATION, is made in the County of Olmsted, State of Minnesota, on this 8th day of May, 2002, by ZUMBRO HAVEN, LLC - a Minnesota limited liability company, hereinafter referred to as DECLARANT.

WHEREAS, Declarant, its successors or assigns, is the fee owner of the real property situated in the County of Olmsted, State of Minnesota, legally described in Exhibit "A" hereto attached and made a part hereof by reference herein, hereinafter referred to as "the Property" and shall be subject to the terms and conditions of this Declaration; and

WHEREAS, Declarant desires to impose upon the lots heretofore described, the following terms, conditions, reservations, and covenants for the benefit of said property and its present and future owners of each lot.

NOW, THEREFORE, in accordance with the Declarant's desire to sell these separate parcels of real estate included in said Subdivision, and the Declarant desires that all the parcels in said Subdivision to be embraced by these Covenants, Restrictions and Conditions, which shall run with the land and shall be binding on all parties having or purchased title, right, or interest in said parcels herein described and shall be applied towards the benefit of each owner.

**ARTICLE I.
DEFINITIONS**

For the purpose of this Declaration, the following terms shall have the following meanings, to-wit:

Section 1. "Living Unit - Home" shall mean and refer to any portion of a residence building upon the Properties designed and intended for use and occupancy as a residence by a single-family.

Section 2. "Lot" shall mean and refer to any portion of land in the Properties upon which a Living Unit is situated.

Section 3. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the properties, including contract sellers and vendees, but excluding those having such interest merely as security of the performance of an obligation, and excluding those having a lien upon the property by provision or operation of law.

Section 4. "Properties" shall mean and refer to the real property as described in Exhibit "A" hereto attached and made a part hereof by reference herein.

ARTICLE II ARCHITECTURAL QUALITY COMMITTEE AND REQUIREMENTS

In order to assure the quality of Zumbro Haven Subdivision, an Architectural Quality Committee is hereby created by the Declarant. At such time in the future as one hundred percent (100%) of the homes have been constructed and completed on all properties, or when the Declarant desires to divest itself of the Architectural Quality Committee responsibility, new members of the committee will be elected by the Zumbro Haven Homeowners Association. The Architectural Quality Committee will consist of three (3) or more individuals selected by the Declarant, typically including one representative of the Declarant and one architectural representative, one landscape representative and/or one homebuilder to build in Zumbro Haven Subdivision.

The Architectural Quality Committee has a maximum of fifteen (15) days in which to complete its review and issue a written response. Architectural Quality Committee review documents must be submitted with home zoning and building documents; no permits will be issued without Architectural Quality Committee approval.

Section 1. No lot shall be used except for single-family residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one single-family dwelling not to exceed two (2) stories in height with a minimum square footage of 2,500 square feet plus basement and attached garage for not more than three (3) cars. No temporary structure of any nature or kind shall be allowed at any time upon any lot.

Section 2. All initial construction and exterior alterations, of any nature or kind within said Zumbro Haven Subdivision must be first approved by the Zumbro Haven Architectural Quality Committee prior to any application for permits and construction. Documents summarizing review and approval by the Zumbro Haven Architectural Quality Committee shall be provided for inclusion with permit sets. Submittals to and Approvals by Architectural Quality

Committee shall be followed by the Architectural Quality Committee in approving, disapproving and/or directing changes to building plans and specifications. All approvals, disapprovals and/or directed changes shall be writing.

Section 3. A written acceptance by an owner of the covenants, restrictions and conditions of Zumbro Haven Subdivision is required for purchase of a lot within said Zumbro Haven Subdivision.

Section 4. The construction of any residence, addition or exterior shall be by contractor and/or homebuilder approved in writing by the Declarant.

Section 5. If any lot owner commences construction prior to the approval by the Zumbro Haven Architectural Quality Committee, the Declarant shall have the immediate and exclusive option at its sole discretion to repurchase said lot for the original purchase price. Should the Declarant elect to exercise its option to repurchase, the owner of said lot shall deliver to said Declarant a Warranty Deed in exchange for payment of the original purchase price less state deed tax and any encumbrance against said lot.

Section 6. If the Owner of any lot decides to sell a lot prior to the constructing a home, said owner must first offer said lot for repurchase to the Declarant of the original cost of said lot. This right of repurchase must be exercised by said Declarant within sixty (60) days from the date said Declarant received written notice from lot owner of intent to sell.

Section 7. If the owner of any lot does not commence construction within twenty-four (24) months from the date of final closing of said purchase of said lot the Declarant shall have the exclusive and absolute right at its option to repurchase said lot for the original purchase price. This right of repurchase must be exercised by said Declarant within sixty (60) days from the date twenty-four (24) months after the date of final closing at which construction has not commenced.

