

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 26-3302**

AN ORDINANCE ESTABLISHING PROSSER MUNICIPAL CODE 3.99. PARK IMPACT FEES. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Prosser Municipal Code Section 3.99 is hereby established as follows:

3.99.010 Purpose and intent.

The purpose and intent of this chapter is to provide for the collection of park impact fees (“PIFs”) for parks, open space, and recreation facilities, and for certain other matters in connection therewith.

3.99.020 Findings and authority.

The city council of the city of Prosser (“the council”) hereby finds and determines that development activities, including but not limited to new residential development in the city, will create additional demand and need for parks and recreation facilities in the city, and the council finds that such development activity shall pay a proportionate share of the cost of new parks and recreation facilities needed to serve the development activity.

3.99.030 Definitions.

The following words and terms shall have the following meanings for the purposes of this title unless the context clearly requires otherwise. Terms not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

- A. “Applicant” means a person who applies for a building permit under the Prosser Municipal Code (“PMC”) and who is the owner of the subject property or the authorized agent of the property owner.
- B. “Accessory Dwelling Unit” (ADU) means a secondary residential unit that shares a building lot with a larger single-family home. Common examples are an in-law suite, a basement apartment, a garage converted into living space to provide additional space for extended family intended to help address the city’s need for affordable housing.
- C. “Building permit” means an official document or certification which is issued by the city, and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.
- D. “Capital facilities plan” means the capital facilities element of the city’s comprehensive

plan adopted pursuant to Chapter 36.70A RCW and such plan as amended.

- E. “City” means the city of Prosser.
- F. “Council” means the city council of the city.
- G. “Department” means the city’s community development department.
- H. “Development activity” means any construction, alteration, expansion, or replacement of a building, structure, or use, any change in use of a building or structure, that creates additional demand for public facilities.
- I. “Development approval” means any written authorization from the city which authorizes the commencement of a development activity.
- J. “Director” means the Community Development Director of the city of Prosser or his or her designee.
- K. “Dwelling unit” shall have the same meaning as set for by Chapter 18.06 PMC.
- L. “Encumber or encumbered” means to reserve, set aside, or otherwise earmark the PIFs in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.
- M. “Feepayer” is a person, corporation, partnership, and incorporated association, or any other similar entity, or a department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for additional public facilities, and which requires the issuance of a building permit. “Feepayer” includes and applicant for an impact fee credit.
- N. “Independent fee calculation” means the parks, opens space, and recreation facility impact calculation, and /or economic documentation prepared by an applicant, to support the assessment of a PIF other than by the use of the rates listed in the fee schedule, or the calculations prepared by the director where none of the fee categories or fee amounts in the fee schedule accurately describe or capture the impacts of the development activity on public facilities.
- O. “Owner” means the owner of a record of real property, or a person with an unrestricted written option to purchase property: provided that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.
- P. “Low Income Housing” is renter or owner-occupied housing unit affordable to households whose household income is less than 80% of the Benton County median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30% of the household

income is paid for housing expenses, or (2) a renter-occupied housing unit affordable to households whose income is less than 60% of the Benton County median income, adjusted for household size, as determined by HUD.

- Q. “Park impact fee (PIF)” means a payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting development approval. “Park impact fee” does not include a building permit fee, administrative fee for collecting and handling PIFs, appeal fee, or independent fee calculation review fee.
- R. “Park impact fee fund” means the Parks Reserve fund managed by the city to house PIFs that are collected.
- S. “Park, open space or recreation facility” means public land and improvements designated by the city as a parks and/or recreation facilities, and open space including land preserving natural areas and natural systems with no development or minimal development. For purposes of the rate study, public open space, parks and recreation facilities are collectively referred to as parks.
- T. “Project improvements” mean site improvements and facilities that are planned and designed to provide service for a particular development activity and are necessary for the use and convenience of the occupants or users of the project and are not system improvements. No improvement or facility included in a capital facilities plan adopted by the council shall be considered a project improvement.
- U. “Public facilities,” for the purposes of this chapter, means the following capital facilities owned or operated by the city or other governmental agencies: public parks, open space, and/or recreation facilities.
- V. “Rate study” means the study or studies relied upon by the city in establishing the PIF fee schedule and attached as Exhibit A to the ordinance codified in this chapter.
- W. “RCW” means the Revised Code of Washington or, when followed or preceded by a numerical designation, a provision of the Revised Code of Washington.
- X. “Square footage” means the square footage of the gross floor area of the development as defined in the PMC.
- Y. “System improvements” means public facilities that are included in the city of Prosser capital facilities plan six-year list, Open Space and Recreation Plan, and such plans as amended, and are designed to provide service to service areas within the community at large, in contract to project improvements.

3.99.040 Park impact fees methodology and applicability.

The PIF rates are generated pursuant to a formula for calculating PIFs set forth in the rate study. Except as otherwise provided for independent fee calculations in PMC 3.99.060, exemptions in PMC 3.99.070, and credits in PMC 3.99.080, all new residential development activity in the city

will be charged the PIF applicable to the type of development per the fee schedule adopted by the council.

3.99.050 Assessment of park impact fees.

A. The city shall assess and collect PIFs based on the land use categories in the fee schedule, from any applicant seeking to conduct any development activity that requires the issuance of a building permit, including but not limited to the construction of a new building, or the alteration, expansion, replacement or change in use of an existing building or structure, which creates a demand for additional system improvements; provided, that PIFs shall not be assessed or collected for the alteration, expansion, replacement or change of use of an existing residential building or structure, unless the change results in an increase in the residential density of the existing residential building or structure, or for the alteration, expansion, replacement or change of use of an existing nonresidential building or structure unless the change results in an increase in the square footage of the nonresidential building or structure; and further provided, that the city shall not assess PIFs for any development that is exempt under PMC 3.99.070.

B. All PIFs shall be due and payable prior to issuance of the building permit based on the land use categories in the adopted fee schedule unless deferred in accordance with PMC 3.99.100 as adopted. Unless the use of an independent fee calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the PIF shall be calculated based on the fee schedule in effect at the time a complete building permit application is filed.

C. The director shall establish the PIF rate for land use that is not listed in the fee schedule. The applicant shall submit all information requested by the city for purposes of determining the PIF rate pursuant to PMC 3.99.060.

D. Applicants that have been awarded credits pursuant to PMC 3.99.080 prior to the submittal of the complete building permit application shall submit, along with the complete building permit application, a copy of the letter of certificate prepared by the community development director or his/her designee pursuant to PMC 3.99.080 setting forth the dollar amount of the credit awarded. PIFs, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued for each unit in the development.

E. The community development director or his or her designee shall not issue the required building permit unless and until the PIF set forth in PMC 3.99.110 have been paid in the amount that they exceed exemptions or credits provided pursuant to PMC 3.99.070 and 3.99.080.

3.99.060 Independent fee calculations.

A. If, in the judgment of the director, none of the PIF categories or PIF amounts set forth in the fee schedule accurately describes the impacts resulting from issuance of the proposed development activity, the applicant shall provide to the director for review and evaluation an independent fee calculation, prepared by an expert approved by the director. The director may impose on the proposed development activity an alternative PIF based on this calculation.

B. The applicant may opt not to have the PIFs determined according to the fee structure listed in

the fee schedule, in which case the applicant shall prepare and submit to the director an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall be prepared by an expert on the impact of the development on parks and shall show the basis upon which the independent fee calculation was made using procedures consistent with those established in the rate study. An independent fee calculation shall use the same methodology used to establish PIFs set forth in the fee schedule, shall be limited to adjustments in persons per household use in the rate study, and shall not include park service area zones, costs of park projects, or cost allocation procedures.

C. An applicant requesting an independent fee calculation will be required to pay the city an administrative processing fee to cover the cost of reviewing the independent fee calculation. The fee required by the city for conducting an independent fee calculation review shall be as provided for in the City's most recently adopted fee schedule. However, if the director initiates the independent fee calculation set forth by subsection (A) of this section, the applicant shall not be required to pay the city an administrative processing fee.

D. There is a rebuttable presumption that the calculations set forth in the rate study and the fees set forth in the fee schedule are valid. The director shall consider the documentation submitted by the applicant but is not required to accept such documentation or analysis which the director reasonably deems to be inapplicable, inaccurate, or not reliable. The director may require the applicant to submit additional or different documentation for consideration. The director is authorized to adjust PIFs on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development and/or principles of fairness.

E. Determinations made by the director pursuant to this section may be appealed as set forth in PMC 3.99.170.

3.99.070 Exemptions.

A. The following development activity shall be exempt from the payment of PIFs:

1. Alteration or replacement of an existing residential structure that does not add any new dwelling units.
2. Any legal accessory use, building or structure as defined and approved under PMC Title 18 Zoning except for accessory apartments and other accessory dwelling units.
3. Miscellaneous improvements which do not result in increased impacts on public facilities including, but not limited to, fences, walls, residential swimming pools, and signs.
4. Demolition or moving of a structure when additional impacts on public facilities are not generated.
5. A change of use that does not result in increased impacts on public facilities.
6. Miscellaneous permits for activities which do not result in increased impacts on public facilities.

