

1 ADOPTED: 11/14/16  
2 EFFECTIVE: 01/01/17

3 SNOHOMISH COUNTY COUNCIL  
4 Snohomish County, Washington

5  
6 AMENDED ORDINANCE NO. 16-095

7  
8 ADOPTING THE 2016-2021 CAPITAL FACILITIES PLANS FOR THE  
9 ARLINGTON NO. 16, EDMONDS NO. 15, EVERETT NO. 2, LAKE STEVENS NO. 4,  
10 LAKEWOOD NO. 306, MARYSVILLE NO. 25, MONROE NO. 103, MUKILTEO NO. 6,  
11 NORTHSHORE NO. 417, SNOHOMISH NO. 201, AND SULTAN NO. 311 SCHOOL  
12 DISTRICTS PURSUANT TO SCC 30.66C.020 AND AMENDING  
13 THE SCHOOL IMPACT FEE SCHEDULE IN SCC 30.66C.100  
14

15 WHEREAS, in 1999 Snohomish County ("the County") adopted an impact fee  
16 ordinance to provide mitigation for the impacts of new development on public school  
17 facilities pursuant to RCW 82.02.050; and

18  
19 WHEREAS, pursuant to RCW 82.02.050(4), impact fees may be collected and  
20 spent only for the public facilities defined in RCW 82.02.090, which are addressed by  
21 the capital facilities element of the County's Growth Management Act Comprehensive  
22 Plan ("GMACP") created under the Growth Management Act (GMA), Chapter 36.70A  
23 RCW; and

24  
25 WHEREAS, pursuant to Snohomish County Code (SCC) 30.66C.035, 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, under SCC 30.66C.230, each participating school district must enter  
31 into an agreement with the County addressing the reimbursement of the actual  
32 administrative costs of assessing collecting, and handling fees for the district; any legal  
33 expenses and staff time associated with defense of the impact fee program against  
34 district-specific challenges, and payment of any refunds required under the impact fee  
35 program; and

36  
37 WHEREAS, the state legislature adopted Engrossed Senate Bill 5923 (ESB  
38 5923) in 2015 requiring all jurisdictions with impact fee programs to offer deferred  
39 payment options on or before September 1, 2016; and

40  
41 WHEREAS, Arlington School District No. 16 last submitted a capital facilities plan  
42 to the County in 2010; and

43 WHEREAS, Arlington School District No. 16 wishes to reestablish its participation  
44 in the impact fee program; and

45  
46 WHEREAS, the ten remaining school districts and the County last executed  
47 agreements as required under SCC 30.66C.230 in 2014; and  
48

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1 WHEREAS, the agreements with the ten remaining school districts will be  
2 amended to reflect the County's impact fee deferral program required after the adoption  
3 of ESB 5923; and  
4

5 WHEREAS, the County has negotiated and prepared a new agreement with the  
6 Arlington School District No.16, which is consistent with the general provisions in the  
7 other school district agreements, as well as with requirements of ESB 5923; and  
8

9 WHEREAS, capital facilities plans for Edmonds School District No. 15, Everett  
10 School District No. 2, Lake Stevens School District No. 4, Lakewood School District No.  
11 306, Marysville School District No. 25, Monroe School District No. 103, Mukilteo School  
12 District No. 6, Northshore School District No. 417, Snohomish School District No. 201  
13 and Sultan School District No. 311 were last adopted by Snohomish County in 2014 and  
14 will expire on December 31, 2016; and  
15

16 WHEREAS, the 11 aforementioned school districts (collectively "the Districts")  
17 must submit updated capital facilities plans to the County for review and adoption before  
18 December 31, 2016, to maintain or re-establish their eligibility to receive school impact  
19 fees after December 31, 2016; and  
20

21 WHEREAS, the Districts each submitted an updated capital facilities plan for  
22 2016-2021 to the Snohomish County Department of Planning and Development  
23 Services (PDS) pursuant to SCC 30.66C.035; and  
24

25 WHEREAS, the Index School District No. 63, Darrington School District No. 330,  
26 Granite Falls School District No. 332 and Stanwood/Camano Island School District No.  
27 401 have not submitted school capital facilities plans for the period from 2016-2021; and  
28

29 WHEREAS, PDS has reviewed the Districts' 2016-2021 capital facility plans,  
30 including the impact fee calculations using SCC 30.66C.045, consulted with the school  
31 technical review committee authorized by SCC 30.66C.050(3), and determined that  
32 each 2016-2021 capital facilities plan meets the requirements of SCC 30.66C.040 and  
33 Appendix F of the GMACP - General Policy Plan (GPP); and  
34

35 WHEREAS, the State Environmental Policy Act (SEPA), Chapter 43.21C RCW,  
36 requirements have been satisfied and review has been performed by each school  
37 district acting as lead agency; and  
38

39 WHEREAS, SCC 30.66C.020 provides that any school capital facilities plan  
40 adopted by the County Council shall be incorporated by reference into the capital  
41 facilities element of the GMACP; and  
42

43 WHEREAS, the Snohomish County Planning Commission ("the Planning  
44 Commission") held a public hearing on September 27, 2016, on the Districts' 2016-2021  
45 capital facilities plans and the proposed amended impact fee schedule; and  
46

1  
2 WHEREAS, at the conclusion of the public hearing, the Planning Commission  
3 voted to recommend adoption of each of the Districts' 2016-2021 capital facilities plans  
4 and proposed an amended impact fee schedule as shown in its recommendation letter  
5 dated September 27, 2016; and

6  
7 WHEREAS, Emergency Ordinance 16-117 added a provision to county code that  
8 limits school impact fees to a maximum of \$7,000 per dwelling unit for the period  
9 January 1, 2017 to January 1, 2018; and

10  
11 WHEREAS, on November 14, 2016, the Snohomish County Council (the "County  
12 Council") held a public hearing after proper notice, received public testimony related to  
13 this Ordinance No. 16-095, and considered the entire record, including the Planning  
14 Commission's recommendations; and

15  
16 WHEREAS, following the public hearing on November 14, 2016, the County  
17 Council deliberated on this Ordinance No. 16-095; and

18  
19 WHEREAS, the County Council considered the entire hearing record, including  
20 the Planning Commission's recommendation and written and oral testimony submitted  
21 during the public hearings;

22  
23 NOW, THEREFORE, BE IT ORDAINED:

24  
25 Section 1. The County Council adopts the foregoing recitals as findings of fact  
26 as if set forth in full herein.

27  
28 Section 2. The County Council makes the following additional findings of fact in  
29 support of this ordinance:

30  
31 A. A school district must prepare and adopt a capital facilities plan that meets  
32 the requirements of Chapter 36.70A RCW and RCW 82.02.020 to participate in the  
33 impact fee program. A school district's capital facilities plan expires two years from the  
34 date of its effective date or when the County Council adopts an updated capital facilities  
35 plan that meets the requirements of Chapter 30.66C SCC and the GMA.

36  
37 B. The Districts submitted capital facilities plans to PDS for the period from  
38 2016-2021 as required under SCC 30.66C.035.

39  
40 C. Index School District No. 63, Darrington School District No. 330, Granite Falls  
41 School District No. 332, and Stanwood/Camano Island School District No. 401 did not  
42 submit capital facilities plans for the period from 2016-2022 meaning the County will  
43 neither impose nor collect impact fees for those districts during the 2016-2021 period.  
44 Index School District No. 63, Darrington School District No. 330, Granite Falls School  
45 District No. 332, and Stanwood/Camano Island School District No. 401 are not currently  
46 listed on the school impact fee schedule, SCC Table 30.66C.100(1).

