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2 Effective: \_\_\_\_\_  
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7 SNOHOMISH COUNTY COUNCIL  
8 Snohomish County, Washington  
9

10 ORDINANCE NO. 25-017

11  
12 RELATING TO GROWTH MANAGEMENT; CONCERNING SCHOOL IMPACT FEES;  
13 AMENDING CHAPTER 30.66C OF THE SNOHOMISH COUNTY CODE  
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(5)(a), 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, the County’s school impact fee program is contained in Chapter  
26 30.66C of the Snohomish County Code (SCC); and  
27

28 WHEREAS, pursuant to Chapter 30.66C SCC, school districts must biennially  
29 submit updated capital facilities plans (CFPs) to the County for adoption and  
30 incorporation into the GMACP to participate in the school impact fee program; and  
31

32 WHEREAS, the participating school districts CFPs guide each school district’s  
33 capital facilities planning, and the financing of those facilities, for two years following  
34 adoption by the school district and incorporation into the GMACP; and  
35

36 WHEREAS, the participating school districts use these CFPs to calculate impact  
37 fees for the two-year planning period; and  
38

39 WHEREAS, the Snohomish County Council (“County Council”) most recently  
40 adopted the eleven participating school districts’ CFPs on November 25, 2024, via  
41 Amended Ordinance No. 24-082; and  
42

43 WHEREAS, those CFPs are effective until December 31, 2026; and

1  
2 WHEREAS, consistent with the participating school districts impact fees  
3 calculated in the adopted CFPs, Amended Ordinance 24-082 amended the school  
4 impact fee table in SCC 30.66C.100: and

5  
6 WHEREAS, the impact fee table found in SCC 30.66C.100 is effective from  
7 January 1, 2025 to December 31, 2026 to correspond with the planning horizon found in  
8 each of the participating school districts' CFP; and

9  
10 WHEREAS, during its 2023 session, the Washington State Legislature adopted  
11 Engrossed Second Substitute Senate Bill 5258, which amended RCW 82.02.060 to  
12 require proportionally lower impact fees for smaller housing units, and requires  
13 jurisdictions to adopt and make effective implementing regulations six months after the  
14 next required comprehensive plan update required by the GMA; and

15  
16 WHEREAS, that law related to increasing the supply and affordability of  
17 condominium units and townhomes as an option for homeownership; and

18  
19 WHEREAS, the County's school impact fee program currently distinguishes  
20 several types of housing units including: single family residences, one-bedroom  
21 multifamily units, two or more bedroom multifamily units, and duplex and townhome  
22 units; and

23  
24 WHEREAS, under SCC 30.28.010, accessory dwelling units are considered  
25 subordinate to a single family dwelling; and

26  
27 WHEREAS, the County Council updated its GMACP as mandated by the GMA  
28 on December 4, 2024; and

29  
30 WHEREAS, the participating school districts' next adoption of their CFPs shall  
31 include analysis of a greater number of dwelling types when calculating future impact  
32 fees; and

33  
34 WHEREAS, SCC 30.66C.100 currently distinguishes between dwelling unit types  
35 when determining the amount of the school impact fee required for a new development;  
36 and

37  
38 WHEREAS, SCC 30.66C.040 and SCC 30.66C.100 are each being amended to  
39 identify additional dwelling unit types which future participating districts' CFPs must  
40 analyze when calculating expected student generation rates and corresponding impact  
41 fees; and

1 WHEREAS, the State Environmental Policy Act (SEPA), Chapter 43.21C RCW,  
2 requirements have been satisfied with a SEPA checklist and a determination of  
3 nonsignificance (DNS) issued on January 14, 2025; and  
4

5 WHEREAS, the Snohomish County Planning Commission (“the Planning  
6 Commission”) held a public hearing on January 28, 2025, on the amendments to  
7 Chapter 30.66C SCC proposed by this ordinance; and  
8

9 WHEREAS, at the conclusion of the public hearing, the Planning Commission  
10 voted to recommend approval of the proposed amendments; and  
11

12 WHEREAS, on \_\_\_\_\_, 2025, the County Council held a public hearing  
13 after proper notice, received public testimony related to this Ordinance No. 25-\_\_\_\_,  
14 and considered the entire record, including the Planning Commission’s  
15 recommendations; and  
16

17 WHEREAS, following the public hearing on \_\_\_\_\_, 2025, the County  
18 Council deliberated on this Ordinance No. 25-\_\_\_\_; and  
19

20 WHEREAS, the County Council considered the entire hearing record, including  
21 the Planning Commission’s recommendation and written and oral testimony submitted  
22 during the public hearings;  
23

