

REQUEST FOR PROPOSALS

"GAITER LAKE" DEVELOPMENT

The City of Waseca is inviting developers to submit proposals for the development of City-owned property located in the Southeast quadrant of the City just west of Gaiter Lake. City staff will respond to developers who submit proposals within four (4) weeks of the specified submittal deadline.

GENERAL INFORMATION:

The City of Waseca wishes to partner with a reputable developer to provide a variety of **market-rate housing** options within the "Gaiter Lake" Property (**Appendix A**).

Based on a **Housing Study (Appendix B)** completed in 2021, the need and demand exists in Waseca for single-family homes, twin homes, and a variety of senior and rental housing types.

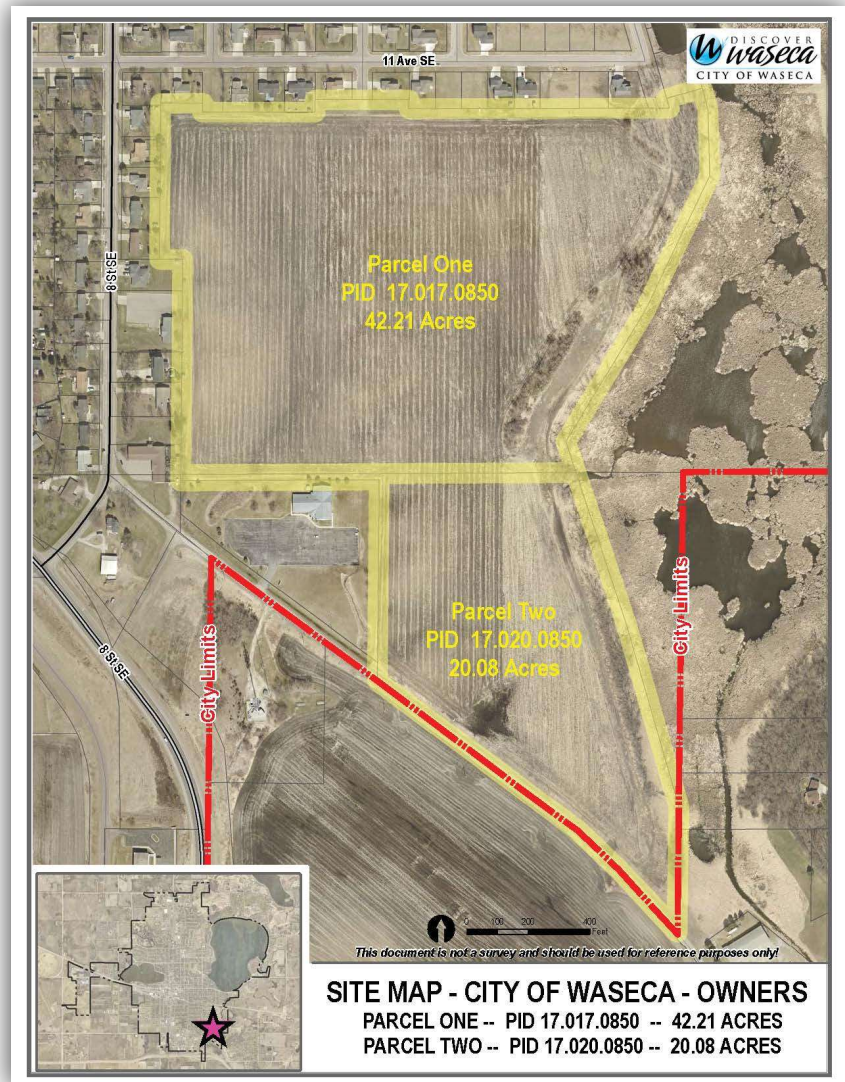
Annexed in 2020, the property is currently zoned **R-3** (Multi-Family Low and Medium Density). The City understands that all, or portions of, this property may need to be **re-zoned** to accommodate development.

With the support of the City, it is anticipated that all, or portions of, this area would be developed as a **PUD** (Planned Unit Development) over the next 3-6 years.

This property is in a Federal **Opportunity Zone** (2017 Tax Cuts and Jobs Act) with potential deferral of capital gains tax until December of 2028.

CITY OF WASECA FACTS & AMENITIES:

- Waseca County Seat (pop. ≈10,000)
- Located at the intersection of State Hwy 13 and US Hwy 14
- Two lakes for fishing/recreation (Clear Lake & Loon Lake)
- Great public school system
- Historic Downtown
- ≈10 miles of paved trails
- 15 Parks (≈200 total acres plus a Waterpark)
- Hosts the Waseca County Free Fair, Sleigh & Cutter Festival, Marching Classic, and more...



"Gaiter Lake" Property Site Map (Appendix A)

REQUEST FOR PROPOSALS “GAITER LAKE” DEVELOPMENT

“GAITER LAKE” PROPERTY DESCRIPTION:

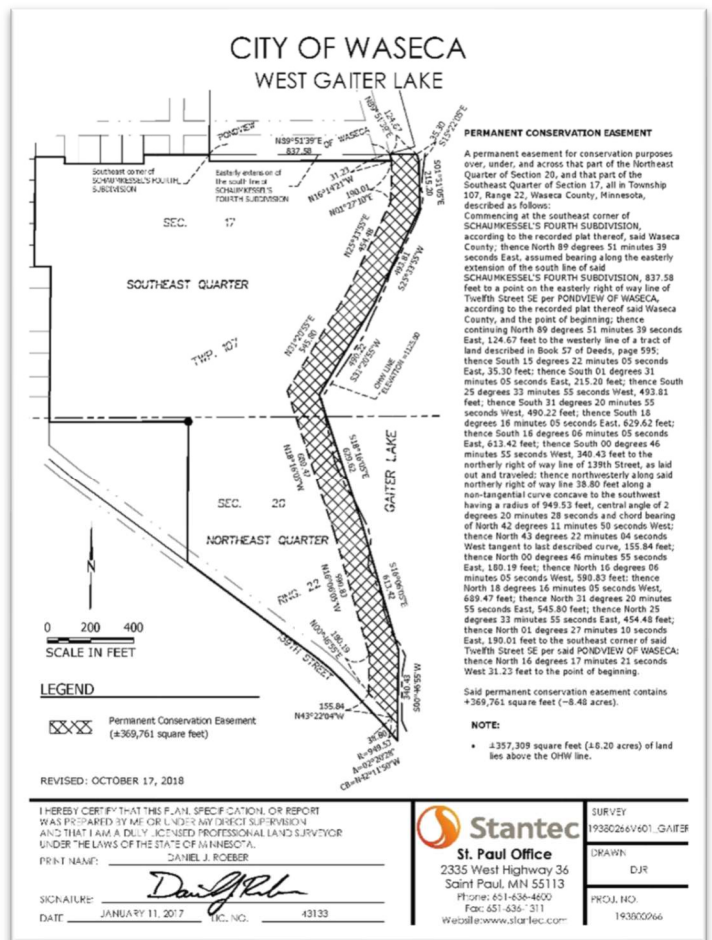
The “Gaiter Lake” development property consists of two parcels of land totaling 62.29 acres, of which approximately 49 acres is farmland.

A permanent **Conservation Easement (Appendix C)** totaling 8.49 acres exists along the east edge of the property and must remain undeveloped.

Therefore, after accounting for undevelopable easement area and future 14th Avenue SE right-of-way, **a total of approximately 52.50 acres is available for development.**

City water and sewer exist along 11th Avenue at 9th Street, 10th Street, and 12th Street; and a 48” storm sewer pipe travels along the shared lot line (**Appendix D**). For electric, this area is currently within Xcel Energy’s service territory.

