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RE: Proposed Parkland Dedication ordinance is worse than the existing ordinance.

The City Council should vote no on the proposed Parkland Dedication ordinance, or table it so the new City Council can have a voice. Coming up with a worse ordinance than the one we have is quite a feat but that would be the case if the City Council adopts what has been proposed.

The sole purpose of a parkland dedication ordinance is to provide additional resources for the park system. If you really care about our parks system, and want to ensure much needed funding of our parks, this ordinance must not be approved. The proposed changes will do two things: the proposal reduces funding for parks, and shifts the burden of that funding from commercial industrial properties to residential.

I have had the opportunity to meet with all members of the City Council. Every member of the City Council spoke about how important parks are for the health and well being of Saint Paul residents and our economy. Many good suggestions were offered on how to enhance the resources available for our parks. Why then is there a proposal that does the exact opposite and reduces resources available for our parks and neighborhood? Why is the burden being shifted to home owners?

Why is this City Council considering an ordinance that will provide less revenue for our park system than the City Council was willing to provide for a new downtown ball park?

The PED report talks about how we have such a great parks system, that there is little justification for additional funding. We are fortunate to have the park system we have, but anyone who uses our parks knows they are not adequately funded. Our changing demographics adds to the need for additional resources to address the needs of our community. Trails for hiking and biking is just one area where there is great need to connect our parks and neighborhoods. The East Side has wonderful parkland, but our riverfront is virtually inaccessible without the bridges and trails we have been promised for decades, and still only exist on paper. The funding for the downtown ball park greatly exceeds all funding we have seen for parks in our neighborhood in recent memory. Now, City Hall is talking about funding a soccer stadium, at the same time voting to cap or reduce funding for our parks system by reducing the already weak ordinance we currently have.

How is it possible this ordinance could be worse than the existing ordinance ?

Proposed Ordinance removes the requirement for parkland dedication.

The current ordinance requires parkland dedication, as does Minneapolis. The requirement to dedicate parkland or provide cash in lieu is removed in the proposed ordinance. The change is from "shall" to "may be". There will be fewer dedications of parkland or cash in lieu.

Parkland dedication at permit is changed from total acreage to only buildable area.

Parkland dedication is currently based on the total acreage of the property being platted or developed. The ordinance would calculate the parkland requirement on the smaller buildable area definition. Much of the site including front yard, side yard, and rear yard setbacks, right of way, wetlands, and bluffs would be excluded from the calculation. This can dramatically reduce the parkland dedicated.

One lot in all subdivisions is made exempt from parkland dedication.

Another change, that reduces park dedication at platting, is the change from calculating park dedication from total acreage to only "new lots". This exempts one of the lots because any parcel of vacant land is at least one lot. If you had a 1 acre parcel that you split in two, the parkland dedication would be based on 1/2 an acre instead of 1 acre. When cash in lieu is taken, instead of basing the parkland dedication on 1 acre, it would be based on the buildable area of the one lot which would only be a fraction of the 1/2 acre lot instead of calculating the parkland dedication on the full acre. At the Ford site, a developer is likely to deduct the largest lot platted which will further reduce the park dedication. There is no provision for this exception in MN Statute 462.358 Subd. 2b. (a) which controls dedication of land instead of (c) which controls a cash fee. The City does not have statutory authority to exempt a lot from parkland dedication.

Cash in lieu no longer required at the time of plat.

The proposed ordinance removes the requirement that cash in lieu of dedication shall be contributed prior to the final plat. The net effect is a significant reduction in cash payments because the MN Statute requirement of fair market value would not apply. This provision is in clear violation of the MN Statute for platting and State Critical Area Regulations. MN Statute 462.358 2b. provides that a municipality may require parkland dedication or cash in lieu of land based on fair market value paid at the time of final plat. 2013 MN Laws Chap. 85, Art. 5, Sec. 44 states that MN Statutes, Sec. 462.358 Subd. 2b. (b) and 2c apply in regards to Sec. 44. There is no provision that Sec. 44 preempts or controls platting requirements in MN Statutes 462.358 2b.. Sec. 44 is not a platting regulation and may not be substituted for the statute on dedication at platting. The proposed change would also create an arbitrary and capricious standard for parkland dedication where similar properties are treated inequitably. State Critical Area regulations require dedication, or the developer shall be required to contribute an equivalent amount of cash. Saint Paul's existing ordinance and Minneapolis require payment prior to the final plat.

The proposed ordinance reduces commercial/industrial dedication at time of permits.

The proposed ordinance reduces commercial/industrial by changes in the formula. The existing requirement for commercial/industrial dedicates 100 square feet of parkland per employee. The proposed ordinance reduces that requirement to 28, 11, or 6 square feet. The maximum dedication is also reduced from 2 percent to 0.5%. The cash in lieu is based on market value instead of 1/3 in the current ordinance, but it still is a fraction of the current requirement. Every category, and the total dedication, would be less than the current ordinance. (Note - based on surface parking spaces, structured parking has a discount for reduced development footprint.)

Parkland dedication comparison at time of permit.

Commercial/industrial.

Minneapolis - 100 square feet per employee - up to 10% of the total acreage

Saint Paul - 100 square feet per employee - up to 4% of the total acreage (existing ordinance)

Saint Paul - 6 to 28 square feet per employee - up to 0.5% of only the buildable area (proposed)

Residential

Minneapolis - \$1,521 per unit - The Minneapolis Parks Board advocated for \$4,500

Saint Paul - \$1,200 per unit - proposed ordinance

Please keep in mind that the proposed ordinance percentages are based on the buildable area. Minneapolis and Saint Paul's current ordinance are based on the total acreage.

How is this possible?

Does the City Council actually want to have an inferior park dedication/funding system?

The proposed ordinance creates a new phantom building deduction for vacant property that has not had a structure over 15 years ago.

The proposed ordinance adds a new deduction from parkland dedication at time of permit requirements. This deduction is for buildings that have not existed since as far back as 1999. The new ordinance would allow a developer to deduct from the parkland dedication ordinance the units or square footage of a building that has not

existed for over 15 years. This is one more egregious way to keep developers from providing parkland dedication. The multitude of deductions created in this proposed ordinance is staggering. The Ford site, or the Sperry Univac site, are examples of where there would be greatly reduced parkland dedication with this deduction if they developed without re-platting. The Macalester Groveland neighborhood and others have been negatively impacted by residential teardowns. This provision would exempt those teardowns from the parkland dedication requirements. Saint Paul's existing ordinance does not have this exemption.

Proposed exemption for buildings over 1/2 acre in size is not justified.

An acre is 43,560 square feet. Exemptions of buildings 25,000 and 12,500 square feet are not justifiable. The current Saint Paul ordinance does not have any exemptions and Minneapolis does not have exemptions.

Once again the Eastside is treated as second class residents.

The proposed ordinance affords special early consultation to discuss parkland dedication requirements and options along the Green Line that it does not afford the Red Rock Corridor, Gateway Corridor (Gold Line), Rush Line or any other transit corridor in Saint Paul. There should be equitable treatment of all transit corridors.

The proposed ordinance limits Eastsiders voice in park funding decisions in our neighborhood.

Eastside neighborhoods have long suffered per capita underfunding of our neighborhood councils because the City chose to draw larger districts on the Eastside. Now the proposed ordinance claims Eastside neighborhoods should lose their voice on park spending because our neighborhoods are too large. Keep in mind the City Council has the final say. The current Saint Paul ordinance allows spending parkland dedication funds within the neighborhood of the development. Minneapolis also allows spending the funds within the neighborhood. Eastside residents should not be dictated on where park funds are best spent. We should not lose our right to have of a voice in those decisions. The proposed ordinance should retain the ability to spend funds in the neighborhood of the development.

The PED letter justifying significant cuts in parkland dedication are based on a false premise.

The PED April 27, 2015 letter asserts that Saint Paul cannot justify under the "reasonable portion" requirement a parkland dedication requirement that other communities have because we have less need of resources for our park system than other communities. The letter bases that assertion on the claim that Saint Paul has approximately 8,000 acres of parkland, or over 20% when you include County, State and Federal parkland. *"With the high level of park service that Saint Paul has, need for additional park facilities to meet the needs of new development in Saint Paul do not equate to that of developing cities that are just building their park systems, and therefore the City has no legal basis upon which to require an equivalent amount of parkland dedication or fee in lieu."* **This is a false premise.** Bloomington and Minneapolis are "developed" cities. They are not just building their park systems. Minneapolis requires up to 10% parkland dedication for residential and up to 10% parkland dedication for commercial/ industrial based on total acreage. Saint Paul's proposed ordinance by comparison is a pitiful 4.5% and 0.5% of only the buildable area.

Bloomington is a developed City. Bloomington has 8,591 acres of parkland compared to Saint Paul's 8,000. Bloomington has 36% parkland. Bloomington has a population of 85,000 (2008). Bloomington has more total acres, a greater percentage and double the per capita amount of parkland compared to Saint Paul. The MN Supreme Court has ruled in favor of Bloomington and their requirement of up to 10% parkland dedication for residential and up to 10% parkland dedication for commercial/industrial.

It is a false premise that Saint Paul "has no legal basis" to require what cities like Bloomington and Minneapolis require for parkland dedication. PED and the author of the parkland dedication should apologize to the residents of Saint Paul if they do not think better of our City. The City Council should reject this ordinance and draft an ordinance that is as good as or better than what Bloomington and Minneapolis have adopted. If the City Council does not have the vision or courage to do that, they should table the proposal and let the incoming new Council vote on the ordinance.