

First Reading: 12/19/2017

Second Reading: 01/19/2018

ORDINANCE NO. 979

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON, AMENDING SECTION 17.36.010 "PARK
LAND"**

WHEREAS, the City Council has recently determined that the requirements for park land dedication should be reviewed; and

WHEREAS, said provision of the Benton City Municipal Code, Section 17.36.010. sets the amount of land to be dedicated, and the City Council determining that the provision should be changed to set the amount to .10/square foot; and

WHEREAS, the City Council finds it in the best interest of the City to change the amount of the land dedication requirement; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. That Section 17.36.010 entitled "Park land" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

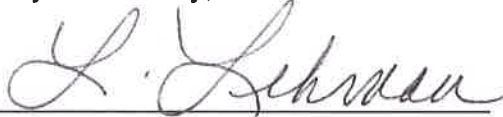
17.36.010 **Park land.** The city, as a condition of approval of any plat or replat that will be used for residential purposes, shall require the dedication of land for park purposes, the payment of fees in lieu thereof or any combination of the above as may be determined by the city council. The adopted comprehensive plan zoning designation of and the properly adopted comprehensive parks and recreation plan shall be used as a basis for determining the location and size of a proposed park site. The requirement for dedication of land and/or payment of fees shall be based on the following:

- A. That the land and/or fees will assist in serving the park and recreation needs of the residents within the proposed plat.
- B. That the amount and location of land to be dedicated or fees to be paid bear a reasonable relationship to the use of the open area and recreational facilities by the future inhabitants of the subdivision.
- C. If a dedication of land is infeasible, impractical, or insufficient for the purpose of this section, a fee in lieu of dedication shall be required. The fee shall be used for the purchase of park land, or for the development of existing park land.

- D. The amount of fee in lieu of dedication shall not exceed the prorated fair market value of the land in the subdivision, which the subdivider would have been required to dedicate under the formula stated in subsection F.
- E. No dedication or fee in lieu of dedication shall be dependent upon the exclusive use of the open area and its facilities by future inhabitants of the subdivision for which the dedication/fees were required.
- F. Dedication of land for neighborhood parks/playgrounds shall be ~~based on the ratio of .10/square foot of one acre of land for every four hundred fifty in the proposed subdivision, utilizing the average population per dwelling unit in the city comprehensive plan.~~ (Ord. 398 S1 (part), 1981.)

Section 2. This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this 16 day of January, 2018.



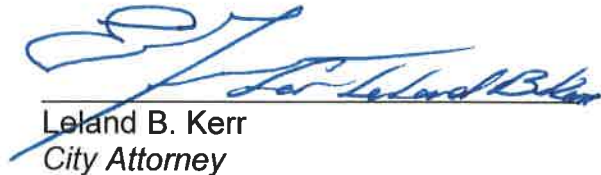
Linda Lehman
Mayor

Attest:



Stephanie Haug, MMC
City Clerk-Treasurer

Approved as to Form:



Leland B. Kerr
City Attorney