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14.58.160 - Issue approvals and permits.

Unless an applicant chooses to participate in the optional impact fee deferral program as codified in section 14.58.170 below, the City shall not issue building or mobile home permits until the impact fees set forth in the applicable fee schedule as provided for this chapter have been paid; provided, that any applicant may pay the impact fees imposed in accordance with this chapter under protest in order to obtain development approval.

14.58.170 – Optional impact fee deferral program.

- A. Applicability. Community park, road, and school impact fees for single-family dwelling units (both attached and detached – see definitions in DMC 14.06.040) may be deferred until final inspection or 18 months after building permit issuance (whichever is sooner) provided an applicant for a building permit submits application for deferral in accordance with this section.
- B. Definitions. For the purposes of this impact fee deferral program an “Applicant” includes any entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.
- C. Administrative Fees. The City shall collect an administrative fee from the applicant seeking enrollment in the program for each application.
- D. Enrollment. An applicant seeking impact fee deferral must submit application for the deferral no later than the time application is made for a building permit. To enroll in the program, an applicant must:
  - a. Submit a deferred impact fee application and acknowledgement form for each single-family residence for which the applicant desires to defer payment of the impact fees;
  - b. Pay the applicable administrative fee for each deferral application;
  - c. Grant and record—at the applicant’s expense—a deferred impact fee lien in a form approved by the City against the property in favor of the City of Duvall and the Riverview School District in the amount of the deferred impact fee that:
    - i. includes the legal description, tax account number, and address of the property;
    - ii. requires payment of the impact fees to the City prior to final inspection or eighteen (18) months from the date of original building permit issuance, whichever occurs first;
    - iii. is signed by all owners of the property, with all signatures acknowledged as required for a deed and recorded with the King County Recorder’s Office;
    - iv. binds all successors in title after the recordation; and
    - v. is junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.
  - d. Provide the City with a copy of the recorded lien.
- E. Number of Deferrals. An applicant may apply for an unlimited number of deferrals within a calendar year.
- F. Impact Fee Calculation. The amount of impact fees deferred shall be determined by the fees in effect at the time the applicant applies for the deferral.

- G. Payment. Impact fees shall be paid in full prior to final inspection or within 18 months from issuance of the original building permit, whichever occurs sooner. No penalty shall be assessed by the City for early payment by the applicant.
- a. The City shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the City shall execute a release of deferred impact fee lien for each single-family attached or detached residence for which the impact fees have been received. The applicant, or property owner at the time of release, shall be responsible for recording the lien release at his or her expense and providing the City with a copy of the recording.
    - i. The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection.
  - b. If impact fees are not paid in accordance with the deferral and in accordance with the term provisions established herein, the City may institute foreclosure proceedings in accordance with Chapter 61.12 RCW.
    - i. If the City does not institute foreclosure proceedings for unpaid school impact fees within forty-five days after receiving notice from a school district requesting it do so, the district may institute foreclosure proceedings with respect to the unpaid impact fees.