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SNOHOMISH COUNTY COUNCIL

ORDINANCE NO. 91-027



CO00024974

ADOPTING A NEW SNOHOMISH COUNTY CODE TITLE 26C, TO REQUIRE  
MITIGATION OF DEVELOPMENT IMPACTS ON SCHOOL SERVICES

BE IT ORDAINED:

Section 1. A new Title, Title 26C, "School Impact  
Mitigation", is added to the Snohomish County Code as follows:

TITLE 26C

SCHOOL IMPACT MITIGATION

CHAPTERS

26.01 General Provisions  
26.03 Definitions  
26.05 School District Certification  
26.07 Methodology and Procedure  
26.09 Appeals  
26.11 Severability

Chapter 26C.01

GENERAL PROVISIONS

Sections:

26C.01.010 Purpose and Objective

26C.01.010 Purpose and Objective. The regulations contained in this title are necessary for the protection and preservation of the public health, safety, and general welfare of the citizens of the county. The public school systems which serve county residents are unable to provide the services required to meet the educational needs of a rapidly growing community. The purpose of this title is to require that development proposals which generate a need for school services contribute to the costs of providing the services at standards established by the school districts in accordance with state guidelines.

As a condition of county approval of all subdivisions and development, as defined herein, the county will require mitigation of adverse impacts on school services identified

during the course of environmental review pursuant to the State Environmental Policy Act, RCW 43.21C, and the Snohomish County Environmental Policy Ordinance, Title 23 SCC. School impact mitigation must be related to a school district's expansion costs which are a local obligation and are reasonably related to a proposed subdivision or development, as defined herein, and must be used to reduce local obligation costs. Funds sought by school districts pursuant to this title should not be substituted for funds that are available to the districts from other funding sources. Rather, impact mitigation pursuant to this title should complement state and local funding mechanisms.

### Chapter 26C.03

#### DEFINITIONS

##### Sections:

26C.03.010	Bus Fleet Impact
26C.03.020	Bus Runs
26C.03.030	Development
26C.03.040	Development Mitigation Formula
26C.03.050	Land Acquisition Cost
26C.03.060	Land Acquisition Impact
26C.03.070	Local Effort
26C.03.080	Local Effort Construction Cost Impact
26C.03.090	New Bus Cost
26C.03.100	Permitting Agency
26C.03.110	Population Impact Calculation
26C.03.120	Student Bussing Factor
26C.03.130	Subdivision
26C.03.140	Unacceptable Impact Level
26C.03.150	Unhoused Students

26C.03.010 Bus Fleet Impact. "Bus fleet impact" means the dollar amount of bus fleet costs for each school district that is reasonably related to a proposed subdivision or development.

26C.03.020 Bus Runs. "Bus runs" mean the average number of bus runs in a school district, to be determined from data contained in Superintendent of Public Instruction Report Form No. 1026A.

26C.03.030 Development. "Development" means all single family condominium and multi-family residential development, including multi-family rezones which require binding site plans, Planned Residential Developments, mobile home parks, condominiums, and all multi-family structures which require building permits and are subject

to Title 23 SCC, the Snohomish County Environmental Policy Ordinance, but excluding remodeling or renovation permits which do not result in additional dwelling units.

26C.03.040 Development Mitigation Formula.

"Developmental mitigation formula" means a set of formulae by which is determined the dollar value of mitigation required for subdivision and development impacts on a school district's costs for land acquisition, local effort construction, and bus fleet. The Formula is used to calculate for each school district the per student cost for each of these impact elements.

26C.03.050 Land Acquisition Cost. "Land acquisition cost" means land cost per acre, determined in accordance with generally accepted real estate appraisal standards and practice, for school facilities projected as needed according to a school district's annual capacity analysis submitted pursuant to 26C.05.010.

26C.03.060 Land Acquisition Impact. "Land acquisition impact" means the dollar amount of land acquisition cost to a school district that is reasonably related to a proposed subdivision or development.

26C.03.070 Local Effort. "Local effort" means the local funding percentage required for elementary and junior and senior high school facilities in accordance with State Board of Education requirements.

26C.03.080 Local Effort Construction Cost Impact. "Local effort construction cost impact" means the dollar amount of a district's local effort construction costs using the construction cost indicators from the Boeckh Index as set forth in WAC 180-27-060 as now adopted or hereafter amended, and minimum square footage requirements set forth in WAC 180-27-035 as now adopted or hereafter amended, or a district's documented cost to reopen presently unoccupied schools, that is reasonably related to a proposed subdivision or development.

