SAINT PAUL AREA CHAMBER OF COMMERCE

January 15, 2015

Saint Paul Planning Commission
City of Saint Paul
City Hall Conference Center Room 40
15 Kellogg Blvd. West
Saint Paul, MN 55102

VIA EMAIL

Re: Proposed Parkland Dedication Amendments

Dear Members of the Planning Commission:

As the state's largest local chamber and a strong supporter of building a world-class city with great natural and recreational amenities, the Saint Paul Area Chamber of Commerce (Chamber) writes in regards to the proposed parkland dedication amendments being considered by the city of Saint Paul. We appreciate the opportunity to comment on the draft amendments.

The Chamber understands the important role that a strong park system plays in building a vibrant, urban city such as Saint Paul. Parkland is a valuable amenity that provides important benefits to the community. We need to preserve and maintain our parks system. With that in mind, it is critically important to recognize the relationship between heightened parkland dedication requirements (including in-lieu-fees) and the community's desire to facilitate economic development, expand employment opportunities, and grow the tax base.

The Chamber agrees with a number of the proposed changes. Saint Paul is the only city in Minnesota that requires parkland dedication at both the platting and building permit stages of development. We support moving away from this model to a one-time basis of imposing parkland dedication requirements, as proposed by the city. We also support varying parkland requirements at the time of platting based on the category of development being proposed.

While the Chamber supports many of the proposed changes, we remain opposed to any effort to increase the amount of parkland dedicated as a condition of gaining development approval from the city. We believe heightened dedication requirements will negatively affect the city's ability to grow and expand its tax base through future growth and expansion. In 2012, the Chamber provided detailed comments in response to the city's effort to amend its parkland dedication ordinance. We believe it would be helpful to reiterate some of our prior comments.

At that time, we referred the city to a report published by the Trust for Public Land (TPL report), which provides reliable data on parks in the nation's 100 most populous cities. The TPL report ranked Saint Paul second in the nation in terms of the amount of parkland per 1,000 residents compared to

cities of similar population density. At 14.1 acres per 1,000 residents, Saint Paul has nearly twice the median (7.3 acres per 1,000 residents) supply of parkland. The report also shows that, in the nation, Saint Paul ranks:

- Second in total spending on parks and recreation per resident ($195 per resident, about twice the median);
- Sixth in the number of parks and recreation employees per 10,000 residents (14.2 compared to the national median of 5.4);
- Second in ball diamonds per 10,000 residents; and
- Fourth in the number of recreation and senior centers per 20,000 residents.

This data suggests that Saint Paul's existing supply of parks may be adequate to support more development without the need to require dedication of additional parkland.

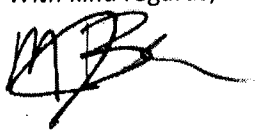
As the Comprehensive Planning Committee report, dated November 7, 2014, appropriately points out, parkland dedication requirements must adhere to statutory and constitutional standards. Parkland dedication requirements, including in-lieu-fees, may only require that a *reasonable* portion of buildable land be dedicated as a condition precedent to gaining development approval. Minn. Stat. § 462.358, subd. 2b(a) (emphasis added). Consistent with the Minnesota and U.S. constitutions, state law requires that a fee or dedication be roughly proportional to the need created by proposed subdivision or development. Minn. Stat. § 462.358, subd. 2c(a); *see also Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), *Dolan v. City of Tigard*, 114 U.S. 374 (1994), and *Collis v. City of Bloomington*, 246 N.W.2d 19 (Minn. 1976). Therefore, if a proposed development would be adequately served by the existing parks system, it would raise serious constitutional concerns if the city required dedication of additional parkland without paying just compensation to the property owner.

The Chamber believes that the existing system of parks is sufficient to support significant additional development. Therefore, increasing the amount of land to be dedicated, or a fee provided in lieu of, would seem unnecessary. Rather than imposing any heightened dedication requirements, the Chamber believes the city should explore:

- implementing a need-based system of requirements that would only trigger dedication of land where there is an actual need for additional parkland based on a particular development proposal;
- eliminating parkland dedication requirements as applied to commercial and industrial development; and
- preserving the maximum in-lieu-fee of 33 percent for residential, commercial, and industrial property.

The Chamber appreciates the planning commission's consideration of its comments. Please feel free to contact me with any questions or comments. Thank you.

With kind regards,



Michael J. Belaen
Director of Public Affairs and Legal Counsel

cc: Donna Drummond, Planning Director, City of Saint Paul
Allan Torstenson, Principle City Planner, City of Saint Paul
Jamie Radel, City Planner, City of Saint Paul

Minnesota Housing Partnership www.mhponline.org 651-649-1710

mhp

January 14, 2015

Via fax: 651-266-6549
St. Paul Planning Commission
c/o Jamie Radel

Comment regarding: **Proposed Parkland Dedications Amendments**

Dear Planning Commission Members,

Minnesota Housing Partnership opposes the parkland zoning ordinance because of the impact on affordable housing. A sizable increase in cost would be added to affordable housing development under the proposed ordinance.

Our nonprofit organization works with developers across Minnesota to create safe and affordable homes for lower income individuals and families.

For this reason, we are very sensitive to local fees and charges that make affordable housing more difficult to develop.

A number of our partners have worked to create affordable housing in St. Paul and attest to the challenge placed on this work by city fees.

One partner, Dominium Development, provided its assessment of the impact of the proposed change to the dedication ordinance on 113 units of elderly housing the company has proposed. The parkland-related fee would increase from about $12,000 to $63,000 they calculate.

