

ORDINANCE NO. 2011-07-037

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE
SUBSECTIONS 19.04.110 E, 19.04.120 B, AND 19.06.060 B and C RELATED TO USE
AND REFUNDS OF IMPACT FEES.**

WHEREAS, the Washington State Legislature recently enacted Engrossed Substitute House Bill 1478, related to fiscal relief for cities during times of economic hardship by delaying certain statutory and regulatory requirements, effective July 22, 2011; and

WHEREAS, the legislation amends RCW 82.02.070 and 82.02.080 to extend the time for cities to expend or encumber impact fees from six (6) years of receipt, to ten (10) years of receipt; and

WHEREAS, the City of Bellingham has adopted a local ordinance governing the use and refund of impact fees which needs to be amended to conform to this change in state law;

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

Section 1. BMC 19.04.110 – Use of Funds, is hereby amended as follows:

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. Impact fees shall be expended or encumbered by the City for a permissible use within 10 years of receipt by the City, unless there exists an extraordinary or compelling reason for fees to be held longer than 10 years. The City Council shall identify the City's extraordinary and compelling reasons for the fees to be held longer than 10 years in the Council's own written findings.
- F. No change.
- G. No change.
- H. No change.

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Section 2. BMC 19.04.120 – Refunds of Fees Paid, is hereby amended as follows:

- A. No change.
- B. Any funds not expended or encumbered by the end of the calendar quarter immediately following 10 years from the date the park impact fee was paid shall, upon application by the current landowner, be returned to such landowner with interest at the interest rate accrued in the special revenue fund account, provided that the landowner submits an application for a refund to the City of Bellingham within 1 year of the expiration of the 10 year period.
- C. No change.
- D. No change.

Section 3. BMC 19.06.060 – TIF Accounts – Refunds, is hereby amended as follows:

- A. No change.
- B. TIFs shall be expended or encumbered within 10 years of receipt, unless the City Council, in writing, finds that there are extraordinary or compelling reasons for the TIFs to be held longer than 10 years.
- C. In the event a TIF is not expended or encumbered within 10 years of receipt, or such longer period of time as it established in this section, on public facilities intended to benefit the development for which the TIF was paid, the current owner of the property for which the TIF was paid may receive a refund of the unspent and unencumbered portion of the TIF, together with interest earned thereon. In order to receive a refund, the request must be submitted to the City in writing within one year of the expiration date. Notice of a potential refund is placed in the U.S. Mail, 1st Class, to the property owner as is then shown on the records of the Whatcom County Assessor. Any TIF not expended within the above-stated time limits for which no request for a refund is received shall be held and expended on the indicated transportation facility.
- D. No change.

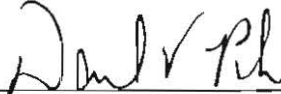
PASSED by the Council this 25th day of July, 2011.



Council President

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APPROVED by me this 1st day of August, 2011.




Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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