



CITY OF BLACK DIAMOND
June 9, 2011 Workstudy Agenda
25510 Lawson St., Black Diamond, Washington

Workstudies are meetings for Council to review upcoming and pertinent business of the City. Public testimony is only accepted at the discretion of the Council.

4:00 P.M. – CALL TO ORDER, ROLL CALL

- 1.) School Impact Fees – Mr. Pilcher
- 3.) Adjournment



CITY OF BLACK DIAMOND

Community Development
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MEMORANDUM

Date: June 2, 2011

To: Mayor Olness and City Council Members

From: Steve Pilcher, Community Development Director

Re: June 9 workstudy on School Impact Fees

Attached are some materials for your use in preparation for next week's work study session regarding school impact fees. As you may recall, the Comprehensive School Mitigation Agreement signed by the City, Enumclaw School District and Yarrow Bay stipulated that within 180 days of the effective date of the agreement, the City would "consider and use good faith efforts to decide whether or not to adopt Growth Management Act school impacts fees....of no less than \$4,670 per single family unit and no less than \$1,501 per multi-family unit." (see Section 9.1 of the Agreement, attached). Since we are nearing the end of the 180-day period, it is appropriate to begin this discussion with Council at this time.

Also attached is a customer service bulletin from King County's website, which includes a listing of the amounts the County is collecting for various districts. You will note that for the Enumclaw School District, the amount is \$7,847 per single family home, \$1,518 per multifamily residence.

In reading the King County bulletin, you will also see at what time the County chooses to collect the fee and also a list of various types of housing that are exempt from payment of the fees. Should the Council direct staff to prepare an impact fee ordinance, these are issues that deserve discussion.

Finally, for comparison purposes, includes are pages from Auburn's City Code, showing the varying amount of school impact fee they collect for the four districts within their city limits. Note that these are the fees established for 2010. The last page (Exhibit B to Ordinance No. 14-10) is actually from the City of Covington. Their impact fee amount for the Kent School District is identical to that collected by King County for unincorporated areas of the district.

COMPREHENSIVE SCHOOL MITIGATION AGREEMENT

This COMPREHENSIVE SCHOOL MITIGATION AGREEMENT (the "Agreement") is made this ____ day of _____, _____, between the CITY OF BLACK DIAMOND, a Washington municipal corporation (the "City"), the ENUMCLAW SCHOOL DISTRICT, a Washington municipal corporation (the "District"), BD LAWSON PARTNERS, LP, a Washington limited partnership ("BDLP"), and BD VILLAGE PARTNERS, LP, a Washington limited partnership ("BDVP").

1. Background Information and Agreement Purposes.

1.1 The City, by entering into the BDUGAA, started a process where it would expand its boundaries and use innovative development techniques, such as MPDs and transferable development rights, to create a walkable, sustainable community interconnected by a series of trails, sensitive areas, wildlife corridors, parks and other spaces.

1.2 The Developer desires to create vibrant, sustainable master planned communities that foster a strong sense of community and promote quality of life. The Developer intends to develop the Projects in various phases, consistent with the Comprehensive Plan, as it may be amended from time to time.

1.3 The approved Units in each Project are projected to generate school-age children.

1.4 The District does not have the facilities available to accommodate the additional students who will be generated from the Projects.

1.5 Pursuant to RCW 58.17.110 and City Municipal Code Title 17 and Chapter 18.98, as a part of Master Plan Development and subdivision approval, the City is required to ensure that appropriate provisions are made for schools and school facilities necessary to serve the residential subdivisions that will be part of the Projects.

1.6 Pursuant to Chapter 43.21C RCW and its implementing regulations, the City is required to consider and may require mitigation for probable adverse environmental impacts of the Projects on the built environment.

1.7 The Parties agree that adequate school facilities to serve the Projects will be necessary to preserve the existing quality of life in the City, to ensure the appropriate provision of schools and school programs through the District, and to create viable and livable communities within the Projects.

1.8 The Parties agree that schools should be an integral part of the community they serve and that neighborhood schools are preferred in order to permit

9. Mitigation Fees.

9.1 Maximum and Minimum Mitigation Fee Amounts. The District's Capital Facilities Plan sets forth impact fee calculations that demonstrate the unfunded need to mitigate the impacts of new development on District facilities as of the Agreement Effective Date. The Parties acknowledge that the District's Capital Facilities Plan only contemplates construction costs (and no land costs) to construct elementary capacity improvements. Within 180 days of the Agreement Effective Date, the City shall consider and use good faith efforts to decide whether or not to adopt Growth Management Act school impact fees for both single family and multi-family dwelling units, as authorized under RCW 82.02.050 through RCW 82.02.090 and Chapter 36.70A RCW of no less than \$4,670.00 per single family unit and no less than \$1,501.00 per multi-family unit. Notwithstanding the City's adoption of any school impact fee or mitigation fee ordinance, \$12,453 for single-family dwelling units and \$4,003 for multi-family dwelling units shall be the maximum Mitigation Fee that will apply to the Projects during the Agreement Term, even if the District's Capital Facilities Plan is subsequently amended to increase the amount needed to pay the unfunded portions of the impacts of new development on District facilities.

