

LEHI CITY GENERAL PLAN

PARKS, OPEN SPACE AND RECREATIONAL FACILITIES ELEMENT

ADOPTED BY THE LEHI CITY COUNCIL
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SECTION 1. INTRODUCTION

Providing quality community facilities and services benefits the overall City and the quality of life of all City residents. The Parks, Open Space and Recreational Facilities Element of the Lehi City General Plan discusses the needs for Parks, Open Space Areas and Special Purpose Recreational Facilities within the City and identifies the facilities required to provide recreational opportunities to all segments of the Lehi City population, 1998 – 2015.

The demand for Parks, Open Spaces and Recreational Facilities and services is anticipated to increase as the population of Lehi City increases. Additionally, the range and diversity of recreational opportunities demanded by the City's population is also expected to increase. The major emphasis for parks and recreation planning for the City in the past has been almost exclusively the development of areas for outdoor recreation. This plan maintains that focus but also considers the relationship of public recreation opportunities to other types of land use, design, and access, as well as considering social and environmental factors.

The plans for Parks, Open Space and Recreational Facilities in Lehi City should reflect the goals and policies of the City. The goals and policies for Parks, Open Space and Recreational Facilities point toward increased diversity in recreational facilities and programs, an equitable distribution of recreational opportunities, and a recognition of the recreational role of natural and cultural resources. The goals and policies for Parks, Open Space and Recreational Facilities reflects a strong desire that Parks, Open Spaces and Recreational Facilities should continue as an important and vital part of the community.

The provision of Parks, Open Space and Recreational Facilities cannot be neatly confined to a single governmental unit. The greatest potential for providing variety, choice, and flexibility in parks and open space areas and recreational facilities is best achieved by the development of an integrated and coordinated system provided by several units of government. For example, in addition to the park facilities provided by Lehi City, the mountains near the City include National Forest Service lands that can be used for hiking, camping, and picnicking. Other governmental agencies may also provide park and open space areas including Utah County, the State of Utah and other federal Government agencies. It is possible, with all levels of government working together, and also including the actions of various private organizations, that a system of Parks, Open Spaces and Recreational Facilities may be developed to serve the ultimate needs of the

residents of the City.

SECTION 2. BACKGROUND

The need or appreciation for parks, recreational facilities and open space areas has been evident since ancient times: the parks or private lands of Sumaria (2340 B.C.); the Hanging Gardens of Babylonia in the 10th Century; the Greek and Roman gardens. Generally, these parks were only for the use of a privileged elite. Public grounds were first provided in Florence, Italy (1300 A.D.) for the "Leisure of the People". Centuries later, England set aside public parks for sports and hunting.

Early park development in the U.S. is attributable to the open spaces surrounding the colonies and to the influence of the colonists cultural backgrounds and heritage. Each colonial town provided town spaces every few blocks in early town plans. Originally the open spaces were set aside to be used for grazing cattle, but by the early 1700's most cities recognized the need for park and open space areas within each city and transformed the grazing squares into parks. Public grounds for parks gradually emerged in colonial towns such as Philadelphia, Savannah and Washington, D.C.

Cities and Counties became actively involved in the provision of park and open space areas during the 19th century. For example, in 1895, Essex County, New Jersey pioneered the idea of the county park.¹ Its county park properties were classified as:

1. Metropolitan parks of 25-100 acres;
2. Unincorporated county parks of 150-500 acres;
3. Reservation to preserve forest and areas of natural beauty;
4. Parkways to preserve and protect natural features along highways.

During the 1950's, several trends in parks and recreation development emerged:

1. A greater expansion of adult recreation opportunities;

¹ History of Public Works in the United States (1976), Ellis Armstrong, ed.

2. Growing concern for the ability of those with a physical or and mental disability to participate in recreational pursuits;
3. An emerging focus on outdoor recreation and the overall management of natural resources;
4. Expansion of competitive sports for children and youth by the public and private sector;
5. An increase in cultural opportunities with an emphasis on the performing arts;
6. Increased recognition for park land acquisition and planning, and action to prevent encroachment upon park and recreation areas;
7. The establishment of permanent city and county level recreation and park systems to meet the rapid growth in the suburbs and unincorporated areas, sometimes resulting in consolidation of city and county services; and
8. Joint development of parks and schools which involved acquisition and utilization of land adjacent to school buildings for organized recreational activities.

The Federal government assisted with parks planning in the 1950's by passing the Housing Act of 1950. By recognizing the integral relationship of parks and recreation planning to comprehensive planning, Section 701 of this Act provided a stimulus for all communities to embark on a more comprehensive effort for community park and open space planning. In subsequent years, the practice of recreation planning was accelerated dramatically by the work done by the Open Space and Beautification Program of the Department of Housing and Urban Development (HUD). The creation of the U.S. Bureau of Outdoor Recreation in 1962 and the approval of the Land and Water Conservation Fund Act in 1964 provided additional funding for local acquisition and development of recreation projects, and gave further impetus to recreation planning activities.²

SECTION 3. PARKS, OPEN SPACE AND RECREATIONAL FACILITIES OBJECTIVES

In developing a system of park open space and recreational facilities for Lehi City, the following

² Ibid. History of Public Works in the United States (1976).

park planning criteria must be considered. These include:

1. All people who reside within the City should have the opportunity for access to park, open space and recreation facilities regardless of age, income, or handicap.
2. Public recreation should be coordinated with other community recreation opportunities to avoid duplication, to provide opportunities which might not exist otherwise, and to encourage innovation.
3. Public recreation facilities should be integrated, where possible with education and transportation facilities.
4. As much as practicable all park, open space and recreational facilities should be adaptable to meet future demands.
5. Facilities and programs should be financially feasible at all stages of acquisition, development, operation, and maintenance.
6. Parks and Open Spaces should represent positive examples of design, energy conservation, and concern for people and the environment. For example, the design of a park system should include means to ultimately link all parcels of open space where possible.
7. Parks, Open Space and Recreational Facilities should be of sufficient quality as well as quantity.

