



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY WASHINGTON**

AMENDED ORDINANCE NO. 99-107

**AMENDING TITLE 26C SCC RELATING TO SCHOOL IMPACT MITIGATION FEE
PROGRAM AND SCHOOL CAPITAL FACILITIES PROGRAMS**

WHEREAS, on November 17, 1997 the Snohomish County Council (Council) adopted Amended Ordinance 97-095 which amended Title 26C SCC relating to the school impact mitigation fee program, to adopt a program pursuant to the state Growth Management Act pursuant to Chapter 82.02 RCW and Chapter 36.70A RCW; and

WHEREAS, on December 2, 1998 the Council adopted Ordinance 98-126 which adopted capital facilities plans of school districts within the county, and amended the county's capital facilities plan to add the school districts' plans thereto; and

WHEREAS, the Snohomish County Planning Commission, as part of their recommendation to the Council on Ordinance 98-126, suggested that Council review the formula for calculating fees in Title 26C, and at the December 2, 1998 public hearing Council heard testimony from members of the public to the same effect; and

WHEREAS, the Council by Motion 99-045 established the School Mitigation Advisory Committee ("Advisory Committee") "...to advise Council on potential changes to the current school mitigation fee formula in Title 26C SCC which will result in a formula which better reflects the true impacts of new development on school capital facilities"; and

WHEREAS, the Advisory Committee presented a report and recommendations to the Council in June 1999 and the Council, by Motion 99-345 requested the Planning Commission to review the report and consider related legislative recommendations; and

WHEREAS, the Planning Commission held a work session to review the recommendations of the Advisory Committee and the Planning and Development Services ("PDS") staff on September 28, 1999, and held a public hearing on October 26, 1999 on these recommendations;

● NOW, THEREFORE, BE IT ORDAINED:

Section 1. Findings and Conclusions. The Council adopts the following findings and conclusions:

a. The proposed amendments to Title 26C SCC are consistent with the requirements of the Growth Management Act ("GMA") and Chapter 82.02 RCW, the County GMA Comprehensive Plan, General Policy Plan ("GPP") and the Countywide Planning Policies for Snohomish County.

b. The proposed amendments to Title 26C SCC will advance the goals of the GMA and the GPP to provide adequate public facilities to accommodate growth.

c. The proposed amendments to Title 26C SCC are responsive to public input received during the public hearing process that led to the enactment of Ordinance 98-126 on December 2, 1998 in which the county adopted school district capital facilities plans and a new school impact fee schedule.

d. The proposed amendments to Title 26C SCC consider the recommendations made by the Advisory Committee in its report of June 1999.

● e. The proposed amendments comply with RCW 82.02.060 and reflect the impacts of new development on school capital facilities.

f. Snohomish County staff has prepared an environmental checklist and issued a Determination of Non-significance ("DNS") satisfying the requirements of the State Environmental Policy Act ("SEPA") for this proposed action.

g. Public participation requirements of the GMA and County Code have been met or exceeded through the public hearings conducted by the Snohomish County Planning Commission and County Council.

h. The Snohomish County Planning Commission has reviewed these draft code amendments, conducted a public hearing on October 26, 1998, and has recommended adoption of the same.

Section 2. Snohomish County Code Section 26C.22.020 as adopted by Amended Ordinance 97-095 on November 17, 1997, is amended as follows:

26C.22.020 Other Definitions.

...

2) Average Assessed Value - means the ~~((district's))~~ average assessed value ~~((for each))~~ by dwelling unit type of all residential units constructed within the district.

Section 3. Snohomish County Code Section 26C.26.020 as adopted by Amended Ordinance 97-095 on November 17, 1997, is amended as follows:

26C.26.020 Department review and acceptance: Technical review committee.

(1) Upon receipt of a district's capital facilities plan (or amendment thereof) the department shall determine whether all of the following criteria are met:

a4) ~~((That))~~ The required plan contents and plan performance criteria outlined in Appendix F are reflected in the document;

b2) ~~((That))~~ The analysis contained within the capital facilities plan is consistent with current data developed pursuant to the requirements of the GMA and Appendix F;

c3) ~~((That a))~~ Any school impact fee proposed in the district's capital facilities plan has been calculated using the formula contained in Table 1 of this title; and

d4) ~~((That))~~ The capital facilities plan has been adopted by the district's board of directors.