ARTICLE III. SITING AND ARCHITECTURE: REVIEW, DESIGN AND CONSTRUCTION GUIDELINES

Covenants, conditions and restrictions, siting and architecture shall be reviewed for support of Special District Intent, as described in these attachments, and as detailed in this section's guidelines.

Section 1. Lot Planning. Zumbro Haven Subdivision will offer diverse lot, plan and siting options in one neighborhood; be compatible with existing terrain and vegetation, and enhance it with neighborhood greens, walks and overlooks; and be built with village scale residential streets and homes. Careful Siting of each home to be approved by the Architectural Control Committee will fit the topography and retain and blend with significant existing

vegetation, views, open space and other features that define the character of Zumbro Haven Neighborhood.

A. Home Siting

1. Home plan and siting should take advantage of sun, views and provide for front yard neighboring opportunities and private yard options.
2. Home siting and massing should consider sight lines from other homes and of people in public spaces.
3. Home siting should respect the existing topography, work with it, and provide retention with natural forms.
4. Architectural Quality Committee may require maintenance of view corridors to natural or built amenities.
5. Home siting should respond to “Zumbro Haven Home Footprint Guide” which the Architectural Quality Committee will use to cumulatively guide home locations and garage access for a village-scaled streetscape. The “Footprint Guide” will be updated as each home is sited.
6. Corner lots will have special review ensuring that each exposure to the street has received equal landscaping attention and siting care.
7. During construction of any residence there shall be no more than a twenty (20) foot clear zone from the exterior walls and appropriate construction fencing shall be used to establish the maximum extent of the 20 foot construction clear zone (orange plastic fencing or such other appropriate orange fencing.)

B. Tree/Prairie Preservation

1. In concept review, identify the trees and prairie vegetation to be saved and to be removed, using Final Plat, with significant trees located; DNR “Property Resource Survey: for Zumbro Haven; DNR “Conserving Wooded Areas in Developing Communities”; DNR “General Management Recommendations for Homeowners”, and current walking survey of lot.
2. Balance home position, footprint and preservation of significant trees and vegetation.
3. Preserve undergrowth in protected forest areas; pathways may be created.
4. No phosphate fertilizers of any nature or kind shall be used upon any lot within the subdivision.

C. Lot Home/Garage Position Guide

1. Respond to Architectural Quality Committee garage and home position as shown in “Home Footprint Guide”, supporting Special District Intent and using Zumbro Haven’s setbacks
2. Homes should be positioned with respect for existing homes and in anticipation of siting of future homes

- D. House-Dominant Home Designs
1. Position garages to permit visually active interesting features of home to be prominent on the streetscape.
 2. Design homes with “tamed garages”, emphasizing the home entry and public spaces.
 3. Homes will be built to the frontyard setback, for some percent of the length, as determined by Architectural Quality Committee, or the entire length, except where building to that setback will damage significant vegetation or where greater frontyard setbacks will enhance the neighborhood, as determined by the Architectural Quality Committee.
- E. Taming the Garage
1. House-dominant designs require creative two and three-car garage positioning and screening to diminish impact from road, while emphasizing home entry and approach.
 2. Provide not less than two or more than three car spaces (variations require Architectural Quality Committee approval).
 3. Garage positioning that emphasizes home and minimizes garage can include: 3-car L-shaped garages with tandem spaces, turned garages at side streets, side loaded garages, front-loaded garages to rear of home and limited use of courtyard garages and front-loaded recessed garages.
 4. Architectural details for front-loaded garages will receive careful review and direction
 5. No more than approximately fifty percent (50%) of Zumbro Haven homes will have front loaded garages.
- F. Driveways
1. Driveways shall be narrowed minimally from sidewalk to curb for twelve foot (12') entry drives off road.
 2. Acceptable options to minimize paving to garage: Hollywood driveways, with center planting.
- G. Retaining Walls
1. In the Architectural Quality Committee Review Submittals, show the top and bottom elevations of proposed retaining walls.
- H. Disturbed Areas
1. Building Sites
 - a. Homeowners would be responsible for maintaining their own turf/vegetation.
The goals of these home sites would be:

- The reduction of turf areas by a voluntary basis and the encouragement of installing native trees, shrubs, grasses and forbs.
- The reduction phosphorous applications, which would lead to a reduction of the nitrates infiltrating into the groundwater and Lake Zumbro.
- Soil tests would be encouraged by the individual homeowners managing their own turf/vegetation.
- Rain gardens will be required on lots that drain directly into Lake Zumbro (as indicated in the homeowner covenants) and encouraged on all of the lots.

