



1 Adopted: 08/24/16  
2 Effective: 09/12/16

3 SNOHOMISH COUNTY COUNCIL  
4 Snohomish County, Washington

5  
6 AMENDED ORDINANCE NO. 16-060

7  
8 REVISING REGULATIONS TO ALLOW THE DEFERRED PAYMENT OF PARK AND  
9 RECREATION, ROAD SYSTEM, AND SCHOOL IMPACT MITIGATION FEES;  
10 AMENDING CHAPTERS 30.66A, 30.66B, AND 30.66C OF THE  
11 SNOHOMISH COUNTY CODE

12  
13 WHEREAS, chapters 30.66A, 30.66B, and 30.66C of the Snohomish County Code  
14 (SCC) establish impact mitigation fee programs for park and recreation, road systems, and  
15 schools; and

16  
17 WHEREAS, currently Snohomish County (the "County") collects impact fees before  
18 building permits are issued; and

19  
20 WHEREAS, in 2015 the Washington State Legislature adopted Engrossed Senate Bill  
21 (ESB) 5923 requiring that counties, cities, and towns collecting impact fees must by September  
22 1, 2016, adopt and maintain a system for the deferred collection of impact fees for single-family  
23 detached and attached residential construction; and

24  
25 WHEREAS, ESB 5923 allows, at the County's option, payment of impact fees to be  
26 deferred until final inspection of a building permit, issuance of a certificate of occupancy or  
27 equivalent certification, the closing of the first sale of the property occurring after the issuance of  
28 a building permit, 18 months from the date of issuance of the original building permit, or prior to  
29 any occupancy of the structure; and

30  
31 WHEREAS, the Snohomish County Council (the "County Council") has the authority to  
32 amend the provisions of the County Code relating to timing of the payment of park and  
33 recreation, road system, and school impact mitigation fees associated with the construction of  
34 single-family detached and attached residential dwellings to allow developers to defer payment  
35 of such fees; and

36  
37 WHEREAS, the administrative fee specified in this ordinance for processing an  
38 application to defer the payment of required impact mitigation fees is appropriate based upon  
39 the additional time that Snohomish County Planning and Development Services (PDS) staff will  
40 need to devote to processing the application; and

41  
42 WHEREAS, PDS has conducted early and continuous public participation in developing  
43 the proposed amendments to title 30 SCC that are proposed by this ordinance; and

44  
45 WHEREAS, the proposal is a Type 3 procedural legislative action under SCC  
46 30.73.040(2)(b) and is exempt from Snohomish County Planning Commission hearing  
47 requirements; and

1           WHEREAS, the County Council held a public hearing on August 24, 2016, and  
2 considered public comment and the entire record related to the code amendments contained in  
3 this ordinance; and

4  
5           WHEREAS, following the public hearing, the County Council deliberated on the code  
6 amendments contained in this ordinance;

7  
8 NOW, THEREFORE, BE IT ORDAINED:

9  
10 Section 1. The County Council adopts the following findings in support of this ordinance:

- 11  
12       A. The foregoing recitals are adopted as findings as set forth in full herein.
- 13  
14       B. This ordinance addresses the requirements of ESB 5923 which amended Revised Code  
15 of Washington (RCW) 82.02.050 requiring counties, cities, and towns collecting impact  
16 fees to adopt and maintain a system for the deferred collection of impact fees for single-  
17 family detached and attached residential construction.
- 18  
19           1. The proposed code amendments will allow for an alternative to the timing of the  
20 payment of park and recreation, road system, and school impact mitigation fees  
21 imposed pursuant to chapters 30.66A, 30.66B, and 30.66C SCC.
- 22  
23           2. The proposed code amendments allow payment of park and recreation, road  
24 system, and school impact mitigation fees to be deferred only for single-family  
25 detached and attached residential dwelling construction when a building permit has  
26 not previously been issued for the construction and the impact fees have not  
27 previously been paid.
- 28  
29       C. The proposal will continue to offer the opportunity to reduce upfront costs of construction  
30 which could allow construction companies to maintain or improve construction levels and  
31 secure new construction work and reduce the upfront costs of building new homes. It  
32 should also contribute to maintaining and allowing more home construction to occur,  
33 thereby maintaining and allowing the creation of additional construction jobs. Therefore,  
34 the proposal complies with and implements the following Snohomish County General Policy  
35 Plan (GPP) goals, objectives, and policies related to the proposed regulations:
- 36  
37           Objective ED 1.C. "Snohomish County shall recognize and address the needs of  
38 small and minority owned businesses as well as larger, established enterprises."
- 39  
40           Goal ED 2. "Provide a planning and regulatory environment that facilitates growth of  
41 the local economy."
- 42  
43           Objective ED 2.A. "Develop and maintain a regulatory system that is fair,  
44 understandable, coordinated and timely."
- 45  
46           Policy ED 2.A.2. "Snohomish County should stress predictability but maintain enough  
47 flexibility in the Comprehensive Plan and development codes to allow for timely  
48 response to unanticipated and desirable developments."
- 49

1 Goal ED 3. "Encourage the retention and expansion of existing businesses and jobs  
2 while working to attract new businesses and jobs."

3  
4 Policy ED 3.C.2. "Snohomish County shall work with public and private and non-  
5 profit groups to preserve and nurture the growth of existing local industries and  
6 businesses and maintain a business environment conducive to preserving and  
7 growing jobs at large manufacturers and the large and small business operations in  
8 the county."  
9

10 D. Procedural Requirements.

- 11  
12 1. The proposal is considered procedural and is exempt from the State Environmental  
13 Policy Act (SEPA), (chapter 43.21C RCW), review pursuant to Washington  
14 Administrative Code (WAC) 197-11-800(19), and SCC 30.61.020.  
15  
16 2. The proposal is a Type 3 procedural legislative action under SCC 30.73.040(2)(b)  
17 and is exempt from Snohomish County Planning Commission hearing  
18 requirements.  
19  
20 3. The public participation process used in the adoption of this ordinance has  
21 complied with all applicable requirements of the GMA and the SCC.  
22  
23 4. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was  
24 transmitted to the Washington State Department of Commerce for distribution to  
25 state agencies on May 26, 2016.  
26  
27 5. The Washington State Attorney General last issued an advisory memorandum, as  
28 required by RCW 36.70A.370, in December 2015, entitled "Advisory Memorandum:  
29 Avoiding Unconstitutional Takings of Private Property" to help local governments  
30 avoid the unconstitutional taking of private property. The process outlined in the  
31 State Attorney General's 2015 advisory memorandum was used by Snohomish  
32 County in objectively evaluating the regulatory changes proposed by this  
33 ordinance.  
34

35 E. This ordinance is consistent with the record.

- 36  
37 1. The code amendments proposed by this ordinance were developed to ensure  
38 compliance with the substantive requirements of RCW 82.02.050 as amended by ESB  
39 5923.  
40  
41 2. The purpose of the proposed code amendments to SCC 30.66A.020, 30.66B.340, and  
42 30.66C.200 is to implement and maintain a system for the deferred collection of impact  
43 fees for "single-family detached and attached residential construction" as mandated by  
44 the State Legislature.  
45  
46 3. The proposed code amendments to SCC 30.66A.020, 30.66B.340, and 30.66C.200: (1)  
47 defines who may apply (applicant) for a deferral of park, road, and school impact fees;  
48 (2) restricts the number of impact fee deferrals an applicant may receive no more than a  
49 total of twenty annually within unincorporated Snohomish County; and (3) requires an  
50 applicant to pay deferred impact fees whenever one of the following actions occurs first:

1 (a) final inspection of the building permit; (b) issuance of a certificate of occupancy; (c)  
2 the closing of the first sale of the property occurring after the issuance of the applicable  
3 building permit for which the fees were deferred; or (d) 18 months from the date of  
4 building permit issuance.  
5

6 4. The proposal ensures the collection of the deferred impact fees at the earliest  
7 opportunity by authorizing the County to collect the deferred impact fees at the first  
8 action during the process of a property transaction or prior to any occupancy of the  
9 structure if the property owner elects to retain ownership and not sell the property.  
10

11 5. RCW 82.02.050(3)(g)(i) requires the County to allow each applicant to receive impact  
12 fee deferrals annually for up to the first twenty single-family residential construction  
13 building permits. In accordance with RCW 82.02.050(3)(g)(i), the County has consulted  
14 with school districts and will allow each applicant to receive impact fee deferral for no  
15 more than the first twenty single-family residential construction building permits annually.  
16

17 6. RCW 82.02.050(3)(h) authorizes the County to collect reasonable administrative fees  
18 from an applicant for a permit or other governmental approval to cover the cost to the  
19 County of processing impact fee deferral applications. The County has adopted a cost  
20 of services model for establishing permit-related fees in accordance with RCW  
21 82.02.020.  
22

