

## ORDINANCE NO. 1594

AN ORDINANCE OF THE LYNDEN CITY COUNCIL ADOPTING CHAPTER 3.47 AND AMENDING CHAPTERS 3.40, 3.44 AND 3.46 OF THE CITY OF LYNDEN MUNICIPAL CODE RELATING TO IMPACT FEE CREDITS, THE DEFERRAL OF IMPACT FEE COLLECTION; REPEALING ORDINANCES IN CONFLICT; ESTABLISHING PENALTIES FOR NON-COMPLIANCE; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, RCW 82.02.050–.110 and WAC 365-196-850 authorize the City of Lynden to require new developments to contribute a proportionate share of the cost of the expansion or improvement of public facilities needed to serve those new developments through the payment of impact fees; and

WHEREAS, although, consistent with RCW 82.02.060(4), the City of Lynden has utilized credits of transportation impact fees toward facility improvements, Chapter 3.46 LMC does not include written provisions for these credits; and

WHEREAS, the impact fees imposed, when combined with other development and construction expenses may hinder economic growth within the building industry; and

WHEREAS, RCW 82.02.050, as amended by SL 5923 in 2015, requires counties and cities to defer collection of residential impact fees and provides for a lien in favor of the City against property subject to impact fees and provides for the implementation of administrative fees associated with the fee deferral program; and

WHEREAS, the City of Lynden wishes to provide a process for deferred collection of residential unit impact fees to be effective January 1, 2020; and

WHEREAS, on December 2, 2019 the City of Lynden held a public hearing to review and discuss the record; and determined that the proposed amendment will bring the City into compliance with RCW 82.02.050.

**NOW THEREFORE, BE IT RESOLVED that the Lynden City Council hereby adopts the following:**

Section 1: A new Chapter 3.47 of the Lynden Municipal Code, attached as Exhibit A hereto, is hereby enacted.

Section 2: Chapters 3.40, 3.44, and 3.46 of the Lynden Municipal Code are hereby amended as shown in Exhibit B hereto.

Section 3: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Ordinance should be declared invalid or unconstitutional, then the original Ordinance or Ordinances shall be in full force and effect.

Section 5: This Ordinance shall take effect on January 1, 2020.

PASSED by the City Council of the City of Lynden, Whatcom County, Washington on the 2nd day of December 2019, and signed and approved by the Mayor on the same date.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Signed by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR (Scott Korthuis)

ATTEST:

\_\_\_\_\_  
CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:

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CITY ATTORNEY (Robert Carmichael)