

City of Granite Falls
Ordinance No. 907-2016

EXHIBIT A – Title 21
Impact Fees

Chapter 21.06

Park and Recreation Facilities Impact Fee and Mitigation Program

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21.06.010 Authority and Purpose.

(A) This section is enacted pursuant to the City's police powers, Chapters 43.21C, 58.17 and 82.02 RCW. The purpose of this chapter is to:

(1) Maintain a program for financing park and recreation facilities capital improvements necessitated in whole or in part by development within the City consistent with the goals and policies of the Comprehensive Plan;

(2) Ensure adequate levels of service within the City;

(3) Establish means to charge and collect impact fees to ensure that all new development bears its proportionate share of the capital costs of off-site facilities reasonably necessary to accommodate the growth and maintain adopted level of service standards;

(4) Ensure that the City pays its fair share of the capital cost of park and recreation facilities necessitated by public uses unrelated to new growth; and

(5) Ensure fair collection and administration of park and recreation facilities impact fees.

(B) The provisions of this chapter section shall be liberally construed to effectively carry out its purpose in the interests of public health, safety and welfare.

21.06.020 Applicability.

(A) The requirements of this chapter shall apply to all development regulated by the GFMC unless otherwise exempted.

(B) Mitigation of impacts on parks located in jurisdictions outside the City will be required when:

(1) The other affected jurisdiction has reviewed the development's impact(s) under its adopted impact fee regulations and has recommended to the City that there be a requirement to mitigate the impact; and

(2) There is an interlocal agreement between the City and the affected jurisdiction specifically addressing impact analysis and mitigation.

(C) The following are exempted from impact fees:

(1) Alteration, expansion, reconstruction, or replacement of existing single-family or multifamily dwelling units that does not result in additional dwelling units.

(2) Accessory dwelling units.

(3) Development which has impact mitigation provided through environmental review under the State Environmental Policy Act.

(6) Development for which park impacts have been mitigated by the payment of, or promise or obligation to pay fees, dedicate land, or construct or improve park facilities as part of a permit approval process granted prior to the effective date of the ordinance codified in this chapter unless the terms of the agreement expressly provide otherwise.

21.06.030 Geographic Scope.

The boundaries within which park and recreation facilities impact fees shall be charged and collected are the same as the corporate City limits. All unincorporated areas annexed to the City on and after the effective date hereof shall be subject to the provisions of this chapter. After the adoption of interlocal agreements with other local, regional or state jurisdictions, the geographic boundaries may be expanded accordingly.

21.06.040 Imposition of Impact Fees.

(A) Impact fees may be required pursuant to the fee schedule adopted through the process described herein, or mitigation may be provided through other means such as the purchase, installation and/or improvement of park and recreation facilities; or the dedication of land for park and recreation purposes.

(B) Impact fees shall:

(1) Only be imposed for park needs that are reasonably related to the impacts of development;

(2) Not exceed the proportionate share of the costs of park and recreation facilities that will reasonably benefit the new development;

(3) Be used for park and recreation facilities that will reasonably benefit the new development;

(4) Not be used to correct existing deficiencies;

(5) Not be imposed to mitigate impacts or meet facility needs that are being addressed through other laws or programs;

(6) Not be collected for improvements to other jurisdictions' park and recreation facilities unless the City and the affected other jurisdiction have an interlocal agreement;

(7) Not be collected for projects vested prior to the adoption date hereof unless changes or modifications to the development proposal require an amendment to the previous City approval and result in greater impacts than previously addressed by the vested approval;

(8) Be collected only once for each development, unless changes or modifications to the development proposal require an amendment to the previous city approval and result in greater impacts than previously addressed by the vested approval;

(9) Be collected for system improvement costs previously incurred by the City, to the extent that said improvements are intended to serve new development and that additional fees shall not be collected for system deficiencies; and

(10) Be only collected on residential developments for park and recreation facilities impact mitigation.

21.06.050 Approval of Development.

Approvals and permits granted by the City shall include findings and conclusions pertaining to impact mitigation fees consistent with this chapter.

21.06.060 Fee Schedules and Establishment of Service Area.

(A) Impact fees shall be established by City Council Ordinance no more frequently than annually.

(B) The entire City within the corporate limits is the service area.

21.06.070 Calculation of Impact Fees.

(A) Park impact fees are based on the level of service standards for parks and recreation facilities established in the Comprehensive Plan.

(1) It is the City's intent to maintain the ratio of park land to population established in the Comprehensive Plan Land Use Element. Dedication of land and facilities for public parks and recreation facilities is the preferred method for mitigating impacts on such facilities caused by the development of new households.

(2) When creation of a new household (in the form of a subdivision, short plat, planned residential development (PRD), manufactured housing park, or residential building permit on a lot for which a parks impact fee has not been collected) is proposed, the City shall require dedication of land necessary to meet the park land to population ratio level of service standards for parks and recreation facilities. In the event that land dedication is determined by the City to be unfeasible, a mitigation fee in accordance with Table 1 shall be assessed. The amount of land to be dedicated for each dwelling unit shall be as shown in Table 2.

Table 1
Parks Land Dedication Formula

Park land area per household: $2 \times 43,560/400 = 220$ square feet/HH (rounded)
Given the following variables:
a) Comprehensive Plan park land to population ratio = two acres per 1,000
b) Average household size = 2.6 persons per household
c) Households per 1,000 = $1,000/2.6 = 385$

(C) The fee value of land to be dedicated may be determined by either of the following methods:

(1) The applicant may provide a fair market appraisal of the improved property value. The appraisal shall be prepared by a member of the Appraisal Institute (MAI).

(2) The City may calculate the average improved land value using Snohomish County assessor's data for all new dwelling units constructed in the previous calendar year.

(D) Park Impact Fee (PIF) assessments in lieu of land dedication shall be collected based on Table 2 and specified by City Council resolution.

