

Index of Records					
School Impact Fees Ordinance 25-017 (ECAF 2025-0835)					
Hearing Date: Wednesday, April 30, 2025 @ 10:30 a.m.					
Council Staff: Ryan Hembree PDS Staff: Eileen Canola DPA: Justin Kasting					
Click on exhibit number to view document					
EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
2.0 Planning Commission					
2.0003	Staff Report	11/13/24	Eileen Canola, PDS Staff	Briefing to Planning Commission: School Impact Fees for Smaller Housing Units	6
2.0015	Letter	01/29/25	Planning Commission	Planning Commission Recommendation	2
3.1 ECAF and Materials					
3.1.001	ECAF	03/06/25	Executive/PDS	Transmitting Executive initiated Ordinance	2
3.1.002	Ordinance	03/06/25	Executive/PDS	Introduced Ordinance	11
3.1.003	Introduction	03/06/25	Councilmember Nate Nehring	Introduction Slip	1
3.2 Council Planning Committee Materials					
3.2.001	Staff Report	04/01/25	Ryan Hembree, Council Staff	Council Staff Report	1
3.2.002	Minutes	04/01/25	Council Staff	Link to Minutes and Video of Planning and Community Development Meeting April 1, 2025	1
3.2.003	PowerPoint	04/01/25	PDS Staff	Informational PowerPoint	18 slides
3.3 Correspondence, Comments, Testimony					
3.4 Staff Reports and Submissions					
3.5 Public Participation					
3.6 Council Deliberations					
3.6.001	Amendment	03/21/25	Executive/PDS	Proposed Amendment Sheet 1	1

Index of Records					
Project Name		School Impact Fees for Smaller Housing Units			
Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
1.0001	Staff Research	5/30/2023	Washington State Legislature	5258-S2.SL	24
1.0002	Staff Research	8/20/2024	Shanan Bird	Breakdown number of BR SF	6
1.0003	Staff Research	12/18/2024	Snohomish County	Chapter 30.66C Snohomish County Code	21
1.0004	Staff Research	1/19/2025	Snohomish County	Updated Chapter 30.66C Snohomish County Code	21
1.0005	Staff Research	6/25/2024	Everett School District	Everett SD DRAFT Capital Facilities Plan -2024-2029	57
1.0006	Staff Research	8/8/2024	Denise Stiffarm	King County Draft Amendments - School Impact Schedule	14
1.0007	Staff Research	1/29/2025	PDS	PUMS extract_HU by Year Built_Type_Bedrooms_for SnohCo_ACS_2023_1Yr	1
1.0008	Staff Research	10/3/2024	PDS	Tracking Number of BRs in Permitting Process	3
1.0009	Staff Research	10/28/2024	PDS	Tracking Number of BRs in Permitting Process	3
1.0010	Staff Research	1/17/2025	PDS	Use of Deferral for Impact Fees -PDS	3
1.0011	Staff Research	1/29/2025	Washington State Dept of Commerce	Washington State Impact Fee & SDC Guidebook Outline 1.17.2025 Final	12
1.0012	Staff Research	1/10/2025	Washington State Dept of Commerce	Washington State Impact Fee & SDC Guidebook Transmittal Memo 1.10.25	2
1.0013	Staff Research	4/10/2006	City of Seattle	White Paper Townhome - Seattle	9
1.0014	Staff Research	6/22/1999	PDS	1999 School Impact Fee Review Committee Report and Attachments	156
1.0015	SEPA Documents	1/14/2025	Everett Daily Herald	DNS Affidavit - school impact fees for smaller housing units	3
1.0016	SEPA Documents	1/14/2025	PDS	DNS postcard notice - school impact fees for smaller housing units	1
1.0017	SEPA Documents	1/14/2025	PDS	DNS with Signature Block - school impact fees for smaller housing units - signed	3
1.0018	SEPA Documents	1/14/2025	PDS	Environmental Checklist - school impact fees for smaller housing units - signed	21
1.0019	Public Outreach	12/18/2024	PDS	PDS to Denise Stiffarm - Bedroom Breakdown - Census Data	5
1.0020	Public Outreach	12/30/2024	PDS	PDS to Everett-sending draft amendments	5
1.0021	Public Outreach	12/18/2024	PDS	PDS to School District Consultant-Data	5
1.0022	Public Outreach	10/10/2024	PDS	PDS to School Districts-MBA-Draft Amendments-early review	5
1.0023	Public Outreach	1/14/2025	PDS	PDS to SCT-PAC-Draft Amendments	2
1.0024	Public Outreach	1/29/2025	PDS	PDS Webpage - Code Projects in Process	7
1.0025	Public Comment	11/1/2024	Denise Stiffarm	Denise Stiffarm comments on Proposed Amendments	8
1.0026	Public Comment	10/17/2024	MBA	MBA-No Comments on Proposed Amendments-10-17-24	5
1.0027	Project Administration	1/14/2025	Commerce	Commerce-Ack-Letter-2025-S-8002	1

