



CO00037593

1 Adopted: Oct 20, 2010

2 Effective: Sections 1-5+10 - Nov 4, 2010

3 Sections 6+8 - Dec 4, 2010; Sections 7+9 - Jan 1, 2013

4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 10-085

8
9 **RELATING TO THE DEFERRED PAYMENT OF PARK AND RECREATION AND
10 ROAD SYSTEM IMPACT MITIGATION FEES; AMENDING CHAPTERS 30.66A AND
11 30.66B SCC**

12
13
14 WHEREAS, in 2006 the County economy, together with the State and national
15 economies, started to experience a severe economic downturn that remains today; and

16
17 WHEREAS, financing for construction projects has become harder to obtain as a result
18 of the economic downturn; and

19
20 WHEREAS, the economic downturn has had an adverse effect on the housing market in
21 unincorporated Snohomish County; and

22
23 WHEREAS, reducing the amount of money needed for a construction loan will make
24 construction loans more attainable; and

25
26 WHEREAS, the depressed housing market has resulted in decreased revenues,
27 abandonment of construction projects, and underutilized land in Snohomish County; and

28
29 WHEREAS, currently, the Snohomish County Code (the "SCC" or the "County Code")
30 requires payment of park and recreation and road system impact mitigation fees before building
31 permits are issued; and

32
33 WHEREAS, allowing deferral of the payment of park and recreation and road system
34 impact mitigation fees for detached single-family residences being constructed for resale will
35 reduce the amount of construction loans needed for a given project because the fees would not
36 have to be financed during construction and would be paid either upon the closing of the sale of
37 the property, or 18 months from the date of issuance of the original building permit, whichever is
38 earlier, or prior to any occupancy of the structure if the property owner elects to retain ownership
39 and not sell the property; and

40
41 WHEREAS, the County Council wishes to amend the provisions of the County Code
42 relating to timing of the payment of park and recreation and road system impact mitigation fees
43 associated with detached single-family dwellings constructed for resale to allow developers to
44 defer payment of such fees until either upon the closing of the sale of the property, or 18 months
45 from the date of issuance of the original building permit, whichever is earlier, or prior to any
46 occupancy of the structure if the property owner elects to retain ownership and not sell the
47 property; and

1 WHEREAS, unless the County Council acts, the housing market will continue to languish
2 and adverse consequences of decreased revenues, abandoned projects, and underutilized land
3 will persist in Snohomish County; and
4

5 WHEREAS, the fee specified in this ordinance for processing an application to defer the
6 payment of required impact mitigation fees is appropriate based upon the additional time that
7 Snohomish County Department of Planning and Development Services (PDS) staff will need to
8 devote to processing the application; and
9

10 WHEREAS, the Snohomish County Department of Public Works (DPW) has conducted
11 early and continuous public participation in developing the proposed amendments to title 30
12 SCC that are proposed by this Ordinance; and
13

14 WHEREAS, after proper notice, the County Council held a public hearing on October 20,
15 2010, to solicit comments from the public and to consider whether to adopt the amendments to
16 title 30 SCC contained herein;
17

18 NOW, THEREFORE, BE IT ORDAINED:
19

20 Section 1. The County Council hereby adopts the foregoing recitals as findings of fact
21 as if set forth in full herein. The County Council makes the following additional findings:
22

- 23 A. Snohomish County is experiencing a significant economic downturn that has dramatically
24 affected the construction industry.
- 25 B. Snohomish County is faced with economic issues that were not present when code
26 provisions addressing the timing of the payment of impact mitigation fees were originally
27 adopted.
- 28 C. Economic stimulus that will help create jobs is needed to help with the turnaround of the
29 County's economy.
- 30 D. The proposed amendments allow for an alternative to the timing of the payment of impact
31 mitigation fees imposed pursuant to chapters 30.66A and 30.66B SCC. The proposed
32 amendments allow deferral of the payment of park and recreation and road system impact
33 mitigation fees only for a detached single-family residential dwelling being constructed for
34 resale when a building permit has not previously been issued and the impact fee has not
35 previously been paid.
- 36 E. The proposed amendments address difficulties that the County's construction industry is
37 experiencing in financing the construction of a detached single-family residential dwelling.
- 38 F. The proposed amendments will reduce the cost of construction loans, making them easier
39 to obtain until there is sufficient economic and market recovery, thereby allowing
40 construction projects to start and stimulating the local economy.
- 41 G. The proposed amendments maintain consistency with the following goals, objective, and
42 policies of the Snohomish County Growth Management Act Comprehensive Plan
43 (GMACP) – General Policy Plan:

44 Goal ED 2. Provide a planning and regulatory environment that facilitates growth of
45 the local economy.
46

1 Objective ED 2.A. Develop and maintain a regulatory system that is fair,
2 understandable, coordinated and timely.

3 Policy ED 2.A.2. Snohomish County should stress predictability but maintain enough
4 flexibility in the Comprehensive Plan and development codes to allow for timely
5 response to unanticipated and desirable developments.

