



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19965

Proposed No. 2025-0127.3

Sponsors Dembowski

1 AN ORDINANCE relating to school impact fees;
2 amending Ordinance 13147, Section 22, as amended, and
3 K.C.C. 20.18.060, Ordinance 11621, Section 89, as
4 amended, and K.C.C. 21A.28.152, Ordinance 11621,
5 Section 90, as amended, and K.C.C. 21A.28.154,
6 Ordinance 11621, Section 91, as amended, and K.C.C.
7 21A.28.156, Ordinance 11621, Section 112, as amended,
8 and K.C.C. 21A.43.030, Ordinance 11621, Section 114, as
9 amended, and K.C.C. 21A.43.050, and Ordinance 11621,
10 Section 117, as amended, and K.C.C. 21A.43.080, adding a
11 new section to K.C.C. chapter 21A.43, and repealing
12 Ordinance 10870, Section 292, and K.C.C. 21A.06.1260,
13 and Ordinance 11621, Attachment A.

14 SECTION 1. Findings:

15 A. This ordinance includes a new formula for the calculation of impact fees.
16 This ordinance also includes a maximum impact fee amount for middle housing and
17 larger apartment units, as one measure to limit the impact of the fee on housing
18 production. This formula is new and the county is committed to evaluating its efficacy
19 over time, both for measuring the impact of new development on school capacity and on
20 the impacts of the fee on housing production in unincorporated King County. If the

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county finds that the formula is not as effective as intended, then in the capital facility plans and impact fee proposed for 2031, a modified formula or modified maximum impact fee, or both, may be proposed. The maximum impact fee may also be modified in the future due to inflation or population growth, or some other factor, as part of the county and school districts' regular ongoing evaluation of school capital facility planning.

B. RCW 82.02.060 and K.C.C. 21A.43.080, allow for exemptions from impact fee for low-income housing projects. It is the intent of the council that the county provide school-district approved exemptions from school impact fees authorized by this ordinance and K.C.C. 21A.43.080 for all affordable housing projects in unincorporated King County.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060 are hereby amended as follows:

A. Beginning in 2030, and every ten years thereafter, the executive shall initiate the ten-year update to the Comprehensive Plan required by K.C.C. 20.18.030.C. The ten-year update process shall occur as follows:

1.a. By September 15, 2031, and every ten years thereafter, the executive shall transmit to the council a proposed motion specifying the scope of work for the proposed ten-year update to the Comprehensive Plan in subsection A.2. of this section. The scoping motion shall include as an attachment to the motion the following:

(1) topical areas relating to amendments to policies, the land use map, implementing development regulations, or any combination of those amendments that the executive intends to consider for recommendation to the council; and

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(2) the work program the executive intends to follow to accomplish State Environmental Policy Act review and public participation.

b. the council shall have until December 31 of that year to approve the motion. In the absence of council approval, the executive shall proceed to implement the scope of work as proposed in the motion transmitted by the executive. If the motion is approved, the scope of work shall proceed as established by the approved motion.

2. Except as otherwise provided in subsection B. of this section:

a. By June 30, 2033, and every ten years thereafter, the executive shall transmit to the council a proposed ordinance for the ten-year Comprehensive Plan update. All transmittals shall be accompanied by a public participation summary, identifying the methods used by the executive to ensure early and continuous public participation in the preparation of amendments; and

b. The council shall have until June 30, 2034, and every ten years thereafter to adopt the ten-year update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

B. Separate from ten-year Comprehensive Plan updates required in subsection A. of this section:

1. Except as otherwise provided in subsection B.2. of this section, in years when the fiscal period is biennial, the capital improvement program, an update or addendum where appropriate to the transportation needs report, and the school capital facility plans for updates allowed under K.C.C. 21A.28.152.F. shall be:

a. transmitted by the executive to the council no later than transmittal of the biennial budget; and