While it is good that St. Paul offers an affordability discount under the plan (related to the percent of AMI affordability to which a unit is restricted), this discount is not very much help for developers that seek tax credits for properties with either 20% of the units with 50% AMI affordability, or 40% at 60% AMI affordability. And even on 100% affordable properties the park fee is substantial.

We suggest that before any ordinance adjusting fees upward is adopted that the city review its entire range of fees it charges and assesses the impact of those charges on housing development, particularly for low income families.

Sincerely,

Chip Halbach
Executive Director

380 St. Peter Street
Suite 850
Saint Paul, Minnesota
55102-1313

Tel: 651-224-5686
Fax: 651-223-5198
Toll Free: 800-328-8417
www.sppa.com

January 15, 2015

Barbara Wencl
Chair
Saint Paul City Planning Commission
957 Oak View Court
St. Paul, MN 55119

RE: Parkland Dedication Amendments Study

Dear Chair Wencl:

We appreciate the opportunity to provide comments to the Planning Commission on this important matter. The staff report reflects comprehensive research and analysis, and it is very well done.

The importance of a business-friendly city regarding development regulations cannot be overemphasized; reasonable and fair regulations help provide for an economically vibrant city. The industrial and commercial sectors of Saint Paul provide the all-important fiscal heath, growing tax base, low level of city services use, job retention and creation, and overall economic growth that this city relies on for its competitive edge.

The Saint Paul Port Authority supports this Study because it reaches a good balance between encouraging business growth and providing for reasonable parkland dedication requirements.

There are some reasons for our support that should be noted:

1. There is currently a significant amount of parkland acreage in Saint Paul. As is stated in Section 4.0 of the report, over 20% of Saint Paul's land consists of park and natural areas. And this amount equals almost twice the median amount of parkland per capita for cities with similar population density.

2. There is less need for parkland by industrial and commercial uses, as compared to the need generated by residential uses. As the staff report aptly points out: "This is also consistent with the state enabling legislation requirement that the dedication must be roughly proportionate to the need created by the development".

3. The fee structure proposed in this staff report provides the appropriate proportionality, given the facts and law referenced in the report. It indeed strikes a good balance.

We urge the Planning Commission to approve this report.

Thank you again for the opportunity to provide our support for this initiative.

Sincerely,

Louis F. Jambois
President

cc: Lorrie Louder
Senior Vice President, Business & Intergovernmental Affairs

Friends of the Parks and Trails
St. Paul and Ramsey County

29TH ANNIVERSARY
1985-2014

1660 Laurel Avenue
St. Paul, MN 55104
612-703-9044
www.friendsoftheparks.org

President
Jeanne Weigum
Vice President
Richard Arey
Mark Nolan
Treasurer
Andy Capistrant
Directors
Duke Addicks
James R. Bricher
Aaron Doyle
Neil Franey
Steve Hauser
Andy Holewa
Kelly MacGregor
Daniel L. McGarry
Duane Noecker
Scott Ramsay
Pierre Regnier
Rich Straumann
Directors Emeritus
Peggy Lynch
Truman W. Porter
Ex Officio
Reuben Collins
Mike Hahm
Rachel Hintzman
Sheila Kauppi
Eriks Ludins
Jon Oyanagi
Executive Director
and Secretary
Shirley Erstad

January 16, 2015

St. Paul Planning Commission
Attn: Jamie Radel
25 W. Fourth Street, Suite 1400
St. Paul, MN 55102

Dear Commissioners,

Friends of the Parks and Trails of St. Paul and Ramsey County support a robust Parkland Dedication ordinance. The Minnesota Legislature gave us an opportunity to diversify the funding structure of our park system and we should seize that opportunity.

Why is this important? According to the Pew Charitable Trust, Minnesota weathered the recent recession better than most other states because of its diversified tax structure. You, the planners and visionaries of the City of St. Paul, can apply this lesson locally in order to better fund our parks.

According to the American Planning Association report, *How Cities Use Parks for Economic Development,* "Parks provide intrinsic environmental, aesthetic, and recreation benefits to our cities. They are also a source of positive economic benefits. They enhance property values, increase municipal revenue, bring in homebuyers and workers, and attract retirees. At the bottom line parks are a good financial investment for a community."

We support a robust Parkland Dedication ordinance. The ordinances in our neighboring communities vary, but it is possible to draw some reasonable conclusions:

1. Neighboring cities are collecting parkland dedication fees and supplementing their park budgets. For example, Woodbury adds around $1 million to their park budget annually through Parkland Dedication.

2. Percentages for dedication vary, but 10% of estimated market value of the land is commonly used. We think we can be a little bit better than "common" here in St. Paul and suggest a 12% dedication. Indeed, that was the unanimous recommendation of the Planning Commission in Resolution 06-80, dated October 20, 2006, when the City of St. Paul first undertook the issue of Parkland Dedication.

3. Where a flat fee is used per residential unit, those numbers also vary from $1,500 per unit to $6,500 per unit. Using our suggestion of 12%, that equates to roughly $4,000 per unit. Bloomington has a $5,700 per unit rate. The Mall of America expansion is an example of development in that city.

Clearly, a robust Parkland Dedication ordinance in Bloomington has not stymied development.

Some will tell you that St. Paul cannot afford a robust Parkland Dedication ordinance. Quite the opposite is true. We can't afford to miss this opportunity. By having a weak ordinance, the result is lower revenue and therefore subpar amenities compared to our neighboring communities.