Index of Records					
Project Name		School Impact Fees for Smaller Housing Units			
Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
1.0028	Project Administration	9/24/2024	PDS	PDS Comments on Ordinance-Impact Fees for Smaller Units	12
1.0029	Project Administration	9/24/2024	PDS	PDS internal edits on proposed amendments	10
1.0030	Public Comment	2/20/2025	Commerce	Comments on draft amendments	2
*Contact the Clerk of the Council for copies of part 1 Exhibits - 425-388-3494 or contact.council@snoco.org					

Index of Records					
Project Name		School Impact Fees for Smaller Housing Units			
Part 2 - PLANNING COMMISSION					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
2.0001	Public Outreach	12/3/2024	Planning Commission	Planning Commission Agenda (Briefing)	3
2.0002	Public Outreach	12/24/2024	The Herald	Affidavit of Agenda publication in The Herald (Briefing)	3
2.0003	Legislative Documents	12/3/2024	PDS Staff	Staff Report (Briefing)	6
2.0004	Public Outreach	12/31/2024	PDS Staff	Presentation (Briefing)	17
2.0005	Public Outreach	1/28/2025	Planning Commission	Planning Commission Written Meeting Minutes (Briefing)	4
2.0006	Public Outreach	12/19/2024	Planning Commission	Planning Commission Recording of Meeting (Briefing)	NA
2.0007	Public Comment	12/18/2024	PDS Staff	FW_ 5258 and School Impact Fees	2
2.0008	Public Comment	12/18/2024	PDS Staff	5258 and School Impact Fees Follow Up	1
2.0009	Public Comment	12/18/2024	PDS Staff	PUMS extract_HU by Year Built_Type_Bedrooms_for SnohCo_ACS_2023_1Yr	20
2.0010	Public Outreach	1/14/2025	Planning Commission	Planning Commission Agenda (Hearing)	3
2.0011	Public Outreach	2/27/2025	The Herald	Affidavit of Agenda publication in The Herald (Hearing)	3
2.0012	Public Outreach	1/29/2025	PDS Staff	Presentation (Hearing)	21
2.0013	Public Outreach	2/25/2025	Planning Commission	Planning Commission Written Meeting Minutes (Hearing)	5
2.0014	Public Outreach	1/28/2025	Planning Commission	Planning Commission Meeting Recording (Hearing)	NA
2.0015	Public Outreach	2/4/2025	Planning Commission	Recommendation Letter to County Council	2
2.0016	Public Comment	1/16/2025	Campbell,Tom	Campbell, Tom_Impact Fee Information and Questions	1
2.0017	Public Comment	1/21/2025	PDS Staff	Additional Impact Fee Information	1
2.0018	Public Comment	1/29/2025	PDS Staff	Coordination with Permitting on Language Change	2
2.0019	Public Comment	1/16/2025	PDS Staff	FW_ Impact Fee Information and Questions	2
*Contact the Clerk of the Council for copies of part 2 Exhibits - 425-388-3494 or contact.council@snoco.org					



Snohomish County

Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

MEMORANDUM

TO: Snohomish County Planning Commission

Dave Somers
County Executive

FROM: Eileen Canola, Senior Planner
Planning and Development Services

SUBJECT: School Impact Fees for Smaller Housing Units

DATE: November 13, 2024

INTRODUCTION

This staff report provides the Planning Commission with information and proposed amendments that respond to changes in state law (RCW 82.02.060) regarding assessing a proportionate share of school impact fees for smaller residential units. The proposal consists of amendments to Chapter 30.66C of the Snohomish County Code (SCC), *School Mitigation Impact Fee Program*.

BACKGROUND

Impact fees help fund public infrastructure to serve new growth by collecting a proportionate share of fees from new residential projects such as single-family homes, multifamily projects, townhomes, and duplexes. Chapter 82.02 of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) 365-196-850 outline the requirements and limitations for impact fee programs.

