

Chapter 14.100

SCHOOL IMPACT MITIGATION

Sections:

- 14.100.010 Purposes
- 14.100.020 Applicability
- 14.100.030 Definitions
- 14.100.040 Capital facilities plan required
- 14.100.050 Expiration of district plans
- 14.100.060 Updating of district plans
- 14.100.070 Minimum requirements for district capital facilities plans
- 14.100.080 Department review and acceptance
- 14.100.090 Council Adoption
- 14.100.100 Correction of Deficiencies
- 14.100.110 Delays
- 14.100.120 Fee Required
- 14.100.130 Impact Fee Calculation Formula
- 14.100.140 Impact fee schedule – Exemptions
- 14.100.150 Service areas established
- 14.100.160 Impact fee limitations
- 14.100.170 Fee Determination
- 14.100.180 Credit for in-kind contributions/existing lots
- 14.100.190 Relationship to SEPA and Other Laws
- 14.100.200 Collection and Transfer of Fees, Fund Authorized and Created
- 14.100.210 Use of funds
- 14.100.220 Refunds
- 14.100.230 Reimbursement for city administrative costs, legal expenses, and refund payments
- 14.100.240 Adjustment of Fee Amount

14.100.010 Purposes.

The purposes of this chapter are:

- (1) To ensure that adequate school facilities are available to serve new growth and development; and

- (2) To require that new growth and development pay a proportionate share of the costs of new school facilities needed to serve new growth and development.

14.100.020 Applicability.

The terms of this chapter shall apply to all development which increases the number of dwelling units and for which a complete application for approval is submitted on or after the effective date of the ordinance codified in this chapter, except for development that was the subject of a prior SEPA threshold determination that provided for school mitigation.

14.100.030 Definitions.

Average assessed value means the district's average assessed value for each dwelling unit type.

Boeckh Index means the current construction trade index of construction costs for each school type.

Capital facilities means school facilities identified in the school district's capital facilities plan and are "system improvements" as defined by the GMA as opposed to localized "project improvements."

Development means construction of new single-family and multifamily residential dwellings, including residential subdivisions, short plats binding site plans, mobile home parks, condominiums and building permits.

Development activity means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is "housing for older persons" as defined by 46 U.S.C. Section 3607, when guaranteed by a restrictive covenant, and new single-family detached units constructed on legal lots created prior to the effective date of the ordinance codified in this chapter.

District property tax levy rate means the school district's current capital property tax rate per \$1,000 of assessed value.

Encumbered means school impact fees identified by the school district to be committed as part of the funding for capital facilities for which the publicly funded share has been assured, development approvals have been sought or construction contracts have been let.

Estimated facility construction cost means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the district, including on site and off-site improvement costs. If the district does not have this cost information available, construction costs of school facilities of the same or similar grade span within another district are acceptable.

Facility design capacity means the number of students each school type is designed to accommodate, based on the district's standard of service as determined by the district.

Grade span means a category into which a district groups its grades of students (e.g., elementary, middle or junior high, and high school).

Interest rate means the current interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index.

Land cost per acre means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the district.

Permanent facilities means school facilities of the district with a fixed foundation.

Relocatable facilities means factory-built structures, transportable in one or more sections, that are designed to be used as education spaces and are needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district, or to cover the gap between the time that families move into new residential devel-

opments and the date that construction is completed on permanent school facilities.

Relocatable facilities cost means the total cost, based on actual costs incurred by the district, for purchasing and installing portable classrooms.

Relocatable facilities student capacity means the rated capacity for a typical portable classroom used for a specified grade span.

School impact fee means a payment of money imposed upon development as a condition of development approval to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

Standard of service means the standard adopted by each district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified in the district's capital facilities plan. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or from any specialized facilities housed in relocatable facilities.

State match percentage means the proportion of funds that are provided to the district for specific capital projects from the State's common school construction fund. These funds are disbursed based on a formula which calculates district assessed valuation per pupil relative to the whole state assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the state.

Student factor (student generation rate) means the number of students of each grade span (elementary, middle/junior high, high school) that a district determines are typically generated by different dwelling unit types within the district. Each school district will use a survey

or statistically valid methodology to derive the specific student generation rate; provided, that the survey or methodology is approved by the Lake Stevens City Council as part of the adopted capital facilities plan for each school district.

14.100.040 Capital facilities plan required.

The Lake Stevens School District shall be eligible to receive school impact fees upon approval, by the City Council, of a district capital facilities plan (SDCFP) which meets the requirements of the GMA. Approval of the SDCFP will also constitute adoption the schedule of school impact fees contained therein.

14.100.050 Expiration of district plans.

For purposes of school impact fee eligibility, the district's capital facilities plan shall expire two years from the date of its adoption by the Council, or when an updated plan meeting the requirements of the GMA is adopted by the Council, whichever date first occurs.

14.100.060 Updating of district plans.

- (a) The district's capital facilities plan shall be updated by the district and transmitted to the City at least 60 days prior to its biennial expiration date. The updated plan shall be submitted by the Planning Director to the Council for its consideration within 45 days of receipt. In the event the district desires to amend its capital facilities plan prior to the biennial expiration date, they may propose an amendment to be considered by the City, provided such amendments shall be made no more than once per year unless the board of directors of such district declares, and the City finds, that an emergency exists.
- (b) The district's updated capital facilities plan may include revised data for the fee calculation and a corresponding modification to the impact fee schedule, consistent with the City GMA Comprehensive Plan.

14.100.070 Minimum requirements for district capital facilities plans.

Capital facilities plans shall contain data and analysis necessary and sufficient to meet the requirements of the GMA. The plans must provide sufficient detail to allow computation of school impact fees according to the formula contained in Section 14.100.130.

14.100.080 Department review and acceptance.

Upon receipt of the district's capital facilities plan (or amendment thereof) the Planning Director shall determine the following:

- (a) That the analysis contained within the capital facilities plan is consistent with current data developed pursuant to the requirements of the GMA.
- (b) That any school impact fee proposed in the district's capital facilities plan has been calculated using the formula contained in Section 14.100.130.
- (c) That the capital facilities plan has been adopted by the district's board of directors.

Upon finding that these requirements have been satisfied, the capital facilities plan shall be transmitted to the Council for consideration and adoption.

14.100.090 Council Adoption.

The City Council shall consider adoption of the school district capital facility plan or amendment by reference as part of the capital facilities element of the City Comprehensive Plan.

14.100.100 Correction of Deficiencies.

Prior to its adoption by the Council, should the planning director find the school district capital facility plan to be deficient, the district shall be notified of the deficiency, identifying the specific matters found to be deficient, and the necessary corrections indicated. The district shall then have 45 days (or such longer period as may be necessary to comply with applicable legal requirements) to

correct the deficiencies and resubmit its revised, adopted capital facilities plan.

14.100.110 Delays.

If the district fails to submit its biennial update of the capital facilities plan prior to 60 days before the expiration date, or if the Planning Director notifies the district of deficiencies in the school district capital facility plan and the district fails to correct the deficiencies within 45 days (or such longer period as may be necessary to comply with applicable legal requirements), the City shall endeavor, but shall not be obligated, to complete review prior to the plan expiration date. If an updated capital facilities plan has not been adopted by the Council prior to the existing plan's expiration date due to the district's failure to submit an updated plan, the district shall be ineligible to receive school impact fees until the updated plan has been adopted by the Council. (Ord. 675, 2003)

14.100.120 Fee Required.

Each development activity, as a condition of approval, shall be subject to the school impact fee established pursuant to this chapter. The school impact fee shall be calculated in accordance with the formula established in Section 14.100.130 and multiplied by 0.50 to determine the school impact fee due and payable by the applicant. (Ord. 727, Sec. 2, 2006; Ord. 711, Sec. 1, 2005; Ord. 699, Sec. 3, 2005; Ord. 675, 2003)

14.100.130 Impact Fee Calculation Formula.

(a) The formula in this section provides the basis for the impact fee schedule for Lake Stevens School District serving the City of Lake Stevens. District capital facilities plans shall include a calculation of its proposed impact fee schedule, by dwelling unit type, utilizing this formula. In addition, a detailed listing and description of the various data and factors needed to support the fee calculation is included herein and Section 14.100.030, Definitions.

(b) Determination of Projected School Capacity Needs. The district shall determine, as part of its capital facilities plan, projected school capacity needs for the current year and for not less than the succeeding five-year period. The capital facilities plan shall also include estimated capital costs for the additional capacity needs, and those costs shall provide the basis for the impact fee calculations set forth in this section.

(c) Cost Calculation by Element. The fees shall be calculated on a "per dwelling unit" basis, by "dwelling unit type" as set forth below.

(1) Site Acquisition Cost Element.

$$\{[B(2) \times B(3)] \div B(1)\} \times A(1) = \text{Site Acquisition Cost Element}$$

Where:

B(2) = Site Size (in acres, to the nearest 1/10th)

B(3) = Land Cost (per acre, to the nearest dollar)

B(1) = Facility Design Capacity

A(1) = Student Factor (for each dwelling unit type)

The above calculation shall be made for each of the identified grade levels (e.g., elementary, middle, junior high and/or senior high). The totals shall then be added with the result being the "total site acquisition cost element" for purposes of the final school impact fee calculation below.

(2) School Construction Cost Element.

$$[C(1) \div B(1)] \times A(1) = \text{School Construction Cost Element}$$

Where:

C(1) = Estimated Facility Construction Cost

B(1) = Facility Design Capacity

A(1) = Student Factor (for each dwelling unit type)

The above calculation shall be made for each of the identified grade levels (e.g., elementary, middle, junior high and/or senior high). The totals shall then be added and multiplied by the square footage of permanent facilities divided by the total square footage of school facilities, with the result being the “total school construction cost element” for