7. Applications for rezones, comprehensive plan amendments, conditional use permits, subdivisions, boundary line adjustment and lot line eliminations; provided that PIFs shall be paid in accordance with this chapter prior to issuance of building permits for the development that is the subject of the application.
8. Any development or redevelopment of public schools for the purpose of public instruction.
9. Any building permit application that has been submitted to the city before 5:00 p.m. the business day before the effective date of this chapter that has been deemed complete based on the information on file as of the effective date of this chapter.

B. Pursuant to RCW 82.02.060, the city may provide exemptions for development activities with broad public purposes, provided that the impact fees from such development activity shall be paid from public funds other than impact fee funds. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section or under other applicable laws. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in PMC 3.99.170.

3.99.080 Credits.

- A. An applicant may request that a credit or credits for PIFs be awarded for the total value of the system improvements, including dedications of land, improvements and/or construction provided by the applicant. Credits will be given only if the land, improvements, and/or the facility constructed are for one or more of the system improvements listed in the rate study as the basis for calculating the PIF.
- B. The director shall determine if a request for credit meets the criteria in subsection (A) of this section, or under other applicable law.
- C. Each request for a credit or credits shall include a legal description of the dedicated land, a detailed description of improvements or construction provided, and an adequate description of the development activity to which the credit will be applied.
- D. For each request for a credit or credits, the director shall determine the value of the dedicated land, improvements, or construction on a case-by-case basis. In the event that the applicant disagrees with the director's valuation, the applicant may submit an appraisal for the director's consideration prepared by a state certified appraiser holding an MAI (Member of the American Institute of Appraisers) designation and/or a construction estimate prepared by a licensed engineer in good standing pursuant to Chapter 18.43 RCW, in the category for the property to be valued, and who does not have a fiduciary or personal interest in the property being appraised or valued.
- E. The appraiser and/or licensed engineer shall be directed to determine the fair market value of the total value of the dedicated land, improvements, and/or construction provided by the applicant. The applicant shall pay for the actual costs for the appraisal or valuation.
- F. After receiving and reviewing the appraisal or valuation, the director will determine the dollar amount of any credit, the basis for the credit, the legal description of the real property dedicated

where applicable, and the adequate description of the system improvement to which the credit may be applied with issuance of the building permit. If the total value of any such dedication, improvement or construction cost exceeds the amount of the PIF obligation, the developer will not be entitled to reimbursement of the difference.

G. After the director or his or her designee has determined the amount of the credit, the department shall include the determination with issuance of the building permit, a statement setting forth the dollar amount of the credit, the basis for the credit, where applicable, the description of the land donated to which the credit is applied and the date of the determination.

H. No credit shall be given for the project improvements or land dedications above and beyond what is proposed by the city of Prosser Parks, Recreation and Open Space Master Plan 2024 and as may be updated.

I. Any claim for credit must be made before payment of the PIF and prior to the issuance of the building permit. Any claim not so made shall be deemed waived.

J. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in PMC 3.99.170.

3.99.090 Tax adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study has provided adjustments for future taxes to be paid by the development activity which are earmarked or pro-ratable to the same new public park and recreation facilities which will serve the new development activity.

3.99.100 Deferring payment of impact fees.

An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full PIF payment, deferring collection of the PIF payment until issuance of a certificate of occupancy or equivalent certification subject to this section. The certificate of occupancy or equivalent certification shall not be issued until the PIFs have been paid in full. The amount of PIFs that may be deferred must be determined by the fees in effect at the time the permit application is deemed complete. The term of an PIF deferral under this subsection may not exceed 18 months from the date of the building permit issuance. The following shall apply to any request to defer payment of PIFs.

1. For the purposes of this deferral program, the following definition applies:
 - a. "Applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.
 - b. "Single-family residence" means a permit for a single-family attached or detached residence as defined as "single-family dwelling" in PMC 18.06.010.
2. A request for deferral must be made on a form provided by the city and must include the following information and fees:
 - a. Name, address, phone number and email of the applicant.