24 NOW, THEREFORE, BE IT ORDAINED:  
25

26 Section 1. The County Council adopts the following findings in support of this  
27 ordinance.  
28

- 29 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
30
- 31 B. This ordinance will amend regulations related to school impact fees in Chapter  
32 30.66C SCC. The amendments to SCC 30.66C.040 will ensure that participating  
33 school districts’ future updates of their capital facilities plans include data for student  
34 generation rates for smaller residential units. This will implement ESSSB 5258’s  
35 requirements codified in RCW 82.02.060 and be consistent with the updated school  
36 impact fee table in SCC 30.66C.100.  
37
- 38 C. The code amendments proposed by this ordinance to Chapter 30.66C SCC comply  
39 with and implement the below listed GMA planning goals:  
40
- 41 1. RCW 36.70A.020(1) Urban growth. Encourage development in urban  
42 areas where adequate public facilities and services exist or can be  
43 provided in an efficient manner.

1 The proposed amendments require analysis of smaller residential units for  
2 student generation rate data in school district CFPs, which are the basis  
3 for the County’s school impact fee calculation. The amendments also add  
4 additional types of smaller residential units to the dwelling type headings  
5 in the school impact fee table. The proposed amendments support this  
6 GMA planning goal by ensuring impact fees can be collected from smaller  
7 units to support school district capital projects for the delivery of services  
8 associated with urban growth.  
9

- 10 2. RCW 36.70A.020(4) Housing. Plan for and accommodate housing  
11 affordable to all economic segments of the population of this state,  
12 promote a variety of residential densities and housing types, and  
13 encourage preservation of existing housing stock.

14 The proposed amendments will provide for a proportionally lower school  
15 impact fees from additional smaller residential unit types, thereby helping  
16 to lower the costs of housing production for smaller units.  
17

- 18 3. RCW 36.70A.020(12) Public facilities and services. Ensure that those  
19 public facilities and services necessary to support development shall be  
20 adequate to serve the development at the time the development is  
21 available for occupancy and use without decreasing current service levels  
22 below locally established minimum standards.

23 The proposed amendments support the County’s school impact fee  
24 program that helps ensure that public facilities and services such as public  
25 schools are available to serve the growth.  
26

27 D. The code amendments to Chapter 30.66 SCC comply with and implement the below  
28 listed goals, objectives, and policies contained in the GMACP, Countywide Planning  
29 Policies (CPPs), and Multicounty Planning Policies (MPPs) of Vision 2050.

- 30 1. GMACP Capital Facilities and Utilities (CUE) Policy 1.A.6, “The County  
31 shall coordinate with providers of utilities, public facilities, and public  
32 services to ensure the extension of facilities and services are in a manner  
33 that is consistent with the Land Use element.”  
34  
35 2. GMACP CUE Policy 10.A.1, “The County shall review school district  
36 capital facility plans and include subsequent periodic updates to determine  
37 whether they meet the criteria contained in Appendix F of the County’s  
38 comprehensive plan. Those district plans which meet the criteria as  
39 determined by the Planning and Development Services Director will  
40 become a part of the County comprehensive plan – subject to Council  
41 review.”  
42

- 1 3. GMACP CUE Policy 10.A.4, “The County shall monitor and adjust, when  
2 appropriate, its school impact fee programs as authorized under the GMA  
3 to help fund the cost of school expansions required to serve new  
4 development. County acceptance of a district plan which proposes the use  
5 of impact fees may not by itself constitute complete approval of the  
6 proposed impact fees. Approval of impact fees must be secured in  
7 accordance with the provisions of the Snohomish County Code and state  
8 statutes in [effect] at the time.”  
9
- 10 4. CPP Public Services and Facilities (PS) Policy – 21, “The County and  
11 cities should work collaboratively with school districts to plan for the siting  
12 and improvement of school facilities to meet the current and future  
13 community needs. Considerations should include recent growth, 6-year  
14 projections of population and student enrollment growth, adopted  
15 comprehensive plans including capital facilities plans, and the growth  
16 targets in Appendix B.”  
17
- 18 5. MPP Public Services (PS) Policy – 26 “Work cooperatively with school  
19 districts to plan for school facilities to meet the existing and future  
20 community needs consistent with adopted comprehensive plans and  
21 growth forecasts, including siting and designing schools to support safe,  
22 walkable access and best serve their communities.”  
23

