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5 SNOHOMISH COUNTY COUNCIL  
6 Snohomish County, Washington

7  
8 ORDINANCE NO. 12-093  
9

10 ADOPTING THE 2012-2017 CAPITAL FACILITIES PLANS FOR THE  
11 EDMONDS, EVERETT, LAKE STEVENS, LAKEWOOD, MARYSVILLE, MONROE,  
12 MUKILTEO, NORTHSHORE, SNOHOMISH AND SULTAN SCHOOL DISTRICTS  
13 PURSUANT TO SCC 30.66C.020 AND AMENDING  
14 THE SCHOOL IMPACT FEE SCHEDULE IN SCC 30.66C.100  
15

16 WHEREAS, Snohomish County ("the County") has adopted an impact fee  
17 ordinance to provide mitigation for the impacts of new development on public school  
18 facilities pursuant to RCW 82.02.050; and  
19

20 WHEREAS, pursuant to RCW 82.02.050(4), impact fees may be collected and  
21 spent only for the public facilities defined in RCW 82.02.090, which are addressed by  
22 the capital facilities element of the Snohomish County Comprehensive Plan ("GMACP")  
23 created under the Growth Management Act ("GMA"), Chapter 36.70A RCW; and  
24

25 WHEREAS, pursuant to Snohomish County Code ("SCC") 30.66C.040, school  
26 districts must submit capital facilities plans to the County for inclusion in the County's  
27 capital facilities plan, part of the capital facilities element of the GMACP, to be eligible to  
28 receive payment of school impact fees; and  
29

30 WHEREAS, school capital facilities plans for Edmonds School District No. 15,  
31 Everett School District No. 2, Lake Stevens School District No. 4, Lakewood School  
32 District No. 306, Marysville School District No. 25, Monroe School District No. 103,  
33 Mukilteo School District No. 6, Northshore School District No. 417, Snohomish School  
34 District No. 201 and Sultan School District No. 311 (collectively "the Districts"), were last  
35 adopted by Snohomish County in 2010 and will expire on December 31, 2012; and  
36

37 WHEREAS, school districts must submit updated capital facilities plans to the  
38 County for review and adoption before December 31, 2012, in order to maintain their  
39 eligibility to receive school impact fees after December 31, 2012; and  
40

41 WHEREAS, the Districts each submitted an updated capital facilities plan for  
42 2012-2017 to the Snohomish County Department of Planning and Development  
43 Services ("PDS") pursuant to SCC 30.66C.035; and  
44

45 WHEREAS, the Arlington School District No. 16, the Index School District No. 63,  
46 Darrington School District No. 330, Granite Falls School District No. 332 and  
47 Stanwood/Camano Island School District No. 401 have not submitted school capital  
48 facilities plans for the period from 2012-2017; and

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1 WHEREAS, PDS reviewed the Districts' 2012-2017 capital facility plans, including  
2 the impact fee calculations using SCC 30.66C.045, consulted with the school technical  
3 review committee authorized by SCC 30.66C.050(3), and determined that each 2012-  
4 2017 capital facilities plan meets the requirements of SCC 30.66C.040 and Appendix F  
5 of the GMACP - General Policy Plan ("GPP"); and  
6

7 WHEREAS, the Snohomish County Planning Commission ("the Planning  
8 Commission") held a public hearing on September 28, 2012, on the Districts' 2012-2017  
9 capital facilities plans and the proposed amended impact fee schedule; and  
10

11 WHEREAS, at the conclusion of the public hearing, the Planning Commission  
12 voted to recommend adoption of each of the Districts' 2012-2017 capital facilities plans  
13 and proposed an amended impact fee schedule as shown in its recommendation letter  
14 dated September 26, 2012; and  
15

16 WHEREAS, on October 31, 2012, continued to November 19, 2012, the County  
17 Council held a public hearing after proper notice, received public testimony related to  
18 this Ordinance No. 12-093 and considered the entire record, including the Planning  
19 Commission's recommendations; and  
20

21 WHEREAS, following the public hearing on October 31, and November 19, 2012,  
22 the County Council deliberated on this Ordinance No. 12-093; and  
23

24 WHEREAS, the State Environmental Policy Act (SEPA), Chapter 43.21C RCW,  
25 requirements have been satisfied and review has been performed by each school  
26 district acting as lead agency; and  
27

28 WHEREAS, SCC 30.66C.020 provides that any school capital facilities plan  
29 adopted by the County Council shall be incorporated by reference into the capital  
30 facilities element of the GMACP; and  
31

32 WHEREAS, the County Council considered the entire hearing record, including  
33 the Planning Commission's recommendation and written and oral testimony submitted  
34 during the public hearings;  
35

36 NOW, THEREFORE, BE IT ORDAINED:  
37

38 Section 1. The County Council adopts the foregoing recitals as findings of fact  
39 as if set forth in full.  
40

41 Section 2. The County Council makes the following additional findings of fact in  
42 support of this ordinance:  
43

44 A. A school district must prepare and adopt a capital facilities plan that meets  
45 the requirements of Chapter 36.70A RCW and RCW 82.02.020 to participate in the  
46 impact fee program. A school district's capital facilities plan expires two years from the  
47 date of its effective date or when the County Council adopts an updated capital facilities  
48 plan that meets the requirements of Chapter 30.66C SCC and the GMA.  
49

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1 B. The Districts submitted capital facilities plans to PDS for the period from  
2 2012-2017 as required under SCC 30.66C.035.

3  
4 C. Arlington School District No. 16, Index School District No. 63, Darrington  
5 School District No. 330, Granite Falls School District No. 332, and Stanwood/Camano  
6 Island School District No. 401 did not submit capital facilities plans for the period from  
7 2012-2017 meaning the County will neither impose nor collect impact fees for those  
8 districts during the 2012-2017 period. Index School District No. 63, Darrington School  
9 District No. 330, Granite Falls School District No. 332, and Stanwood/Camano Island  
10 School District No. 401 are not currently listed on the school impact fee schedule, SCC  
11 Table 30.66C.100(1). This ordinance will remove Arlington School District No. 16 from  
12 the impact fee schedule because only school districts that submit capital facilities plans  
13 appear on the impact fee schedule, SCC Table 30.66C.100(1).

14  
15 D. PDS reviewed each of the Districts' 2012-2017 capital facilities plans,  
16 including the impact fee calculations, using the formula in SCC 30.66C.045 and  
17 determined that each capital facilities plan meets the requirements of SCC 30.66C.040.  
18 This determination was made after consultation with the school technical review  
19 committee that reviewed each capital facilities plan prior to the Planning Commission's  
20 public hearing.

21  
22 E. This ordinance is adopted to implement Chapter 30.66C SCC and to adopt  
23 the Districts' 2012-2017 capital facilities plans.

24  
25 F. The adoption of this ordinance exercises the County's authority to impose  
26 impact fees pursuant to RCW 82.02.050.

27  
28 G. The Districts' 2012-2017 capital facilities plans adopted herein will further the  
29 goals of the GMA by providing adequate public school facilities to accommodate growth.

30  
31 H. Amendment of SCC 30.66C.100 is necessary to adopt an updated impact fee  
32 schedule consistent with the Districts' 2012-2017 capital facilities plans.

33  
34 I. Pursuant to SCC 30.66C.100, the County reduces the amount of the impact  
35 fee calculated by the Districts by fifty percent.

36  
37 J. SEPA requirements have been satisfied by each school district, acting as lead  
38 agency, completing an environmental checklist and issuing a Determination of  
39 Nonsignificance for its capital facilities plan. The County adopts and incorporates by  
40 this reference the SEPA determinations made by the respective school districts.

41  
42 K. The Planning Commission reviewed the Districts' 2012-2017 capital facilities  
43 plans, conducted a public hearing on each 2012-2017 capital facilities plan and made its  
44 recommendation as evidenced in its recommendation letter dated September 26, 2012.

45  
46 L. The County Council conducted a public hearing on October 31, 2012, and  
47 continued to November 19, 2012 on this Ordinance No. 12-093.

48  
49 Section 3. The County Council makes the following conclusions:

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1  
2 A. The Districts' 2012-2017 capital facilities plans each meet the requirements of  
3 the GMA and Appendix F of the GPP.  
4

5 B. The Districts' 2012-2017 capital facilities each individually meet the  
6 requirements of Chapter 30.66C SCC and the requirements of Appendix F of the GPP  
7 concerning the operation and administration of a school impact fee program.  
8

9 C. The public participation requirements of the SCC and GMA have been met  
10 through the public hearings conducted by the Planning Commission and the County  
11 Council.  
12

13 D. The adoption of these school district capital facilities plans is consistent with  
14 the GMACP, the Countywide Planning Policies for Snohomish County, and the GMA.  
15

16 E. The GMA allows the County to amend the GMACP more frequently than once  
17 per year if the amendment is to the capital facilities element and occurs concurrently  
18 with the adoption or amendment of the County's budget. This criterion is met because  
19 this ordinance will be considered concurrently with the County's 2013 budget ordinance,  
20 fulfilling the GMA, the Snohomish County Charter, and SCC requirements that link the  
21 capital improvement program to the budget.  
22

23 F. Each of the Districts' 2012-2017 capital facilities plans shall be incorporated  
24 by reference into the capital facilities element of the GMACP as provided by SCC  
25 30.66C.055.  
26

27 Section 4. Based on the foregoing findings and conclusions, Edmonds School  
28 District No. 15's 2012-2017 Capital Facilities Plan, attached as Exhibit A-1, is adopted  
29 and incorporated herein by reference as if set forth in full and replaces the 2010-2015  
30 capital facilities plan adopted by Ordinance No. 10-097.  
31

32 Section 5. Based on the foregoing findings and conclusions, Everett School  
33 District No. 2's 2012-2017 Capital Facilities Plan, attached as Exhibit A-2, is adopted  
34 and incorporated herein by reference as if set forth in full and replaces the 2010-2015  
35 capital facilities plan adopted by Ordinance No. 10-097.  
36

37 Section 6. Based on the foregoing findings and conclusions, Lake Stevens  
38 School District No. 4's 2012-2017 Capital Facilities Plan, attached as Exhibit A-3, is  
39 adopted and incorporated herein by reference as if set forth in full and replaces the  
40 2010-2015 capital facilities plan adopted by Ordinance No. 10-097.  
41

42 Section 7. Based on the foregoing findings and conclusions, Lakewood School  
43 District No. 306's 2012-2017 Capital Facilities Plan, attached as Exhibit A-4, is adopted  
44 and incorporated herein by reference as if set forth in full and replaces the 2010-2015  
45 capital facilities plan adopted by Ordinance No. 10-097.  
46

47 Section 8. Based on the foregoing findings and conclusions, Marysville School  
48 District No. 25's 2012-2017 Capital Facilities Plan, attached as Exhibit A-5, is adopted

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1 and incorporated herein by reference as if set forth in full and replaces the 2010-2015  
2 capital facilities plan adopted by Ordinance No. 10-097.

3  
4 Section 9. Based on the foregoing findings and conclusions, Monroe School  
5 District No. 103's 2012-2017 Capital Facilities Plan, attached as Exhibit A-6, is adopted  
6 and incorporated herein by reference as if set forth in full and replaces the 2010-2015  
7 capital facilities plan adopted by Ordinance No. 10-097.

8  
9 Section 10. Based on the foregoing findings and conclusions, Mukilteo School  
10 District No. 6's 2012-2017 Capital Facilities Plan, attached as Exhibit A-7, is adopted  
11 and incorporated herein by reference as if set forth in full and replaces the 2010-2015  
12 capital facilities plan adopted by Ordinance No. 10-097.

13  
14 Section 12. Based on the foregoing findings and conclusions, Northshore School  
15 District No. 417's 2012-2017 Capital Facilities Plan, attached as Exhibit A-8, is adopted  
16 and incorporated herein by reference as if set forth in full and replaces the 2010-2015  
17 capital facilities plan adopted by Ordinance No. 10-097.

18  
19 Section 13. Based on the foregoing findings and conclusions, Snohomish School  
20 District No. 201's 2012-2017 Capital Facilities Plan, attached as Exhibit A-9, is adopted  
21 and incorporated herein by reference as if set forth in full and replaces the 2010-2015  
22 adopted by Ordinance No. 10-097.

23  
24 Section 14. Based on the foregoing findings and conclusions, Sultan School  
25 District No. 311's 2012-2017 Capital Facilities Plan, attached as Exhibit A-10, is  
26 adopted and incorporated herein by reference as if set forth in full and replaces the  
27 2010-2015 capital facilities plan adopted by Ordinance No. 10-097.

28  
29 Section 15. Each 2012-2017 capital facilities plan adopted by this ordinance  
30 shall remain in effect for a period of two years from the effective date of this ordinance,  
31 unless an updated plan is submitted and approved prior to that date pursuant to the  
32 requirements of Chapter 30.66C SCC and the GMA.

33  
34 Section 16. Snohomish County Code Section 30.66C.100, last amended by  
35 Ordinance No. 10-097 on November 22, 2010, is hereby amended to read:

36  
37 **30.66C.100 Fee required.**

38  
39 (1) Each development, as a condition of approval, shall be subject to the school impact  
40 fee established pursuant to this chapter. The school impact fee shall be calculated in  
41 accordance with the formula established in SCC 30.66C.045. The fees listed in Table  
42 30.66C.100(1) represent one-half of the amount calculated by each school district in its  
43 respective capital facilities plan in accordance with the formula identified in SCC  
44 30.66C.045.

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

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

1 county.

2 (4) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county  
3 development regulations from January 1, ((2014)) 2013 to December 31, ((2012)) 2014.

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

8  
9  
10 Table 30.66C.100 (1)  
11 SCHOOL IMPACT MITIGATION FEES  
12

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))	(((\$0))	(((\$0))	(((\$0))	(((\$0))
Edmonds No. 15	\$0	\$0	\$0	\$0
Everett No. 2	(((\$3,073)) \$3,798	\$0	(((\$1,108)) \$2,216	(((\$1,108)) \$2,216
Lake Stevens No. 4	(((\$4,532)) \$4,692	\$0	(((\$3,035)) \$2,915	(((\$3,035)) \$2,915
Lakewood No. 306	(((\$1,780)) \$892	\$0	(((\$1,379)) \$396	(((\$1,379)) \$396
Marysville No. 25	(((\$4,263)) \$1,879	\$0	(((\$3,637)) \$2,882	(((\$3,637)) \$2,882
Monroe No. 103	(((\$2,534)) \$1984	\$0	(((\$2,057)) \$3,172	(((\$2,057)) \$3,172
Mukilteo No. 6	(((\$2,408)) \$2,642	\$0	(((\$3,529)) \$2,883	(((\$3,529)) \$2,883
Northshore No. 417	\$0	\$0	\$0	\$0
Snohomish No. 203	(((\$4,732)) \$896	\$0	(((\$463)) \$0	(((\$463)) \$0
Sultan No. 311	\$0	\$0	\$0	\$0

13  
14 Section 17. The County Council bases its findings and conclusions on the entire  
15 record of the County Council, including all testimony and exhibits. Any findings, which  
16 should be deemed a conclusion, and any conclusion, which should be deemed a  
17 finding, are hereby adopted as such.

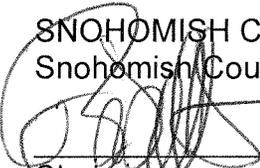
18  
19 Section 18. The effective date of this ordinance shall be January 1, 2013.

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1 Section 19. If any section, sentence, clause or phrase of this ordinance shall be  
2 held to be invalid or unconstitutional by the Growth Management Hearings Board or a  
3 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the  
4 validity or constitutionality of any other section, sentence, clause or phrase of this  
5 ordinance. If any section, sentence, clause or phrase of this ordinance is held to be  
6 invalid by the board or court of competent jurisdiction, the section, sentence, clause or  
7 phrase in effect prior to the effective date of this ordinance shall be in full force and  
8 effect for that individual section, sentence, clause or phrase as if this ordinance had  
9 never been adopted.

10  
11 PASSED this 19<sup>th</sup> day of November, 2012.

12  
13 SNOHOMISH COUNTY COUNCIL  
14 Snohomish County, Washington

15  
16   
17 \_\_\_\_\_  
18 Chairperson

19 ATTEST:

20  
21 Sheila McCallister  
22 Clerk of the Council, *asst*

23  
24  APPROVED  
25  VETOED  
26  EMERGENCY

DATE: November 30, 2012

27  
28   
29 \_\_\_\_\_  
30 Snohomish County Executive

31 ATTEST:

32  
33 Cora E. Palmer  
34 *11/30/12*

35  
36 Approved as to form only:

37  
38 Jim King *11/11/12*  
39 Deputy Prosecuting Attorney  
40  
41  
42  
43

D.22

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