Ordinance No. 3260

(Amending or Repealing Ordinances)

CFN=1000 – Planning Department
Passed 12/19/1995
Adding a new Chapter 12.13. School Impact Fees

Amended by Ord. 3412
Ord. 3484 Repeals Sec. 12.13.150
Amended by Ord. 3690 (Sec. 12.13.130(G)(1))
Amended by Ord. 3960 (Sec. 12.13.110)
ORDINANCE NO. 3260

An ordinance of the City Council of the City of Kent, Washington relating to school impact fees; establishing a framework for the adoption of a school impact fee program by the City; requiring the execution of an interlocal agreement between the City and school districts located within the City requesting to participate in the school impact fee program; providing for the adoption of school district capital facilities plans as an element of the City's Comprehensive Plan; allowing collection of impact fees by the City on new development impacting school facilities; providing the formula for calculation of the fee schedule; describing the procedures for credit, appeal and refunds; all as authorized by the Growth Management Act, RCW 82.02.050 through 82.02.100; amending Title 12 of the Kent City Code by adding a new Chapter 12.13; and setting a date when the same shall be effective.

WHEREAS, the City Council of the City of Kent finds that adequate school facilities should be provided to serve the student population generated from new development in the City; and

WHEREAS, to ensure that school facilities are available to accommodate expected growth when needed, the Council recognizes the cost of new school facilities must be shared by the public and private sectors, and the proportionate share of the expense of school facilities necessitated by the impacts of new development should be borne by developers through the
imposition of school impact fees as authorized by the Growth Management Act (RCW 82.02.050 - 82.02.100); and

WHEREAS, an organized framework must be adopted for the determination and analysis of the school district's need for impact fees to partially fund school facilities necessitated by new development, and to allow the imposition and collection of those fees by the school district pursuant to the Growth Management Act and all other applicable law; NOW, THEREFORE,

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

SECTION 1. There is hereby added a new chapter to the Kent City Code, Chapter 12.13, entitled "School Impact Fees," to read as follows.

CHAPTER 12.13. SCHOOL IMPACT FEES

Sec. 12.13.010. Findings and Authority.

The City Council of the City of Kent hereby finds and determines that continuing growth and development in the City of Kent will create additional demand and need for school facilities, and the Council finds that the Washington State Growth Management Act requires that new growth and development should pay a proportionate share of the cost of new facilities needed to serve the new growth and development.
Therefore, pursuant to Chapter 82.02 RCW, the Council adopts this Chapter to assess school impact fees. The provisions of this title shall be liberally construed in order to carry out the purposes of the Council in establishing the school impact fee program.


For purposes of this ordinance, the following terms shall have the indicated meanings:

A. "Capacity" means the number of students the District's facilities can accommodate district-wide, based on the District's standard of service, as determined by the District.

B. "Capital Facilities Plan" means the District's facilities plan adopted by the school board consisting of:

1. a forecast of future needs for school facilities based on the District's enrollment projections;

2. an identification of additional demands placed on existing public facilities by new development;

3. the long-range construction and capital improvement projects of the District;

4. the schools under construction or expansion;

5. the proposed locations and capacities of expanded or new school facilities;
6. an inventory of existing school facilities, including permanent, transitional and relocatable facilities;

7. at least a six year financing component, updated as necessary to maintain at least a six-year forecast period, for financing needed for school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters; and

8. an identification of deficiencies in school facilities serving the student populations and the means by which existing deficiencies will be eliminated within a reasonable period of time; and

9. any other long-range projects planned by the District.

C. "City" means the City of Kent.

D. "Classrooms" means educational facilities of the District required to house students for its basic educational program. The classrooms are those facilities the District determines are necessary to best serve its student population. Specialized facilities as identified by the District, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and
child care centers, shall not be counted as classrooms.

E. "Construction Cost Per Student" means the cost of construction of a permanent school facility in the District for the grade span of school to be provided, as a function of the District's design standard per grade span.

