

1 Adopted: 08/24/16
2 Effective: 09/12/16

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 AMENDED ORDINANCE NO. 16-060

7
8 REVISING REGULATIONS TO ALLOW THE DEFERRED PAYMENT OF PARK AND
9 RECREATION, ROAD SYSTEM, AND SCHOOL IMPACT MITIGATION FEES;
10 AMENDING CHAPTERS 30.66A, 30.66B, AND 30.66C OF THE
11 SNOHOMISH COUNTY CODE
12

13 WHEREAS, chapters 30.66A, 30.66B, and 30.66C of the Snohomish County Code
14 (SCC) establish impact mitigation fee programs for park and recreation, road systems, and
15 schools; and

16
17 WHEREAS, currently Snohomish County (the "County") collects impact fees before
18 building permits are issued; and

19
20 WHEREAS, in 2015 the Washington State Legislature adopted Engrossed Senate Bill
21 (ESB) 5923 requiring that counties, cities, and towns collecting impact fees must by September
22 1, 2016, adopt and maintain a system for the deferred collection of impact fees for single-family
23 detached and attached residential construction; and

24
25 WHEREAS, ESB 5923 allows, at the County's option, payment of impact fees to be
26 deferred until final inspection of a building permit, issuance of a certificate of occupancy or
27 equivalent certification, the closing of the first sale of the property occurring after the issuance of
28 a building permit, 18 months from the date of issuance of the original building permit, or prior to
29 any occupancy of the structure; and

30
31 WHEREAS, the Snohomish County Council (the "County Council") has the authority to
32 amend the provisions of the County Code relating to timing of the payment of park and
33 recreation, road system, and school impact mitigation fees associated with the construction of
34 single-family detached and attached residential dwellings to allow developers to defer payment
35 of such fees; and

36
37 WHEREAS, the administrative fee specified in this ordinance for processing an
38 application to defer the payment of required impact mitigation fees is appropriate based upon
39 the additional time that Snohomish County Planning and Development Services (PDS) staff will
40 need to devote to processing the application; and

41
42 WHEREAS, PDS has conducted early and continuous public participation in developing
43 the proposed amendments to title 30 SCC that are proposed by this ordinance; and

44
45 WHEREAS, the proposal is a Type 3 procedural legislative action under SCC
46 30.73.040(2)(b) and is exempt from Snohomish County Planning Commission hearing
47 requirements; and

48

1 WHEREAS, the County Council held a public hearing on August 24, 2016, and
2 considered public comment and the entire record related to the code amendments contained in
3 this ordinance; and

4
5 WHEREAS, following the public hearing, the County Council deliberated on the code
6 amendments contained in this ordinance;

7
8 NOW, THEREFORE, BE IT ORDAINED:

9
10 Section 1. The County Council adopts the following findings in support of this ordinance:

- 11
12 A. The foregoing recitals are adopted as findings as set forth in full herein.
13
14 B. This ordinance addresses the requirements of ESB 5923 which amended Revised Code
15 of Washington (RCW) 82.02.050 requiring counties, cities, and towns collecting impact
16 fees to adopt and maintain a system for the deferred collection of impact fees for single-
17 family detached and attached residential construction.
18
19 1. The proposed code amendments will allow for an alternative to the timing of the
20 payment of park and recreation, road system, and school impact mitigation fees
21 imposed pursuant to chapters 30.66A, 30.66B, and 30.66C SCC.
22
23 2. The proposed code amendments allow payment of park and recreation, road
24 system, and school impact mitigation fees to be deferred only for single-family
25 detached and attached residential dwelling construction when a building permit has
26 not previously been issued for the construction and the impact fees have not
27 previously been paid.
28
29 C. The proposal will continue to offer the opportunity to reduce upfront costs of construction
30 which could allow construction companies to maintain or improve construction levels and
31 secure new construction work and reduce the upfront costs of building new homes. It
32 should also contribute to maintaining and allowing more home construction to occur,
33 thereby maintaining and allowing the creation of additional construction jobs. Therefore,
34 the proposal complies with and implements the following Snohomish County General Policy
35 Plan (GPP) goals, objectives, and policies related to the proposed regulations:

36
37 Objective ED 1.C. "Snohomish County shall recognize and address the needs of
38 small and minority owned businesses as well as larger, established enterprises."