The major focus of the Lehi City General Plan – Parks, Open Space and Recreational Facilities Element is to outline the potentials of park, open space and recreational facility development. This plan reviews and evaluates the existing facilities to determine existing and expected park, open space and recreational facility deficiencies within the City and discusses how parks, open space and recreational facilities may meet the needs of residents of the City.

SECTION 4. PARKS, OPEN SPACE AND RECREATIONAL FACILITIES; GOALS AND POLICIES

GOALS:

1. Maximize the opportunities to provide a diverse network of Parks, Open Space areas and Recreational Facilities which afford all residents access to a wide range of recreational

opportunities.

2. Provide resources and strategies for the continued expansion of Lehi City Parks, Open Spaces, and Recreation Facilities.

POLICIES:

1. Expand the supply and diversity of Parks and Recreation Facilities in the city.
2. Unique natural areas such as stream courses, steep slopes areas and wooded areas should be considered as priority resources and shall be preserved and/or developed to provide recreational opportunities consistent with the natural site qualities.
3. Develop a system of linear parks which follow stream courses, and which would be developed with hiking, riding, and bicycling trails connecting major recreation areas and other areas of activity.
4. Allow some currently natural areas to remain as undeveloped areas.
5. Create a joint agreement between the city, county, school district or other public and quasi-public entities that coordinated joint-use recreational facilities will be developed whenever possible.
6. Provide procedures for acquiring adequate park land prior to the development of new areas of the City.
7. Develop a trail system linking all areas of the City with the primary trail corridors. The primary trail corridors of the City are:
 - Dry Creek
 - Jordan River
 - Canal/Highway 92 Corridor
 - North Shore - Utah Lake Trail
8. Work with Federal, State, other Local agencies, community groups and private interests to secure available funds for development, maintenance and acquisition of park sites, open spaces, trails and recreation facilities.
9. Encourage the development of recreation opportunities by other public agencies and private entities.

SECTION 5. PARK, OPEN SPACE AND RECREATIONAL FACILITIES; OPPORTUNITIES AND CONSTRAINTS

Lehi City's varied topography creates various opportunities for the planning and provision of park, open space and recreational facilities.

In addition to the existing parks owned and maintained by the City, other areas are available including open spaces such as hillsides and floodplains. These spaces are important for the protection of these sensitive areas, which may also be potentially hazardous areas for the location of residential and nonresidential uses and activities. The existing Lehi City Development Code, as amended, prohibits development on areas identified as "Critical Areas."³ The Development Code identifies Critical Areas as follows;

- (1) . . . Steep Slopes. Slopes exceeding thirty percent (30%) or greater.
- (2) . . . Floodplains. All areas within a 100 year flood plain (as mapped for the Federal Flood Insurance program or mapped by Lehi City) or where the prevailing natural vegetation is riparian.
- (3) . . . Wetlands. All wetlands as identified by the U.S. Army Corps of Engineers.
- (4) . . . High Water Level of Utah Lake. The high water level of Utah Lake as identified by the Utah County Surveyor and Utah County Engineer at 4,495 feet above sea level.

These areas may provide opportunities for Lehi City to provide an open space amenity. For example, a steep hillside can be an ideal location for passive recreation such as a nature trails, a golf course may be adapted to flood plains, and an equestrian trail can follow the linear pattern of a drainage way. As areas adjoining hillside and slope areas, streams, and other critical lands are developed, they can provide sites for recreational opportunities and facilities and also preserve those areas that are vulnerable to serious hazards, if developed.

In Lehi City Dry Creek is a natural drainage channel which bisects the City in a general North-East to South-West direction. The Dry Creek drainage is generally undeveloped at present.

³ Lehi City Development Code, as amended, §12-060(K).

However, with the participation of affected landowners and with the potential purchase by the City of some small areas required to provide a continuous connection, Dry Creek could be a vital link in the City's park and open space system and provide a trail extending from the Mountains to the north to the Jordan River and the shore of Utah Lake.

The Land Use Element of the Lehi City General Plan also identifies other areas to provide an open space area amenity for the City and to provide a trail facility. These areas include the Jordan River Parkway, the Highway 92 corridor, the Utah lake Shoreline trail and Ridge line trail, located approximately on the Utah County and Salt Lake County line, in the northern areas of Lehi City.

The retention areas provided as part of the Lehi City flood control system are also opportunities for the provision of park spaces of varying kinds located throughout the City. Landscaping and improving retention basin parks will also reduce mud, dust, and weed problems originating from the site and provide a neighborhood park amenity, as well as providing the necessary flood control.

Like many other cities a major constraint of park development for Lehi City is the financial resources available to the City for the purchase and improvements required to provide park, open space areas and recreational facilities. For Lehi City, there exists a number of strategies for the acquisition of parks and open space areas. These include: reserving natural drainage channels, flood plains or flood retention ponds through the subdivision review process; by utilizing the planned residential development option; by acquiring special easements such as paths along canals; by establishing special service districts; by leasing land from public or private entities; or by acquiring land outright in the traditional manner. Various options for the financing of park and open space areas are identified and discussed in Section 11.

