ORDINANCE NO. 4278

AN ORDINANCE of the City Council of the City of Kent, Washington, adding section 12.13.170 to the Kent City Code to set maximum school impact fees and provide for an annual increase to the maximum fees that is relative to the cost of construction in the region.

RECITALS

A. As authorized by the Growth Management Act (GMA) and RCW 82.02.050, the city has exercised its discretion to adopt a school impact fee program.

B. Following review and adoption of a school district’s Capital Facilities Plan, the city allows a school district that overlaps city boundaries to participate in the program through which the city assesses impact fees during the permitting process for new development. The city currently collects school impact fees on behalf of all five schools within its boundaries: Kent School District, Auburn School District, Renton School District, Highline School District, and Federal Way School District.

C. In general, impact fees are an appropriate method of addressing the burden of financing new public facilities as needed to serve a growing population. However, if impact fees are raised too quickly or...
excessive levels, the fees can result in disproportionate, negative or unfair impacts to owners of developable land and residential developers.

D. School districts in Kent have proposed varying levels of impact fees, and occasionally the proposed fees include significant increases year-over-year. Some school districts have averaged less than 2% change between years, while others have frequently proposed steep increases with some averaging 10%, 15%, or even as much as 98%.

E. Ultimately, operation of the school impact fee program is the responsibility of the city, and the decision to assess school impact fees or not is left to the city. In order to provide predictability to the development community, ensure residential development is not unduly prohibitive due to excessive impact fees, and reduce the variability of school impact fee charges from year to year, it is necessary to introduce more parameters for the assessment of impact fees.

F. The City notified Washington State Department of Commerce of this change on April 25, 2018. No comments were submitted by state agencies.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - New Section. Chapter 12.13 of the Kent City Code, entitled “School Impact Fees”, is hereby amended to add a new section 12.13.170, entitled “Maximum Allowable Fees,” to read as follows:

Section 12.13.170. Maximum Allowable Fees. School impact fees provided by this chapter shall be assessed based on the calculation
set forth in Section 12.13.140, unless they exceed a Maximum Allowable Fee as set forth in this section. There shall be an increase in the maximum allowable fee each year by the same percentage as the percentage change in the previous calendar year’s average monthly Engineering News Record (ENR) Seattle Area Construction Cost Index values, relative to the corresponding average monthly ENR Construction Cost Index values for the preceding year, as calculated from October 1st through September 30th.

The Maximum Allowable Fee is set at $8,229 for single-family dwelling units, and a maximum of $8,386 for multifamily dwelling units for 2018.

**SECTION 2.** - *Severability.* If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 3.** - *Corrections by City Clerk or Code Reviser.* Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 4.** - *Effective Date.* This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

DANA RALPH, MAYOR

[Signature]

Date Approved

Adopt KCC 12.13.170 -

Re: School Impact Fee Maximums
ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

6/5/18

Date Adopted

6/8/18

Date Published

APPROVED AS TO FORM:

ARThUR “PAT” FITZPATRICK, CITY ATTORNEY