

LINDON CITY CODE

Chapter 17.58

DEDICATIONS OF SUBDIVISIONS

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Section 17.58.010 Final plat approval conditions.

As a condition of approval of a final subdivision plat, for the subdivision the developer or property owner(s) shall dedicate land, pay a fee in lieu thereof, or provide off-site improvements in accordance with the city master plan for such required public improvements. The city shall retain the option to require either land, payment of a fee or construction of the required improvements. Proposed subdivisions which have not received approval of a preliminary plat as of the date of the ordinance codified in this chapter shall be subject to the provisions hereof. (Ord. no. 81 §1, 1980.)

Section 17.58.020 Improvements required. Improvements include, but are not expressly limited to, sidewalks, street paving and other improvements, traffic-control devices, flood control structures, bridges, parks and recreation facilities, public safety and fire fighting equipment, structures and facilities. (Ord. no. 81 §2, 1980.)

Section 17.58.030 Master plan preparation costs.

The city council finds that the cost of

preparation of the requirements set out in Sections 17.58.010 and 17.58.020 referred to master plan for public improvements shall be paid from fees collected pursuant to this chapter. (Ord. no. 81 §3, 1980.)

Section 17.58.040 Public improvements on developed parcels.

The city council finds that developed parcels of land create a need for public improvements in excess of the need for such improvements generated by undeveloped parcels of land. (Ord. no. 81 §4, 1980.)

Section 17.58.050 Percentage of dedication or fee.

A developer, builder or individual developing property shall be required to dedicate eight percent of the land area of the proposed development or subdivision, or pay a fee equal to the residential land value of the portion of the land area representing either percent of the proposed development. (Ord. no. 81 §5, 1980.)

Section 17.58.060 Considerations in determination of fee payment or construction required.

Whether the city determines to accept dedication of land or elects to require payment of the fee or require construction of off-site improvements in lieu thereof, or some combination of the requirements set out in Sections 17.58.010 through 17.58.050, shall be determined by a consideration of the following:

1. Application of the city's master plan for public improvements;
2. Topography, geology, access and location of the land in the subdivision available for dedication;
3. Size and shape of the land available for dedication;
4. Feasibility of dedication;
5. Coordination of construction of such improvements necessitated by such

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development with other developments in the same general area. (Ord. no. 81 §6, 1980.)

Section 17.58.070      Finality of decision.  
The determination of the city as to whether land shall be dedicated, whether a fee shall be charged, or whether off-site improvements shall be constructed or a combination thereof, shall be final and conclusive. (Ord. no. 81 §7, 1980.)

Section 17.58.080      Fee--Use.  
Fees collected hereunder shall be used exclusively for construction of off-site improvements reasonably related to serving the needs of the subdivision or development and improvements required by such development. (Ord. no. 81 §8, 1980.)

Section 17.58.090      Fee--Computation.  
Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon the average estimated fair market residential land value being subdivided or developed. The fair market value shall be as estimated by the city at the time of final plat submittal or, in the case of an individual building a home or other structure, building permit application. If the developer objects to the fair market value determination, the developer may request the city to obtain an appraisal of the property by a qualified real estate appraiser mutually agreed upon by the city and the developer, which appraisal will be considered by the city in determining the fair market value. All costs of such appraisal shall be borne by the developer. (Ord. no. 81 §9, 1980.)

Section 17.58.100      Fee--Payment not to relieve developer of on-site improvement responsibilities.

Payment of the fee hereunder shall not relieve the developer of the responsibility to provide for required on-site improvements, including

required retention of storm drainage waters generated by the development. (Ord. no. 81 §10, 1980.)

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