



CO00017377

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 06-086

ADOPTING 2006-2011 CAPITAL FACILITIES PLANS FOR THE ARLINGTON, EDMONDS, EVERETT, LAKE STEVENS, LAKEWOOD, MARYSVILLE, MONROE, MUKILTEO, NORTHSHORE, SNOHOMISH, STANWOOD/CAMANO ISLAND AND SULTAN SCHOOL DISTRICTS AS PART OF THE GMA COMPREHENSIVE PLAN PURSUANT TO SCC 30.66C.020; AND AMENDING THE SCHOOL IMPACT FEE SCHEDULE IN SCC 30.66C.100

WHEREAS, Snohomish County has adopted an impact fee ordinance to provide mitigation for the impacts of new development on public school facilities pursuant to RCW 82.02.050; and

WHEREAS, under RCW 82.02.050(4), the county may collect and spend impact fees for public facilities which are addressed by the capital facilities plan element of the comprehensive plan; and

WHEREAS, pursuant to SCC 30.66C.040, school districts must submit capital facilities plans to the County for inclusion in the Capital Facilities Plan in order to be eligible to receive payment of school impact fees; and

WHEREAS, existing school capital facilities plans, including the 2004-2009 Capital Facilities Plans for Arlington School District No. 16, Edmonds School District No. 15, Everett School District No. 2, Lake Stevens School District No. 4, Lakewood School District No. 306, Marysville School District No. 25, Monroe School District No. 103, Mukilteo School District No. 6, Northshore School District No. 417, Snohomish School District No. 201, Stanwood/Camano Island School District No. 401, and Sultan School District No. 311, were adopted by Snohomish County in 2004 and will expire on December 31, 2006; and

WHEREAS, school districts must submit updated capital facilities plans to Snohomish County for review and adoption before December 31, 2006, in order to maintain their eligibility to receive school impact fees after December 31, 2006; and

WHEREAS, the Arlington, Edmonds, Everett, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, Stanwood/Camano Island and Sultan school districts have submitted their updated capital facilities plans for the period

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2006-2011 to the county Department of Planning and Development Services (PDS) pursuant to SCC 30.66C.035; and

WHEREAS, the Index School District #63, Darrington School District #330 and Granite Falls School District #332 have not submitted school capital facilities plans for the period 2006-2011; and

WHEREAS, PDS has reviewed the plans submitted, including the impact fee calculations using SCC 30.66C.045, and has consulted with the School Technical Review Committee authorized by SCC 30.66C.050(3) and has determined that each plan meets the requirements of SCC 30.66C.040 and Appendix F of the Snohomish County General Policy Plan (GPP); and

WHEREAS, the Snohomish County Planning Commission held public hearings on the Arlington, Edmonds, Everett, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, Stanwood/Camano Island and Sultan school district capital facilities plans on September 26, 2006; and

WHEREAS, the Snohomish County Council held a public hearing on these plans on November 20, 2006; and

WHEREAS, SEPA review on these plans has been performed by each school district, acting as lead agency; and

WHEREAS, SCC 30.66C.020 provides that any school district plan adopted by the County Council shall be incorporated by reference into the capital facilities element of the Snohomish County GMA Comprehensive Plan ("GMACP"); and

WHEREAS, the County Council considered the entire hearing record, including the Planning Commission's recommendation, and written and oral testimony submitted during the public hearings;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. This ordinance is adopted to implement Chapter 30.66C SCC and to adopt school district capital facilities plans for the Arlington, Edmonds, Everett, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, Stanwood/Camano Island and Sultan school districts. This ordinance is necessary to address identified impacts of development on these school districts in order to protect the public health, safety, and welfare, and to exercise Snohomish County's authority to impose impact fees pursuant to RCW 82.02.050 et seq.

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Section 2: The County Council adopts and incorporates herein as if set forth in full the foregoing recitals as findings and conclusions. Based upon the entire record of testimony and exhibits, including all oral and written testimony before the County Council and Planning Commission, the County Council adopts the following additional findings and conclusions:

A. The 2006-2011 School Capital Facilities Plans for the Arlington, Edmonds, Everett, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, Stanwood/Camano Island and Sultan school districts, adopted herein, will further the goals of the GMA by providing adequate public school facilities to accommodate growth.

B. The 2006-2011 School Capital Facilities Plans for the Arlington, Edmonds, Everett, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, Stanwood/Camano Island and Sultan school districts contain the necessary components for such comprehensive plan elements as prescribed in Chapter 36.70A RCW and in Appendix F of the Snohomish County General Policy Plan.