Map of Shoreland Overlay (Appendix E)



Conservation Easement (Appendix C)

DEVELOPMENT/ZONING RESTRICTIONS:

Of the approximately 52.50 acres of total developable land, about 41.25 acres is located within a **Shoreland Overlay District (Appendix E)**. Within that overlay, the following development restrictions apply:

- **25% Maximum Impervious Area per Lot**
- **50% Open Space**
(Cannot include the Conservation Easement area)

In addition, City Code requires land dedication, or payment in lieu of, in all new subdivisions (**Appendix F**). However, it is anticipated that all, or a portion of, the required open space would also qualify as dedicated land.

REQUEST FOR PROPOSALS

"GAITER LAKE" DEVELOPMENT

PROPOSAL INSTRUCTIONS & DELIVERABLES:

- Provide developer and contact information for all key personnel to be involved. Include the names and contact information for any potential partners (realtors, builders, contractors, engineers, etc.)
- Submit engineered or architectural development concept plans for the development of the entire "Gaiter Lake" Property (both Parcels One and Two) **AND** for the development of only Parcel One. Plans must show that the 25% maximum impervious area per lot and 50% open space restrictions have been taken into account. If applicable, include any proposed development phasing.
- Provide a narrative describing the development plan(s), proposed housing types, phasing, and overall design approach.
- Provide a detailed financing plan for the development. The plan must include estimated infrastructure costs (excluding electric utility infrastructure) for each development concept plan and phase, developer vs. City contributions, and preferred financing methods.
- Provide a proposed development timeline (see the Expected Timeline below for guidance). Include all major development phases and milestones.
- Provide development experience and descriptions of previous projects of similar scope. Include at least one reference for each project listed.

SUBMITTAL INSTRUCTIONS:

Please limit proposals to a total of 20 single-sided pages, not including the cover page.

Submit a digital (PDF) copy of proposals via email to natew@ci.waseca.mn.us prior to the submittal deadline of **4:00 PM Friday, April 28, 2023**. Hard copies of proposals will also be accepted prior to the deadline, but digital are preferred. Proposals received after the deadline will not be accepted.

If email confirmation is not received, please call Nathan Willey at **507-835-9716** or **515-509-1510** to verify receipt.

The City reserves the right to reject any and all proposals, waive irregularities and informalities therein, and negotiate with selected developer(s) to the best interests of the City. All proposals shall become the property of the City and will not be returned.

PROPOSAL EVALUATION & SELECTION CRITERIA:

- Key Personnel and Availability/Responsiveness
- Development Concept Plan(s) and Narrative
- Development Cost Proposal
- Development Timeline
- Previous Development Experience/References

The selection of a developer will be based on proposal evaluations by City staff, pending City Council approval. It is anticipated that the selected developer will enter into a development agreement with the City after DNR and City approval of a development concept plan.

REQUEST FOR PROPOSALS

"GAITER LAKE" DEVELOPMENT

EXPECTED TIMELINE (may be subject to change):

▪ Proposals Received	April 28, 2023
▪ Proposals Reviewed	May 2023
▪ Developer Selected by City Council	June 6, 2023
▪ Modify/Finalize Development Concept Plan	June – August 2023
▪ Receive DNR & City Council Concept Plan Approval	September – October 2023
▪ Negotiate & Finalize a Development Agreement	November – December 2023
▪ Development Platting & Infrastructure Project Design	January – August 2024
▪ DNR & City Final Development/Infrastructure Project Review	September – December 2024
▪ Bid Infrastructure Project	January – March 2025
▪ Infrastructure Project Construction	April – November 2025
▪ Lots Available for Sale	Late 2025 – Early 2026

Please direct all inquiries to:

Nathan Willey, Director of Engineering

Office: 507-835-9716

Cell: 515-509-1510

Email: natew@ci.waseca.mn.us

APPENDICES:

Appendix A – "Gaiter Lake" Property Site Map

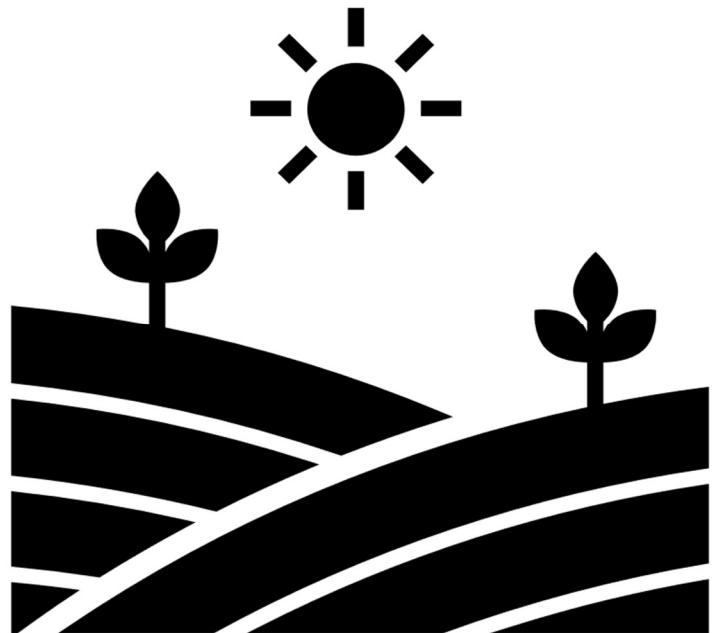
Appendix B – 2021 Housing Study (Executive Summary)

Appendix C – Conservation Easement

Appendix D – Utility Maps (Sewer, Water, & Storm)

Appendix E – Shoreland Overlay Map & City Code

Appendix F – Land Dedication City Code



Thank you for your time and consideration!

APPENDIX A - "GAITER LAKE" PROPERTY SITE MAP



11 Ave SE

8 St SE

8 St SE

Parcel One
PID 17.017.0850
42.21 Acres

Parcel Two
PID 17.020.0850
20.08 Acres

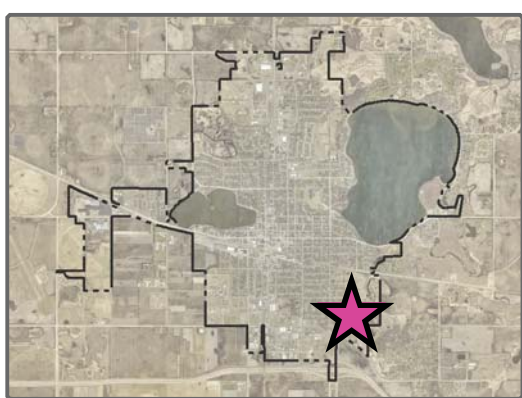
City Limits

City Limits



0 100 200 400 Feet

This document is not a survey and should be used for reference purposes only!



SITE MAP - CITY OF WASECA - OWNERS

PARCEL ONE -- PID 17.017.0850 -- 42.21 ACRES

PARCEL TWO -- PID 17.020.0850 -- 20.08 ACRES

APPENDIX B - 2021 HOUSING STUDY (EXECUTIVE SUMMARY)

EXECUTIVE SUMMARY

Purpose and Scope of Study

Maxfield Research and Consulting LLC (i.e. “Maxfield Research”) was engaged by the City of Waseca to update the *Comprehensive Housing Market Study* for the City of Waseca, originally issued in January 2016. The Housing Market Study provides recommendations on the amount and types of housing that should be developed in order to meet the needs of current and future households who choose to reside in the City of Waseca.