26C.03.090 New Bus Cost. "New bus cost" means the mid-range price for buses which have the seating capacity used by a district, as contained in the most recent issuance of Superintendent of Public Instruction Bulletin No. 63-89 S.B.S.

26C.03.100 Permitting Agency. "Permitting agency" means Snohomish County.

26C.03.110 Population Impact Calculation.

"Population impact calculation" means a calculation based on empirical studies conducted by, or for, each school district, which determines specific public school student generation rates for each type of development and student population configuration by level within each district.

26.03.120 Student Bussing Factor.

"Student bussing factor" means the percentage of a school district's student population that is bussed, as determined from data contained in Superintendent of Public Instruction Report Form No. 1026A.

26C.03.130 Subdivision.

"Subdivision means all small and large lot subdivisions as defined in Title 19 SCC, and all short subdivisions as defined in Title 20 SCC which are subject to SEPA, RCW 43.21C, and SCEPO, Title 23 SCC.

26C.03.140 Unacceptable Impact Level.

"Unacceptable impact level" means a documented deficiency in school district facilities such that a district is, or would be required to alter its standard day or standard year in order to accommodate its existing or projected enrollment. For purposes of Title 23 SCC, an unacceptable impact level is a significant adverse environmental impact which cannot be sufficiently mitigated by reasonable mitigation measures.

26C.03.150 Unhoused Students.

"Unhoused students" means students projected to be housed in portable classrooms, (WAC 180-25-015 and -045) , or classrooms where class size exceeds state standards or contractually negotiated standards within the local school district.

Chapter 26C.05

SCHOOL DISTRICT CERTIFICATION

Sections:

- 26C.05.010 School District Eligibility
- 26C.05.020 Annual Certification Requirements

26C.05.010 School District Eligibility. To qualify for impact mitigation pursuant to this title, a school district shall submit to the county on an annual basis a capacity analysis which demonstrates that the district is experiencing positive enrollment growth based upon a five-year growth projection estimate. The capacity analysis shall be based upon professionally accepted population projection methodologies consistent with standard

projection methods and Snohomish County population estimate techniques, and verified by the county planning division. If, at some point during the projection period, after taking into account other known, available funding sources, the district is projected to have unhoused students, as defined herein, or inadequate bus seating capacity for projected enrollment, the district will be eligible for impact mitigation for those elements projected to be deficient.

26C.05.020 Annual Certification Requirements. Each district shall submit to the county on an annual basis an annually adjusted itemization of costs for the impact mitigation elements listed in 26C.07.020, together with documentation in support thereof. The county planning division shall certify that a school district's documentation is complete and acceptable to the county. Annual certification shall be completed by July 31 of each year. The prior year's certified data shall apply until the new certification is given each year.

#### Chapter 26C.07

#### METHODOLOGY AND PROCEDURE

##### Sections:

- 26C.07.010 Mitigation of School Service Impacts Required
- 26C.07.020 Impacts for Which Mitigation is Required
- 26C.07.030 Method for Calculating Impact
- 26C.07.040 School District Impact Area
- 26C.07.050 Timing of Impact Mitigation Determination
- 26C.07.060 Comparable In Kind Mitigation Option
- 26C.07.070 Credit for Payment or Obligation Previously Incurred
- 26C.07.080 Time of Performance/School District Confirmation
- 26C.07.090 Trust Accounts
- 26C.07.100 Use of Impact Mitigation Funds
- 26C.07.110 Validity of Pre-existing Agreements
- 26C.07.120 Unacceptable Impact Levels

26C.07.010 Mitigation of School Service Impacts Required. Whenever Snohomish County has approval authority over subdivisions and development as defined herein, approval will be contingent on the project proponent's documenting to the satisfaction of the county that the project's adverse impacts on existing primary and secondary public educational services identified during the course of environmental review have been mitigated as required by

this title. The documentation shall consist of a letter from the affected school district stating that monetary, land, or comparable in-kind mitigation which meets the requirements of this title has been agreed to by the project proponent. The county shall determine independently whether the mitigation agreed to meets the requirements of this title.

26C.07.020 Impacts for Which Mitigation is Required. Three impact elements may qualify for mitigation pursuant to this title:

- (1) Local effort construction cost impact;
- (2) Land acquisition impact; and
- (3) Bus fleet impact.

26C.07.030 Method for Calculating Impact. The method and formulae for determining any required school impact mitigation is set out in Appendix 1 entitled Development Mitigation Formula Worksheet, which is adopted by reference.