Table 2
Parks Impact Fee Formula

Given the following variables	
A	Adjustment in accordance with RCW 82.02.050 and 82.02.060 to provide a balance between impact fees and other sources of public funds to meet park and recreation facilities capital facility's needs. This adjustment is 50 percent, so that $A = 0.5$.
HS	Average household size of 2.6 persons.
PLOS	Adopted park land level of service standard of two acres per 1,000 population
PLR	Proportionate land requirement per new household (0.0052) acre calculated as $PLOS \div 1,000 \times HS$.
PV	Park land value of \$10,000 per acre and park improvement value of \$70,000 per acre.
TLOS	Adopted trails level of service standard of one mile per 1,000 population.
TV	Trails land and improvement value of \$30,000 per mile.
PTR	Proportionate trail requirement per new household (0.0026) calculated as $TLOS \div 1,000 \times HS$
Therefore: $PIF = A \times [(PLR \times PV) + (PTR \times TV)]$	
$PIF = 0.5 \times [0.0052 \times \$80,000 + 0.0026 \times \$30,000] = \247.00 per new household (unless amended by City Council resolution ¹)	

1. City Council Fee Resolution No. 2015-02 sets the current park impact fee at \$230.00 per new household.

21.06.080 Impact Fee Account Funds Established.

(A) Park Impact Fee Fund. There is hereby created and established a special purpose park and recreation facilities impact fee fund to receive Park Impact Fees. All Park Impact Fees and

investment income received pursuant to this chapter shall be deposited into the Park Impact Fee fund.

(B) Procedures. Procedures for administration of the funds shall be established by the Designated Official. Expenditures from these funds shall be made in accordance with the City's normal budget procedures. Annually, the City shall prepare a report on each impact fee account showing the source and amount of all monies collected, interest earned, and capital or system improvements that were financed in whole or in part by impact fees.

21.06.090 Use of Funds.

(A) Impact fees shall be used for park and recreation facility improvements that will reasonably benefit the new development; shall not be imposed to make up for deficiencies in the park facilities serving existing developments; and shall not be used for maintenance or operation.

(B) Impact fees may be spent for improvements, including, but not limited to, facility planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, grant matching funds and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to park and recreation facilities, and any other expenses which can be capitalized and are consistent with the Comprehensive Plan.

(1) Impact fees may also be used to recoup park and recreation facility improvement costs previously incurred to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

(2) In the event that bonds or similar debt instruments are or have been issued for the construction of park facility or system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this chapter and are used to serve the new development. Capital facilities plans using impact fees for the purpose of assisting in the provision of capital facilities or facility systems must clearly differentiate between funds used for new improvement and those funds used to correct existing deficiencies.

21.06.100 Assessment and Collection.

(A) Fee Determination. For all development activity subject to this chapter, the City shall determine the total impact fee at the time of application for a building permit or for installation of a mobile/manufactured home, based on the parks, recreation and open space element of the Granite Falls Comprehensive Plan and the resulting fee schedule in effect at the time of the application adopted by resolution.

(B) Collection Time. Collection shall occur prior to the time of building permit issuance.

21.06.110 Adjustments – Independent Calculations.

(A) A fee payer may request an adjustment to the impact fees set forth in this chapter by preparing and submitting to the City an independent fee calculation for the development activity

for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

(1) If the City agrees with the independent fee calculation, a written agreement shall be transmitted to the fee payer for recording.

(2) If the City does not agree with the independent fee proposal, the fee payer may request a third party review. The third party reviewer will be selected by the City.

(a) The fee payer shall pay the third party reviewer for services and the City for analysis of the independent fee calculation.

(b) While there is a presumption that the calculations set forth in the parks, recreation and open space element of the Comprehensive Plan are valid, the third party reviewer shall consider the documentation submitted by a fee payer and the analysis prepared by the City.

(c) The third party review may result in the City acceptance, rejection, or revision of the independent fee calculation after consideration of documentation submitted in support of or in opposition to the independent fee calculation, the specific characteristics of the development, principles of fairness, and/or other relevant information. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

(B) Determinations made pursuant to this section may be appealed to the Hearing Examiner subject to the procedures set forth in the UDC.

21.06.120 Credits.

(A) The fee payer shall be entitled to a credit against the applicable impact fee component for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the fee payer, to facilities that are identified in the parks, recreation and open space element of the Comprehensive Plan and that are required by the City as a condition of approving the development activity.

(B) The amount of the credit shall be the higher of either the value of the land or improvements established in the adopted comprehensive parks, recreation and open space element or by an appraisal conducted by an independent professional appraiser mutually agreeable to the City and the fee payer. Either the fee payer or the City may request an appraisal, in which event the cost of the appraisal shall be borne by the requesting party. Determinations made pursuant to this section may be appealed to the Hearing Examiner subject to the procedures set forth in the UDC.

(C) After the effective date of the ordinance codified in this chapter, whenever a development is granted approval subject to a condition that the developer provide capital facilities and utilities park, open space, or linear trail park facilities that are identified in the Comprehensive Plan Parks, Recreation and Open Space Element, or whenever the developer has agreed, pursuant to the terms of a voluntary agreement with the City, to provide land for parks, open space, or linear trails that are identified in the Comprehensive Plan capital facilities and utilities parks, recreation and open space element, or make improvements to existing facilities, the developer shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided by this

chapter. The land value or costs of construction shall be determined pursuant to subsection (G)(3) of this section.

(D) When a subdivision or other type of development is conditioned upon the dedication of land, or purchase, installation or improvement of park or recreation facility, a final plat, final PRD, or short plat shall not be recorded, nor a building permit issued until:

(1) The City has determined in writing that any land to be dedicated is shown on the face of the final plat, final PRD, or short plat, or a deed conveying the land to the City has been recorded with the Snohomish County auditor; and

(2) The City has determined in writing, after consultation with the designated public owner responsible for permanent, continuing maintenance and operation of the facilities, that the developer has satisfactorily undertaken, or guaranteed to undertake in a manner acceptable to the City, any required purchase, installation or improvement of the required park or recreation facility.

21.06.130 Refunds.

(A) The current owner of property on which impact fees have been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within 10 years of their receipt. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis.

(B) Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with the provisions of this section.

(C) Refunds of impact fees shall include any interest earned on the impact fees.