Engrossed Second Substitute Senate Bill (E2SSB) 5258, relating to increasing the supply and affordability of condominium units and townhouses as an option for homeownership, took effect on July 23, 2023, and resulted in amendments to the RCW 82.02.060, *Impact fees—Local ordinances—Required provisions—Exemptions*. Specifically, E2SSB 5258 amended RCW 82.02.060 by adding language to subsection (1) and adding a new subsection (10):

- RCW 82.02.060(1): Added the following language: “The schedule shall reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units.”
- RCW 82.02.060(10) was added: “(10) Must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.”

EXISTING SCHOOL IMPACT FEE REGULATIONS

Chapter 30.66C SCC - School Mitigation Impact Fee Program

As authorized by the state Growth Management Act (GMA), and consistent with Chapter 82.02 RCW, Snohomish County maintains a school impact fee program that is contained in Chapter 30.66C SCC. To participate in the County's school impact fee program, school districts must submit a capital facilities plan (CFP), on a biennial basis, for County review and approval that meets the requirements of Chapter 30.66C SCC, and is consistent with state law, Chapter 82.02 RCW. Chapter 30.66C SCC references Appendix F of the County's Growth Management Act Comprehensive Plan (GMACP) which is a checklist for school district CFPs.

The *existing* school impact fee schedule in SCC 30.66C.100(Table 1) only provides a smaller housing unit category for multifamily developments. The existing bedroom counts for multifamily developments are separated into 1-bedroom and 2 or more bedrooms as shown in the table below.

Table 30.66C.100(1) School Impact Mitigation Fees

SCHOOL DISTRICT	SINGLE FAMILY per dwelling unit	MULTI-FAMILY 1-BEDROOM per dwelling unit	MULTI-FAMILY 2+ BEDROOMS per dwelling unit	DUPLEXES AND TOWNHOMES per dwelling unit

PROPOSED CODE AMENDMENTS

To respond to the requirements of RCW 82.02.060, proposed code amendments in Chapter 30.66C SCC will add smaller and larger bedroom counts for the Single Family and Duplex and Townhomes dwelling types. Amendments would also affect the Multifamily category by changing the smaller bedroom count to 1 bedroom or less. The following is an overview of the proposed amendments. Attachment A includes the full text of amendments to Snohomish County Code that are included in this proposal:

- Amend SCC 30.66C.040, "Minimum requirements for district capital facilities plans" to ensure support data and information, such as student generation rates, for the development of school impact fees and the school districts' capital facilities plans reflect the dwelling types and number of bedrooms in Table 30.66C.100(1) "School Impact Mitigation Fees."
- Amend SCC 30.66C.100 to add a new heading Table 30.66C.100(1a) to be effective on January 1, 2027, to include smaller and larger residential units for each dwelling type (Single Family, Multifamily, and Townhouse/Duplex). The Multifamily dwelling unit category of one bedroom was changed to one bedroom or less. The rationale for the January 1, 2027, effective date is because the school districts are on a biennial schedule to update their CFPs and these CFPs contain their

proposed impact fees to update the school impact fee table in SCC 30.66C.100. The most recent updates of school district CFPs and the impact fee table is underway in November 2024 along with the County's budget. Therefore, the next opportunity for these amendments to be used would be during the 2026 update to school districts CFPs and school impact fee table, which would then be in effect on January 1, 2027.

REVIEW OF DRAFT AMENDMENTS BY KEY INTERESTED PARTIES

An early version of the draft amendments was sent to the school districts serving unincorporated Snohomish County and the Master Builders Association (MBA).

STATE ENVIRONMENTAL POLICY ACT (SEPA) ACTION

All SEPA requirements with respect to this non-project action will be satisfied through the issuance of a SEPA Checklist prior to the Planning Commission's public hearing on the proposal.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a 60-day notice of intent to adopt the proposed GMACP and SCC amendments will be transmitted to the Washington State Department of Commerce for distribution to state agencies.

PLANNING AND DEVELOPMENT SERVICES RECOMMENDATION

Staff recommends holding a public hearing on this proposal.

Cc:

Ken Klein, Executive Director, Snohomish County Executive's Office
Mike McCrary, Director, Planning and Development Services
David Killingstad, Manager, Planning and Development Services
Ryan Countryman, Senior Legislative Analyst, Snohomish County Council

Enclosed:

Attachment A: Summary of Proposed Code Amendments

ATTACHMENT A
Summary of Proposed Code Amendments

The following table outlines the specific changes to Snohomish County Code that are included in this proposal. Code changes are shown in numerical order.