Refer to the “turf grass management appendix A” for the appropriate management practices to be used in the building site area.

b. Drainageways/Road Ditches

- The goal would be the establishment of turf and/or native grasses immediately after completion of grading.
- Install erosion control fabric as necessary
- After initial germination, repair, and reseed erosion gullies, if necessary.

Refer to appendix “A” and/or appendix “B” for the appropriate management practices to be used in the drainageways/road ditches.

c. Community Drainfield Areas - Outlots B, C, D, E, and G

- The goal would be the establishment/maintenance of turf or native grasses, control of woody vegetation and the protection of the drainfield area from compaction.
- If the drainfield areas are to be native prairie, the establishment, plus maintenance procedures outlined in appendix “B” should be followed. If areas will be turf, refer to appendix “A” for the appropriate management practices to be used.
- The community drainfield areas would be managed by the homeowner association.

I. Temporarily Disturbed Areas

1. Neighborhood Open Space - Outlots F, and part of Outlot A

- The goal would be to manage these areas in a way that would promote sustainability and diversity of plant and wildlife species.
- The actual landscape type, i.e. mowed turf, prairie or combination of both would be managed by the homeowners association.

- Refer to the appendix “A” and/or appendix “B” for appropriate management practices to be used in the neighborhood open space areas.

J. Undisturbed Areas

1. Woodlands - Outlot A and part of Outlot D

- The goal would be to manage a sustainable forest and wildlife community
- This goal would be accomplished in part by the preparation of a forest management plan
- The forest management plan would be a phased outline of procedures that would include:
 - Identification and harvest of trees necessary because of site grading activity
 - Inventory and assessment of existing trees on home sites with the goal of saving and protecting trees near the houses
 - Periodic timber harvest/replanting
 - Invasive species identification and eradication
 - The removal of vegetation within the shoreland district will be restricted per County of Olmsted Zoning Ordinance, Section 9.10E. Shoreland Alterations.

Section 2. Home Design. Each home to have its own identity and character, comprised of aesthetically balanced details consistent with the home’s selected architectural style and built with quality materials and workmanship. Homes must demonstrate clear quality and character appropriate to the Zumbro Haven village-scaled neighborhood.

A. Visual Impacts

1. Respond to each lot’s on and off-site opportunities to help define views, the home’s outdoor spaces and guide positions of home interior spaces.
2. Develop/select home design/floor plans that establish a friendly relationship with the street via porches, terraces, decks, gradual level changes and entries courtyards.
3. Homes’ sides and rear should support the style of the homes’ front, with similar trim, detailing and sidings.
4. Camouflage front-loaded garages with setbacks from home front, with porch extensions, arbors, trellises, wing walls or retaining walls.
5. Hide garbage, recycle bins, etc., through design.
6. Add steps from garage to home, transitioning to reduce the impact of bland area above garage doors (i.e. w/lower roof line and compatible trim/details).

B. Roof Pitches

1. The roof of each home is an important visual mass of the home. Roof slopes and overhangs must be appropriate to the selected and approved home style; research your style, and know its conventions, and design well thought out, simple and strong roof forms.
2. Steeper roof pitches are generally preferred, except for bungalow or prairie style homes.

C. Hardscape Terraces/Porches/Outdoor Living Spaces

1. Outdoor living spaces can provide effective transition between home, outdoors and a place of interaction with neighbors. These could include terraces, gardens, seating areas, decks. A porch, terrace or other, should be of sufficient size to seat two people.

D. Styles and Detail

1. Designs should utilize modern floor plans within an architectural theme.
2. Shingle, stick, tudor, cape cod, federal, colonial, farmhouse, prairie and bungalow are preferred styles.
3. In area below floor line and above grade, use stone, siding extensions, lattice, brick, stucco and "band" boards.

E. Garage Treatments

1. Garage door accents and detailing should echo home's selected architectural style/detailing.
2. Garage walls with no doors should have windows that match home window detail and trim.

F. Entry Porch/Stoop

1. Provide a stoop or entry porch of usable size, covered by an overhang, roof, trellis, portico, or detail appropriate to home style.

G. Roof Materials

1. Well proportioned overhangs, fascia, gutter, soffit, frieze, window trim and details, skirt board and corner treatment, supportive to selected and approved home style.
2. Roof materials may include cedar shakes, cooper, slate, or a minimum of 250 lb. tabbed asphalt dimension shingles. Small amounts of prefinished standing seam metal may be acceptable. Tabbed shingle colors should be muted, dark shades with shadow coloring.
3. Valley flashing of copper, prefinished metal, or interwoven shingles are preferred.
4. Gutters and downspouts must be integrated to color and style of home.