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- 67 b. adopted by the council in conjunction with the biennial budget;
- 68 2. Subsection B.1. of this section shall not apply to the transportation needs
- 69 report in years when a transmitted ten-year Comprehensive Plan update is being reviewed
- 70 by the council as required in subsection A.2. of this section; and
- 71 3. In years when there is only a midbiennium review of the budget under K.C.C.
- 72 4A.100.010 or, under K.C.C. 4A.100.010.B., the fiscal period for some or all of the
- 73 county funds is on an annual basis, the capital improvement program and the school
- 74 capital facility plans shall be:
- 75 a. transmitted by the executive to the council by October 1; and
- 76 b. adopted by the council no later than adoption of the midbiennium review or
- 77 in conjunction with the annual budget.
- 78 SECTION 2. Ordinance 11621, Section 89, as amended, and K.C.C. 21A.28.152
- 79 are hereby amended to read as follows:
- 80 A. ~~((On an annual basis))~~ Except as otherwise allowed in subsection F. of this
- 81 section, for the update process occurring in 2026 for fees effective January 1, 2027, and
- 82 every two years thereafter, each school district shall electronically submit the following
- 83 materials to the chair of the school technical review committee created ~~((in accordance~~
- 84 ~~with))~~ under K.C.C. 21A.28.154:
- 85 1. The school district's capital facilities plan adopted by the school board that is
- 86 consistent with the Growth Management Act;
- 87 2. The school district's enrollment projections over the next six years, its current
- 88 enrollment, and actual enrollment from the previous year;

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3. The school district's standard of service, which may include criteria such as class size, student-teacher ratios, sports field sizes, building requirements, or other criteria established by state statute or school district policy;

4. An inventory and evaluation of school district facilities that address the school district's standard of service; and

5. The school district's overall capacity over the next six years, which shall be a function of the school district's standard of service as measured by the number of students that can be housed in school district facilities.

B. To the extent that the school district's standard of service reveals a deficiency in its current facilities, the school district's capital facilities plan shall demonstrate a plan for achieving the standard of service((;)) and shall identify the sources of funding for building or acquiring the necessary facilities to meet the standard of service.

C. Facilities to meet future demand shall be designed to meet the adopted standards of service. If sufficient funding is not projected to be available to fully fund a school district capital facilities plan that meets the standard of service, the school district's capital plan should document the reason for the funding gap.

D. In accordance with RCW 82.02.070, if an impact fee ordinance has been adopted on behalf of a school district, the ((King County)) department of executive services, finance and business operations division or successor agency, shall send the chair of the committee a report showing the source and amount of all fees collected, interest earned on behalf of each school district, the amount of moneys distributed to each school district, and the system improvements that were financed in whole or in part by impact fees and the amount of moneys expended as reported by the school district. The

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112 chair of the committee shall provide a copy of each report to the respective school
113 district.

114 E. Each school district shall annually report on their use of moneys to the chair of
115 the committee showing the capital improvements that were financed in whole or in part
116 by the impact fees. The chair of the committee shall use the information to confirm
117 expenditures with the department of executive services, finance and business operations
118 division, and to verify compliance with RCW 82.02.070.

119 F.1. In the event a district needs the county to adopt an amendment to its capital
120 facilities plan either to address an unforeseen critical issue or to lower the school impact
121 fee prior to the next update required in subsection A. of this section, the district may
122 request an annual amendment be considered by the county in accordance with the
123 schedule in K.C.C. 20.18.060.B.1.

124 2. In the event of a requested annual amendment, the school district shall
125 coordinate with the school technical review committee chair on the required materials,
126 timing, and process to submit and review a request for an annual amendment.

127 3. The capital facilities plan may only be amended once per calendar year unless
128 the district's board of directors declares, and the county finds, that an emergency exists
129 consistent with the requirements in K.C.C. 20.18.030.A.1.

130 SECTION 3. Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154
131 are hereby amended as follows:

132 A. There is hereby created the school technical review committee consisting of
133 the following representatives:

134 1. One from the department of local services;