(D) Should the City seek to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which an impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail addressed to the owner of the property as shown in the county tax records. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for the original purposes, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(E) An owner/applicant may request and shall receive a refund, including interest earned on the impact fees, when:

(1) The owner/applicant does not proceed to finalize the development activity as required by statute or City Code or the International Building Code; and

(2) The City has not expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the City has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three years, the same or

subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the City in writing and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The City shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in this chapter.

(F) The amount to be refunded shall include the interest earned by this portion of the account from the date that it was deposited into the impact fee fund.

21.06.140 Appeals and Payments Under Protest.

(A) An appeal of the decision of the City, the third party reviewer, or the Hearing Examiner with regard to the imposition of an impact fee or fee amounts may be filed by the fee payer. Any appeal shall follow the appeal process for the underlying permit and not be subject to a separate appeal process.

(B) Any fee payer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. No appeal shall be permitted until the impact fees at issue have been provided.

(C) Further appeals of a decision under this chapter shall be considered by the City according to procedures in this chapter.

(D) The Hearing Examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of credit, or the accuracy or applicability of an independent fee calculation.

21.06.150 Council Review.

Computation and Schedules. The fee schedules set forth in this chapter shall be reviewed by the City Council as it deems necessary and appropriate in conjunction with the update of the Parks, Recreation and Open Space Element of the Comprehensive Plan.

21.06.160 Administrative Fees.

The cost of administering the impact fee system for park and recreation facilities impact fees shall be a one-time charge established by the City. This fee, in addition to the actual impact fees, shall be paid by the developer to the City at the time of building permit issuance.

21.06.170 Exemption or Reductions.

(A) Public housing agencies or private nonprofit housing developers participating in publicly sponsored or subsidized housing programs may apply for exemptions or reductions from the requirements of this chapter.

(B) Private for-profit developers may apply for exemptions or reductions from the requirements of this chapter when all or a portion of the project is designed to accommodate low income residents or special populations that will result in lower impacts on parks facilities.

(C) The determination of the amount of any requested exemptions or reductions shall be based on the procedures of this chapter.

(D) The amount of impact fees exempted or reduced for low income subsidized units shall be replaced by other public funds.

(E) Dwelling units qualifying for impact fee exemptions or reductions shall be occupied by low income or special population residents for a minimum of 15 years.

21.06.180 Relationship to Environmental Impact Mitigation.

(A) As provided by RCW 82.02.100, development required to mitigate environmental impacts pursuant to RCW 43.21C.060 shall not be required to pay impact fees under this chapter for the same system improvements.

(B) Nothing in this chapter shall be construed to limit the City's authority to deny development permit applications when a proposal would result in significant adverse environmental impacts identified in environmental review under SEPA where reasonable mitigation measures are insufficient to address the identified impact.

21.06.190 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

Chapter 21.04 SCHOOL IMPACT FEES

Sections:

- 21.04.010 Findings.
- 21.04.020 Definitions.
- 21.04.030 Assessment of impact fee.
- 21.04.040 Exemptions.
- 21.04.050 Credits.
- 21.04.060 Tax adjustments.
- 21.04.070 Appeals.
- 21.04.080 Authorization for the school interlocal agreement and the establishment of the school's impact fee account.
- 21.04.090 Refunds.
- 21.04.100 Use of funds.
- 21.04.110 School impact fees and administrative fees.
- 21.04.120 Fee adjustments.
- 21.04.130 Independent fee calculations.
- 21.04.140 Existing authority unimpaired.

21.04.010 Findings.

(A) The Washington State Legislature, with the passage of Chapter 17, Laws of 1990 (Growth Management Act) has removed previously enacted restrictions and authorized development impact fees as an additional source of funding for common school facilities, in addition to local tax revenues and state grants from the Common School Construction Fund.

(B) The Growth Management Act (GMA), also amended RCW 58.17.110, the Planning and Subdivision Act, to require written findings that "appropriate provisions are made for ... schools and school grounds."

(C) Demands for construction of new school facilities will continue through the next decade because of increased population.

(D) Cities are required to coordinate land use development and the provision of public facilities under mandates of the GMA.

(E) While the general community benefits from new public facilities and should continue to pay the majority of facility costs, it is appropriate to require new development to pay some share of its proportional impact on the need for such facilities.

(F) Because the Washington State Constitution makes the education of its children the State's "paramount" duty, there continues to be a State responsibility for the construction of State facilities.

(G) The formula adopted in this chapter accounts for existing and expected future public funding sources for schools, including the state funding and local bond issues or other revenues. It assumes that these sources will continue to provide a credit for these two funding sources against the calculated impact fees.

(H) The adoption of this chapter and the Capital Facility Plans of the School District, and the imposition of appropriate on-site impact provisions authorized in Chapters 43.21C (SEPA) and 58.17 RCW, constitutes “appropriate provision” of school sites and school facilities.

(I) It is the desire of the City of Granite Falls to have new development assessed impact fees in uniform manner and will endeavor to have a common formula and administration process for the levying of this fee to the maximum degree possible.

(J) The City Council of the City of Granite Falls hereby finds and determines that new residential development in the City of Granite Falls will create additional demand and need for school facilities in the City of Granite Falls, and that new residential development should pay a proportionate share of the cost of school facilities needed to serve the new residential development. Pursuant to Chapter 82.02 RCW, the City Council adopts this chapter to assess impact fees for school facilities. The provisions of this chapter shall be liberally construed in order to carry out the purpose of the City Council in establishing the impact fee program. [Ord. 639 § 1, 2001; Ord. 599 § 1, 1998.]

21.04.020 Definitions.

For the purpose of this chapter, the following terms shall have the indicated meanings:

“Act” means the Growth Management Act, Chapter 17, Laws of 1990, First Ex. Sess., Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, First Sp. Sess., as now in existence or as hereafter amended.

“Average assessed value” means the district’s average assessed value for the dwelling unit type.

“Boeckh index” means the current construction trade index of construction costs for each school type.

“Building permit” means the permit required for new construction and additions, pursuant to the Uniform Building Code. As used herein, the term shall not be deemed to include permits required for remodeling, rehabilitation or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the number of dwelling units resulting therefrom.

“Capital facilities” means school facilities identified in a school district’s capital facilities plan and are “system improvements” as defined by the GMA as opposed to localized “project improvements.”