5. Ridge venting is encouraged; box vents acceptable where not seen from street.

H. Architectural Siding and Trim

1. Use materials and architectural trim consistent with home style.
2. Use vents, recessed bays and cantilevers to create interest and shadow lines.
3. Exterior materials of brick, stone, stucco and natural wood are preferred.
4. Prestained wood, clad, materials or composites may be accepted if sample or manufacturer's catalog with trim indicated and color specified are submitted.
5. Specific materials, colors and treatments must be Architectural Quality Control approved for each home.

I. Masonry

1. Masonry fronts must wrap corners to a logical stop, but no less than twenty-four inches (24").

J. Fireplaces and Chimneys

1. Should reflect the selected and approved home style
2. Surrounds required on top of chimneys with projecting flues, caps, etc.

K. Doors and Windows

1. The front entry door is to be a dominant feature.
2. Select window grilles to be in character with architectural style.

L. Window Trim

1. Windows should have exterior trim consistent with selected architectural style.
2. Shutters, if used, should be consistent with selected architectural style and sized for window opening.

M. Decks/Terraces/Porches

1. Must be consistent with home design/style
2. Rail and column details must appear as extension of home architecture.
3. If deck is more than two feet (2') above grade and visible from existing or future streets, homes, parks or open space, screening below deck with trellises or other approved means must be provided.
4. Cedar, redwood and wood composite construction is encouraged. Decks are to be stained or painted depending upon home style.

N. Trash Enclosure

1. Accommodate garbage and recycle bins through added garage width or depth, wing-wall extensions, fence enclosure extensions, retaining walls.

O. Additional Structures and Amenities

1. No additional structures (sheds, storage buildings, play gyms, play structures, basketball hoops-poles, pools, hot tubs, tree houses, or platforms, etc.) shall be permitted without approval by Architectural Quality Control.

Section 3. Site Design and Construction

A. Lot Preparation

1. Lot development plan and landscape plan to be reviewed. Design, materials and layout must be submitted for Architectural Quality Committee.
2. Completely fence trees that are to be saved at a distance 1.5 feet times the tree diameter in inches.

B. Grading

1. Builder's and owner's responsibility to prevent erosion and assure positive drainage.
2. Show erosion control plan and schedule of tasks.
3. Avoid abrupt slope intercept between existing and disturbed soil surfaces, and encourage rounding which blends into the natural grades
4. Create contour and grade changes to enhance privacy, visual interest and amplify plant material impact.

C. Paving/Flatwork/Retaining Walls

1. Position retaining walls and slopes to preserve trees
2. Select wall and paving materials to compliment the home design and material.
3. Use materials consistent with selected and approved home style.

D. Planting

1. Planting is to respond to context of lot chosen, and be compatible with existing trees and prairie; outlots and medians; and Zumbro Haven public landscape plan.
2. Foundation plantings should be executed in a manner consistent with each home's style (soften blank walls, shelter entry walks, hedges for formal design).
3. Natural areas refer to landscape which functions as visual edges to each lot, helping to define outdoor "rooms".
Natural areas are to be reviewed with Architectural Quality Committee and might include:
 - a) emergent forest vegetation;
 - b) prairie grasses, wildflowers or other perennial ground covers;

- c) formal garden theme: rose bush garden or pergola garden;
- d) etc.

E. Required Planting

- 1. Landscaping should be completed within twelve (12) months of construction completion.
- 2. Architectural Quality Committee may require additional landscaping on lots where side and rear house elevations are highly visible to views from off-lot.

F. Sod

- 1. Minimum sod: front, side and rear except where existing vegetation is to be preserved, enhanced and/or extended or where rear yard runs at a 3:1 slope or more. Slopes must be sodded and staked or seeded with appropriate grasses, mulch or other Architectural Quality Committee treatment.

G. Fencing

- 1. All fencing (and privacy or utility screening) is subject to Architectural Quality Committee approval of design, materials and location, and must be compatible with home architecture.
- 2. Gates and archways incorporated with fencing are encouraged as a welcoming entry to property.
- 3. "Invisible fences" are encouraged for pet enclosure.

H. Decorative Fencing, Front Yards, Side Yards on Corner Lots and Alleys

- 1. Must be limited in height; is subject to Architectural Quality Committee approval of design, materials and location; and traditional fence is strongly encouraged (i.e. picket, wrought iron, etc.)

I. Retaining Walls

- 1. Preserve trees and compliment home design with retaining materials and slopes
- 2. Retaining walls should not exceed six feet (6') per wall in height and should be constructed of material such as stone, veneer or decorative block; break up larger elevation drops with multiple walls.

J. Mail/Newspaper Boxes

- 1. Mail and newspaper boxes will be of uniform design, provided and installed by Declarant. Ownership, maintenance and/or replacement will be the responsibility of individual lot owners.

