

Date: March 9, 2005

Repealed By: 

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Rule: 4025	Application of School Mitigation Fees to Pre-Existing Single Family Lots
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LEGISLATIVE HISTORY: Adopted January 29, 1999 as POL 4025, pursuant to Title 26C, repromulgated on \_\_\_\_\_. (NOTE: IS PROPOSED TO BE FIXED BY CODE AMENDMENT POSSIBLE ADOPTION IN JAN)

SEE ALSO:

SCC APPLICABILITY: Chapter 30.66C SCC

**PURPOSE:** The purpose of this rule is to provide clear criteria for the determination of whether or not school mitigation fees are applicable to new residential construction or expansion permits on lots created after May 1, 1991.

Ordinance No.s 97-095 and Ordinance 98-126 establish school impact fees and mitigation requirements for all development applications submitted on or after January 1, 1999, except for development on lots that were either 1) subject to school mitigation through application of SEPA under the prior ordinance as codified in Title 26C; or 2) legally created prior to May 1, 1991.

The county's prior school mitigation fee ordinance (Title 26C SCC) became effective on May 1, 1991. The 1991 ordinance was SEPA based. Therefore, it did not apply to all applications for the creation of new lots. Lots created by short plat were not necessarily subject to SEPA based school mitigation. Lots created under the exempt segregation process (large lot segregations) were not subject to the SEPA based school mitigation. Further, any land divisions, including plats, located within school districts which did not participate in the prior school mitigation program were not subject to the terms of the prior Title 26C school mitigation ordinance.

Applying Ordinance No. 97-095, new development on any lot created after May 1, 1991 is presumed to be subject to school mitigation fees; unless a determination is made that the application to create the lot was vested prior to May 1, 1991, or that school mitigation was paid under the prior school mitigation ordinance as a result of the application of SEPA. The following criteria are to be used to make a determination of whether or not a lot created after May 1, 1991, is subject to school mitigation fees under Ordinance No. 97-095:

**RULE SUMMARY:**

1. Development on Lots Created by Short Plat after May 1, 1991, shall be Determined:
  - a) excepted from any school mitigation fees under Ordinance No. 97-095 if the short plat project number is lower than ZA9105000, because the application for the short plat was vested prior to May 1, 1991.
  - b) excepted from a second assessment of school mitigation fees pursuant to Ordinance No. 97-095, Section 26C.20.020 if the short plat project number is ZA9105000 or greater and the short plat was subject to SEPA and had school mitigation imposed under the prior Title 26C.
  - c) subject to school mitigation under Ordinance No. 97-095 if the project number is greater than ZA9105000 and was not subject to SEPA and school mitigation under the prior Title 26C subject to school mitigation.

**RULE 4025**

- 2. Development on Lots Created Under the Exempt Segregation Process (20 to 80 acre lots) by Application Filed on or after May 1, 1991, will have a 1991 (or larger) File Number and will be Subject to School Mitigation Fees Pursuant to Ordinance No. 97-095.
- 3. Development on Lots Created Under sny Application which was Determined to be Complete on or after May 1, 1991, and which was in a School District which was not Participating in the Prior School Mitigation Program at the Time of the SEPA Threshold Determination (see table below), is Required to Pay Mitigation Fees Pursuant to Ordinance No. 97-095.

School District	Period(s) of Non-Participation in Title 26c (as originally established by Ordinance No.91-027)
Darrington	May 1991 - December 1998
Edmonds	August 1996 - December 1998
Everett	August 1996 - November 1997
Index	May 1991 - December 1998
Sultan	May 1991 - July 1993