The scope of this study includes: an analysis of the demographic and economic characteristics of the City; a review of the characteristics of the existing housing stock, building permit trends, and residential land supply; an analysis of the market condition for a variety of rental and for-sale housing products; an analysis of housing affordability and development costs; and an assessment of the need for housing by product type in the City. Recommendations on the number and types of housing products that should be considered in the City are also supplied.

Demographic and Employment Analysis

- As of the 2010 Census, the City of Waseca had 9,418 people and 3,504 households. The City of Waseca is projected to lose by 418 people but gain 26 households between 2010 and 2021.
- The Waseca Market Area had an estimated median household income of \$56,352 in 2021. Non-senior household median incomes peak in the 45 to 54 age group at \$75,966. The median income for seniors age 65+ is \$43,661.
- In 2021, the Waseca Market Area had an average net worth of \$453,288 and a median net worth of \$107,230.
- Between 2010 and 2019, homeownership rates decreased slightly from 76.0% to 75.5% in the Waseca Market Area and decreased from 68.7% to 67.7% in the City of Waseca.
- Approximately 32% of all households in the Waseca Market Area lived alone and accounted for the highest proportion of household types in 2019. Married without children households accounted for the second highest household type percentage in 2019 at 30.7%.
- The City of Waseca had an unemployment rate of 4.3% in May 2021 which is higher than Waseca County (4.0%) and the State of Minnesota (3.7%). However, the City’s unemployment rate has decreased 1.8% from a peak of 6.1% in 2020, which was a result of the global pandemic COVID-19.

- The City of Waseca is a slight job exporter as the ratio of employed residents in the City of Waseca is slightly lower than those employed outside the City of Waseca. Additionally, there is an interior flow of 1,840 residents that live and work in the City of Waseca. Furthermore, the average weekly wage in the City of Waseca is slightly higher than the average weekly wages in Waseca County (\$907 vs. \$886).
- Of the roughly 5,016 workers who work in the Waseca Market Area, 39% live in the City of Waseca. The remaining 61% of the workers are commuting from mostly Owatonna (5%) and Mankato (3.7%).

Housing Characteristics

- The City of Waseca issued permits for the construction of 141 new residential units from 2003 to 2020. Beginning in 2007, building permits declined to single digits. However in 2018, permits were issued for 14 single-family dwellings, which was a peak in recent years.
- The majority of the homes in Waseca were built either prior to the 1940's (20%) or in the 1970's (18%). Overall, less than 10% of the housing stock has been constructed in the past two decades.
- Approximately 61% of Waseca homeowners have a mortgage compared to 66% of Minnesota homeowners that have a mortgage. About 8.5% of homeowners with mortgages also have a second mortgage or home equity loan.
- The median owner-occupied home in the City of Waseca is \$127,300 in 2019. Approximately 48% of the owner-occupied housing stock in the City of Waseca was estimated to be valued between \$100,000 and \$199,999.
- The median contract rent in Waseca was \$574 in 2019 compared to Minnesota which was \$889. Approximately 31% of Waseca renters paying cash have monthly rents ranging from \$500 to \$749.

Rental Housing Market Analysis

- In total, Maxfield Research inventoried 441 general occupancy market rate rental units in the Waseca Market Area spread across 17 multifamily developments (12 units and larger). At the time of the survey, there were 5 vacant units resulting in an overall vacancy rate of 1.13%. Typically, a healthy rental market maintains a vacancy rate of roughly 5%, which promotes competitive rates, ensures adequate consumer choice, and allows for unit turnover.
- Market rate projects make-up approximately 38% (167 units) of all units and a total of two vacancies were found, resulting in a market rate rental project vacancy rate of 1.2%.

- Affordable/subsidized projects make-up 274 units and posted three vacant units. The overall vacancy rate for affordable and subsidized rental housing in the Waseca Market Area is about 1.1%.

Senior Housing Market Analysis

- There are five senior housing developments and one nursing home located in the Waseca Market Area with a total of 268 units. There were seven vacancies identified within the housing developments posting an overall vacancy rate of 3.3%. Generally, healthy senior housing vacancy rates range from 5% to 7% depending on service level.

For-Sale Housing Market Analysis

- The average and median resale price of homes in the City of Waseca was approximately \$168,343 and \$149,950 respectively as of 2020. Over a five-year period in the City of Waseca, the average and median sales price increased 37% and 28%, respectively between 2016 and 2020.
- An average of 136 homes has been sold annually in the City of Waseca since 2016 (those sold on the MLS).
- The median list price of single-family homes for sale in Waseca was roughly \$149,950 as of 2020. Based on the median list price, a household would need an income of about \$42,842 to \$49,983 based on an industry standard of 3.0 to 3.5 times the median income. About 63% of Waseca households have annual incomes at or above \$42,842.
- Like most communities across the State of Minnesota; supply is less than two months in both Waseca and Waseca County. As such, home buyers have few options for purchasing a home in the Waseca area. At the time of our analysis; there were only 8 homes listed for-sale and 19 homes listed as pending (homes with an offer waiting to close).
- There are 55 lots available for new construction within four newer subdivisions in the City of Waseca. Estimated market values for these lots range from \$17,288 to \$38,000; with an average lot value of over \$28,200.

Planned and Proposed Housing Developments

- As of June 2021, there are 32 single-family dwellings that are either or approved or recently approved under construction. Additionally, there are two other single-family developments proposed, though few details were revealed.

Housing Demand Analysis

- Based on our calculations, demand exists in the City of Waseca for the following general occupancy product types between 2021 and 2030:
 - Market rate rental 82 units
 - Affordable rental 64 units
 - Subsidized rental 43 units
 - For-sale single-family 24 units (after existing & pending lots have been absorbed)
 - For-sale multifamily 45 units
- In addition, we find demand for multiple senior housing product types. By 2030, demand in Waseca for senior housing is forecast for the following:
 - Active adult ownership 56 units
 - Active adult market rate rental 116 units
 - Active adult affordable 108 units
 - Active adult subsidized 31 units
 - Independent Living 61 units
 - Assisted Living 42 units
 - Memory care 25 units

Recommendations and Conclusions

- Based on the finding of our analysis and demand calculations, the chart on the following page provides a summary of the recommended development concepts by product type for the City of Waseca through 2030. Detailed findings are described in the *Conclusions and Recommendations* section of the report.