47  
48 D. PDS reviewed each of the Districts' 2016-2021 capital facilities plans,  
49 including the impact fee calculations, using the formula in SCC 30.66C.045 and

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1 determined that each capital facilities plan meets the requirements of SCC 30.66C.040.  
2 This determination was made after consultation with the school technical review  
3 committee that reviewed each capital facilities plan prior to the Planning Commission's  
4 public hearing.

5  
6 E. This ordinance is adopted to implement Chapter 30.66C SCC and to adopt  
7 the Districts' 2016-2021 capital facilities plans.

8  
9 F. The adoption of this ordinance exercises the County's authority to impose  
10 impact fees pursuant to RCW 82.02.050.

11  
12 G. The Districts' 2016-2021 capital facilities plans adopted herein will further the  
13 goals of the GMA by providing adequate public school facilities to accommodate growth.

14  
15 H. Amendment of SCC 30.66C.100 is necessary to adopt an updated impact fee  
16 schedule consistent with the Districts' 2016-2021 capital facilities plans.

17  
18 I. Pursuant to SCC 30.66C.100, the County reduces the amount of the impact  
19 fee calculated by the Districts by fifty percent.

20  
21 J. Pursuant to SCC 30.66C.100 (2), the school impact fees adopted in Table  
22 30.66C.100(1) are limited to a maximum of \$7,000 per dwelling unit; and

23  
24 K. SEPA requirements have been satisfied by each school district, acting as  
25 lead agency, completing an environmental checklist and issuing a Determination of  
26 Nonsignificance for its capital facilities plan. The County adopts and incorporates by  
27 this reference the SEPA determinations made by the respective school districts.

28  
29 L. The Planning Commission reviewed the Districts' 2016-2021 capital facilities  
30 plans, conducted a public hearing on each 2016-2021 capital facilities plan and made its  
31 recommendation as evidenced in its recommendation letter dated September 27, 2016.

32  
33 M. The County Council conducted a public hearing on November 14, 2016, on  
34 this Ordinance No. 16-095.

35  
36 Section 3. The County Council makes the following conclusions:

37  
38 A. The Districts' 2016-2021 capital facilities plans each individually meet the  
39 requirements of Chapter 30.66C SCC and the requirements of Appendix F of the GPP  
40 concerning the operation and administration of a school impact fee program.

41  
42 B. The public participation requirements of the SCC and GMA have been met  
43 through the public hearings conducted by the Planning Commission and the County  
44 Council.

45  
46 C. The SEPA requirements for the Districts' 2016-2021 capital facilities plans  
47 have been met.

1 D. The adoption of the Districts' capital facilities plans is consistent with the  
2 GMACP, the Countywide Planning Policies for Snohomish County, and the GMA.

3  
4 E. The GMA allows the County to amend the GMACP more frequently than once  
5 per year if the amendment is to the capital facilities element and occurs concurrently  
6 with the adoption or amendment of the County's budget. This criterion is met because  
7 this ordinance will be considered concurrently with the County's 2017 budget ordinance,  
8 fulfilling the GMA, the Snohomish County Charter, and SCC requirements that link the  
9 capital improvement program to the budget.

10  
11 F. Each of the Districts' 2016-2021 capital facilities plans shall be incorporated  
12 by reference into the capital facilities element of the GMACP as provided by SCC  
13 30.66C.055.

14  
15 Section 4. Arlington School District No. 16's 2016-2021 Capital Facilities Plan,  
16 attached as Exhibit A-1, is adopted and incorporated herein by reference as if set forth  
17 in full and replaces the 2010-2015 capital facilities plan adopted by Ordinance No. 10-  
18 097, based on the foregoing findings and conclusions.

19  
20 Section 5. Edmonds School District No. 15's 2016-2021 Capital Facilities Plan,  
21 attached as Exhibit A-2, is adopted and incorporated herein by reference as if set forth  
22 in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No. 14-  
23 096, based on the foregoing findings and conclusions.

24  
25 Section 6. Everett School District No. 2's 2016-2021 Capital Facilities Plan,  
26 attached as Exhibit A-3, is adopted and incorporated herein by reference as if set forth  
27 in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No. 14-  
28 096, based on the foregoing findings and conclusions.

29  
30 Section 7. Lake Stevens School District No. 4's 2016-2021 Capital Facilities  
31 Plan, attached as Exhibit A-4, is adopted and incorporated herein by reference as if set  
32 forth in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No.  
33 14-096, based on the foregoing findings and conclusions.

34  
35 Section 8. Lakewood School District No. 306's 2016-2021 Capital Facilities Plan,  
36 attached as Exhibit A-5, is adopted and incorporated herein by reference as if set forth  
37 in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No. 14-  
38 096, based on the foregoing findings and conclusions.

39  
40 Section 9. Marysville School District No. 25's 2016-2021 Capital Facilities Plan,  
41 attached as Exhibit A-6, is adopted and incorporated herein by reference as if set forth  
42 in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No. 14-  
43 096, based on the foregoing findings and conclusions.

44  
45 Section 10. Monroe School District No. 103's 2016-2021 Capital Facilities Plan,  
46 attached as Exhibit A-7, is adopted and incorporated herein by reference as if set forth  
47 in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No. 14-  
48 096, based on the foregoing findings and conclusions.

1 Section 11. Mukilteo School District No. 6's 2016-2021 Capital Facilities Plan,  
2 attached as Exhibit A-8, is adopted and incorporated herein by reference as if set forth  
3 in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No. 14-  
4 096, based on the foregoing findings and conclusions.  
5

6 Section 12. Northshore School District No. 417's 2016-2021 Capital Facilities  
7 Plan, attached as Exhibit A-9, is adopted and incorporated herein by reference as if set  
8 forth in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No.  
9 14-096, based on the foregoing findings and conclusions.  
10

11 Section 13. Snohomish School District No. 201's 2016-2021 Capital Facilities  
12 Plan, attached as Exhibit A-10, is adopted and incorporated herein by reference as if set  
13 forth in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No.  
14 14-096, based on the foregoing findings and conclusions.  
15

16 Section 14. Sultan School District No. 311's 2016-2021 Capital Facilities Plan,  
17 attached as Exhibit A-11, is adopted and incorporated herein by reference as if set forth  
18 in full and replaces the 2014-2019 capital facilities plan adopted by Ordinance No. 14-  
19 096, based on the foregoing findings and conclusions.  
20

21 Section 15. Each of the Districts' 2016-2021 capital facilities plan adopted by this  
22 ordinance shall remain in effect for a period of two years from the effective date of this  
23 ordinance, unless an updated plan is submitted and approved prior to that date  
24 pursuant to the requirements of Chapter 30.66C SCC and the GMA.  
25

26 Section 16. Snohomish County Code Section 30.66C.100, last amended by  
27 Emergency Ordinance No. 16-117 on November 14, 2016, is hereby amended to read:  
28

29 **30.66C.100 Fee required.**  
30

31 (1) Each development, as a condition of approval, shall be subject to the school impact  
32 fee established pursuant to this chapter. The school impact fee shall be calculated in  
33 accordance with the formula established in SCC 30.66C.045.  
34

35 (2) The fees listed in Table 30.66C.100(1) represent one-half of the amount calculated  
36 by each school district in its respective capital facilities plan in accordance with the  
37 formula identified in SCC 30.66C.045. From January 1, 2017 to January 1, 2018, school  
38 impact fees listed in Table 30.66C.100(1) shall be limited to a maximum of \$7,000 per  
39 dwelling unit.  
40

41 (3) The payment of school impact fees will be required prior to issuance of building  
42 permits, except as provided in SCC 30.66C.200(2). The amount of the fee due shall be  
43 based on the fee schedule in effect at the time of building permit application.  
44

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

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(5) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county development regulations from January 1, ~~((2015))~~ 2017, to December 31, ~~((2016))~~ 2018.

(6) 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**

| <b>SCHOOL DISTRICT</b>                         | <b>SINGLE FAMILY<br/>per dwelling unit</b> | <b>MULTI-FAMILY<br/>1-BEDROOM<br/>per dwelling unit</b> | <b>MULTI-FAMILY<br/>2+ BEDROOMS<br/>per dwelling unit</b> | <b>DUPLEXES AND<br/>TOWNHOMES<br/>per dwelling unit</b> |
|--|--|---|---|---|
| Arlington No. 16                               | \$0  | \$0   | \$0   | \$0   |
| Edmonds No. 15                                 | \$0  | \$0   | \$0   | \$0   |
| Everett No. 2                                  | <del>(((\$4,988))</del> <u>\$6,950</u>     | \$0   | <del>(((\$1,092))</del> <u>\$3,230</u>                    | <del>(((\$1,092))</del> <u>\$3,230</u>                  |
| Lake Stevens No. 4                             | <del>(((\$4,680))</del> <u>\$6,624</u>     | \$0   | <del>(((\$2,532))</del> <u>\$3,678</u>                    | <del>(((\$2,532))</del> <u>\$3,678</u>                  |
| Lakewood No. 306                               | <del>(((\$1,203))</del> <u>\$857</u>       | \$0   | <del>(((\$2,811))</del> <u>\$1,037</u>                    | <del>(((\$2,811))</del> <u>\$1,037</u>                  |
| Marysville No. 25                              | <del>(((\$1,817))</del> <u>\$1,552</u>     | \$0   | <del>(((\$1,180))</del> <u>\$2,096</u>                    | <del>(((\$1,180))</del> <u>\$2,096</u>                  |
| Monroe No. 103                                 | <del>(((\$0))</del> <u>\$2,749</u>         | \$0   | <del>(((\$0))</del> <u>\$3,032</u>                        | <del>(((\$0))</del> <u>\$3,032</u>                      |
| Mukilteo No. 6                                 | <del>(((\$3,944))</del> <u>\$4,275</u>     | \$0   | <del>(((\$2,952))</del> <u>\$2,972</u>                    | <del>(((\$2,952))</del> <u>\$2,972</u>                  |
| Northshore No. 417                             | <del>(((\$0))</del> <u>\$7,000</u>         | \$0   | \$0   | \$0   |
| Snohomish No.<br><del>((203))</del> <u>201</u> | \$0  | \$0   | \$0   | \$0   |
| Sultan No. 311                                 | <del>(((\$0))</del> <u>\$923</u>           | \$0   | <del>(((\$0))</del> <u>\$598</u>                          | <del>(((\$0))</del> <u>\$598</u>                        |

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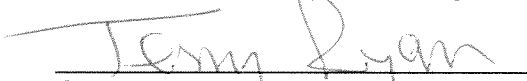
1 Section 17. The County Council bases its findings and conclusions on the entire  
2 record of the County Council, including all testimony and exhibits. Any findings, which  
3 should be deemed a conclusion, and any conclusion, which should be deemed a  
4 finding, are hereby adopted as such.

5  
6 Section 18. The effective date of this ordinance shall be January 1, 2017.


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

17  
18 PASSED this 14<sup>th</sup> day of November, 2016.

19  
20 SNOHOMISH COUNTY COUNCIL  
21 Snohomish County, Washington

22   
23 \_\_\_\_\_  
24 Chairperson

25 ATTEST:

26   
27 \_\_\_\_\_  
28 Clerk of the Council

- 29  
30  APPROVED  
31  VETOED  
32  EMERGENCY

33  
34 DATE: 11/23, 2016

35   
36 \_\_\_\_\_  
37 Snohomish County Executive

38 ATTEST:

39   
40 \_\_\_\_\_

41 Approved as to form only:

42 \_\_\_\_\_  
43 Deputy Prosecuting Attorney

D-24