
5.2.6 Parks, Trails, and Open Space Dedication.

(A) Purpose, Nexus, and Proportionality

- (1) **Purpose.** These requirements are established for the purpose of assisting with the implementation of the Parks, Open Space and Trail System Plan of the City of Northfield by providing for the orderly development of recreation areas and the conservation of natural resources and scenic beauty in the city. The Parks, Open Space and Trail System Plan promotes a balanced and systematic approach to acquiring park and open space resources that include active park facilities, an interconnected trail system, areas of natural and ecological significance emphasizing the Cannon River corridor that is available to residents of the city and the broader region. As a means to accomplish these goals, each developer shall be required to dedicate land, or at the discretion of the city, pay an equivalent cash payment in lieu of land dedication for parks and open space acquisition and development. The policy of the city is to acquire and manage larger parcels of park and open space land resources; therefore, as a result of this policy, it is likely that a cash payment in lieu of land dedication will be the method by which this requirement will be accomplished in most instances, although not to the complete exclusion of a land dedication requirement.
- (2) **Nexus.** The city council finds that there is a rational nexus between the demands created by the subdivision and related development of land and the need for parks, trails, open space areas, public art, and facilities.
- (3) **Proportionality.** Further, the city council herein establishes requirements for the dedication and/or development of park land, trail improvements, and open space land that is roughly proportionate to the demands created by the subdivision and development of land resulting from such subdivision approval.

- (B) **Authority.** It is found and declared that, pursuant to Minn. Stat. § 462.358, subd. 2b, it is reasonable to require dedication of an amount of land equal in value to that percentage of the undeveloped land set forth in Section 5.2.6(D), Land Dedication Required.

- (C) **Waiver of Requirements.** Upon a request by the developer, the city council, may waive or reduce the requirements of this section for development in the C1 (Downtown), ED-F (Economic Development) or N2 (Neighborhood General) districts where the city council finds:

- (1) That the vitality resulting from development or redevelopment occurring in areas zoned C1 district is of greater benefit to the city in comparison to parks, trail and open space improvements;
- (2) That development in areas zoned ED-F district which results in significant increases in tax revenues to the city or significantly increases employment opportunities is of greater benefit to the city in comparison to parks, trail, or open space improvements;
- (3) That development in areas zoned N2 district which allows for the construction of affordable housing units of a type, price, or amount that is determined to be of greater benefit to the city in comparison to parks, trail, or open space improvements; or
- (4) That city-assisted development or redevelopment projects achieve public objectives.

(D) Land Dedication Required.

- (1) In every plat, replat, or subdivision of land allowing development for residential, commercial, industrial, or other uses or any combination thereof, or where a waiver of platting is granted, but excluding adjacent parcel land conveyances (See Section 8.5.10, Adjacent Parcel Land

Conveyance) that do not create additional lots, a reasonable portion of such land shall be set aside and dedicated by the applicant to the public for park, trail, or open space purposes.

- (2) The park and recreation advisory board may recommend to the city council that the applicant may be required to dedicate other parcels of property that are separate and distinct from the property proposed for subdivision that are owned or acquired by the applicant that more effectively accomplish the goals of systematically developing park and open space resources as outlined in the Parks, Open Space and Trail System Plan. Where the applicant is not able to dedicate or acquire such alternate property, the applicant shall be required to make cash payment in lieu of land dedication as set forth in Section 5.2.6(K), Dedication or Cash-in-Lieu of Requirements, of this LDC.
- (3) Pursuant to Minn. Stat. § 462.358, subd. 2b, it is reasonable to require a portion of buildable land to be dedicated to the public for parks, recreational facilities, playgrounds, trails, wetlands or open space purposes. The land to be used for the purposes previously stated shall be determined to be suitable at the sole discretion of the city and the city shall not be required to accept land that is not usable for the stated purposes.
- (4) The land required to be dedicated by the applicant for parks, recreational facilities, playgrounds, public art, trails, wetlands or open space is a recreational and open space resource available for the benefit of the public. The amount and type of park and open space resource dedicated is intended to be proportionate to the users of the park and open space resource that result from the subdivision of the land.
- (5) The amount of land required to be dedicated by the applicant for stated purposes in (1) above shall be based upon the net area (gross area minus area required for public streets, trails, and stormwater ponding) of the land to be subdivided which could be developed for residential, commercial, industrial or other purposes. The area shall be determined at the time of the preliminary plat and shall be calculated as follows:

(a) **Residential Development.**

Dwelling Units per Net Acre	Percent of Net Land Dedicated
0 to 3.9	12
4.0 to 7.9	9
8.0 or more	6

(b) **Commercial Development.** Five percent of the gross area subdivided.

(c) **Industrial Development.** Two percent of the gross area for the purpose of trails only.

- (6) This dedication shall be in addition to the land dedicated for streets, alleys, stormwater ponds or other public purposes.
- (7) Such dedication shall be in an amount based on the schedule of dedication requirements adopted by city council and maintained outside of this LDC.