Some will tell you that its not really an "apples to apples" comparison to put our parkland dedication ordinance up against those of our neighbors, those communities that we compete with. They are collecting parkland dedication as they develop. Because many of our properties are already developed, we did not collect parkland dedication revenue when those properties were developed years ago. The bottom line is that if we don't collect the revenue now that we're authorized to, we've lost out on the funding source that our competitors are currently taking advantage of.

Some will tell you that they support the idea of Parkland Dedication, but now is not the time to do it. The economy is growing, development is happening. Mayor Coleman said in a press conference in regards to the Ford site, "The developers are salivating." The Ford site may very well be developed within the next few years. Imagine what we stand to lose by not receiving adequate parkland when that area is redeveloped. Opportunities such as that are rare, we must not squander it for lack of vision and purpose today.

Because the City of St. Paul has a park system and has adopted plans to improve that system, it is allowed to collect Parkland Dedication. As drafted, the ordinance limits where the money can be spent to within one half mile of the project or to the neighborhood or community park nearest the property. This is particularly problematic because it builds inequity into the system. Areas of the city that have fewer parks would receive less funding for future parks by the very fact that they have fewer parks. Its a vicious cycle. We believe the City Council should make the decisions of where the money should be spent because they can take the entire park system into account.

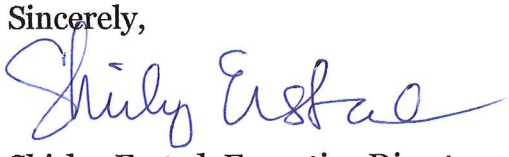
An interesting trend developed during the recent recession that should be carefully noted as decisions about how to fund our park system are considered. Many private citizens recognize the value of parks. When those private citizens happen to be very wealthy private citizens, they are willing to fund parks when the public funding is scarce. According to a recent New York Times article, "The Billionaires' Park", this trend is occurring in places like New York City, Philadelphia, Houston, and Tulsa. While extra money for parks is hard to turn down, when it comes from the private sector instead of the public sector, it leaves the decision of where to invest in the hands of the donor. Conveniently, the donor invests in areas of the community where they live and/or work. This is yet another example of the "haves" getting more and

the "have nots" getting less. At a time when our country is examining equity issues, we in St. Paul should be aware of how our funding decisions can have these unintended consequences.

As the planners and visionaries of "The Most Livable City in America," you have an opportunity to give the citizens of St. Paul what they are asking for. Last fall, when the Shepard-Davern Plan was brought before you, it was noted that one of the outcomes of the two-year planning process was a desire for more parks and for the parks that do exist, such as McDonough Park, to actually look and function like a park. Please seize this rare opportunity to give the citizens of St. Paul what they so richly deserve and diversify the funding structure for our park system with a robust Parkland Dedication ordinance.

In conclusion, we support a Parkland Dedication ordinance that equates to 12% of the estimated market value of the land. The dedicated land value and the cash-in-lieu of value should be the same. The decisions on where the money is best spent should be left to the City Council. The money can be used for acquisitions, development, and improvements. Adopted plans, such as the Great River Passage Master Plan, and proposed plans, such as the West Side Flats plan, call for acquisitions, development, and improvement of parks and trails. In order to make those plans a reality, we must have adequate funding sources. A robust Parkland Dedication ordinance would be a great place to start.

Sincerely,



Shirley Erstad, Executive Director
Friends of the Parks and Trails of
St. Paul and Ramsey County
1660 Laurel Avenue
St. Paul, MN 55104
612-703-9044
www.FriendsoftheParks.org

The New York Times http://nyti.ms/1yqCE7h

The Billionaires' Park

By DAVID CALLAHAN NOV. 30, 2014

CAN billionaires remake the Manhattan shoreline? Apparently so, in light of the news that a new park will be just offshore in the Hudson River, largely financed by the media mogul Barry Diller and situated, conveniently, a short walk from his office in Chelsea.

The new park will also be near the High Line, allowing for an easy tour of how private wealth is remaking the city's public spaces. This trend isn't unique to New York: Philanthropists are also busy reshaping the riverfront of Philadelphia and building a green corridor through Houston. In Tulsa, Okla., a vast new park system is being financed in part by the billionaire George B. Kaiser.

While it's hard to argue with more parks, or the generosity of donors like Mr. Diller, this isn't just about new patches of green. It's more evidence of how a hollowed-out public sector is losing its critical role, and how private wealth is taking the wheel and having a growing say over basic parts of American life.

The new era of parks philanthropy began in the 1980s, when private donors created the Central Park Conservancy, a nonprofit that has since taken a central role in shaping the park. Starting in the late 1990s, Friends of Hudson River Park, a likewise privately bankrolled nonprofit, has helped expand what is now the second-biggest park in Manhattan. Diller Island (although it won't be called that) will further transform the shoreline.

One result of this influx of funds into putatively public parks is that the city's more affluent sections have nicer open spaces and playgrounds. Central Park is now a gleaming jewel thanks to $700 million in private investments, and two years ago a hedge fund manager — who lives in a mansion steps from the park —

gave $100 million to shine it further. Private money now covers 75 percent of the park's annual operating budget.

Meanwhile, many parks, starved of funds, have fallen into disrepair. This fall Mayor Bill de Blasio pledged to spend $130 million to upgrade 35 parks in poor neighborhoods — the same amount Mr. Diller and his wife, Diane von Furstenberg, pledged for the new 2.7-acre park.