F. "Design Standard" means the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the District as identified in the District's capital facilities plan.

G. "District" means any school district whose boundaries include, in whole or in part, areas of the City of Kent.

H. "Developer" means the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

I. "Development Activity" means any residential construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for school facilities.

J. "Elderly" means a person aged 62 or older.
K. "Encumbered" means impact fees identified by the District as being committed as part of the funding for a school facility for which the publicly funded share has been assured or building permits sought or construction contracts let.

L. "Interlocal Agreement" means the agreement between the District and the City, governing the operation of the school impact fee program and describing the relationship, duties and liabilities of the parties.

M. "Grade Span" means the categories into which the District groups its grade of students; i.e., elementary, middle or junior high school, and high school.

N. "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, that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact Fee" does not include a reasonable permit or application fee.

O. "Impact Fee Schedule" means the table of impact fees to be charged per unit of development, computed by the formula
adopted under this ordinance, indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the City.

P. "Permanent Facilities" means facilities of the District with a fixed foundation which are not relocatable facilities.

Q. "Relocatable Facilities" means any factory-built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within the District or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

R. "Relocatable Facilities Cost Per Student" means the estimated cost of purchasing and siting a relocatable facility in the District for the grade span of school to be provided, as a function of the District's design standard per grade span.

S. "Site Cost Per Student" means the estimated cost of a site in the District for the grade span of school to be provided, as a function of the District's design standard per grade span.
T. "Standard of Service" means the standard adopted by
the 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 by the District. 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 any other specific
facilities housed in relocatable facilities.

U. "Student Factor" means the number derived by the
District to describe how many students of each grade span are
expected to be generated by a dwelling unit. Student factors
shall be based on District records of average actual student
generated rates for new developments constructed over a period of
not more than five years prior to the date of the fee
calculation; provided that, if such information is not available
in the District, data from adjacent districts, or districts with
similar demographics or county wide averages may be used.
Student factors must be updated on an annual basis, and
separately determined for single family and multi-family dwelling
units and for grade spans.
V. "Transitional Facilities" means those school facilities that are being used pending the construction of permanent facilities, provided that the necessary financial commitments are in place to construct the permanent facilities.


Impact fees, based on the impact fee schedule adopted by the City Council, using the District's Capital Facilities Plan, shall be applied to all forms of development activity requiring City review and approval where such requires the issuance of a residential building permit. The impact fees shall be assessed for each dwelling unit, including manufactured homes, at the time of permit application, and shall be collected when the permit is issued as provided for in this chapter.

Sec. 12.13.040. Exemptions.

A. The following Development Activities are exempt from the requirements of this chapter:

1. Low income housing as follows:
   a. Low-income housing projects that are constructed by public housing agencies or private non-profit housing developments;
   b. Low-income residential units, rented or purchased, that are dedicated and constructed by private developers;
2. Shelters or dwelling units for temporary placement, which provide housing to persons on a temporary basis for not more than two weeks.

3. Construction or remodeling of transitional housing facilities or dwelling units that provide housing to persons on a temporary basis for not more than twenty-four (24) months, in connection with job training, self-sufficiency training and human services counseling, the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.

4. Any form of housing for the elderly, including nursing homes, retirement centers, and any type of housing units for persons age 55 and over, which have recorded covenants or recorded declaration of restrictions precluding school-aged children as residents in those units.

5. Rebuilding of legally established dwelling unit(s) destroyed or damaged by fire, flood, explosion, act of God or other accident or catastrophe, or remodeling of existing legally established dwelling unit(s), provided that such rebuilding takes place within a period of one year after destruction, and so long as no additional dwelling units are created.

6. Condominium projects in which existing dwelling units are converted into condominium ownership and where no new dwelling units are created.

7. Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act.
8. Any development activity for which school impacts have been mitigated pursuant to a condition of plat or PUD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat or PUD approval provides otherwise: provided that the condition of the plat or PUD approval predates the effective date of fee imposition.

9. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the District to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise provided that the agreement predates the effective date of fee imposition.

B. For purposes of this section, a low-income housing project unit or a low-income residential rental unit is one that has a maximum rent and a maximum income level for tenants equal to or less than 50% of the Countywide median household income, adjusted for household size. A low-income residential purchased unit is one that has a sales price of $130,000 or less for single family houses, and $95,000 or less for multi-family units. These maximum sale prices shall be adjusted by the Seattle CPI-U consumer price index each year, with 1992 being the base year. The purchaser's family income cannot exceed 80% of the Countywide median household income, adjusted for household size.

C. When a low-income purchased unit has received a building permit, the Director of the Finance Department shall record a notice of the exemption and the income qualification requirements for such unit with the King County Auditor.
D. When a low-income purchased unit is sold or rented to a person who does not qualify as a low-income purchaser or tenant, an amount equal to the impact fee on the date of the sale or rental shall be paid by the seller or the property owner to the City.

E. The Director of the Planning Department shall review requests for exemptions from impact fees under subsection (A) of this section pursuant to criteria and procedures adopted by administrative rule, and shall advise the developer in writing of the granted or denial of the request. In addition, the Director shall notify the School District of all applications for exemption when they are received and shall notify the School District when such requests are granted or denied.

F. Impact fees for low-income housing and other development activities with broad public purposes pursuant to RCW 82.02.060 (2) shall be paid from Public Funds. The impact fees for these units shall be considered paid for by the School District through its other funding sources, without the District actually transferring funds from its other funding sources into the impact fee account.

Sec. 12.13.050. Interlocal agreement between the City and District.

As a condition of the City's authorization and adoption of a school impact fee ordinance, the City and District shall enter into an interlocal agreement governing the operation of the
school impact fee program, and describing the relationship and liabilities of the parties thereunder.


A. On an annual basis, the District shall submit the following materials to the City Council:

1. The District's capital facilities plan (as defined in Section 12.13.010 herein) and adopted by the school board;

2. The District's enrollment projections over the next six (6) years, its current enrollment and the district's enrollment projections and actual enrollment from the previous year;

3. The District's standard of service;

4. The District's overall capacity over the next six (6) years, which shall take into account the available capacity from school facilities planned by the District but not yet built and be a function of the District's standard of service as measured by the number of students which can be housed in District facilities.

5. An inventory of the District's existing facilities.
B. To the extent that the District's standard of service identifies a deficiency in its existing facilities, the District's capital facilities plan must identify the sources of funding other than impact fees, for building or acquiring the necessary facilities to serve the existing student population in order to eliminate the deficiencies within a reasonable period of time.

C. Facilities to meet future demand shall be designed to meet the adopted standard of service. If sufficient funding is not projected to be available to fully fund a capital facilities plan which meets the adopted standard of service, the District's capital Facilities plan should document the reason for the funding gap, and identify all sources of funding that the District plans to use to meet the adopted standard of service.

D. The District shall also submit an annual report to the City Council showing the capital improvements which were serviced in whole or in part by the impact fees.

E. In its development of the Financing Plan Component of the Capital Facilities Plan, the District shall plan on a six-year horizon and shall demonstrate its best efforts by taking the following steps:
1. Establish a six-year financing plan, and propose the necessary bond issues and levies required by and consistent with that plan and as approved by the school board consistent with RCW 28A.53.020, RCW 84.52.052 and .056 as amended; and

2. Apply to the state for funding, and comply with the state requirements for eligibility to the best of the District's ability.

**Sec. 12.13.070. Annual Council Review.**

On at least an annual basis, the City Council shall review the information submitted by the District pursuant to Section 12.13.060(A) herein. The review shall occur in conjunction with any update of the capital facilities plan element of the City's Comprehensive Plan.

**Sec. 12.13.080. Impact Fee Program Elements.**

A. Impact fees will be assessed on every new dwelling unit in the District for which a fee schedule has been established.

