



**City of Hastings
Parks & Recreation**

920 W 10th Street ▪ Hastings, MN 55033 ▪ Ph: 651-480-6175 ▪ www.hastingsmn.gov

Parks & Recreation Commission Agenda

Tuesday, January 9, 2018 – 6:00 PM
City Hall – Council Chambers Room

- I. Call to Order 6:00 p.m.
- II. Determination of Quorum
- III. Approval of Minutes 6:00 p.m.
 - a. Approve minutes of the Parks and Recreation Commission meeting on December 12, 2017
- IV. New Business 6:05 p.m.
 - a. Welcome & Oath of Office: Commissioner Tim Stanley
 - b. Resignation of Commissioner Jolyn Augesen
 - c. Appoint new PRC Chairperson
 - d. Review of Comprehensive Plan: classification of parks and the criteria.
 - e. Review of Land Dedication Ordinance
- V. Old Business 6:30 p.m.
 - a. Glendale Heights Playground – site selection options
- VI. Department Updates 6:45 p.m.
 - a. Hastings Hawks Agreement
 - b. Advertising Agreement
 - c. EAB Program 2018
 - d. PRC Ordinance changes

Next Meeting: Tuesday, February 13, 2018 at 6:00pm
All times are approximate



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Parks & Recreation Commission Agenda

Tuesday, December 12, 2017 – 6:00 p.m.
City Hall – Council Chambers Room

I. Call to Order 6:00 p.m.

Present: Parks and Recreation Director, Chris Jenkins, Commissioner, Chelsea Piskor, Commissioner, Dave Pemble, Commission Chair, Jordan Polehna, Commissioner, Nicole DePalma, Commissioner, Ben Spader, and Recreation Programming Specialist, Paige Marschall Bigler
Absent: Commissioners: JoLyn Augesen, Joe Quinn

II. Determination of Quorum
Quorum is present: 5:7

III. Approval of Minutes 6:05 p.m.

a. Approve Minutes of the Parks and Recreation Commission Meeting on November 14, 2017

**Commissioner Spader motioned to approve minutes. Commissioner DePalma seconded motion for approval. Minutes approved;
5 ayes, 0 nays**

IV. Presentation 6:10 p.m.

a. EAB Treatment Program Review – Rainbow Tree care – 2017 Preferred Vendor

Parks and Recreation Director, Chris Jenkins, introduced Jeff Hafner, Director of Municipal Consulting with Rainbow Tree Care. Jeff shared the 2017 Hastings EAB Treatment Program Review. Jeff highlighted that the residents of Hastings treated 420 trees with Rainbow Tree Care. Commissioners were given the opportunity to ask questions.

V. New Business 6:20 p.m.

a. EAB Treatment Program – Preferred Vendor 2018

Jenkins provided an overview of the EAB Treatment Program. Director Jenkins asked for a recommendation from Commission if the City should continue with the EAB Treatment Program. Commissioner Pemble motioned to make a recommended to City Council. Commissioner Spader seconded the motion. Motion approved; 5 ayes, 0 nays

b. Hastings Hawks Facility Agreement

Director Jenkins introduced Bruce Karnick with Hastings Hawks and asked Commission to provide a recommendation whether or not to move forward with the agreement. Staff, Hastings Hawks and the City Attorney, will then finalize the agreement. Commissioner Spader motioned to support the agreement and move forward to City Council for consideration. Commissioner Pemble seconded the motion. Motion approved. 5 ayes; 0 nays.

c. Hastings Hawks Advertising Proposal

Director Jenkins introduced the Advertising Proposal. Commissioners were given the opportunity to ask questions to Hastings Hawks President, Bruce Karnick. Commissioner Pemble motioned to approve the Advertising Proposal; Commissioner Piskor seconded the motion. Motion approved 5 ayes; 0 nays.

d. Parks & Recreation Commission Ordinance Amendments

Director Chris Jenkins explained a format change for Commissioner interviews. The format will include of a consistent structure and interview panel. Jenkins noted the Commission may also include a Vice Chairperson. Commissioner Spader motioned to adopt changes, motion seconded by Commissioner DePalma. Motion approved 5 ayes; 0 nays.

e. Appoint new PRC Chairperson

Commissioner Pemble and Commissioner DePalma expressed interest in PRC Chairperson. Commissioner Piskor expressed interest in PRC Vice Chairperson. Commission agreed to appoint new PRC Chairperson and Vice Chairperson, January 9, 2018 when Commissioners Quinn and Augesen are present.

f. Recognition of outgoing Commissioner, Jordan Polehna.