C. PDS has reviewed these district plans, including the impact fee calculations using the formula in SCC 30.66C.045, and has determined that each plan meets the requirements of SCC 30.66C.040. This determination was made after consultation with the School Technical Review Committee, which reviewed each plan prior to the Planning Commission's public hearing. The record demonstrates that these school capital facilities plans meet the requirements of Chapter 30.66C SCC and is an appropriate basis for the collection of school impact fees.

D. The Arlington, Edmonds, Everett, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, Stanwood/Camano Island and Sultan school districts have met the requirements of Chapter 30.66C SCC and the requirements of their interlocal agreements with Snohomish County concerning the operation and administration of the school impact fee program.

E. The Index, Darrington and Granite Falls School Districts did not submit capital facilities plan for the period 2006-2011, and, consequently, the County is unable to impose and collect impact fees under the GMA for those Districts during that time.

F. SEPA requirements have been satisfied by each school district, acting as lead agency, completing an environmental checklist and issuing a Determination of Non-Significance for each plan. Snohomish County adopts and incorporates the SEPA determinations made by the respective school districts.

G. The impact fee schedule set forth at SCC 30.66C.100 contains four columns: "Single Family," "Multi-Family 1-Bedroom," "Multi-Family 2-Bedrooms," and "Duplexes

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and Townhomes.” At present, the student generation data does not evidence a difference in impact between “Multi-Family 2-Bedrooms” and “Duplexes and Townhomes;” however, “Duplexes and Townhomes” was created to allow greater flexibility as data for future development impacts is generated.

H. The Planning Commission has reviewed the school districts’ plans, has conducted a public hearing on each plan, and has recommended adoption of these plans as part of the capital facilities element of the GMA comprehensive plan.

I. The County Council conducted a public hearing on these school district capital facilities plans on November 20, 2006.

J. The County Council has considered these school district plans in the context of other potentially related amendments to the County’s capital facilities element also under consideration, including the 2007-2012 Capital Improvement Program and the 2007 annual budget. Each of these school district plans shall be incorporated by reference into the capital facilities element of the comprehensive plan as provided by SCC 30.66C.055.

K. Public participation requirements of the GMA and the county code have been met or exceeded through the public hearings conducted by the Planning Commission and the County Council.

L. The adoption of these district plans is consistent with the GMA, the county’s GMA comprehensive plan, and the Countywide Planning Policies for Snohomish County.

M. An amendment to SCC 30.66C.100 is necessary to adopt an updated fee schedule consistent with the 2006-2011 school district plans.

N. The GMA allows the county to amend the GMACP more frequently than once per year if the amendment is to the capital facilities element and occurs concurrently with the adoption or amendment of the county’s budget. This criterion is met because this ordinance will be considered concurrently with the county’s 2007 budget ordinance, fulfilling both the GMA and the Snohomish County Charter and Code requirements that tie the capital improvement program to the budget.

O. Pursuant to SCC 30.66C.100, the County reduces the amount of the impact fee calculated by the school districts by fifty-percent.

Section 3: Adoption. Based on the foregoing findings and conclusions, the Arlington School District #16 Capital Facilities Plan 2006-2011, attached as Exhibit D is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the

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school board of the amendments contained in Exhibit D by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 4: Adoption. Based on the foregoing findings and conclusions, the Edmonds School District #15 Capital Facilities Plan 2006-2011, attached as Exhibit D-2 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-2 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 5: Adoption. Based on the foregoing findings and conclusions, the Everett School District #2 Capital Facilities Plan 2006-2011, attached as Exhibit D-3 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-3 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 6: Adoption. Based on the foregoing findings and conclusions, the Lake Stevens School District #4 Capital Facilities Plan 2006-2011, attached as Exhibit D-4 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-4 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 7: Adoption. Based on the foregoing findings and conclusions, the Lakewood School District #306 Capital Facilities Plan 2006-2011, attached as Exhibit D-5 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-5 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 8: Adoption. Based on the foregoing findings and conclusions, the Marysville School District #25 Capital Facilities Plan 2006-2011, attached as Exhibit D-6 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-6 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Ordinance No. 05-108.

Section 9: Adoption. Based on the foregoing findings and conclusions, the Monroe School District #103 Capital Facilities Plan 2006-2011, attached as Exhibit D-7 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-7 by December 31,

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2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 10: Adoption. Based on the foregoing findings and conclusions, the Mukilteo School District #6 Capital Facilities Plan 2006-2011, attached as Exhibit D-8 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-8 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 11: Adoption. Based on the foregoing findings and conclusions, the Northshore School District #417 Capital Facilities Plan 2006-2011, attached as Exhibit D-9 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-9 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 12: Adoption. Based on the foregoing findings and conclusions, the Snohomish School District #201 Capital Facilities Plan 2006-2011, attached as Exhibit D-10 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-10 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 13: Adoption. Based on the foregoing findings and conclusions, the Stanwood School District #401 Capital Facilities Plan 2006-2011, attached as Exhibit D-11 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-11 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 14: Adoption. Based on the foregoing findings and conclusions, the Sultan School District #311 Capital Facilities Plan 2006-2011, attached as Exhibit D-12 is adopted and incorporated herein by reference as if set forth in full, subject to ratification by the school board of the amendments contained in Exhibit D-12 by December 31, 2006. This plan replaces the 2004-2009 School District Capital Facilities Plan previously adopted by Amended Ordinance No. 04-118.