6 Goal ED 3. Encourage the retention and expansion of existing businesses and jobs
7 to attract new businesses and jobs.

8 Policy ED 3.C.2. Snohomish County shall work with public and private and non-profit
9 groups to preserve and nurture the growth of existing local industries and businesses
10 and maintain a business environment conducive to preserve jobs at large
11 manufacturers and the estimated 50,000+ large and small business operations in the
12 county.

13 H. The proposed amendments are procedural and do not alter, create or amend the rights of
14 permit holders and permit applicants.

15 I. RCW 82.02.020 authorizes Snohomish County to collect reasonable fees from an
16 applicant for a permit or other governmental approval to cover the cost to the County of
17 processing applications. In accordance with RCW 82.02.020, the County has adopted a
18 cost of services model for establishing permit-related fees.

19
20 J. The County's cost of services model for setting permit-related fees is based upon four
21 main cost layers: labor expenses (salary and benefits); non-labor expenses; county-wide
22 overhead; and additional costs related to development review. The labor expenses layer
23 consists of, direct costs, indirect costs, and overhead costs that are included in the
24 proposed fees.

25
26 K. The \$250.00 administrative fee proposed in this ordinance for administering the deferral of
27 park and recreation and road system impact mitigation fees was calculated by identifying:
28 the additional tasks staff would need to perform to process a mitigation fee deferral
29 request, the staff job classifications that would perform these tasks, and the estimated time
30 involved in completing these tasks. Using data from PDS' cost of service model to obtain
31 labor rates, a fully loaded labor cost was calculated. Indirect and overhead costs were
32 then applied to the labor cost to obtain the total cost of service for the incremental tasks
33 that would be required to process each deferral request. The proposed fee will enable
34 PDS to recover the actual costs of processing an application for the deferred payment of
35 park and recreation and road system impact mitigation fees.

36
37 Section 2. The County Council makes the following conclusions:
38

39 A. The proposed amendments are consistent with the GMACP.

40 B. The proposed amendments comply with and are consistent with the procedural and
41 substantive requirements of the GMA.

42 C. The proposed amendments are needed to address local impacts on the development
43 industry due to the national economic crisis.

44 D. Notice of the proposed amendments was provided pursuant to Snohomish County
45 Charter, Section 2.110, and chapter 30.73 SCC.

- 1 E. The \$250.00 administrative fee that the County will collect to process applications for the
2 deferral of park and recreation and road system impact fees is authorized by RCW
3 82.02.020.
- 4 F. The \$250.00 administrative fee that the County will collect to process applications is
5 reasonable and will cover the additional staff time required to process applications for the
6 deferral of park and recreation and road system impact fees.
- 7 G. The amendments proposed by this ordinance are procedural and do not require
8 Snohomish County Planning Commission review under SCC 30.73.040(2)(b).
- 9 H. Pursuant to Washington Administrative Code (WAC) 197-11-800(19) and SCC 30.61.020,
10 the adoption of the proposed amendments are categorically exempt from review under the
11 State Environmental Policy Act (SEPA).

12 Section 3. The County Council bases its findings and conclusions on the entire record of
13 the County Council, including all testimony and exhibits. Any finding which should be deemed a
14 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
15

16 Section 4. Sections 6 and 8 of this ordinance shall take effect 45 days after the date of
17 adoption, and shall be repealed on December 31, 2012.
18

19 Section 5. Sections 7 and 9 of this ordinance shall take effect on January 1, 2013
20 (immediately upon the repeal of Sections 6 and 8 of this Ordinance).
21

22 Section 6. Snohomish County Code Section 30.66A.020, added by Amended Ordinance
23 No. 04-016, on February 23, 2005, is amended to read:
24

25 **30.66A.020 - Park and recreation impact fee required.**

26 (1) Each development, as a condition of approval, shall be subject to the park and recreation
27 impact fee established in Table 30.66A.040(1).