And who will use this pricey new island park, in one of the most expensive and least densely populated parts of Manhattan? Take a stroll on the High Line, which was also heavily financed by Mr. Diller and Ms. von Furstenberg, and you'll get a sense of the likely visitors: out-of-town tourists and locals who can afford lunch in the Meatpacking District.

The plans for Mr. Diller's park, like the High Line, illustrate the sorts of recherché spaces that such projects prioritize: amphitheaters, footpaths, gardens. While these are all nice, they fit most neatly into the lifestyles of the affluent, who don't need more open public spaces for things like exercise or family gatherings, since they often have second homes outside the city. Thanks to Mr. Diller's impressive largess, New York will have another striking park, but it's unclear how useful it will be to ordinary people.

The design, placement and maintenance of parks were once a function of democratic processes. Now, as a citizen, you feel like a spectator to largely privatized decision making. A declining public sector, burdened by budget cuts, creates a vacuum for imaginative civic leadership that is being filled by a new class of Medicis. Things are going to get a lot worse, too. Nondefense discretionary federal spending will fall to its lowest level in modern history by 2017, leaving Washington less able to finance projects like new parks and infrastructure.

In contrast, the combined net worth of the Forbes 400 has nearly doubled since 2009, to $2.3 trillion, and today's big philanthropy is merely a warm-up for larger giving to come. More than 100 billionaires worldwide have pledged to give away at least half their wealth, further supersizing philanthropy even as the fiscal screws on government turn tighter as the boomer generation retires. Their beneficence is admirable, but it also poses a threat to the ability of everyday

Americans to have an equal voice in civic life.

This power shift is part of a larger story about rising inequality and shrinking democracy. One reason the wealthy are flush with cash is that they've paid historically low taxes in recent decades, which helps explain why government can't afford to do big things. A small step toward rebalancing things would be to tax capital gains — the source of much of the wealth of the superrich — at the same rate as regular income, and then dedicate most of that money to rebuilding our eroding infrastructure.

As for ensuring that all New Yorkers have equal access to good public parks, we should require private parks conservancies to chip in to rehabilitate parks in low-income parts of the city, just as developers are expected to help finance affordable housing. If we want even the semblance of equity in civic spaces, new ways must be found to pay for it.

David Callahan is the founder and editor of Inside Philanthropy, a news website for the nonprofit sector.

A version of this op-ed appears in print on December 1, 2014, on page A27 of the New York edition with the headline: The Billionaires' Park.

© 2014 The New York Times Company

ST. PAUL PIONEER PRESS
Bernard H. Ridder Jr. 1916-2002
Par Ridder, Publisher/President
EDITORIAL PAGE
Art Coulson, Editorial Page Editor
To reach us: Phone: 651-228-5545 Fax: 651-228-5564
NEWS EXECUTIVES
Thom Fladung, Editor/Vice President
Catherine Straight, Managing Editor, Features, Sports
Chris Worthington, Managing Editor, Local News, Business

EDITORIAL

If you pave paradise, is there a cost?

Two new studies look at the economics of shared open spaces in Minnesota

Enlightened public planning sometimes requires calibrated tools to measure aesthetic values. Recent work to gauge how much Minnesotans value open space gives local planners such useful tools by putting monetary measures on parks, nature preserves, greenways and such. As population increases, with ever-greater density in the metro area, now's the time to take advantage of the favorable economics of open space preservation.

In the metro especially, managing the math to maintain life quality has already become an apparent priority. Minnesota State Demography Center projections anticipate the population statewide will increase 27 percent between 2000 and 2030, with 68 percent of that growth in the metro area. New research makes it obvious that people understand the dynamics.

The economics and the public opinion behind open space management are favorable, as tracked in two recent research findings. Open space adds value to real estate and the tax coffers. That prospect for added value means the true cost of land use is more complex than commonly considered in development decisions.

A public opinion survey done by Decision Resources Ltd. found that nearby open space adds to the price Twin Cities people are willing to pay for a home, which elevates not just real estate prices, but also tax revenue. Almost two-thirds of people surveyed who had bought in the past two years or plan to in the next two said they would pay between 10 percent and 25 percent more for a home in walking distance of an open space, such as a park, wooded area or wetlands.

A noteworthy result, the survey finds, is that having open space where people can come together or enjoy the same natural asset fosters community connectedness.

A companion piece of research, done by Wilder Research's chief economist, Paul Anton, studied the economic impact of open space, evaluated that impact and crafted needed tools for local planners.

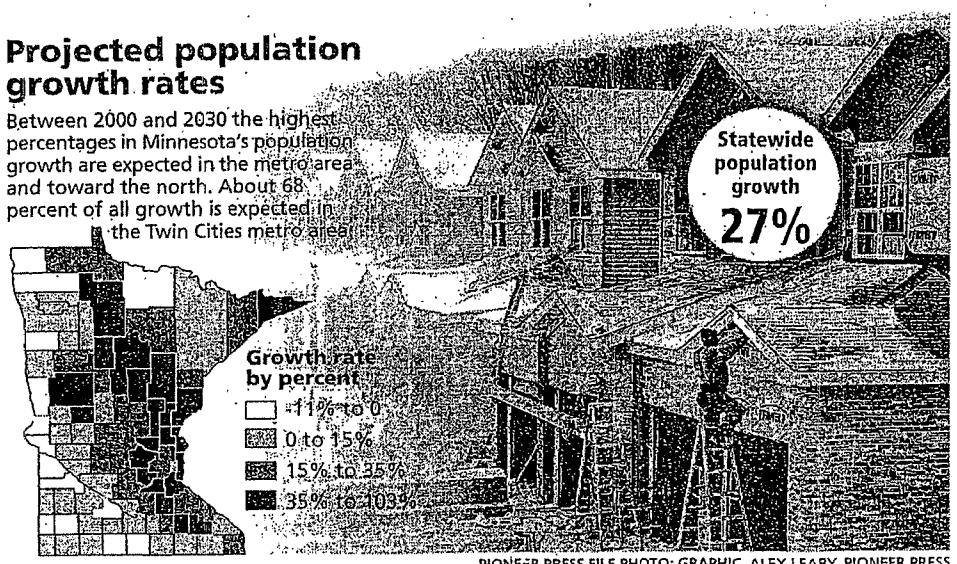
Both pieces of research were sponsored by Embrace Open Space, a coalition of public, private and philanthropic institutions that aims to mobilize Twin Citians on land use issues.