23 7. The County's cost of services model for setting permit-related fees is based upon four  
24 main cost layers: labor expenses (salary and benefits); non-labor expenses; County-  
25 wide overhead; and additional costs related to development review. The labor expenses  
26 layer consists of, direct costs, indirect costs, and overhead costs that are included in the  
27 proposed fees.  
28

29 8. The \$250.00 administrative fee proposed by this ordinance for administering the deferral  
30 of park and recreation, road system, and public school impact mitigation fees was  
31 calculated by identifying: the additional tasks staff would need to perform to process a  
32 mitigation fee deferral request, the staff job classifications that would perform these  
33 tasks, and the estimated time involved in completing these tasks. A fully loaded labor  
34 cost was calculated based on data from PDS's cost of service model to obtain labor  
35 rates. Indirect and overhead costs were then applied to the labor cost to obtain the total  
36 cost of service for the incremental tasks that would be required to process each deferral  
37 request. The proposed fee will enable PDS to recover the costs of processing an  
38 application for the deferred payment of park and recreation, road system, and public  
39 school impact mitigation fees.  
40

41 9. The \$250.00 administrative fee that the County will collect to process applications is  
42 reasonable and will reimburse the County for the additional staff time required to process  
43 applications for the deferral of park and recreation, road system, and public school  
44 impact fees.  
45

46 10. The amendment to SCC 30.66A.130(1) is necessary to reflect a code provision  
47 addressing early impact fee payment options that no longer exists and eliminates an  
48 erroneous code citation.  
49

1 11. The amendment to SCC 30.66C.100(2) is necessary to provide consistency with the  
2 timing of the payment of school impact fees proposed in SCC 30.66C.200.

3  
4 Section 2. The County Council makes the following conclusions:

5  
6 A. The ordinance is necessary to comply with RCW 82.02.050 as amended by ESB 5923.

7  
8 B. The proposal is consistent with Washington State law and the SCC.

9  
10 C. The proposal is consistent with the goals, objectives, and policies of the County's GMA  
11 General Policy Plan (GPP).

12  
13 D. The County has complied with all SEPA requirements in respect to this non-project  
14 action.

15  
16 E. The administrative fee that the County will collect to process applications for the  
17 deferral of park and recreation, road system, and public school impact fees complies  
18 with RCW 82.02.050(3)(h).

19  
20 F. The regulations proposed by this ordinance do not result in an unconstitutional taking  
21 of private property for public purpose.

22  
23 G. The regulations proposed by this ordinance are procedural legislation and implement  
24 state legislation other than the GMA.

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

29  
30 Section 4. Snohomish County Code Section 30.66A.020, last amended by Ordinance  
31 No. 10-085 on October 20, 2010, is amended to read:

32  
33 **30.66A.020 Park and recreation impact fee required.**

34 (1) Each development, as a condition of approval, shall be subject to the park and recreation  
35 impact fee established in Table 30.66A.040 (1) or as provided in SCC 30.66A.020(2).

36 (2) The amount of the fee shall be based upon the rate in effect at the time of filing a complete  
37 application for development; provided however, that those applications deemed complete before  
38 the adoption of the GMA-based impact fee contained in this section shall be required to pay the  
39 SEPA-based mitigation fee in effect at the time the application was deemed complete and  
40 further provided that if the building permit is not issued within five years after the application is  
41 deemed complete the fee shall be based upon the rate in effect at the time of building permit  
42 issuance.

43 (3) Payment of a park and recreation impact fee is required prior to building permit issuance,  
44 except as provided in SCC 30.66A.020(4).

45 (4) An applicant may request a deferral of the payment of park and recreation impact fees. The  
46 deferral of park and recreation impact fees shall be allowed only for single-family attached and  
47 detached residential construction by a property owner having a contractor registration number  
48 or other unique identification number. The amount of impact fees that may be deferred under  
49 this subsection shall be determined by the fees in effect at the time the applicant applies for a  
50 deferral.

1       (a) For this subsection:

2           (i) "Applicant" means the property owner which includes an entity that controls, is  
3 controlled by, or is under common control with the applicant.

4           (ii) "Common control" means two or more entities controlled by the same person or  
5 entity.

6           (iii) "Control" means the possession, directly or indirectly, of the power to direct or cause  
7 the direction of the management and policies of an entity, whether through the ownership of  
8 voting shares, by contract, or otherwise.

9       (b) An applicant wishing to defer the payment of a park and recreation impact fee shall:

10           (i) Submit a signed and notarized deferred impact fee application and completed lien  
11 form signed by all owners of the property subject to the lien concurrent with the building permit  
12 application for the building subject to the impact fees. Multiple deferrals can be included on one  
13 application as long as the building permit applications are located within the same development  
14 and the applicant pays a separate administrative fee as required below for each single-family  
15 dwelling unit whether detached or attached;

16           (ii) Submit a signed and notarized certification that the applicant has requested deferral  
17 of impact fees for no more than a total of twenty building permits in the calendar year within  
18 unincorporated Snohomish County; and

19           (iii) Pay a non-refundable \$250.00 administration fee for each deferred impact fee  
20 application.

21       (c) The lien shall:

22           (i) Be in a form approved and provided by the county;

23           (ii) Include the legal description, property tax account number, and address for each lot  
24 or unit the lien will encumber and identify the type and amount of the deferred impact fees;

25           (iii) Be binding and subordinate on all successors in title after the recording;

26           (iv) Be junior and subordinate to a first mortgage for the purpose of construction upon  
27 the same real property granted by the person who applied for the deferral of impact fees, but in  
28 no case shall the lien be in less than second place; and

29           (v) Be signed by all owners of the property, with all signatures acknowledged as required  
30 for a deed.

31       (d) The lien shall be recorded prior to the issuance of the building permit for the building  
32 subject to the impact fees.

33       (e) Each applicant eligible to defer impact fees shall only be entitled to receive deferrals for  
34 no more than a total of twenty building permits within unincorporated Snohomish County during  
35 each calendar year.

36       (f) The applicant shall be responsible for the payment of all recording fees.

37       (g) The deferred impact fees for each single-family dwelling unit whether detached or  
38 attached shall be paid in full prior to whichever of the following occurs first:

39           (i) Scheduling final inspection;

40           (ii) Issuance of a certificate of occupancy;

41           (iii) The closing of the first sale of the property occurring after the recording of the lien; or

42           (iv) Eighteen months from the date of building permit issuance.

43       (h) If the building for which the deferral of the impact fees is requested is located within a  
44 subdivision or short subdivision, the subdivision or short subdivision shall be recorded prior to  
45 recording the lien for impact fees and issuance of the building permit.

46       (i) Upon receipt of final payment of all deferred impact fees for a building permit, the county  
47 shall execute a release of the deferred impact fee lien. The applicant is responsible for  
48 submitting a lien release application to PDS. The applicant, at their own expense, will be  
49 responsible for recording the lien release after all deferred impact fees associated with a lot or  
50 unit subject to a lien have been paid.

1 (j) Compliance with the requirements of the deferral option shall constitute compliance with  
2 subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

3 (k) If deferred impact fees are not paid in accordance with terms authorized by state law  
4 and this section, the county may initiate foreclosure proceedings for the unpaid impact fees and  
5 all costs associated with the collection of the unpaid impact fees.

6 (l) A request to defer park and recreation impact fees under this section may be combined  
7 in one application with a request to defer road system impact fees under SCC 30.66B.340(5)  
8 and school impact fees under SCC 30.66C.200(2).

9  
10 Section 5. Snohomish County Code Section 30.66A.130, added by Amended Ordinance  
11 No. 04-016 on February 23, 2005, is amended to read:

12  
13 **30.66A.130 Administrative adjustment of fee amount.**

14 (1) A developer may appeal to the director of parks and recreation for an adjustment to the  
15 amount of or an elimination of fees imposed under this chapter by submitting a written  
16 explanation of the basis for appeal within 14 days of acceptance by the county of a building  
17 permit application. ~~((If the developer has chosen the early payment option in 30.66A.020(4), the~~  
18 ~~developer may appeal to the director of parks and recreation within 14 days of final plat~~  
19 ~~recording.)) The director of parks and recreation may adjust the fee amount, in consideration of~~  
20 information submitted by the developer, if one of the following circumstances exists:

21 (a) The park and recreation impact fee assessment was incorrectly calculated;

22 (b) Unusual circumstances exist that demonstrate the park and recreation impact fee is  
23 unfair as applied to the specific development;

24 (c) A credit for in-kind contributions by the developer, as provided for under SCC  
25 30.66A.060 above, is warranted;

26 (d) Any other credit specified in RCW 82.02.060(1)(b) is warranted; or

27 (e) The impact fee assessment was improper under RCW 82.02.020 or RCW 82.02.050 et seq.

28 (2) Park and recreation impact fees may be paid under protest in order to obtain a  
29 development approval without delay pending resolution of the appeal. A written protest must be  
30 submitted at or prior to the time fees are paid and will relate only to the specific fees identified in  
31 the protest.

32 (3) Failure to file a written protest and to seek a timely appeal to the director shall preclude  
33 any appeal of the park and recreation impact fee under SCC 30.66A.140.

34 (4) Refunds approved under this section, or following an administrative appeal as provided  
35 in SCC 30.66A.140, shall be made to the current property owner at the time the refund is  
36 authorized, unless the current property owner releases the county from any obligation to refund  
37 the current property owner.

38 (5) The developer may appeal the directors decision as provided in SCC 30.66A.140.

39  
40 Section 6. Snohomish County Code Section 30.66B.340, last amended by Ordinance No.  
41 10-085 on October 20, 2010, is amended to read:

42  
43 **30.66B.340 Timing of road system impact fee payment.**

44 (1) Payment of a road system impact fee is required prior to building permit issuance, except  
45 as provided in SCC 30.66B.340(5).

46 (2) Where no building permit will be associated with an application for development or land  
47 use approval, such as a development requiring approval of a conditional or administrative  
48 conditional use permit, payment is required as a precondition to approval.

49 (3) For a binding site plan with record of survey, for which the concurrency expiration date is  
50 more than six years after the concurrency determination date, one-half of the payment is

1 required prior to recording of the binding site plan with record of survey. Payment of the second  
2 half is due prior to the issuance of any building permits.

3 (4) The amount of the road system impact fee payment shall be based upon the rate in effect  
4 at the time of filing of a complete application for development.

5 (5) An applicant may request a deferral of the payment of road system impact fees. The  
6 deferral of road system impact fees shall be allowed only for single-family attached and  
7 detached residential construction by a property owner having a contractor registration number  
8 or other unique identification number. The amount of impact fees that may be deferred under  
9 this subsection shall be determined by the fees in effect at the time the applicant applies for a  
10 deferral.

11 (a) For this subsection:

12 (i) "Applicant" means property owner which includes an entity that controls, is controlled  
13 by, or is under common control with the applicant.

14 (ii) "Common control" means two or more entities controlled by the same person or  
15 entity.

16 (iii) "Control" means the possession, directly or indirectly, of the power to direct or cause  
17 the direction of the management and policies of an entity, whether through the ownership of  
18 voting shares, by contract, or otherwise.

19 (b) An applicant wishing to defer the payment of a road system impact fee shall:

20 (i) Submit a signed and notarized deferred impact fees application and completed lien  
21 form signed by all owners of the property subject to the lien concurrent with the building permit  
22 application for the building subject to the impact fees. Multiple deferrals can be included on one  
23 application as long as the building permit applications are located within the same development  
24 and the applicant pays a separate administrative fee as required below for each single-family  
25 dwelling unit whether detached or attached;

26 (ii) Submit a signed certification that the applicant has requested deferral of impact fees  
27 for no more than a total of twenty building permits in the calendar year within unincorporated  
28 Snohomish County; and

29 (iii) Pay a non-refundable \$250.00 administration fee for each deferred impact fee  
30 application.

31 (c) The lien shall:

32 (i) Be in a form approved and provided by the county;

33 (ii) Include the legal description, property tax account number, and address for each lot  
34 or unit the lien will encumber and identify the type and amount of the deferred impact fees.

35 (iii) Be binding and subordinate on all successors in title after the recording.

36 (iv) Be junior and subordinate to a first mortgage for the purpose of construction upon  
37 the same real property granted by the person who applied for the deferral of impact fees, but in  
38 no case shall the lien be in less than second place.

39 (v) Be signed by all owners of the property, with all signatures acknowledged as required  
40 for a deed.

41 (d) The lien shall be recorded prior to the issuance of the building permit for the building  
42 subject to the impact fees.

43 (e) Each applicant eligible to defer impact fees shall only be entitled to receive deferrals for  
44 no more than a total of twenty building permits in unincorporated Snohomish County during  
45 each calendar year.

46 (f) The applicant or property owner shall be responsible for the payment of recording fees.

47 (g) The deferred impact fees for each single-family dwelling unit whether detached or  
48 attached shall be paid in full prior to whichever of the following occurs first:

49 (i) Scheduling final inspection;

50 (ii) Issuance of a certificate of occupancy;



1           (iii) The closing of the first sale of the property occurring after the recording of the lien; or  
2           (iv) Eighteen months from the date of building permit issuance.

3           (h) If the building for which the deferral of the impact fees is requested is located within a  
4           subdivision or short subdivision, the subdivision or short subdivision shall be recorded prior to  
5           recording the lien for impact fees and issuance of the building permit.

6           (i) Upon receipt of final payment of all deferred impact fees for a building permit, the county  
7           shall execute a release of the deferred impact fee lien. The applicant or property owner is  
8           responsible for submitting a lien release application to PDS. The applicant, at their own  
9           expense, will be responsible for recording the lien release after all deferred impact fees  
10           associated with a lot or unit subject to a lien have been paid.

11           (j) Compliance with the requirements of the deferral option shall constitute compliance with  
12           subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

13           (k) If deferred impact fees are not paid in accordance with terms authorized by state law  
14           and this section, the county may initiate foreclosure proceedings for the unpaid impact fees and  
15           all costs associated with the collection of the unpaid impact fees.

16           (l) A request to defer road system impact fees under this section may be combined in one  
17           application with a request to defer park and recreation impact fees under SCC 30.66A.020(4)  
18           and school impact fees under SCC 30.66C.200(2).

19  
20           Section 7. Snohomish County Code Section 30.66C.100, last amended by Ordinance  
21           No. 14-096 on November 24, 2014, is amended to read:

22  
23           **30.66C.100 Fee required.**

24           (1) Each development, as a condition of approval, shall be subject to the school impact  
25           fee established pursuant to this chapter. The school impact fee shall be calculated in  
26           accordance with the formula established in SCC 30.66C.045. The fees listed in Table  
27           30.66C.100(1) represent one-half of the amount calculated by each school district in its  
28           respective capital facilities plan in accordance with the formula identified in SCC 30.66C.045.

29           (2) The payment of school impact fees will be required prior to issuance of building  
30           permits, except as provided in SCC 30.66C.200(2). The amount of the fee due shall be based  
31           on the fee schedule in effect at the time of building permit application.

32           (3) The department shall maintain and provide to the public upon request a table  
33           summarizing the schedule of school impact fees for each school district within the county.

34           (4) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county  
35           development regulations from January 1, 2015, to December 31, 2016.

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

40  
41           Section 8. Snohomish County Code Section 30.66C.200, added by Amended  
42           Ordinance No. 02-064 on December 9, 2002, is amended to read:

43  
44           **30.66C.200 Collection and transfer of fees.**

45           (1) ~~((School impact fees shall be due and payable to the county by the developer at the time~~  
46           ~~of issuance of residential building permits for all developments))~~ An applicant must pay school  
47           system impact fees prior to building permit issuance, except as provided in SCC 30.66C.200(2).

48           (2) An applicant may request a deferral of the payment of school impact fees. The deferral of  
49           school impact fees shall be allowed only for single-family attached and detached residential  
50           construction by a property owner having a contractor registration number or other unique

1 identification number. The amount of impact fees that may be deferred under this subsection  
2 shall be determined by the fees in effect at the time the applicant applies for a deferral.

3 (a) For this subsection:

4 (i) "Applicant" means the property owner which includes an entity that controls, is  
5 controlled by, or is under common control with the applicant.

6 (ii) "Common control" means two or more entities controlled by the same person or  
7 entity.

8 (iii) "Control" means the possession, directly or indirectly, of the power to direct or cause  
9 the direction of the management and policies of an entity, whether through the ownership of  
10 voting shares, by contract, or otherwise.

11 (b) An applicant wishing to defer the payment of a school impact fee shall:

12 (i) Submit a signed and notarized deferred impact fees application and completed lien  
13 form signed by all owners of the property subject to the lien concurrent with the building permit  
14 application for the building subject to the impact fees. Multiple deferrals can be included on one  
15 application as long as the building permit applications are located within the same development  
16 and the applicant pays a separate administrative fee as required below for each single-family  
17 dwelling unit whether detached or attached;

18 (ii) Submit a signed and notarized certification that the applicant has requested deferral  
19 of impact fees for no more than a total of twenty building permits in the calendar year within  
20 unincorporated Snohomish County; and

21 (iii) Pay a non-refundable \$250.00 administration fee for each deferred impact fee  
22 application.

23 (c) The lien shall:

24 (i) Be in a form approved and provided by the county;

25 (ii) Include the legal description, property tax account number, and address for each lot  
26 or unit the lien will encumber and identify the type and amount of the deferred impact fees;

27 (iii) Be binding and subordinate on all successors in title after the recording;

28 (iv) Be junior and subordinate to a first mortgage for the purpose of construction upon  
29 the same real property granted to the applicant who applied for the deferral of impact fees, but  
30 in no case shall the lien be in less than second place; and

31 (v) Be signed by all owners of the property, with all signatures acknowledged as required  
32 for a deed.

33 (d) The lien shall be recorded prior to the issuance of the building permit for the building  
34 subject to the impact fees.

35 (e) Each applicant eligible to defer impact fees shall only be entitled to receive deferrals for  
36 no more than a total of twenty building permits in unincorporated Snohomish County during  
37 each calendar year.

38 (f) The applicant or property owner shall be responsible for the payment of recording fees.

39 (g) The deferred impact fees for each single-family dwelling unit whether detached or  
40 attached shall be paid in full prior to whichever of the following occurs first:

41 (i) Scheduling final inspection;

42 (ii) Issuance of a certificate of occupancy;

43 (iii) The closing of the first sale of the property occurring after the recording of the lien; or

44 (iv) Eighteen months from the date of building permit issuance.

45 (h) If the building for which the deferral of the impact fees is requested will be located  
46 within a subdivision or short subdivision, the subdivision or short subdivision shall be recorded  
47 prior to recording the lien for impact fees and issuance of the building permit.

48 (i) Upon receipt of final payment of all deferred impact fees for a building permit, the county  
49 shall execute a release of the deferred impact fee lien. The applicant or property owner is  
50 responsible for submitting a lien release application to PDS. The applicant, at their own

1 expense, will be responsible for recording lien the release after all deferred impact fees  
2 associated with a lot or unit subject to a lien have been paid.

3 (j) Compliance with the requirements of the deferral option shall constitute compliance with  
4 subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

5 (k) If deferred impact fees are not paid in accordance with terms authorized by state law  
6 and this section, the county may initiate foreclosure proceedings for the unpaid impact fees and  
7 all costs associated with the collection of the unpaid impact fees.

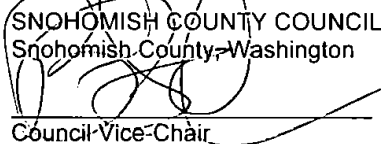
8 (l) A request to defer school impact fees under this section may be combined in one  
9 application with a request to defer park and recreation impact fees under SCC 30.66A.020(4)  
10 and road system impact fees under SCC 30.66B.340(5).

11 ~~((2))~~(3) Districts eligible to receive school impact fees collected by the county shall establish  
12 an interest-bearing account separate from all other district accounts. The county shall deposit  
13 school impact fees in the appropriate district account within ten (10) days after receipt, and shall  
14 provide the receiving district with a notice of deposit.

15 ~~((3))~~(4) Each district shall institute a procedure for the disposition of impact fees and providing  
16 for annual reporting to the county that demonstrates compliance with the requirements of  
17 RCW 82.02.070, and other applicable laws.

18  
19 Section 9. Severability and savings. If any section, sentence, clause, or phrase of this  
20 ordinance shall be ruled to be invalid or unconstitutional by a court of competent jurisdiction,  
21 such ruling shall not affect the validity or constitutionality of any other section, sentence, clause,  
22 or phrase of this ordinance, and the section, sentence, clause, or phrase in effect prior to the  
23 effective date of this ordinance shall be in full force and effect for that individual section,  
24 sentence, clause, or phrase as if this ordinance had never been adopted.

25  
26 PASSED this 24<sup>th</sup> day of August, 2016.

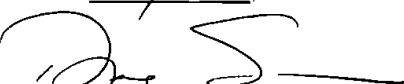
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28 SNOHOMISH COUNTY COUNCIL  
29 Snohomish County, Washington  
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32   
33 Council Vice-Chair

34 ATTEST:

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36  
37 Clerk of the Council

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39  
40 (  ) APPROVED  
41 ( ) EMERGENCY  
42 ( ) VETOED

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45 DATE: 9/2, 2016

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49 County Executive

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ATTEST:



Approved as to form only:

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Deputy Prosecuting Attorney