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- 135 2. One from the regional planning unit of the office of performance, strategy,
136 and budget; ~~((and))~~
- 137 3. One from the housing, homelessness, and community development division of
138 the department of community and human services; and
- 139 4. One from the county council staff, as a ~~((n))~~ nonvoting ex officio member.
- 140 B. The representative from the department of local services shall serve as the
141 chair of the committee.
- 142 C. The committee shall be charged with reviewing each school district's: capital
143 facilities plan; enrollment projections; standard of service; overall capacity for the next
144 six years to ensure consistency with the Growth Management Act, King County
145 Comprehensive Plan, and adopted subarea plans; ~~((and))~~ calculation and rationale for
146 proposed impact fees; and evaluation of potential impacts of the proposed impact fee on
147 housing production.
- 148 D. Committee meetings shall be open to the public. The chair of the committee
149 shall post on the county's website a public notice of the time and place of a committee
150 meeting least two weeks in advance of the meeting. Materials submitted under K.C.C.
151 21A.28.152.A. shall be posted on the county's website at the same time as the meeting
152 notice.
- 153 E. At the meeting where the committee will review or act upon the school
154 district's documents, school district representatives may attend and present testimony to
155 the committee.
- 156 F. In its review, the committee shall consider the following factors:

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- 157 1. Whether the school district's forecasting system for enrollment projections
158 has been demonstrated to be reliable and reasonable;
- 159 2. The historic levels of funding and voter support for bond issues in the school
160 district;
- 161 3. The inability of the school district to obtain the anticipated state funding or to
162 receive voter approval for school district bond issues;
- 163 4. An emergency or emergencies in the school district that required the closing
164 of a school facility or facilities resulting in a sudden and unanticipated decline in
165 districtwide capacity;
- 166 5. The standards of service set by school districts in similar types of
167 communities. While community differences will be allowed, the standard established by
168 the school district should be reasonably consistent with the standards set by other school
169 districts in communities of similar socioeconomic profile; ~~((and))~~
- 170 6. The standards identified by the state concerning the ratios of certificated
171 instructional staff to students; and
- 172 7. The potential impacts of the proposed impact fee on housing production
173 within the school district.
- 174 G. In the event that the school district's standard of service reveals a deficiency in
175 its current facilities, the committee shall review the school district's capital facilities plan
176 to determine whether the school district has identified all sources of funding necessary to
177 achieve the standard of service.

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178 H. The school district in developing the financing plan component of the capital
179 facilities plan shall plan on a six-year horizon and shall document that it took the
180 following steps:

- 181 1. Establish a six-year financing plan, and propose the necessary bond issues
182 and levies required by and consistent with that plan and as approved by the school board
183 and consistent with RCW 28A.53.020, 84.52.052 and 84.52.056, as amended; and
- 184 2. Apply to the state for funding, and comply with the state requirement for
185 eligibility to the best of the school district's ability.

186 I. The committee may request that a school district review and resubmit its
187 capital facilities plan, establish a different standard of service, or review its capacity for
188 accommodating new students, or any combination thereof, under any of the following
189 circumstances:

- 190 1. The standard of service established by the school district is not reasonable in
191 light of the factors in subsection F. of this section;
- 192 2. The committee finds that the school district's standard of service cannot
193 reasonably be achieved in light of the secured financial commitments and the historic
194 levels of support in the school district; or
- 195 3. Any other basis that is consistent with this section.

196 J. If a school district fails to submit its capital facilities plan for review by the
197 committee, King County shall assume the school district has adequate capacity to
198 accommodate growth for the following six years.

199 K. The chair of the committee shall document the outcome of the committee
200 meeting each school district's capital facility plan and associated proposed impact fees in

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201 a report. The report shall include analysis consistent with subsections F. through J. of
202 this section((;)) and the evaluation by each school district of the potential impact of the
203 proposed impact fee on housing production within the school district required by
204 subsection C. of this section. The chair of the committee shall submit copies of its report
205 to the director, hearing examiner, and school districts and shall post the report on the
206 county's website.

207 L. In accordance with K.C.C. 20.18.060 and 20.18.070 and based on committee
208 input, the chair of the committee shall recommend to the executive, and the executive
209 shall transmit to the council, a proposed Comprehensive Plan amendment adopting the
210 school district's capital facilities plan as part of the Comprehensive Plan, for any plan that
211 the committee concludes accurately reflects the school district's facilities status. The
212 transmittal shall include the report required by subsection K. of this section.