EXECUTIVE SUMMARY

RECOMMENDED HOUSING DEVELOPMENT WASECA MARKET AREA 2021 to 2026/2030				
		Purchase Price/ Monthly Rent Range ¹	No. of Units	Development Timing
Owner-Occupied Homes (2021 to 2030)				
Single Family ²				
	Move-up	\$200,000 - \$300,000	50 - 56	Ongoing
	Executive	\$300,000+	20 - 24	Ongoing
	Total		70 - 80	
Townhomes/Twinhomes ⁴				
	Entry-level	>\$200,000	20 - 24	2021+
	Move-up	\$200,000+	18 - 22	2021+
	Total		38 - 46	
Total Owner-Occupied			108 - 126	
General Occupancy Rental Housing (2021 to 2030)				
Market Rate Rental Housing				
	Apartment-style	\$800/1BR - \$1,200/3BR	55 - 60	2021+
	Townhomes	\$1,000/2BR - \$1,300/3BR	25 - 30	2021+
	Total		80 - 90	
Affordable Rental Housing				
	Apartment-style	Moderate Income ³	40 - 50	2021+
	Townhomes	Moderate Income ³	16 - 20	2021+
	Subsidized	30% of Income ⁴	40 - 50	2021+
	Total		96 - 120	
Total Renter-Occupied			176 - 210	
Senior Housing (i.e. Age Restricted) (2021 to 2026)				
	Active Adult Ownership / Co-op ⁵	\$150,000+	50 - 55	2021+
	Active Adult Rental	\$800/1BR - \$1,150/2BR	50 - 60	2023+
	Active Adult Affordable Rental	Moderate Income ³	70 - 80	2021+
	Independent Living	\$1,600+ per month	50 - 60	2023+
	Assisted Living	\$3,000+ per month	30 - 40	2023+
	Memory Care	\$4,000+ per month	20 - 24	2022+
	Total		270 - 319	
Total - All Units			554 - 655	
¹ Pricing in 2021 dollars. Pricing can be adjusted to account for inflation.				
² Recommendations include the absorption of existing previously platted lots. Most entry-level demand will be accommodated through the resale market.				
³ Affordability subject to income guidelines per Minnesota Housing Finance Agency (MHFA).				
⁴ Subsidized housing will be difficult to develop financially due to lack of federal funding from HUD				
⁵ Senior Cooperative assumption cost is based on share cost = 40% of its actual value.				
Note - Recommended development does not coincide with total demand. The City of Waseca may not be able to accommodate all recommended housing types based on a variety of factors (i.e. development constraints, land availability, etc.)				
Source: Maxfield Research and Consulting LLC				

Key Findings

- Despite population growth last decade (+10.9%); Waseca is estimated to have lost population since 2010. Long-term projections indicate slight growth; however, that could be accelerated via increased job growth or mobility trends resulting from the COVID-19 pandemic.
- The population in the Waseca Market Area is aging and older age cohorts are accounting for a significant percentage of the total population. Baby boomers (comprising the age groups 55+ in 2021), accounted for an estimated 32% of the Market Area's population. Over the next nine years, the age 75 plus cohort will have the highest growth by percentage and numerically (211 people, or 21.5%). The growth in this age cohort can be primarily attributed to the baby boom generation aging. This shift will result in demand for alternative housing products; both for-sale and rental housing types.
- The overall rental vacancy rate in the Waseca Market Area is 1.1% (5% is equilibrium). This extremely low vacancy rate indicates pent-up demand for several rental housing products across all income bands.
- The senior housing market is well-poised considering the COVID-19 pandemic that has had a major impact on many senior housing developments across the country. Age-restricted senior properties maintained rather low vacancy rates coming out of the pandemic; indicating pent-up demand for new senior housing product. Demand is highest for both market rate and affordable active adult and independent service options; but demand was found for all senior housing product type due to the aging of the population.
- After the Great Recession and resale values hitting rock bottom in 2011, single-family housing values have doubled from a median resales price of \$75,000 in 2011 to \$149,950 in 2020. Over the past five years, the resales price in the City of Waseca has experienced 28% growth compared to 52% from 2011 to 2015. However, resales were down overall in 2020 due in part to the COVID-19 pandemic where many sellers pulled or delayed selling homes between spring and summer 2020. However, come late summer/fall 2020 housing demand increased significantly finishing out the year with an exceptionally hot real estate market. At the same time, the new construction market has been slow despite strong demand for new construction.
- Although housing demand has not been significantly impacted by COVID-19, the pandemic is having direct and indirect effects on the housing market. As employees have transitioned to working from home, there is greater emphasis on spending more time at home and an importance on healthy living and cleanliness. This has resulted in housing with more dedicated spaces for home offices, flex space, schooling, fitness room, etc. while incorporating more natural light, outdoor spaces, and access to the outdoors (patios, decks, etc.). Home buyers are also trading location for more square footage and affordability by locating further from their place of employment. There is also a preference toward new construction.

CITY OF WASECA

WEST GAITER LAKE

PERMANENT CONSERVATION EASEMENT

A permanent easement for conservation purposes over, under, and across that part of the Northeast Quarter of Section 20, and that part of the Southeast Quarter of Section 17, all in Township 107, Range 22, Waseca County, Minnesota, described as follows:

Commencing at the southeast corner of SCHAUMKESSEL'S FOURTH SUBDIVISION, according to the recorded plat thereof, said Waseca County; thence North 89 degrees 51 minutes 39 seconds East, 837.58 feet to the easterly extension of the south line of said SCHAUMKESSEL'S FOURTH SUBDIVISION, 837.58 feet to a point on the easterly right of way line of Twelfth Street SE per PONDVIEW OF WASECA, according to the recorded plat thereof said Waseca County, and the point of beginning; thence continuing North 89 degrees 51 minutes 39 seconds East, 124.67 feet to the westerly line of a tract of land described in Book 57 of Deeds, page 595; thence South 15 degrees 22 minutes 05 seconds East, 35.30 feet; thence South 01 degrees 31 minutes 05 seconds East, 215.20 feet; thence South 25 degrees 33 minutes 55 seconds West, 493.81 feet; thence South 31 degrees 20 minutes 55 seconds West, 490.22 feet; thence South 18 degrees 16 minutes 05 seconds East, 629.62 feet; thence South 16 degrees 06 minutes 05 seconds East, 613.42 feet; thence South 00 degrees 46 minutes 55 seconds West, 340.43 feet to the northerly right of way line of 139th Street, as laid out and traveled; thence northwesterly along said northerly right of way line 38.80 feet along a non-tangential curve concave to the southwest having a radius of 949.53 feet, central angle of 2 degrees 20 minutes 28 seconds and chord bearing of North 42 degrees 11 minutes 50 seconds West; thence North 43 degrees 22 minutes 04 seconds West tangent to last described curve, 155.84 feet; thence North 00 degrees 46 minutes 55 seconds East, 180.19 feet; thence North 16 degrees 06 minutes 05 seconds West, 590.83 feet; thence North 18 degrees 16 minutes 05 seconds West, 689.47 feet; thence North 31 degrees 20 minutes 55 seconds East, 545.80 feet; thence North 25 degrees 33 minutes 55 seconds East, 454.48 feet; thence North 01 degrees 31 minutes 05 seconds East, 190.01 feet to the southeast corner of said Twelfth Street SE per said PONDVIEW OF WASECA; thence West 31.23 feet to the point of beginning.

Said permanent conservation easement contains ±369,761 square feet (±8.48 acres).

NOTE:

- ±357,309 square feet (±8.20 acres) of land lies above the OHW line.

0 200 400
SCALE IN FEET

LEGEND



Permanent Conservation Easement
(±369,761 square feet)

REVISED: OCTOBER 17, 2018

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: DANIEL J. ROEBER

SIGNATURE:

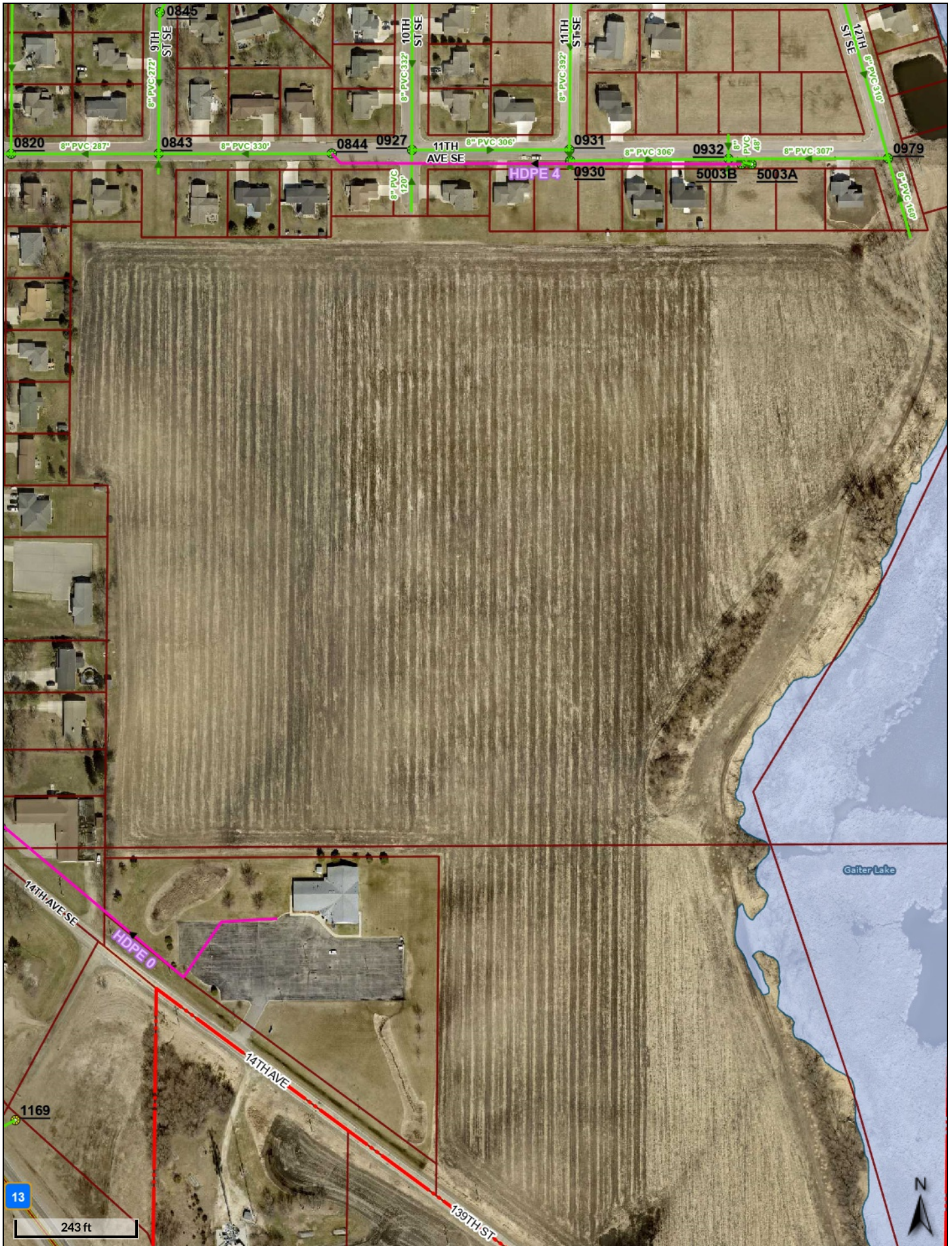
Daniel J. Roerber

DATE JANUARY 11, 2017 LIC. NO. 43133

 **Stantec**
St. Paul Office
2335 West Highway 36
Saint Paul, MN 55113
Phone: 651-636-4600
Fax: 651-636-1311
Website: www.stantec.com