K. House Numbers

1. House numbers will meet township standards and be consistent with architectural style of home.

L. Exterior Lighting

1. Exterior home lighting will be full cut-off fixtures, directing lights down not up, for improved efficiency, reduced glare and night sky visibility.
2. Exterior light fixtures should be in character and style of home. All lighting to be in shades of white; no colored bulbs other than at holidays.
3. Integrate landscape lighting with terrace, arbor, trellis and bench elements.

M. Additional Structures and Amenities

1. No additional structures (sheds, storage buildings, play gyms, play structures, dog runs/houses, basketball hoops-poles, pools, hot tubs, tree houses or platforms, etc.) shall be permitted without approval by Architectural Quality Committee.
2. Development subject to Architectural Quality Committee review and approval; documents indicating location, layout materials and screening, retaining walls, lighting, code-required security fences, etc., must be submitted for Architectural Quality Committee.
3. Should be fitted to the landforms, terraces, porches and decks. Dog Runs/houses must be immediately adjacent to the home and screened appropriately in manner which extends home architecture.

N. Special Requirements

1. During construction each homesite will be kept clean and free of debris, with on site dumpster or commercial construction cleaning service. Each building will be held responsible for debris which blows off the site, so police your site. If the Declarant must clean up, the appropriate charges will be passed on.
2. Every owner and builder is responsible to provide erosion control per all applicable regulations.

O. Rain Gardens

1. Lot 6, Block 5; Lots 2, 3, 4, Block 6; Lots 1, 2, 3, 4, 5, 6, and 7, Block 8; Lots 3, 4, 5, 6, 7, and 8, Block 9; Zumbro Haven Subdivision shall be required to establish and forever maintain rain gardens as defined specifically with respect to construction all as set forth on Exhibit "B" attached hereto and made a part hereof by reference herein and further as required by the Olmsted County, Minnesota Environmental Commission.

**ARTICLE IV.
SUBMITTALS TO AND APPROVALS BY ARCHITECTURAL
QUALITY COMMITTEE**

Section 1. Owner Acceptance and Submittals.

- A. Owner acceptance of Covenants (required for purchase of lot)
- B. Concept: siting, footprint, massing and retention to be indicated, working with terrain, existing vegetation and view corridors.
- C. Zoning and Building Permit Set, prior to submission: the Owner/Builder must submit for approval complete home plans including site plan, grading plan, all floors, elevations, amenities and specifications, as listed on submission forms, identifying architectural style, details and materials for home and hardscape/softscape.

Section 2. Zumbro Haven Check Lists, to be filled out by Owners with submittals, and completed by Architectural Quality Committee for inclusion in Building Permit and Zoning Certificate Applications, covering:

- 1. Concept Review
- 2. Zoning and Building Permit set

Section 3. Document Submittal Requirements

- 1. Owner acceptance of Zumbro Haven Covenants
- 2. Concept Review Plan Submittals
- 3. Zoning and Building Permit Submittals

Section 4. Submittals Review Process - All home plans, site plans and amenity feature plans must be approved by the Architectural Quality Committee prior to start of any construction. The Architectural Quality Committee has a maximum of fifteen (15) days in which to complete its review and issue written response. Architectural Quality Committee Zumbro Haven Check Lists must be submitted with home zoning and building documents; no permits will be issued without Architectural Quality Committee approval.

**ARTICLE V.
HOMEOWNERS ASSOCIATION**

Declarant and homeowners association shall be responsible for the following with respect to the common areas:

- A. Boulevard, outlot, median and roundabout plantings, retention, hardscape and structures to be designed and provided by Declarant.
- B. Mail boxes and newspaper boxes to be designed and provided by Declarant and all mail boxes and news paper boxes to be maintained and replaced by the homeowners.
- C. All present and future Outlots are to be owned by the Association and all maintenance with respect to plantings after initial installation by Declarant shall be the responsibility of Association.
- D. Boulevards are to be maintained by homeowners.
- E. Any other maintenance options of Association as determined by Declarant.
- F. No Outlot may ever be conveyed by the Association nor have any structure of any nature or kind placed upon said Outlot that would be inconsistent with the terms and conditions of this Declaration.
- G. All common area shall remain in its natural state and will have placed upon said appropriate signage. Selective tree harvesting may be permitted by one to the extent that said tree harvesting does not disrupt the natural state of the common areas. All tree harvesting or removal further shall be subject to the Minnesota Department of Natural Resources Management Programs.
- H. No motorized vehicles of any nature or kind or in any manner shall be operated upon any of the common areas.
- I. There will be no water front docking facilities of any nature or kind allowed upon any of the common areas.