24 E. Procedural requirements.

- 25
- 26 1. The proposal is a Type 3 legislative action under SCC 30.73.010 and  
27 30.73.020  
28
- 29 2. As required by RCW 30.70A.106(1), a 60-day notice of intent to adopt the  
30 proposed code amendments was transmitted to the Washington State  
31 Department of Commerce for distribution to state agencies on January 14,  
32 2025.  
33
- 34 3. State Environmental Policy Act (SEPA), Chapter 43.21C RCW,  
35 requirements with respect to this non-project action have been satisfied  
36 through the completion of an environmental checklist and the issuance of  
37 a determination of non-significance on January 14, 2025.  
38
- 39 4. The public participation process used in the adoption of the proposed  
40 code amendments has complied with all applicable requirements of the  
41 GMA and SCC.  
42

1 5. As required by RCW 30.70A.370, the Washington State Attorney General  
2 last issued an advisory memorandum in October 2024 entitled “Advisory  
3 Memorandum and Recommended Process for Evaluating Proposed  
4 Regulatory or Administrative Actions to Avoid Unconstitutional Takings of  
5 Private Property” to help local governments avoid unconstitutional takings  
6 of private property. The process outlined in the State Attorney General’s  
7 2024 advisory memorandum was used by the County in objectively  
8 evaluating the regulatory changes proposed by this ordinance.  
9

10 F. The ordinance is consistent with the record:  
11

- 12 1. Amendments to SCC 30.66C.040 will require school district CFPs to  
13 include data for small residential units to inform student generation rates  
14 and proposed impact fees beginning with the 2026 update of their CFPs.  
15
- 16 2. Amendments to SCC 30.66C.100 add additional smaller residential unit  
17 types that participating school districts must analyze when preparing  
18 CFPs, consistent with the requirements of RCW 82.02.060.  
19
- 20 3. Amendments to SCC 30.66C.110 add accessory dwelling units as an  
21 exemption from assessment of school impact fees.  
22
- 23 4. This ordinance will be adopted within six months of the County’s adoption  
24 of its 2024 update of its comprehensive plan required under RCW  
25 36.70A.130.  
26
- 27 5. The amendments to SCC 30.66C.100 will align with the next biennial  
28 update of participating school district CFPs.  
29
- 30 6. Beginning with the update of participating school districts’ CFPs in 2026,  
31 separate fees shall be calculated for the following dwelling unit types:  
32 single-family - two bedrooms or less; single family - three bedrooms or  
33 more; duplexes and townhomes - two bedrooms or less; duplexes and  
34 townhomes - three bedrooms or more; multi-family - one bedroom or less;  
35 and multi-family - two bedrooms or more.  
36
- 37 7. Separate student generation rates shall be determined by each  
38 participating school district for each type of dwelling unit.  
39

40 G. The proposed code amendments are consistent with the record as set forth in the  
41 PDS Staff Report dated November 13, 2024.  
42

43 Section 2. The County Council makes the following conclusions:

- 1  
2 A. The amendments proposed by this ordinance comply with the GMA.  
3  
4 B. The amendments proposed by this ordinance comply with the GMACP.  
5  
6 C. The County has complied with all SEPA requirements with respect to this non-  
7 project action.  
8  
9 D. The amendments proposed by this ordinance do not result in an unconstitutional  
10 taking of private property for a public purpose.  
11  
12 E. The public participation process used in the adoption of this ordinance complies with  
13 all applicable requirements of the GMA and Chapter 30.73 SCC.  
14  
15 F. The Planning Commission reviewed the proposed code amendments at a public  
16 hearing on January 28, 2025.  
17  
18 G. The County Council conducted a public hearing on \_\_\_\_\_, 2025, on this  
19 Ordinance No. 25-\_\_\_\_\_.  
20

21 Section 3. Snohomish County Code Section 30.66C.040, added by Ordinance  
22 No. 02-064 on, December 9, 2002, is hereby amended to read:  
23

24 **30.66C.040 Minimum requirements for district capital facilities plans.**

25 To be eligible for school impact fees, districts must submit capital facilities plans to  
26 the county pursuant to the procedure established by this chapter. District capital  
27 facilities plans submitted after January 1, 2025, shall contain data and analysis  
28 necessary and sufficient to meet the requirements of the GMA and Appendix F of  
29 the comprehensive plan including expected student generation rates from the  
30 following residential unit types:

- 31 1. single-family - two bedrooms or less;  
32 2. single family - three bedrooms or more;  
33 3. duplexes and townhomes - two bedrooms or less;  
34 4. duplexes and townhomes - three bedrooms or more;  
35 5. multi-family - one bedroom or less; and  
36 6. multi-family - two bedrooms or more.  
37

38 The plans must provide sufficient detail to allow computation of school impact fees  
39 according to the formula contained in SCC 30.66C.045. Additional elements may be  
40 contained within a school district capital facilities plan, provided that any such  
41 additional elements are consistent with those mandatory elements outlined in  
42 Appendix F.