(2) Upon finding that these requirements have been satisfied, the department shall transmit the capital facilities plan to the planning commission in accordance with Chapter 32.05 SCC for recommendation to the county council ~~((for consideration and adoption)).~~

(3) The Director is authorized to adopt policies and procedures for the establishment and operation of a technical review committee to assist the department in its review of capital facilities plans and in particular to review the student factor methodologies used to support the plans.

Section 4. Snohomish County Code Section 26C.26.030 as adopted by Amended Ordinance 97-095 on November 17, 1997, is amended as follows:

26C.26.030 Council adoption.

Any school district capital facilities plan adopted by the County Council shall be incorporated into the capital facilities element of the county's GMA Comprehensive Plan. ~~((Following receipt from the department of a district's capital facilities plan or amendment thereof, the council shall consider adoption of said plan or amendment by reference as part of the capital facilities element of the county comprehensive plan.))~~

Section 5. Snohomish County Code Section 26C.28.010 as adopted by Amended Ordinance 97-095 on November 17, 1997, is amended as follows:

26C.28.010 Fee required.

(1) Each development activity, as a condition of approval, shall be subject to the school impact fee established pursuant to this title. The school impact fee shall be calculated in accordance with the formula established in Table 1 below. The school impact fee calculated in accordance with the formula established in Table 1 of this title shall then be multiplied by 0.5 to determine the school impact fee due and payable (~~in accordance with Section 26C.28.010(2), (3), and (4) below~~) by the applicant.

~~((2) the school impact fee amount calculated in accordance with Section 26C.28.010(1) shall not exceed the amount of \$2000 per each single family unit proposed for a given development activity.~~

~~(3) The school impact fee amount calculated in accordance with Section 26C.28.010(1) shall not exceed the amount of \$1500 per each multi family unit proposed for a given development activity.~~

~~(4) The school impact fee limitations set forth in Section 26C.28.010(2) and (3) above (i.e., \$2000 per single family unit and \$1500 per multi family unit) shall be subject to an annual adjustment to reflect the increase (if any) in the adjustment index for the adjustment year, as follows:~~

$$\frac{\text{ADJUSTMENT INDEX FOR}}{\text{ADJUSTMENT YEAR}} \times \text{SCHOOL IMPACT FEE LIMITATION} = \text{ADJUSTED SCHOOL IMPACT FEE LIMITATION}$$

$$\frac{\text{ADJUSTMENT INDEX}}{\text{FOR BASE YEAR}}$$

~~The "adjustment index for the adjustment year" shall be determined by reference to the Producer Price Index, Material Inputs to Construction Industries, New Construction. the "adjustment index for the base year" is 135.1 (May, 1997). If for any reason the adjustment index referenced herein shall cease to exist, the Director shall determine a successor adjustment index.))~~

TABLE 1

Impact Fee Calculation Formula

A. General. The formula in this section provides the basis for the impact fee schedule for each district serving Snohomish County. District capital facilities plans shall include a calculation of its proposed impact fee schedule, by dwelling unit type, utilizing this formula. In addition, a detailed listing and description of the various data and factors needed to support the fee calculation is included herein and within Chapter 26C.22 SCC - Definitions.

B. Determination of Projected School Capacity Needs. Each district shall determine, as part of its capital facilities plan, projected school capacity needs for the current year and for not less than the succeeding five-year period. The capital facilities plan shall also include estimated capital costs for the additional capacity needs, and those costs provide the basis for the impact fee calculations set forth in this section.

C. Cost Calculation by Element. The fees shall be calculated on a "per dwelling unit" basis, by "dwelling unit type" as set forth below.

1. Site Acquisition Cost Element.

$$\{[B(2) \times B(3)] + B(1)\} \times A(1) = \text{Site Acquisition Cost Element}$$

Where:

B(2) = Site Size (in acres, to the nearest 1/10th)

B(3) = Land Cost (Per Acre, to the nearest dollar)

B(1) = Facility Design Capacity [see SCC 26C.22.020]

A(1) = Student Factor (for each dwelling unit type) [see SCC 26C.22.020]

The above calculation shall be made for each of the identified grade levels (e.g. elementary, middle, junior high and/or senior high). The totals shall then be added with the result being the "Total Site Acquisition Cost Element" for purposes of the final school impact fee calculation below.

