

1 Adopted: April 30, 2025
2 Effective: May 17, 2025
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7 SNOHOMISH COUNTY COUNCIL
8 Snohomish County, Washington
9

10 AMENDED 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 allowed in
25 certain zones if on the same lot as a legally established principal unit, as defined in SCC
26 30.91P.307; and

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

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

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

38
39 WHEREAS, SCC 30.66C.040 and SCC 30.66C.100 are each being amended to
40 identify additional dwelling unit types which future participating districts' CFPs must
41 analyze when calculating expected student generation rates and corresponding impact
42 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 April 30, 2025, the County Council held a public hearing after
13 proper notice, received public testimony related to this Ordinance No. 25-017, and
14 considered the entire record, including the Planning Commission's recommendations;
15 and
16

17 WHEREAS, following the public hearing on April 30, 2025, the County Council
18 deliberated on this Ordinance No. 25-017; 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 April 30, 2025, on this Ordinance
19 No. 25-017.
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

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 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.

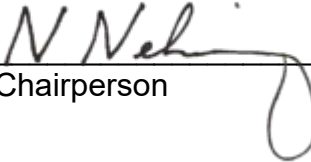
(2) Accessory dwelling units. Both detached and attached accessory dwelling units are exempt from school impact fees established in SCC 30.66C.100.

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.

1 PASSED this 30th day of April 2025.

2
3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 
7 _____
8 Chairperson

9 ATTEST:

10 
11 _____
12 Asst. Clerk of the Council

13
14
15
16 (X) APPROVED
17 () VETOED
18 () EMERGENCY

DATE: May 7, 2025

19 
20 _____
21 Snohomish County Executive

22
23 ATTEST:

24 
25 _____

26
27
28
29
30 Approved as to form only:

31
32
33 _____
34 Deputy Prosecuting Attorney