“Capital facilities plan” means the capital facilities plan adopted pursuant to plans adopted by the District and submitted to the City.

“Concurrent” or “concurrency standards” means that the permanent and interim improvements are planned to be or are in place at the time the impacts of development are

expected to occur, and that the necessary financial commitments are in place to complete the improvement necessary to serve the development within six years of the time the impacts of the development are expected to occur.

“Construction cost per student” means the estimated cost of construction of a school in the District for the grade level of the proposed school.

“Department” means the Public Works Department of the City of Granite Falls.

“Developer” means the proponent of a development activity, such as any person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

“Development” means all subdivisions, short subdivisions, conditional or special use permits, binding site plan approvals, rezones accompanied by an official site plan, or building permits (including building permits for multifamily and duplex residential structures, and all similar uses) and other applications requiring land use permits or approval by Granite Falls.

“Development activity” means any residential construction or expansion of a building, structure or use of land, or any other change in use of building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for attached or detached accessory apartments, and remodeling or renovation permits which do not result in additional dwelling units.

“Development approval authority” means the Granite Falls City Council.

“Director” means the City of Granite Falls planning Commission Chairman.

“District” means the Granite Falls School District No. 332.

“District property tax levy rate” means the District’s current capital property tax rate per \$1,000 of assessed value.

“Dwelling unit type” means (1) single-family residences, (2) multifamily one-bedroom apartment or condominium units, and (3) multifamily multiple-bedroom apartment or condominium units.

“Encumber” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

“Estimated facility construction cost” means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the District, including on-site and off-site improvement costs. If the District does not have this cost information available, construction costs of school facilities of the same or similar grade span within another district are acceptable.

“Facilities credit” means the per-dwelling-unit value of any facilities or sites provided directly by the development and accepted by the District.

“Facility design capacity” means the number of students a school site and its school building is designed to accommodate.

“Feepayer” means the responsible party for a land use or construction permit for residential development.

“Grade span” means a category into which a District groups its grades of students (e.g., elementary, middle or junior high, and high school).

“Impact fee” means the fee levied pursuant to this chapter as a condition of issuance of a building or mobile home permit.

“Impact fee account” means the account established for the school facilities for which impact fees are collected.

“Independent fee calculation” means the school impact calculation and/or economic documentation prepared by a feepayer, or Granite Falls School District No. 332, to support the assessment of an impact fee other than by the use of the schedule attached as Appendix A to the ordinance codified in this chapter.

“Interest rate” means the current interest rate as stated in the Bond Buyer 20-Bond General Obligations Bond Index.

“Interlocal agreement” means the School Interlocal Agreement by the City of Granite Falls and Granite Falls School District No. 332 as authorized in this chapter.

“Land cost per acre” means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the district.

“Land use permit” is a consolidated development approval or permit.

“Multifamily unit” means any residential dwelling unit that is not a single-family unit as defined by this section.

“Owner” means the owner of record of real property or the owner’s authorized agent.

“Permanent facilities” means school facilities of the District with a fixed foundation.

“Public/private ratio” means the ratio of public revenues to impact fees for financing the unfunded construction, site and temporary facilities costs after state funds are calculated.

“Relocatable facilities” means factory-built structures, transportable in one or more sections, that are designed to be used as education spaces and are needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district, or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

“Relocatable facilities cost” means the total cost, based on actual costs incurred by the District, for purchasing and installing portable classrooms.

“Relocatable facilities student capacity” means the rated capacity for a typical portable classroom used for a specified grade span.

“Residential structure” means a house, apartment, mobile home, manufactured home or modular home used as a place of residence.

“SBE” means the Washington State Board of Education.

“School facilities” means facilities owned or operated by Granite Falls School District No. 332, or the facilities or improvements included in the District’s capital budget and/or capital facilities plan.

“School impact fee” means a payment of money imposed upon development as a condition of development approval to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

“Service area” means a geographic area described in the City capital facilities plan in which a defined site of public facilities provides service to development within the area. Service areas may be separately described for each type of public facility.

“Single-family unit” means any detached residential dwelling unit designed for occupancy by a single family or household.

“Site cost per student” means the estimated cost of a site in the District for the grade level of school to be provided, divided by the design capacity for the grade level of school.

“SPI” means the Washington State Superintendent of Public Instruction.

“Standard of service” means the standard adopted by each District which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified in the District’s capital facilities plan. The District’s standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or from any specialized facilities housed in relocatable facilities.

“State match percentage” means the proportion of funds that are provided to the District for specific capital projects from the state’s Common School Construction Fund. These funds are disbursed based on the formula which calculates district assessed valuation per pupil relative to the whole state assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the State.

“Student factor (student generation rate)” means the number of students of each grade span (elementary, middle/junior high, high school) that a District determines are typically generated by different dwelling unit types within the District.

“Temporary facilities cost per student” means the cost of purchasing and siting a portable classroom unit divided by the number of students the units are designed for and discounted to reflect multiple site uses.

“Voluntary agreement” means an agreement between a developer and Granite Falls School District No. 332 as authorized by RCW 82.02.020. [Ord. 639 § 2, 2001; Ord. 599 § 2, 1998.]

21.04.030 Assessment of impact fee.

Assessment of impact fees shall be determined as follows:

(A) No building permit shall be issued for a development in the City unless the impact fee is calculated and imposed pursuant to this chapter.

(B) The City shall impose and the School District shall collect impact fees, based on the schedule in Appendix A, as determined from Appendices B and C, all attached to Ordinance 709,

codified in this section, from any applicant seeking a land use permit or approval and/or a building permit for the City for any residential development activity within the City; provided, that the City shall reevaluate the fees at the time school impact fees are considered by Snohomish County for the remainder of the District.

(C) Impact fees shall be paid at the time of building permit issuance, based on the fee schedule in place at the time of permit application. The City staff shall verify that all required school impact fees and/or credits have been collected prior to permit issuance.

(D) The fee will be collected by the School District as per interlocal agreement on collection procedures adopted by the City and the School District on July 25, 1998, as a part of Ordinance 599.

