

ORDINANCE NO. 2007-03-024

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 19.04 AT SECTIONS 19.04.070 AND 19.04.150.

WHEREAS, the need has arisen to amend the above designated sections within Chapter 19.04 of the Bellingham Municipal Code entitled "Park Impact Fees" in order to clarify certain processes inherent in the calculation and review of park impact fees imposed by the City; and

WHEREAS, the public and the City of Bellingham benefit by having City ordinances detailed with the utmost clarity and in not having any unnecessary barriers against effective administration of such ordinances.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES ORDAIN AS FOLLOWS:

**Section 1:** Chapter 19.04, section 070 at subsections C.1 and C.3 and section 150 of the Bellingham Municipal Code are hereby amended as shown below:

**A. 19.04.070 - Computation of the Park Impact Fee Amount**

...

**C. Appeals:**

1. Determinations made by the Planning Director or Parks Director pursuant to this section may be appealed to the Hearing Examiner under the provisions of Chapter BMC 2.56 by filing a written request for a hearing with the Parks Director within 10 days of the given official's determination. For purposes of this section, imposition of the impact fee shall be considered a determination made by the Parks Director.

2. At the hearing, the appellant shall have the burden of proof, which shall be met by a preponderance of the evidence. The impact fee may be modified upon a determination that it is proper to do so based on the application of the criteria contained in BMC §§ 19.04.070, 130 and 140. Appeals shall be limited to application of the impact fee provisions to the specific development activity and the provisions of this ordinance shall be presumed valid.

3. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity. Payment of impact fees under protest

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does not toll the deadline for appealing a determination by the Planning Director or Parks Director under subsection 1 above.

[Ord. 2006-12-012]

**B. 19.04.150: Review**

The fee schedule referenced in 19.04.070, A. may be reviewed by City Council as often as once each fiscal year; provided that failure to conduct this review shall not invalidate the fee schedule previously adopted. Any revisions to the fee schedule may be made by resolution passed by a majority of the City Council.


**Section 2. Unaffected Sections:** All section of Chapter 19.04 of the Bellingham Municipal Code not amended hereby shall remain in full force and effect in their present form.

**Section 3. Effective date:** This ordinance shall be effective fifteen (15) days after passage and publication of the ordinance or a summary thereof.

**PASSED** by the Council this 26th day of March, 2007.

  
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Council President

**APPROVED** by me this 29th day of March, 2007.

  
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Mayor

**ATTEST:**   
\_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**

  
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Office of the City Attorney

Published: March 20, 2007

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