Director Jenkins recognized Jordan Polehna. Polehna served 6 years on the Parks and Recreation Commission. A formal recognition will follow at the City Council meeting December 18, 2018.

VI. Old Business

6:40 p.m.

a. Glendale Heights Playground – site selection options

Commission Chair, Polehna, explained a recent visit to the site selection options. Commissioner Pemble recommended Commission to further investigate site options for a playground. Jenkins encouraged Commissioners to continue to share ideas.

VII. Department Updates

6:50 p.m.

a. General updates

Brief updates were shared with Commission. Commissioner Spader motioned to adjourn meeting. Commissioner Pemble seconded the motion. Motion approved 5 ayes; 0 nays. Meeting adjourned; 7:51 p.m.

Next Meeting: January 9, 2018 at 6:00 p.m.

All times are approximate



PRC Commission Memorandum

To: PRC Commissioners
From: Chris Jenkins, Parks & Recreation Director
Date: January 9, 2018
Item: Appointment of Parks & Recreation Commissioner Stanley

Commission Action Requested:

The commission is asked to welcome and witness the Oath of Office for Commissioner Stanley.

Background Information:

Applications for the Parks & Recreation Commission were accepted thru November of 2017. A total of four applications were received for a single vacancy on the Parks & Recreation Commission. Staff scheduled interview times with all four candidates, with one candidate eventually withdrawing from the process.

After review of applicant materials, three candidates were interviewed on Tuesday, December 12th, 2017 at City Hall, with the interview panel consisting of Parks & Recreation Commissioner Pemble, Parks & Recreation Committee Chair Braucks, City Administrator Mesko-Lee and Parks & Recreation Director Jenkins.

The interview panel is pleased to recommend Mr. Tim Stanley as the candidate to fill the current commission vacancy. Mr. Stanley has a varied and unique background and experiences that will bring great value to the Parks & Recreation Commission. Mr. Stanley will serve a 2 year term on this commission ending on 12/31/2019.

Financial Impact:

N/A

Council Committee Discussion:

N/A

Attachments:

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Parks Commission Memorandum

To: Commissioners
From: Chris Jenkins, Parks & Recreation Director
Date: April 22, 2015
Item: Parks & Recreation Commission Resignation: Commissioner Augesen

Commissioner Jolyn Augesen submitted her resignation from this commission effective Thursday, January 4th, 2018. Commissioner Augesen advised that additional obligations had arisen, and that she could no longer commit to this commission.

Commissioner Augesen served one year of a two year term. This resignation leaves a vacancy on this commission, which will be filled soon. Whomever is appointed to fill this vacancy will serve the remainder of Commissioner Augesen's term, and would then be eligible for re-appointment.



PRC Commission Memorandum

To: PRC Commissioners
From: Chris Jenkins, Parks & Recreation Director
Date: January 4, 2018
Item: Appointment of Chairperson

Commission Action Requested:

Commission is asked to appoint a new Chairperson.

Background Information:

The previous Chairperson of this commission served out 3 consecutive terms, and served as the Chairperson for his last year. This brings about the need for this commission to appoint a new Chairperson.

The commission has the duty to appoint a new Chairperson from the membership by majority vote. All members of the commission are eligible to be the Chairperson, regardless of how long they have served on the commission.

The Chair is typically responsible to preside over the monthly PRC meetings, and occasionally report to the City Council as the PRC representative. The Chair also coordinates meeting topics with the Parks & Recreation Director.

Staff are confident that any of the current commissioners can serve successfully in the role of Chairperson, and will work closely with that individual to ensure success. Staff will advise City Council on the commission's selection of a new Chairperson.

Financial Impact:

None

Council Committee Discussion:

None

Attachments:

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PRC Commission Memorandum

To: PRC Commissioners
From: Chris Jenkins, Parks & Recreation Director
Date: January 4, 2018
Item: Park Classification Review: Comprehensive Plan

Commission Action Requested:

Commission is asked to review the Park and Greenway Classification section of the Parks Comprehensive Plan. This review is intended to be informational only, no formal action is sought.

