

ORDINANCE NO. 2009-04-020

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 19.04, PARK IMPACT FEES, AT SECTION 19.04.130.**

**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 sections within Chapter 19.04 of the Bellingham Municipal Code entitled "Park Impact Fees" in order to clarify the criteria and processes inherent in the calculation and review of park 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 19.04, section 130 at subsection A.6.b. of the Bellingham Municipal Code is hereby amended as follows:

**BMC 19.04.130 A.6.b. is deleted.**

**Section 2:** Chapter 19.04, section 130 at subsection B. of the Bellingham Municipal Code is hereby amended to read as follows:

**B.** The following development activities may be exempted from payment of impact fees:

City of Bellingham  
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Bellingham, Washington 98225  
360-778-8270 (1)

**Low Income Housing Projects/Development Activities with Broad Public Purposes.** 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 the required 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 fees, the impacts of the project, the availability of public funding to pay the fees payable on the project and any other factors deemed relevant by the City Council. If an exemption is granted, the fees attributable to the development shall be paid from public funds other than Park Impact Fee accounts.

**Section 3. 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 4. 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 27<sup>th</sup> day of April, 2009.

  
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Council President

**APPROVED** by me this 29<sup>th</sup> day of April, 2009.

  
\_\_\_\_\_  
Mayor

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Office of the City Attorney

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