



CO00035019

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 08-058

CORRECTING AN ERROR IN THE SNOHOMISH COUNTY
SCHOOL IMPACT MITIGATION FEE SCHEDULE, SCC 30.66C.100(1),
RELATED TO THE MUKILTEO SCHOOL DISTRICT

WHEREAS, Snohomish County has adopted an impact mitigation 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 mitigation fees for public facilities which are addressed by the capital facilities plan element of the Snohomish County Growth Management Act Comprehensive Plan (GMACP); and

WHEREAS, pursuant to SCC 30.66C.040, school districts must submit capital facilities plans to the County in order to be eligible to receive payment of school impact mitigation fees, and the school plans and fees are adopted by the Snohomish County Council; and

WHEREAS, on November 20, 2006, the Snohomish County Council adopted Ordinance No. 06-086 which amended the Snohomish County School Impact Mitigation Fee schedule (fee schedule), SCC 30.66C.100(1), and adopted the 2006-2011 Mukilteo School District No. 6 Capital Facilities Plan (the Mukilteo Plan); and

WHEREAS, the Mukilteo Plan contains the school's impact mitigation fees which are calculated using formulas and requirements contained in chapter 30.66C SCC and Appendix F of the GMACP; and

WHEREAS, the Mukilteo Plan calculated the impact mitigation fee for the multi-family (2+ bedrooms) as \$2,661; and

WHEREAS, the Snohomish County staff reports dated August 11, 2006, and September 12, 2006, also listed the Mukilteo school district multi-family (2+ bedrooms) impact fee as \$2,661; and

WHEREAS, it was the County's intent to adopt a mitigation fee of \$2,661 for multi-family (2+ bedrooms) and duplexes and townhomes in the Mukilteo school district, as reflected in the School Plan and county staff reports; and

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CORRECTING AN ERROR IN THE SNOHOMISH COUNTY SCHOOL IMPACT MITIGATION FEE SCHEDULE, SCC 30.66C.100(1), RELATED TO THE MUKILTEO SCHOOL DISTRICT

1 WHEREAS, due to a drafting error in Ordinance No. 06-086 the county's fee
2 schedule in SCC 30.66C.100(1) showed an impact mitigation fee of \$2,261 for the
3 Mukilteo school district instead of the correct fee of \$2,661; and
4

5 WHEREAS, the Mukilteo School District requested that the Department of
6 Planning and Development Services (PDS) correct the error to the fee schedule and
7 replace \$2,261 with \$2,661, as reflected in the School Plan and County staff reports;
8 and
9

10 WHEREAS, at the time Ordinance No. 06-086 was adopted the Mukilteo School
11 District acted as lead agency, and the State Environmental Policy Act (SEPA)
12 requirements were satisfied. Pursuant to RCW 43.21C.034 no new environmental study
13 is necessary for this nonproject action to correct the error in SCC 30.66C.100(1); and
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15 WHEREAS, the Snohomish County Planning Commission was briefed on
16 January 22, 2008, and held a public hearing on February 26, 2008, and recommended
17 amendment to the county's fee schedule to correct the drafting error; and
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19 WHEREAS, the Snohomish County Council held a public hearing on
20 May 7, 2008, to consider the entire record, including the Planning Commission
21 recommendations on correcting the error to the fee schedule and to hear public
22 testimony on this Ordinance No. 08-058.
23

24 NOW, THEREFORE, BE IT ORDAINED:

25 **Section 1.** The county council makes the following findings:
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- 27
- 28 A. The county council adopts and incorporates the foregoing recitals as findings as
29 if set forth in full herein.
30
 - 31 B. The Snohomish County Council adopted Ordinance No. 06-086 on November
32 20, 2006, and amended the Snohomish County fee schedule, SCC
33 30.66C.100(1) and adopted the 2006-2011 Mukilteo School District Capital
34 Facilities Plan.
35
 - 36 C. The Mukilteo Plan contains school impact mitigation fees as calculated by using
37 formulas and requirements contained in chapter 30.66C SCC and Appendix F of
38 the GMACP.
39
 - 40 D. The Mukilteo Plan impact mitigation fee for the multi-family (2+ bedrooms) was
41 calculated to equal \$2,661.
42
 - 43 E. Snohomish County staff reports dated August 11, 2006, and September 12,
44 2006, also showed the Mukilteo school district multi-family (2+ bedrooms) impact
45 mitigation fee as \$2,661.

- 1
2 F. When drafting the fee schedule, the county inserted the wrong number (\$2,261)
3 for Mukilteo's multi-family (2+ bedrooms) and duplexes and townhomes, which
4 incorrect number was reflected in the legal notices to the public prior to adoption
5 of Ordinance No. 06-086.
6
7 G. On November 20, 2006, the county adopted the incorrect fee of \$2,261 rather
8 than the correct fee of \$2,661.
9
10 H. The Mukilteo School District contacted PDS and requested that the county
11 correct the fee schedule, SCC 30.66C.100(1), as reflected in both the School
12 Plan and Snohomish County staff reports.
13
14 I. In this proposed ordinance, the county has corrected the fee schedule and
15 replaced \$2,261 with \$2,661 for Mukilteo's multi-family (2+ bedrooms) and
16 duplexes and townhomes, as reflected in the School Plan and County staff
17 reports.
18
19 J. The Mukilteo School District acted as lead agency at the time Ordinance No. 06-
20 086 was adopted, and a DNS was issued.
21
22 K. This proposed nonproject action entails the same elements as the previous
23 nonproject action, and the SEPA requirements have been satisfied pursuant to
24 RCW 43.21C.034.
25