2. School Construction Cost Element.

$$[C(1) + B(1)] \times A(1) = \text{School Construction Cost Element}$$

Where:

C(1) = Estimated Facility Construction Cost [see SCC 26C.22.020]

B(1) = Facility Design Capacity

A(1) = Student Factor (for each dwelling unit type)

The above calculation shall be made for each of the identified grade levels (e.g. elementary, middle, junior high and/or senior high). The totals shall then be added and multiplied by the square footage of permanent facilities divided by the total square footage of school facilities, with the result being the "Total School Construction Cost Element" for purposes of the final school impact fee calculation below.

3. Relocatable Facilities (Portables) Cost Element.

$$[E(1) + E(2)] \times A(1) = \text{Relocatable Facilities Cost Element}$$

Where:

E(1) = Relocatable Facilities Cost

E(2) = Relocatable Facilities Student Capacity [see SCC 26C.22.020]

A(1) = Student Factor (for each dwelling unit type)

The above calculation shall be made for each of the identified grade levels (e.g. elementary, middle, junior high and/or senior high). The totals shall then be added and multiplied by the square footage of relocatable facilities divided by the total square footage of school facilities, with the result being the "Total Relocatable facilities Cost Element" for purposes of the final school impact fee calculation below.

D. Credits Against Cost Calculation--Mandatory. The following monetary credits shall be deducted from the calculated cost elements defined above for purposes of calculating the final school impact fee below.

1. State Match Credit.

$$D(1) \times D(3) \times D(2) \times A(1) = \text{State Match Credit}$$

Where:

$$D(1) = \text{Boeckh Index [see SCC 26C.22.020]}$$

$D(3)$ = Square footage of school space allowed per student, by grade span, by the Office of the Superintendent of Public Instruction

$$D(2) = \text{State Match Percentage [see SCC 26C.22.020]}$$

$$A(1) = \text{Student Factor (for each dwelling unit type)}$$

The above calculation shall be made for each of the identified grade levels (e.g. elementary, middle, junior high and/or senior high). The totals shall then be added with the result being the "Total State Match Credit" for purposes of the final school impact fee calculation below.

2. Tax Payment Credit.

$$\frac{[(1 + F(1))^{10}] - 1}{F(1)(1 + F(1))^{10}} \times F(2) \times F(3) = \text{Tax Credit}$$

Where:

$$F(1) = \text{Interest Rate [see SCC 26C.22.020]}$$

$$F(2) = \text{District Property Tax Levy Rate [see SCC 26C.22.020]}$$

$F(3)$ = Average Assessed Value (for each dwelling unit type) [see SCC 26C.22.020]

E. Adjustments Against Cost Calculation--Elective by District. Recognizing that the availability of other sources of public funds varies among districts, each district may provide an additional credit against school impact fees which the district determines will provide the best balance in system improvement funding within the district, between

school impact fees and other sources of local public funds available to the district. This adjustment may reduce, but may not increase, the school impact fee from the amount determined by application of the elements identified above. The adjustment, if any, applied by the district shall be specified within the capital facilities plan adopted by the county.

F. Calculation of Total Impact Fee.

1. The total school impact fee, per dwelling unit, assessed on a development activity shall be the sum of:

Total Site Acquisition Cost Element
Total School Construction Cost Element
Total Relocatable Facilities Cost Element
minus the sum of:

Total State Match Credit
Total Tax Payment Credit
Elective Adjustment by District

expressed in Total Dollars per Dwelling Unit, by Dwelling Unit Type.

2. The total school impact fee obligation for each development activity pursuant to the school impact fee schedule of this ordinance shall be calculated as follows:

Number of Dwelling Units, by Dwelling Unit Type

multiplied by

School Impact Fee for Each Dwelling Unit Type

less

the value of any in-kind contributions proposed by the developer and accepted by the school district, as provided in Chapter 26C.28 SCC.

Section 6. Effective date. This ordinance shall be effective as set forth in Snohomish County Charter Section 2.110. Any school district wishing to modify its capital facilities plan to be consistent with this ordinance shall submit said modification in accordance with chapter 26C.24 SCC.

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Passed this 6th day of December, 1999.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Richard Taylor
Chair

ATTEST

Sheila McCallister
Ass't. Clerk of the Council

- APPROVED
- VETOED
- EMERGENCY

Dated: 12-7-99

Joan M Earl
County Executive
JOAN M. EARL
Deputy Executive

ATTEST: *Conie Merrin*

APPROVED AS TO FORM ONLY:

Deputy Prosecuting Attorney