Background Information:

The current Parks, Open Space, and Trail System Master Plan (Comprehensive Plan) was adopted 10 years ago. A major portion of the comprehensive plan is the park classification system which has both common guidelines and specific applications for Hastings. The classification system is one tool that this commission uses when considering land dedication and park development, and it makes sense that this commission spend some time reviewing the elements of the system as a body.

Financial Impact:

None

Council Committee Discussion:

None

Attachments:

- Excerpt of Comp Plan

PARK AND GREENWAY CLASSIFICATIONS

The system plan consists of a variety of parks and open spaces defined under various classifications. Each classification serves a particular purpose in meeting local park and recreation needs. Although some flexibility is warranted, classifying parks is necessary to ensure a well-balanced system and that all recreational needs are effectively and efficiently met.

The classifications applied to Hastings are based on guidelines recommended in the *National Parks, Recreation, Open Space and Greenways Guidelines* (National Recreation and Parks Association, 1996) and *Planning and Urban Design Standards* (American Planning Association, 2006), albeit expanded or modified to address circumstances unique to the city. The following table provides an overview of each classification used in Hastings. (Each of the classifications are further expanded upon later in this section.)

PARKS AND GREENWAY CLASSIFICATIONS

Classification	Common Guidelines	Application to Hastings
Neighborhood Park (and Mini-Neighborhood Park)	Neighborhood parks are the basic units of the park system and serve a recreational and social purpose. Focus is on informal active and passive recreation. Neighborhood parks are typically 5 acres or more, with 8 to 10 acres preferred for new parks. Mini-neighborhood parks, which are used only on a limited basis when securing more land is impractical, are 1 to 3 acres of developable land. Service area is ¼-mile radius for mini parks and up to a ½-mile for a typical neighborhood park, uninterrupted by major roads and other physical barriers.	Neighborhood parks remain a basic unit of the park system in Hastings. In areas with urban densities, a service area of ¼- to ½-mile radius remains appropriate. When new parks are connected with greenway-based trails, service areas can be expanded to ½-mile radius or slightly more since the trails and open space become part of the park experience.
Community Park	Community parks serve a broader purpose than neighborhood parks. Focus is on meeting community-based recreational needs, as well as preserving unique landscapes and open spaces. Size varies, depending on function. 20 acres minimum preferred, with 40 or more acres optimal. Service area can be community-wide or several neighborhoods in a given area of the city.	Given the city's proximity to the riverfront and the natural areas that will be set aside in greenways, there is less overall need for traditional community parks beyond that defined under this plan.
Athletic Complex/Facility	Consolidates programmed adult and youth athletic fields and associated facilities to a limited number of sites. Tournament level facilities are appropriate. Size varies, with 20 acres or more desirable, but not absolute. 40 to 80 acres is optimal.	This classification has application to Hastings to meet local needs for athletic facilities (in concert with school sites.) As a growing community with many families, facility demand will continue to grow in sync with population growth.
Greenway/Natural Open Space/Conservation Areas	Lands set aside for preserving natural resources, remnant landscapes, and open space, and providing visual aesthetics/buffering. Also provides passive use opportunities. Ecological resource stewardship and wildlife protection are high priorities. Suitable for trail corridors. Overall land area varies depending on opportunity and general character of natural systems within a city.	Within the city proper, the potential for establishing greenways and preserving open space is more limited. This reinforces the importance of working closely with adjoining townships and Dakota County on setting aside land for greenways and interconnected trails systems.
Regional Park/Reserve	Larger scale, regionally based parks and open spaces focusing on natural resource preservation and stewardship. Typically a minimum of 500 acres and up to several thousand. Service area is regional, which generally encompasses several cities.	Although none are located within the city, the system plan emphasizes linear greenway-based trail systems that will connect Hastings to regional parks in Dakota and Washington Counties.
Special Use	Covers a broad range of parks and recreation facilities oriented toward single-purpose uses – such as a nature center, historic sites, plazas, urban squares, aquatic centers, campgrounds, golf courses, etc. Overall size varies, depending on need.	The use of this classification will be limited in Hastings at this time.
School Site	Covers school sites that are used in concert with, or in lieu of, city parks to meet community recreation needs. School sites often provide the majority of indoor recreational facilities within a community. Size varies, depending on specific site opportunities.	Continuing the established relationship between the School District and City is vital to successfully meeting the long-term demand for athletic facilities in a cost-effective manner.

CUMULATIVE PARK SYSTEM ACREAGE STANDARDS

In the past, acreage standards (i.e., optimal number of acres of park land per 1000 population) were often used to determine the overall land area necessary to meet community park and recreation needs. In the mid-1990's, reliance on this type of standard was discouraged under the *National Park, Recreation, Open Space, and Greenway Guidelines* (National Recreation and Parks Association, 1996) because it was found to be too arbitrary and did not adequately accommodate the individual nuances of park and open space opportunities and needs of individual communities.

The current guideline is for each community to evaluate and determine its own park and open space needs and desired level of service through local public process, then, if necessary, compare that evaluation against similar situations within the region. Hastings' system plan falls within standard practices and compares favorably to other communities in terms of public land area and park distribution to service community needs. Nuances with Hastings' system include the opportunity for an extensive natural greenway/open space system surrounding the city and along the riverfront. This is a unique opportunity that sets Hastings apart from many communities of similar size.

FLEXIBLE APPLICATION OF THE CLASSIFICATIONS

The system plan provides some flexibility in applying the park classifications to accommodate the ebb and flow of community needs as the system is being developed and in response to funding limitations. Flexibility is also needed to ensure that the city does not overbuild facilities if future demand is uncertain.

Through flexible-use policies, activities that are not normally desired or allowed in a given type of park would be acceptable under select circumstances. The most common example of this is using neighborhood parks for more programmed use than would be typically desired due to an interim shortage of athletic facilities. Another example is programming youth activities on adult-sized facilities when there is a temporary shortage of facilities.

Flexible-use policies are typically applied on a case-by-case basis in response to a given circumstance. Standard protocol for establishing these policies includes:

- City staff identifies a use or need and defines the park or facility flexibility required to address it
- NRRC considers staff recommendations and prepares a specific flexible-use policy to address it, which should include a strategy statement about the long-term approach to resolving the situation
- Flexible use policy is forwarded to City Council for approval
- Flexible use policy is recorded as an attachment to the *System Plan*

In Hastings, flexible use primarily relates to the working relationship between the City and School District, as well as by the City in addressing temporary shortages of athletic facilities.

Key consideration with flexible use policies.

Note that although flexible use policies have their application, they should not be construed as long-term solutions to addressing facility supply and demand issues. Although flexibility is needed to meet community needs, the use of these policies by their nature compromises the system and therefore should not be considered permanent solutions.

LOCAL PARK SYSTEM PLAN

Although the greenway and park system functions as a cohesive whole, individual parks will continue to have a significant and defined purpose consistent with their classifications. The **Parks, Open Space, and Trail System Plan (System Plan)** illustrates the location and name of each park within the system, and the general areas where new parks will be needed as development occurs. The following table provides an overview of the total number of parks under each classification, along with approximate number of total acres.

SUMMARY TABLE OF PARK NUMBER AND ACREAGES FOR ACTIVE-USE PARKS

Park Classification (as listed on page 3.2)	Total Number	Total Combined Acreage
Neighborhood Park – Existing	19	100
Neighborhood Park – Proposed Future (Contingent on extent of future residential development and annexation; based on 6 acres/site)	8	48
Community Park and Special Use – Existing	9	118
Athletic Complex/Facility – Existing (Includes Veterans' Park and Hasting Civic Arena site)	2	48
Athletic Complex/Facility – Proposed	1	40
Total Local Parks – Existing and Proposed Future	39	354

Note: Although School District properties are not listed, many of their facilities are important to servicing local needs.

Note: Natural open space parks/areas (within the City) are not listed in the table.



Existing neighborhood parks like Lions Park have proven popular with residents and remain a key part of the overall park system.

The following provides an overview of the parks identified on the **System Plan** falling under the various park classifications listed above.

NEIGHBORHOOD PARKS

Neighborhood parks are the basic unit of the park system and serve a recreational and social purpose. Development focuses on informal recreation. Programmed activities are typically limited to youth sports practices and, very occasionally, games.