9.2 Minimum Mitigation Fees. Notwithstanding the foregoing in Section 9.1, during the first five years following the Agreement Effective Date, the Mitigation Fees due for the Projects shall be \$4,670.00 per single family Unit and \$1,501.00 per multi-family Unit. Thereafter, and until all Units are built, the Mitigation Fees due for the Projects shall be the rate adopted by the City pursuant to any school impact fee or school mitigation fee ordinance, if any, provided that in no event shall the Mitigation Fee be less than \$7,783 per single family unit and \$2,502 per multi-family unit or greater than \$12,453 for single-family dwelling units and \$4,003 for multi-family dwelling units regardless of the existence or absence of any City school impact fee or school mitigation fee ordinance. The following language shall be reflected on the face of the plats:

School mitigation fees shall be due prior to building permit issuance for each single family and multi-family dwelling unit. During the first five years following _____ [*blank to be filled with the Agreement Effective Date*] the school mitigation fees shall be \$4,670.00 per single family unit and \$1,501.00 per multi-family unit. Thereafter, the mitigation fee shall be the rate adopted by the City of Black Diamond school impact fee or school mitigation fee ordinance, if any, provided that the maximum school mitigation fee due for each dwelling unit shall be \$12,453 per single family dwelling unit and \$4,003 per multi-family dwelling unit, as applicable, but in no event, even in the absence of a school impact fee or mitigation fee ordinance, shall the mitigation fees be less than \$7,783.00 per single family dwelling unit and \$2,502.00 per multi-family dwelling unit.

Department of Development and Environmental Services (DDES)

900 Oakesdale Avenue Southwest • Renton, Washington 98057-5212 • 206-296-6600 • TTY Relay: 711

School Impact Mitigation Measures

• FREQUENTLY ASKED QUESTIONS •

**Visit the DDES Web site at
www.kingcounty.gov/permits
for more information**

DDES Customer
Information Bulletin #**46**

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

In 1991, the King County Council established concurrency standards and impact fees for public school districts. The school mitigation and impact fees ordinance has been codified in Chapter 21A.43 of the King County Code (KCC). The key code provisions include the following:

- The formation of a School Technical Review Committee (STRC)
- Annual Council reviews
- An impact fee program
- Concurrency

Why is an impact fee necessary?

The 1990 Washington State Growth Management Act and the 1991 Amendment to the Act require local governments to make appropriate provisions for schools through the review of the development proposals. These acts further grant counties and cities the authority to impose impact fees for the purpose of supporting school facilities.

King County's policy, as stated in the King County Comprehensive Plan, is to coordinate land development activities with the provision of services, including schools. With the adoption of Title 21A of the King County Code in 1993, King County implemented the Growth Management Act and the Comprehensive Plan.

Rapid residential development in King County has caused student populations in several of King County's school districts to increase faster than schools can be built to accommodate them. In many instances, existing state and local funding sources for schools have not been sufficient to meet population demands. Even if the districts have enough money to construct schools, many cannot complete construction quickly enough to meet the necessary space requirements.

What are impact fees?

Chapter 21A.43 of the King County Code provides a framework for school districts to require that King County assess impact fees on new residential development in unincorporated King County. Each school district may request that impact fees be imposed on new developments within their district if their schools are being affected by the growth. The fees are adopted

annually by ordinance following a thorough review by the School Technical Review Committee and the King County Council of the district's capital facility plan and enrollment projections.

School impact fees will be assessed and collected on every new residential dwelling unit in the unincorporated portion of a school district for which an impact fee has been established. This fee will be collected at the time of permit issuance or final plat approval. The amount of the fee is based on the fee schedule that is in effect at the time of permit application or final plat approval. The amount of the fee is based on the fee schedule that is in effect at the time of permit application or final plat approval. Impact fees are updated annually and adopted by ordinance. The following school impact fees are effective January 1, 2011:

School District	Existing Fee Amount/Unit	
	<i>Single Family</i>	<i>Multiple Family</i>
Auburn, No. 408	\$5,266	\$1,518
Enumclaw, No. 216	7,847	3,268
Federal Way, No. 210	4,014	2,172
Fife, No. 417	2,969	1,612
Issaquah, No. 411	3,808	0
Kent, No. 415	5,486	3,378
Lake Washington, No. 414	6,250	1,732
Riverview, No. 407	5,628	2,169
Snoqualmie Valley, No. 410	8,140	3,252
Tahoma, No. 409	7,791	2,920

In addition to the school impact fee, a nonrefundable administrative fee per dwelling will be added to those projects subject to a school impact fee.