39
40 Goal ED 2. "Provide a planning and regulatory environment that facilitates growth of
41 the local economy."

42
43 Objective ED 2.A. "Develop and maintain a regulatory system that is fair,
44 understandable, coordinated and timely."

45
46 Policy ED 2.A.2. "Snohomish County should stress predictability but maintain enough
47 flexibility in the Comprehensive Plan and development codes to allow for timely
48 response to unanticipated and desirable developments."
49

1 Goal ED 3. "Encourage the retention and expansion of existing businesses and jobs
2 while working to attract new businesses and jobs."
3

4 Policy ED 3.C.2. "Snohomish County shall work with public and private and non-
5 profit groups to preserve and nurture the growth of existing local industries and
6 businesses and maintain a business environment conducive to preserving and
7 growing jobs at large manufacturers and the large and small business operations in
8 the county."
9

10 D. Procedural Requirements.

- 11 1. The proposal is considered procedural and is exempt from the State Environmental
12 Policy Act (SEPA), (chapter 43.21C RCW), review pursuant to Washington
13 Administrative Code (WAC) 197-11-800(19), and SCC 30.61.020.
14
- 15 2. The proposal is a Type 3 procedural legislative action under SCC 30.73.040(2)(b)
16 and is exempt from Snohomish County Planning Commission hearing
17 requirements.
18
- 19 3. The public participation process used in the adoption of this ordinance has
20 complied with all applicable requirements of the GMA and the SCC.
21
- 22 4. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
23 transmitted to the Washington State Department of Commerce for distribution to
24 state agencies on May 26, 2016.
25
- 26 5. The Washington State Attorney General last issued an advisory memorandum, as
27 required by RCW 36.70A.370, in December 2015, entitled "Advisory Memorandum:
28 Avoiding Unconstitutional Takings of Private Property" to help local governments
29 avoid the unconstitutional taking of private property. The process outlined in the
30 State Attorney General's 2015 advisory memorandum was used by Snohomish
31 County in objectively evaluating the regulatory changes proposed by this
32 ordinance.
33

34
35 E. This ordinance is consistent with the record.

- 36 1. The code amendments proposed by this ordinance were developed to ensure
37 compliance with the substantive requirements of RCW 82.02.050 as amended by ESB
38 5923.
39
- 40 2. The purpose of the proposed code amendments to SCC 30.66A.020, 30.66B.340, and
41 30.66C.200 is to implement and maintain a system for the deferred collection of impact
42 fees for "single-family detached and attached residential construction" as mandated by
43 the State Legislature.
44
- 45 3. The proposed code amendments to SCC 30.66A.020, 30.66B.340, and 30.66C.200: (1)
46 defines who may apply (applicant) for a deferral of park, road, and school impact fees;
47 (2) restricts the number of impact fee deferrals an applicant may receive no more than a
48 total of twenty annually within unincorporated Snohomish County; and (3) requires an
49 applicant to pay deferred impact fees whenever one of the following actions occurs first:
50

1 (a) final inspection of the building permit; (b) issuance of a certificate of occupancy; (c)
2 the closing of the first sale of the property occurring after the issuance of the applicable
3 building permit for which the fees were deferred; or (d) 18 months from the date of
4 building permit issuance.