(E) **Land Suitability Requirement.**

- (1) Land dedicated for parks, trails, and open space shall be reasonably suitable as advised by the parks and recreation advisory board for its intended use and shall be at a location convenient to the people to be served.
- (2) Factors used in evaluating the adequacy of a proposed park, trail, or open space dedication shall include:

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- (a) Future park needs pursuant to the Parks, Open Space, and Trail System Plan;
 - (b) Size (that is consistent with the city's policy of wanting more large parks and fewer small parks);
 - (c) Shape;
 - (d) Topography;
 - (e) Geology;
 - (f) Hydrology;
 - (g) Tree Cover; and
 - (h) Access and location.
- (3) Parks, trails, or open space land to be dedicated shall be above the ordinary high water mark of any lake, river or stream.
 - (4) Areas of slope exceeding 12 percent shall be deemed unsuitable for dedication and not included as part of areas to meet the dedication requirements.
 - (5) Land with trash, junk, pollutants, and/or unwanted structures are not suitable.
 - (6) The city shall not be required to accept land which will not be useable for parks, trails or open space or which would require extensive expenditures on the part of the city.
 - (7) All land dedicated for parks, trails, and/or open space shall be designed to incorporate natural features such as rivers, streams, wildlife habitats, woodlands, and ponding areas.
- (F) **Conformance with the Comprehensive Plan.** Land dedicated under this division shall conform to the city's comprehensive plan and Parks, Open Space, and Trail System Plan, wherever possible. If the comprehensive plan or Parks, Open Space and Trail System Plan for the parcel of land to be subdivided calls for public property in excess of that required by Section 5.2.6(D), Land Dedication Required, the city council shall, before approval or disapproval of the plat, determine whether to take the necessary steps to acquire, by purchase or condemnation, all or part of the additional public property.
 - (G) **Dedication of Excess Land.** If the city requires parks, trails or open space dedication in excess of the amount of land required by Section 5.2.6(D), Land Dedication Required, the city shall pay to the developer the fair market value of the land in excess of the percentage of land required to be dedicated. The excess amount that would otherwise be dedicated for parks, trail and open space under this section shall be due at the time of final plat approval.
 - (H) **Dedication Process.** Prior to the dedication of the required property pursuant to this division, the developer shall provide the city evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.
 - (I) **Trail Construction.** When the city's comprehensive plan or Parks, Open Space, and Trail System Plan identifies a trail to be constructed in the land to be subdivided, this trail segment shall be interpreted by the city as basic infrastructure and, therefore, the developer shall be required to pay for the construction of the trail improvements. This trail construction requirement shall be in addition to the required land dedication as set forth in Section 5.2.6(D), Land Dedication Required, or set forth in Section 5.2.6(K) Dedication or Cash Payment in Lieu of Requirements. The construction specifications of trails shall be determined by the city engineer and whenever possible, trails shall connect with existing trails and/or sidewalks.

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- (J) **Credit for Private Open Space, Recreational Areas and Trails.** Where a private open space for park, recreation or trail purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, a credit of up to 25 percent of the requirements of Section 5.2.6(D), Land Dedication Required, may be given, provided that the following conditions are met:

- (1) Such land area is not occupied by non-recreational buildings and is available for the use of all residents of the proposed subdivision.
- (2) Required setbacks shall not be included in the computation of such private open space.
- (3) The use of the private open space is restricted for park, recreational and trail purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be eliminated without the consent of the city.
- (4) Credit for private trail improvements shall be given by the city only when the private trail system connects to a public trail or walkway system.
- (5) The proposed private open space is of an appropriate size, shape, location, topography and usability for park, recreational and trail purposes or contains unique natural features that are important to be preserved.
- (6) The proposed private open space reduces the demand for public recreational facilities to serve the development.

- (K) **Dedication or Cash-in-Lieu of Requirements.** The city may elect to accept a cash payment in lieu of land dedication for parks, recreational facilities, playgrounds, trails, wetlands or open space purposes. In such cases the applicant shall be required to make such payment to the city's dedicated park fund based on the Estimated Market Value as indicated in the records of the County Assessor that is equivalent to a land dedication requirement as follows:

- (1) **Residential Development.**

Dwelling Units per Net Acre	Percent of Land Dedication Equivalent
0 to 3.9	16
4.0 to 7.9	13
8.0 or more	10

- (2) **Commercial Development.** Five percent of the gross area subdivided.

- (3) **Industrial Development.** Two percent of the gross area subdivided.

- (L) **Time of Performance - Land Dedication or Cash Payment In Lieu Of.** The dedication of land or the payment of cash in lieu of land dedication by the applicant shall occur as a condition prior the city council approval of the final plat.

- (M) **Park Tree Requirements.** The subdivider or developer shall preserve existing trees on any land to be dedicated under this section in accordance with Section 3.5.6, Tree and Woodland Preservation.

- (N) **Other Conditions Prior to Deeding.** Prior to dedicating land for parks, trails, or open space, the land shall meet the following conditions:

- (1) Grading in the parks shall conform to the grading plan as approved by the city engineer.
- (2) Rocks that are four inches or greater in diameter shall have been removed from the land. If possible, any boulders or glacial erratic should remain and be incorporated for landscaping interest in parks and open spaces.

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- (3) A minimum of four inches of topsoil shall have been provided by the developer dependent on subsoil material as determined by the city engineer.
 - (4) The surface should be planted with low maintenance vegetation to ensure the immediate stabilization of the exposed soils. The park and recreation advisory board should be consulted to determine which areas should become turf and which should be planted with non-turf vegetation. Areas of turf shall be seeded in the amount of 50—75 percent Kentucky bluegrass and 25—50 percent perennial ryegrass, or other quick establishing crop to prevent soil erosion.
 - (O) **Infrastructure.** The applicant may bring utilities a reasonable distance inside the property line of the future park, as determined by the city engineer, and shall cap them at no cost to the city. Utilities shall include gas, storm sewer, water, electricity and sanitary sewer. The location where such utilities are to be brought into the future park shall be determined by the city engineer.
 - (P) **Access.** All land dedicated for parks shall have at least 50 feet of street frontage on at least one side. All trails shall have at least 20 feet of access where the trail connects to a street or sidewalk.