

**CITY OF SNOHOMISH
ORDINANCE NO. 1855**

AN ORDINANCE OF THE CITY OF SNOHOMISH ENACTING A NEW CHAPTER 14.17 OF THE SNOHOMISH MUNICIPAL CODE RELATING TO SCHOOL IMPACT FEES; PROVIDING FOR THE AMENDMENT OF THE CITY'S COMPREHENSIVE PLAN BY THE ADOPTION OF THE SNOHOMISH SCHOOL DISTRICT'S CAPITAL FACILITIES PLAN AS A SUBELEMENT OF THE CITY'S CAPITAL FACILITIES PLAN; ESTABLISHING SCHOOL IMPACT FEES AS A COMPONENT OF THE CITY'S ANNUAL BUDGETING PROCESS; AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the City of Snohomish adopted a GMA based Comprehensive Plan on April 4, 1995, which was revised on August 15, 1998; and

WHEREAS, it is the intent of this Ordinance to fairly mitigate the impacts of new development on school services; and

WHEREAS, the State of Washington enacted the Growth Management Act in 1990, amending RCW 82.02 to authorize the collection of school impact fees on new development under specified conditions, including the adoption by the City of a GMA Comprehensive Plan, as set forth in RCW 36.70A; and

WHEREAS, the City has received and reviewed the Capital Facility Plan developed by the Snohomish School District for the years 1997 to 2003, in accordance with the requirements of RCW 36.70A and RCW 82.02; and

WHEREAS, the Snohomish School District prepared an environmental checklist and issued a Determination of Nonsignificance on June 30, 1998, relating to the adoption of a Capital Facilities Plan by the Snohomish School District; and

WHEREAS, the Snohomish School District adopted the District's 1997-2003 Capital Facilities Plan, as amended, on July 15, 1998; and

WHEREAS, the Snohomish Planning Commission held public hearings on September 3 and November 5, 1998, to consider the draft ordinance and amendment of the Snohomish Comprehensive Plan Capital Facilities element; and

WHEREAS, the Snohomish City Council held a workshop with Snohomish School District on March 17, 1998, and discussed the proposed mitigation fees on September 16, 1998, and held public hearings on October 6, December 1, and December 15, 1998, to consider the recommendations of the Planning Commission; and

WHEREAS, the Snohomish City Council considered the entire hearing recording, including the written and oral testimony submitted during the Planning Commission hearings, the Planning Commission's recommendation, and the written and oral testimony submitted during the Council hearing; and

WHEREAS, the City and School District have signed, or intend to sign, an interlocal agreement identifying the responsibilities of each party in collecting and accounting for impact

fees, and that the School District will comply with the requirements imposed by RCW 36.70A and RCW 82.02.050; and

WHEREAS, in light of the rapid rate of development in the Snohomish School District and the need to provide school facilities to serve development, as supported by the evidence and testimony during the hearings in this matter, an emergency exists due to the fiscal impacts of delay on the District, and an emergency is declared to exist in order to preserve public health, safety and welfare;

NOW, THEREFORE, be it ordained by the City Council of the City of Snohomish as follows:

SECTION 1. The Snohomish School District Capital Facilities Plan is hereby adopted and incorporated as a subelement of the City of Snohomish Capital Facilities Plan.

SECTION 2. A new chapter is hereby added to the Snohomish Municipal Code, Chapter 14.17, School Impact Fees, requiring mitigation of development impacts for school facilities as follows:

Chapter 14.17

School Impact Fees

Sections:

14.17.010	Purpose of this Chapter
14.17.020	Applicability
14.17.030	Incorporation of School District Capital Facilities Plan as a Subelement of the City Capital Facilities Plan
14.17.040	Establishment of Impact Fees
14.17.050	Exemptions from Mitigation Impact
14.17.060	Definitions
14.17.070	Procedure for Determining Mitigation Impacts
14.17.080	Method for Calculating Impact
14.17.090	School District Impact Area
14.17.100	Comparable In-kind Mitigation Option
14.17.110	Credit for Payment or Obligation Previously Incurred
14.17.120	Time of Performance for Mitigation Impact
14.17.130	Use of Impact Mitigation Funds
14.17.140	Unacceptable Impact Levels
14.17.150	Impact Fee Schedule Exemptions
14.17.160	Impact Fee Limitations
14.17.170	Revision of School District CFP
14.17.180	Annual Report
14.17.190	Appeals
14.17.200	Severability

14.17.010 Purpose of this Chapter. The regulations contained in this chapter are necessary for the protection and preservation of the public health, safety, and general welfare of the citizens of the City of Snohomish. The public school system which serves City residents is

unable to provide the services required to meet the educational needs of the growing community. The purposes of this chapter are (1) to ensure that adequate school facilities are available to serve new growth and development; and, (2) to require that new growth and development pay a proportionate share of the costs of new school facilities needed to serve new growth and development.