26 **Section 2:** The county council makes the following conclusions:
27

- 28 A. The Snohomish County Council amended the Snohomish County School Impact
29 Mitigation Fee schedule, SCC 30.66C.100(1) and adopted the 2006-2011
30 Mukilteo School District Capital Facilities Plan on November 20, 2006, in
31 Ordinance No. 06-086.
32
33 B. The Mukilteo Plan contains the calculations for school impact mitigation fees
34 pursuant to the requirements contained in chapter 30.66C SCC and Appendix F
35 of the GMACP.
36
37 C. As shown on page 22 of the Mukilteo Plan, the impact mitigation fee for the multi-
38 family (2+ bedrooms) equals \$2,661.
39
40 D. Snohomish County staff reports also show the Mukilteo school district multi-
41 family (2+ bedrooms) impact mitigation fee as \$2,661.
42
43 E. When drafting the fee schedule, the county inserted the wrong number (\$2,261)
44 for Mukilteo's multi-family (2+ bedrooms) and duplexes and townhomes.
45

- 1 F. As result of inserting the wrong number in the county's fee schedule, SCC
3 30.66C.100(1), the county adopted the incorrect fee of \$2,261 instead of the
4 correct fee of \$2,661.
- 5 G. Pursuant to a request by the Mukilteo School District, the county presents this
6 ordinance to correct the fee schedule, SCC 30.66C.100(1), as reflected in both
7 the School Plan and county staff reports.
- 8
- 9 H. The amended proposed fee schedule replaces \$2,261 with \$2,661 for Mukilteo's
10 multi-family (2+ bedrooms) and duplexes and townhomes.
- 11
- 12 I. The Mukilteo School District acted as lead agency at the time Ordinance No. 06-
13 086 was adopted, and a DNS was issued.
- 14
- 15 J. This proposed nonproject action entails the same elements as the previous
16 nonproject action, and the SEPA requirements have been satisfied pursuant to
17 RCW 43.21C.034.
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1 **Section 3:** Snohomish County Code Section 30.66C.100, last amended by Amended
 2 Ordinance No. 06-086 on November 20, 2006, is amended to read:

3
 4 Table 30.66C.100(1)
 5 SCHOOL IMPACT MITIGATION FEES
 6

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	\$5,342	\$0.00	\$3,866	\$3,866
Edmonds No. 15	\$0.00	\$0.00	\$0.00	\$0.00
Everett No. 2	\$5,170	\$0.00	\$2,064	\$2,064
Granite Falls No. 332	\$0.00	\$0.00	\$0.00	\$0.00
Lake Stevens No. 4	\$4,409	\$0.00	\$1,504	\$1,504
Lakewood No. 306	\$2,765	\$0.00	\$1,552	\$1,552
Marysville No. 25	\$5,623	\$0.00	\$4,586	\$4,586
Monroe No. 103	\$3,721	\$0	\$2,419	\$2,419
Mukilteo No. 6	\$3,738	\$114	(\$2,261) \$2,661	(\$2,261) \$2,661
Northshore No. 417	\$0.00	\$0.00	\$0.00	\$0.00
Snohomish No. 203	\$6,024	\$0.00	\$1,918	\$1,918
Stanwood No. 401	\$0.00	\$0.00	\$0.00	\$0.00
Sultan No. 311	\$2,950	\$0.00	\$1,931	\$1,931

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 8 **Section 4:** The county council bases its findings and conclusions on the entire record
 9 of the county council, including all testimony and exhibits. Any findings, which should be
 10 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby
 11 adopted as such.

12
 13 **Section 5:** The effective date of this ordinance shall be May 19, 2008.


14
 15 **Section 6:** Severability. If any section, sentence, clause or phrase of this ordinance
 16 shall be held to be invalid or unconstitutional by the Growth Management Hearings

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1 Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not
2 affect the validity or constitutionality of any other section, sentence, clause or phrase of
3 this ordinance. Provided, however, that if any section, sentence, clause or phrase of
4 this ordinance is held to be invalid by the Board or court of competent jurisdiction, then
5 the section, sentence, clause or phrase in effect prior to the effective date of this
6 ordinance shall be in full force and effect for that individual section, sentence, clause or
7 phrase as if this ordinance had never been adopted.
8

9
10 PASSED this 7th day of May, 2008

11 SNOHOMISH COUNTY COUNCIL
12 Snohomish County, Washington

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14
15 
16
17 Council Chair

18
19 ATTEST:

20 
21
22 Asst. Clerk of the Council

23
24 APPROVED
25 VETOED
26 EMERGENCY

27
28 DATE: 5/9/08, 2008

29
30 
31 Snohomish County Executive

32 MARK SOINE
33 Deputy Executive

34 ATTEST:

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36

37 Approved as to form only:

38 Lara Hersh 2/22/08
39 Deputy Prosecuting Attorney
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