

7-2-124. DEDICATION AND RESERVATION  
OF PARKS.

(1) Pursuant to Title 8 of the West Valley City Municipal Code, new development is required to pay a park impact fee and other impact fees that are related to the impact a new development places on the City and its resources. The City pursuant to this Section and consistent with Title 8 may accept dedication of property in an amount equal to the park impact fee or some portion of the fee in order to offset the fee.

(2) All land to be dedicated for park or recreational purposes shall be found to be suitable by the Planning Commission, the Community Development Department, and the Parks and Recreation Department as to location, parcel size and topography for the park and recreation purposes for which it is indicated in the General Plan or any planned community plan. Such purposes may include active recreation facilities such as playgrounds, playfields, pedestrian or bicycle paths, areas of particular natural beauty and wooded areas to be developed or left in their natural state.

(3) When park or recreational facilities approved for dedication are completed and accepted, a deed shall be conveyed to the City, after which the supervision and maintenance shall be the responsibility of the City. When park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance and use of such areas as deemed necessary by the Planning Commission to assure preservation of the intended use.

(4) The provisions of this Section shall not normally apply to commercial or industrial developments; however, the Planning Commission may recommend as a condition of approval, that a commercial or industrial developer dedicate to the City that portion of a stream bed or drainage channel falling within an industrial development when such portion forms part of an open space network designated in the General Plan or a planned community plan.

(5) In addition to subdivisions, the provisions of this Section requiring the payment of a fee, or dedication in lieu of a fee, shall apply to all residential developments which require conditional use approval. Such developments shall include, but not be limited to, condominiums, planned unit developments, dwelling groups, and mobile home parks. The percentage of credit shall be determined by the Planning Commission prior to final approval of a development plan. The fee shall be paid prior to issuance of a building permit for the first dwelling unit in the development.

(6) If the subdivider or developer feels that the impact of the proposed subdivision or other residential development is substantially different than that presumed by this Section, the subdivider or developer may apply for a hearing before the Planning Commission to request a modification of the fee in lieu of the dedication requirement of this Section. The request for the hearing shall be made prior to final approval by the Planning Commission of the subdivision or conditional use approval of the residential development. The Planning Commission may recommend the modification only if the subdivider or developer proves that what is required under this Section bears no reasonable relationship to the need for parks and recreation facilities created by the subdivision or development. If the Planning Commission recommends such a modification, the request shall be submitted to the City Council for final determination.

If the Planning Commission finds that no modification is warranted, that finding may be appealed as provided herein.