14.17.020 Applicability. The terms of this title shall apply to all development for which a complete application for approval submitted on or after the effective date of this chapter.

14.17.030 Incorporation of School District Capital Facilities Plan as a Subelement of the City Capital Facilities Plan. The City Council hereby adopts and incorporates by reference the Capital Facilities Plan of the School District, as part of the Capital Facilities element of the City Comprehensive Plan. The plan shall meet the requirements of the Growth Management Act. This action will also constitute adoption by the City of the schedule of school impact fees specified in such Capital Facilities Plan.

14.17.040 Establishment of Impact Fees. As a condition of approval of all subdivisions in residential developments, as defined herein, or as a condition of issuance of a building permit for existing undeveloped lots, the City will require mitigation of adverse impacts on school services identified during the course of environmental review pursuant to the State Growth Management Act, RCW 36.70A. School impact mitigation shall be based on the Snohomish School District’s Capital Facilities Program as follows:

Development	Per Unit Impact Fee
Detached Single-Family Residence	\$5,208
Attached Single-Family Residence	\$5,208
Single Bedroom Apartments	\$0
Apartments with two or more bedrooms	\$612

14.17.050 Exemptions from Mitigation Impact. Accessory units, as defined in this title, are exempt from the requirements of this chapter.

14.17.060 Definitions.

School District Capital Facilities Plan. Is a plan adopted by the School District Board of Directors consisting of a plan updated biannually for six year development of facilities to provide capacity for new growth. This plan must meet the requirements of RCW 36.70A, RCW 82.02.050, and provisions of this chapter.

Development. Development means all single-family and multifamily residential development, including planned residential developments, binding site plans, mobile home parks, condominiums, mixed commercial/residential development, and all similar residentially developed properties as defined by the City Land Use Development Code.

Development Mitigation Formula Worksheet. The Development Mitigation Formula Worksheet is used by the School District to determine the impact cost of new housing units on the School District, and shall be contained in the School District Capital Facilities Plan.

Permitting Agency. Permitting agency means the City of Snohomish.

Residential Developments. See “Development.”

School Impact Fee. A payment of money imposed upon development as a condition of development approval to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

Subdivision. Subdivision means all residential subdivisions and residential developments other than short plats.

14.17.070 Procedure for Determining Mitigation Impacts. Approval of subdivision or residential developments by the City of Snohomish shall be contingent upon the project’s proponents documenting to the satisfaction of the City that the projects adverse impacts on existing primary and secondary public educational improvements identified by this chapter and the School District’s Capital Facilities Program. Documentation shall consist of a letter from the Snohomish School District stating that monetary, land, or comparable in-kind mitigation which meets the requirements of this chapter have been made by the project proponent.

14.17.080 Method for Calculating Impact. The method and formula for determining any required school impact mitigation shall be established by the Snohomish School District. The methodology shall be in conformance with the mitigation established by the Snohomish School District in its Capital Facilities Plan and in conformance with the requirements of RCW 82.02. Provided, however, from any final fee calculated pursuant to the School District’s Capital Facilities Plan, there shall be a reduction of said fee by ten percent (10%). Said ten percent reduction shall be for the purpose of providing a margin of safety in the application of the methodology or formula utilized for calculation of the impact fee.

14.17.090 School District Impact Area. The service area for which a subdivision or residential development shall be considered to have impacted, shall be the entire Snohomish School District. The District encompasses a geographic area in excess of that of the City of Snohomish; therefore, impact fees cannot be directly attributable to a specific geographic area at all times. This is particularly true for junior and senior high schools.

The School District shall, however, attempt to designate impact mitigation for elementary schools, as much as possible, to the general geographic area in which the subdivision or residential development is located, especially in such cases where the school population for the subdivision or residential development is within what is considered normal walking distances between home and an elementary school or school site.

14.17.100 Comparable In-kind Mitigation Option. The Snohomish School District and the proponent of the project may consider in-kind options to satisfy the mitigation obligation. Land dedication, site preparation, provision of portable units, 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 School District, so long as the mitigation is found by the School District to be equal to the impact fees otherwise due under this chapter.

14.17.110 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 or any impact element exceeds the dollar amount required for mitigation for that element, the project proponent shall be reimbursed from impact mitigation monies collected for the same or similar mitigation for subsequent projects. Any process or schedule for reimbursement shall be negotiated between the project proponent and the School District, a copy of which will be forwarded to the City of Snohomish to be included in the file for the project, prior to final development approval.

14.17.120 Time of Performance for Mitigation Impact. Payment of any required school impact fees or in-kind contribution shall be made prior to the issuance of a building permit. A project proponent may elect to pay before the final plat is approved for the lots within a subdivision or residential development. Such election to pay shall be noted by a covenant placed on the deed for each affected lot within the subdivision or residential development.

When a subdivision or residential development is conditioned upon the performance of a comparable in-kind mitigation, a final plat shall not be recorded, and no building permit for any individual lot shall be issued until the School District indicates in writing to the City that such in-kind mitigation has been satisfactorily completed.