(E) The impact mitigation fee shall be based on a capital facilities plan approved by the District, and adopted by the City. [Ord. 709 § 2, 2005; Ord. 639 § 3, 2001; Ord. 599 § 3, 1998.]

21.04.040 Exemptions.

(A) The following shall be exempted from the payment of all school impact fees:

(1) Any form of housing permanently and exclusively dedicated for senior citizens, defined as over 55 years of age, with the necessary covenants or declarations of restrictions recorded on the property.

(2) Replacement of a residential structure on a site within 12 months of the demolition or removal of the prior residence.

(3) Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit when no additional units are created.

(4) All nonresidential construction.

(B) The Director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. [Ord. 639 § 4, 2001; Ord. 599 § 4, 1998.]

21.04.050 Credits.

(A) The fee payer shall direct the request for a credit or credits to the Director, who shall forward the request to Granite Falls School District No. 332. The District shall first determine the general suitability of the land, improvements and/or construction for District purposes. The District shall then determine whether the land, improvements and/or the facility constructed are included within the District's adopted capital facilities plan, or the Board of Directors for Granite Falls School District No. 332 may make the findings that such land, improvements and/or facilities would serve the goals and objectives of the District's capital facilities plan. The District shall forward its determination to the Director, including cases where the District determines that the dedicated land, improvements, and/or construction are not suitable for the District purposes. The Director shall adopt the determination of Granite Falls School District No. 332 and shall inform the applicant, in writing, of the adoption of the District's determination.

(B) For each request for a credit or credits, once the School District has determined that the land, improvements, and/or construction would be suitable for District purposes, Granite Falls School District No. 332 shall select an appraiser. The appraiser shall be directed to determine for the district the value of the dedicated land, improvements, or construction provided by the fee payer on a case-by-case basis.

(C) The fee payer shall pay for the cost of the appraisal or request that the costs of the appraisal be deducted from the credit which the district may be providing to the fee payer, in the event that a credit is awarded.

(D) After receiving the appraisal, Granite Falls School District No. 332 shall provide the applicant with a letter or certificate setting the dollar amount of the credit, the reason for the credit where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the District before the impact fee credit will be awarded. The failure of the applicant to sign, date and return such documents within 60 calendar days shall nullify the credit. The District shall notify the Director of the credit so that appropriate conditions can be placed on the approved plans and permit.

(E) Any claims for credit must be made no later than 20 calendar days after the submission of an application for a building permit.

(F) For each request for a credit for significant past tax payments made for particular school system improvements, the fee payer shall submit receipts and a calculation of past tax payments earmarked for or pro-ratable to the particular school system improvements. [Ord. 639 § 5, 2001; Ord. 599 § 5, 1998.]

21.04.060 Tax adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the capital facilities plan has provided adjustments for future taxes to be paid by the new development which are earmarked or pro-ratable to the particular school system improvements which will serve the new development. The impact fee schedule in Appendix A, attached to the ordinance codified in this chapter, has been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund particular school system improvements. [Ord. 639 § 6, 2001; Ord. 599 § 6, 1998.]

21.04.070 Appeals.

(A) Appeals regarding the impact fees imposed on any development activity may only be taken by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

(B) Determinations with respect to the applicability of the impact fees to a land use permit and/or building permit, the availability of an exemption, the availability or value of a credit, or the decision concerning the independent fee calculation, or the fees imposed, or any other determination made pursuant to this chapter, can be appealed to the City Council.

(C) Appeals shall be filed within 15 working days of the issuance of a written determination by filing a notice of appeal specifying the grounds thereof, and depositing an administrative fee in the amount of \$300.00. The director and the District shall transmit to the City Council all papers constituting the record for the determination.

(D) The City Council shall fix a time for the hearing of the appeal, give notice to the parties of record, and decide the same. At the hearing, any party may appear in person or by agent or attorney.

(E) The action of the City Council shall be taken by the adoption of a motion by the City Council. When taking any such final action, the City Council shall make and enter findings of fact from the record and conclusions thereof, which support its action.

(F) The action of the City Council approving, modifying, or rejecting a decision of the Director and/or District shall be final and conclusive, unless within 20 calendar days from the date of the City Council action, Granite Falls School District No. 332 or any fee payer applies for a writ of certiorari to the Superior Court of Washington for Snohomish County, for the purpose of review of the action taken. [Ord. 639 § 7, 2001; Ord. 599 § 7, 1998.]

21.04.080 Authorization for the school interlocal agreement and the establishment of the school's impact fee account.

(A) The interlocal agreement contains a hold harmless and indemnification provision which states that the District shall indemnify and hold the City harmless for all costs and attorney's fees associated with challenges to the fee amounts, the calculations and formula regarding impact fees, request for credit under GFMC 21.04.050, independent fee calculations under GFMC 21.04.130, the district capital facilities plan, the record keeping by the district, the expenditure of funds collected, and for request for refunds under GFMC 21.04.050.

(B) As a condition of the interlocal agreement, Granite Falls School District No. 332 shall establish a school impact fee account. This account shall be an interest bearing account.

(C) Funds withdrawn from the schools impact account for Granite Falls School District No. 332 must be used in accordance with the provisions of this chapter. The interest earned shall be retained in this account and expended for the purposes for which the school impact fees were collected.

(D) On an annual basis, pursuant to the interlocal agreement, Granite Falls School District No. 332 shall provide a report to the City Council on the School's impact fee account, showing the source and amount of all moneys collected, earned, or received and the public improvements that were financed in whole or in part by impact fees.

(E) School impact fees shall be expended or encumbered within six years of receipt, unless the City Council identifies in written findings extraordinary and compelling reason or reasons for

Granite Falls School District No. 332 to hold the fees beyond the six-year period. Under such circumstances, the City Council shall establish the period of time within which the impact fee shall be expended or encumbered, after consultation with Granite Falls School District No. 332. [Ord. 639 § 8, 2001; Ord. 599 § 8, 1998.]

21.04.090 Refunds.

(A) If Granite Falls School District No. 332 fails to expend or encumber the impact fees within 10 years of when the fees were paid, or where extraordinary compelling reason exists, the current owner of the property on which the impact fees have been paid by receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.

(B) The City shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimants must be the owner of the property.