Existing Neighborhood Parks

As illustrated on the **System Plan**, there are 19 existing parks within the Hastings park system that serve neighborhood uses, including:

- **Eagle Bluff Park** – 1.0 acres, with play structure and limited open green space
- **Crestview Park** – 2.8 acres, with play structure, T-ball field, basketball half-court
- **Lions Park** – 19.2 acres, with play area, hockey rink, ballfield, and open green space; a large portion of the park is devoted to open green space and storm water ponds
- **Wilson Park** – 1.8 acres, with a play area as a main focal point; the park also contains a full basketball court, a ballfield with lighting, and a small area designated for winter skating, with a warming house nearby
- **Tierney Park** – 2.0 acres, play structure, paved access trail, and open green space
- **Conzemius Park** – 8.5 acres, with a nice mix of mature trees and open green space; amenities include a play area, ballfield, open green space for informal use, and a nature trail connection from the park to the adjacent neighborhood
- **Pioneer Park** – 5.5 acres, with two ballfields, a hockey rink, a warming house, an informal winter skating area, two full size basketball courts, and a children's play area; pull-in parking is located on the south side of the park.



Albeit important, play areas are only one component of a well-designed park. To be successful, a cross-section of amenities are necessary to create a social atmosphere that draws in neighborhood residents on a routine basis. As illustrated, trails in particular have universal appeal, even a relatively short loop in a neighborhood park.

- **Westwood Park** – 1.0 acres, with a ballfield, full size basketball court, picnic table, small children’s play area, and portable restroom
- **Dakota Hills Park** – 2.8 acres, with a play area, 1/2 court basketball court, ballfield, and open green space for informal use
- **Pleasant Park** – 7.4 acres, with a children’s play area, full size basketball court, paved trail connection to adjacent neighborhoods, open green space for informal use, and two large stormwater ponding basins.
- **Wallin Park** – 14.1 acres, with paved trail loops, two ballfields, one hockey rink with an adjacent informal winter skating area, a warming house, a play container, and open green space for informal use
- **Riverwood Park** – 8.1 acres, with a play area with seating areas, full basketball court, three horseshoe courts, paved trail connection, ballfield, open green space for informal use, and a fairly large wooded area
- **Greten Family Park** – 4.5 acres, with a fair amount of open space and a large stormwater ponding basin; amenities include a play area with adjacent seating and picnic areas, 1/2 court basketball court, portable restroom, and benches
- **Cannon Park** – 4.0 acres, with a ballfield, open green space for informal use, children’s play area, and 1/2 court basketball court
- **Cari Park** – 4.5 acres, with paved trails, play area, half-court basketball court, open green space for informal use, and a pond
- **South Pines Park** – 2.5 acres, with an accessible paved trail connecting the street to the play structure, play equipment with a couple of unique climbing components, a 1/2 court basketball court, and open green space for informal use
- **Sunny Acres Park** – 1.9 acres, with a ballfield backstop, 1/2 basketball court, and play area
- **Tuttle Park** – 5.7 acres, with a ballfield, two soccer fields overlaying open green space, children’s play area, 1/2 court basketball court, and a direct trail connection from the southern park entrance to the northern entrance
- **Lake Isabel Park** – 2.5 acres, with a children’s play area, full basketball court, open green space, and a few picnic tables

For the most part, the existing parks are capable of meeting the primary needs of the neighborhoods they serve and generally meet accepted standards for neighborhood parks. A significant functional issue is that some of the parks are on the smaller side, which limits the level of development that can occur and the size of the open green space. Although small-acreage parks should be avoided in the future, any current limitations can be overcome for the most part through good design and maximizing the use of the land that is available.

Another factor to consider is that the facilities and amenities in some parks are reaching the end of their lifecycle or do not meet optimal contemporary design standards. In addition, more attention needs to be given to master planning and park design to improve the aesthetic quality and overall appeal of the parks to enhance use levels.

Appendix A – Park and Trail Development Considerations provides a more detailed description of each of the existing neighborhood parks and their specific role in the park system. Suggestions for future development scenarios and potential associated costs are also provided.

Areas Where New Neighborhood Parks will be Required as Development Occurs

As illustrated on the *System Plan*, there are a number of areas within the city and areas subject to annexation where new neighborhood parks will be required to service local needs as development occurs. The locations for these parks are conceptual and do not represent a specific parcel of land. Their actual location will be based on how they can be best integrated with new developments that the park will serve, and the following criteria.

General Criteria for Establishing the Location of New Neighborhood Parks

The distribution of future neighborhood parks is intrinsically linked to development patterns and layouts, as well as how a given park interlinks with greenways and greenway-based trail system. This is especially the case in future annex areas, where the greatest opportunity lies for blending neighborhood parks with greenways.

