

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 19.08, SCHOOL IMPACT FEES, AT SECTION 19.08.080.

WHEREAS, the City has authority pursuant to RCW 82.02.060(2) to adopt City ordinances that exempt certain development activities with broad public purposes from the imposition of certain impact fees, provided that the impact fees for such development activity are paid from public funds other than impact fee accounts; and

WHEREAS, the City has not yet exercised this exemption authority, but anticipates the need to exercise such authority on a project specific basis when considering future development activities; and

WHEREAS, in order for the City to have the flexibility to exercise this exemption authority the City needs to amend the above designated section within Chapter 19.08 of the Bellingham Municipal Code entitled "School Impact Fees" in order to clarify the criteria and processes inherent in the calculation and review of school impact fees imposed by the City and the availability of exemptions; and

WHEREAS, it is the City Council's intention that any exemptions stemming from development activities with broad public purposes will be considered on a forward going basis by evaluating the individual projects of which such development activities might be comprised and based on the other factors listed herein; 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 19.08, section 080, subsection A.1.d. of the Bellingham Municipal Code is hereby deleted and replaced with the following:

- d.** Upon application by the owner, the City Council may exempt a low income housing development, as defined by the current City of Bellingham Consolidated Plan (or successor thereto), from all or part of school impact fees upon such conditions as the City Council deems appropriate. The City Council may also vote to exempt specific projects, or components thereof, within proposed development activities with broad public purposes from all or part of the required fees upon such conditions as the City Council deems appropriate. The determination to grant or deny an exemption shall be in the sole discretion of the City Council after consideration in an open public meeting of the public benefit of the specific project, the hardship to the project of the

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school impact fee, the impacts of the project, the availability of public funding to pay the school impact fees payable on the project and other factors deemed relevant by the City Council. If an exemption is granted, the school impact fee attributable to the development shall be paid from public funds other than impact fee accounts, consistent with RCW 82.02.060 (2); or

Section 2. Unaffected Sections: All section of Chapter 19.08 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 27th day of April, 2009.



Council President

APPROVED by me this 29th day of Apr^{il}, 2009.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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