

1 ADOPTED: 11/25/24  
2 EFFECTIVE: 01/01/25

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5 SNOHOMISH COUNTY COUNCIL  
6 Snohomish County, Washington

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8 AMENDED ORDINANCE NO. 24-088

9  
10 AMENDING SNOHOMISH COUNTY CODE CHAPTER 30.66A – PARK AND  
11 RECREATION FACILITY IMPACT MITIGATION  
12

13 WHEREAS, the Revised Code of Washington (RCW) Chapter 82.02 provides for local  
14 jurisdictions to collect impact fees from development in order to support provision of capital  
15 facilities needed to serve new population; and  
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17 WHEREAS, Snohomish County Code (SCC) Chapter 30.66A was adopted by Amended  
18 Ordinance 04-016 on February 23, 2005, and established Snohomish County’s Growth  
19 Management Act (GMA) based impact mitigation fee program for park facilities pursuant to  
20 RCW 82.02.050; and  
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22 WHEREAS, SCC 30.66A includes the recommendation that park impact mitigation fees  
23 be reviewed and/or adjusted in conjunction with revisions to the County’s comprehensive plan  
24 and/or every two years in conjunction with revision of the school district capital facility plans; and  
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26 WHEREAS, biennial update of park impact mitigation fees supports the intent that the  
27 fees reflect current park improvement project costs and anticipated population growth; and  
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29 WHEREAS, consistent with such biennial update, Parks has updated the projections and  
30 cost estimates for needed park amenities based upon projected population growth within each  
31 Park Service Area in accordance with the adopted level-of-service standards set forth in the  
32 proposed 2025-2030 Parks Capital Improvement Program (CIP), and the calculations are  
33 included in the Planning Commission Staff Report dated June 3, 2024, and its attached  
34 appendices; and  
35

36 WHEREAS, Parks has conducted public outreach in developing the proposed  
37 amendments to Chapter 30.66A SCC, which are proposed by this ordinance, including webpage  
38 postings and newsletter updates; and  
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40 WHEREAS, State Environmental Policy Act (SEPA) requirements with respect to this  
41 non-project action have been satisfied through the completion of an environmental checklist and  
42 determination of non-significance issued on May 20, 2024 and  
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1           WHEREAS, the Snohomish County Planning Commission (“Planning Commission”) held  
2 a public hearing on July 23, 2024 to receive public testimony concerning the proposed Chapter  
3 30.66A SCC code amendments; and  
4

5           WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning  
6 Commission voted unanimously to recommend adoption of the code amendments contained in  
7 this ordinance, and  
8

9           WHEREAS, the County Council held a public hearing on November 25, 2024, after  
10 proper notice, and considered public comment and the entire record related to the code  
11 amendments contained in this ordinance; and  
12

13           WHEREAS, following the public hearing, the County Council deliberated on the code  
14 amendments contained in this ordinance;  
15

16 NOW, THEREFORE, BE IT ORDAINED:  
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18           Section 1. The County Council adopts the following findings in support of this ordinance:  
19

- 20           A. The foregoing recitals are adopted as findings as if set forth in full herein.  
21
- 22           B. This ordinance amends Chapter 30.66A SCC to update park impact fees consistent with  
23 the biennial update of the projection for, and cost estimate of, needed park amenities to  
24 serve projected population growth within each of the designated Park Service Areas in  
25 accordance with the adopted level-of-service standards as more fully set forth in the  
26 proposed 2025-2030 Parks’ CIP to support the provision of park amenities to serve  
27 anticipated population growth through collection and utilization of park impact fees.  
28
- 29           C. This ordinance supports continued adherence to adopted level-of-service standards for  
30 park amenities, within park classifications identified as ‘necessary to support  
31 development’ in the Snohomish County Capital Facilities and Utilities Element, a  
32 component of the Snohomish County Comprehensive Plan.  
33
- 34           D. This ordinance implements a recommended biennial review and adjustment schedule for  
35 park impact fees aligned with the school district CFP review cycle.  
36
- 37           E. The adoption of this ordinance exercises the County’s authority to impose impact fees  
38 pursuant to RCW 82.02.050.  
39
- 40           F. This ordinance is consistent with Chapter 36.70A RCW and maintains consistency with  
41 GMA.  
42
- 43           G. This ordinance supports GMA Goal 12: “Public facilities and services. Ensure that those  
44 public facilities and services necessary to support development shall be adequate to  
45 serve the development at the time the development is available for occupancy and use

1 without decreasing current service levels below locally established minimum standards”  
2 (RCW 36.70A.020(12)).

3  
4 H. The proposed impact fee system will advance the goals of the GMA and the County's  
5 GMA Comprehensive Plan to provide adequate public facilities to accommodate new  
6 growth.

7  
8 I. This ordinance complies with and implements the following Snohomish County Growth  
9 Management Act Comprehensive Plan's Park and Recreation Element (PRE) goals,  
10 objectives and policies:

11  
12 Goal PR 7 – Maintain and monitor minimum level of service standards for parks and for  
13 park facilities that are necessary to support development.

14  
15 Policy PR 7.A.1 – The county shall apply a level of service method to: monitor the level  
16 of service of park facilities necessary to support development; identify priority parks  
17 projects that are necessary to support development; and provide a basis for collecting  
18 and allocating park impact mitigation fees.

19  
20 Policy PR 7.A.3 – Impact fees shall be used to: (1) develop park facilities that are  
21 categorized as active recreation facilities, passive recreation facilities, regional trails,  
22 waterfront, campsites, parking spaces, and urban open space in Neighborhood Parks,  
23 Community Parks, Regional Parks, Regional Trails, Special Use Parks, and Open  
24 Space/Preserve; and (2) acquire park properties for Neighborhood Parks, Community  
25 Parks, Regional Parks, Regional Trails, Special Use Parks, and Open Space/Preserve.

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27 J. Procedural requirements.

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29 1. SEPA requirements with respect to this non-project action have been satisfied  
30 through the completion of an environmental checklist and issuance of a  
31 determination of non-significance on May 20, 2024.

32  
33 2. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

34  
35 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was  
36 transmitted to the Washington State Department of Commerce for distribution to  
37 state agencies on June 25, 2024.

38  
39 4. The public participation process used in the adoption of this ordinance has complied  
40 with all applicable requirements of the GMA and the SCC.

41  
42 5. The Washington State Attorney General last issued an advisory memorandum, as  
43 required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum  
44 and Recommended Process for Evaluating Proposed Regulatory or Administrative  
45 Actions to Avoiding Unconstitutional Takings of Private Property” to help local

1 governments avoid the unconstitutional taking of private property. The process  
2 outlined in the State Attorney General's 2018 advisory memorandum was used by  
3 Snohomish County in objectively evaluating the regulatory changes proposed by this  
4 ordinance.

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6 K. This ordinance is consistent with the record in that the code amendments proposed by  
7 this ordinance were developed to reflect and support Snohomish County's parks level-of-  
8 service adopted in the 2024 Snohomish County Comprehensive Plan Update's Park and  
9 Recreation Element.

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

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13 A. This ordinance is necessary to comply with Chapter 36.70A RCW and to maintain  
14 consistency with the Park and Recreation Element of the County's 2024  
15 Comprehensive Plan.

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17 B. The proposal is consistent with Washington State law and the SCC.

18  
19 C. The County has complied with all SEPA requirements in respect to this non-project  
20 action.

21  
22 D. The regulations proposed by this ordinance do not result in an unconstitutional taking of  
23 private property for public purpose.

24  
25 Section 3. The County Council bases its findings and conclusions on the entire record of the  
26 County Council, including all testimony and exhibits. Any finding, which should be deemed a  
27 conclusion, and any conclusion which should be deemed a finding, is adopted as such.

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29 Section 4. Snohomish County Code Section 30.66A.040, amended by Amended Ordinance  
30 No. 20-081 on January 20, 2021, is amended to read:

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32 **30.66A.040 Impact fee schedule.**

33 (1) Developments subject to this chapter shall pay the fees set forth in Table  
34 30.66A.040(1)(a) or in Table 30.66A.040(1)(b) as appropriate.

35 (a) For complete development applications filed on or after January 1, 2025, but before  
36 January 1, 2026:

Table 30.66A.040(1)(a) Park and Recreation Impact Fees

Park Service Area	PSA Name	Single Family and Duplex - \$/unit	Multi-Family and Townhouse \$/unit
301	Kayak Point	<del>(\$503.84)</del> <u>\$681.97</u>	<del>(\$339.32)</del> <u>\$441.70</u>
302	River Meadows	<del>(\$503.84)</del> <u>\$856.60</u>	<del>(\$339.32)</del> <u>\$441.70</u>
303	Robe Canyon	<del>(\$684.73)</del> <u>\$772.41</u>	<del>(\$465.64)</del> <u>\$441.70</u>
304	White Horse	<del>(\$503.84)</del> <u>\$681.97</u>	<del>(\$339.32)</del> <u>\$441.70</u>

305	Lord Hill	<del>(\$503.84)</del> <u>\$681.97</u>	<del>(\$339.32)</del> <u>\$441.70</u>
306	Centennial	<del>(\$503.84)</del> <u>\$681.97</u>	<del>(\$339.32)</del> <u>\$441.70</u>
307	Nakeeta Beach	<del>(\$1,630.22)</del> <u>\$1,963.77</u>	<del>(\$1,071.45)</del> <u>\$1,264.73</u>

(b) For complete development applications filed on or after January 1, 2026:

Table 30.66A.040(1)(b) Park and Recreation Impact Fees

<u>Park Service Area</u>	<u>PSA Name</u>	<u>Single Family and Duplex - \$/unit</u>	<u>Multi-Family and Townhouse \$/unit</u>
<u>301</u>	<u>Kayak Point</u>	<u>\$860.09</u>	<u>\$544.27</u>
<u>302</u>	<u>River Meadows</u>	<u>\$1,209.35</u>	<u>\$544.27</u>
<u>303</u>	<u>Robe Canyon</u>	<u>\$860.09</u>	<u>\$544.27</u>
<u>304</u>	<u>White Horse</u>	<u>\$860.09</u>	<u>\$544.27</u>
<u>305</u>	<u>Lord Hill</u>	<u>\$860.09</u>	<u>\$544.27</u>
<u>306</u>	<u>Centennial</u>	<u>\$860.09</u>	<u>\$544.27</u>
<u>307</u>	<u>Nakeeta Beach</u>	<u>\$2,297.32</u>	<u>\$1,458.00</u>

(2) The impact fee schedule should be reviewed and/or adjusted in conjunction with revisions to the county's comprehensive plan, and/or every two years in conjunction with revision of the school district capital facility plans.

(3) The following types of development are exempt from park impact fees under this chapter:

(a) Nursing homes.

(b) Low-income housing. The director of parks and recreation 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 prior to application for building permit. Conditions for such approvals shall meet the requirements of RCW 82.02.060(2) and shall 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.

Section 5. Effective date, implementation. This ordinance shall take effect January 1, 2025. The Snohomish County Planning and Development Services and Department of Conservation and Natural Resources' Parks and Recreation Division are authorized to take such actions as may be necessary to implement this ordinance on its effective date.

Section 6. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be ruled to be invalid or unconstitutional by a court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance, and 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 25<sup>th</sup> day of November 2024.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

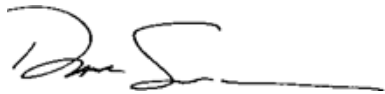
  
\_\_\_\_\_  
Jared Mead, Council Chair

ATTEST:

  
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Clerk of the Council

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

DATE: December 13, 2024

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

ATTEST:

Melissa Geraghty

Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney