

## **ORDINANCE #591**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, CREATING AND ESTABLISHING A FUND TO HOLD AND ADMINISTER SCHOOL IMPACT FEES; AMENDING CHAPTER 3.15 OF THE YACOLT MUNICIPAL CODE (IMPACT FEES); AND PROVIDING FOR SUMMARY PUBLICATION**

**Whereas**, the Washington State Legislature passed the Growth Management Act of 1990 and 1991, Chapter 36.70A RCW, and Chapter 82.02 RCW, which authorize the collection of impact fees on new growth and development activity for the purpose of having that new growth and development pay a portion of the costs of new facilities required based on that new growth and development;

**Whereas**, the Town Council of the Town of Yacolt, (“Town” or “Yacolt”), adopted a program for the collection of school impact fees on appropriate residential construction within the Town, currently codified at Chapter 3.15 of the Yacolt Municipal Code, (“YMC”);

**Whereas**, the Town needs a special-purpose treasury fund to hold, manage and account for school impact fees; and,

**Whereas**, the Town Council is in regular session this 8<sup>th</sup> day of May, 2021, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

**NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:**

**Section 1 - Addition to YMC Chapter 3.15:** Chapter 3.15 of the Yacolt Municipal Code [Impact Fees] is hereby amended by adding a new section 3.15.085 to read as follows:

#### **3.15.085 School Impact Fee Fund.**

A. Creation of School Impact Fee Fund: There is hereby created and established a special purpose fund designated as the “School Impact Fee Fund”. The Town Clerk shall be the manager of the School Impact Fee Fund. All school impact fees collected pursuant to YMC 3.15 shall be earmarked specifically and retained in the School Impact Fee Fund. The Fund shall be perpetual, though the Fund may from time to time be unfunded.

B. Interest Bearing Account: School impact fees shall be placed in a special interest-bearing account within the School Impact Fee Fund. All interest earned shall be retained in the account and expended for the purposes for which the impact fees were imposed.

C. Purpose of Fund: The school impact fees collected by the Town together with the interest earned on such fees shall be held and disbursed pursuant to this Chapter, applicable statutes, and interlocal agreements with school districts or other agencies designated as a proper recipient of funds.

D. Annual Report: By April of each year, the Town Clerk shall provide a report for the previous calendar year on the School Impact Fee Fund showing the source and amount of all moneys collected, earned or received and system improvements that were financed in whole or in part by school impact fees.

**Section 2 - Reservation of Authority:** The Town Council reserves all lawful authority to approve capital facilities plans, plan updates, school impact fees adopted and proposed by the District, and other elements of YMC 3.15 over which the Council has discretion and authority. Nothing in this Ordinance is intended to limit the Town’s authority under the State Environmental Policy Act or any other source.

**Section 3 - Authority and Duties of the Mayor and Town Clerk:** The Mayor and Town Clerk are hereby authorized and directed to take all necessary and appropriate actions to accomplish the purposes of this Ordinance, including, without limitation, the opening of one or more bank accounts as needed to satisfy the requirements of Section 1 above.

**Section 4 - Codification of Ordinance:** Upon the Effective Date of this Ordinance, the Town Clerk is directed to send a copy hereof to Code Publishing Company of Seattle, Washington, so that the provisions of Section 1 of this Ordinance may be promptly reflected in the Yacolt Municipal Code.

**Section 5 - Ratification and Confirmation of Prior Acts:** All acts taken by Town officers and staff prior to the enactment of this Ordinance that are consistent with and in furtherance of the purpose or intent of this Ordinance are hereby ratified, approved and confirmed by the Town Council.

**Section 6 - Severability and Construction:** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other persons or circumstances shall not be affected. If any provision of this Ordinance is found to be inconsistent with provisions of the Yacolt Municipal Code, this Ordinance is deemed to control.

**Section 7 - Effective Date and Publication of Summary:** This Ordinance shall take effect immediately upon adoption and publication according to law. Notice of this Ordinance may be provided by publication of the following summary in the Town's official newspaper:

**Town of Yacolt - Summary of Ordinance #591**

The Town Council of the Town of Yacolt adopted Ordinance #591 at its regularly scheduled Town Council meeting held on May 8, 2023. The content of the Ordinance is summarized in its title as follows:

"An Ordinance of the Town Council of the Town of Yacolt, Washington, Creating and Establishing a Fund to Hold and Administer School Impact Fees; Amending Chapter 3.15 of the Yacolt Municipal Code (Impact Fees); and Providing for Summary Publication".

The effective date of the Ordinance is May 17, 2023.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.


Published this 17<sup>th</sup> day of May, 2023.  
Stephanie Fields, Town Clerk

**PASSED** by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 8<sup>th</sup> day of May, 2023.

**TOWN OF YACOLT**

  
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Katelyn J. Listek, Mayor

Attest:

  
Stephanie Fields, Town Clerk

Approved as to Form:

  
David W. Ridenour, Town Attorney

Ayes: Shealy, Peto, Homola, Viray  
Nays: 0  
Absent: Beck  
Abstain: 0

### TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #591 of the Town of Yacolt, Washington, entitled "An Ordinance of the Town Council of the Town of Yacolt, Washington, Creating and Establishing a Fund to Hold and Administer School Impact Fees; Amending Chapter 3.15 of the Yacolt Municipal Code (Impact Fees); and Providing for Summary Publication", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

  
Stephanie Fields, Town Clerk

Approved: May 8, 2023  
Published: May 17, 2023  
Effective Date: May 17, 2023  
Ordinance Number: 591