The study doesn't make recommendations, it just lays out key findings about costs and benefits for local decision-makers that rise on the data showing higher real estate values near open space and the potential for lower community service costs of such things as storm water management. Another tactic for planners is the idea of offering developers of proposed housing subdivisions a density bonus in exchange for maintaining open space.

The new research affirms what Minnesotans know intuitively: Natural surroundings are essential to the way of life here. The new information and analysis, though, point the way for action before paradise is paved, houses rammed in eave to eave and this region becomes another Los Angeles.

USEFUL LINK

"Economic Value of Open Space" report
www.embraceopenspace.org



Source: Minnesota State Demographic Center

PIONEER PRESS FILE PHOTO; GRAPHIC, ALEX LEARY, PIONEER PRESS

OPEN SPACE BENEFITS

Minnesotans value open space enough to pay more for homes nearby. Local government should take this added value into account in land-use decisions.

Besides traditional measures, governments can think differently by adding these values of open space:

1. Added property taxes paid by nearby properties.
2. Avoided cost of public services.
3. Potential cost savings from better storm water management.

Source: "The Economic Value of Open Space," Wilder Research

Almost two-thirds of people polled said they would pay between 10 percent and 25 percent more for a home in walking distance of an open space.

Comparative Park Dedication Data - October 2014 Prepared for: The Roseville Parks and Recreation Commission		
City	**Residential 2014**	**Commercial 2014**
Andover	$2,810 per unit	$8,426 per acre or 10% FMV which ever is less
Apple Valley	$4584 per unit	$1248 per 1,000 sq. foot
Blaine	$3,094 per unit	$8,289 per acre
Bloomington	$5,700 per unit	$573 per 1,000 sq.foot
Brooklyn Center	None	None
Brooklyn Park	$4,600 per unit	$8,000 per acre
Burnsville	$2,574 per unit	$16,000 per acre
Chanhassen	$5,800 per unit	$12,500 per acre
Champlin	$4,370 per unit	$8,323 per acre
Cottage Grove	$3,200 per unit	4% FMV
Eagan	$3,308 per unit	$869 per 1,000 sq. foot
Eden Prairie	$6,500 per unit	$11,500 per acre
Falcon Heights	FMV equal to 8-10% Land Value	FMV equal to 10% Land Value
Fridley	$1,500 per lot	$1,000 per acre
Golden Valley	2% of the Land Market Value	2% of the Land Market Value
Inver Grove Hts.	$4,011 per unit	$6,000 per acre
Lakeville	$3,462 per lot	$7,693 per acre
Little Canada	$2,600 per unit	10% Land or 5% FMV
Maple Grove	$3,873 per unit	$11,000 per acre
Maplewood	$3,540 per unit	9% FMV
Mounds View	10% FMV	10% FMV
Oakdale	$2,800 per unit	$491 per 1,000 sq. foot
Plymouth	$6,500 per unit	$8,000 per acre
Richfield	None	None
Roseville	**$3,500 per unit**	**7% FMV**
Shakopee	$5,340 per unit	$6,930 per acre
Shoreview	10% FMV	3% FMV
St. Louis Park	$1,500 per unit	5% FMV
Woodbury	$3,500 per unit	$6,000 per acre
AVERAGE	$3,284	$4,550.00

