
Sec. 78-180. Appeals.

- (a) The property owner or applicant for a new development may appeal the following administrative decisions to the city council:
 - (1) The applicability of a capital recovery fee to the new development;
 - (2) The amount of the capital recovery fee due;
 - (3) The availability of, the amount of, or the expiration of an offset or a credit;
 - (4) The application of an offset against a capital recovery fee due;
 - (5) The amount of the capital recovery fee in proportion to the benefit received by the new development;
or
 - (6) The amount of a refund due, if any.
- (b) The appellant shall state the basis for the appeal in writing with particularity. The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset was not calculated according to the rules set forth in this article or by administrative guideline adopted by the city council. The appellant shall submit any traffic study or other documents upon which he relies to the city with the request for appeal.
- (c) The appellant must file a notice of appeal with the city secretary within 30 days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety with offices for local presentm ent in a form satisfactory to the city attorney in an amount equal to the original determination of the capital recovery fee due, the development application may be processed while the appeal is pending.
- (d) The appellant shall promptly pay to the city the full amount of the capital recovery fee determined to be due by the city council regarding such appeal. Failure to promptly pay such capital recovery fee within five business days after the city council's determination on the appeal shall serve as authority for the city to present the bond or other surety to the bonding company or financial institution for performance with no other or further notice or contact with the appellant.

(Ord. No. 18-M-13 , § 1(Exh. A), 3-27-2018)