213 M. In the event that after reviewing a school district's capital facilities plan and
214 other documents, the committee is unable to recommend adoption of the school district's
215 capital facilities plan, the chair of the committee shall submit a statement to the council,
216 director, hearing examiner, and school district stating the committee's findings. The
217 committee shall then recommend to the executive, and the executive shall transmit to the
218 council, consistent with the school capital facility plan timelines established in K.C.C.
219 20.18.060 and 20.18.070, either proposed amendments to the land use element of the
220 King County Comprehensive Plan or proposed amendments to the development
221 regulations implementing the plan, or both, to more closely conform county land use
222 plans and school district capital facilities plans, including, but not limited to, requiring

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223 mandatory phasing of plats or multiunit development located within the school district's
224 boundary.

225 SECTION 4. Ordinance 11621, Section 91, as amended and K.C.C. 21A.28.156,
226 are hereby amended to read as follows:

227 A. ~~((On at least an annual basis))~~ At least once every two years, in accordance
228 with K.C.C. 20.18.060 and 20.18.070, the King County council shall adopt the school
229 district's capital facility plans.

230 B. The council shall review and consider any proposal or proposals submitted by
231 the school technical review committee for amending the land use policies of the King
232 County Comprehensive Plan, or the development regulations implementing the plan,
233 including but not limited to requiring mandatory phasing of subdivisions or multiunit
234 development when the committee is unable to recommend adoption for a specific school
235 district in accordance with K.C.C. 21A.28.154. Any proposed amendments to the
236 Comprehensive Plan or development regulations shall be subject to the public hearing
237 and other procedural requirements set out in K.C.C. Title 20.

238 C. The council may initiate amendments to the land use policies of the King
239 County Comprehensive Plan, or amendments to the development regulations
240 implementing the plan, to more closely conform county land use plans and school district
241 capital facilities plans.

242 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 21A.43
243 a new section to read as follows:

244 Except as otherwise provided in K.C.C. chapter 21A.06, the definitions in this
245 section apply throughout this chapter unless the context clearly requires otherwise.

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246 A. "Apartment units" has the same meaning as that term is defined in K.C.C.
 247 chapter 21A.06, and it does not include a townhouse.

248 B. "Dwelling unit type" means apartment units, middle housing units, and single
 249 detached units.

250 C. "Middle housing units" includes duplex, houseplex, townhouse, and cottage
 251 housing units, as each of these terms is defined individually in K.C.C. chapter 21A.06.

252 D. "Single detached units" means single detached residences, manufactured
 253 home, and mobile home units as each of these terms is defined individually in K.C.C.
 254 chapter 21A.06.

255 E. "Student factor" means the number derived by a school district to describe how
 256 many students of each grade span are expected to be generated by a dwelling unit.

257 SECTION 6. Ordinance 11621, Section 112, as amended, and K.C.C.
 258 21A.43.030 are hereby amended to read as follows:

259 A. The fee for each district shall be calculated based on the formula set out in
 260 ~~((Attachment A to Ordinance 11621))~~ subsection F. of this section.

261 B. Separate fees shall be calculated for the following dwelling unit types: single
 262 detached ~~((and multiunit residential))~~ units ~~((and))~~ with three or more bedrooms; single
 263 detached units with two or fewer bedrooms; middle housing units with three or more
 264 bedrooms; middle housing units with two or fewer bedrooms; apartment units with two
 265 or more bedrooms; and apartment units with one or fewer bedrooms. Separate student
 266 factors shall be determined by the district for each dwelling unit type and for each grade
 267 span. Student factors shall be based on district records of average actual student generated
 268 rates for a statistically valid sample of newly constructed dwelling units over a period of

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between five years and ten years before the date of the fee calculation. If such information is not available in the district, data from adjacent districts, districts with similar demographics, or countywide averages shall be used; however, a district may use its calculated student factor for the apartment units category for the middle housing units if there is insufficient data in the district to calculate a student factor for middle housing units.

C. The fee shall be calculated on a district-by-district basis using the appropriate factors and data to be supplied by the district, as indicated in ~~((Attachment A to Ordinance 11621))~~ subsection F. of this section. The fee calculations shall be made on a district-wide basis to assure maximum utilization of all school facilities in the district used currently or within the last two years for instructional purposes.