**ARTICLE VI.
GENERAL PROVISIONS**

Section 1. Enforcement. The Declarant or any other future Owners of a Lot shall have the right to enforce the provisions hereof by proceedings at law or in equity against any person or persons violating or attempting to violate any provisions of this Declaration, either to restrain violation of or recover damages, or both, and the prevailing party shall be awarded reasonable attorneys fees and court costs in connection therewith. Failure by the Association or by any Owner to enforce any Covenants, Conditions and Restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Amendments. The above covenants, conditions and restrictions shall run with the land and be binding upon all parties and persons claiming by, through, and under them, until May 8, 2022 at which time said Covenants, Conditions and Restrictions shall automatically be extended for successive periods of ten (10) years; provided however, that any time after May 8, 2022, a majority of the then owners of the lots in the Subdivision may modify or terminate them, in whole or in part, by the execution and recording of any instrument in writing duly witnessed and acknowledged, but no such modifications or prior owners' action shall be effective to prohibit or restrain any then existing permitted used under the Zumbro Haven Subdivision.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand the day and year first above written.

ZUMBRO HAVEN, LLC
A Minnesota limited liability company

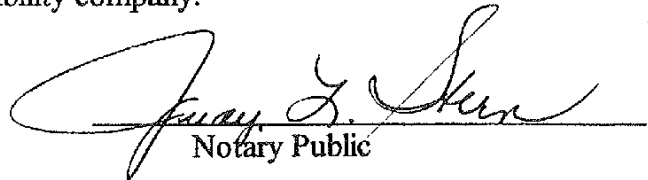
By Jay C. Hodge
Jay C. Hodge - Chief Manager

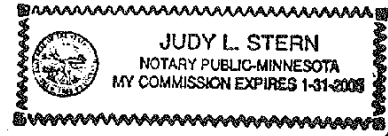
STATE OF MINNESOTA)

:SS

COUNTY OF OLMSTED)

On this 8th day of May, 2002 before me a Notary Public personally appeared JAY C. HODGE, to me personally known to be the Chief Manager of ZUMBRO HAVEN, LLC, the limited liability company named in the foregoing instrument and acknowledged that he executed the same on behalf of said limited liability company.


Notary Public



THIS INSTRUMENT WAS DRAFTED BY:

ROBERT G. SUK LAW OFFICES, P.A.
Merchant Exchange Building
Suite 200 - 18 Third Street S. W.
Rochester, MN 55902

EXHIBIT "A"

Lots 1 and 2, Block 1;
Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 2;
Lots 1, 2, 3, and 4, Block 3;
Lots 1, 2, 3, 4 and 5, Block 4;
Lots 1, 2, 3, 4, 5 and 6, Block 5;
Lots 1, 2, 3, and 4, Block 6;
Lot 1, Block 7;
Lots 1, 2, 3, 4, 5, 6, and 7, Block 8;
Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 9;
Outlots A, B, C, D, E, F and G;
All located in Zumbro Haven Subdivision,
County of Olmsted, State of Minnesota.

EXHIBIT "B"

RAIN GARDENS

Rain gardening is the concept of using native and locally adaptive plants in low areas of your yard to control and treat stormwater runoff. These plants use their deep root systems to filter pollutants, capture and retain moisture, and reduce the overall runoff to Lake Zumbro.

There are 17 lots in the Zumbro Haven Subdivision that are required to have rain gardens (see Exhibit "A"). These lots were chosen because they drain directly into Lake Zumbro and do not have the opportunity to first drain into a stormwater pond. Rain gardens would be encouraged on the other lots as they would create further filtering of the runoff and that ultimately means cleaner water entering into Lake Zumbro.

Exhibit "B" demonstrates how the rain garden concept could be applied to a typical lot in Zumbro Haven. Rain gardens should be located in low spots of the yard where drainage from downspouts and the drainage will accumulate. Drainage swales may need to be created to direct runoff to these areas.

The rain gardens:

- Include shallow water ponding area (dip or swale) about 6" deep for water-loving plants.
- Have a strip of grass buffer or groundcover on the top edge of the depression that slows down the water.
- Have a mix of appropriate plants that match the moisture conditions.
- May need an under-drain system or overflow outlet, depending on your soil type or design. But a thicker layer of bark mulch or grassy strip may do the trick.
- Need good soil to succeed. A blend of 20% organic matter, 50% sandy soil, and 30% topsoil is recommended. For good drainage, soil should have no more than 10% clay (see Exhibit "C").
- Should allow water to soak onto the soil within four days to prevent mosquito breeding.
- Require routine weeding, pruning, some watering and mulching.

