

## CHAPTER 17.86 - PARKLAND & OPEN SPACE

### 17.86.00 INTENT

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Sandy. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Sandy. This chapter implements policies of Goal 8 of the Comprehensive Plan and the Parks Master Plan by outlining provisions for parks and open space in the City of Sandy.

### 17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned developments, multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication and system development fee requirements.

1. The required parkland shall be dedicated as a condition of approval for the following:
  - a. Tentative plat for a subdivision or partition;
  - b. Planned Development conceptual or detailed development plan;
  - c. Design review for a multi-family development or manufactured home park; and
  - d. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.
2. Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.00) of an acre:

*Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0043 (per person park land dedication factor)*

- a. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

Type of Unit	Total Persons Per Unit
Single family residential	3.0
Standard multi-family unit	2.0
Manufactured dwelling park	2.0
Congregate multi-family unit	1.5

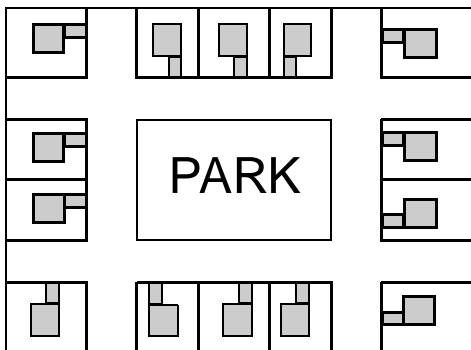
Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.

- b. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0043 of an acre per person based on the adopted standard of 4.3 acres of land per one thousand of ultimate population per the Parks Master Plan<sup>1</sup>. This standard represents the citywide land-to-population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.

**17.86.20 MINIMUM PARKLAND STANDARDS**

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park, based on the following criteria:

- 1. Homes must front on the parkland as shown in the example below:



- 2. The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.
- 3. The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.

<sup>1</sup> Parks Master Plan, Implementation Plan section, Pages 4 and 5 indicate a required park acreage total of 64.5 acres. This number, divided by population (2015) of 15,000 equates to 4.3 acres per 1000 population or 0.0043 per person.

4. Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or private street shall not exceed 4 feet in height.
5. Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.

### **17.86.30 DEDICATION PROCEDURES**

Prior to approval of the final plat, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

A. Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:

1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and,
2. The developer shall submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.

B. Additional Requirements

1. In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Director, will interfere with the use of the land for park, open space or recreational purposes.

The subdivider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.

2. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.

C. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by 17.86.30 (A.1.) shall be made prior to approval of the final plat for the phase that includes the park land.

#### **17.86.40 CASH IN LIEU OF DEDICATION**

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated is less than 3 acres. A payment in lieu of land dedication is separate from Park Systems Development Charges, and is not eligible for a credit of Park Systems Development Charges. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the typical market value of developed property (finished lots) in Sandy net of related development costs.

1. The following factors shall be used in the choice of whether to accept land or cash in lieu:
  - a. The topography, geology, access to, parcel size, and location of land in the development available for dedication;
  - b. Potential adverse/beneficial effects on environmentally sensitive areas;
  - c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
  - d. Availability of previously acquired property; and
  - e. The feasibility of dedication.
2. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat or as specified below:
  - a. 50 percent of the payment shall be paid prior to final plat approval, and
  - b. The remaining 50 percent of the payment pro-rated equally among the lots, plus an administrative surcharge as determined by the City Council through a resolution, will constitute a lien against the property payable at the time of sale.

#### **17.86.50 MINIMUM STANDARDS FOR OPEN SPACE DEDICATION**

The applicant through a subdivision or design review process may propose the designation and protection of open space areas as part of that process. This open space will not, however, be counted toward the parkland dedication requirement of Sections 17.86.10 through 17.86.40.

1. The types of open space that may be provided are as follows:
  - a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
  - b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.

2. A subdivision or design review application proposing designation of open space shall include the following information as part of this application:
  - a. Designate the boundaries of all open space areas; and
  - b. Specify the manner in which the open space shall be perpetuated, maintained, and administered; and
  - c. Provide for public access to trails included in the Park Master Plan, including but not limited to the Tickle Creek Path.
3. Dedication of open space may occur concurrently with development of the project. At the discretion of the city, for development that will be phased, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.
4. Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
  - a. Dedication to the City of Sandy or an appropriate public agency approved by the City, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.
  - b. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
  - c. Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or
  - d. Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.
5. In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.