When are impact fees paid?

For residential plats, the amount of the impact fee is determined using the impact fee schedule in effect when the plat receives final approval. One-half of the fee must be paid at final plat approval and the other half when building permits are issued. Residential lots that did not pay an impact fee during platting, multi-family building permits, mobile home permits and site plan approvals for mobile home parks, must pay the total fee when the permits are issued. The amount of the fee is based on the fee schedule that is in effect at the time of permit application.

What kinds of exemptions are available?

The following types of developments are exempt from school impact fees:

- Any form of housing exclusively for the elderly, including nursing homes and retirement centers
- Replacement or remodeling of existing homes
- Shelters for temporary placement
- Relocation facilities
- Transitional housing facilities
- Low-income housing
- Community residential facilities (i.e., group homes)
- Temporary dwellings for medical hardship
- Accessory dwelling units

What is concurrency and why is it necessary?

The purpose of concurrency, as defined by the King County Code, is to ensure that school districts have sufficient capacity to accommodate student populations generated by new residential development. For this reason, a finding of concurrency must be made for the following types of applications:

- Preliminary plats
- Preliminary PUDs
- Site plan approval for mobile home parks
- Requests for multi-family zoning
- Building permits for multi-family projects (i.e., two or more units)

A proposed development may be denied or mandatory phasing or similar mitigation may be required if it is determined that no capacity will exist when the impact of development occurs.

Are there any exceptions to the concurrency standard?

The following exceptions apply to concurrency standards:

- Single-family residential building permits
- Short plats
- Reconstruction or remodeling of existing dwelling units
- Building permits for multi-family projects (i.e., two or more units)

If customers have questions regarding these school mitigation impact requirements, procedures, assessments and payment of fees, please call the King County DDES permit center at 206-296-6600.

Other bulletins and telephone numbers that may be helpful

Bulletin 1	Building and Development Permit Telephone Numbers
Bulletin 9	Obtaining a Residential Building Permit
Bulletin 17A	Zoning Code: Overview and Summary
Bulletin 18A	Zoning Code: Permitted Use Tables

These and other DDES bulletins are available via the department Web site at www.kingcounty.gov/permits.

206-296-6600	DDES customer service and information
206-296-6600	School Priority Services Team

This customer information bulletin will be updated as new fees are adopted and current fees are revised.

Be sure to visit our Web site at:
www.kingcounty.gov/permits



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.



19.02.115 Impact fee calculation and schedule for the Dieringer School District.

The impact fee calculation and schedule below is based upon a review of the impact fee calculation for single-family residences and for multifamily residences set forth in the most recent version of the Dieringer School District Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC [19.02.020](#).

Effective January 1, 2010, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit	\$3,005.00
Per Multifamily Dwelling Unit	\$205.00

(Ord. 6279 § 1, 2009; Ord. 6214 § 1, 2008; Ord. 6134 § 1, 2007; Ord. 6060 § 1, 2006; Ord. 5950 § 2, 2005.)

19.02.120 Impact fee calculation and schedule for the Auburn School District.

The impact fee calculation and schedule is based upon a review of the impact fee calculation for single-family residences and for multifamily residences set forth in the most recent version of the Auburn School District's Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC [19.02.020](#).

Effective January 1, 2010, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit	\$5,432.70
Per Multifamily Dwelling Unit	\$1,184.71

(Ord. 6279 § 2, 2009; Ord. 6214 § 2, 2008; Ord. 6134 § 2, 2007; Ord. 6060 § 2, 2006; Ord. 5950 § 1, 2005; Ord. 5793 § 1, 2003; Ord. 5232 § 1, 1999.)

19.02.130 Impact fee calculation and schedule for the Kent School District.

The impact fee calculation and schedule is based upon a review of the impact fee and calculation for single-family residences and for multifamily residences set forth in the most recent version of the Kent School District's Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC [19.02.020](#).

Effective January 1, 2010, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit	\$5,394.00
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Per Multifamily Dwelling Unit	\$3,322.00
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(Ord. 6279 § 3, 2009; Ord. 6214 § 3, 2008; Ord. 6134 § 3, 2007; Ord. 6060 § 3, 2006; Ord. 5950 § 1, 2005; Ord. 5233 § 1, 1999.)

19.02.140 Impact fee calculation and schedule for the Federal Way School District.

The impact fee calculation and schedule is based upon a review of the impact fee and calculation for single-family residences and for multifamily residences set forth in the most recent version of the Federal Way School District's Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, 2010, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit	\$3,832.00
Per Multifamily Dwelling Unit	\$2,114.00

**EXHIBIT B
TO
ORDINANCE NO. 14-10**

2011 KENT SCHOOL DISTRICT IMPACT FEE SCHEDULE

Single-family, per dwelling unit	\$5,486.00
Multi-family, per dwelling unit	\$3,378.00