

ORDINANCE NO. 2007-10-080

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING SECTIONS 19.04.030 AND 19.04.130 OF THE BELLINGHAM MUNICIPAL CODE.

WHEREAS, Washington State case law has held that impact fees are not development regulations and the City's intent in enacting a park impact fee ordinance was never to regulate land use; and

WHEREAS, an issue has arisen regarding whether provisions present in the park impact fee ordinance allow exemption from park impact fees for dedications of land that only amount to a partial mitigation of park impact fees;

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

Section 1. BMC 19.04.030. Bellingham Municipal Code subsection 19.04.030 B. is hereby amended to read as follows:

19.04.030: Intent and Purpose.

...

B. The purpose of this ordinance is to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide parks, recreation, and open space improvements in Bellingham.

Section 2. BMC 19.04.130. Bellingham Municipal Code subsection 19.04.130 A. 6. (b) is hereby amended to read as follows:

19.04.130: Exemptions.

A. The following development activities shall be exempted from payment of impact fees:

6. Previous mitigation where:

...


b) Any development activity for which park impacts have been mitigated pursuant to an agreement entered into with the City to pay fees, dedicate land or construct or improve park facilities, unless the terms of the agreement provide otherwise; provided that the agreement predates the effective date of fee imposition as provided herein. Partial mitigation under any such agreement shall be credited in accordance with BMC 19.04.140 below.

Section 3. Effective date

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903


This ordinance shall be effective fifteen (15) days after passage and publication of the ordinance or a summary thereof.

PASSED by the Council this 15th day of October, 2007.



Council President

APPROVED by me this 22nd day of October, 2007.

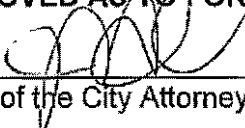


Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
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