D. The formula in ~~((Attachment A to Ordinance 11621))~~ subsection F. of this section also provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of voter support for bond issues in the school district.

E. The formula in ~~((Attachment A to Ordinance 11621))~~ subsection F. of this section also provides ~~((for))~~ a credit for school facilities or sites actually provided by an applicant that the school district finds to be acceptable.

F. The fee for each dwelling unit type identified in subsection B. of this section shall be calculated based on the following formula:

IF:

A = Student Factor for dwelling unit type and grade span × site cost per student for sites for facilities in that grade span = full cost fee for site acquisition cost

B = Student factor for dwelling unit type and grade span × school construction

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292 cost per student for facilities in that grade span × ratio of district's square
 293 footage of permanent facilities to total square footage of facilities = full cost
 294 fee for school construction

295 C = Student factor for dwelling unit type and grade span × relocatable facilities
 296 cost per student for facilities in that grade span × ratio of district's square
 297 footage of relocatable facilities to total square footage of facilities = full cost
 298 fee for facilities construction

299 D = Student factor for dwelling unit type and grade span CCA × OSPI square
 300 footage per student factor × SCAP % = SCAP

301 A1, B1, C1, D1 means the A, B, C, D for elementary grade spans
 302 A2, B2, C2, D2 means the A, B, C, D for middle/junior high grade spans
 303 A3, B3, C3, D3 means the A, B, C, D for high school grade spans

304 Tax payment credit (TC) = The net present value of the average assessed value in the
 305 district for dwelling unit type × current school district capital property tax levy
 306 rate, using a 10-year discount period and current interest rate (based on the
 307 Bond Buyer 20-Bond General Obligation Index)

308 Facilities Credit (FC) = The per-dwelling-unit value of any site or facilities provided
 309 directly by the development

310 THEN the unfunded need (UN) = A1 + A2 + A3 + B1 + B2 + B3 + C1 + C2 + C3 - (D1-
 311 D2-D3) - TC

312 AND the developer fee obligation (F) = UN ÷ 2

313 AND the net fee obligation (NF) = F - FC

314 Notes:

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1. The "Construction Cost Allocation" or "CCA" means the maximum cost per square foot of construction that the state will recognize for purposes of the state School Construction Assistance Program as administered by the state Office of Superintendent of Public Instruction. This amount is established by the state legislature in the biennium budget;

2. "School Construction Assistance Program" or "SCAP" funding means the anticipated funding the district expects to receive from the state toward a capacity project included in the formula;

3. "Washington Office of Superintendent of Public Instruction" or "OSPI" square footage per student means the space allocations per grade span determined by WAC 392-343-035;

4. The district shall provide its own site and facilities standards and projected costs to be used in the formula, consistent with the requirements of K.C.C. 21A.28.152 and K.C.C. chapter 21A.43; and

5. The formula in subsection F. of this section can be applied using the following table:

Table for Calculating School Impact Fee Obligations for Dwelling Units To be separately calculated for each dwelling unit type identified in subsection B. of this section.			
A1 =	Elementary school site cost per student × student factor	≡	_____

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<u>A2 =</u>	<u>Middle/junior high school site cost per student</u> <u>× student factor</u>		<u>≡</u>	<u> </u>
<u>A3 =</u>	<u>High school site cost per student × student</u> <u>factor</u>		<u>≡</u>	<u> </u>
<u>A =</u>	<u>A1 + A2 + A3</u>		<u>≡</u>	<u> </u>
<u>B1 =</u>	<u>Elementary school construction cost per</u> <u>student × student factor</u>		<u>≡</u>	<u> </u>
<u>B2 =</u>	<u>Middle/junior high school construction cost</u> <u>per student × student factor</u>		<u>≡</u>	<u> </u>
<u>B3 =</u>	<u>High school construction cost per student ×</u> <u>student factor</u>		<u>≡</u>	<u> </u>
<u>B =</u>	<u>(B1+B2+B3) ×</u>	<u>Square footage of permanent</u> <u>facilities</u> <u>_____</u> <u>Total square footage of</u> <u>facilities</u>	<u>≡</u>	<u> </u>
<u>C1 =</u>	<u>Elementary school relocatable facility cost per</u> <u>student × student factor</u>		<u>≡</u>	<u> </u>
<u>C2 =</u>	<u>Middle/junior high school relocatable facility</u> <u>cost per student × student factor</u>		<u>≡</u>	<u> </u>
<u>C3 =</u>	<u>High school relocatable facility cost per</u> <u>student × student factor</u>		<u>≡</u>	<u> </u>

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<u>C =</u>	<u>(C1+C2+C3) ×</u> <u>Total square footage of facilities</u>	<u>Square footage of relocatable facilities</u> <u>Total square footage of facilities</u>	<u>≡</u>	<u>_____</u>
<u>D1 =</u>	<u>Elementary school CCA × OSPI square footage per student factor × SCAP % × student factor</u>		<u>≡</u>	<u>_____</u>
<u>D2 =</u>	<u>Middle/junior high school CCA × OSPI square footage per school × SCAP % × student factor</u>		<u>≡</u>	<u>_____</u>
<u>D3 =</u>	<u>High school CCA × OSPI square footage per student × SCAP % × student factor</u>		<u>≡</u>	<u>_____</u>
<u>D =</u>	<u>D1 + D2 + D3</u>		<u>≡</u>	<u>_____</u>
<u>TC =</u>	<u>$\frac{((1 + i)^{10}) - 1}{i(1 + i)^{10}}$</u>	<u>×</u> <u>average assessed value for the dwelling unit type in the school district × current school district capital property tax levy rate</u>	<u>≡</u>	<u>_____</u>
	<u>where i = current interest rate as stated in the Bond Buyer 20-Bond General Obligation Index</u>			

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<u>FC =</u>	<u>Value of site or facilities provided directly by the development</u> <u>Number of dwelling units in the development</u>		<u>=</u>	<u> </u>
<u>Total unfunded need (UN) = A + B + C - D - TC</u>			<u> </u>	<u>A</u>
			<u>+ </u>	<u>B</u>
			<u>+ </u>	<u>C</u>
			<u>- </u>	<u>D</u>
			<u>- </u>	<u>TC</u>
<u>Total unfunded need (UN) =</u>			<u> </u>	
<u>Developer Fee Obligation =</u>	<u>UN</u> <u> </u> <u>2</u>	<u>=</u>	<u> </u>	
			<u>- </u>	<u>FC</u>
			<u>(if applicable)</u>	
<u>Net Fee Obligation =</u>			<u> </u>	

331 G. The school impact fees for the following categories shall not be greater than
332 five thousand dollars: For middle housing units with three or more bedrooms, middle
333 housing units with two or fewer bedrooms, apartment units with two or more bedrooms,
334 and apartment units with one or fewer bedrooms. The impact fees for other categories
335 shall not be modified as a result of this cap.

336 SECTION 7. Ordinance 1162, Section 114, as amended, and K.C.C. 21A.43.050
337 are hereby amended to read as follows:

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338 A. In school districts where impact fees have been adopted by county ordinance
339 and except as provided in K.C.C. 21A.43.080, the county shall collect impact fees, based
340 on the schedules in each ordinance establishing the fee to be collected for the district,
341 from any applicant seeking ~~((development approval from the county where such~~
342 ~~development activity requires final plat approval or the issuance of))~~ a ~~((residential))~~
343 building permit ~~((or a manufactured home permit and))~~ to construct one or more dwelling
344 units, if the fee for the lot or unit has not been previously paid. The fee shall be
345 calculated based on the district's impact fee schedule adopted in accordance with K.C.C.
346 Title 27 and in effect at the time a complete building permit application is filed, except
347 as allowed in subsections B. and C. of this section. Approval shall not be granted and a
348 permit shall not be issued until the required school impact fees in the district's impact fee
349 schedule contained in K.C.C. Title 27 have been paid.