26C.07.040 School District Impact Area. Each school district's administration has independent authority to adjust attendance boundaries within the district in order to best allocate district resources. Therefore, the service area for which subdivision and development impacts are computed pursuant to this title is the entire geographic area encompassed by a school district's boundaries.

26C.07.050 Timing of Impact Mitigation Determination. The lead department shall determine pursuant to this title and Title 23 SCC the dollar value of any school impact mitigation required by this title.

26C.07.060 Comparable In Kind Mitigation Option. The Development Mitigation Formula Worksheet will result in a quantification of the dollar amount required to mitigate the impacts of a subdivision or development. A district may consider comparable in-kind options to satisfy the mitigation obligation. Land dedications, site preparation, provision of portables, equipment purchases, and other in-kind mitigation options equivalent in value to the dollar amount required for mitigation may be utilized if acceptable to the district, so long as the in-kind mitigation directly improves the level of educational service within the district. The acceptability of comparable in-kind mitigation shall be determined by the lead department pursuant to Title 23 SCC and this title.

26C.07.070 Credit for Payment or Obligation Previously Incurred. The dollar value of comparable in-kind mitigation shall be credited against the dollar amount of mitigation required pursuant to this chapter. If the dollar value of comparable in-kind mitigation for any impact element exceeds the dollar amount required for mitigation for that element, the project proponent shall be reimbursed from impact mitigation monies paid for subsequent projects within the same school district for impacts on the same impact element unless reimbursement is waived by the project proponent. The process and schedule for reimbursement shall be negotiated between the school district and the project proponent, committed to writing, and submitted to the county prior to preliminary approval of a subdivision, conditional approval of a short subdivision or issuance of a building permit for development.

26C.07.080 Time of Performance/School District Confirmation. Payment of any required school impact mitigation shall be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit: Provided, however, that for subdivisions, as defined herein, the project proponent may elect to postpone payment until issuance of the building permit for each lot within the subdivision until issuance of a building permit for that lot. The election to postpone payment shall be noted by a covenant placed on the face of the recorded plat or short plat and included in the deed for each affected lot within the subdivision. Confirmation of the discharge of a project proponents' mitigation obligation shall be transmitted in writing by the school district to the permitting agency.

When a subdivision or development is conditioned upon the performance of comparable in-kind mitigation, a final plat or short plat shall not be recorded, and a building permit shall not be issued for development, until the affected school district indicates in writing to the permitting agency that the project proponent has satisfactorily undertaken, or guaranteed to undertake, in a manner acceptable to the district, such comparable in-kind mitigation.

26C.07.090 Trust Accounts. Impact mitigation required pursuant to this title shall be deposited by the Community Development Division directly into a treasurer's trust account, which shall be established for each participating school district. Funds deposited into these accounts shall be expended as provided in 26C.07.100.

26C.07.100 Use of Impact Mitigation Funds. The district is authorized to utilize mitigation received pursuant to this title in the manner the district determines will best meet its educational service needs so long as the use will mitigate the impacts of the subdivision or development for which the mitigation was received and result in improvements to district wide student housing and transportation conditions.

26C.07.110 Validity of Pre-existing Agreements. Written voluntary mitigation agreements between a school district and a project proponent which have been executed prior to the effective date of this title shall be accepted as satisfying the mitigation requirements of this title for those phases of a subdivision or development addressed by the written agreement.

26C.07.120 Unacceptable Impact Levels. When it is determined pursuant to this title that a proposed subdivision or development will result in an unacceptable impact level within a school district, the county may deny the subdivision or development until the unacceptable impact level is remedied. When it is demonstrated pursuant to this title that, although present school facility capacity exists, school facilities cannot be provided quickly enough to avoid an unacceptable impact level at any point during the district's five-year enrollment projection period, the county may deny a proposed subdivision or development until a remedy is identified for the projected unacceptable impact level. The school district shall document any existing or projected unacceptable impact level and provide written notification thereof to the county at the earliest possible date.

#### Chapter 26C.09

##### APPEALS

##### Section:

26C.09.010 Appeals

26C.09.010 Appeals. Appeals of mitigation requirements imposed pursuant to this title shall be governed by the provisions of Chapter 23.40 SCC.

##### Chapter 26C.11

##### SEVERABILITY

##### Section:



26C.11.010 Severability


26C.11.010 Severability. If any provision of this title or its application to any person or circumstance is held to be invalid, such decision shall not affect the remaining provisions of this title or its application to other persons or circumstances.

Section 2. Effective Date

The effective date of this ordinance shall be May 1, 1991.

