

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

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7 AMENDED EMERGENCY ORDINANCE NO. 16-117

8  
9 ESTABLISHING A CAP ON SCHOOL DISTRICT IMPACT FEES, AMENDING SCC  
10 30.66C.100, DECLARING AN EMERGENCY

11  
12 WHEREAS, in 1999 Snohomish County ("the county") adopted an impact fee  
13 ordinance to provide mitigation for the impacts of new development on public school  
14 facilities pursuant to RCW 82.02.050; and

15  
16 WHEREAS, pursuant to RCW 82.02.050(4), impact fees may be collected and  
17 spent only for the public facilities defined in RCW 82.02.090, which are addressed by  
18 the capital facilities element of the county's comprehensive plan created under the  
19 Growth Management Act, Chapter 36.70A RCW; and

20  
21 WHEREAS, pursuant to Snohomish County Code (SCC) 30.66C.035, school  
22 districts must submit capital facilities plans to the county for inclusion in the county's  
23 capital facilities plan, part of the capital facilities element of the comprehensive plan, to  
24 be eligible to receive payment of school impact fees; and

25  
26 WHEREAS, 11 school districts must submit updated capital facilities plans to the  
27 county for review and adoption before December 31, 2016, to maintain or re-establish  
28 their eligibility to receive school impact fees after December 31, 2016; and

29  
30  
31 NOW, THEREFORE, BE IT ORDAINED:

32  
33 Section 1. The county council makes the following findings and conclusions:

- 34  
35 A. The county council adopts and incorporates the foregoing recitals as findings as if  
36 set forth fully herein.  
37  
38 B. Eleven school districts submitted capital facilities plans to Snohomish County for  
39 approval and adoption by reference into the capital facilities element of the county's  
40 comprehensive plan. Some of those school district plans recommended substantial  
41 increases in impact fee charges for new residential construction.  
42  
43 C. Impact mitigation fees are, in general, a fair and appropriate method of addressing  
44 burdens on existing residents of financing new public facilities necessary to serve a  
45 growing population.  
46  
47 D. In cases when impact fees are raised quickly or to excessive levels, those fees can  
48 result in disproportionate, negative, and unfair impacts to and financial burdens on  
49 future residents, owners of developable land, and residential developers.

- 1  
2 E. Individuals and businesses that have purchased real estate with the intention of  
3 building housing on that land are particularly impacted by sudden, substantial  
4 increases in impact fees.  
5  
6 F. This Ordinance is consistent with the Snohomish County Comprehensive Plan,  
7 including policy CF-10.A.4, which calls for the county to monitor its school impact fee  
8 program and adjust it when appropriate.  
9

10 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the  
11 Snohomish County Council finds and concludes that adopting a cap on school district  
12 impact fees is necessary for the immediate preservation of the public peace, health or  
13 safety. Non-emergency options would not be adequate to prevent excessive cost  
14 burdens on future residents, owners of developable land, and developers within certain  
15 school districts. Based on the foregoing, the Snohomish County Council declares that  
16 an emergency exists and this ordinance shall take effect immediately.  
17

18 Snohomish County Code Section 30.66C.100, last amended by Amended  
19 Ordinance No. 16-060 on August 24, 2016, is hereby amended to read:  
20

21 **30.66C.100 Fee required.**  
22

23 (1) Each development, as a condition of approval, shall be subject to the school impact  
24 fee established pursuant to this chapter. The school impact fee shall be calculated in  
25 accordance with the formula established in SCC 30.66C.045.  
26

27 (2) The fees listed in Table 30.66C.100(1) represent one-half of the amount calculated  
28 by each school district in its respective capital facilities plan in accordance with the  
29 formula identified in SCC 30.66C.045. From January 1, 2017 to January 1, 2018, school  
30 impact fees listed in Table 30.66C.100(1) shall be limited to a maximum of \$7,000 per  
31 dwelling unit.  
32

33 ~~((2))~~ (3) The payment of school impact fees will be required prior to issuance of  
34 building permits, except as provided in SCC 30.66C.200(2). The amount of the fee due  
35 shall be based on the fee schedule in effect at the time of building permit application.  
36

37 ~~((3))~~ (4) The department shall maintain and provide to the public upon request a table  
38 summarizing the schedule of school impact fees for each school district within the  
39 county.  
40

41 ~~((4))~~ (5) The fees set forth in Table 30.66C.100(1) apply to developments that vest to  
42 county development regulations from January 1, 2015, to December 31, 2016.  
43

44 ~~((5))~~ (6) Building permits submitted after January 1, 1999, for which prior plat approval  
45 has been obtained under chapter 30.66C SCC as codified prior to January 1, 1999,  
46 shall be subject to the school impact fees established pursuant to this chapter, as set  
47 forth in this section, except as provided in SCC 30.66C.010(2).

1

**Table 30.66C.100(1)  
SCHOOL IMPACT MITIGATION FEES**

<b>SCHOOL DISTRICT</b>	<b>SINGLE FAMILY per dwelling unit</b>	<b>MULTI-FAMILY 1-BEDROOM per dwelling unit</b>	<b>MULTI-FAMILY 2+ BEDROOMS per dwelling unit</b>	<b>DUPLEXES AND TOWNHOMES</b>
Edmonds No. 15	\$0	\$0	\$0	\$0
Everett No. 2	\$4,988	\$0	\$1,092	\$1,092
Lake Stevens No. 4	\$4,680	\$0	\$2,532	\$2,532
Lakewood No. 306	\$1,203	\$0	\$2,811	\$2,811
Marysville No. 25	\$1,817	\$0	\$1,180	\$1,180
Monroe No. 103	\$0	\$0	\$0	\$0
Mukilteo No. 6	\$3,914	\$0	\$2,952	\$2,952
Northshore No. 417	\$0	\$0	\$0	\$0
Snohomish No. 203	\$0	\$0	\$0	\$0
Sultan No. 311	\$0	\$0	\$0	\$0

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

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

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

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



Council Chair

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

ATTEST:



Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: \_\_\_\_\_

\_\_\_\_\_  
County Executive

ATTEST:

\_\_\_\_\_  
Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

D-1