- b. The specific address, legal description, assessor's parcel number of the single-family residence for which the deferral is being requested.
 - c. The registration number or other unique identification number for the contractor that will be building the structure.
 - d. Applicable fees for processing the application and for future monitoring of the deferred payment of PIFs in the amount included in the adopted fee schedule.
3. The PIF amount is based on the fee shall be as provided for in the City's most recently adopted fee schedule in effect at the time the request and appropriate administrative fee is submitted.
4. The applicant requesting the deferral must grant and record a deferred PIF lien against the property in favor of the city in the amount of the deferred PIF on a form provided by the city. The deferred PIF lien must include the legal description, assessor's parcel number, and address of the property, and must also be:
 - a. In a form approved by the city of Prosser;
 - b. Signed by all the owners of the property, with all signatures acknowledged as required for a deed, and recorded with the Benton County auditor's office at the expense of the applicant;
 - c. Binding on all successors in title after the recordation; and
 - d. Junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of PIFs.
5. The city shall withhold the certificate of occupancy until the PIFs have been paid in full. Upon receipt of final payment of PIFs deferred under this subsection, the city shall execute a release of deferred PIF lien for each single-family residence for which the PIFs have been received. The applicant, or property owner at the time of release, shall be responsible for recording the lien release at his or her expense.
6. If PIFs are not paid in accordance with the deferral and in accordance with the term provisions established herein, the city may institute foreclosure proceedings with Chapter 61.12 RCW.
7. The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the PIFs as a condition of certificate of occupancy.
8. Each applicant for a single-family attached or detached residential building permit, in accordance with his or her contractor registration number or other unique identification number, is entitled to annually receive deferrals under this section for the first 20 single-family residential building permits.

3.99.110 Establishment of park impact fee fund.

A. The city shall establish a Park Reserve Fund for the fees collected pursuant to this chapter. Funds withdrawn from the fund must be used in accordance with the provisions of this chapter and applicable state law. Interest earned on the fees shall be retained in the fund and expended for the purposes for which the PIFs were collected.

B. PIFs shall be expended or encumbered within 10 years of receipt.

C. To comply with RCW 82.02.060(2), PIFs for development activity as specified under exemptions PMC 3.99.070(A)(8) and (B) shall be paid for with public funds other than from PIF fund.

3.99.120 Administrative guidelines.

The director is hereby authorized to adopt administrative rules for the administration of PIFs, which may include the adoption of a procedures guide for PIFs.

3.99.130 Refunds.

A. If the city fails to expend or encumber the PIFs within 10 years of when the fees were paid or, where extraordinary or compelling reasons exist, such other time period as established pursuant to 3.99.110, the current owner of the property on which PIFs have been paid may receive a refund of such fees. In determining whether PIFs have been expended or encumbered, PIFs shall be considered expended or encumbered on a first in, first out basis.

B. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A claimant must be the owner of the real property against which the PIF was assessed.

C. Property owners seeking a refund of PIFs must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any PIFs for which no application for a refund has been made within this one-year period shall be retained by the city and expended on the appropriate system improvements.

E. Refunds of PIFs or offsets against subsequent PIFs under this section shall include any interest earned on the PIFs by the city.

F. When the city seeks to terminate any or all components of the PIF program, all unexpected or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year after the second publication. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the fund or fund being terminated.

G. The city shall also refund to the current owner of property for which PIFs have been paid all PIFs paid, including interest earned on the PIFs, if the development activity for which the PIFs were imposed did not occur; provided, however, that, if the city has expended or encumbered the

PIFs in good faith prior to the application for a refund, the director can decline to provide the refund. If, within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner can petition the director for an offset in the amount of the fee originally paid and not refunded. The petitioner must provide receipts of PIFs previously paid for a development activity of the same or substantially similar nature on the same real property or some portion thereof. The director shall determine whether to grant an offset, and the determinations of the director may be appealed pursuant to the procedure in PMC 3.99.170.

3.99.140 Use of funds.

A. Pursuant to this chapter, park impact fees:

1. Shall be used for system improvements that will reasonably benefit the new development activity;
2. Shall not be imposed to make up for deficiencies in public facilities serving existing development; and
3. Shall not be used for maintenance or operation.

B. PIFs may be spent for public improvements to parks, open space, and recreation facilities as herein, defined and including, but not limited to, park planning, engineering design studies, land survey, right-of-way acquisition, site improvements, necessary off-site improvements, engineering, architectural, permitting, financing, administrative expenses, construction of parks, open space and recreation facilities and related facilities and other expenses which can be capitalized.

C. PIFs may also be used to recoup system improvement costs previously incurred by the city to the extent that new development activity will be served by the previously constructed system improvements or incurred costs provided such fee shall not be imposed to make up for any deficiencies in public facilities.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which PIFs may be expended., PIFs may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and area used to serve the new development activity.

3.99.150 Periodic adjustment of fees.

A. The PIFs in the fee schedule shall be indexed to provide for an automatic fee adjustment according to the following schedule every years beginning January 1, 2026, to reflect changes in project costs due to industry trends. US Bureau of Labor Statistic (BLS) Producer Price Index (PPI) June to June comparison will be utilized to determine the adjustment in fees and will be incorporated into the adopted fee schedule.