In situations where neighborhood parks are integrated with greenways and greenway-based trails, the spacing between individual parks can be greater than traditional standards suggest for two reasons: 1) the greenway is part of the park experience; and 2) the trails within the greenway make it easier and safer to get to the park from a given neighborhood. Should the greenway system substantially change or not materialize, the distribution of the neighborhood parks would need to be reconsidered.

As a general guideline, a service area radius of around 1/2-mile or slightly more and uninterrupted by major roads or physical barriers is appropriate for annex areas where the parks are linked together by greenway-based trails.

Specific Site Selection for New Neighborhood Parks

Site selection for a neighborhood park is critical to its ultimate quality and success. Desirable criteria for selecting new parks include:

- 5 acres or more, 6 to 10 acres preferred, with 3 acres the minimum size
- Centrally located within the neighborhood area it serves
- Site exhibits desirable physical and aesthetic characteristics, with a balance between developable open space and natural areas; lowlands and other lands not suitable for development are also not suitable for a neighborhood park
- Connection to neighborhoods via trails or sidewalks; the more convenient the pedestrian access, the more use a park is likely to receive
- Connection to a greenway or open space system to expand the sense of open space at the neighborhood level

Although natural amenities are desirable, designated wetlands or non-upland protected areas that cannot be developed for active or passive park uses should not be included in the acreage calculation for a neighborhood park. At the discretion of the NRRC and City Council, "left over" land not suitable for residential development should not be accepted for neighborhood-park uses if it does not meet the desirable criteria. This includes stormwater holding ponds, which can only be integrated into the design of a neighborhood park under two conditions: 1) the ponds are a designed feature with either natural or ornamental qualities; and 2) the area of the pond is not considered as part of the neighborhood park acreage calculation. (Side note: Protected areas, such as wetlands, are still valuable aspects of the larger greenway system, but they are not a land substitute for neighborhood parks.)



PRC Commission Memorandum

To: PRC Commissioners
From: Chris Jenkins, Parks & Recreation Director
Date: January 4, 2018
Item: Public Land Dedication Ordinance 154.07

Commission Action Requested:

Commission is asked to review the Public Land Dedication Ordinance. This review is intended to be informational only, no formal action is sought.

Background Information:

This commission is charged with reviewing, analyzing and making recommendations to City Council pertaining to public land dedications stemming from platting, replatting, and other subdivisions of land. The City's Public Land Dedication Ordinance 154.07 provides the requirements for land dedication as authorized by MN State Statute 462.358, and this commission should be well versed with all sections of this ordinance.

The purpose for public land dedication is summarized well in Subdivision 1a. Authority, of MN Statute 462.358. The following is an excerpt from that subdivision:

"To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions."

It is appropriate for this body to make time to review this ordinance together, clarify understandings and ultimately provide a strong base for those occasions when land dedication decisions come before the commission.

Financial Impact:

None

Council Committee Discussion:

None

Attachments:

- City of Hastings Ordinance 154.07: Public Land Dedication

(J) *Requirements for a building permit.*

(1) No building permit shall be granted on the platted property until the time as certified copy of the recorded plat has been filed with the city and production of proof that all conditions of plat approval have been met. In a case where the City of Hastings is a party to the platting, a copy of the plat, certified by the City Clerk as true and correct, shall satisfy the requirements of this section.

(2) No building permit shall be granted on the platted property until the time that the subdivider provides the city with a certified survey indicating that the entire site as shown on the preliminary and final plats has been graded pursuant to the approved elevations shown on the preliminary and final plats.

(3) No building permit shall be granted on platted property until the bituminous base course has been constructed, sod behind the curb and gutter installed, and sanitary sewer, water main and storm sewer improvements tested and accepted. (Prior Code, § 11.06) Penalty, see § 10.99

§ 154.07 PUBLIC LAND DEDICATION.

(A) All persons requesting the platting, replatting, or other subdivision of land (excluding simple lot line adjustments which do not create additional lots) shall dedicate a portion of the area to be subdivided for parks, playgrounds, public open space, or storm water holding areas or ponds in accordance herewith. The city may at its discretion choose to require payment of cash in lieu of land in accordance herewith.