Proposed Code Change
<p>30.66C.040 Minimum requirements for district capital facilities plans.</p> <p>To be eligible for school impact fees, districts must submit capital facilities plans to the county pursuant to the procedure established by this chapter. District capital facilities plans shall contain data and analysis necessary and sufficient to meet the requirements of the GMA and Appendix F of the comprehensive plan <u>including expected student generation rates from the following residential unit types:</u></p> <ul style="list-style-type: none"><u>single-family, duplexes, and townhomes: two bedrooms or less, and three bedrooms or more; and</u><u>multifamily: one bedroom or less, and two bedrooms or more.</u> <p>The plans must provide sufficient detail to allow computation of school impact fees according to the formula contained in SCC 30.66C.045. Additional elements may be contained within a school district capital facilities plan, provided that any such additional elements are consistent with those mandatory elements outlined in Appendix F.</p>
<p>30.66C.100 Fee required.</p> <p>(1) Each development, as a condition of approval, shall be subject to the school impact fee established pursuant to this chapter. The school impact fee shall be calculated in accordance with the formula established in SCC 30.66C.045.</p> <p>(2) The fees listed in Table 30.66C.100(1) represent one-half of the amount calculated by each school district in its respective capital facilities plan in accordance with the formula identified in SCC 30.66C.045.</p> <p>(3) The payment of school impact fees will be required prior to issuance of building permits, except as provided in SCC 30.66C.200(2). The amount of the fee due shall be based on the fee schedule in effect at the time of filing a complete application for development. For building permit applications received by the department more than five years after the filing of a complete application for development, the amount of the fee due shall be based on the fee schedule in effect at the time of building permit application.</p> <p>(4) The department shall maintain and provide to the public upon request a table summarizing the schedule of school impact fees for each school district within the county.</p> <p>(5) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county development regulations from January 1, 2023, to December 31, 2024.</p> <p>(6) Building permits submitted after January 1, 1999, for which prior plat approval has been obtained under chapter 30.66C SCC as codified prior to January 1, 1999, shall be subject to the school impact fees established pursuant to this chapter, as set forth in this section, except as provided in SCC 30.66C.010(2).</p>

Proposed Code Change

Table 30.66C.100(1) School Impact Mitigation Fees				
SCHOOL DISTRICT	SINGLE FAMILY per dwelling unit	MULTI-FAMILY 1-BEDROOM per dwelling unit	MULTI-FAMILY 2+ BEDROOMS per dwelling unit	DUPLEXES AND TOWNHOMES per dwelling unit
Arlington No. 16	\$4,002	\$0	\$2,328	\$2,328
Edmonds No. 15	\$0	\$0	\$0	\$0
Everett No. 2	\$6,286	\$0	\$3,834	\$3,834
Lake Stevens No. 4	\$11,434	\$0	\$2,526	\$2,526
Lakewood No. 306	\$0	\$0	\$0	\$0
Marysville No. 25	\$0	\$0	\$0	\$0
Monroe No. 103	\$2,961	\$0	\$2,112	\$2,112
Mukilteo No. 6	\$1,121	\$700	\$11,846	\$11,846
Northshore No. 417	\$17,963	\$0	\$0	\$7,152
Snohomish No. 201	\$6,495	\$0	\$4,514	\$4,514
Sultan No. 311	\$14,842	\$0	\$9,576	\$9,576

Proposed Code Change

(7) Beginning with the expiration of the CFPs that are effective on January 1, 2025, subsequent updates of participating school districts' CFPs shall calculate separate impact fees for the following dwelling unit types: two-bedrooms or less single family; two-bedrooms or less duplex and townhome units; three bedrooms or more single family; three bedrooms or more duplex and townhome units; one bedroom or less multi-family units; two bedrooms or more multifamily units as required by Table 30.66C.100(1)(a).

The effective date of Table 30.66C.100(1a) is January 1, 2027, to be used for school impact fees based on the County's biennial update to school district capital facilities plans in 2026.

Table 30.66C.100(1a) School Impact Mitigation Fees

<u>SCHOOL</u> <u>DISTRICT</u>	<u>SINGLE</u> <u>FAMILY,</u> <u>2 BEDROOMS</u> <u>OR LESS</u> <u>PER DWELLING</u> <u>UNIT</u>	<u>SINGLE</u> <u>FAMILY,</u> <u>3 BEDROOMS</u> <u>OR MORE</u> <u>PER DWELLING</u> <u>UNIT</u>	<u>DUPLEXES, AND</u> <u>TOWNHOMES</u> <u>2 BEDROOMS OR</u> <u>LESS</u> <u>PER DWELLING</u> <u>UNIT</u>	<u>DUPLEXES, AND</u> <u>TOWNHOMES 3</u> <u>BEDROOMS OR</u> <u>MORE</u> <u>PER DWELLING UNIT</u>	<u>MULTI-FAMILY</u> <u>1 BEDROOM OR</u> <u>LESS</u> <u>PER DWELLING</u> <u>UNIT</u>	<u>MULTI-FAMILY</u> <u>2 BEDROOMS OR</u> <u>MORE</u> <u>PER DWELLING</u> <u>UNIT</u>
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SNOHOMISH COUNTY PLANNING COMMISSION

January 29, 2025

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on proposed code amendments to
School Impact Fees for Smaller Housing Units - Responding to Changes in RCW
82.02.060

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend sections of Chapter 30.66C of the Snohomish County Code (SCC) to align with recent changes in RCW 82.02.060, requiring a proportionate share of impact fees from smaller residential units. The Planning Commission had a briefing on this topic on December 17, 2024, and conducted a public hearing on January 28, 2025.

The proposed code amendments would:

- amend SCC 30.66C.040, "Minimum requirements for district capital facilities plans" to ensure support data and information, such as student generation rates, for the development of school impact fees and the school districts' capital facilities plans reflect the dwelling types and number of bedrooms in Table 30.66C.100(1) "School Impact Mitigation Fees"; and
- amend SCC 30.66C.100 to add a new heading Table 30.66C.100(1a) to be effective on January 1, 2027, to include smaller and larger residential units for each dwelling type (Single Family, Multifamily, and Townhouse/Duplex). The Multifamily dwelling unit category of one bedroom was changed to one bedroom or less. The rationale for the January 1, 2027, effective date is because the school districts are on a biennial schedule to update their CFPs and these CFPs contain their proposed impact fees that consequently update the school impact fee table in SCC 30.66C.100.

There were no (0) written comments received by the Planning Commission from the public prior to the January 28th hearing, and one (1) member of the public commented in support of the amendments at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the January 28, 2025, Planning Commission meeting, Commissioner Campbell made a motion, seconded by Commissioner Chandler, recommending **APPROVAL** of the proposed amendments to Chapter 30.66C SCC contained in the briefing staff report dated November 13, 2024.

Vote (Motion):

9 in favor (*Ash, Bush, Busteed, Campbell, Chandler, James, Larsen, Sievers, Sheldon*)

0 opposed

0 abstentions

Motion passed

This recommendation was made following the close of the public hearing and after due consideration of information presented and is based on the findings and conclusions presented in the November 13, 2024, staff report, with which the Commission concurred.

Respectfully submitted,

Robert W Larsen

Robert W Larsen (Feb 1, 2025 10:37 PST)

SNOHOMISH COUNTY PLANNING COMMISSION

Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive

Mike McCrary, Director, Planning and Development Services

David Killingstad, Manager, Planning and Development Services

Executive/Council Action Form (ECAF)**ITEM TITLE:****..Title**

Ordinance 25-017, relating to Growth Management; concerning school impact fees; amending Chapter 30.66C of the Snohomish County Code

..body**DEPARTMENT:** Planning and Development Services**ORIGINATOR:** Eileen Canola**EXECUTIVE RECOMMENDATION:** Approved by Ken Klein 2/27/25

PURPOSE: To adopt amendments to Chapter 30.66C SCC for consistency with recent changes to RCW 82.02.060 that require that smaller residential units be incorporated into school impact fee calculations to produce proportionately lower school impact fees for smaller units.

BACKGROUND: During its 2023 session, the Washington State Legislature adopted Engrossed Second Substitute Senate Bill 5258, which amended RCW 82.02.060 to require proportionally lower impact fees for smaller housing units and requires jurisdictions to adopt and make effective implementing regulations six months after the next required comprehensive plan update required by the GMA.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.**CONTRACT INFORMATION:**

ORIGINAL _____ CONTRACT# _____ AMOUNT _____
 AMENDMENT _____ CONTRACT# _____ AMOUNT _____

Contract Period

ORIGINAL START _____ END _____

AMENDMENT

START

END

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Finance – Nathan Kennedy 2/27/25 – AATF: Justin Kasting 2/25/25

1 Adopted: _____
2 Effective: _____
3
4
5
6

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).

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

SCHOOL DISTRICT	SINGLE FAMILY per dwelling unit	MULTI-FAMILY 1-BEDROOM per dwelling unit	MULTI-FAMILY 2+ BEDROOMS per dwelling unit	DUPLEXES AND TOWNHOMES per dwelling unit
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

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</u> <u>PER DWELLING UNIT</u>	<u>SINGLE FAMILY, 3 BEDROOMS OR MORE</u> <u>PER DWELLING UNIT</u>	<u>DUPLEXES, AND TOWNHOMES 2 BEDROOMS OR LESS</u> <u>PER DWELLING UNIT</u>	<u>DUPLEXES, AND TOWNHOMES 3 BEDROOMS OR MORE</u> <u>PER DWELLING UNIT</u>	<u>MULTI-FAMILY 1 BEDROOM OR LESS</u> <u>PER DWELLING UNIT</u>	<u>MULTI-FAMILY 2 BEDROOMS OR MORE</u> <u>PER DWELLING UNIT</u>
------------------------	--	--	---	---	---	--

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.

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

ECAF: 2025-0835
RECEIVED: 3/4/2025

**ORDINANCE
INTRODUCTION SLIP**

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.003

FILE ORD 25-017

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

**RELATING TO GROWTH MANAGEMENT; CONCERNING SCHOOL IMPACT
FEES; AMENDING CHAPTER 30.66C OF THE SNOHOMISH COUNTY CODE**

Introduced By:

N. Nehring 3/7/2025
Councilmember Date

Clerk's Action:

Proposed Ordinance No. 25-017

Assigned to: Planning and Community Development Committee Date: 3/11/2025

STANDING COMMITTEE RECOMMENDATION FORM

On 4/1/2025, the Committee considered the Ordinance by X Consensus /
___ Yeas and ___ Nays and made the following recommendation:

X Move to Council to schedule public hearing on: 4/9/2025 GLS

___ Other _____

Regular Agenda _____ Administrative Matters ✓

Public Hearing Date 4/30/2025 at 10:30 am

N. Nehring
Committee Chair



Planning and Community Development

Ryan Hembree

SNOHOMISH COUNTY COUNCIL

Council Initiated:

☐ Yes

☒ No

EXHIBIT # 3.2.001

FILE ORD 25-017

ECAF: 2025-0835

Ordinance: 25-017

Type:

☐ Contract

☐ Board Appt.

☒ **Code Amendment**

☐ Budget Action

☐ Other

Requested Handling:

☒ **Normal**

☐ Expedite

☐ Urgent

Fund Source:

☐ General Fund

☒ **Other**

☐ N/A

Executive Rec:

☒ **Approve**

☐ Do Not Approve

☐ N/A

Approved as to

Form:

☒ **Yes**

☐ No

☐ N/A

Subject:

Related to Growth Management, concerning school impact fees

Scope:

Ordinance 25-017 would adopt amendments to Chapter 30.66C SCC for consistency with recent changes to RCW 82.02.060 that require that smaller residential units be incorporated into school impact fee calculations to produce proportionately lower school impact fees for smaller units.

Duration:

Fiscal Impact:

☐ Current Year

☐ Multi-Year

☒ **N/A**

Authority Granted:

Authority to sign the amendment.

Background:

During its 2023 session, the Washington State Legislature adopted Engrossed Second Substitute Senate Bill 5258, which amended RCW 82.02.060 to require proportionally lower impact fees for smaller housing units and requires jurisdictions to adopt and make effective implementing regulations six months after the next required comprehensive plan update required by the GMA. This ordinance amends Chapter 30.66C Snohomish County Code (SCC) to conform with these amendments to state law, Revised Code of Washington ([RCW](#)) [82.02.060](#) by Engrossed Second Substitute Senate Bill (E2SSB) 5258

Request: Set time and date for a public hearing. Suggested hearing date is April 30, 2025, at 10:30 a.m.

EXHIBIT 3.2.002

Planning & Community Development Committee Meeting – 04/01/25

[Agenda](#) and [Minutes](#) and [Video](#)

School Impact Fees for Small Housing Units

*By: Planning and Development Services
February 2025*



Purpose

Propose amendments to Chapter 30.66C Snohomish County Code (SCC) to conform with amendments to state law, Revised Code of Washington (RCW) 82.02.060 by Engrossed Second Substitute Senate Bill (E2SSB) 5258

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5258

Chapter 337, Laws of 2023

68th Legislature
2023 Regular Session

CONDOMINIUMS AND TOWNHOUSES—CONSTRUCTION AND SALE—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023—Except for section 9, which takes effect January 1, 2024.

Passed by the Senate April 21, 2023
Yeas 49 Nays 0

CERTIFICATE

I, Sarah Bannister, Secretary of

Changes in State Law

E2SSB 5258, relating to increasing the supply and affordability of condominium units and townhouses as an option for homeownership took effect July 23, 2023, amending RCW 82.02.060:

- RCW 82.02.060(1): Added “The schedule shall reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units.”
- RCW 82.02.060(10) added: “(10) Must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.”