B. Impact fees will be imposed on a district-by-district basis, on behalf of any school district which provides to the City, a capital facilities plan, the District's standards of service for the various grade spans, estimates of the cost of
providing needed facilities and other capital improvements, and the data from the District called for by the formula in Section 12.13.140. Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the cost of system improvements that are reasonably related to the development. The impact fee formula shall account in the fee calculation for future revenue the District will receive from the development. The ordinance adopting the fee schedule shall specify under what circumstances the fee may be adjusted in the interests of fairness.

C. The impact fee shall be based on the capital facilities plan developed by the District and approved by the school board, and adopted by reference by the City as part of the capital facilities element of the comprehensive plan for the purpose of establishing the fee program.

Sec. 12.13.090. Fee Calculations.

A. The fee shall be calculated based on the formula set out in Section 12.13.140.

B. Separate fees shall be calculated for single family and multi-family types of dwelling units, and separate student generation rates must be determined by the District for each type of dwelling unit. For the purpose of this ordinance, mobile
homes shall be treated as single family dwellings and duplexes shall be treated as multi-family dwellings.

C. The fee shall be calculated on a district-wide basis using the appropriate factors and data to be supplied by the District, as indicated in Section 12.13.140. The fee calculations shall also be made on a district-wide basis to assure maximum utilization of all school facilities in the District used currently or within the last two years for instructional purposes.

D. The formula in Section 12.13.140 provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of voter support for bond issues in the District.

E. The formula also provides for a credit for school facilities or sites actually provided by a developer which the District finds acceptable.

F. The City may also impose an application fee to cover the reasonable costs of administration of the impact fee program.

Sec. 12.13.100. Assessment of Impact fees.

At the time of application for a residential building permit with the City, including an application for a manufactured home, the
school impact fee shall be assessed based on the impact fee schedule then in effect using the capital facilities plan of the District adopted by the City Council as part of the City's Comprehensive Plan. The impact fee and the application fee shall be collected by the City, and maintained in separate accounts. All school impact fees shall be paid to the District from the school impact fee account monthly. The City shall retain all application fees associated with the City's administration of the impact fee program.

**Sec. 12.13.110. Collection of Impact Fees.**

A. For residential developments located in school districts where impact fees have been adopted by city ordinance, the City shall collect impact fees based upon the schedule set forth in Section 12.13.140, and shall be collected by the City from any applicant where such development activity requires issuance of a residential building permit or a manufactured home permit.

B. For application for single family and multi-family residential building permits and manufactured home permits, the total amount of the impact fees shall be collected from the applicant when the building permit is issued, using the impact fee schedules in effect at the time of application.
C. The City shall not issue the required building permit or manufactured home permit unless and until the impact fees set forth in the impact fee schedule have been paid.

Sec. 12.13.120. Determination of the Fee, Adjustments, Exceptions and Appeals.

A. The City shall determine a developer's impact fee, based upon the schedule provided by the District.

B. Arrangement may be made for later payment of the impact fee with the approval of the District only if the District determines that it will be unable to use or will not need the payment until a later time, provided that sufficient security, as defined by the District, is provided to assure payment. Security shall be made to and held by the District, which will be responsible for tracking and documenting the security interest.

C. The fee amount established in the schedule shall be reduced by the amount of any payment previously made for the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement.

D. Whenever a developer is granted approval subject to a condition that the developer actually provide a school facility acceptable to the District, the developer shall be entitled to a credit for the actual cost of providing the facility, against the
fee that would be chargeable under the formula provided by this ordinance. The cost of construction shall be estimated at the time of approval, but must be documented, and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee.

E. The standard impact fees may be adjusted, if one of the following circumstances exist, provided that the discount set forth in the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the fee:

1. The developer demonstrates that an impact fee assessment was improperly calculated; or

2. Unusual circumstances identified by the developer demonstrate that if the standard impact fee amount was applied to the development, it would be unfair or unjust.

F. In cases where a developer requests an independent fee calculation, adjustment exception or a credit pursuant to RCW 82.02.060(3), the City shall consult with the District and the District shall advise the City prior to the City making the final impact fee determination.
G. A developer may provide studies and data to demonstrate that any particular factor used by the District may not be appropriately applied to the development proposal.

H. Any appeal of the decision of the City with regard to fee amounts shall follow the process for the appeal of the underlying development application, as set forth in Kent City Code. Any errors in the formula identified as a result of the appeal should be referred to the Council for possible modification.

I. Impact fees may be paid under protest in order to obtain a residential building permit or a mobile home permit.

Sec. 12.13.130. Impact Fee Accounts and Refunds.

A. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the District solely for the District's school impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which impact fees were imposed. Annually, the District, based in part on its report prepared pursuant to Section 12.13.060, shall prepare a report on the impact fee account showing the source and amount of all moneys collected, earned or received, and capital or system improvements that were financed in whole or in part by impact fees. The
District shall submit a copy of this report to the City Council. The City shall maintain separate school impact fee and administration fee accounts pursuant to Section 12.13.110, and shall prepare a report on the source and amount of all school impact fees collected and transferred to the District.

B. Impact fees for the District's system improvements shall be expended by the District only in conformance with the capital facilities plan element of the comprehensive plan.

C. Impact fees shall be expended or encumbered by the District for a permissible use within six (6) years of receipt by the District, unless there exists an extraordinary or compelling reason for fees to be held longer than six (6) years. Such extraordinary or compelling reasons shall be identified to the City by the District in a written report. The City Council shall identify the District's extraordinary and compelling reasons for the fees to be held longer than six (6) years in the Council's own written findings.

D. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within six (6) years of receipt of the funds by the District on school facilities intended to benefit the development activity for which the impact
fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The District shall notify potential claimants by first-class mail deposited with the United States postal service addressed to the owner of the property as shown in the County tax records.

E. An owner's request for a refund must be submitted to the District in writing within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered by the District in conformance with the capital facilities plan within these time limitations, and for which no application for a refund has been made within this one (1) year period, shall be retained and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned on the impact fees.

F. Should the City seek to terminate any or all school impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a school impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the
availability of the refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the County tax records. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the District, but must be expended by the District, consistent with the provisions of this Section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances with the account or accounts being terminated.

G. A developer may request and shall receive refund, including interest earned on the impact fees, when:

1. The developer does not proceed to finalize the development activity as required by statute or City Code including the Uniform Building Code; and

2. No impact on the District has resulted.

"Impact" shall be deemed to include cases where the District has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the District has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three (3) years, the same or subsequent owner of the property proceeds with the same
or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the District and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The District shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in Section 12.13.120 above.

H. Interest due upon the refund of impact fees required by this Section shall be calculated according to the average amount received by the District on invested funds throughout the period during which the fees were retained.


A. School Impact Fees shall be determined as follows:

IF:

A = Student Factor for Dwelling Unit Type and grade span X site cost per student for sites for facilities in that grade span = Full Cost Fee for site acquisition cost

B = Student Factor for Dwelling Unit Type and grade span X school construction cost per student for facilities in that grade span X ratio of District's square footage of permanent facilities to total square footage of facilities = Full Cost Fee for school construction

C = Student Factor for Dwelling Unit Type and grade span X relocatable facilities cost per student for facilities in that grade span X ratio of District's square footage of relocatable
facilities to total square footage of facilities = Full Cost Fee for relocatable facilities

D = Student Factor for Dwelling Unit Type and grade span "Boeckh Index" X SPI Square Ft per student factor X state match \% = State Match Credit, and

A1, B1, C1, D1 = A, B, C, D for Elementary grade spans

A2, B2, C2, D2 = A, B, C, D, for Middle/junior high grade spans

A3, B3, C3, D3 = A, B, C, D for High School grade spans

TC = Tax payment credit = The net present value of the Average Assessed Value in the District for Unit Type X Current School District Capital Property Tax Levy Rate, using a 10 year discount period and current interest rate (based on the Bond Buyer Twenty Bond General Obligation Bond Index)

FC = Facilities Credit = The per-dwelling-unit value of any site or facilities provided directly by the development

THEN the unfunded need = UN=A1+...+C3 - (D1-D2-D3)-TC

AND the developer fee obligation = F=UN/2

AND the net fee obligation = NF = F-FC

B. Notes to Formula.

1. Student Factors are to be provided by the District based on District records of average actual student generation rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the District, data from adjacent districts, districts with similar demographics, or countywide averages must be used. Student factors must be separately determined for single
family and multi-family dwelling units, and for grade spans.

2. The "Boeckh index" is a construction trade index of construction costs for various kinds of buildings; it is adjusted annually.

3. The District is to provide its own site and facilities standards and projected costs to be used in the formula, consistent with the requirements of this ordinance.

4. The formula can be applied by using the following table:
TABLE FOR CALCULATING SCHOOL IMPACT FEE OBLIGATIONS FOR RESIDENTIAL DWELLING UNITS
(TO BE SEPARATELY CALCULATED FOR SINGLE FAMILY AND MULTI-FAMILY UNITS)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Elementary school site cost per student x the student factor</td>
</tr>
<tr>
<td>A2</td>
<td>Middle/Junior High site cost per student x the student factor</td>
</tr>
<tr>
<td>A3</td>
<td>High School site cost per student x the student factor</td>
</tr>
<tr>
<td>A</td>
<td>A1+A2+A3</td>
</tr>
<tr>
<td>B1</td>
<td>Elementary school construction cost per student x the student factor</td>
</tr>
<tr>
<td>B2</td>
<td>Middle/Junior High construction cost per student x the student factor</td>
</tr>
<tr>
<td>B3</td>
<td>High School construction cost per student x the student factor</td>
</tr>
<tr>
<td>B</td>
<td>(B1+B2+B3) x square footage of permanent facilities / total square footage of facilities</td>
</tr>
<tr>
<td>C1</td>
<td>Elementary school relocatable facility cost per student x the student factor</td>
</tr>
<tr>
<td>C2</td>
<td>Middle/Junior High relocatable facility cost per student x the student factor</td>
</tr>
<tr>
<td>C3</td>
<td>High School relocatable facility cost per student x the student factor</td>
</tr>
<tr>
<td>C</td>
<td>(C1+C2+C3) x square footage of permanent facilities / total square footage of facilities</td>
</tr>
</tbody>
</table>
D1 = Boeckh index x SPI square footage per student for elementary school x state match % x student factor

Boeckh index x SPI square footage per student for middle/junior high school x state match % x student factor

D2 = Boeckh index x SPI square footage per student for high school x state match % x student factor

D = D1 + D2 + D3

TC = \((1+i)^{(l+il)}+1 \times \frac{\text{average assessed value for the dwelling unit type in the school district}}{\text{i(1+i)}}\) x current school district capital property tax levy rate where i+ the current interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index

FC = Value of site of facilities provided directly by the development number of dwelling units in development

Total Unfunded Need = A + B + C - D = A + B + C - D - TC

\text{TOTAL UNFUNDED NEED UN} = \frac{\text{Subtotal}}{2} = \frac{\text{DEVELOPER FEE OBLIGATION}}{\text{Less FC (if applicable)}} = \text{NET FEE OBLIGATION}
Sec. 12.13.150. Termination of School Impact Fees.

This chapter shall be and remain in effect until one year from the effective date of the first school impact fee schedule ordinance adopted pursuant to this chapter, after which time the provisions of the chapter shall expire and have no force or effect.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 19 day of December, 1995.

APPROVED __________ day of __________________, 1995.

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PUBLISHED 24 day of December, 1995.

I hereby certify that this is a true copy of Ordinance No. 3260, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Brenda Jacober (SEAL)
BRENDA JACOBER, CITY CLERK

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