350 B. ~~((For a subdivision applied for on or after the effective date of the ordinance~~
351 ~~adopting the fee for the district in question receiving final approval, fifty percent of the~~
352 ~~impact fees due on the subdivision shall be assessed and collected from the applicant at~~
353 ~~the time of final plat approval, using the impact fee schedules in effect when the plat was~~
354 ~~approved. The balance of the assessed fee shall be allocated to the dwelling units in the~~
355 ~~project, and shall be collected when the building permits are issued. Residential~~
356 ~~developments proposed for short subdivisions shall be governed by subsection D. of this~~
357 ~~section.~~

358 C. ~~If, on the effective date of an ordinance adopting an impact fee for a district, a~~
359 ~~subdivision has already received preliminary approval, such subdivision shall not be~~
360 ~~required to pay fifty percent of the impact fees at the time of final approval, but the~~

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~~impact fees shall be assessed and collected from the lot owner at the time the building permits are issued, using the impact fee schedules in effect at the time of building permit application. If, on the effective date of a district's ordinance, an applicant has applied for preliminary subdivision approval, but has not yet received such an approval, the applicant shall follow the procedures in subsection B. of this section.~~

~~D. For existing lots or lots not covered by subsection B. of this section, application for single detached and multiunit residential building permits, manufactured home permits, and site plan approval for manufactured home communities, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued, using the impact fee schedules in effect at the time of permit application.~~

~~E. Any application for preliminary subdivision approval or rezone that has been approved subject to conditions requiring the payment of impact fees established in accordance with this chapter))~~ If a recorded plat or development agreement approved before the effective date of this ordinance includes conditions of approval with specific requirements for impact fees to be assessed at time of construction, the impact fee shall be ((required to pay the fee)) assessed in accordance with the condition of approval of the recorded plat or development agreement.

~~((F. In lieu of impact fee payment under subsections A. through E. of this section,))~~ C. ((e))Each applicant ~~((for a single detached residential construction permit))~~ may request deferral of impact fee collection for up to the first twenty single detached residential construction building permits per year. Applicants shall be identified by their contractor registration numbers. Deferred payment of impact fees shall occur either at

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the time of final permit inspection by the department of local services, permitting division, or eighteen months after the building permit is issued, whichever is earlier.

SECTION 8. Ordinance 11621, Section 117, as amended, and K.C.C. 21A.43.080 are hereby amended to read as follows:

"A. Low-income housing projects as defined in RCW 82.02.060, including permanent supportive housing projects, shall be exempt from the payment of school impact fees. The amount of the school impact fees not collected from low-income household development shall be paid from public funds other than impact fee accounts. The impact fees for these units shall be considered paid for by the district through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account. ~~((The housing, homelessness, and community development division shall review proposed developments of low income housing in accordance with criteria and procedures adopted by administrative rule, and shall advise the department of local services, permitting division, as to whether the project qualifies for the exemption.~~

~~B. Applicants who dedicate residential units for occupancy by low income households may apply to the housing, homelessness, and community development division for reductions in school impact fees in accordance with subsection A. of this section. The housing, homelessness, and community development division shall review proposed developments of low income housing by such private applicants in accordance with criteria and procedures adopted by administrative rule, and shall advise the department of local services, permitting division, as to whether the project qualifies for the exemption. If the housing, homelessness, and community development division~~

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407 ~~recommends the exemption, the department of local services, permitting division, shall~~
408 ~~reduce the calculated school impact fee for the development by an amount that is~~
409 ~~proportionate to the number of units in the development that satisfy the adopted criteria.~~

410 ~~C. Developments for low income homeownership units (as defined pursuant to~~
411 ~~the King County Comprehensive Housing Affordability Strategy (CHAS)) who are~~
412 ~~developing homes at prices within the eligibility limits based on standard lending criteria~~
413 ~~and meet other means tests established by rule by the housing, homelessness, and~~
414 ~~community development division are exempted from payment of the impact fee, except~~
415 ~~that at such time as the property in question is transferred to another owner who does not~~
416 ~~qualify for the exemption, at which time the fee shall be due and payable.~~

417 ~~D. The housing, homelessness, and community development division is hereby~~
418 ~~instructed and authorized to adopt, pursuant to K.C.C. chapter 2.98, administrative rules~~
419 ~~to implement this section. Such rules shall provide for the administration of this program~~
420 ~~and shall:~~