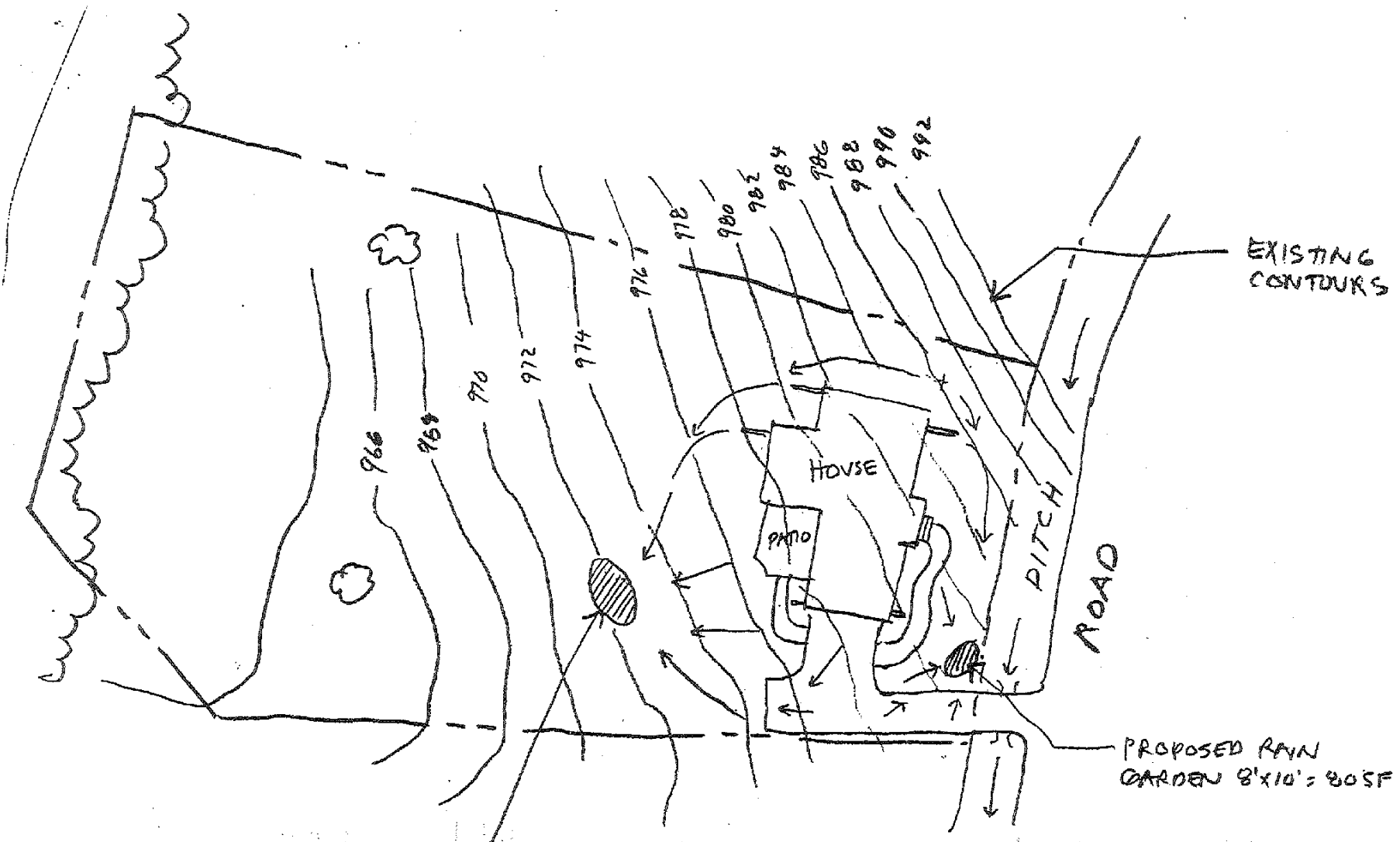
SIZING OF RAIN GARDENS

The rain gardens will need to store runoff (from all impervious surfaces - roofs, driveways, walks, etc.) from a 1/2" rain event. Below is a table that can be used to size the rain gardens.

Amount of Impervious Surface	Cubic Yards of water to be contained (1/2" runoff)	Total square footage Rain Garden area at 6" deep
2000 SF	3.1 CY	165 SF
3000 SF	4.6 CY	250 SF
4000 SF	6.0 CY	320 SF
5000 SF	7.7 CY	415 SF
6000 SF	8.3 CY	450 SF

MAINTENANCE

The maintenance requirements of mulching, weeding, pruning, etc., will be detailed in a brochure given to each homeowner.