- 5
- 6 4. The proposal ensures the collection of the deferred impact fees at the earliest
7 opportunity by authorizing the County to collect the deferred impact fees at the first
8 action during the process of a property transaction or prior to any occupancy of the
9 structure if the property owner elects to retain ownership and not sell the property.
- 10
- 11 5. RCW 82.02.050(3)(g)(i) requires the County to allow each applicant to receive impact
12 fee deferrals annually for up to the first twenty single-family residential construction
13 building permits. In accordance with RCW 82.02.050(3)(g)(i), the County has consulted
14 with school districts and will allow each applicant to receive impact fee deferral for no
15 more than the first twenty single-family residential construction building permits annually.
- 16
- 17 6. RCW 82.02.050(3)(h) authorizes the County to collect reasonable administrative fees
18 from an applicant for a permit or other governmental approval to cover the cost to the
19 County of processing impact fee deferral applications. The County has adopted a cost
20 of services model for establishing permit-related fees in accordance with RCW
21 82.02.020.
- 22
- 23 7. The County's cost of services model for setting permit-related fees is based upon four
24 main cost layers: labor expenses (salary and benefits); non-labor expenses; County-
25 wide overhead; and additional costs related to development review. The labor expenses
26 layer consists of, direct costs, indirect costs, and overhead costs that are included in the
27 proposed fees.
- 28
- 29 8. The \$250.00 administrative fee proposed by this ordinance for administering the deferral
30 of park and recreation, road system, and public school impact mitigation fees was
31 calculated by identifying: the additional tasks staff would need to perform to process a
32 mitigation fee deferral request, the staff job classifications that would perform these
33 tasks, and the estimated time involved in completing these tasks. A fully loaded labor
34 cost was calculated based on data from PDS's cost of service model to obtain labor
35 rates. Indirect and overhead costs were then applied to the labor cost to obtain the total
36 cost of service for the incremental tasks that would be required to process each deferral
37 request. The proposed fee will enable PDS to recover the costs of processing an
38 application for the deferred payment of park and recreation, road system, and public
39 school impact mitigation fees.
- 40
- 41 9. The \$250.00 administrative fee that the County will collect to process applications is
42 reasonable and will reimburse the County for the additional staff time required to process
43 applications for the deferral of park and recreation, road system, and public school
44 impact fees.
- 45
- 46 10. The amendment to SCC 30.66A.130(1) is necessary to reflect a code provision
47 addressing early impact fee payment options that no longer exists and eliminates an
48 erroneous code citation.
- 49

1 11. The amendment to SCC 30.66C.100(2) is necessary to provide consistency with the
2 timing of the payment of school impact fees proposed in SCC 30.66C.200.

3
4 Section 2. The County Council makes the following conclusions:

- 5
6 A. The ordinance is necessary to comply with RCW 82.02.050 as amended by ESB 5923.
7
8 B. The proposal is consistent with Washington State law and the SCC.
9
10 C. The proposal is consistent with the goals, objectives, and policies of the County's GMA
11 General Policy Plan (GPP).
12
13 D. The County has complied with all SEPA requirements in respect to this non-project
14 action.
15
16 E. The administrative fee that the County will collect to process applications for the
17 deferral of park and recreation, road system, and public school impact fees complies
18 with RCW 82.02.050(3)(h).
19
20 F. The regulations proposed by this ordinance do not result in an unconstitutional taking
21 of private property for public purpose.
22
23 G. The regulations proposed by this ordinance are procedural legislation and implement
24 state legislation other than the GMA.
25

26 Section 3. The County Council bases its findings and conclusions on the entire record of
27 the County Council, including all testimony and exhibits. Any finding, which should be deemed
28 a conclusion, and any conclusion which should be deemed a finding, is adopted as such.
29

30 Section 4. Snohomish County Code Section 30.66A.020, last amended by Ordinance
31 No. 10-085 on October 20, 2010, is amended to read:
32

33 **30.66A.020 Park and recreation impact fee required.**

34 (1) Each development, as a condition of approval, shall be subject to the park and recreation
35 impact fee established in Table 30.66A.040 (1) or as provided in SCC 30.66A.020(2).

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

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

45 (4) An applicant may request a deferral of the payment of park and recreation impact fees. The
46 deferral of park and recreation impact fees shall be allowed only for single-family attached and
47 detached residential construction by a property owner having a contractor registration number
48 or other unique identification number. The amount of impact fees that may be deferred under
49 this subsection shall be determined by the fees in effect at the time the applicant applies for a
50 deferral.

1 (a) For this subsection:

2 (i) "Applicant" means the property owner which includes an entity that controls, is
3 controlled by, or is under common control with the applicant.

4 (ii) "Common control" means two or more entities controlled by the same person or
5 entity.