Parkland Dedication recommendation

Chapter 69. Zoning Code - Subdivision Regulations
ARTICLE V. GENERAL REQUIREMENTS AND DESIGN STANDARDS
Sec. 69.511. Parkland dedication requirements.
(a) *Findings and Purpose.* The City Council finds that the preservation and enhancement of parks, playgrounds, recreational opportunities, wetlands, bluffs, trails, and open space areas within the city are essential to maintaining a healthy and desirable environment for residents and persons employed within the city. The value and attractiveness of residential, commercial, and industrial developments to land owners, developers, purchasers, employers, and employees is significantly enhanced by the presence of park and open space amenities. The City Council finds that the development and redevelopment of land for new residential, commercial, and industrial purposes creates a need for park and recreational land and development within the City that exceeds current park resources. The City Council finds that the requirements of this ordinance are in accordance with the parks and open space goals and open space policies of the comprehensive plan and City Council approved parks, trails, and open space plans and are proportionate, fair, and reasonable. The purpose of this chapter is to establish parkland dedications for all new subdivisions, including minor subdivisions.
(b) *Parkland dedication requirement.* Pursuant to Minn. Stat. Sec. 462.358, Subd. 2, as amended and as otherwise provided below, for platting of land for residential, commercial, or industrial development, shall dedicate twelve (12) percent of the total acreage of the plat or the equivalent cash in lieu, to be dedicated or conveyed to the city, prior to or at the same time as recording the final plat, for the purposes listed in subdivision (a). Land so dedicated shall be at the sole discretion of the City Council. The City Council shall determine the amount, location, and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose and the following criteria:
(1) Conformance with the City's adopted comprehensive plan and development or project plans for sub-areas of the city, and areas identified for park or open space conservation purposes in an adopted city, regional, state, or national plan;
(2) Areas that connect existing components of the open space network;
(3) Areas adjacent to existing public parks, trails, or open space;
(4) Areas representing significant landforms, native plant communities, sensitive habitat, or historical events;
(5) Areas containing vegetation identified as endangered or threatened, or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 U.S.C. §1531 et. seq. or Minn. Stat. § 84.0895, and rules adopted under these respective laws;
(6) Availability and commitment of resources, public and/or private, to develop, operate, and maintain the new park land;
(7) Land to be dedicated shall be large enough for its intended purpose;
(8)Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted;
(9)Dedicated land shall be accessible to the public served unless the city council determines the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.
(c) Maximum Parkland dedication - Dedication at plat, re-plat or building permit individually or in aggregate shall be up to a maximum of twelve (12) percent.

(d) *Parkland dedication option; land and/or cash dedication.* At the discretion of the city council, the owners, subdividers, or developers of property subject to this section, shall contribute equivalent cash in lieu of land, prior to obtaining the city clerk's signature on the final plat. The amount of cash shall be based upon the county assessor's estimated market value of the total acreage of the plat, at the time of city council approval of the plat. In determining whether land dedication or cash in lieu thereof will be required, the city council shall consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section.
(e) *Parkland dedication with private development and/or maintenance option.* The City Council may, at its discretion enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreation opportunities, wetlands, trails, bluffs, or open space, or conservation purposes of the dedicated land subject to the following conditions:
(1) The land area must be at least equal that required under this ordinance.
(2) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to publicly managed land.
(3) The City Council must find, after recommendation of the director of parks and recreation and the parks commission, that such land and improvements will serve the purposes listed in subdivision (a) of this section; and
(4) The city and the owners, subdividers, or developers of the land must have executed a parkland development agreement insuring that specified land shall be developed and maintained by the owners, subdividers, or developers, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in subdivision (a) of this section. The parkland development agreement must include a provision that at the sole discretion of the City Council the operation and maintenance will revert to the city. The City Council must approve the parkland development agreement.
(f) *Parkland dedication; conveyance standards.* Prior to dedication and conveyance of the required property to the city, the owners or developers shall provide the city with an acceptable abstract of title or registered property abstract for all land dedicated for park purposes, evidencing good and marketable title without liens or encumbrances of any kind except those encumbrances which the city council has approved or required in connection with the proposed plat. The foregoing abstracts shall otherwise evidence good and marketable title free and clear of any mortgages, liens, encumbrances, assessments and taxes.

Chapter 63. Zoning Code – Regulations of General Applicability
ARTICLE VII. 63.700 PARKLAND DEDICATION
Sec. 63.701. Parkland dedication
(a) Findings and Purpose. The City Council finds that the preservation and enhancement of parks, playgrounds, recreational opportunities, wetlands, bluffs, trails, and open space areas within the city are essential to maintaining a healthy and desirable environment for residents and

persons employed within the city. The value and attractiveness of residential, commercial, and industrial developments to land owners, developers, purchasers, employers, and employees is significantly enhanced by the presence of park and open space amenities. The City Council finds that the development and redevelopment of land for new residential, commercial, and industrial purposes creates a need for park and recreational land and development within the City that exceeds current park resources. The City Council finds that the requirements of this ordinance are in accordance with the parks and open space goals and open space policies of the comprehensive plan and City Council approved parks, trails, and open space plans and are proportionate, fair, and reasonable. The purpose of this chapter is to establish parkland dedications pursuant to Laws of Minnesota 2013, Chapter 85, Section 44, for development that increases the number of residential dwelling units and/or increases the area of commercial and/or industrial development. A reasonable portion of the buildable land, shall be required to be conveyed to the city, or the equivalent cash in lieu of land shall be paid to the city, prior to the issuance of building permits, for public parks, playgrounds, recreational opportunities, wetlands, bluffs, trails, and open space areas, based on the following standards.

(b) *Parkland dedication requirement*. Pursuant to laws of Minnesota 2013, Chapter 85, Section 44, for development that increases the number of residential dwelling units and/or the area of commercial, or industrial development on a parcel of land, shall dedicate twelve (12) percent of the total acreage of the plat or the equivalent cash in lieu, prorated on the increase, to be dedicated or conveyed to the City, prior to the issuance of building permits. Additional residential units shall be prorated on the percentage of new units to existing units, and/or prorated on the percentage increase of square footage and/or calculated on the percentage of total square feet of a mixed use development. Commercial and industrial development shall be prorated on the percentage increase of square footage.

(a). Land so dedicated shall be at the sole discretion of the City Council.