SECTION 6. PARK, OPEN SPACE AND RECREATION FACILITY DEMAND

A person's recreational demands can vary with income, occupation, sex and age. The various segments of the Lehi City population will have different park, open space and recreational facility demands. In addition, the special recreational needs for persons with a disability, the elderly, children, and those with low incomes must also be considered.

CITY SURVEY;

In 1996 Lehi City conducted a citizen's survey. When questioned concerning the City's performance in providing parks and park facilities 57% of responses indicated the City was providing parks at an inadequate level. Seventy two percent (72%) of respondents indicated strong support for the idea of the City preserving open space areas. When asked to identify the three (3) issues the City should address immediately, citizens indicated a greater effort should be directed at preserving the Rural Lifestyle (preserve open space areas) and providing additional Parks and Open Space areas.

In recent years Lehi City has experienced increased residential growth, with a high proportion of children. Few new parks have been developed recently by the City with the demand for park and open space facilities generally exceeding the provision of park and open space areas. Additionally, the park and recreational facilities provided by the City tend to be designed primarily for active participants. To meet the recreational needs of all segments of the Lehi City population park, open space and recreational facilities must be designed to meet the needs of all segments of the City population, including the elderly and those with a disability. It is important that picnic shelters, horseshoe pits and other amenities be provided for senior citizens within a park, and that parks provide access to those with a disability.

SECTION 7. PARK, OPEN SPACE AND RECREATIONAL FACILITIES; LOCATION AND DESIGN

The design of parks and open spaces is as critical as location and size. The criteria to be considered by Lehi City in locating and designing parks and open spaces include:

1. The consideration of a variety of active and passive recreation facilities;
2. The possibility of dual uses of facilities, e.g., ball diamonds in spring, soccer fields in the fall;
3. The adequacy of access and parking, and the traffic impacts on adjoining neighborhoods;
4. The ability of the Police Department to provide surveillance;
5. The adequacy of lighting for safety and for activity, yet deflected away from adjoining land uses;

6. The need to provide a neighborhood amenity;
7. . . . The possibility of locating and improving a park or open space area utilizing the natural features that exist;
8. Maintenance requirements.

SECTION 8. PARK STANDARDS AND EVALUATION

Lehi City's rapid growth over the last several years has left some areas of the City lacking adequate park, open space and recreational facilities. To assist in correcting any existing park, open space and recreational facility deficiencies the Parks, Open Space and Recreational Facilities Element seeks to determine how much park land, and other lands the City must acquire, and develop to meet the needs of City residents at a community accepted Level of Service.

Various Parks standards are used throughout the country for parks planning by individual communities. For example, The National Recreation and Park Association, American Public Health Committee on the Hygiene of Housing, the Urban Design Council of the City of New York, all provide park standards. However, to meet the park, open space and recreational facility needs of the residents of Lehi City, it is important that parks and recreational facility planning be based on a community accepted Level of Service for parks, open space and recreational facilities planning. Factors which must be considered in determining the needs for parks and recreational facilities for Lehi include:

1. The Parks and Recreational Facilities Level of Service and Standards are relative to the City to which they are applied -- they are not absolute.
2. Standards measure deficiency rather than adequacy and should be used only to guide decision making when setting priorities.
3. Parks facilities standards do not consider the quality of facilities.
4. Although the amount of recreational land is important, the location and type and amount of improvements is also important.
5. Standards are most often related to conventional facilities and may not consider the needs of the elderly, handicapped, poor, or other groups within the community.

6. All park and recreational facility standards may not fit in all areas of the City. The kind of park and its facilities depend not only on the need, but also upon how the natural site is shaped and where it is located.

Recognizing the factors that influence park, open space and recreational facilities planning, it is important that a community accepted Level of Service standard for Lehi City be determined to act as a guide in park, open space and recreational facilities decision-making. These Level of Service standards are provided to determine the areas of the City with the greatest park need and to provide policies for the future provision of parks provided and maintained by Lehi City.

For Lehi City the following Parks and Open Space Standards are identified. The Park and Open Space standards are presented as realistic standards for Lehi City, recognizing the existing parks and open space areas provided by the City and the City's ability to provide and maintain Park and Open Space areas in the future.

SECTION 9. PARKS CLASSIFICATION AND STANDARDS

a. NEIGHBORHOOD PARKS

Neighborhood Parks are the smallest parks provided by the City with limited facilities. Neighborhood Parks should be located within one half mile walking distance of the users residence. No minimum size for neighborhood parks is established, but generally these areas should not be less than two (2) acres. A Neighborhood Park may be improved and used for field games, tennis and basketball, and provide playground areas. A minimum of two (2) acres of land, improved with park amenities, should be designated as a neighborhood park for every 1,000 city residents. Neighborhood Parks may also include open spaces adjacent to schools, churches or other uses.

b. COMMUNITY PARKS

A community park is designed to provide a variety of active and passive recreational activities for all age groups of the city. A community park will usually serve several neighborhoods, or the entire City, designed to serve children, youth, and adults with various recreational activities. A community park may also include areas left in a natural state. National standards would indicate that a community park should have 3.5 acres/1,000 persons and serve a 3 mile radius. Each park

should be between 30-50 acres.⁴

For Lehi City a Community Park may provide a variety of recreational facilities, including baseball facilities, picnic areas, and play equipment. A community park will provide approximately 2 acres of park area per 1,000 residents. A minimum of size of 4 acres is identified for a Community Park standard for Lehi City.

c. SPECIAL USE PARKS/AREAS AND RECREATIONAL FACILITIES

National standards would indicate a Citywide, District park or Special Use park should serve a population of 50,000-100,000. It should be designed to provide a wide variety of activities. The park should be placed as close as possible to the center of the population to be served, and may include facilities for swimming, ice skating, indoor sports, etc. The national standards suggest that 2 acres/1,000 residents be provided with the approximate size of 50-100 acres. The service radius would be about 3 miles. These facilities are usually designed for a specialized or single purpose such as golf courses, recreation centers, nature centers, zoos, conservatories, arboreta, display gardens, outdoor theaters, gun ranges, and similar activities, or areas that preserve and maintain buildings, sites, or objects of archaeological significance.

For Lehi City it is recommended that a Special Use Park designation be identified. The Special Use Park designation for Lehi City will include the Swimming Pool area and the Lehi Rodeo Arena and associated facilities. A Special Use Park may also include any open space areas remaining in their natural state because of the existence of wetlands, steep slope areas, flood plains, or other natural features. The Dry Creek area is determined to be a Special Use area for Lehi City, as are the proposed trails associated with the Jordan River Parkway and Highway 92. Special Use parks would also include the Tri-City Golf Course, provided and maintained in part by Lehi City.

For Lehi City no minimum standards for Special Use Parks/Areas have been determined. Special use Parks/Areas will be established and provide based on need of City residents for the provision of special recreational facilities and the existence of natural features and topography.

⁴ Manual of Housing/Planning and Design Criteria (1975), Joseph DeChiara and Kopleman, Lee., (Prentice Hall, Englewood Cliffs, New Jersey).

Table 1
LEHI CITY PARK, OPEN SPACE AND RECREATIONAL FACILITIES
GENERAL PARK STANDARDS

PARK TYPE	MINIMUM IMPROVED PARK ACRES	MINIMUM SIZE	LOCATIONAL CONSIDERATIONS
Neighborhood Park	2 acres per 1,000 residents	2 acres	0.5 miles of residence as a guide.
Community Park	2 acres per 1,000 residents	5 acres	No locational requirement
Special Use Park/Area	No minimum	No minimum	No locational requirement. Where required to provide appropriate access and where site characteristics exist.

Table 2 identifies the existing Park Areas provided within Lehi City. Lehi City provides, at the end of 1997, approximately 29 acres of neighborhood and community park areas.

Lehi City also owns an area of Open Space, located in an area above the City of Alpine. The Lehi City Swimming Pool and Lehi City Rodeo Arena are located on two (2) Special Use park sites with a total area of 7.3 acres.

Table 2
DEVELOPED LEHI CITY PARK FACILITY AREAS AND IMPROVEMENTS, 1997

PARK FACILITY	TOTAL ACREAGE (Ac.)	PARK IMPROVEMENTS
Veterans Ball Park	10.0	Restrooms, Snack Stand, Storage/Maintenance Building, 4 Ball Diamonds, Fencing
Centennial Park	3.9	Walking Path, Playground Equipment, Basketball pad, Pad for pavilion, Parking Area, Fencing
Wines Park	3.5	Playground Equipment (2), Concrete pads with Picnic Tables, Restrooms
Band Wagon Park	2.1	Stage Area, Pavilion, Restrooms
Lions Club Park	1.5	Ball Diamond
Daughters of Utah Pioneers Park	0.4	
West Entrance Park	0.2	Entrance Sign, Flower Beds
East Entrance Park	0.7	Entrance Sign, Flower Beds
North Entrance Park	1.8	Entrance Sign, Flower Beds
Museum Park Soccer Field (across from City Hall)	4.5	Soccer Field, Ball Diamond
TOTAL PARK ACREAGE	28.6	

Table 3 now identifies how the existing city provided Neighborhood and Community Park areas compare to the Lehi City community accepted Level of Service standards, and as recommended,

for the provision of Neighborhood and Community Parks for the future.

**Table 3
NEIGHBORHOOD AND COMMUNITY PARKS 1997 - 2015**

NEIGHBORHOOD AND COMMUNITY PARKS	POPULATION	ACREAGE
Existing Neighborhood and Community Parks Provided	14,981	28.6
Neighborhood (2 ac./1,000 residents) and Community Parks (2 ac./1,000 residents) Required (1997)	14,981	30 Acres Neighborhood Parks 30 Acres Community Parks Total Required 60 Acres
Neighborhood (2 ac./1,000 residents) and Community Parks (2 ac./1,000 residents) Required (2015)	30,227	60 Acres Neighborhood Parks 60 Acres Community Parks Total Required 120 Acres

Table 3 indicates how the existing Neighborhood and Community Park areas, provided by the City, compare to the Level of Service standards recommended by the Parks, Open Space and Recreational Facilities Element. Although Table 3 indicates an existing Neighborhood and Community Park Facilities deficiency of approximately 30 acres, it must be remembered that the needs for some Neighborhood and Community parks acreage is met by areas associated with schools provided by the Alpine School District, recreational facilities provided by churches, and other open space areas provided by other organizations.

Figure 1, Lehi City General Plan Parks, Open Space and Recreational Facilities Element identifies the locations of existing Lehi City Neighborhood, Community and Special Purpose Parks. Using a one-half (½) mile service area the “older” areas of the City, in the Main and State Street areas seem to generally well served by park facilities, particularly when park and recreational amenities offered at schools and church sites is considered.

Figure 2 of the Lehi City General Plan Parks, Open Space and Recreational Facilities Element identifies areas of Lehi City where deficiencies of neighborhood and community parks exist. It is recommended that Lehi City take actions necessary to provide additional neighborhood and community park areas in the North-East, West and South West areas of the City. Using a one-

half (½) mile service area Figure 2 should be used as a general guide for the identification of suitable future neighborhood and community park areas.

SECTION 10 IMMEDIATE ACTIONS

Lehi City, through the Lehi City Development Code, as amended, includes several provisions that encourage the inclusion of park and open space amenities within new subdivision areas. These provision include;

1. PLANNED RESIDENTIAL DESIGN (PRD) PROJECTS.

At the option of the land owner/developer and at the discretion of the Planning Commission and City Council a Planned Residential Design (PRD) project may be permitted in any agriculture or residential zoning district. A PRD allows site layout flexibility while requiring a minimum of twenty percent (20%) of the site be provided as park and open space areas (Chapter 16, Lehi City Development Code).

The Lehi City PRD provisions require that at least twenty percent (20%) of the total Planned Residential Design site, not in streets, be provided for park or open areas, or payment in lieu of park and open space areas be provided. These provisions, contained in §16-030, Lehi City Development Code, raise a couple of policy issues for the City. These are;

- (A) If, at the option of the City, payment in lieu of park and open space areas is determined desirable, what is the necessary payment.
- (B) If payment in lieu is provided, what is the allowed density for the development site.

Recommended Policy and Associated Implementation Actions.

A. Required Payment in Lieu.

The Lehi City Development Code, Chapter 31, establishes requirements for review of constitutional takings issues. It is recommended that similar provisions, as contained in §31-030, Lehi City Development Code, be incorporated by the City into the Development Code to provide a mechanism for the determination of payment in lieu of park and open space areas in PRD projects. Specifically, the City should consider requiring the following information to determine required payment;

- (i) . . . Terms (including sale price) or any previous purchase or sale of a full or

partial interest in the property in the immediate three (3) years prior to the date of development application.

(ii) . . . All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of development application.

(iii) . . The assessed value of and ad valorem taxes on the property for the previous three (3) years.

(iv) . . Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.

(v) . . . Any other relevant information the City Council or their designee may request.

The items identified above will be generally available to the developer/land owner and do not necessitate any additional requirements for the developer/land owner. These items also will provide the City with a sound market basis to establish current property value. The rationale here is that developer/land owner would be required to provide to the City, through a payment in lieu, the value of the property that would have been provided to the City in parks and open spaces areas.

B. Allowed Density.

Section 16-040(D) Lehi City Development Code establishes the procedures for the calculation of allowed density on PRD areas. As identified in §16-040 no density bonuses are permitted in PRD areas, except at the discretion of the City Council for the provision of park and open space areas exceeding the required minimum 20% of the total development site. The PRD provides significant benefits to the developer/land owner by way of design flexibility and potential infrastructure savings.

It is recommended that the City consider allowing a developer/land owner to calculate the permitted density for a PRD project when payment in lieu is required by the City as follows;

(i) . . . Calculated allowed density as identified in §16-030(D).

(ii) . . . For that portion of the total development site for which a payment in lieu of park and open space areas is made to the City the base density of the underlying zone shall apply.

- (iii) . . . To ensure overall site functionality and compatibility with existing, or planned uses, the allowed density should be distributed evenly over entire development site.

Essentially, these procedures allow a developer to achieve a density bonus, as allowed by the base density, by a payment in lieu at the market value of the land that would have been provided as park or open space areas.

2. CRITICAL AREAS.

The existing Lehi City Development Code prohibits development, except for some limited public purposes on all critical areas defined as:

- (1) . . . Slopes exceeding thirty percent (30%) or greater;
- (2) . . . All areas within a 100 year flood plain;
- (3) . . . All wetlands as identified by the U.S. Army Corps of Engineers; and
- (4) . . . High Water Level of Utah Lake as identified by the Utah County Surveyor and Utah County Engineer at 4,495 feet above sea level.

These requirements of the Lehi City Development Code raise the question of; What is the development potential, if any of these areas? As presently drafted the Development Code provides that the development potential of these areas is identical to all other land within the same zoning district without any development constraint.

Recommended Policy and Associated Implementation Actions.

Recognizing the existing development pattern of Lehi City it is recommended that the Lehi City Development Code, §12-060(K) be amended to add specificity and clarification for the uses allowed on Critical Areas to read as follows:

(K) **Critical Areas.** Development on a lot or unsubdivided parcel within a Critical Areas, as defined in subsections (1) through (4) below, must comply with the applicable Critical Area development requirements as identified in this Section, in addition to all other requirements of this Code, unless exempt by Section_12-020(H) of this Code.

- (1) **Steep Slopes.** Slopes exceeding thirty percent (30%) or greater.

Development Requirements:

- (a) In order to preserve the natural terrain and vegetation of the hillside areas, no development, structures, buildings or impervious surfaces shall be allowed on any lands with a slope of thirty percent (30%) or greater, unless otherwise recommended by the Planning Commission and approved by the City Council.
- (5) Floodplains. All areas within a 100 year flood plain (as mapped for the Federal Flood Insurance program or mapped by Lehi City).

Development Requirements:

- (a). All development, structures, buildings or impervious surfaces shall be required to comply with all requirements for construction in a flood plain as required by a Federal or State agency and the requirements of the National Flood Insurance Program (elevation certificate) for construction within a flood plain.
- (6) Wetlands. All areas as identified as a designated wetland by the U.S. Army Corps of Engineers.

Development Requirements:

- (a). As allowed and required by the U.S. Army Corps of Engineers.
 - (b) For the purposes of calculating density applicable to wetland areas, as determined by the U.S. Army Corps of Engineers, no density is applicable to any wetland areas although at the option of the City, lot lines may extend into wetland areas, as allowed by the U.S. Army Corps of Engineers.
- (4) High Water Level of Utah Lake. The high water level of Utah Lake as identified by the Utah County Surveyor and Utah County Engineer at 4,495 feet above sea level.

Development Requirements:

- (a) No development, structures, buildings used for human occupancy, or

impervious surfaces shall be allowed on any lands below the High Water Level of Utah Lake, unless otherwise recommended by the Planning Commission and approved by the City Council.

3. RIDGE LINES.

The Lehi City Development Code requires that all developments locate structures away from areas that are prominently visible against the sky. This is a ridge line protection provision, recognizing the visual value of all ridge line areas.

Recommended Policy and Associated Implementation Actions.

The City, in reviewing all development requests in ridge line areas, should require that all structures be located at least 100 feet, measured vertically, below any ridge line.

4. TRAIL SYSTEM.

All developments are required to provide portions of the major trails running through their site meeting the recommended preferred design guidelines of the Lehi City Trails Plan. The area dedicated to trails shall be included in the calculation of any open space provided, or required, even though the trail surfaces may be impervious.

Recommended Policy and Associated Implementation Actions.

Lehi City will develop a system of "primary" trail linkages or corridors. Working with landowners and developers, and using appropriate strategies, Lehi City will take all actions necessary to establish a trail and linear open space system adjoining;

- Dry Creek
- Jordan River
- Canal/Highway 92 Corridor
- North Shore Area of Utah Lake.

Lehi City, using the design standards and specifications as recommended by Mountainland Association of Governments will establish the design requirements for all trail areas within the City.

5. ADEQUATE PARK, OPEN SPACE AND RECREATIONAL FACILITIES.

Lehi City has adopted an Adequate Public Facilities requirement for parks and recreational

facilities (Chapter 13, Lehi City Development Code). If it is determined that Adequate Public Facilities (including parks and recreational facilities) will not be available at the specified Levels of Service (LOS) within a reasonable period of time following the issuance of final development approval the Planning Commission and City Council, in the exercise of their discretion, may:

- (A) Deny development approval;
- (B) . . . Defer final development approval and the issuance of building permits until all necessary public facilities are adequate and available;
- (C) . . . Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities; or,
- (D) . . . Allow the applicant to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of agreement.

Recommended Policy and Associated Implementation Actions.

As a component of the development review and evaluation processes of the City, the City should require all applicants for approval of all residential development projects to provide information demonstrating that parks and related recreational facilities will be available at the adopted Parks, Open Space and Recreational Facilities Levels of Service. For the purposes of establishing a Level of Service standard for development review the City may utilize the Parks Level Of service standards, as identified in Table 1.

SECTION 11. ADDITIONAL PARK AND OPEN SPACE ACQUISITION TECHNIQUES

If Lehi City is to provide Neighborhood and Community park facilities at a Community accepted Level of Service of two (2) acres of neighborhood parks per 1,000 residents and Community Parks at two (2) acres per 1,000 residents, it will be necessary for the City to acquire and develop additional park areas. Presented and discussed below are some of the techniques that may be available to the City for the acquisition of additional park areas.

Techniques for the provision of park and open space facilities fall into the following three general categories: (1) Acquisition; (2) Exercise of Police Powers; and (3) Voluntary Agreements and Governmental Inducements.

1. ACQUISITION

This technique involves the purchase by the City of fee simple or lesser interests in property for immediate park use or to preserve it for future park uses. Acquisition can occur using federal or state grant funds. However, federal and state grant funds are very limited for park and open space acquisition purposes and the reality is that acquisition is generally funded from the general revenues of the city or through long-term bonding. Acquisition of park and open space areas can be accomplished by the City in the following ways:

A. ADVANCED PURCHASE AND EMINENT DOMAIN

Undeveloped property is acquired, either by direct purchase or eminent domain, and "banked" until needed for park and open space uses. The City using advanced purchase or eminent domain techniques may systematically acquire the acreage required for future park or open space use or may acquire only strategically located land parcels.

Under Utah statutes, acquisition of property by eminent domain is authorized if: (a) the use is authorized by law; (b) the taking is necessary for such use; (c) the construction and use of property will commence within a reasonable time, and (d) fair compensation is paid. Fair value must be paid for interests taken and any damages which might accrue to the remainder of the property not acquired by the City.

Advantages:

- Fully preserves the needed areas required for park and open space uses by preventing development.
- May save money by purchasing before land values increase.
- May present opportunities for interim income through lease-backs or other use of the property until needed for the park or open space use.
- Government may recover or sell selected interests in unused land or restrict future uses of land.

Disadvantages:

- Requires the allocation of substantial financial resources by the City which may not be

available or which may detract from the funding of other critical projects.

- Statutory barriers to acquisition significantly in advance of the need for park construction exist.
- May decrease the local tax base by removing substantial areas from private ownership.
- Requires land management and maintenance during period prior to park construction.
- Acquisition of land by eminent domain can be very controversial.

B. Hardship Acquisition

Property is acquired by the City to alleviate a particular hardship to a property owner. The hardship must occur as the result of an inability to sell the property due to the awareness of the pending park facilities project by the City. Applies only to limited parcel-by-parcel actions in extraordinary or emergency situations.

Advantages:

- Provides relief to landowners in hardship situations.
- Negotiation of acquisition price may be easier because owner usually initiates action.
- May provide interim income through lease-backs or other use of property until needed for development as a park facility.

Disadvantages:

- Requires early expenditure of limited public funds.
- Removes property from the tax rolls.

C. PURCHASE OPTIONS

A conditional contract or purchase option is executed that gives the public agency the right but not the obligation to buy the property at a future date. The contract would specify the terms and conditions of the future purchase.

A related concept involves the use of rights of first refusal under which the government entity obtains the first right to purchase the property when a land owner determines to sell the property.

Advantages:

- Initially less costly than full acquisition. No further costs are incurred if property is determined to be not required in the future.
- May fix the future purchase price before increases are caused by development or market pressures.
- Agreement can include terms that preclude the seller from developing specified areas that may be needed for park facilities.
- Owner retains possession and use of the property. Owner retains maintenance and liability responsibility.
- Property is retained on tax rolls until purchased.
- Can provide for land protection during interim periods when budgets do not allow outright acquisition.

Disadvantages:

- Option must be for short time or costs can approximate outright purchase. Payment of the cost of the option agreement must be made even if sale is never completed.
- Option duration may not coincide with scheduled park or open space improvement.
- Requires the expenditure of funds for property that may not be acquired or used.
- Can result in potentially higher carrying costs.

D. DEVELOPMENT EASEMENTS

For this technique the City purchases development rights or a development easement. The agreement would specify the uses that would be allowed on the land. The public agency would purchase the property owner's right to develop the land, leaving the owner with all other rights

of ownership. Thus, intensification of land use or development would be precluded. This technique may only be a realistic option for the preservation of open space areas and not applicable to the development by the City of park areas for active recreational pursuits.

Advantages:

- Costs are likely to be substantially less than full fee acquisition.
- Owner retains possession and use of the property except for further development. Owner retains maintenance and liability responsibilities.
- Property remains on the tax rolls.

Disadvantages:

- In a rising property market, cost may approach the fee purchase.
- Requires long term surveillance to prevent easement abuse.
- Has been used more for historic or aesthetic protection than for the acquisition of active park areas and facilities.

Existing Utah Law provides for conservation easements to maintain land or water areas predominantly in a natural scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat or other use or condition consistent with the protection of open land. Such easements must be granted to a tax exempt organization or a governmental entity and cannot be obtained by eminent domain. The easement may be terminated pursuant to conditions set forth in the easement document.

E. PUBLIC LAND EXCHANGES

Surplus government land is exchanged as compensation for private property needed for park or open space uses.

Advantages:

- Can be used by itself or in combination with other acquisition techniques. May offer an opportunity to use otherwise unproductive land assets.

Disadvantages:

- Sufficient surplus land may not be available.
- May not be possible due to location, topography, and other factors.
- Administrative difficulties may occur with regard to the exchange process.
- Exchange requires voluntary agreement of land owners.

F. PRIVATE LAND TRUSTS

Private land trusts play an increasingly important role in land conservation where public objectives are aligned with private trust objectives. Where government budgets are insufficient to acquire critical tracts in a given time frame, private land trusts may acquire the tracts and hold them for future acquisition by the City.

Advantages:

- May be able to acquire land through bargain sales or donations.
- Early acquisition by private land trust may reduce cost paid by the City for property at a later date.
- Potential tax benefits may be available to land owners.
- Limited development consistent with private trust and government objectives can be allowed.
- Swift action is possible with private trust land acquisitions.

Disadvantages:

- The direction of some land trusts may change over time or may not have adequate resources to complete the acquisition and maintenance program.
- Public access to land may be affected.

- The parcel contemplated for acquisition by the City may be of insufficient size to generate land trust support.

2. EXERCISE OF POLICE POWERS

Regulatory controls under the police power can be used to control the development of private property in order to preserve the opportunities for the City to acquire and develop park and open space areas. These measures impose requirements with no compensation to the land owner.

A. IMPACT FEES AND EXACTIONS

This method involves a mandatory property or monetary contribution for parks, open space areas or special recreational facilities by a land developer to the City as a condition of a land use approval. For Lehi City impact fees are imposed at the time of subdivision and site plan approval, but are collected at the time of building permit issuance. Impact fees and exactions may include the following variations:

- i. In-kind contributions – Land owners and developers dedicate land to the City for park areas and construct the required improvements or dedicate.
- ii. Monetary payments in lieu of contributions – Developers pay money in lieu of or in addition to in-kind contributions. This method may be used where the pooled contributions of numerous small developments is more effective than individual dedications of small parcels of land. The money is then used to acquire areas for park and open space uses or make other park and recreational facility improvements.
- iii. Impact fees - This method applies to park, open space and recreational facility improvements the need for which is generated by the new development. For Lehi City, Park and Recreational Facility Impact Fees are imposed on all new residential development occurring within the City and identify the pro rata share of park and recreational facility improvements required to meet the needs of the new residential development.

Advantages:

- Reduces the outlay of public funds.
- Allows the integration of the park, open space and recreational facilities with other community facilities and private developments.

- Attributes the costs of providing the required park and recreational facilities to those developments creating the needs for such facilities. Implements the "Development will Pay its Own Way" philosophy.

Disadvantages:

- Required to be established and imposed consistent with the requirements of State of Utah statutory law and Federal and State case law.

The existing Lehi City Park and Recreational Facilities Impact Fee program, enacted by the City Council in 1997, is based on the Lehi City Parks, Open Space and Recreational Facilities Capital facilities Plan, adopted by the Lehi City Council in 1997. The Park and Recreational facility Impact Fee is based on a Level of Service Standard of approximately 1.9 acres of Neighborhood and Community Park per 1,000 residents. This Level of Service is approximately half of the Level of Service for neighborhood and Community Parks established by this Plan. (The Level of Service Standards established by this Plan are much lower than the recommended standards of the National Recreation and Park Association). The existing Park and Recreational Facilities Impact Fee program of the City will not meet the Level of Service standards for neighborhood and Community Parks established by this plan. The City, if it is to be successful in providing Neighborhood and Community Parks, and other Recreational Facilities will be required to be utilize other acquisition and funding strategies.

B. ADEQUATE PUBLIC FACILITIES AND CONCURRENCY REQUIREMENTS

Some communities address infrastructure needs by adopting ordinances that require a concurrency program intended to ensure that public facilities such as water, sewer and transportation facilities are either in place, planned for, or provided as impacts occur from new development. Lehi City has adopted requirements for Adequate Public Facilities, but does not include the provision of Parks, Open Space and Recreational Facilities within the City's Adequate Public Facilities requirements or monitoring system. Adequate Public Facilities requirements and Concurrency does not necessarily require developers to pay for improvements but does require that such improvements be made when development occurs, or that development will not reduce the established Level of Service for the identified services and facilities.

Advantages:

- Helps ensure that community facilities are not overwhelmed by growth.
- Assists in ensuring that new growth pays its way.
- Prevents leapfrog development patterns and high costs of infrastructure extensions.
- Allows better fiscal management by affected government agencies.
- Directs development to areas where government services are established or may be provided in a cost effective manner.
- In some cases growth can occur only if land owners assists in funding the needed improvements.

Disadvantages:

- Requires a level of cooperation with adjoining local governmental units to be truly effective. requires potentially complex regulatory program.
- Does not correct or address existing deficiencies in the provision of park, open space and recreation facilities.
- May cause land values to increase if properties meeting the adequate public facilities criteria is limited.

3. VOLUNTARY AGREEMENTS AND GOVERNMENTAL INDUCEMENTS

These techniques generally involve a voluntary agreement between the City and a land owner to maintain the proposed park, open space or recreational facility site in an undeveloped state.

A. TRANSFER OF DEVELOPMENT RIGHTS

This strategy includes two similar techniques.

i. . . . On-site Density Transfers.

With an on-site density transfer, the owner is allowed to develop the property, excluding the area provided as a park, open space or recreational facility to the same level as would have been

allowed on the entire property. Lehi City allows this technique within the Planned Residential Design (PRD) Zone District. The PRD Zone is an "overlay" which may be utilized with any residential zoning district. The PRD Zone allows the "cluster development option" for the site planning of residential activities and to promote a site design which preserves areas of environmental sensitivity and allows flexibility in the layout of residential subdivisions.

ii. . . . Off-site Density Transfers.

With an off-site density transfer, the owner is allowed to transfer the development potential for one land parcel to another parcel within the City and develop the site with the same density of uses that would have been permitted on both sites, if a dedication of land necessary for a park, open space area, or other recreational facility had not been required. The value of the transferable development right(s) may be considered either compensation for the dedication of the land to the City for use as a park, open space or recreational facility.

Advantages:

- The area is protected from development until required for park or recreational facility improvements.
- No financial cost for land acquisition is incurred.

Disadvantages:

- Local land regulation ordinances may require amendments to authorize rights transfers.
- Infrastructure is necessary to establish and support a market for development rights.
- Less effective with smaller ownership parcels and developments.

B. AGRICULTURAL ZONING

The existing agricultural areas within and surrounding the City provide an open space amenity for residents of Lehi City. The City, and Utah County, may provide preferential tax status to properties that remain in agricultural use.

Utah Law provides that property that qualifies as agricultural land may be assessed at its value for agricultural use without regard to its development value. If the land is removed from

agricultural use, a land owner must pay a rollback tax in the amount of the difference in the assessed valuation of the land for the previous five years. This technique is provide by the City and Utah County for agricultural lands within and surrounding Lehi City.

Advantages:

- Maintains land in agricultural use.

Disadvantages:

- May not be a feasible long term strategy in areas experiencing high development pressure.
- Requires specific state enabling legislation and action by local governments.
- Once taken out of agricultural use, large property tax bill may be due.

C. DEVELOPMENT AGREEMENTS

Because restrictive covenants and other private controls of property development have proven effective and are widely accepted by property owners and financial markets, some municipalities have sought similar benefits by entering into contractual agreements with developers. Through these agreements, commonly referred to as "development agreements" the City can hope to gain acceptance of governmental conditions without the risk of protracted and costly legal proceedings. Development agreements are also used to "vest" certain development rights so as to insulate a development project from changes during build out and to provide more certainty to the community regarding enforceability of impact fees and exactions.

Advantages:

- Allows certainty of development rights and clear identification of City and developer obligations and responsibilities.

Disadvantages:

- May not be specifically authorized by law.
- Can be subject to claims of "contract zoning" or attempts to delegate away police power.

- Interests of private property owners may be served rather than the interests of the public.

Lehi City has entered into several development agreements, generally associated with the annexation and development of lands on the borders of the City.