6 (iii) "Control" means the possession, directly or indirectly, of the power to direct or cause
7 the direction of the management and policies of an entity, whether through the ownership of
8 voting shares, by contract, or otherwise.

9 (b) An applicant wishing to defer the payment of a park and recreation impact fee shall:

10 (i) Submit a signed and notarized deferred impact fee application and completed lien
11 form signed by all owners of the property subject to the lien concurrent with the building permit
12 application for the building subject to the impact fees. Multiple deferrals can be included on one
13 application as long as the building permit applications are located within the same development
14 and the applicant pays a separate administrative fee as required below for each single-family
15 dwelling unit whether detached or attached;

16 (ii) Submit a signed and notarized certification that the applicant has requested deferral
17 of impact fees for no more than a total of twenty building permits in the calendar year within
18 unincorporated Snohomish County; and

19 (iii) Pay a non-refundable \$250.00 administration fee for each deferred impact fee
20 application.

21 (c) The lien shall:

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

23 (ii) Include the legal description, property tax account number, and address for each lot
24 or unit the lien will encumber and identify the type and amount of the deferred impact fees;

25 (iii) Be binding and subordinate on all successors in title after the recording;

26 (iv) Be junior and subordinate to a first mortgage for the purpose of construction upon
27 the same real property granted by the person who applied for the deferral of impact fees, but in
28 no case shall the lien be in less than second place; and

29 (v) Be signed by all owners of the property, with all signatures acknowledged as required
30 for a deed.

31 (d) The lien shall be recorded prior to the issuance of the building permit for the building
32 subject to the impact fees.

33 (e) Each applicant eligible to defer impact fees shall only be entitled to receive deferrals for
34 no more than a total of twenty building permits within unincorporated Snohomish County during
35 each calendar year.

36 (f) The applicant shall be responsible for the payment of all recording fees.

37 (g) The deferred impact fees for each single-family dwelling unit whether detached or
38 attached shall be paid in full prior to whichever of the following occurs first:

39 (i) Scheduling final inspection;

40 (ii) Issuance of a certificate of occupancy;

41 (iii) The closing of the first sale of the property occurring after the recording of the lien; or

42 (iv) Eighteen months from the date of building permit issuance.

43 (h) If the building for which the deferral of the impact fees is requested is located within a
44 subdivision or short subdivision, the subdivision or short subdivision shall be recorded prior to
45 recording the lien for impact fees and issuance of the building permit.

46 (i) Upon receipt of final payment of all deferred impact fees for a building permit, the county
47 shall execute a release of the deferred impact fee lien. The applicant is responsible for
48 submitting a lien release application to PDS. The applicant, at their own expense, will be
49 responsible for recording the lien release after all deferred impact fees associated with a lot or
50 unit subject to a lien have been paid.

1 (j) Compliance with the requirements of the deferral option shall constitute compliance with
2 subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

3 (k) If deferred impact fees are not paid in accordance with terms authorized by state law
4 and this section, the county may initiate foreclosure proceedings for the unpaid impact fees and
5 all costs associated with the collection of the unpaid impact fees.

6 (l) A request to defer park and recreation impact fees under this section may be combined
7 in one application with a request to defer road system impact fees under SCC 30.66B.340(5)
8 and school impact fees under SCC 30.66C.200(2).

9
10 Section 5. Snohomish County Code Section 30.66A.130, added by Amended Ordinance
11 No. 04-016 on February 23, 2005, is amended to read:
12

13 **30.66A.130 Administrative adjustment of fee amount.**

14 (1) A developer may appeal to the director of parks and recreation for an adjustment to the
15 amount of or an elimination of fees imposed under this chapter by submitting a written
16 explanation of the basis for appeal within 14 days of acceptance by the county of a building
17 permit application. ~~((If the developer has chosen the early payment option in 30.66A.020(4), the~~
18 ~~developer may appeal to the director of parks and recreation within 14 days of final plat~~
19 ~~recording.))~~ The director of parks and recreation may adjust the fee amount, in consideration of
20 information submitted by the developer, if one of the following circumstances exists:

- 21 (a) The park and recreation impact fee assessment was incorrectly calculated;
- 22 (b) Unusual circumstances exist that demonstrate the park and recreation impact fee is
- 23 unfair as applied to the specific development;
- 24 (c) A credit for in-kind contributions by the developer, as provided for under SCC
- 25 30.66A.060 above, is warranted;
- 26 (d) Any other credit specified in RCW 82.02.060(1)(b) is warranted; or
- 27 (e) The impact fee assessment was improper under RCW 82.02.020 or RCW 82.02.050 et seq.

