

**CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
ORDINANCE NO. 2023-07**

**AN ORDINANCE AMENDING CHAPTER 66, SECTION 66-195  
OF THE EAST BETHEL CODE OF ORDINANCES  
REGULATING PUBLIC LAND DEDICATION  
IN THE CITY OF EAST BETHEL**

**The City Council of East Bethel, Minnesota ordains:**

**Section 1.** Chapter 66, Section 66-195 of the East Bethel Code of Ordinances is hereby amended to read as follows:

**Sec. 66-195. Required dedication.**

(a) Dedication of land or cash.

- (1) Pursuant to Minn. Stats. § 462.358, subd. 2b, the city requires all subdividers, as a prerequisite to approval of a final subdivision plat or development of any land previously divided by plat, metes or bounds, or any other means, to convey to the city or dedicate to the public use for park, playground, open space, or trail, a reasonable portion of the land being platted or developed as hereinafter specified. The portions to be dedicated will be approved by the city; or in lieu thereof, the subdivider shall at the option of the city pay to the city, for use in the acquisition or development of public parks, playgrounds, or in debt retirement in connection with land previously acquired for such public purposes, an equivalent amount in cash based upon the City's Fee Schedule for Park Dedication.
- (2) The form of contribution (cash, land, or any combination thereof) shall be decided by city council based upon need and conformance with the comprehensive plan.

(b) Administrative procedures. The city council shall establish such administrative procedures as it may deem necessary and required to implement the provisions of this chapter.

(c) Parks commission recommendation.

- (1) The parks commission shall, in each case, recommend to city council the total area and location of such land that the parks commission feels should be so conveyed or dedicated within the development for the above public purposes. These recommendations shall be based on the recommendations included in the city parks, trails, and open space plan.
- (2) The parks commission shall, prior to the time that the planning commission completes its public hearings on the preliminary plat, review the preliminary plat and recommend to the planning commission the total area and location of the land the parks commission determines should be dedicated for park use. The parks commission shall present these recommendations to the planning commission and city council. In those instances where the parks commission concludes that a cash equivalency payment should be made by the applicant or owner in lieu of dedication of land, the parks commission shall recommend to the planning commission the total park dedication requirement to be paid to the city in cash as prescribed in the City Fee Schedule. In the event that review at a regular meeting of the parks commission would result in a delay in the review and approval process so that the time limitations of Minn. Stats. § 462.358 may not be met, the requirement of review by the parks commission may be waived by either the applicant or by city council at the time of its review of the application.

(d) Standards for determination.

- (1) The parks commission shall develop and recommend to city council for adoption standards and guidelines for determining which portion of each such development should reasonably be

required to be conveyed or dedicated. Such standards and guidelines may take into consideration the zoning classification to be assigned to the land to be developed, the particular use proposed for such land, amenities to be provided, and factors of density and site development as proposed by the subdivider. The parks commission shall further recommend changes and amendments from time to time to such standards and guidelines to reflect changes in the usage of land which may occur, changes in zoning classification, and concepts and changes in planning and development concepts that relate to the development and usages to which land may be put.

- (2) The parks commission shall develop and recommend standards for design and construction of public parks, trails, and open space areas in the city.
- (e) Dedicated land requirements. Any land to be dedicated as a requirement of this chapter shall be reasonably adapted for the above public purposes. Factors used in evaluating the adequacy of proposed dedication areas shall include size, shape, topography, drainage, geology, tree cover, rare species, and other significant wildlife habitats, access, and location.
- (f) Minimum area of dedicated land. Subdividers shall be required to dedicate to the city for park, trail, playground, open space, and other public purposes as a minimum that percentage of net land area or equivalent market value in cash as set out below:

- (1) Residential land uses.

Units Per Acre	Percentage of Land Required for Dedication in Lieu of Cash Payment
Up to 6	10 per cent
6 or more	10 percent plus 1 percent for each dwelling unit (DU) over 6 units/acre

- (2) Cash in lieu. Cash in lieu of land payment shall be set and presented in the City Fee Schedule.
  - a. Metes and bounds lot splits and subdivisions which create a lot with an existing habitable residence shall have that lot excluded from any requirements for park dedication fees.
- (3) Review of cash in lieu maximum. City council shall review the maximum cash in lieu of land payment annually to ensure that it remains consistent with park and trail system development costs.
- (4) Commercial and industrial land uses. Cash in lieu of land payment shall be set and presented in the City Fee Schedule.
- (5) Schools, religious institutions, and other nonprofit organizations. Dedication requirement shall be determined by city council based on discussion with the school district or nonprofit agency. Recommendations will be based on anticipated use of city park facilities by the school or organization, and shall consider agreements for cooperative use of school recreational facilities.
- (6) [Redacted.]
- (7) [Redacted.]
- (8) Deviation from required dedication. The dedication requirements based on the development's proportional share of the city park system are presumptively appropriate.
- (9) Wetlands and ponding areas. Existing wetlands and drainage ways accepted by the city shall not be considered in the park land and/or cash contribution to the city.
- (g) 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 to be dedicated.

Such lots or outlot shall be deeded to the city prior to the issuance of any building permits within the plat. The developer shall be responsible for finished grading, ground cover, and construction of trails in all lands to be dedicated to the city. No credit toward the required dedication shall be given for this work, except that credit for the cost of improvements to trails as approved by the City may be given.

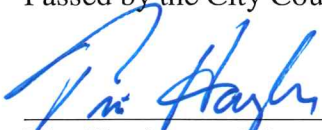
- (2) Cash fee. When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:
  - a. For residential and commercial/industrial developments, the fee shall be paid prior to the city's release of the signed final plat Mylars for recording with the county. The amount of any required cash contribution shall be calculated based on the rates established in the City Fee Schedule and in effect as of the date of the approval of the preliminary plat.
  - b. Park dedication is required for all newly created lots or parcels.
  - c. In plats that include outlots for future development, the subdivider may pay to the city the development's proportional share for the entire subdivision, including the outlots; or the development's proportional share excluding such outlots, providing that the park dedication requirement shall be satisfied when such outlots are replatted in which the amount of any required cash contribution shall be based on the rates established by the city and in effect as of the date of the approval of the preliminary plat for the outlots.

(h) Park fund.

- (1) Purpose. Cash payments shall be placed by the city in a special fund and used only for the acquisition 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 public purposes.
- (2) Annual financial report. Each year the parks commission shall present to city council, in such detail as city council shall require, its estimate of the financial needs of the parks commission for the ensuing fiscal year.
- (3) Gifts and donations. The parks commission is authorized to receive gifts, devises, bequests, endowments, or other donations of money and property on behalf of the city. All monies received shall be deposited in the park fund.

**Section 2.** The ordinance amendments herein become effective from and after its passage and publication.

Passed by the City Council of East Bethel, Minnesota this 24<sup>th</sup> day of April, 2023.

  
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Tim Harrington, Mayor

Attested:

  
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Jack Davis, City Administrator