1 Section 4. Snohomish County Code Section 30.66C.100, last amended by  
2 Amended Ordinance No. 24-082 on, November 25, 2024, is hereby amended to read:  
3

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

7 (2) The fees listed in Table 30.66C.100(1) represent one-half of the amount calculated  
8 by each school district in its respective capital facilities plan in accordance with the  
9 formula identified in SCC 30.66C.045.

10 (3) The payment of school impact fees will be required prior to issuance of building  
11 permits, except as provided in SCC 30.66C.200(2). The amount of the fee due shall be  
12 based on the fee schedule in effect at the time of filing a complete application for  
13 development. For building permit applications received by the department more than  
14 five years after the filing of a complete application for development, the amount of the  
15 fee due shall be based on the fee schedule in effect at the time of building permit  
16 application.

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

20 (5) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county  
21 development regulations from January 1, 2025, to December 31, 2026.

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

26 (7) After January 1, 2025, to produce a proportionally lower impact fee for smaller  
27 housing units and further implement the requirements of RCW 82.02.060, all new or  
28 updated capital facilities plans shall calculate separate impact fees for the following  
29 dwelling types: single family two bedrooms or less; single family three bedrooms or  
30 more; duplex and townhome two bedrooms or less; duplex and townhome three  
31 bedrooms or more; multi-family one bedroom or less; multi-family two bedrooms or  
32 more as required by Table 30.66C.100(1)(a).  
33  
34



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2

**Table 30.66C.100(1) School Impact Mitigation Fees Until December 31, 2026**

<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 per dwelling unit</b>
Arlington No. 16	\$544	\$0	\$0	\$441
Edmonds No. 15	\$0	\$0	\$0	\$0
Everett No. 2	\$12,556	\$0	\$4,257	\$4,257
Granite Falls No.	\$6,368	\$0	\$3,160	\$3,160
Lake Stevens No. 4	\$13,730	\$0	\$741	\$2,627
Lakewood No. 306	\$0	\$0	\$0	\$0
Monroe No. 103	\$0	\$0	\$0	\$0
Mukilteo No. 6	\$0	\$1,148	\$2,985	\$0
Northshore No. 417	\$15,159	\$0	\$254	\$5,414
Snohomish No. 201	\$5,361	\$0	\$1,357	\$5,462
Sultan No. 311	\$14,002	\$0	\$7,161	\$7,161

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**Table 30.66C.100(1)(a) School Impact Mitigation Fees Adopted After January 1, 2025**

<u>SCHOOL DISTRICT</u>	<u>SINGLE FAMILY, 2 BEDROOMS OR LESS PER DWELLING UNIT</u>	<u>SINGLE FAMILY, 3 BEDROOMS OR MORE PER DWELLING UNIT</u>	<u>DUPLEXES, AND TOWNHOMES 2 BEDROOMS OR LESS PER DWELLING UNIT</u>	<u>DUPLEXES, AND TOWNHOMES 3 BEDROOMS OR MORE PER DWELLING UNIT</u>	<u>MULTI-FAMILY 1 BEDROOM OR LESS PER DWELLING UNIT</u>	<u>MULTI-FAMILY 2 BEDROOMS OR MORE PER DWELLING UNIT</u>
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Section 5. Snohomish County Code Section 30.66C.110, last amended by Amended Ordinance No. 15-005 on, March 18, 2015, is hereby amended to read:

**30.66C.110 Impact fee schedule - exemptions.**

(1) The council may, on a case-by-case basis, grant exemptions to the application of the fee schedule for low-income housing as defined in SCC 30.91H.220 and in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer shall submit a petition to the director for consideration by the council prior to application for building permit. Conditions for such approvals shall meet the requirements of RCW 82.02.060(2) and include a requirement for a covenant to assure the project’s continued use for low-income housing. The covenant shall be an obligation that runs with the land upon which the housing is located, and shall be recorded against the title of the real property.

(2) Accessory dwelling units. Both detached and attached accessory dwelling units are exempt from school impact fees established in SCC 30.66C.100.

Section 6. The County Council bases its findings and conclusions on the entire record of the County Council, including all testimony and exhibits. Any findings, which should be deemed a conclusion, and any conclusion, which should be deemed a finding, are hereby adopted as such.

Section 7. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (“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, if any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional 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.

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PASSED this \_\_\_\_ day of \_\_\_\_\_, 2025.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Clerk of the Council

- ( ) APPROVED
- ( ) VETOED
- ( ) EMERGENCY

DATE: \_\_\_\_\_, 2025

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

ATTEST:

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

 2/25/25  
\_\_\_\_\_  
Deputy Prosecuting Attorney