EXISTING
CONTOURS

HOUSE

PATIO

PITCH

ROAD

PROPOSED RAIN
GARDEN 8'x10' = 80 SF

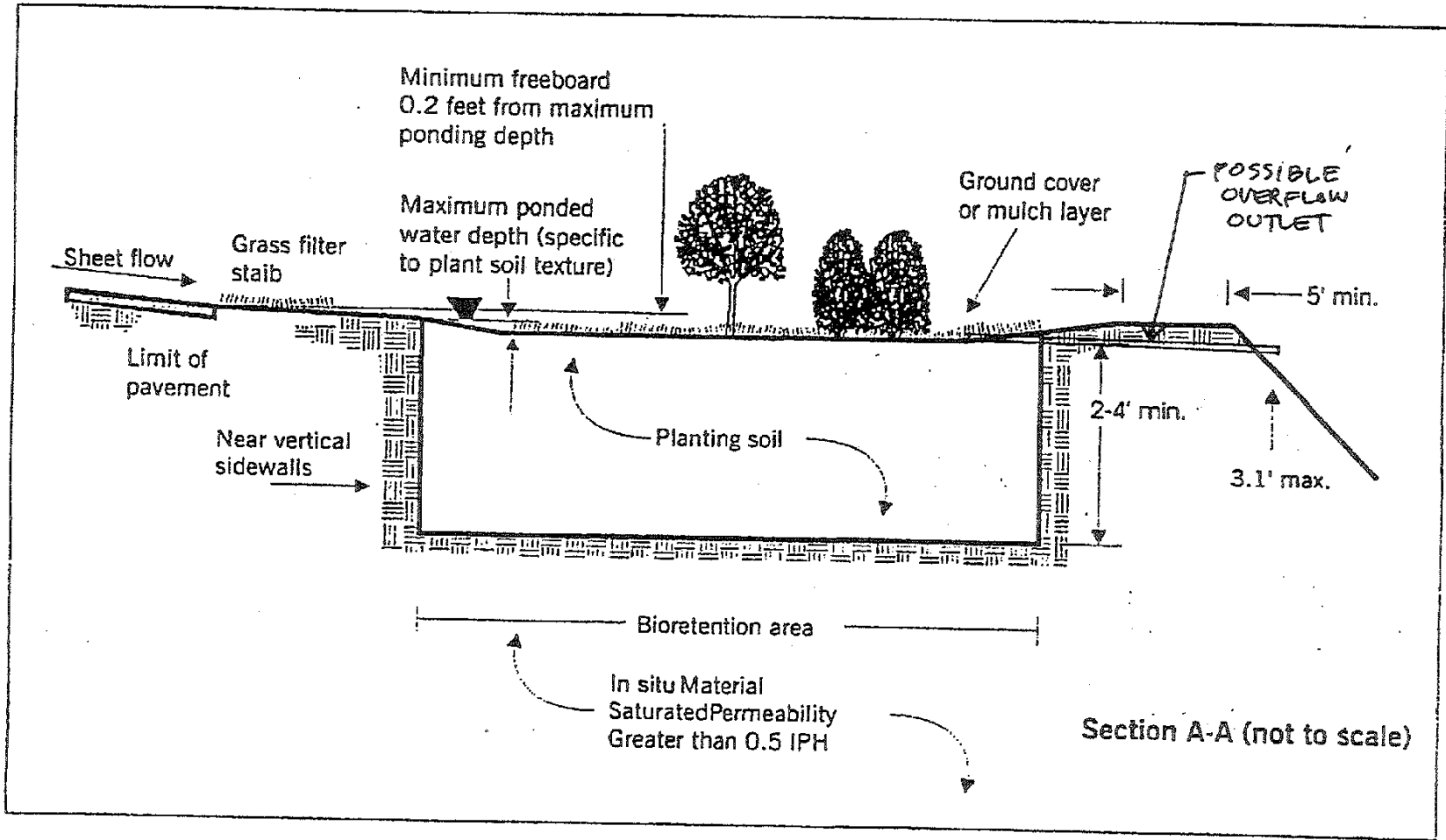
PROPOSED RAIN
GARDEN 11'x10' = 110 SF*

* PLACE IN LOW AREA
SO THAT IT CAPTURES
RUN-OFF FROM 1/2" - 1" RAIN
EVENT.

APPROX. 3000 SF IMPERVIOUS
SURFACE (HOUSE, DRIVE, PATIO, WALK)
= 250 SF RAIN GARDEN

SAMPLE RAIN GARDEN LOT

Scale: 1" = 40'



E. SHORELAND ALTERATIONS

Vegetation Alterations

1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section (9.10,F) of this ordinance are exempt from the vegetation alteration standards that follow.
2. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections (9.10,H) is allowed subject to the following standards:
 - a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - b) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that:
 - 1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf on conditions, is not substantially reduced;
 - 2) Along rivers, existing shading of water surfaces is preserved, and
 - 3) The above provisions are not applicable to the removal of tree limbs, or branches that are dead, diseased, or pose safety hazards.

Topographic Alterations / Grading and Filling

1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued

