

ORDINANCE NO. 22- \_\_\_\_\_

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON,  
AMENDING THE CITY'S 2015-2035 COMPREHENSIVE PLAN TO  
INCORPORATE UPDATED SCHOOL DISTRICT CAPITAL  
FACILITIES PLANS; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, on May 2, 2019, the City Council adopted the 2015-2035 Comprehensive Plan ("Comprehensive Plan") in accordance with RCW 36.70A.130(1)(a), which requires jurisdictions to periodically review and update their comprehensive plans; and

**WHEREAS**, under the Growth Management Act (GMA), the City of Black Diamond is required to address all public facilities in its Comprehensive Plan, including public schools; and

**WHEREAS**, there are four school districts providing service within the City: Auburn, Enumclaw, Kent, and Tahoma School Districts. Each school district is responsible for developing its own Capital Facilities Plan (CFP) to project student enrollment rates, establish levels of service, inventory current facilities, identify future needs, and establish a budget for meeting those needs; and

**WHEREAS**, Chapter 8 of the City's Comprehensive Plan, *Capital Facilities and Utilities*, includes a section pertaining to the public school districts that serve the City, which includes a reference to each of the four school districts' CFPs as adopted in 2020; and

**WHEREAS**, the City of Black Diamond is currently experiencing significant growth in its residential population, with many new residential units in various stages of planning and development and many more expected in the foreseeable future; and

**WHEREAS**, the City Council views the provision of a modern, high-quality educational environment, including facilities with adequate capacity for school children, to be an essential objective in promoting the general public welfare and meeting the needs of the citizens of Black Diamond; and

**WHEREAS**, the four school districts that serve the City have all stressed the importance of collecting impact fees as an essential component of financing new and expanded capital facilities to meet the needs of their expanding student populations; and

**WHEREAS**, the City Council finds that, consistent with the goals of the GMA, and based on the criteria listed in BDMC 16.10.220.A, impact fees should be collected from all

new residential units constructed within the City limits in amounts that are proportionate to the impacts that new residential construction imposes on school capital facilities; and

**WHEREAS**, the City's authority to collect school impact fees requires that the Comprehensive Plan identify and incorporate the adopted capital facilities plans of the four school districts that serve the City and on whose behalf the impact fees are collected; and

**WHEREAS**, pursuant to BDMC 3.70.040, the four school districts have each provided the City with updated six-year CFPs adopted by their respective school boards in 2021 and have requested that the City adjust its school impact fees to reflect the districts' latest cost projections and local shares as calculated by the school districts using the City's approved school impact fee formula; and

**WHEREAS**, pursuant to BDMC 3.70.050, the city council is required, on at least an annual basis, to review the CFP information submitted by the school districts pursuant to BDMC 3.70.040 and to determine if an adjustment to the amount of the impact fees is necessary and, if so, adjust the amounts in the adopted impact fee schedule; and

**WHEREAS**, the City Council finds that an emergency presently exists that necessitates urgent action by the City to update the Capital Facilities element of the Comprehensive Plan at this time, without waiting until the fall 2022 budget amendment process, because further delay in updating the City's school impact fee schedule may result in collecting school mitigation and impact fees that do not align with the capital facilities needs of the City's school districts, thereby potentially leading to detrimental and unmitigated impacts to local school districts and their school capital facilities and potentially threatening the quality of life of new and future school-age residents, as well as current students residing in the City, all of whom may otherwise be subjected to inadequate and/or overcrowded school facilities; and

**WHEREAS**, amending the Comprehensive Plan to incorporate the school districts' most recent CFPs will provide the City with necessary authorization to appropriately adjust its school impact fees to offset the impacts of new growth and development projected by the districts' CFPs, as allowed under state law; and

**WHEREAS**, the City Council finds that amending the Comprehensive Plan to specifically incorporate the four school districts' latest CFPs so that the City may collect appropriate impact fee amounts cannot and should not wait until the end of the year; and

**WHEREAS**, adopting the school districts' most recent CFPs to enable the collection of the amounts of school mitigation and impact fees requested by each of the four school districts is fully consistent with, and would further the goals and policies of, the City's Comprehensive Plan, and specifically the Capital Facilities and Utilities chapter of the Comprehensive Plan; and

**WHEREAS**, the City’s Planning Commission held a duly noticed public hearing on the proposed emergency amendment on April 12, 2022, and then voted to recommend adoption of this amendment by the City Council; and

**WHEREAS**, on April 21, 2022, the City Council held a public hearing on this proposed emergency amendment to incorporate the school districts’ latest CFPs into the Capital Facilities and Utilities element of the City’s Comprehensive Plan;

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

**Section 1.** Pursuant to RCW 36.70A.130(2)(b) and BDMC 16.10.130.C, Chapter 8 of the 2015-2035 City of Black Diamond Comprehensive Plan, relating to Capital Facilities and Utilities, is hereby amended to incorporate by reference the most recently approved capital facilities plans of the four school districts that serve the City of Black Diamond. Copies of the four adopted capital facilities plans are attached hereto as Exhibits A, B, C, and D.

**Section 2.** Specifically, Section 8.8 of the 2015-2035 City of Black Diamond Comprehensive Plan is amended as shown below, with new language shown in red underline, and deletions shown in strike-through text

### **8.8 Public Schools**

Black Diamond is within the Auburn, Enumclaw, Kent, and Tahoma School Districts. Each school district is responsible for conducting its own capital facility planning. The City is committed to cooperating with the school districts to maintain a public school system that offers a high-quality educational environment, provides accessibility for all of its student, and ensures adequate school capacity to accommodate enrollment demand. The City adopts and incorporates the following School District Capital Facility Plans into this Comprehensive Plan.

- Auburn School District No. 408 Capital Facilities Plan 202~~01~~- through 202~~67~~
- Enumclaw School District Capital Facilities Plan 202~~01~~-202~~56~~
- Kent School District Six-Year Capital Facilities Plan 2020-21 through 202~~56~~-202~~67~~
- Tahoma School District No. 409 Capital Facilities Plan 202~~01~~- to 202~~56~~

The City supports the location of schools within the community because it recognizes that public schools contribute significantly to the community. It is important to residents for their children to attend schools within or near where they live.

**Section 3.** Pursuant to BDMC 16.10.130.C, the City Council finds that this amendment to the Comprehensive Plan constitutes an emergency action for the reasons described in the foregoing recitals, which are adopted as findings of fact and incorporated herein by reference. Additionally, this Comprehensive Plan amendment constitutes a public emergency ordinance necessary for the protection of public health, public safety, public property, and/or the public peace, pursuant to RCW 35A.12.130.

**Section 4.** As an emergency ordinance approved by at least five members of the City Council (majority-plus-one of the entire body), this Ordinance shall be in full force and effect immediately upon adoption, pursuant to RCW 35A.12.130. This Ordinance, or a summary hereof, shall be published in the official newspaper of the City, as authorized by State law.

**Section 5.** If any portion of this Ordinance, or its application to any person or circumstance, is determined by final order of a court of competent jurisdiction to be invalid, pre-empted, or otherwise unenforceable for any reason, such determination shall not affect the validity or enforceability of the remaining provisions hereof or its application to other persons or circumstances.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A  
REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Mayor Carol Benson

ATTEST:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David Linehan, City Attorney

Filed with the City Clerk:

Date of Publication:

Effective Date:

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