The City Council shall determine the amount, location, and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose and the following criteria:

(1) Conformance with the City's adopted comprehensive plan and development or project plans for sub-areas of the City, and areas identified for park or open space conservation purposes in an adopted city, regional, state, or national plan;

(2) Areas that connect existing components of the open space network;

(3) Areas adjacent to existing public parks, trails, or open space;

(4) Areas representing significant landforms, native plant communities, sensitive habitat, or historical events;

(5) Areas containing vegetation identified as endangered or threatened, or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 U.S.C. §1531 et. seq. or Minn. Stat. § 84.0895, and rules adopted under these respective laws;

(6) Availability and commitment of resources, public and/or private, to develop, operate, and maintain the new park land;

(7) Land to be dedicated shall be large enough for its intended purpose;

(8) Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted;

(9) Dedicated land shall be accessible to the public served unless the City Council determines the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.

(b) Maximum Parkland dedication - Dedication at plat, re-plat or building permit individually or in aggregate shall be up to a maximum of twelve (12) percent.
(c) *Parkland dedication option; land and/or cash dedication.* At the discretion of the City Council, the owners, subdividers, or developers of property subject to this section, shall contribute equivalent cash in lieu of land, prior to obtaining the city clerk's signature on the final plat. The amount of cash shall be based upon the county assessor's estimated market value of the total acreage of the plat, at the time of City Council approval of the plat. In determining whether land dedication or cash in lieu thereof will be required, the City Council shall consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section. At the sole discretion of the City Council, a fee may be paid in lieu of land dedication per residential units at a rate established by ordinance by the City Council, based on fair market value of the land no later than the time of final approval.
(d) *Reduced parkland dedication fee for affordable housing.* For dwelling units required to be affordable under Saint Paul Housing and Redevelopment Authority or other similar financing agreements, or other contractual agreement with the City, the parkland dedication fee otherwise required shall be multiplied by the specified percentage of Twin Cities area median income at which the dwelling unit is required to be affordable.
Sec. 63.702. *Parkland dedication with private development and/or maintenance option.* The city council may, at its discretion enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreation opportunities, wetlands, trails, bluffs, or open space, or conservation purposes of the dedicated land subject to the following conditions:
(1) The land area must be at least equal that required under this ordinance.
(2) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to publicly managed land.
(3) The City Council must find, after recommendation of the director of parks and recreation and the parks commission, that such land and improvements will serve the purposes listed in subdivision (a) of this section; and
(4) The City and the owners, subdividers, or developers of the land must have executed a parkland development agreement insuring that specified land shall be developed and maintained by the owners, subdividers, or developers, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in subdivision (a) of this section. The parkland development agreement must include a provision that at the sole discretion of the City Council the operation and maintenance will revert to the City and the City Council must approve the parkland development agreement.
Sec. 63.703. Administrative fee.
An administrative fee of five (5) percent of the parkland dedication fee, to a maximum of one thousand dollars ($1,000) per project, shall be paid by the building permit applicant to the city prior to permit issuance.
Sec. 63.704. Parkland dedication conveyance standards.
Prior to conveyance of the property to the City, the owners or developers shall provide the City with an acceptable deed of all land dedicated for park purposes, evidencing good and marketable title without liens or encumbrances of any kind except those that the City Council has approved. The foregoing deed shall otherwise evidence good and marketable title free and clear of any

mortgages, liens, encumbrances, assessments and taxes. The landowner shall record all deeds for conveyance of the property to the city prior to receiving building permits for the development.

Sec. 63.705. Parkland dedication; parkland development special fund.

All parkland dedication fees collected pursuant to this article, excluding administrative fees collected under Sec. 63.703, shall be deposited in the parkland development special fund created pursuant to this article, and shall be used solely for the acquisition, development, or improvement of public parks, playgrounds, recreation facilities, wetlands, bluffs, trails, or open space within the city. Such funds may not be used for ongoing operations or maintenance. All fund expenditures shall be at the sole discretion of the city council.

Chapter 61. Zoning Code – Administration and Enforcement

ARTICLE IV. 61.400 SITE PLAN REVIEW

Sec. 61.402. Site plan review by the planning commission.

(b) Site plan application:

(6) Pre-application consultation. A pre-application consultation shall be held for residential, commercial, or industrial development on sites greater than 10 acres in area, abutting existing public parkland, without a park within a one-half (1/2) mile radius of the site, or within one-quarter (1/4) mile of LRT or BRT to discuss parkland dedication requirements and options. Development on land that has been platted within two (2) years or for which parkland has been dedicated as part of platting shall be exempt from this requirement.

Council File # 06-80
Green Sheet #

ORDINANCE
CITY OF SAINT PAUL, MINNESOTA

2006

Presented by

An ordinance amending the Saint Paul Legislative Code by creating a new section, Legislative Code § 69.511, entitled "parkland dedication requirements, residential developments," pertaining to the dedication of land or, in some instances, the payment of cash in lieu of a land dedication, for public use when platting or replatting parcels of land for residential development which will result in an increase in the number of dwelling units, and establishing policies and procedures for these new requirements; and renumbering old Leg. Code § 69.511 and § 69.512.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

That the Saint Paul Legislative Code is hereby amended by adding the following new language to read as follows:

Sec. 69.511. Parkland dedication requirements, residential developments.

(a) *Generally.* Pursuant to Minn. Stat. Sec. 462.358, Subd. 2, as amended and as otherwise provided below, for platting of land for residential development that will result in an increase in the number of dwelling units, the owners, subdividers, or developers of the land shall convey to the city or dedicate to the public use a reasonable portion of the land for public use for parks, playgrounds, trails, open space, or conservation purposes. This requirement shall not apply to platting of land that does not increase the overall number of dwelling units. The City Council shall determine the location and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and following criteria:

(1) conformance with the city's adopted comprehensive plan and development or project plans for sub-areas of the city;

(2) areas identified for park or conservation purposes in an adopted city, regional, state, or national plan;

(3) areas that connect existing components of the open space network;

(4) areas adjacent to existing public parks, trails, or open space;

(5) areas representing significant landforms, native plant communities, sensitive habitat, or historical events;

(6) areas containing vegetation identified as endangered or threatened, or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 U.S.C. §1531 et. seq. or Minn. Stat. § 84.0895, and rules adopted under these respective laws;

(7) availability and commitment of resources, public and/or private, to develop, operate, and maintain the new park land;

(8) priority will be given to areas that are under-served by parks due to distance to existing parks, population density, or inadequate size of existing nearby parks;

(9) land to be dedicated shall be large enough for its intended purpose;

(10) land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted;

(11) dedicated land shall be accessible to the public served unless the City Council determines that the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.

(b) *Parkland dedication formula.* For platting of land for residential development that will increase the number of dwelling units, the property owners, subdividers or developers shall dedicate 0.008 acres (eight thousandths of an acre) of land per additional dwelling unit within the plat to a maximum of twelve (12) percent of the total acreage of the plat, on a one time basis, for the purposes listed in subdivision (a) of this section. Land so dedicated shall be within the plat and/or, subject to agreement by both the City Council and the subdividers, in close proximity to the plat.

(c) *Parkland dedication option; land and/or cash dedication.* At the discretion of the City Council, the owners, subdividers, or developers of property subject to this section shall contribute an amount of cash in lieu of all or a portion of the land required under subdivisions (a) and (b) of this section or an equivalent value of improvements as approved by the City Council. The amount of cash shall be based upon the County Assessor's estimated market value of the total acreage of the plat, at the time of City Council approval of the plat, multiplied by the percentage of the land that would otherwise be dedicated. Notwithstanding the dedication formula in subdivision (b) of this section, the maximum amount of cash dedication required under this section shall not exceed three thousand dollars ($3000.00) per dwelling unit. The City Council may review this maximum cash dedication amount on a yearly basis and adjust it for inflation. For dwelling units required to be affordable under Saint Paul Housing and Redevelopment Authority or other financing agreements, or other contractual agreement with the City, the amount of cash otherwise required shall be multiplied by the specified percentage of Twin Cities area median income at which the unit is required to be affordable. In determining whether land dedication or cash in lieu thereof will be required, the City Council shall consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section.

(d) *Parkland dedication option; private land maintained for public use.* The City Council may, at its discretion, waive all or a portion of the land or cash dedication required under subdivisions (b) or (c) of this section and enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, trails, open space, or conservation purposes within the proposed plat, subject to the following conditions:

(1) The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, trails, open space, or conservation purposes must at least equal that required under this ordinance.

(2) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.

(3) The City Council must find, after recommendation of the Director of Parks and Recreation and the Parks Commission, that such land and improvements will serve the purposes listed in subdivision (a) of this section; and

(4) The City and the owners, subdividers, or developers of the land must have executed a parkland

development agreement insuring that specified land shall be developed and maintained by the owners, subdividers, or developers, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in subdivision (a) of this section. The owners, subdividers, or developers must include a covenant running with the specified land indicating that the land to be developed and maintained for the purposes listed in subdivision (a) will revert to the City in the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership, maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the City for approval. Such covenant shall be recorded prior to or at the same time as the final plat.

(e) *Parkland dedication; conveyance standards.* Prior to dedication and conveyance of the required property to the City, the owners, subdividers or developers shall provide the City with an acceptable abstract of title or registered property abstract for all land dedicated for park purposes, evidencing good and marketable title without liens or encumbrances of any kind except those encumbrances which the City Council has approved or required in connection with the proposed plat. The foregoing abstracts shall otherwise evidence good and marketable title free and clear of any mortgages, liens, encumbrances, assessments and taxes. For any required dedication of land that is not formally dedicated to the City with the final plat, the landowner shall record all deeds for conveyance of the property to the City prior to or at the same time as recording the final plat.

(f) *Parkland dedication; parkland development special fund created.* There is hereby established a parkland development special fund. All funds collected pursuant to the parkland dedication process shall be deposited in the parkland development special fund and used solely for the acquisition and development or improvement of lands dedicated for public use for parks, playgrounds, trails, open space, or conservation purposes in close proximity to the subdivision or development. Such funds may not be used for ongoing operations or maintenance. All fund expenditures shall be approved by the City Council upon recommendation of the director of parks and recreation in consultation with the parks and recreation commission and after adoption of a process to ensure adequate public participation in decision making. Expenditures from the parkland development special fund shall be in conformance with the city's adopted comprehensive plan and development or project plans for sub-areas of the city, and shall be consistent with other applicable criteria in subdivision (a) of this section. All fund contributions shall be paid prior to obtaining building permits for additional dwelling units within the plat. Payments made to satisfy the requirements of this section shall be made separately from any payments for building permits or any other payment.

Section 2

That Legislative Code § 69.511 and § 69.512 are hereby renumbered as follows:

Sec. 69.5114~~2~~. Public sites.

Where a proposed park, playground, school or other public site is wholly or partly within the boundary of a proposed subdivision and such proposed public site is not dedicated to the city, no action shall be taken towards approval of the preliminary plat for a period not to exceed ninety (90) days to allow the planning commission or board of education the opportunity to consider and to take action towards acquisition of such public site by purchase or other cause.

Sec. 69.5123. Monuments.