Dated this 27th day of February, 1991.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

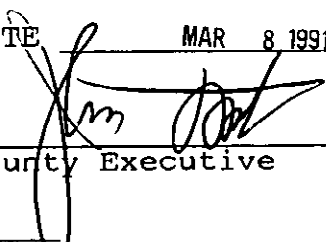
  
Chairman

ATTEST:

  
Clerk of the Council, *asst.*

- ) APPROVED
- ) EMERGENCY
- ) VETOED

DATE MAR 8 1991

  
County Executive

PUBLISHED \_\_\_\_\_

Joe A. Tanner, DPA  
Approved as to form only on

February 11, 1991  
(Date)

DEVELOPMENT MITIGATION FORMULA WORKSHEET

POPULATION IMPACT CALCULATION:

- 1. # Units \_\_\_\_\_ X \_\_\_\_\_ (Single Family Residence Factor) (a) \_\_\_\_\_ Students
- 2. # Units \_\_\_\_\_ X \_\_\_\_\_ (One Bedroom Multi-Family Residence Factor) (a) \_\_\_\_\_ Students
- 3. # Units \_\_\_\_\_ X \_\_\_\_\_ (Two or More Bedroom Multi-Family Residence Factor) (a) \_\_\_\_\_ Students
- 4. Total Students Generated from Development (Add lines 1,2,3) \_\_\_\_\_ TOTAL STUDENTS
- 5. # of Students (Line 4) \_\_\_\_\_ X \_\_\_\_\_ % (Student Population Config. by Level) (b) \_\_\_\_\_ Elem. Students
- 6. # of Students (Line 4) \_\_\_\_\_ X \_\_\_\_\_ % (Student Population Config. by Level) (b) \_\_\_\_\_ Jr. High Students
- 7. # of Students (Line 4) \_\_\_\_\_ X \_\_\_\_\_ % (Student Population Config. by Level) (b) \_\_\_\_\_ Sr. High Students

LAND ACQUISITION IMPACT CALCULATION:

- 8. \_\_\_\_\_ Elem. Students (Line 5) X [10 acres X \_\_\_\_\_ (Land Acquis. Cost)] + 500 \_\_\_\_\_ Impact
- 9. \_\_\_\_\_ Jr. High Students (Line 6) X [20 acres X \_\_\_\_\_ (Land Acquis. Cost)] + 750 \_\_\_\_\_ Impact
- 10. \_\_\_\_\_ Sr. High Students (Line 7) X [30 acres X \_\_\_\_\_ (Land Acquis. Cost)] + 1,000 \_\_\_\_\_ Impact
- 11. Total Land Acquisition Impact (Add Lines 8,9,10) \_\_\_\_\_ \$ \_\_\_\_\_ TOTAL LAND ACQUISITION IMPACT

LOCAL EFFORT CONSTRUCTION COST IMPACT CALCULATION:

- 12. \_\_\_\_\_ Elem. Students (Line 5) X (Boeckh Index X 80 sq. ft. X Local Effort) \_\_\_\_\_ Impact
- 13. \_\_\_\_\_ Jr. Hi. Students (Line 6) X (Boeckh Index X 100 sq. ft. X Local Effort) \_\_\_\_\_ Impact
- 14. \_\_\_\_\_ Sr. Hi. Students (Line 7) X (Boeckh Index X 120 sq. ft. X Local Effort) \_\_\_\_\_ Impact
- 15. \_\_\_\_\_ Students X Per Pupil Cost to Reopen Unoccupied School \_\_\_\_\_ Impact
- 16. Total Local Effort Construction Cost Impact (Add lines 12,13,14 & 15) \_\_\_\_\_ \$ \_\_\_\_\_ TOTAL LOCAL EFFORT CONSTRUCTION COST IMPACT

BUS FLEET IMPACT CALCULATION:

- 17. [(Total Students (Line 4) X Student Busing Factor) X  $\frac{\text{New Bus Cost} + \text{Average Bus Runs}}{\text{Seats}}$ ] \_\_\_\_\_ \$ \_\_\_\_\_ TOTAL BUS FLEET IMPACT

(a) Specific public school student generation rates for each type of development will be supplied by empirical studies conducted by or for each school district within 120 days of adoption of Ordinance 90-\_\_\_\_ and updated at least once every five years thereafter, and supplied to the Planning Department.

(b) Student population configuration by level within each district will be supplied by empirical studies conducted by or for each school district within 120 days of adoption of Ordinance 90-\_\_\_\_ and updated at least once every five years thereafter, and supplied to the Planning Department.