

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE NO. 1897

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON
AMENDING ORDINANCE NO. 1855 RELATING TO SCHOOL IMPACT FEES,
PROVIDING A DEFINITION OF “DEVELOPMENT ACTIVITY,” AND
ADDING A NEW SECTION SMC 14.17.085 RELATING TO ADJUSTMENT OF
FEES.**

WHEREAS, following public hearings duly held and deliberation by the Snohomish City Council, Ordinance No. 1855 enacting a new Chapter 14.17 of the Snohomish Municipal Code relating to school impact fees was adopted on December 15, 1998; and,

WHEREAS, the City’s intent in adopting Ordinance No. 1855 was to apply its provisions to all new development, including development of residential housing on existing undeveloped lots; and

WHEREAS, the provisions of the Growth Management Act and, specifically, RCW 82.02.090, define “development activity” and “any construction or expansion of a building, structure or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities;” and,

WHEREAS, the definition of “development activity” as provided in state law and as intended in Ordinance No. 1855 would include new residential development on existing undeveloped lots; and,

WHEREAS, the City Council deems it necessary and appropriate to clarify and reconfirm its intent to include existing undeveloped residential lots under the provisions of Ordinance No. 1855;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC 14.17.020 is hereby amended to read as follows:

14.17.020 Applicability. The terms of this title shall apply to all “development” or “development activity” as defined herein for which a complete application for approval has been submitted on or after the effective date of this chapter.

Section 2. SMC 14.17.040 is hereby amended to read as follows:

14.17.040 Establishment of Impact Fees. As a condition of approval of all development or development activity, as defined herein, or as a condition of issuance of a building permit for existing undeveloped lots, the City will require mitigation of adverse

impacts on school services pursuant to the State Growth Management Act, RCW 36.70A, RCW 82.02 and this chapter. School impact fee amounts shall be based on the Snohomish School District's Capital Facilities Program as follows:

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

The above-referenced impact fee amounts shall be subject to the adjustment established pursuant to SMC 14.17.080.

Section 3. SMC 14.17.050 is hereby amended to read as follows:

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

Section 4. SMC 14.17.060 is hereby amended to read as follows:

14.17.060 Definitions.

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

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

Development Activity. Development activity means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public school facilities.

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

Permitting Agency. Permitting agency means the City of Snohomish.

Residential Developments. See “Development” and “Development Activity.”

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

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

Section 5. SMC 14.17.070 is hereby amended to read as follows:

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

Section 6. A new section SMC 14.17.085 is hereby added, which shall read as follows:

14.17.085 Administrative Adjustment of Fee Amount.

A. Within 14 days of acceptance by the City of a building permit application a developer or school district may appeal to the director for an adjustment to the fees imposed by this title. The City Planning Director may adjust the amount of the fee, in consideration of studies and data submitted by the developer and any affected district, if one of the following circumstances exists:

1. It can be demonstrated that the school impact fee assessment was incorrectly calculated;
2. Unusual circumstances of the development activity demonstrate that application of the school impact fee to the development would be unfair or unjust;
3. A credit for in-kind contributions by the developer is warranted; or
4. Any other credit specified in RCW 82.02.060(1)(b) may be warranted.

B. To avoid delay pending resolution of the appeal, school impact fees may be paid under protest in order to obtain development approval.

C. Failure to exhaust this administrative remedy shall preclude appeals of the school impact fee pursuant to SMC 14.17.190 below.

PASSED by the City Council and APPROVED by the Mayor this 5th day of January 1999.

CITY OF SNOHOMISH

By _____
Jeff Soth, Mayor

ATTEST:

By _____
Molly Linville, City Clerk

APPROVED AS TO FORM:

By _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____