28 ~~(2) ((Payment of a park impact fee is required prior to building permit issuance.))~~ The amount
29 of the fee shall be based upon the rate in effect at the time of filing a complete application for
30 development; provided however, that those applications deemed complete before the adoption
31 of the GMA-based impact fee contained in this section shall be required to pay the SEPA-based
32 mitigation fee in effect at the time the application was deemed complete and further provided
33 that if the building permit is not issued within five years after the application is deemed complete
34 the fee shall be based upon the rate in effect at the time of building permit issuance.

35 (3) Payment of a park and recreation impact fee is required prior to building permit issuance
36 except as provided in SCC 30.66A.020(4).

37 (4) Payment of the park and recreation impact fee required for a detached single-family
38 residential dwelling constructed for resale may be deferred from the time of building permit
39 issuance, but shall be paid in full either upon the closing of the sale of the property, or 18
40 months from the date of issuance of the original building permit, whichever is earlier, or prior to
41 any occupancy of the structure if the property owner elects to retain ownership and not sell the
42 property. The department shall allow an applicant to defer payment of a park and recreation
43 impact fee when, prior to the issuance of the building permit, the applicant:

44 (a) Submits a signed and notarized deferred impact fee application and acknowledgement
45 form for either an individual detached single-family residential dwelling, or a group of detached
46 single-family residential dwellings in the same development, for which the property owner
47 wishes to defer payment of park and recreation impact fees; and

1 (b) Pays a non refundable \$250.00 administration fee for each deferred impact fee
2 application; and

3 (c) Records a lien for impact fees against the property in favor of the county in the total
4 amount of all deferred impact fee(s). The lien for impact fees shall:

5 (i) Be in a form approved by the county; and

6 (ii) Include the legal description, tax account number and address of the individual lot; or

7 (iii) Include the legal description, tax account number and address for each lot if the lien
8 will encumber all lots in a development where the impact fee has not been paid.

9 (5) If the dwelling will be located within a subdivision or short subdivision, the subdivision or
10 short subdivision shall be recorded prior to recording the lien for impact fees and issuance of the
11 building permit.

12 (6) A single deferred impact fee application, administration fee, and lien for impact fees will be
13 required when the applicant requests deferral of both park and recreation impact fees and road
14 system impact fees under SCC 30.66B.340, either on an individual lot basis or for all lots in a
15 development where the impact fees have not been paid.

16 (7) Payment of deferred park and recreation impact fees shall be made by cash, escrow
17 company check, cashier's check, certified check, or credit card.

18 (8) Upon receipt of payment of deferred mitigation fees the department will generate and
19 execute a separate lien release for each individual detached single-family residential dwelling.
20 The property owner, at their expense, will be responsible for recording each separate lien
21 release.

22 (9) Compliance with the requirements of the deferral option shall constitute compliance with
23 subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

24
25 Section 7. A new section is added to Chapter 30.66A of the Snohomish County Code to
26 read:

27
28 **30.66A.020 - Park and recreation impact fee required.**

29 (1) Each development, as a condition of approval, shall be subject to the park and recreation
30 impact fee established in Table 30.66A.040(1).

31 (2) The amount of the fee shall be based upon the rate in effect at the time of filing a
32 complete application for development; provided however, that those applications deemed
33 complete before the adoption of the GMA-based impact fee contained in this section shall be
34 required to pay the SEPA-based mitigation fee in effect at the time the application was deemed
35 complete and further provided that if the building permit is not issued within five years after the
36 application is deemed complete the fee shall be based upon the rate in effect at the time of
37 building permit issuance.

38 (3) Payment of a park and recreation impact fee is required prior to building permit issuance.
39

40 Section 8. Snohomish County Code Section 30.66B.340, last amended by Amended
41 Ordinance No. 03-127, on November 5, 2003, is amended to read:

42
43 **30.66B.340 - Timing of road system impact fee payment.**

44 (1) Payment of a road system impact fee is required prior to building permit issuance except
45 as provided in SCC 30.66B.340(3). Where no building permit will be associated with the
46 development, such as a development requiring a conditional or administrative conditional use
47 permit, payment is required as a precondition to approval. For a binding site plan for which the
48 concurrency expiration date is more than six years after the concurrency determination date,
49 one-half of the payment is required prior to recording of the binding site plan with record of
50 survey.

1 (2) The amount of the road system impact fee payment shall be based upon the rate in effect
2 at the time of filing of a complete application for development.

3 (3) Payment of the road system impact fee required for a detached single-family residential
4 dwelling constructed for resale may be deferred from the time of building permit issuance, but
5 shall be paid in full either upon the closing of the sale of the property, or 18 months from the
6 date of issuance of the original building permit, whichever is earlier, or prior to any occupancy of
7 the structure if the property owner elects to retain ownership and not sell the property. The
8 department shall allow an applicant to defer payment of a road system impact fee when, prior to
9 the issuance of the building permit, the applicant:

10 (a) Submits a signed and notarized deferred impact fee application and acknowledgement
11 form for either an individual detached single-family residential dwelling, or a group of detached
12 single-family residential dwellings in the same development, for which the property owner
13 wishes to defer payment of road system impact fees; and

14 (b) Pays a non refundable \$250.00 administration fee for each deferred impact fee
15 application; and

16 (c) Records a lien for impact fees against the property in favor of the county in the total
17 amount of all deferred impact fee(s). The lien for impact fees shall:

18 (i) Be in a form approved by the county; and

19 (ii) Include the legal description, tax account number and address of the individual lot; or

20 (iii) Include the legal description, tax account number and address for each lot if the lien
21 will encumber all lots in a development where the impact fee has not been paid.

22 (4) If the dwelling will be located within a subdivision or short subdivision, the subdivision or
23 short subdivision shall be recorded prior to recording the lien for impact fees and issuance of the
24 building permit.

25 (5) A single deferred impact fee application, administration fee, and lien for impact fees will be
26 required when the applicant requests deferral of both road system impact fees and park and
27 recreation impact fees under SCC 30.66A.020, either on an individual lot basis or for all lots in a
28 development where the impact fees have not been paid.

29 (6) Payment of deferred road system impact fees shall be made by cash, escrow company
30 check, cashiers check, certified check, or credit card.

31 (7) Upon receipt of payment of deferred mitigation fees the department will generate and
32 execute a separate lien release for each individual detached single-family residential dwelling.
33 The property owner, at their expense, will be responsible for recording each separate lien
34 release.

35 (8) Compliance with the requirements of the deferral option shall constitute compliance with
36 subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

37
38 Section 9. A new section is added to Chapter 30.66B of the Snohomish County Code to
39 read:

40
41 **30.66B.340 - Timing of road system impact fee payment.**

42 (1) Payment of a road system impact fee is required prior to building permit issuance.

43 (2) Where no building permit will be associated with an application for development or land
44 use approval, such as a development requiring approval of a conditional or administrative
45 conditional use permit, payment is required as a precondition to approval.


46 (3) For a binding site plan with record of survey, for which the concurrency expiration date is
47 more than six years after the concurrency determination date, one-half of the payment is
48 required prior to recording of the binding site plan with record of survey. Payment of the second
49 half is due prior to the issuance of any building permits.

1 (4) The amount of the road system impact fee payment shall be based upon the rate in effect
2 at the time of filing of a complete application for development.

3
4 Section 10. Severability and savings. If any section, sentence, clause, or phrase of this
5 ordinance shall be ruled to be invalid or unconstitutional by a court of competent jurisdiction,
6 such ruling shall not affect the validity or constitutionality of any other section, sentence, clause,
7 or phrase of this ordinance, and the section, sentence, clause, or phrase in effect prior to the
8 effective date of this ordinance shall be in full force and effect for that individual section,
9 sentence, clause, or phrase as if this ordinance had never been adopted.

10
11
12 PASSED this 20th day of October, 2010.
13

14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington

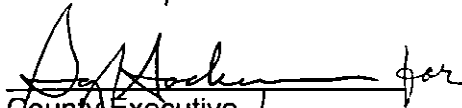
16 
17
18 Council Chair
19

20 ATTEST:

21 
22
23 Asst. Clerk of the Council
24

- 25
26 APPROVED
27 EMERGENCY
28 VETOED
29

30
31 DATE: 10/25/10
32

33 
34 County Executive /
35

36 GARY HAAKENSON
37 Deputy County Executive

38 ATTEST:

39 

40 Approved as to form only:
41
42

43 _____
44 Deputy Prosecuting Attorney
45

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