SURVEY	19380266V601_GAITER
DRAWN	DJR
PROJ. NO.	193800266

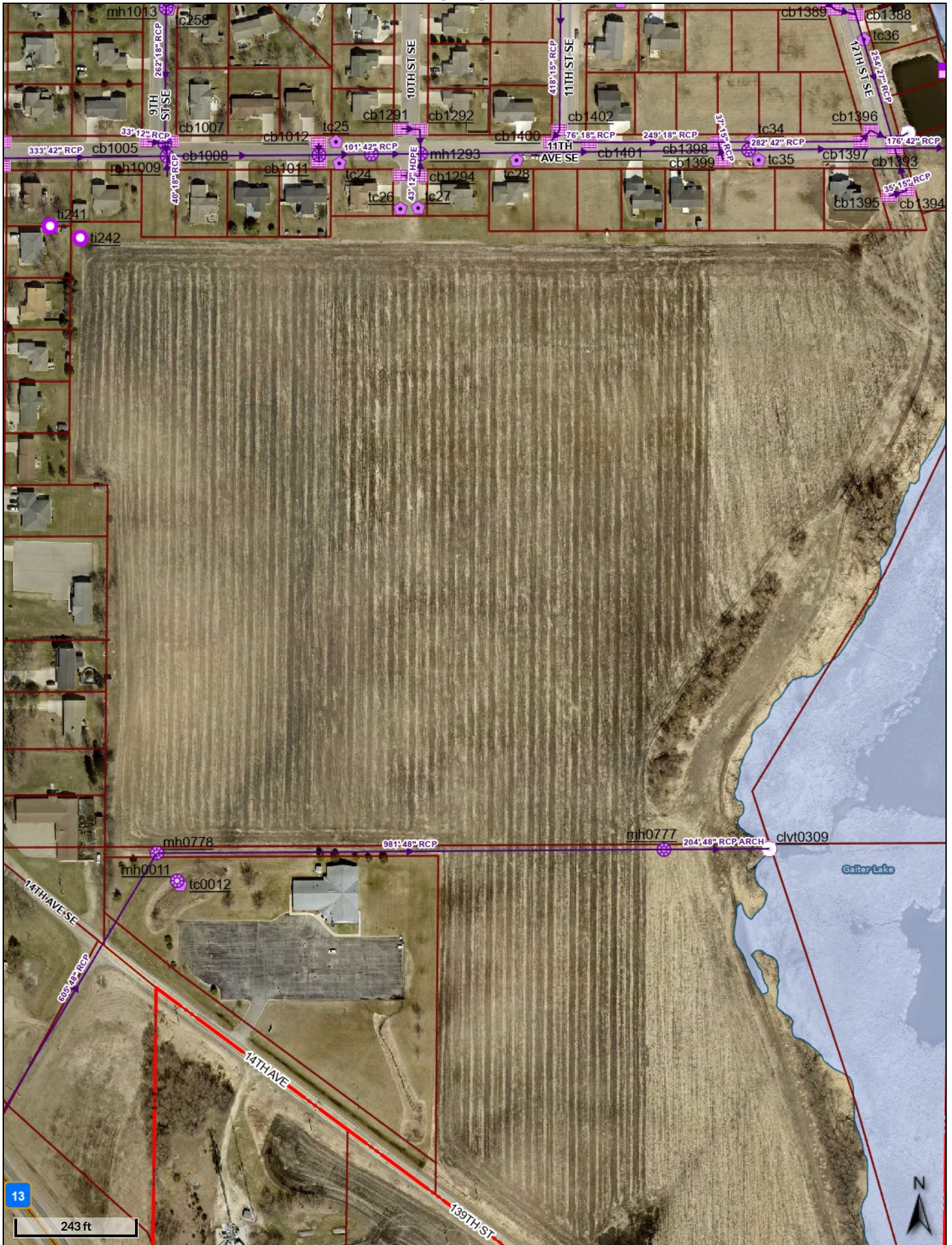
APPENDIX D - SANITARY SEWER MAP



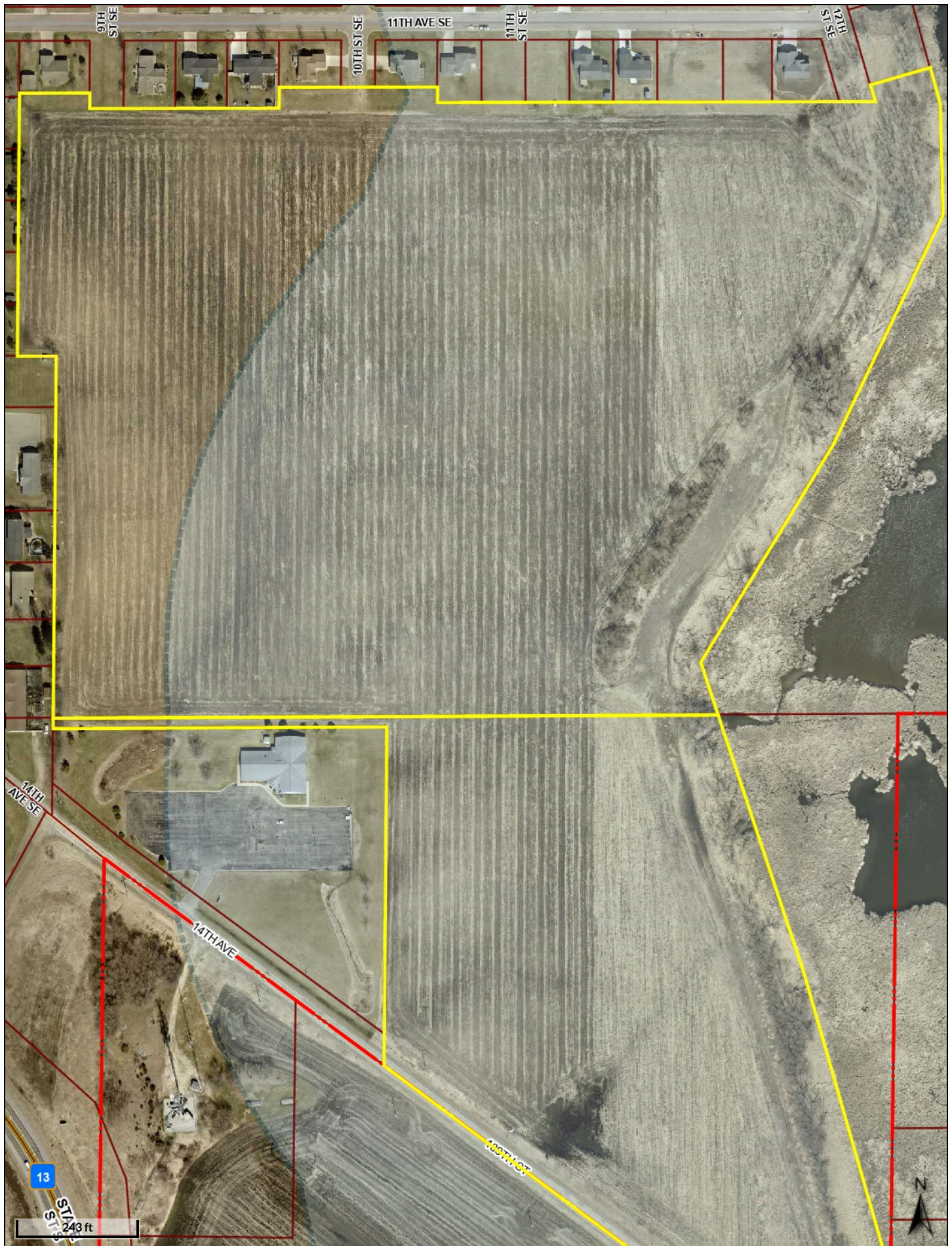
APPENDIX D - WATER UTILITY MAP



APPENDIX D - STORM SEWER MAP



APPENDIX E - MAP OF SHORELAND OVERLAY



APPENDIX E - SHORELAND OVERLAY CITY CODE

SHORELAND OVERLAY DISTRICT

§ 154.047 PURPOSE.

The major purpose of the shoreland overlay district is to control the density and location of developments in the shorelands of the public waters of the city in order to preserve the water quality and the natural characteristics of the shorelands in the city. This subchapter was adopted pursuant to the authorization and policies contained in M.S. Ch. 103G, as it may be amended from time to time, Minn. Rules Parts 6120.2500 through 6120.3900, and the planning and zoning enabling legislation in M.S. Ch. 462, as it may be amended from time to time. The shoreland district shall include all lands within the designated shoreland line as shown on the official zoning map amended and approved by the City Council for the city and the Department of Natural Resources on April 20, 2004, by Ordinance 832 and as revised on October 5, 2004 by Ordinance 858.

(Ord. 1040, passed 1-5-16)

§ 154.048 INCLUDED WATER BODIES.

These regulations will apply to all lakes classified by the Department of Natural Resources, as follows:

- (A) Clear Lake, general development classification, identification number 81-14; and
- (B) Loon Lake, general development classification, identification number 81-15; and
- (C) Gaiter Lake, natural environment classification, identification number 81-18.

(Ord. 1040, passed 1-5-16)

§ 154.049 PERMITTED USES.

All permitted uses allowed in and regulated by the applicable zoning districts underlying this district as indicated on that official map of the city.

(Ord. 1040, passed 1-5-16)

§ 154.050 CONDITIONAL USE PERMIT REQUIRED.

(A) All conditional uses and applicable attached conditions allowed in and regulated by the applicable zoning districts underlying this district as indicated on the official zoning map of the city, with the exception that planned unit developments (PUDs) shall not be allowed in the R-1 district when it is underlying this district.

(B) Water-oriented accessory structures, provided they are not used for habitation and do not contain sanitary facilities.

(Ord. 1040, passed 1-5-16)

§ 154.051 VARIANCES.

Variances may only be granted in accordance with the legal standards described in M.S. § 462.357. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether existing sewage treatment systems on the properties need upgrading before additional development is approved.

(Ord. 1040, passed 1-5-16)

§ 154.052 LAND USE DISTRICTS.

(A) Land use districts adopted by the city, and the allowable land uses therein for the shoreland overlay zoning district, shall be properly delineated on the official zoning map for the shorelands of this community.

(B) These land use districts are in conformance with the criteria specified in Minn. Rules Part 6120.3200 (3).

(Ord. 1040, passed 1-5-16)

§ 154.053 PERFORMANCE STANDARDS.

(A) The following general standards shall be followed in all shoreland districts:

(1) When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

(2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

(3) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetations, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and human-made materials and facilities.

(B) The following specific standards and setback requirements shall be followed in all shoreland districts.

(1) Lot area and width shall be the same as standards of underlying districts; however, residential lot areas (in square feet) and widths (in feet) shall meet the following minimum standards:

Table 8-1: General Development Lake

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
<i>Development Type</i>	<i>Area (Feet)</i>	<i>Width (Feet)</i>	<i>Area (Feet)</i>	<i>Width (Feet)</i>
	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
<i>Development Type</i>	<i>Area (Feet)</i>	<i>Width (Feet)</i>	<i>Area (Feet)</i>	<i>Width (Feet)</i>
Single, sewer	15,000	75	10,000	75
Duplex, sewer	26,000	135	17,500	135
Triplex, sewer	38,000	195	25,000	190
Quad, sewer	49,000	255	32,500	245
Single, unsewer	20,000	100	40,000	150
Duplex, unsewer	40,000	180	80,000	265
Triplex, unsewer	60,000	260	120,000	375
Quad, unsewer	80,000	340	160,000	490

Table 8-2: Natural Environment Lake

	Riparian Lots		Nonriparian Lots	
Development Type	Area (Feet)	Width (Feet)	Area (Feet)	Width (Feet)
	Riparian Lots		Nonriparian Lots	
Development Type	Area (Feet)	Width (Feet)	Area (Feet)	Width (Feet)
Single, sewer	40,000	125	20,000	125
Duplex, sewer	70,000	225	35,000	220
Triplex, sewer	100,000	325	52,000	315
Quad, sewer	130,000	425	65,000	410
Single, unsewer	80,000	200	80,000	200
Duplex, unsewer	120,000	300	160,000	400
Triplex, unsewer	160,000	400	240,000	600
Quad, unsewer	200,000	500	320,000	800

(2) Residential subdivisions with dwelling unit densities exceeding those in this table can only be allowed if designed and approved as residential planned unit developments under §§ 154.085 through 154.092. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property.