Commerce Guidance – In development

Washington State Department of Commerce is in the process of developing a *Proportional Fee & System Connection Fee Guidance*

- March / April 2025 - draft guidance out for 30-day review
- May 2025 - target for finalizing the Commerce guidance document

Objectives of guidance document:

- comprehensive resource for local governments and utility providers in the development of proportional Impact Fees and system development charges,
- alignment with recent changes in legislation and consideration of local conditions.

GMA – Planning Goals RCW 36.70A.020

Planning Goal 4 “Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Planning Goal 12 “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”

Authority and Development for County Impact Fee Program

State law (RCW 82.02.050 - .110 and WAC 365-196-850) authorizes counties and cities to establish impact fee program to:

- Ensure that adequate facilities are available to serve new growth and development.
- Promote orderly growth; new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development.
- Ensure that impact fees are imposed through established procedures.

County's Impact Fee Program

Snohomish County's School Impact Fee Program

- Contained in Chapter 30.66C Snohomish County Code (SCC)
- On **biennial basis**: school districts update their capital facilities plans (CFPs); and school impact fees are updated accordingly
- In 2024, 11 school districts submitted their CFPs and Council is considering these along with updated school impact fee table along with County budget ordinances.

Current Dwelling Types and Smaller Residential Units for School Impact Fees

Table 30.66C.100(1) School Impact Mitigation Fees

SCHOOL DISTRICT	SINGLE FAMILY per dwelling unit	MULTI-FAMILY 1-BEDROOM per dwelling unit	MULTI-FAMILY 2+ BEDROOMS per dwelling unit	DUPLEXES AND TOWNHOMES per dwelling unit
----------------------------	--	---	---	---

***Note:** Only the Multi-family dwelling type separates out smaller units.*

Summary of Proposed Amendments

Amend the following section of Chapter 30.66C SCC:

- SCC 30.66C.040, *Minimum requirements for district capital facilities plans*. To ensure that after January 1, 2025, support data and information for the development of school impact fees and the school districts' capital facilities plans reflect the dwelling types and number of smaller dwelling units in Table 30.66C.100(1)" School Impact Mitigation Fees".
- SCC 30.66C.100, *Fee required*. to add a new Table 30.66C.100(1)a) to be effective after January 1, 2025, that separates smaller residential units into distinct categories for each of the dwelling types (single family, multifamily, and townhouse/duplex). The multifamily dwelling unit category of one bedroom was changed to one bedroom or less. Add language that proposed school impact fees should result in proportionately lower impact fees for smaller residential units as intended by RCW 82.02.060
- SCC 30.66.110 to exempt accessory dwelling units from school impact fees.

Changes to Proposed Amendments Since Planning Commission Hearing

- SCC 30.66C.040: The proposed amendments to SCC 30.66C.040 in the attached ordinance adds the date of January 1, 2025 for school district capital facilities plans to incorporate the new categories for smaller and larger housing units as contained in Table SCC 30.66C.100(1)(a) of the ordinance. The ordinance also lists out each housing type with the corresponding smaller and larger housing unit, whereas the version at the Planning Commission hearing grouped these categories.
- SCC 30.66C.100: The proposed amendments to SCC 30.66C.100 in the attached ordinance streamline the proposed amendments and clarify that Table SCC 30.66C.100(1)(a) applies to school impact fees adopted after January 1, 2025. Language is also included to reference the intent of RCW 82.02.060 that proposed impact fees using Table SCC 30.66C.100(1)(a) produce a proportionately lower impact fee for smaller residential units.
- New amendments to SCC 30.66C.110: The attached ordinance includes amendments to SCC 30.66C.110 to exempt accessory dwelling units from school impact fees that were not included in the Planning Commission hearing version. Accessory dwelling units are considered subordinate to a single family residence, per SCC 30.28.010, and therefore are not subject to school impact fees.

Proposed Amendments to SCC 30.66C.040

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

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

1. single-family - two bedrooms or less;
2. single family - three bedrooms or more;
3. duplexes and townhomes - two bedrooms or less;
4. duplexes and townhomes - three bedrooms or more;
5. multi-family - one bedroom or less; and
6. multi-family - two bedrooms or more.

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

Proposed Amendments to SCC 30.66C.100

- Adds a subsection (7) to state that all new or updated school district capital facilities plans shall calculate impact fees based on the Table 30.66C.100(1)(a) and references the desired outcome in RCW 82.02.060 of smaller fees for smaller residential units.
- Provides for smaller housing units in the header in new Table 30.66C.100(1)(a)

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>

Proposed Amendments to SCC 30.66C.110

- Adds accessory dwelling units as exempt from school impact fees.

30.66C.110 Impact fee schedule - exemptions.

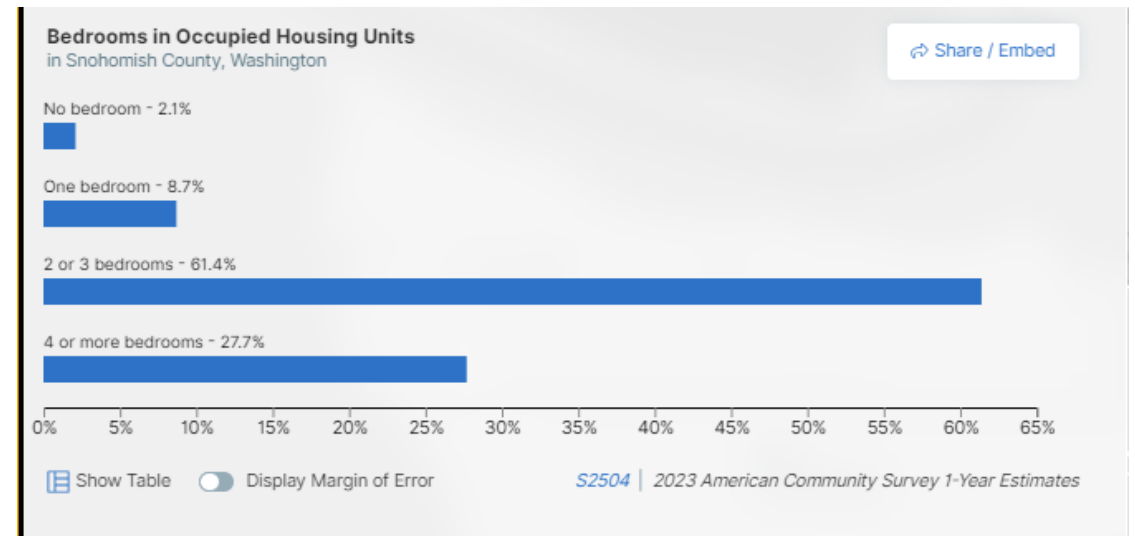
(1) The council may, on a case-by-case basis, grant exemptions to the application of the fee schedule for low-income housing as defined in SCC 30.91H.220 and in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer shall submit a petition to the 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. Accessory dwelling units both detached and attached are exempt from school impact fees.

Data to support Bedroom categories

King County's draft amendments indicates a similar breakdown for the Single-Family dwelling type

Source: ACS 1-Year Estimates Public Use Microdata Sample 2023	
Weight used: WGTP	
Selected Geographies	Total
-> Total	336964
-> Total -> Total 0 bedrooms	8597
-> Total -> Total 1 bedroom	32461
-> Total -> Total 2 bedrooms	79046
-> Total -> Total 3 or more bedrooms	216860
-> Total -> Total N/A (GQ)	0



Outreach

School districts and school district consultants

Master Builders Association

Snohomish County Tomorrow – Planning
Advisory Committee (PAC)

Early public input opportunity – draft
amendments on Active Code Project web page

Next Steps



Complete Environmental Review (SEPA
Non-Project)



Complete 60-day notice to State
Department of Commerce for adoption



Planning Commission Hearing held on
January 28, 2025

Questions

Eileen Canola, Senior Planner
Planning and Development Services
Eileen.Canola@snoco.org

Recently adopted amendments to school impact fee table and adoption of 11 school district CFPs

- [2024-1943 - Amended Ordinance 24-082](#)



AMENDMENT NO. 1 TO ORDINANCE NO. 25-017
RELATING TO GROWTH MANAGEMENT; CONCERNING SCHOOL IMPACT FEES;
AMENDING CHAPTER 30.66C OF THE SNOHOMISH COUNTY CODE

Brief Title: *Amending recital regarding accessory dwelling units*
Proposed by: County Executive Dave Somers

Existing Ordinance Recitals, Findings, or Sections to Delete or Modify:

Beginning on page 2, line 24, delete:

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

And replace with:

WHEREAS, under SCC 30.28.010, accessory dwelling units are allowed in certain zones if on the same lot as a legally established principal unit, as defined in SCC 30.91P.307; and

Council Disposition:

Date:
