ORDINANCE 148

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE STILLWATER TOWNSHIP SUBDIVISION ORDINANCE, PARK DEDICATION

THE BOARD OF SUPERVISORS OF THE TOWN OF STILLWATER ORDAINS:

SECTION 1. Stillwater Township Subdivision Ordinance, Section 903, Open Space/Parkland Dedication, is replaced with the following:

903.01 Purpose and Findings.

Purpose. Minnesota Statutes, Section 462.358, Subdivision 2 (b), provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playground, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount of cash.

Findings. The preservation and development of parks, trails and open spaces in Stillwater Township are essential to maintain rural character, protect natural beauty and quality of life. New development creates the need for new parks, open spaces and trails which must be developed concurrently with development in order to implement the Comprehensive Plan and maintain the current level of service and the quality of the environment for all. Therefore, new development shall be required to contribute toward the Town's park system in rough proportion to the relative burden that it will place upon the park system.

903.02 Dedication Required.

Park dedication is required for all newly created lots or parcels. In all developments, the owner of a subdivision shall, as prerequisite to approval of a plat, convey to the Town land for the public use as parks, playgrounds, trails or open space in an amount roughly proportional to the development's share of demands on the Town's park and trail system as set forth in this section. If the Town determines that land is not needed in the area of the proposed subdivision, the subdivider shall pay, in lieu thereof, a cash contribution to the Town, or a combination of land and cash dedication at the Town's discretion.

1. The cash fee payment in lieu of land dedication is set in the Town's adopted fee schedule.

2. When the Town determines that land shall be dedicated, the dedicated land shall be an area at least equal in value to the adopted cash fee. The per acre value of the land shall be determined by the land's most recent assessed value by the Washington County Assessor, at the time of Preliminary Plat approval.

903.03 Land Dedication/Payment of Fees.

1. Land Dedication. When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area(s) to be dedicated. Such lots or outlots shall be deeded to the Town prior to the issuance of any building permits within the plat.

2. Installation of Improvements. As part of their development contract or site plan approval responsibilities, owners and developers shall be responsible for making certain improvements to the developments for park, playground, trail and public open space purposes, including, but not limited to, finished grading and ground cover for all park, playground, trail and public open spaces within their developments. No credit toward the required dedication shall be given for this work.

3. Cash fee. When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:

    a. For residential developments, the fee shall be paid prior to the Town's release of the signed final plat mylars for recording with Washington County.

    b. For institutional, commercial, and industrial developments the fee shall be paid prior to issuance of any building permits within the subdivision.

    c. In plats that include outlots for future development, the subdivider may pay to the Town 1) the development's proportional share for the entire subdivision, including the outlots, or 2) the development's proportional share excluding such outlots, providing that the park dedication requirement shall be satisfied when such outlots are replatted.

4. Park Fund. Cash payments shall be placed by the Town in a special park fund and used only for the acquisition and development of land for parks, trails, playgrounds, public open space; development of existing park and playground sites, public open space; and debt retirement in connection with land previously acquired for park purposes.

903.04 Suitability of Land to be Dedicated.

Any land to be dedicated as a requirement of this Chapter shall be reasonably adaptable for its proposed use and shall be at a location convenient to the people to be served. Factors used in

evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, tree cover, access, adjacency to other open space, and location.

Generally, land conveyed or dedicated pursuant to provisions of this Chapter shall be located outside of drainage ways, floodplains and ponding areas after the site has been developed. The Town may consider accepting ownership of these lands without giving credit for park dedication.

903.05 Private Open Space.

Open space privately owned and maintained shall not be given credit for parkland dedication. Where private open space for park, playground, trail, open space or other recreation purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the standards for open space subdivisions as provided in Chapter 2 the Development Code shall be met.

ADOPTED by the Board of Supervisors of Stillwater Township this 14th day of February, 2013.

STILLWATER TOWNSHIP

BY: _____
Its Chairperson

ATTEST:

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Kathy Schmoeckel, Township Clerk