(3) On natural environment lakes, subdivisions of duplexes, triplexes, and quads must also meet the following standards:

- (a) Each building must be set back at least 200 feet from the ordinary high water level;
- (b) Each building must have common sewage treatment and water systems that serve all dwelling units in the building;
- (c) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- (d) No more than 25% of a lake’s shoreline can be in duplex, triplex, or quad developments.

(4) Impervious surface coverage of lots must not exceed 25% of the lot area.

(5) One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented above, provided that the lot exceeds the minimum lot dimensions of a duplex lot and that both the principal building and guest cottage are located within the smallest duplex-sized lot that could be created; the cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and, the cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

(6) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible, subject to the following minimum standards:

- (a) Lots must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots; except, riparian lots located across the street from non- riparian lots owned by the same party or parties will be allowed controlled access to the public waters;

(b) If docking, mooring or over-water storage of more than six watercraft is to be conducted at a controlled access lot, then the width of the lot shall be increased by 25% for each watercraft beyond six;

(c) Lots must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and

(d) Covenants or other equally effective legal instruments must be developed that specify that lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners, such as swimming, sunbathing or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings and other facilities to be screened by vegetation or topography as much as practical from view from public water, assuming summer, leaf-on conditions.

(7) Setback of structures from the ordinary high water level:

(a) General development lakes, sewerred - 50 feet.

(b) Natural environment lakes, sewerred - 150 feet.

(c) General development lakes, unsewerred - 75 feet.

(d) Natural environment lakes, unsewerred - 150 feet.

(e) Sewage treatment system - 75 feet.

(8) When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on abutting lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

(9) Additional structure setbacks:

(a) From top of bluff - 30 feet.

(b) From unplatted cemetery - 50 feet.

(c) From federal, state or county highway right-of-way line - 50 feet.

(d) From town road or city street right-of-way line - 20 feet.

(10) Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(11) Commercial, industrial, public and semi-public uses without water-oriented needs must be located on lots or parcels without public waters frontage, or if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(12) The lowest floor must be placed at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher, except as otherwise provided in this section.

(a) Water-oriented structures may have the lowest floor placed lower than the elevation specified herein if the structure is constructed of flood-resistant materials to the elevation, electrical and

mechanical equipment is placed above the elevation, and if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

(b) On lots in the Pondview of Waseca subdivision, the lowest floor must be placed at least one foot above the highest known water level of 1131.183 feet (1131.183 NGVD88).

(13) Each lot may have one water-oriented accessory structure set back a minimum of ten feet from the ordinary high water level, provided that:

(a) The structure not exceed ten feet in height, exclusive of safety rails;

(b) The structure not occupy an area greater than 250 square feet, with the exception of structures used solely for watercraft storage, which may not occupy an area greater than 400 square feet nor be more than 20 feet wide;

(c) Detached decks not exceed eight feet above grade at any point;

(d) The structure must be treated to reduce visibility from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

(e) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area; and

(f) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

(14) *Stairways, lifts and landings.*

(a) *Residential lots:*

1. Maximum width of stairways and lifts, four feet.

2. Maximum area, landings and lifts, 32 square feet.

(b) *All lots.*

1. No canopies or roofs over stairways, lifts and landings;

2. Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from public water, assuming summer, leaf-on conditions, whenever practical.

3. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are allowed for achieving access to shore areas, provided that the dimensional and performance standards of division (14)(a) above are complied with in addition to the requirements of Minn. Regulations Ch. 1340.

(15) No structure may be placed on a significant historic site in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

(16) The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

(17) All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

(Ord. 1040, passed 1-5-16; Am. Ord. 1098, passed 9-21-21)

§ 154.054 SHORELAND ALTERATIONS.

(A) Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

(B) Use of fertilizer and pesticides in the Shoreland Overlay District must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

(C) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in §§ 154.058 and 154.059 respectively, is allowed subject to the following standards:

(1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is prohibited. Intensive vegetation clearing outside of these areas is permitted if the activity is consistent with the forest management standards in § 154.059.

(2) 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:

(a) The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and

(b) The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.

(D) When grading and filling or excavations are authorized under a validly issued construction permit, separate issuance of a grading and filling permit is not required. If grading, filling or excavation activities will not involve a construction permit, then a grading and filling permit will be required for:

(1) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and

(2) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(E) The following considerations and conditions must be adhered to during the reviews of requests for construction permits, grading and filling permits, conditional use permits, variances and subdivisions:

(1) Evaluation of a wetland, prior to issuance of a grading and filling permit, to determine how extensively the proposed activity would affect the following functional qualities of the wetland:

(a) Sediment and pollutant trapping and retention;

(b) Storage of surface runoff to prevent or reduce flood damage;

(c) Fish and wildlife habitat;

(d) Recreational use;

(e) Shoreline or bank stabilization; and

(f) Noteworthiness, including qualities such as historic significance, critical habitat for endangered plants and animals or others;

(2) Determination of whether the wetland alteration proposed requires permits, reviews or approvals by other local, state or federal agencies such as watershed districts, the Minnesota Department of Natural Resources or the United States Army Corps of Engineers;

(3) Design and implementation of alterations so as to ensure that only the smallest amount of bare ground is exposed for the shortest time possible; (Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.)

(4) Methods to minimize soil erosion and to trap sediments before they reach any surface water, stabilizing altered areas to acceptable erosion control standards consistent with guidelines of the Waseca County Soil and Water Conservation District and the United States Soil Conservation Service;

(5) Review of plans to place fill or excavated material on steep slopes by qualified professionals to ensure continued slope stability, and that slopes created are less than 30%;

(6) Placement of fill or excavated material so as not to create an unstable slope;

(7) No placement of fill or excavated material in bluff impact zones;

(8) Authorization by the commissioner for any alterations below the ordinary high water level of public waters, under M.S. Chapter 103G, as it may be amended from time to time;

(9) Topography alterations permitted only if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

(10) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

(F) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

(Ord. 1040, passed 1-5-16)

§ 154.055 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS AND THE LIKE.

(A) Roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters.

(B) Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Waseca County Soil and Water Conservation District or other applicable technical materials.

(C) Vegetation alteration necessary for construction of roads and parking areas are exempt from the vegetation alteration standards contained in § 154.054.

(D) Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed in these areas and must be designed to minimize adverse impacts.

(E) Public and private watercraft access ramps, approach roads and access-related parking areas may be placed within shore impact zones provided the vegetative screening, erosion control and grading and filling conditions of § 154.054 are met.

(Ord. 1040, passed 1-5-16)

§ 154.056 STORMWATER MANAGEMENT.

Standards contained in § 154.156 shall be adhered to.

(Ord. 1040, passed 1-5-16)

§ 154.057 STANDARDS FOR COMMERCIAL, INDUSTRIAL AND PUBLIC USES.

(A) Surface water-oriented commercial uses and industrial, public or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters.

(B) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.

(C) Those with water-oriented needs must meet the following standards:

(1) The uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

(2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

(3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following standards:

(a) No advertising signs or supporting facilities for the signs shall be placed in or upon public water;

(b) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated, lights must be shielded or directed to prevent illumination out across public waters; and

(c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

(Ord. 1040, passed 1-5-16)

§ 154.058 AGRICULTURAL USE STANDARDS.

(A) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting may be permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the Waseca County Soil and Water Conservation District or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(B) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

(Ord. 1040, passed 1-5-16)

§ 154.059 FOREST MANAGEMENT STANDARDS.

Harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota".

(Ord. 1040, passed 1-5-16)

§ 154.060 WATER SUPPLY.

(A) Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health and Minnesota Pollution Control Agency standards for water quality.

(B) Private wells must be located, constructed, maintained and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

(C) Municipal water supply facilities shall be used where available.

(Ord. 1040, passed 1-5-16)

§ 154.061 SEWAGE TREATMENT.

(A) Municipal sewer systems shall be used where available.

(B) All private sewage and other sanitary waste disposal systems shall conform to applicable standards, criteria, rules and regulations of Minnesota Pollution Control Agency, as set forth in the document titled, "Individual Sewage Treatment Systems Standards, Ch. 7080," is hereby adopted by reference and declared to be a part of this chapter.

(C) On-site sewage treatment systems shall be set back at least 75 feet from the ordinary high water level and four feet above highest known ground water table, bedrock or impervious soil conditions.

(D) Sewage treatment systems that are now inconsistent with the design criteria identified in division (B) above shall be reconstructed whenever a permit or variance of any type is required for any improvement on, or use of, the property.

(Ord. 1040, passed 1-5-16)

§ 154.062 ALTERATIONS OF BEDS OF PUBLIC WATERS.

Any work which will change or diminish the course, current or cross section of a public water shall be approved by the Commissioner before the work is begun. This includes construction of channels and ditches, lagooning, dredging of lakes or stream bottom for removal of muck, silt or weeds and filling in the lake or stream bed. Approval shall be construed to mean the issuance by the Commissioner of a permit under the procedures of M.S. Chapter 103F, as it may be amended from time to time.

(Ord. 1040, passed 1-5-16)

§ 154.063 NOTIFICATION REQUIRED.

(A) Copies of all notices of any public hearings to consider variances, amendments, subdivisions/plats or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

(B) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten days of final action.

(Ord. 1040, passed 1-5-16)

APPENDIX F - LAND DEDICATION CITY CODE

§ 151.049 PARKS, OPEN SPACE AND PUBLIC USE.

Each preliminary plat shall show layout, dimensions and acreages of park land and open space, in accordance with the following standards:

(1) *Land dedication or payment in lieu of land.*

(a) In all new subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds or other public use. The percentage shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. If a proposed park, playground, school site, trail system or other public use shown on the comprehensive plan, then the area shall be dedicated to the public.

(b) If the subdivision is small or does not include a park or public area shown on the comprehensive plan, or if in the judgment of the Council the area proposed to be dedicated is not suitable or desirable for park/playground purposes because of location, size or other reason, the Council may require, in lieu of land dedication, a payment to the city.

(c) If a lot being platted is already developed, the developer shall be exempt from the requirement to dedicate land or pay the fee in lieu of the land dedication for that lot. All undeveloped lots being platted will be calculated for land dedication. This change shall be considered effective on the first day of March, 2005.

(2) *Land dedication or payment schedule.* The following schedule shall be used to determine the amount of land dedication or fee-in-lieu of land:

<i>Single-Family Development (Single-Family and Two-Family Homes)</i>		
Number of Lots Per Acre	Percent Land Dedication	*Payment-in-Lieu of Land (Amount Per Lot)
Up to 3	8%	\$420
More than 3 and up to 5	14%	\$420
<i>Multi-Family Development</i>		
Number of Units Per Acre	Percent Land Dedication	*Payment-in-Lieu of Land (Amount Per Unit)
Up to 15	20%	\$300
More than 15, but less than 30	35%	\$275
30 or more	45%	\$250
<i>Mobile Home Park</i>		
13% of land for recreation		
NOTE TO TABLE:		
* Fee based on an assumed land cost of \$15,000 per acre		

(3) *Dedication; payment terms.* Dedication of land for public use shall be without restrictions or reservations and shall be designated as an "outlot" on the plat. Money given to the city in lieu of land shall be used by the city only for acquiring or developing public park land, trails or planned open space. Payment made in lieu of land dedication shall be made prior to execution of the final plat documents.

(4) *Developer's alternate land dedication formula for park land, trail(s) or open space.*

(a) If requested, the City Council shall provide the developer or landowner with the methodology used to calculate the value of the land.

(b) A developer may propose an alternate land dedication formula if a proposal is accompanied by supporting documentation, including number of units per acre, average number of residents per unit, actual cost of land documented by three independent appraisals done by licensed appraisers not associated with

the sale of the property being platted, and other evidence as appropriate. The Council reserves the right to hire any appraisals done to document actual land cost.

(c) If the City Council accepts the developer's alternate land dedication formula, then the developer's documentation shall be incorporated into his or her subdivider's agreement.

(5) *Park dedication re-calculation upon subsequent subdivision or higher density.*

(a) If platted property is subsequently replatted or a portion of it subdivided, such as splitting one or more lots, then the land dedication formula set forth above shall apply to all additional lots created.

(b) If any portion of platted property is subsequently approved for higher density development, then the land dedication formula set forth above shall apply to the increase in density over the originally planned density. If a payment-in-lieu of land dedication is made, then the payment shall equal the difference between the calculated fee at the higher density and the originally calculated fee, as follows:

Fee for new density - Original density fee = Amount due

(6) *Parkland grading and preparation.* If parkland is dedicated, then the following standards shall pertain:

(a) The park land shall be graded to the contours set forth in the preliminary plat.

(b) The developer shall provide a minimum of six inches of black dirt over the entire park area and the area shall be seeded with a type of seed approved by the city. The financial guarantees by the developer to the city shall be in effect at least until the time that the park land is graded and seeded.

(c) At least 50% of the gross area dedicated for parks shall be suitable for active recreation use; active recreation meaning organized playground activities such as softball, football, etc. These areas to be used for organized playground activities shall be a slope of less than 2% grade and be largely clear of forest vegetation. Other areas to be dedicated may be forested and may have steeper slopes.

(d) A site to be used for playground, sports or other active recreation shall have a total frontage on one or more streets of at least 200 feet and all other dimensions shall be at least 200 feet.

(7) *Trail grading and preparation.* If a trail is dedicated, then the following standards shall pertain:

(a) The trail shall be graded to the contours set forth in the preliminary plat.

(b) Minimum trail width shall be eight feet.

(c) Trail structure shall consist of four inches of aggregate base and two inches of bituminous overlay.

(8) *Open space grading and preparation.* If open space is dedicated, then the following standards shall pertain:

(a) The open space shall be graded to the contours set forth in the preliminary plat.

(b) As applicable, standards in § 151.051 shall pertain.

(c) As applicable, state rules governing wetlands and/or shorelands shall pertain.

(9) *Protective or scenic easements.* As an open space option; subject to acceptance by the City Council, protective or scenic easements may be provided to a depth of 100 feet from the ordinary high water level of all lakes, ponds and streams or to the logical, natural or ecological boundary as can be agreed upon by the subdivider and the city. A protective or scenic easement may be credited toward the park, trail and open space requirements set forth in this section.

(10) *Dedication subject to city acceptance.* No areas may be dedicated as parks, playgrounds or public lands unless the city approves the dedication.

('86 Code, § 10.39) (Am. Ord. 612, passed 6-18-91; Am. Ord. 706, passed 12-2-97; Am. Ord. 879, passed 8-16-05)