Section 15: The County Council directs the Code Reviser to update SCC 30.10.060 pursuant to the authority in SCC 1.02.020(3) upon adoption of this ordinance.

Section 16: Expiration. Each school district's capital facilities plan adopted by this ordinance shall remain in effect for a period of two years from the effective date of this

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ordinance, unless an updated plan is submitted and approved prior to that date, or as otherwise provided by Chapter 30.66C SCC.

Section 17: Snohomish County Code Section 30.66C.100, last amended by Ordinance No. 05-108 on November 21, 2005, is hereby amended to read:

30.66C.100 Fee required.

(1) Each development, as a condition of approval, shall be subject to the school impact fee established pursuant to this chapter. The school impact fee shall be calculated in accordance with the formula established in SCC 30.66C.045. The fees listed in Table 30.66C.100(1) represent one-half of the amount calculated by each school district in its respective capital facilities plan in accordance with the formula identified in SCC 30.66C.045.

(2) The payment of school impact fees will be required prior to issuance of building permits. The amount of the fee due shall be based on the fee schedule in effect at the time of building permit application.

(3) The department shall maintain and provide to the public upon request a table summarizing the schedule of school impact fees for each school district within the county.

(4) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county development regulations from January 1, ~~((2005))~~ 2007 to December 31, ~~((2006))~~ 2008.

(5) Building permits submitted after January 1, 1999 for which prior plat approval has been obtained under chapter 30.66C SCC as codified prior to January 1, 1999 shall be subject to the school impact fees established pursuant to this chapter, as set forth in this section, except as provided in SCC 30.66C.010(2).

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

SCHOOL DISTRICT	SINGLE FAMILY per dwelling unit	MULTI-FAMILY 1-BEDROOM per dwelling unit	MULTI-FAMILY 2+ BEDROOMS per dwelling unit	DUPLEXES AND TOWNHOMES
Arlington No. 16	(\$894.00) \$5,342	\$0.00	(\$1,476.00) \$3,866	(\$1,476.00) \$3,866
Edmonds No. 15	\$0.00	\$0.00	\$0.00	\$0.00
Everett No. 2	(\$2,124.00) \$5,170	\$0.00	(\$801.00) \$2,064	(\$801.00) \$2,064
Granite Falls No. 332	(\$1,879.75) \$0.00	\$0.00	(\$2,252.32) \$0.00	(\$2,252.32) \$0.00
Lake Stevens No. 4	(\$3,715.00) \$4,409	\$0.00	(\$1,423.00) \$1,504	(\$1,423.00) \$1,504
Lakewood No. 306	(\$522.00) \$2,765	\$0.00	(\$1,198.00) \$1,552	(\$1,198.00) \$1,552
Marysville No. 25	(\$5,303.00) \$5,623	\$0.00	(\$3,851.00) \$4,586	(\$3,851.00) \$4,586
Monroe No. 103	(\$3,909.00) \$3,721	(\$18.00) \$0.00	(\$3,494.00) \$2,419	(\$3,494.00) \$2,419
Mukilteo No. 6	(\$3,595.00) \$3,738	(\$0.00) \$114	(\$1,265.00) \$2,261	(\$1,265.00) \$2,261
Northshore No. 417	\$0.00	\$0.00	\$0.00	\$0.00
Snohomish No. 203	(\$5,798.00) \$6,024	\$0.00	(\$2,017.00) \$1,918	(\$2,017.00) \$1,918
Stanwood No. 401	(\$2,692.00) \$0.00	\$0.00	(\$1,249.00) \$0.00	(\$1,249.00) \$0.00
Sultan No. 311	(\$2,166.00) \$2,950	\$0.00	(\$1,735.00) \$1,931	(\$1,735.00) \$1,931

Section 18: Effective date. The effective date of this ordinance shall be January 1, 2007.

Section 19: Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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PASSED this 20th day of November, 2006

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kinlee Stevens
Chairperson

D-14

ATTEST:

Kathleen Bradner
Clerk of the Council

- APPROVED
 VETOED
 EMERGENCY

DATE: 12/1/06

Alan K. R...
County Executive

ATTEST:

Cora E. Palmer

Approved as to form only:

Dana Herish 11-14-06
Deputy Prosecuting Attorney

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