

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 657

DATE: April 9, 2003

Version: First Engrossment

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Subject: County authority to require dedication of land for parks

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Permits a county by ordinance to require dedication of some portion of a proposed subdivision for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space, or to accept cash in lieu of dedication.

Requires a capital improvement program and a parks and open space plan, or a parks and open space component in the county comprehensive plan, if the county adopts an ordinance requiring dedication of land for parks and similar facilities.

Requires fees to be fair, reasonable and proportionate to the need. Requires cash received to be kept in a special fund and only used to acquire and develop parks and similar facilities. Prohibits using the cash for operations or maintenance. Requires the cash to be spent according to the adopted plan and in consultation with cities and towns in the county. Requires an annual report to the cities and towns.

Prohibits a county from denying a subdivision request based on an inadequate supply of parks and other facilities in the county. Prohibits a county from conditioning approval on waiver of the right to challenge the validity of the fee or dedication.

Exempts subdivisions being re-divided and from which previous dedications have been made, but allows requiring dedication or fees proportionate to any net increase in the number of lots.

Prohibits requiring dedication of land that is within a city or town that has adopted a dedication requirement. Permits sharing the revenue with a city or town in the county.

Under current law for cities and towns, Minnesota Statutes, section 462.358, subdivision 2b:

Subd. 2b. Dedication. The 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, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements.

Section

In addition, the 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, recreational facilities as defined and outlined in section 471.191, playgrounds, trails, wetlands, or open space; provided that (a) the municipality may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land no later than at the time of final approval, (b) any cash payments received shall be placed in a special fund by the municipality used only for the purposes for which the money was obtained, (c) in establishing the reasonable portion to be dedicated, the regulations may consider the open space, park, recreational, or common areas and facilities which the applicant proposes to reserve for the subdivision, and (d) the municipality reasonably determines that it will need to acquire that portion of land for the purposes stated in this paragraph as a result of approval of the subdivision.