(C) Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the Director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

(D) Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the School District and expended on the appropriate school facilities.

(E) Refunds of impact fees under this section shall include any interest earned on the impact fees by the School District.

(F) When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds, from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation, two times, and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the School District, but must be expended for the appropriate school facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(G) Granite Falls School District No. 332 shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the residential development for which the impact fees were imposed did not occur; provided, that a request for a refund shall be made within 30 days following the expiration of the building permit. If within three years the project proceeds with the same or substantially similar residential development, the owner can petition the School District for an offset. Granite Falls School District No. 332 shall determine whether to grant an offset, based on receipts provided by the petitioner of impact fees previously paid for the same or substantially similar residential development project. [Ord. 639 § 9, 2001; Ord. 599 § 9, 1998.]

21.04.100 Use of funds.

(A) Pursuant to this chapter, impact fees:

(1) Shall be used for school improvements of Granite Falls School District No. 332 that will reasonably benefit the new development; and

(2) Shall not be imposed to make up for deficiencies in District No. 332 school facilities serving existing developments; and

(3) Shall not be used for maintenance or operation.

(B) Impact fees may be spent for Granite Falls School District No. 332 improvements, including but not limited to school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing and administration expenses, applicable fees or mitigation costs, capital equipment pertaining to educational facilities, and any other expenses which can be capitalized. [Ord. 639 § 10, 2001; Ord. 599 § 10, 1998.]

21.04.110 School impact fees and administrative fees.

(A) The school impact fees set forth in Appendix A, attached to the ordinance codified in this chapter, are generated from the formula for calculating impact fees set forth in District No. 332's capital facilities plan. Except as otherwise provided in this chapter, all land use and building permits issued by the City will be charged the school impact fee in Appendix A.

(B) The City's cost of administering the impact fee program shall be \$15.00 per dwelling unit and shall be paid by the applicant to the City as part of the development application fee. [Ord. 639 § 11, 2001; Ord. 599 § 11, 1998.]

21.04.120 Fee adjustments.

The adjustments to the impact fees reflect the legislative determination that while the full impact fees per dwelling unit accurately characterize the cost of the school facilities required for each new development, as documented in District No. 332's capital facilities plan, the City Council has, as a matter of policy and at the request of the School District, decided to provide discretionary adjustments for local bond issues. The City Council is authorized to reduce or to increase the adjustments as part of its annual or periodic review of the fee schedule, or at any other time, by adopting an amendatory ordinance. No additional technical analysis is required for reductions to or increases in the amount of the adjustments. [Ord. 639 § 12, 2001; Ord. 599 § 12, 1998.]

21.04.130 Independent fee calculations.

(A) If District No. 332 believes in good faith that none of the fee categories or fee amounts set forth in the schedule in Appendix A, attached to the ordinance codified in this chapter, accurately describe or capture the impacts of a new development on school, Granite Falls School

District may conduct independent fee calculations and submit such calculations to the Director. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

(B) If a fee payer opts not to have the impact fees determined according to the schedule set forth in Appendix A, attached to the ordinance codified in this chapter, then the feepayer shall prepare and submit to the School District an independent fee calculation for the development activity for which approval is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. School District No. 332 shall review the independent fee calculation and provide an analysis to the Director concerning whether the independent fee calculation should be accepted, rejected, or accepted in part. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

(C) Any feepayer submitting an independent fee calculation will be required to pay the District a fee to cover the cost of reviewing the independent fee calculations. The fee shall be \$500.00 plus any additional staff time spent in the review and the cost of consultant services if the District deems these services to be necessary. The District shall require the feepayer to post a cash deposit of \$500.00 prior to initiating the review.

(D) While there is presumption that the calculations set forth in District No. 332's capital facilities plan are valid, the District shall consider the documentation submitted by the feepayer and the analysis prepared by Granite Falls School District No. 332 staff, but is not required to accept such documentation or analysis and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. The District is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer and to the Director. [Ord. 639 § 13, 2001; Ord. 599 § 13, 1998.]

21.04.140 Existing authority unimpaired.

Nothing in this chapter shall preclude the City from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with this chapter and with RCW 43.21C.065 and 82.02.100. [Ord. 639 § 14, 2001; Ord. 599 § 14, 1998.]

Chapter 21.08
TRANSPORTATION IMPACT FEE AND MITIGATION PROGRAM

Sections:

- 21.08.010 Transportation impact fee and mitigation program established.
- 21.08.020 Definitions.
- 21.08.030 Establishment of service area.
- 21.08.040 Imposition of impact fees on development.
- 21.08.050 Disposition of impact fee revenues.
- 21.08.055 Impact fees – calculation.
- 21.08.060 Refunds.
- 21.08.070 Appeals.
- 21.08.080 LID agreement required.
- 21.08.090 Reimbursement agreements authorized.
- 21.08.100 Exempt projects.

21.08.010 Transportation impact fee and mitigation program established.

There is established, subject to provisions of this chapter, a transportation impact fee and mitigation program. [Ord. 668 § 2, 2003.]

21.08.020 Definitions.

Unless the context otherwise requires, the terms defined in this section shall, for all purposes of this chapter, having the meanings specified in this section, with words importing the singular number including the plural number and vice versa:

“Act” means the sections of the Washington State Growth Management Act, codified as RCW 82.02.050 through 82.02.090 as now in existence, or as hereinafter amended.

“Building permit” means any written authorization from the City which authorizes the commencement of development.

“Capital facility plan” means the capital facilities plan element of the City’s Comprehensive Plan, as now in existence or as hereinafter amended.

“City” means the city of Granite Falls, Washington.

“City comprehensive plan” means the City’s Comprehensive land use plan, adopted pursuant to the Act.

“Development” means the construction, reconstruction, conversion, structural alteration, relocation, enlargement, or change in use of any structure or property, or any project, that will increase vehicle trips per day, or any project which negatively impacts the service level, safety, or operational efficiency of serving roads.

“Fair market value” means the price in terms of money that a property will bring in a competitive and open market under all conditions of a fair scale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

“Fund” means a fund, and accounts therein, to maintain information about and to account for receipt of impact fees and for payment of qualifying costs and expenses.

