

ORDINANCE NO. 20-1147

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ADOPTING A SCHOOL IMPACT FEE SCHEDULE; AUTHORIZING AN ADDITIONAL FEE FOR ADMINISTERING THE SCHOOL IMPACT FEE PROGRAM; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has authority to adopt impact fees to address the impact on school facilities caused by new development, pursuant to RCW 82.02.050 through 82.02.100; and

WHEREAS, the City Council desires to ensure that new residential development in the City bears its fair and proportionate cost of new school facilities necessitated by such development, so as to ensure adequate and appropriate facilities for educating students residing in the City; and

WHEREAS, the City Council has adopted a new Chapter 3.70 of the Black Diamond Municipal Code authorizing the imposition and collection of school impact fees, subject to the City's execution of an interlocal agreement with each of the school districts serving the City that wish to participate in the impact fee program; and

WHEREAS, the Auburn School District has provided the City with a copy of its Capital Facilities Program (CFP), which the City has incorporated by reference into the City's Comprehensive Plan, and that CFP requests that the City assess school impact fees in the amounts of \$6,456.31 per single-family dwelling unit and \$16,325.80 per multi-family dwelling unit, based on the formula set forth in BDMC 3.70.140; and

WHEREAS, the Enumclaw School District has provided the City with a copy of its CFP, which the City has incorporated by reference into the City's Comprehensive Plan, and that CFP requests that the City assess school impact fees in the amounts of \$8,972 per single-family dwelling unit and \$6,282 per multi-family dwelling unit, based on the formula set forth in BDMC 3.70.140; and

WHEREAS, the Kent School District has provided the City with a copy of its CFP, which the City has incorporated by reference into the City's Comprehensive Plan, and that CFP requests that the City assess school impact fees in the amounts of \$5,692 per single-family dwelling unit and \$2,403.63 per multi-family dwelling unit, based on the formula set forth in BDMC 3.70.140; and

WHEREAS, the Tahoma School District has provided the City with a copy of its CFP, which the City has incorporated by reference into the City's Comprehensive Plan, and that CFP requests that the City assess school impact fees in the amounts of \$5,748 per single-family dwelling unit and \$4,366 per multi-family dwelling unit, based on the formula set forth in BDMC 3.70.140; and

WHEREAS, the City Council held a public hearing on August 6, 2020, to receive public input on the proposed school impact fee program and proposed amounts; and

WHEREAS, the City Council has reviewed the impact fees requested by the four school districts and finds that they represent a fair and appropriate local share of the costs of new school capital facilities necessitated by anticipated new residential development in the City, and that assessing such fees would help to ensure that students in the City of Black Diamond enjoy a high-quality educational environment with adequate facilities to meet their needs;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Adoption of School Impact Fees for Auburn School District.

Pursuant to BDMC 3.70.070, the City hereby adopts the school impact fees proposed by the Auburn School District in the amount of \$6,456.31 per single-family dwelling unit, and \$16,325.80 per multi-family dwelling unit constructed within the geographic boundary of the Auburn School District within the City.

Section 2. Adoption of School Impact Fees for Enumclaw School District.

Pursuant to BDMC 3.70.070, the City hereby adopts the school impact fees proposed by the Enumclaw School District in the amount of \$8,972.00 per single-family dwelling unit, and \$6,282.00 per multi-family dwelling unit constructed within the geographic boundary of the Enumclaw School District within the City.

Section 3. Adoption of School Impact Fees for Kent School District.

Pursuant to BDMC 3.70.070, the City hereby adopts the school impact fees proposed by the Kent School District in the amount of \$5,692.00 per single-family dwelling unit, and \$2,403.63 per multi-family dwelling unit constructed within the geographic boundary of the Kent School District within the City.

Section 4. Adoption of School Impact Fees for Tahoma School District.

Pursuant to BDMC 3.70.070, the City hereby adopts the school impact fees proposed by the Tahoma School District in the amount of \$5,748.00 per single-family dwelling unit, and \$4,366.00 per multi-family dwelling unit constructed within the geographic boundary of the Tahoma School District within the City.

Section 5. School Impact Fee Schedule and Administrative Surcharge.

The City's fee schedule shall be updated to reflect the foregoing school impact fees, to be assessed and collected in accordance with Chapter 3.70 BDMC and applicable state laws. Additionally, the City Finance Director is authorized to determine and impose a fair and reasonable administrative surcharge, pursuant to BDMC 3.70.100.B, to compensate the City for staff time incurred in administering the school impact fee program on behalf of the participating school districts. This surcharge shall be collected at the same time that the school impact fees are collected from the building permit applicant. Once

determined, this administrative surcharge shall be reflected in the City's fee schedule without need for further Council action.

Section 6. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is declared unconstitutional or otherwise invalid for any reason, or if any portion of this ordinance is held to be pre-empted by state or federal law or regulation, such invalidity or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of its publication. Being an exercise of a power specifically delegated to the City legislative body, this ordinance is not subject to referendum.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF AUGUST, 2020.

CITY OF BLACK DIAMOND



Carol Benson, Mayor

Attest:



Brenda Martinez, City Clerk

Approved as to form:

David A. Linehan, City Attorney

FILED WITH THE CITY CLERK:	08/20/20
PASSED BY THE CITY COUNCIL:	08/20/20
PUBLISHED:	08/26/20
EFFECTIVE DATE:	08/31/20
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