(1) *General requirements.* In all subdivisions, a portion of the area to be subdivided shall be dedicated for public recreation and open space purposes, the dedication being in addition to property dedicated for streets, alleys, storm water holding areas or ponds, or other public ways or easements. No area may be dedicated for public use until it has been approved by the City Council as being suitable and needed to preserve and enhance the public health, safety, and welfare of the residents of the city. The dedicated lands shall be reserved for public use as parks, playgrounds, public open space, trails or any combination thereof. It shall be deemed to be in the public interest to require park dedication from a particular subdivision when the City Council after review and recommendation by the Natural Resources and Recreation Commission and the Planning Commission, determines that 1 or more of the following criteria have been met.

(a) All or part of the land proposed to be subdivided or developed has been previously designated as open space, park land or a trailway in the Comprehensive Plan.

(b) A need for additional parks or recreational facilities will be generated by the development of the proposed facilities.

(c) The land proposed to be subdivided or developed adjoins existing park or school open space property and the City Council further finds that for the safety and convenience of the public using the parks or the school children attending the school, a walkway or corridor or open space is a public necessity; or that parking lot surface runoff from the land to be subdivided would create or add to water drainage or erosion problems within the adjoining open space area.

(d) All or part of property located in an industrial or commercial district proposed to be subdivided is adjacent to a residentially zoned district, and that an open space area is or will be in the near future necessary to protect the adjacent residents from safety or health hazards which are reasonably foreseeable from any of the permitted or conditional uses which exist or could be developed on the land to be subdivided.

(e) The land proposed to be subdivided contains or borders upon existing, unique topographical features, including but not limited to ponds, lakes, streams, wetlands, timber stands, hills or bluffs which should be preserved or reserved for all the public in order to prevent safety hazards and to provide unique recreational aesthetic enjoyment for residents.

(2) *Standards for accepting dedication of land for public park purpose.*

(a) Land proposed to be dedicated for public purposes shall meet the general requirements as set forth under division (A)(1) above.

(b) Prior to dedication for public purpose, the subdivider shall deliver to the city an abstract of title or registered property abstract for the dedication. The conveyance documents shall be in the form acceptable to the city.

(c) The required dedication and/or payment of fees-in-lieu of land dedication shall be made at the time of final plat approval. The Council may upon the request of the property owner, at the city's discretion when cash is provided in lieu of land, postpone to a subsequent date (not later than commencement of construction) the time of payment. Any delayed payment in accordance herewith shall bear interest at 8% per annum from the date of plat approval to date of payment.

(d) The removal of trees, topsoil, storage of construction equipment, burying of construction debris, or stockpiling of surplus soil is strictly forbidden without the written approval of the Director of Parks and Recreation.

(e) Grading and utility plans, which may affect or impact the proposed park dedication, shall be reviewed and approved by the Director of Parks and Recreation prior to dedication, or prior to initiation of construction which will affect the park lands.

(f) To be eligible for park dedication credit, land to be dedicated must be located outside of drainage ways, flood fringe areas, floodway areas, or ponding areas after the subdivision is developed. Grades exceeding 12% or grades which are unsuitable for parks development may be considered for partial dedication. A credit of up to 30% of the required dedication at the discretion of the City Council may be allowed for on-site storm sewer, ponding and storm water holding and ponding areas, wetlands or other surface water resources provided that the improvements benefit identifiable park and recreation resources. When lands to be dedicated to be used for these purposes have been determined to have a park function, credit will be given at a rate of 50% of the pond and adjoining land area below the ordinary high water level; a minimum of 70% of land above the high water level shall be dedicated before pond credit is granted.

(g) Land to be dedicated must be determined suitable for public recreation and open space use and must be situated so as to best serve the present and future needs of the neighborhood and community for recreation and park purposes. Areas to be dedicated for public park, trail or ponding shall be brought to a suitable condition by the subdivider prior to acceptance by the city. All dead trees, trash, junk, unwanted structures or similar undesirable elements shall be removed by the owner at his or her expense. Further, the city may at its discretion require the subdivider to rough grade the land to be dedicated if deemed necessary for use for park purposes.

(B) The amount of land to be dedicated in accordance herewith shall be as follows.