28 (2) Park and recreation impact fees may be paid under protest in order to obtain a
29 development approval without delay pending resolution of the appeal. A written protest must be
30 submitted at or prior to the time fees are paid and will relate only to the specific fees identified in
31 the protest.

32 (3) Failure to file a written protest and to seek a timely appeal to the director shall preclude
33 any appeal of the park and recreation impact fee under SCC 30.66A.140.

34 (4) Refunds approved under this section, or following an administrative appeal as provided
35 in SCC 30.66A.140, shall be made to the current property owner at the time the refund is
36 authorized, unless the current property owner releases the county from any obligation to refund
37 the current property owner.

38 (5) The developer may appeal the directors decision as provided in SCC 30.66A.140.
39

40 Section 6. Snohomish County Code Section 30.66B.340, last amended by Ordinance No.
41 10-085 on October 20, 2010, 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(5).

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

49 (3) For a binding site plan with record of survey, for which the concurrency expiration date is
50 more than six years after the concurrency determination date, one-half of the payment is

1 required prior to recording of the binding site plan with record of survey. Payment of the second
2 half is due prior to the issuance of any building permits.

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

5 (5) An applicant may request a deferral of the payment of road system impact fees. The
6 deferral of road system impact fees shall be allowed only for single-family attached and
7 detached residential construction by a property owner having a contractor registration number
8 or other unique identification number. The amount of impact fees that may be deferred under
9 this subsection shall be determined by the fees in effect at the time the applicant applies for a
10 deferral.

11 (a) For this subsection:

12 (i) "Applicant" means property owner which includes an entity that controls, is controlled
13 by, or is under common control with the applicant.

14 (ii) "Common control" means two or more entities controlled by the same person or
15 entity.

16 (iii) "Control" means the possession, directly or indirectly, of the power to direct or cause
17 the direction of the management and policies of an entity, whether through the ownership of
18 voting shares, by contract, or otherwise.

19 (b) An applicant wishing to defer the payment of a road system impact fee shall:

20 (i) Submit a signed and notarized deferred impact fees application and completed lien
21 form signed by all owners of the property subject to the lien concurrent with the building permit
22 application for the building subject to the impact fees. Multiple deferrals can be included on one
23 application as long as the building permit applications are located within the same development
24 and the applicant pays a separate administrative fee as required below for each single-family
25 dwelling unit whether detached or attached;

26 (ii) Submit a signed certification that the applicant has requested deferral of impact fees
27 for no more than a total of twenty building permits in the calendar year within unincorporated
28 Snohomish County; and

29 (iii) Pay a non-refundable \$250.00 administration fee for each deferred impact fee
30 application.

31 (c) The lien shall:

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

33 (ii) Include the legal description, property tax account number, and address for each lot
34 or unit the lien will encumber and identify the type and amount of the deferred impact fees.

35 (iii) Be binding and subordinate on all successors in title after the recording.

36 (iv) Be junior and subordinate to a first mortgage for the purpose of construction upon
37 the same real property granted by the person who applied for the deferral of impact fees, but in
38 no case shall the lien be in less than second place.

39 (v) Be signed by all owners of the property, with all signatures acknowledged as required
40 for a deed.

41 (d) The lien shall be recorded prior to the issuance of the building permit for the building
42 subject to the impact fees.

43 (e) Each applicant eligible to defer impact fees shall only be entitled to receive deferrals for
44 no more than a total of twenty building permits in unincorporated Snohomish County during
45 each calendar year.

46 (f) The applicant or property owner shall be responsible for the payment of recording fees.

