

1 ADOPTED: 12/20/17  
2 EFFECTIVE: 01/13/18

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7 AMENDED ORDINANCE NO. 17-085

8  
9 RELATING TO GROWTH MANAGEMENT,  
10 EXTENDING A CAP ON SCHOOL DISTRICT IMPACT MITIGATION FEE RATES,  
11 AMENDING SCC 30.66C.100

12  
13 WHEREAS, in 1999 Snohomish County (“the County”) adopted an impact fee  
14 ordinance to provide mitigation for the impacts of new development on public school  
15 facilities under RCW 82.02.050; and

16  
17 WHEREAS, under RCW 82.02.050(4), impact fees may be collected and spent  
18 only for the public facilities defined in RCW 82.02.090, which are addressed by the  
19 Capital Facilities Element of the County’s Comprehensive Plan created under the  
20 Growth Management Act, chapter 36.70A RCW; and

21  
22 WHEREAS, under Snohomish County Code (SCC) 30.66C.035, school districts  
23 must submit capital facilities plans to the County for inclusion in the County’s Capital  
24 Facilities Plan to be eligible to receive payment of school impact mitigation fees; and

25  
26 WHEREAS, eleven school districts submitted updated capital facilities plans to  
27 the County for review and adoption in December 2016, maintaining and re-establishing  
28 their eligibility to receive school impact mitigation fees after January 1, 2017; and

29  
30 WHEREAS, the Northshore School District No. 417’s 2016-2021 Capital  
31 Facilities Plan calculates a Single Family Impact Fee of \$10,563, which incorporates a  
32 50% discount as established in SCC 30.66C.100(2); and

33  
34 WHEREAS, the Snohomish County Council (“County Council”) adopted  
35 Emergency Ordinance No. 16-117 on November 14, 2016, establishing a cap of \$7,000  
36 per dwelling unit on school impact mitigation fees from January 1, 2017, to January 1,  
37 2018; and

38  
39 WHEREAS, the County Council adopted Amended Ordinance No. 16-095 on  
40 November 14, 2016, adopting eleven school district capital facilities plans and  
41 amending the school impact mitigation fee schedule in SCC 30.66C.100; and

42  
43 WHEREAS, consistent with the school impact mitigation fee cap imposed by  
44 Emergency Ordinance No. 16-117, Amended Ordinance No. 16-095 amended the  
45 impact mitigation fee for single family building permits within the Northshore School  
46 District No. 417 to \$7,000 per dwelling unit; and

47  
48 WHEREAS, the County Council adopted Substitute Ordinance No. 16-097 on  
49 November 14, 2016, which included a budget note requesting that the County  
50 Department of Planning and Development Services (“PDS”) develop, evaluate, and  
51 propose amendments to Snohomish County Code that would reduce the variability of  
52 school impact mitigation fee charges from one year to the next; and

1  
2 WHEREAS, PDS developed and evaluated a number of options for reducing the  
3 variability of school impact mitigation fees from year to year, convened a stakeholder  
4 working group to help develop and review options, and presented options and  
5 contextual information to the Snohomish County Planning Commission (“Planning  
6 Commission”); and  
7

8 WHEREAS, the Planning Commission was briefed on the school impact  
9 mitigation fee stabilization budget note in June 2017, deliberated in July 2017 and  
10 August 2017, and submitted the following recommendation to the County Council by  
11 letter dated August 25, 2017: “No code amendments. Explore early notification with all  
12 sides and report back to the Planning Commission on progress at the appropriate time.  
13 Encourage the County (PDS) to provide the building industry members and public with  
14 earliest possible notification of proposed increases in school impact fees through  
15 prominent features on the PDS webpage.”; and  
16

17 WHEREAS, the County Council received the Planning Commission’s  
18 recommendation and held a discussion at the County Council Planning Committee  
19 meeting on September 19, 2017; and  
20

21 WHEREAS, the County Council requested PDS staff and the Planning  
22 Commission explore additional options to limit the variability of school impact mitigation  
23 fees from year to year; and  
24

25 WHEREAS, without legislative action, the clause in SCC 30.66C.100(2) limiting  
26 school impact mitigation fees to \$7,000 would expire and the school impact mitigation  
27 fee schedule would revert to representing “one-half of the amount calculated by each  
28 school district in its respective capital facilities plan” (SCC 30.66C.100(2)) on January 1,  
29 2018; and  
30

31 WHEREAS, the County Council wishes to extend the school impact mitigation  
32 fee cap through the remainder of the current two-year cycle of school district capital  
33 facility plan updates and impact mitigation fee schedule amendments in order to provide  
34 time for PDS staff, the Planning Commission, and the County Council to continue to  
35 explore options to limit the variability of school impact mitigation fees from year to year;  
36

37 NOW, THEREFORE, BE IT ORDAINED:  
38

39 Section 1. The County Council makes the following findings and conclusions:  
40

- 41 A. The County Council adopts and incorporates the foregoing recitals as findings as if  
42 set forth fully herein.  
43
- 44 B. Eleven school districts submitted capital facilities plans to the County for approval  
45 and adoption by reference into the capital facilities element of the County’s  
46 comprehensive plan. Some of those school district plans recommended substantial  
47 increases in school impact mitigation fee charges for new residential construction.  
48
- 49 C. School impact mitigation fees are, in general, a fair and appropriate method of  
50 addressing burdens on existing residents of financing new public facilities necessary  
51 to serve a growing population.

- 1  
2 D. Variability in school impact mitigation fees from one year to the next creates  
3 uncertainty in development costs for residential projects.  
4  
5 E. Consistent with General Policy Plan (GPP) CF Policy 10.A.4, the County Council will  
6 continue to monitor the school districts' capital facilities planning and school impact  
7 mitigation fee proposals and may take action to cap or otherwise reduce impact fees  
8 from those calculated by school districts in the future.  
9  
10 F. This ordinance is consistent with the Comprehensive Plan, including policy GPP CF  
11 Policy 10.A.4, which calls for the County to monitor its school impact mitigation fee  
12 program and adjust it when appropriate.  
13

14 Section 2. Snohomish County Code Section 30.66C.100, last amended by  
15 Amended Ordinance No. 17-047 on August 9, 2017, is hereby amended to read:  
16

17 **30.66C.100 Fee required.**  
18

- 19 (1) Each development, as a condition of approval, shall be subject to the school impact  
20 fee established pursuant to this chapter. The school impact fee shall be calculated in  
21 accordance with the formula established in SCC 30.66C.045.  
22  
23 (2) The fees listed in Table 30.66C.100(1) represent one-half of the amount calculated  
24 by each school district in its respective capital facilities plan in accordance with the  
25 formula identified in SCC 30.66C.045. From January 1, 2017, to ~~((January 1, 2018))~~  
26 April 1, 2018, school impact fees listed in Table 30.66C.100(1) shall be limited to a  
27 maximum of \$7,000 per dwelling unit.  
28  
29 (3) The payment of school impact fees will be required prior to issuance of building  
30 permits, except as provided in SCC 30.66C.200(2). The amount of the fee due shall be  
31 based on the fee schedule in effect at the time of building permit application.  
32  
33 (4) The department shall maintain and provide to the public upon request a table  
34 summarizing the schedule of school impact fees for each school district within the  
35 county.  
36  
37 (5) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county  
38 development regulations from January 1, 2017, to December 31, 2018.  
39  
40 (6) Building permits submitted after January 1, 1999, for which prior plat approval has  
41 been obtained under chapter 30.66C SCC as codified prior to January 1, 1999, shall be  
42 subject to the school impact fees established pursuant to this chapter, as set forth in this  
43 section, except as provided in SCC 30.66C.010(2).  
44

**Table 30.66C.100(1)  
SCHOOL IMPACT MITIGATION FEES**

<b>SCHOOL DISTRICT</b>	<b>SINGLE FAMILY per dwelling unit</b>	<b>MULTI-FAMILY 1-BEDROOM per dwelling unit</b>	<b>MULTI-FAMILY 2+ BEDROOMS per dwelling unit</b>	<b>DUPLEXES AND TOWNHOMES</b>
Arlington No. 16	\$0	\$0	\$0	\$0
Edmonds No. 15	\$0	\$0	\$0	\$0
Everett No. 2	\$6,950	\$0	\$3,230	\$3,230
Lake Stevens No. 4	\$6,624	\$0	\$3,678	\$3,678
Lakewood No. 306	\$857	\$0	\$1,037	\$1,037
Marysville No. 25	\$1,552	\$0	\$2,096	\$2,096
Monroe No. 103	\$2,749	\$0	\$3,032	\$3,032
Mukilteo No. 6	\$4,275	\$0	\$2,972	\$2,972
Northshore No. 417	<u>Before April 1, 2018:</u> \$7,000  <u>On or after April 1, 2018:</u>  \$10,563	\$0	\$0	\$0
Snohomish No. 201	\$0	\$0	\$0	\$0
Sultan No. 311	\$1,501	\$0	\$2,133	\$2,133

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2           Section 3. Severability. If any section, sentence, clause or phrase of this  
3 ordinance shall be held to be invalid or unconstitutional by the Growth Management  
4 Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality  
5 shall not affect the validity or constitutionality of any other section, sentence, clause or  
6 phrase of this ordinance. Provided, however, that if any section, sentence, clause or  
7 phrase of this ordinance is held to be invalid by the Board or court of competent  
8 jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective  
9 date of this ordinance shall be in full force and effect for that individual section,  
10 sentence, clause or phrase as if this ordinance had never been adopted.  
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PASSED this 20<sup>th</sup> day of December, 2017.

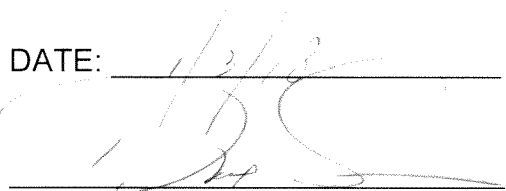
SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Chair


ATTEST:

  
\_\_\_\_\_  
Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 12/20/17  
  
\_\_\_\_\_  
County Executive

ATTEST:

  
\_\_\_\_\_  
Approved as to form only:  
  
\_\_\_\_\_  
Deputy Prosecuting Attorney