(1) *Residential development.* The amount of land that all new residential subdivisions shall dedicate for public parks, playgrounds, public open space, or storm water holding areas or ponds, as required by this chapter, shall be a percentage of the gross land area being platted based upon the proposed density per gross acre as shown below:

<i>Proposed Density (units) Per Gross Acre of Plat</i>	<i>Percentage of Gross Area of Plat to be Dedicated</i>
0.0-1.9	9%
2.0-3.5	11%
3.6-5.9	13%
6.0-10	15%
10+	Add 0.6% per unit over 10

(2) *Commercial/industrial development.* The amount of land to be dedicated in accordance herewith shall be 10% of the gross land area to be platted. (Am. Ord. 500, passed 8-4-2003)

(C) The Planning Director shall transmit a copy of all preliminary plats involving

land to be dedicated for the purpose hereof, to the Natural Resources and Recreation Commission, who shall report back to the Planning Director within 30 days after receipt thereof, with recommendation with reference to the proposed dedication.

(D) The city may at its discretion require the developer to make a cash payment to the city in lieu of land to meet public land dedication requirements. The cash amounts shall be determined as follows.

(1) *Residential development.*

(a) Two thousand and two hundred dollars per unit for all single-family detached units;

(b) One thousand and six hundred and fifty dollars per unit for all twin homes and 2-unit buildings; and

(c) One thousand and one hundred dollars per unit for all buildings containing 3 or more units

(2) *Commercial/industrial development.*

(a) One thousand and two hundred dollars per gross acre of industrial development; and

(b) One thousand and five hundred dollars per gross acre of commercial development.

(3) *Payment.* Any cash so obtained shall be used by the city only for the acquisition of land or equipment for parks, playgrounds, public open space, trails or debt retirement in connection with land previously acquired for the purposes. The City Council may, upon request of a subdivider, delay time of payment of cash in lieu of land beyond the time of final plat approval by the city no later than commencement of construction of public improvements. Any delayed payment in accordance herewith shall bear interest at 8% per annum from the date of plat approval to the date of payment. (Am. Ord. 500, passed 8-4-2003; Am. Ord. 517, passed 6-21-2004)

(E) Where the developer provides internal to the development, open space, park, recreational or like facilities, which are to be privately owned and maintained by the developer or residents of the developed area, a credit not to exceed 50% of land required (or cash in lieu of) may be provided upon the following conditions: That the land is not occupied by non-recreational buildings or structures and is available for the use of all residents in the proposed subdivision. That required open space and setbacks shall not be included in the computation of the private open space, park, and the like. That the use of the private open space shall be restricted to park, recreational and like uses in a manner satisfactory to the city, which may include recorded restrictions or covenants to run with the land, the same not to be defeated, eliminated or reduced without consent of the city.

That the proposed park area internal to the development is of size, shape and location, topography and usability for park and recreational purposes or contains unique natural features, the preservation of which is determined to be in the best interest of the city by the City Council. The proposed private open space, park, and the like, reduces the demand for public recreational facilities to serve the development. Determinations in accordance with this division (E) shall be by the city.

(F) Where a proposed park, playground, or recreational area has been indicated in the master plan or park plan of the city, and is located in whole or in part within the proposed subdivision, the proposed public site shall be designated as such and shall be dedicated to the appropriate governmental entity. If the developer chooses not to dedicate an area in excess of the land required under the section hereof for the proposed public site, the Council shall not be required to act or approve or disapprove the plat of the subdivision or development of same for a period of 90 days after the subdivider meets all of the provisions of this chapter to permit the Council to consider the proposed plat and take the necessary steps to acquire, through purchase or condemnation, all or part of the public site proposed under the master plan of the city. This chapter shall apply to all plats which receive final plat approval after 7-1-1991. (Prior Code, § 11.07) Penalty, see § 10.99

§ 154.08 ADMINISTRATION AND ENFORCEMENT.

(A) *Responsible official.* It shall be the duty of the Council to see that the provisions of this chapter are properly enforced.

(B) *Building permit.*

(1) No building permit shall be issued by any city official for the construction of any buildings, structures, or improvement of any land henceforth subdivided until all requirements of this chapter have been fully complied with.

(2) Building permits shall be withheld for structures on tracts which have been subdivided and conveyed by methods prohibited by this chapter and the city may refuse to take over tracts as street or roads or to improve, repair, or maintain any such tracts.

(C) *Variances.* The Council, by a 2/3 vote of the entire Council, shall have the power to vary from the requirements of this chapter when supporting evidence indicates that:

(1) Because of the particular physical surroundings, shape or topographic conditions of the land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(2) The conditions upon which the petition for a variance is based are unique to