

C. Appeals shall be filed with the city within 15 working days of the issuance of a building permit and payment of impact fees by filing a notice of appeal specifying the grounds thereof, and depositing an administrative fee in the amount of \$300.00. The city planner/planning 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 city planner/planning director and/or district shall be final and conclusive, unless within 20 calendar days from the date of the city council action, District No. 311 or any fee-payer applies for a writ or certiorari to the Superior Court of Washington for Snohomish County, for the purpose of review of the action taken. (Ord. 814-03 § 1)

16.116.080 Authorization for the school interlocal agreement and the establishment of the schools impact fee account.

A. The mayor is authorized to execute, on behalf of the city, an interlocal agreement for the collection, expenditure, and reporting of school impact fees; provided, that such interlocal agreement comply with the provisions of this section.

B. As a condition of the interlocal agreement, District No. 311 shall establish a schools impact account. The account shall be an interest-bearing account.

C. For administrative convenience while processing the fee payments, school impact fees may be temporarily deposited in a city account; provided, that the city shall transfer the school impact fees and interest earned on the fees to the district or shall deposit the school impact fees and the interest earned on the fees in the schools impact fee account established by the district. Fees and interest earned on the fees shall be transferred to the district on a quarterly basis on March 31st, June 30th, October 31st or December 31st of each year.

D. Funds withdrawn from the schools impact account for District No. 311 must be used in accordance with the provisions of this chapter.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.

E. On an annual basis, pursuant to the interlocal agreement, District No. 311 shall by resolution submit a report to the city council on the schools impact account containing information that all impact fees collected during the previous year are consistent with the capital facilities plan of the district and establishing the formula for the next ensuing year and showing the source and amount of all monies collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.

F. 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 District No. 311 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 fees shall be expended or encumbered after consultation with District No. 311. (Ord. 814-03 § 1)

16.116.090 Refunds.

A. If District No. 311 fails to expend or encumber the impact fees within six years of when the fees were paid, or where extraordinary or compelling circumstances exist or if such other time periods as established pursuant to SMC 16.116.080 exist, then the current owner of the property on which impact fees have been paid may 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. Potential claimant must be the legal 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 building official 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 District No. 311 and expended on the appropriate school facilities.