B. The rate study supporting PIFs in the fee schedule shall be updated periodically unless the city determines that circumstances have not changed to warrant and update.

3.99.160 Administrative fees.

A. There shall be a fee for the administration of the PIF program. An administrative fee shall be paid as provided for in the City's most recently adopted fee schedule. The administrative fee shall be deposited into the Parks Reserve Fund along with the PIF funds. Administrative fees shall be used to defray the cost incurred by the city in the administration and update of the PIF program. The administrative fee is not creditable or refundable.

B. The administrative fee, in addition to the PIF, shall be paid by the applicant to the city at the same time as the PIF is paid.

3.99.170 Reviews by the director and appeals.

A. In order to obtain a building permit, any applicant may pay the PIFs imposed by this chapter under protest and file for a review by the director, followed by the option to appeal to the hearing examiner. No building permit shall be issued until the PIFs at issue have been paid.

Alternatively, any applicant may file for a review by the director, followed by the option to appeal to the hearing examiner, without first paying the PIFs, provided the applicant is willing to postpone issuance of the building permit after the appeal process when the final amount of the PIFs are known.

B. Reviews by the director and appeals regarding the PIF imposed on any development activity may only be filed by the applicant for the development activity at issue.

C. Before an appeal can be filed, the applicant must first file a request for review by the director specifying the grounds thereof, as provided herein:

1. The request shall be in writing on the form provided by the city;
2. The request for review by the director shall be filed within 14 calendar days after the applicant's payment of the PIF at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;
3. No administrative fee will be imposed for the request of review by the director; and
4. The director shall issue his or her determination in writing.

D. Following the determination issue by the director, the applicant may elect to appeal the director's decision to the hearing examiner. Any determinations which the director is authorized to make pursuant to this chapter may be appealed to the Planning Commission.

E. Appeal to the Planning Commission must be filed within 14 calendar days of the director's issuance of a written determination by filing a letter of appeal with the community development department specifying the grounds thereof and depositing the necessary appeal fee as set forth by Chapter 15.05 PMC. The failure to timely file an appeal shall constitute a final bar to later seek such review. The director shall transmit to the Planning Commission all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.

F. The city shall fix a time for the hearing of the appeal and give notice to the parties of interest. In those cases where the proposed development activity may require a public hearing under the authority of other chapters of the PMC, the hearings may be combined. At the hearing, any party

may appear in person or by agent or attorney.

G. The Planning Commission is authorized to make findings of fact regarding the applicability of the impact fees to an applicant's development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The Planning Commission decision shall be final unless appealed to the superior court of Benton County in accordance with law within 21 days after issuance of the Planning Commission decision.

H. The Planning Commission may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the PIFs imposed or the credit awarded.

3.99.180 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the applicant or the proponent of a development activity to mitigate significant probable adverse environmental impacts of a specific development activity pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; so long as the exercise of such authority is consistent with the provisions of Chapter 43.21C and 82.02 RCW.

3.99.190 Relationship to State Environmental Policy Act (SEPA).

A. Development activity shall be subject to the environmental review pursuant to SEPA and other applicable city ordinances and regulations.

B. Mitigation in addition to the payment of PIF shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by a PIF program.

C. Applicants for projects for new construction or for expansion of a building or structure which have completed SEPA review and received an environmental determination prior to the effective date of the ordinance codified in this chapter but for which the building permit has not been issued shall have the option of either:

1. Implementing the applicable park system improvement mitigation requirements, if any, of the SEPA determination; or
2. Paying the PIF under this chapter.

This subsection (C) shall not apply to an application for a subsequent change of use of the building or portions thereof.

3.99.200 Relationship to concurrency management.

Neither compliance with this chapter nor the payment of any fee hereunder shall constitute a determination of park concurrency under this chapter.

Section 5. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

Section 6. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.


ADOPTED by the City Council and **APPROVED** by the Mayor this 10th day of February, 2026.




MAYOR GARY VEGAR

APPROVE
 VETO

ATTEST:


KENDALL MURPHEY, DEPUTY CLERK

APPROVED AS TO FORM:


BENJAMIN GOODWIN, CITY ATTORNEY

Date of Publication: 2/18/2026

SUMMARY OF ORDINANCE NO. 26-3302

of the City of Prosser, Washington

On the 10th day of February, 2026, the City of Prosser, Washington, passed Ordinance No. 26-3302. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ESTABLISHING PROSSER MUNICIPAL CODE 3.99. PARK IMPACT FEES. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this 10th day of February, 2026.

Kendall Murphey
KENDALL MURPHEY, DEPUTY CLERK