“Granite Falls alternate route (GFAR) pre-design report” means the report identifying traffic projection improvement to provide level of service “D” and costs.

“Impact fee” means a payment of money imposed by the City upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and to mitigate the impacts of the development on the transportation facilities of the City, but does not include any permit or application fee.

“LID agreement” means an agreement under RCW 35.43.182 to participate in and not protest formation of a local improvement district for construction of transportation and related improvements.

“Owner” means the owner of record of real property; although if real property is being purchased under a real estate contract, the purchaser shall be considered the owner of real property if the contract is recorded.

“Public facilities,” as used in this chapter, refers to public streets, roads, and rights-of-way owned or operated by the City for other governmental entities, including trails, paths, bikeways, other transportation facilities and all attendant improvements.

“Reimbursement contract” or “latecomer contract” means an agreement under Chapter 35.72 RCW to provide for construction or improvement of street projects which the owner of real estate elects to install as a result of ordinances that require the projects as a prerequisite to further property development.

“Service area” means the development impact fee service area of the City identified in GFMC 21.08.030.

“System improvements” means public facilities that are included in the City’s capital facilities plan.

“Traffic impact fee study” means the 2002 traffic impact fee study, and revisions thereto, that identifies traffic mitigation fees and other means to implement the Comprehensive Plan and to address City transportation needs.

“Transportation facilities” means and refers to streets and roads, but includes all publicly owned streets, roads, alleys, and rights-of-way within the City, and street services, traffic control devices, curbs, gutters, sidewalks, and related facilities and improvements.

“Transportation plan” means the transportation plan element of the City’s Comprehensive Plan, the City’s six-year transportation improvement program (six-year street plan), GFAR pre-design report, traffic impact fee study, and such other transportation programs, plans and studies adopted by the City. [Ord. 668 § 2, 2003.]

21.08.030 Establishment of service area.

The City established as the service area for development impact fees the City of Granite Falls, including all property located within the corporate limits of the City. The scope of the service area is hereby found to be reasonable and established on the basis of sound planning and engineering principles. Areas outside of the City also contributing traffic to City streets shall be included within the service area as set forth in cooperative agreements with Snohomish County. [Ord. 668 § 2, 2003.]

21.08.040 Imposition of impact fees on development.

(A) The City authorizes the assessment and collection of impact fees on development within the City, at the rate established in GFMC 21.08.055. It is declared that such impact fees shall:

- (1) Only be imposed for system improvements that are reasonably related to development;
- (2) Not exceed a proportionate share of the cost of the system improvements, including the costs of previously constructed system improvements, reasonably related to development;
- (3) Be used for system improvements that will reasonably benefit development;
- (4) Not be imposed to make up for deficiencies in any previously constructed system improvements. Such impact fee schedule is based upon the formula for calculating the proportionate share of the cost of the system improvements, including the costs of previously constructed system improvements, necessitated by development to be borne by impact fees, which formulas are described in the 2002 traffic impact fee study, and revisions thereto, which is adopted herein by this reference;
- (5) Assume that 80 percent of the traffic generated for commercial development projects within the City of Granite Falls central business district (and designated in the City of Granite Falls 2005 Land Use comprehensive Plan) is pass-by traffic.

(B) The impact fee imposed by this chapter shall be paid at building permit issuance as provided by GFMC 19.04.070(J)(2).

(C) Failure to pay the impact fees for a given development at the time of assessment shall result in denial of the development approval and/or building permit for which the owner has applied.

(D) If, as a condition of approval of development, owner dedicates land, or constructs system improvements, in excess of the proportionate share of system improvements attributable to the owner's development as set out in the City's development regulations, the developer shall be eligible for a credit towards the transportation impact fees otherwise payable under this chapter. The amount of such credit shall be measured based on the pre-development fair market value of such land or improvements required in excess of the owner's share and shall be deducted from the transportation impact fees charged under this chapter.

(E) The city Engineer, with concurrence of the City Council, may adjust the amount of the impact fee otherwise imposed in this chapter with respect to specific development activity upon determining that:

(1) Unusual circumstances require such adjustments to ensure that such impact fees are imposed fairly; and

(2) Studies and data submitted by the owner regarding the impacts of such owner's proposed development require such adjustment to ensure that such impact fees are imposed fairly. Impact fees shall not be deemed unfair unless such unusual circumstances and studies and data support a finding that the impact fees otherwise imposed in this chapter allocate to the specific project in question vehicle trips and resulting share of the cost of the systems improvements reasonably related to new development that are greater than or substantially less than such development activity's allocable proportionate share of such trips and resulting costs. [Ord. 867 § 2, 2014; Ord. 718, 2006; Ord. 668 § 2, 2003.]

21.08.050 Disposition of impact fee revenues.

(A) A fund is hereby created for receipt of impact fees. One account in the fund shall be designated for the Granite Falls alternate route. Forty percent of all traffic mitigation fees shall be designated for the Granite Falls alternate route. The remaining portion shall be used for the other traffic improvements as identified in the 2002 traffic impact study, and revisions thereto.

(B) The impact fees collected pursuant to the provisions of this chapter shall be deposited into the fund. Pending application as provided in this chapter, the moneys deposited in the accounts of the fund shall be invested in any investment authorized for the investment of City funds. All interest and profits derived from the investments of monies in each account in the impact fee fund shall be retained in such account.

(C) The impact fees deposited in each account in the fund, and the interest and profit received from the investments therefrom, shall be expended only for public facilities of the type for which such impact fees were collected, in conformity with the City's Comprehensive Plan, capital facilities plan element, the 2002 traffic impact fee study and revisions thereto, and expended or encumbered within six years of receipt by the City, unless written findings by the city council identify an extraordinary and compelling reason for the city to hold the fees for a longer time. The City shall account for annual expenditures and shall comply with this section in successive Comprehensive Plans, transportation plans and capital facilities plans as appropriate.

(D) The City shall prepare an annual report on the fund which shows the source and amount of all monies collected, earned or received and the public facilities that were financed in whole or in part by impact fees. [Ord. 668 § 2, 2003.]

21.08.055 Impact fees – Calculation.

(A) The impact fees for each single-family residence ("SFR") as set forth in the traffic impact fee study and revisions thereto, is \$2,500.00 ("SFR fee"). Each development shall be subject to and pay an impact fee based on the average weekday total trips ("AWDT") attributable

to the development. The SFR fee shall be multiplied by the AWDT to arrive at the impact fee. The impact fee calculation may be expressed as follows:

$$\text{Impact fee} = \frac{\text{SFR fee}}{9.57} \times \text{development AWDT}$$

(B) AWDT shall be calculated by the forecast method set out in the ITE Trip Generation Manual, as described in the traffic impact fee study and revisions thereto; provided, trucks shall be converted to passenger car equivalents (“PCE”) using the following formula:

Trucks with five or more axles = four PCE; and

Buses and trucks with three or four axles = two PCE.

[Ord. 668 § 2, 2003.]

21.08.060 Refunds.

(A) The City shall refund to the current owners of property on which an impact fee has been paid any impact fees paid with respect to such property that has not been expended or encumbered for public facilities of the type for which such impact fees were collected within six years from the date of receipt or such longer period of time as is established in the event that the City Council finds that an extraordinary or compelling reason exists to hold the fees longer than 10 years as provided in GFMC 21.08.050. Impact fees shall be considered encumbered on a first-in, first-out basis. The City shall notify potential refund claimants by first-class mail deposited within the United States Postal Service at the last known address of the claimants.

(B) The City shall also refund to the current owner of property for which an impact fee has been paid all impact fees paid with respect to such property if the development for which the impact fee was imposed did not occur and no impact has resulted; provided, that if some, but not all, of the development for which the impact fee was imposed occurred, the impact will be deemed to have occurred, and no refund shall be available under this section.

(C) Owners seeking a refund of impact fees must submit a written request for a refund of impact fees to the City Clerk or designee within one year of the date the right to claim the refund arises, which, for purposes of refund claims authorized pursuant to subsection (B) of this section only, shall be the date of voluntary or involuntary abandonment of the building permit, or the date that notice is given as provided in subsection (A) of this section, whichever occurs later. Refunds of impact fees shall include interest and any profits earned on the impact fees from the date of their receipt to the date of refund, as a percentage of the interest/profits earned by the fund on an annual basis. Any impact fees not expended within the time limitations described in GFMC 21.08.050(C) and for which no application for a refund has been made within the one-year claim period shall be retained by the City and expended on public facilities of the type for

which such impact fees were initially collected, without further limitation as to the time of expenditure.

(D) In the event a refund is made by the City pursuant to this section, the City may, but is not required to, review the original approval or authorization for which the mitigation fees had been paid under this chapter. Refund of the mitigation fees shall be deemed to be a change in conditions which allows for review of the development for which approval was previously given. Review of such development shall be governed by the provisions of local and state law. [Ord. 668 § 2, 2003.]

21.08.070 Appeals.

(A) An owner may pay an impact fee imposed pursuant to this chapter under protest in order to obtain development approval and after such payment may file an appeal regarding the amount of such impact fee in accordance with this section. Pending the completion of the appeal process as set forth herein, no building permits shall be issued for any development for which the mitigation fees about which appeal is being sought were imposed.

(B) The determination of the City Engineer or designee regarding the applicability of the impact fee to a given development within the service area shall be final. The City Council shall have the power to hear and decide appeals where it is alleged that there is an error in the City Engineer's or designee's determination of the impact fee imposed upon a development pursuant to this chapter.

(C) Appeal to the City Council regarding the amount of the impact fee imposed on any development may only be taken by the owner of the property where such development shall occur. No appeal shall be permitted unless and until the impact fee at issue has been paid. Such appeals shall be taken within a reasonable time, not exceeding 10 days after the date the impact fee was paid, and in the case of subdivisions or short plats, prior to the recording of the final plat. An appeal shall be commenced on filing with the City Clerk or designee a notice of appeal specifying the grounds thereof and depositing an appeal filing fee of \$250.00. The City Clerk or designee shall forthwith transfer to the City Council all papers constituting the record upon which the amount of the impact fee was determined.

(D) The City Council shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties of interest, and decide the same within a reasonable time of the hearing. Any party may appear in person or by agent or through his/her attorney.

(E) In exercising the above-mentioned powers, the City Council may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partially, or may modify the determination of the amount of the impact fee appealed from only upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decisions or determination as ought to be made, and to that end shall have the powers with respect to the determination of the impact fees as they are granted to the City pursuant to this chapter.

(F) Any person or persons, or any board, taxpayer or department or division of the City aggrieved by any decision of the City Council may seek review by a court of record of such decisions, in the manner provided by the laws of the State of Washington. [Ord. 668 § 2, 2003.]

21.08.080 LID agreement required.

An owner, as a condition for approval of development, is required to enter into a LID agreement. LID agreements shall be consistent with RCW 35.43.182, on a form prepared and approved by the City Attorney, and authorized by the City Council. LID agreements shall require owner participation in LID(s) to construct transportation and related improvements that are required to support the development. A LID agreement shall include provision for credit of any amounts paid as impact fees under this chapter against any special benefit assessment for transportation facilities funded all or in part by such impact fees; provided, however, the City shall identify or otherwise account for the use of impact fee funds, and there shall be no credit for impact fees paid for or applied to transportation facilities not included within a LID. [Ord. 668 § 2, 2003.]

21.08.090 Reimbursement agreements authorized.

(A) In the event public facilities are inadequate to support a proposed development, the City may deny approval of such development. Alternatively, the City is authorized to enter into reimbursement agreements under Chapter 35.73 RCW.

(B) The City is authorized to enter into agreements with owners, consistent with RCW 35.43.184, to provide for LID preformation activity. [Ord. 668 § 2, 2003.]

21.08.100 Exempt projects.

Exempt projects include:

(A) Projects filed prior to the enactment of the moratorium, Ordinance No. 644, shall be exempt from the requirements of this chapter.

(B) Development of properties that have been vacant for a period of less than five years, unless said development constitutes a change in use of the property and impacts traffic.

(C) Additions to individual residential units, providing no new dwelling unit is added. [Ord. 668 § 2, 2003.]