ORDINANCE NO. 4290

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Sections 12.13.160 and 12.13.170 of the Kent City Code to adjust school impact fee schedules and the maximum allowable school impact fees.

RECITALS

A. The City of Kent has adopted a school impact fee program as authorized by the State Growth Management Act (GMA) and RCW 82.02.050.

B. Chapter 12.13 of the Kent City Code (KCC) requires that the Capital Facilities Plans of school districts be submitted to the City of Kent on an annual basis for City Council review, and that this review must occur in conjunction with any update of the Capital Facilities Element of the City's Comprehensive Plan. The City Council has reviewed the Capital Facilities Plans submitted by the school districts.

C. The Kent, Federal Way, Auburn and Highline School Districts have requested amendments to the text of Kent City Code to reflect proposed changes to impact fees.

D. On September 18, 2018, the City provided the required 60 day notification under RCW 36.70A.106 to the State of Washington of the
City's proposed amendment to the Capital Facilities Element of the Comprehensive Plan and Chapter 12.13 of the KCC. The 60 day notice period has passed and by operation of law is deemed approved.

E. After a public hearing before the City Council on November 6, 2018, the City Council on December 11, 2018, approved Comprehensive Plan Amendment CPA-2018-4 to include the Capital Facilities Plans of the Kent, Federal Way, Auburn and Highline School Districts, and changes to the Kent City Code to reflect impact fees as follows: (1) for the Kent School District, increasing the school impact fee for single-family units to $5,397, and for multifamily units to $2,279; (2) for the Federal Way School District, increasing the school impact fee for single-family units to $7,221, and for multifamily units to $8,755; (3) for the Auburn School District, increasing the school impact fee for single-family units to $5,716, and increasing the school impact fee for multifamily units to $4,488; and (4) for the Highline School District, increasing the school impact fee for single-family units to $2,573 and for multifamily units to $3,646.

F. In order to implement the new impact fee schedules referenced above, it is necessary to amend KCC 12.13.160.

G. In addition, the maximum allowable school impact fees as set forth in KCC 12.13.170 are increased to $8591 for single-family dwellings, and $8,755 for multifamily dwelling units.

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

**ORDINANCE**

**SECTION 1.** - Amendment. Section 12.13.160 of the Kent City Code is hereby amended as follows:

The following fee shall be assessed for the indicated types of development:

<table>
<thead>
<tr>
<th>School District</th>
<th>Single-Family</th>
<th>Multifamily</th>
<th>Multifamily Studio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kent, No. 415</td>
<td>$5,397,235.00</td>
<td>$2,279,267.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Federal Way, No. 210</td>
<td>$7,221,198.00</td>
<td>$8,758,386.00</td>
<td>0.00</td>
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<tr>
<td>Auburn, No. 408</td>
<td>$5,716,321.86</td>
<td>$4,488,081.29</td>
<td>0.00</td>
</tr>
<tr>
<td>Highline, No. 401</td>
<td>$2,573,290.00</td>
<td>$3,646,162.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

SECTION 2. - Amendment. Section 12.13.170 of the Kent City Code is hereby amended as follows:

Sec. 12.13.170. Maximum allowable fees. School impact fees provided by this chapter shall be assessed based on the calculation set forth in KCC 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 - $8,591 for single-family dwelling units and a maximum of $8,386 - $8,755 for multifamily dwelling units for 2018-2019.

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

**SECTION 5.** - *Effective Date.* This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

DANA RALPH, MAYOR

Date Approved: November 20, 2018

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

Date Adopted: November 20, 2018

Date Published: November 23, 2018

ARThur “PAT” FITZPATRICK, CITY ATTORNEY

School Impact Fees – 2018-2019