
Sec. 10-2193. Public sites and open spaces.

- (a) All new subdivisions shall dedicate land for public use such as parks, playgrounds or other open space use according to the following types of subdivisions:
 - (1) Residential subdivision of up to ten dwelling units per gross acre: five percent of the total gross area.
 - (2) Residential subdivision in excess of ten dwelling units per gross acre: seven percent of the total gross area.
 - (3) Commercial and industrial subdivision: five percent of the gross area.
- (b) The term "new subdivision" shall not apply where property lines are being surveyed for the purpose of correcting previous descriptions, situations where individuals are buying or selling land only to increase their yard space for individual properties or the resubdivision of an area where a previous dedication was made.
- (c) Where a proposed park, playground or open space, as shown on the comprehensive development plan, is located in whole or in part in a subdivision, the council may require the dedication of such area within the subdivision in those cases where the council deems such requirements to be reasonable.
- (d) ~~When in the judgment of the planning agency, a subdivision is of insufficient size to include an area for park and playground or the subdivision is not designated as an area for playground or park in the comprehensive development plan, the owner or subdivider, in lieu of property dedication, shall pay to the city a sum of money equal to the required dedication percentage multiplied by the gross value of the subdivision. The gross unimproved value of the subdivision shall be determined in accordance with the intended use of the property. The city shall request the county assessor to establish a market value on the proposed use minus any improvements. Payment to the city of the required open space dedication, whether in dedicated property monies, shall be accomplished by the property owner or subdivider at the time of final platting, provided further that where money in lieu of land is to be paid to the city, such money may be paid in a manner established by policy of the council. In no case shall the plat be signed or building permit issued for any lot within the subdivision until such transfer of land or payment in lieu of land has been completed. Any money paid to the city shall be placed in a special fund to be used for the acquisition of land for parks and playgrounds only.~~ Park Dedication Fee.
 - 1) As an alternative to land dedication, and by the City's sole determination, the developer or subdivider may be required to pay an applicable park dedication fee for its development type to further the City's park, trail and open space component(s) of its comprehensive plan.
 - 2) The park dedication fee shall be based on a reasonable estimate of the fair market value of the buildable land that is being developed or redeveloped as determined by the County Assessor or other relevant factors, and shall include the value added by existing utilities, streets and other public improvements serving the property, but shall not include the value added of all other existing improvements on the land. The park dedication fee shall not exceed an amount equal to up to five (5) percent of the fair market value of the low-density residential, commercial and industrial buildable land and seven (7) percent of the fair market value of the high-density residential buildable land.
 - 3) Park dedication shall be paid by the subdivider prior to the city signing the final plat and/or development agreement. If the subdivider or developer objects to the city's determination as to the value of the land, the value shall be determined either by negotiation between the city and the subdivider or developer or by the city based on an independent appraisal of the market value of land in a same or similar land use category. If the city elects to have an independent appraisal

performed in order to resolve the objection, the subdivider or developer shall be responsible for reimbursing the city for the appraisal costs.

- 4) The park dedication fees the city collects shall be placed in its park fund and shall be used for the acquisition and development, or improvement, of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the city's park plan.
- 5) The developer or subdivider may request a reduction from the City Manager, or their designee, of the public parkland dedication requirement of up to one hundred (100%) of the payment in-lieu, in accordance with the parameters stated herein. Any recommendation of reduction in the fee shall be approved by the city council. Any refusal for a reduction may be appealed to the city council within thirty (30) days of the denial.
- 6) When reviewing fee reduction requests, the City may consider, among other things, criteria which includes:
 - i. comprehensive plan requirements for maintaining open space and any percentages included in that plan;
 - ii. number of households or increase in population of the development and guidance from the comprehensive plan or zoning;
 - iii. the unique individualized circumstances present, if any, in the application, which make a dedication, dedication fee, or the amount of either, inappropriate in the specific case;
 - iv. the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision; and
 - v. the basis for the applicant's contention, if any, that the intent and purpose of city's code related to public dedication can be accomplished without a dedication and/or cash fee in lieu of dedication, or a dedication and/or cash fee in lieu of dedication at a lesser amount.

(Code 2015, § 11.05(7); Ord. of 4-28-1980)