14.17.130 Use of Impact Mitigation Funds. The Snohomish School District shall use mitigation impact funds received under this chapter to meet its Capital Facilities Plan, so long as said mitigation funds received are used in the same manner as mitigation funds received from subdivisions and residential developments from outside of the City limits of the City of Snohomish; and further provided the use of said mitigation funds results in improvements to district-wide student housing.

14.17.140 Unacceptable Impact Levels.

- A. The City shall review development proposals and development activity permits pursuant to all applicable state and local laws and regulations, including the State Environmental Policy Act (Chapter 43.21C RCW), the State Subdivision Law (Chapter 58.17 RCW), and the applicable sections of the Snohomish Municipal Code. Following such review, the City may condition or deny development approval as necessary or appropriate to mitigate or avoid significant adverse impacts to school facilities, to assure that appropriate

provisions are made for schools, school grounds, and safe student walking conditions, and to ensure that development is compatible and consistent with each district's services, facilities and capital facilities plan.

- B. Impact fees required by this chapter for development activity, together with compliance with development regulations and other mitigation measures offered or imposed at the time of development review and development activity review, shall constitute adequate mitigation for all of a development's specific adverse environmental impacts on the school system for the purposes of Chapter 16.12, SMC. Nothing in this chapter prevents a determination of significance from being issued, the application of new or different development regulations, and/or requirements for additional environmental analysis, protection and mitigation measures to the extent required by applicable law.

14.17.150 Impact Fee Schedule Exemptions. The Council may, on a case-by-case basis, grant exemptions to the application of the fee schedule for low-income or senior housing that achieves broad public purposes as defined in Chapter 14.01.020 SCC, and authorized by and in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer of such housing shall submit a petition to the Director for consideration by the Council prior to application for building permit. Conditions for such approvals shall be established by the Council at the time of approval that, at a minimum, meet the requirements of RCW 82.02.060(2), and which shall also include a requirement for a covenant to assure the project's continued use for low-income or senior housing. The covenant entered into by and between the developer and the City shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of the City of Snohomish. The covenant shall be reviewed and approved as to form by the City Attorney.

14.17.160 Impact Fee Limitations.

- A. School impact fees shall be imposed for District capital facilities that are reasonably related to the development under consideration, shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the development, and shall be used for system improvements that will reasonably benefit the new development.
- B. School impact fees must be expended or encumbered for a permissible use within six years of receipt by the District.
- C. To the extent permitted by law, school impact fees may be collected for capital facilities costs previously incurred to the extent that new growth and development will be served by the previously constructed capital facilities, provided that school impact fees shall not be imposed to make up for any existing system deficiencies.
- D. A developer required to pay a fee pursuant to RCW 43.21C.060 for capital facilities shall not be required to pay a school impact fee pursuant to RCW 82.02.050 - .090 and this title for the same capital facilities.

14.17.170 Revision of School District CFP. The Snohomish School District must review and update its CFP biannually in order for this ordinance to remain in effect. The CFP must be submitted in reasonable time for City review in advance of the expiration of the current

CFP. The City will accept the updated CFP by adopting the Snohomish School District CFP as part of the City CFP in the City Comprehensive Plan and annual budget.

14.17.180 Annual Report. The Snohomish School District submit must to the City annually a report in accordance with the requirements of RCW 82.02.070 showing the system improvements that were financed in whole or in part by impact fees and the amount of funds collected, expended and held for future improvements. The annual report shall be sent to the City on or before April 1 of each year for the preceding calendar year.

14.17.190 Appeals. Appeals of mitigation requirements imposed pursuant to this title shall be as provided in Chapter 14.10 of the Snohomish Municipal Code.

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

SECTION 3. Emergency. In light of the rapid rate of development in the Snohomish School District and the need to provide school facilities to serve development, an emergency is hereby declared to exist due to the fiscal impacts of delay on the District and in order to preserve the public health, safety and welfare.

SECTION 4. The adoption of the schedule of school impact fees as stated herein shall be a component of the City's annual budget process. Additionally, the School District's Capital Facilities Plan and any proposal for revision to the schedule of school impact fees as provided in this ordinance shall be reviewed in conjunction with the City's annual budget process.

SECTION 5. Effective Date. This ordinance shall be effective five days following adoption and publication. Provided, however, the schedule of school impact fees adopted herein shall not be effective until the approval and incorporation by reference of the School District's Capital Facilities Plan as a subelement of the City's Capital Facilities Plan. The schedule of school impact fees adopted herein shall also not be effective until approval by the City and the School District of an interlocal agreement for the collection, distribution and expenditure of school impact fees.

PASSED by the City Council and APPROVED by the Mayor this 15th day of December 1998.

CITY OF SNOHOMISH

By _____
Jeff Soth, Mayor

ATTEST:

By _____
Molly Linville, City Clerk

APPROVED AS TO FORM:

By _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____