



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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MEMORANDUM

TO: Planning Commission

FROM: Karen Bulman, Planner I

DATE: September 1, 2004

RE: Parkland Dedication

The Public Works Committee requested that staff research the possibility of including a park land donation requirement in the City's Subdivision Regulations. A mandatory dedication of park land is required as a prerequisite for plat approval by many cities across the country. The Codes for the State of Montana state that a subdivider shall dedicate to the governing body a cash or land donation as a park dedication requirement. This requirement has been upheld in court cases, such as the Menomonee Falls Court Case, and the Associated Home Builders of the Greater East Bay, Inc v. City of Walnut Creek, 1971 that states "Recreational facilities are sufficiently related to the health and safety of subdivision residents to justify dedication of land."

Staff reviewed a number of regulations in other areas of the country. The provisions for the State of Montana include:

1. The subdivider shall dedicate to the governing body a cash or land donation or combination of both at the time the property is subdivided.
2. The park land dedication requirements are based on community need for parks and the development densities identified in the regulations.
3. Parkland dedication may not be required for minor subdivisions, subdivisions with parcels larger than 5 acres, nonresidential subdivisions, subdivisions where parcels are not created, and subdivisions where only one additional parcel is created.
4. The governing body will determine whether the donation is cash, land or a combination of both.
5. The governing body shall use the money or land for development, acquisition, or maintenance of parks to serve the subdivision or to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space.
6. The governing body may waive the dedication requirement if the plat has set aside land for sufficient recreational uses, provides protection of wildlife habitat, cultural, historical, or



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natural resources, agricultural interest, or aesthetic values; or the subdivider provides land outside the subdivision to meet the needs of the subdivision or for protection of wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values.

7. Land donation may be inside or outside of the subdivision.

Other communities in the Midwest, require the donation of park land or fees. The following list summarizes some of those requirements:

1. A requirement is indicated for parkland within a certain distance of the new subdivision.
2. Standards are set for fees-in-lieu to address minimum amounts and fee schedules.
3. A minimal requirement is adopted for quality land standards.
4. Exemptions are established for low-income housing projects.
5. A separate fee is established for parkland donated in commercial and industrial areas.
6. Exemptions are established for land not involved in the creation of additional dwelling units.

South Dakota communities were contacted, and although at least one community is discussing that parkland donations be included in developments, none have a regulation requiring the dedication of parkland at this time.

A formula requiring parkland dedication is usually established by ordinance. Most communities use: the average number of persons per dwelling unit divided by 1000, times the number of acres to be developed, is equal to the acres of dedication per dwelling unit. In Rapid City the average number of persons per dwelling unit is 2.49. Using this formula as an example, for a 40 acre parcel of land with 90 dwelling units, the formula would be:

$$2.49/1000 \times 40 = .0996 \times 90 = 8.964 \text{ acres of donated park land.}$$

Staff is providing this information to the Planning Commission for discussion and for the Commission's recommendations to the City Council on whether or not the Staff prepares an ordinance to require park land dedications in the subdivision regulations.