- 421 ~~1. Encourage the construction of housing for low income households;~~
 - 422 ~~2. Encourage the construction of housing units for low income households that~~
423 ~~are in addition to units required by another housing program or development condition;~~
 - 424 ~~3. Ensure that housing that qualifies as low cost meets appropriate standards~~
425 ~~regarding household income, rent levels or sale prices, location, number of units, and~~
426 ~~development size; and~~
 - 427 ~~4. Ensure that applicants who obtain an exemption from or reduction of school~~
428 ~~impact fees will in fact build the proposed low cost housing and make it available to~~
429 ~~low income households.~~
-

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430 ~~5. Ensure that individual low income purchasers meet appropriate eligibility~~
 431 ~~standards based on income and other financial means tests.~~

432 ~~E.))~~ B. As a condition of receiving an exemption under ~~((subsection B. or C. of))~~
 433 this section, the applicant shall execute and record a covenant against the property
 434 guaranteeing that the proposed development will continue to be used for low-income
 435 housing. In the event that the use of the development is no longer for low-income
 436 housing, then the owner shall pay the impact fee amount from which the owner or any
 437 prior owner was exempt. The covenant shall run with the land and apply to subsequent
 438 owners.

439 ~~((F.))~~ C. All school impact fee exemptions, reductions, or waivers shall be
 440 approved by the school district that would receive the school impact fee, except for fee
 441 exemptions allowed under K.C.C. 21A.43.070 and K.C.C. 21A.43.080, fee reductions
 442 based on modifications to permits after issuance, or fee waivers for construction not
 443 begun.

444 D. The school impact fees shall not be modified as a result of the exemption.

445 SECTION 9. The following are hereby repealed:

446 A. Ordinance 10870, Section 292, and K.C.C. 21A.06.1260; and

447 B. Ordinance 11621, Attachment A, is hereby repealed.

448 SECTION 10. This ordinance applies to the capital facilities plans submitted for
 449 the update process commencing in 2026 and to plans submitted thereafter and the
 450 resulting fee schedules adopted in accordance with K.C.C. Title 27, except that the school
 451 impact fee for multifamily dwelling units shall not be more than five thousand dollars for
 452 the fees adopted for 2026.

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453 SECTION 11.

454 A. The school technical review committee, in consultation with the school
455 districts, shall develop, implement, and modify as necessary, the criteria for
456 evaluation of the impacts of school impact fees on housing production that is included
457 in this ordinance.

458 B. The executive shall identify an individual, such as a county employee, school
459 district employee or representative, or a contracted consultant, who will coordinate
460 this evaluation on behalf of all of the school districts and King County, and a method
461 to pay for that individual's time. The intent is that the evaluation be done on a
462 regional basis looking at all participating school districts, not on a district-by-district
463 basis.

464 C. The evaluation shall include an analysis of housing affordability using this
465 regional basis to:

466 1. Ensure that schools are able to serve families of all income levels without
467 barriers to enrollment;

468 2. Ensure that the county can provide a broad spectrum of housing options
469 available to families near schools; and

470 3. Require new housing development help pay for schools without penalty or
471 barrier and with incentive to affordable housing for working families.

472 D. The evaluation could model feasibility of projects of various types based on
473 various school impact fee amounts.

474 SECTION 12. Severability. If any provision of this ordinance or its application

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- 475 to any person or circumstance is held invalid, the remainder of the ordinance or the
- 476 application of the provision to other persons or circumstances is not affected.

Ordinance 19965 was introduced on 5/6/2025 and passed as amended by the Metropolitan King County Council on 8/26/2025, by the following vote:

Yes: 8 - Balducci, Barón, Dembowski, Mosqueda, Perry, Quinn,
von Reichbauer and Zahilay
No: 1 - Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

Girmay Zahilay

1AEA3C5077F8485...

Girmay Zahilay, Chair

ATTEST:

DocuSigned by:

Melani Hay

8DE1BB375AD3422...

Melani Hay, Clerk of the Council

APPROVED this ____ day of 9/8/2025, ____.

Signed by:

Shannon Braddock

AAA4841FD7644BE...

Shannon Braddock, County Executive

Attachments: None

Certificate Of Completion

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Council Chair

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Melani Hay

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Clerk of the Council

King County Council

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Deputy Executive

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Shannon Braddock
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