47 (g) The deferred impact fees for each single-family dwelling unit whether detached or
48 attached shall be paid in full prior to whichever of the following occurs first:

49 (i) Scheduling final inspection;

50 (ii) Issuance of a certificate of occupancy;

1 (iii) The closing of the first sale of the property occurring after the recording of the lien; or

2 (iv) Eighteen months from the date of building permit issuance.

3 (h) If the building for which the deferral of the impact fees is requested is located within a
4 subdivision or short subdivision, the subdivision or short subdivision shall be recorded prior to
5 recording the lien for impact fees and issuance of the building permit.

6 (i) Upon receipt of final payment of all deferred impact fees for a building permit, the county
7 shall execute a release of the deferred impact fee lien. The applicant or property owner is
8 responsible for submitting a lien release application to PDS. The applicant, at their own
9 expense, will be responsible for recording the lien release after all deferred impact fees
10 associated with a lot or unit subject to a lien have been paid.

11 (j) Compliance with the requirements of the deferral option shall constitute compliance with
12 subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

13 (k) If deferred impact fees are not paid in accordance with terms authorized by state law
14 and this section, the county may initiate foreclosure proceedings for the unpaid impact fees and
15 all costs associated with the collection of the unpaid impact fees.

16 (l) A request to defer road system impact fees under this section may be combined in one
17 application with a request to defer park and recreation impact fees under SCC 30.66A.020(4)
18 and school impact fees under SCC 30.66C.200(2).

19
20 Section 7. Snohomish County Code Section 30.66C.100, last amended by Ordinance
21 No. 14-096 on November 24, 2014, is amended to read:

22
23 **30.66C.100 Fee required.**

24 (1) Each development, as a condition of approval, shall be subject to the school impact
25 fee established pursuant to this chapter. The school impact fee shall be calculated in
26 accordance with the formula established in SCC 30.66C.045. The fees listed in Table
27 30.66C.100(1) represent one-half of the amount calculated by each school district in its
28 respective capital facilities plan in accordance with the formula identified in SCC 30.66C.045.

29 (2) The payment of school impact fees will be required prior to issuance of building
30 permits, except as provided in SCC 30.66C.200(2). The amount of the fee due shall be based
31 on the fee schedule in effect at the time of building permit application.

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

34 (4) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county
35 development regulations from January 1, 2015, to December 31, 2016.

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

40
41 Section 8. Snohomish County Code Section 30.66C.200, added by Amended
42 Ordinance No. 02-064 on December 9, 2002, is amended to read:

43
44 **30.66C.200 Collection and transfer of fees.**

45 (1) ~~((School impact fees shall be due and payable to the county by the developer at the time~~
46 ~~of issuance of residential building permits for all developments))~~ An applicant must pay school
47 system impact fees prior to building permit issuance, except as provided in SCC 30.66C.200(2).

48 (2) An applicant may request a deferral of the payment of school impact fees. The deferral of
49 school impact fees shall be allowed only for single-family attached and detached residential
50 construction by a property owner having a contractor registration number or other unique

1 identification number. The amount of impact fees that may be deferred under this subsection
2 shall be determined by the fees in effect at the time the applicant applies for a deferral.

3 (a) For this subsection:

4 (i) "Applicant" means the property owner which includes an entity that controls, is
5 controlled by, or is under common control with the applicant.

6 (ii) "Common control" means two or more entities controlled by the same person or
7 entity.

8 (iii) "Control" means the possession, directly or indirectly, of the power to direct or cause
9 the direction of the management and policies of an entity, whether through the ownership of
10 voting shares, by contract, or otherwise.

11 (b) An applicant wishing to defer the payment of a school impact fee shall:

12 (i) Submit a signed and notarized deferred impact fees application and completed lien
13 form signed by all owners of the property subject to the lien concurrent with the building permit
14 application for the building subject to the impact fees. Multiple deferrals can be included on one
15 application as long as the building permit applications are located within the same development
16 and the applicant pays a separate administrative fee as required below for each single-family
17 dwelling unit whether detached or attached;

18 (ii) Submit a signed and notarized certification that the applicant has requested deferral
19 of impact fees for no more than a total of twenty building permits in the calendar year within
20 unincorporated Snohomish County; and

21 (iii) Pay a non-refundable \$250.00 administration fee for each deferred impact fee
22 application.

23 (c) The lien shall:

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

25 (ii) Include the legal description, property tax account number, and address for each lot
26 or unit the lien will encumber and identify the type and amount of the deferred impact fees;

27 (iii) Be binding and subordinate on all successors in title after the recording;

28 (iv) Be junior and subordinate to a first mortgage for the purpose of construction upon
29 the same real property granted to the applicant who applied for the deferral of impact fees, but
30 in no case shall the lien be in less than second place; and

31 (v) Be signed by all owners of the property, with all signatures acknowledged as required
32 for a deed.

33 (d) The lien shall be recorded prior to the issuance of the building permit for the building
34 subject to the impact fees.

35 (e) Each applicant eligible to defer impact fees shall only be entitled to receive deferrals for
36 no more than a total of twenty building permits in unincorporated Snohomish County during
37 each calendar year.

38 (f) The applicant or property owner shall be responsible for the payment of recording fees.

39 (g) The deferred impact fees for each single-family dwelling unit whether detached or
40 attached shall be paid in full prior to whichever of the following occurs first:

41 (i) Scheduling final inspection;

42 (ii) Issuance of a certificate of occupancy;

43 (iii) The closing of the first sale of the property occurring after the recording of the lien; or

44 (iv) Eighteen months from the date of building permit issuance.

45 (h) If the building for which the deferral of the impact fees is requested will be located
46 within a subdivision or short subdivision, the subdivision or short subdivision shall be recorded
47 prior to recording the lien for impact fees and issuance of the building permit.

48 (i) Upon receipt of final payment of all deferred impact fees for a building permit, the county
49 shall execute a release of the deferred impact fee lien. The applicant or property owner is
50 responsible for submitting a lien release application to PDS. The applicant, at their own

1 expense, will be responsible for recording lien the release after all deferred impact fees
2 associated with a lot or unit subject to a lien have been paid.

3 (j) Compliance with the requirements of the deferral option shall constitute compliance with
4 subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

5 (k) If deferred impact fees are not paid in accordance with terms authorized by state law
6 and this section, the county may initiate foreclosure proceedings for the unpaid impact fees and
7 all costs associated with the collection of the unpaid impact fees.

8 (l) A request to defer school impact fees under this section may be combined in one
9 application with a request to defer park and recreation impact fees under SCC 30.66A.020(4)
10 and road system impact fees under SCC 30.66B.340(5).

11 ~~((2))~~(3) Districts eligible to receive school impact fees collected by the county shall establish
12 an interest-bearing account separate from all other district accounts. The county shall deposit
13 school impact fees in the appropriate district account within ten (10) days after receipt, and shall
14 provide the receiving district with a notice of deposit.

15 ~~((3))~~(4) Each district shall institute a procedure for the disposition of impact fees and providing
16 for annual reporting to the county that demonstrates compliance with the requirements of
17 RCW 82.02.070, and other applicable laws.

18
19 Section 9. Severability and savings. If any section, sentence, clause, or phrase of this
20 ordinance shall be ruled to be invalid or unconstitutional by a court of competent jurisdiction,
21 such ruling shall not affect the validity or constitutionality of any other section, sentence, clause,
22 or phrase of this ordinance, and the section, sentence, clause, or phrase in effect prior to the
23 effective date of this ordinance shall be in full force and effect for that individual section,
24 sentence, clause, or phrase as if this ordinance had never been adopted.

25
26 PASSED this 24th day of August, 2016.

27
28 SNOHOMISH COUNTY COUNCIL
29 Snohomish County, Washington

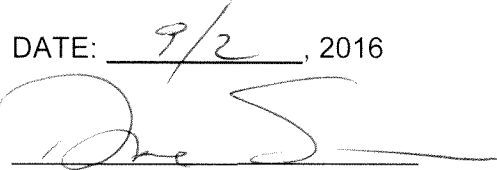
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33 Council Vice-Chair

34 ATTEST:

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36 _____
37 Clerk of the Council

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40 APPROVED
41 EMERGENCY
42 VETOED
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45 DATE: 9/2, 2016

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49 County Executive
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ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney