

city of saint paul
planning commission resolution
file number 15-26
date April 24, 2015

WHEREAS, MN Stat. § 462.358, Subd. 2b, *Dedication*, states that municipal subdivision “regulations may require that a reasonable portion... of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers,...storm water drainage and holding areas ponds,... parks, recreation facilities,...playgrounds, trails, wetlands, or open space” provided that “the municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision;” and

WHEREAS, on March 28, 2007, the City Council adopted § 69.511. *Parkland dedication requirements*, part of the City’s subdivision regulations; and

WHEREAS, in 2013, the state legislature enacted special legislation 2013 Minn. Laws chap. 85, art. 5, Sec. 44. allowing the city of Saint Paul also to “require that a reasonable portion of land be dedicated to the public or impose a dedication fee in conjunction with the construction permits required for new housing units and new commercial and industrial development in the city,...for public parks, playgrounds, recreational facilities, wetlands, trails, or open space;” and

WHEREAS, in 2011, the Planning Commission initiated a zoning study to consider the following amendments to parkland dedication requirements:

1. An amendment to § 69.511 to base the amount of required parkland dedication at the time of platting just on the total acreage of new lots being created for new residential, commercial, or industrial development that would create a need for additional parkland, and not on lots for which the use would be unchanged or for something that would not create a need for additional parkland, bringing the text of this code requirement into greater conformance with state and federal law, consistent with City Council variance decisions; and
2. Amendments to decouple the parkland dedication requirement at the time of building permits from parking, and replace it with different measures of density and intensity of use that are always known, easy to track, and would result in a roughly similar amount of parkland dedication so that even if a development has no parking there would still be a parkland dedication requirement, and so that the requirement is proportionate to the need for parkland created by the development as required by state law; and

WHEREAS, after the 2013 special legislation, on January 16, 2014, the Planning Commission amended the study to remove existing language pertaining to parkland dedication requirements at the time of building permits § 69.511 of the subdivision regulations, and to replace it with new requirements in the appropriate section of the City Legislative Code for reasonable land dedication or fees for parks at the time of building permits that may be unrelated to any new subdivision, based on the new state law that provides for this; and

moved by Merrigan
seconded by _____
in favor Unanimous
against _____

WHEREAS, the draft amendments move parkland dedication requirements that apply at the time of building permits to *Zoning Code Chapter 63, Regulations of General Applicability*; and

WHEREAS, a notice of public hearing was sent to the Early Notification System list of recipients on December 5, 2014, and published in the Legal Ledger on January 5, 2015; and

WHEREAS, on January 16, 2015, the Planning Commission held a public hearing on the draft Parkland Dedication Amendments, where all persons present were afforded an opportunity to testify concerning the draft ordinance.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission recommends to the Mayor and City Council the attached amendments to Chapters 61, 63, and 69 pertaining to parkland dedication for adoption.