

ORDINANCE NO. 1998-03-011

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, ELIMINATING REFERENCES TO SPECIFIC PERMIT APPLICATION FEES AND AMENDING BMC CHAPTERS 20.40 AND 20.26 (LAND USE DEVELOPMENT ORDINANCE), BMC CHAPTER 13.48 (STREET VACATIONS), BMC CHAPTER 16.40 (SHORELINE MANAGEMENT ACT REGULATIONS), BMC CHAPTER 16.04 (STATE ENVIRONMENTAL POLICY ACT IMPLEMENTATION).

WHEREAS, in 1991, City Council approved amendments to the Land Use Development Ordinance to remove references to specific application fee amounts, and

WHEREAS, it was intended that fees for various land use permit applications be set by City Council Resolution, allowing consideration of a consolidated fee list without the need to amend multiple code sections, and

WHEREAS, to accomplish this goal, it is necessary to amend remaining ordinances and code sections which contain land use permit application fees, and

WHEREAS, the Planning Commission considered the proposed amendments to the Land Use Development Ordinance at a public hearing on May 22, 1997 and thereafter recommended approval, and

WHEREAS, the City Council held a public hearing on February 2, 1998 to consider all of the referenced code amendments,

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. BMC 20.40.060C1.f. related to Institutional development is hereby amended as follows:

- f. Fees. A filing fee as established by Council resolution shall accompany the submittal.

Section 2. BMC 20.40.060J.1. related to Institutional development is hereby amended as follows:

1. Any party aggrieved by the decision of the Planning Director may file an appeal with the City Finance Director within fourteen (14) days of the notice of decision of the Director. The appeal shall be accompanied by a filing fee as established by Council resolution.

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Section 3. BMC 20.40.040A. related to Institutional development is hereby amended as follows:

- A. (Step 1) Masterplan Submittal. Twenty-five copies of a masterplan for an entire institutional area shall be submitted to the Planning Director by landowner(s) within the Institutional area. If there is more than one landowner within the area, the applicant shall show that all landowners within the area were aware of and encouraged to participate in the formulation of the masterplan. They must also have received a copy of the masterplan as it was submitted to the Planning Director. A list of all landowners within the Institutional area shall be submitted with the masterplan. If a filing fee has been set by City Council resolution, the associated payment shall be submitted with the masterplan or amendment.

Section 4. BMC 20.26.040K.1 related to Design Review is hereby amended as follows:

1. Any party aggrieved by the decision of the Planning Director may file an appeal with the City Finance Director within fourteen (14) days of the notice of decision of the Director. The appeal shall be accompanied by a filing fee as established by Council resolution.

Section 5. BMC 13.48.010 related to street vacations is hereby amended as follows:

Hearing -- Application fee

As a condition precedent to the city's consideration of a resolution setting a date for a public hearing on the question of whether a city street should be vacated, the petitioner therefor shall submit an application accompanied by a fee in the amount set by City Council resolution and the petitioner shall pay to the city an amount equal to the cost of preparation of an appraisal of the area proposed to be vacated and the city shall order such appraisal. An appraisal, and payment therefor, may not be required when, in the judgement of the Director of Planning and Community Development, it is not needed to determine the fair market value of the area to be vacated.

Section 6. BMC 16.40.010 related to the Shoreline Management Master Program is hereby amended as follows:

Any person, firm, corporation, partnership or other entity requesting approval of a shoreline permit shall pay a permit fee at application in the amount set by City Council resolution.

Section 7. BMC 16.04.200A related to the State Environmental Policy Act is hereby amended as follows:
The City shall require the following fees for its activities in accordance with the provisions of this chapter:

- A. **Threshold Determination.** For every environmental checklist the City will review when it is lead agency, the City shall collect a fee, in the amount set by City Council resolution, from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

Section 8. BMC 16.04.200F related to the State Environmental Policy Act is hereby amended as follows:

- F. As a condition precedent to the acceptance of any application for appeal brought pursuant to Section 16.04.160E, such interested party shall pay to the City an appeal fee in the amount set by City Council resolution. Such fee is imposed to cover the costs of administration connected with the processing of the appeal.

Section 9. BMC 17.80.170 related to landmarks is hereby amended as follows:

17.80.170 - Fees

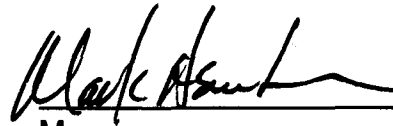
Applications for landmark designation, adaptive use, certificate of alteration and special valuation shall be accompanied by a fee payment to the City in the amount set by City Council resolution.

PASSED by the Council this 23rd day of March, 1998.



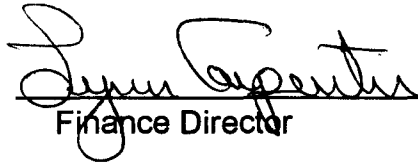
Council President

APPROVED by me this 3RD day of APRIL, 1998.



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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