

November 20, 1991
Sclordd6.mcp

Introduced by: LOIS NORTH

Proposed No.: 91-790

ORDINANCE NO. **10162**

AN ORDINANCE modifying the county's school mitigation standards, amending Ordinance 9785, Sections 2-5, 7, 8 and 11 and K.C.C. 21.61.010-.040, .050, .060, .070 and .090 and Ordinance 10122, Section 2; adding new sections to K.C.C. Titles 21 and 27, and repealing Ordinance 9785, Section 6.

FINDINGS:

1. While King County Ordinance No. 9785 establishes the basic framework for reviewing school district capacity, the Council finds that it is necessary to modify the methods for determining whether school facilities will be provided concurrent with development.

2. Under the system for public education in the State of Washington, school boards are charged with making educational and policy decisions in each school district. The capital facilities plan of the district is a reflection of local choices made by each school board.

3. Because school districts and the County desire to work cooperatively to address and to respond to the impacts of development, school districts will submit their capital facilities plans, their enrollment projections, their standards of service, and their overall capacity projections to the County for review.

4. The County as the general purpose government must make the ultimate determination of whether to change the County's development regulations or the land use element of the County's comprehensive plan because school facilities in a district will not be provided concurrent with development, or within three years of development unless funding is otherwise secured.

5. The County is authorized by Chapter 82.02 RCW to require new growth and development within King County to pay a proportionate share of the cost of new facilities to serve such new growth and development through the assessment of impact fees.

6. The concurrency provisions of this Ordinance are adopted pursuant to the County's powers as a Charter County and the provisions of the 1990 Growth Management Act and the 1991 amendments to the Act, including but not limited to Chapter 36.70A RCW and Chapter 82.02 RCW. The impact fee provisions of this Ordinance are adopted pursuant to Chapter 82.02 RCW and County charter authority.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9785, Section 2 and KCC 21.61.010 are hereby amended to read as follows:

Authority. This chapter is adopted as an official control to implement King County comprehensive plan policies, ((and)) the 1990 Growth Management Act, RCW 58.17.060 and RCW

1 58.17.110. This chapter is necessary to address identified
 2 impacts of development on schools in order to protect the
 3 public health, safety and welfare.

4 SECTION 2. Ordinance 9785, Section 3 and K.C.C. 21.61.020
 5 are hereby amended as follows:

6 **Definitions.** For purposes of this chapter, the following
 7 terms shall have the indicated meanings:

8 ~~((A. "SBE" means the Washington State Board of
 9 Education.))~~

10 ~~((B. "SPI" means the Washington State Superintendent
 11 of Public Instruction.))~~

12 ~~((C.))~~ A. "Capacity" means the number of students ((a
 13 school site and its school buildings is designed to
 14 accommodate. The capacity standard for each district shall be
 15 the standard adopted by the school district for which the fee
 16 is being established, so long as the district's standard is
 17 derived from and does not exceed the standard capacity formulae
 18 of the State Board of Education found in WAC 180-26 and 180-27
 19 by more than 10%. If the district's standards are more than
 20 10% above SBE's standard, the standard adopted in the fee
 21 implementing ordinance shall be adjusted to keep it within the
 22 10% variation allowance. No school facility which has been
 23 closed for more than two years due to lack of demand for the
 24 facility shall be counted in the district's inventory for
 25 purposes of determining the district's existing capacity.))
 26 a school district's facilities can accommodate district-wide,
 27 based on the district's standard of service, as determined by
 28 the school district.

29 B. "Capital Facilities Plan" means a district's
 30 facilities plan adopted by the school board consisting of:

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

33 2. the long-range construction and capital
 34 improvements projects of the district;

35 3. the schools under construction or expansion;

1 4. the proposed locations and capacities of expanded
2 or new school facilities;

3 5. at least a six-year Financing Plan Component,
4 updated as necessary to maintain at least a six-year forecast
5 period, for financing needed school facilities within projected
6 funding levels, and identifying sources of financing for such
7 purposes, including bond issues authorized by the voters and
8 projected bond issues not yet authorized by the voters; and

9 6. any other long-range projects planned by the
10 district.

11 C. "Classrooms" means educational facilities of the
12 district required to house students for its basic educational
13 program. The classrooms are those facilities the district
14 determines are necessary to best serve its student population.
15 Specialized facilities as identified by the district, including
16 but not limited to gymnasiums, cafeterias, libraries,
17 administrative offices, and child care centers, shall not be
18 counted as classrooms.

19 D. "Committee" means the School Technical Review
20 Committee established pursuant to Section 8 of this Ordinance.

21 E. "Concurrent" or the "Concurrency Standard" means that
22 the permanent and interim improvements are planned to be or are
23 in place at the time the impacts of development are expected to
24 occur, and that the necessary financial commitments are in
25 place to complete the improvements necessary to serve the
26 development and to meet the district's standard of service
27 within three (3) years of the time the impacts of development
28 are expected to occur.

29 ~~((F.))~~ F. "Construction Cost Per Student" means the
30 estimated cost of construction of a permanent school facility
31 in the district for the grade ((level)) span of school to be
32 provided, ((divided by the district's design capacity standard
33 of service for that grade level of school)) as a function of
34 the district's design standard per grade span and taking into
35 account the requirements of students with special needs.

1 G. "Design Standard" means the space required, by grade
2 span and taking into account the requirements of students with
3 special needs, which is needed in order to fulfill the
4 educational goals of the school district as identified in the
5 district's capital facilities plan.

6 H. "Elderly" means a person aged 62 or older.

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

10 J. "Development Activity" means any residential
11 construction or expansion of a building, structure or use, any
12 change in use of a building or structure, or any change in the
13 use of land that creates additional demand for school
14 facilities.

15 ((D-)) K. "Grade ((level)) Span" means the categories
16 into which a district groups its grade of students; i.e.,
17 elementary, middle or junior high school, and high school.

18 L. "Permanent Facilities" means facilities of the
19 district with a fixed foundation which are not relocatable
20 facilities.

21 M. "Relocatable Facility" means any factory-built
22 structure, transportable in one or more sections that is
23 designed to be used as an education space and is needed to
24 prevent the overbuilding of school facilities, to meet the
25 needs of service areas within a district or to cover the gap
26 between the time that families move into new residential
27 developments and the date that construction is completed on
28 permanent school facilities.

29 N. "Relocatable Facilities Cost Per Student" means the
30 estimated cost of purchasing and siting a relocatable facility
31 in the district for the grade span of school to be provided,
32 as a function of the district's design standard per grade span
33 and taking into account the requirements of students with
34 special needs.

1 O. "School district" means any school district in King
2 County whose boundaries include unincorporated areas of the
3 county.

4 ~~((E.))~~ P. "Site Cost Per Student" means the estimated
5 cost of a site in the district for the grade ~~((level))~~ span of
6 school to be provided, ~~((divided by the district's standard of~~
7 ~~service for that grade level of school))~~ as a function of the
8 district's design standard per grade span and taking into
9 account the requirements of students with special needs.

10 Q. "Standard of Service" means the standard adopted by
11 each district which identifies the program year, the class size
12 by grade span and taking into account the requirements of
13 students with special needs, the number of classrooms, the
14 types of facilities the district believes will best serve its
15 student population, and other factors as identified by the
16 school district. The district's standard of service shall not
17 be adjusted for any portion of the classrooms housed in
18 relocatable facilities which are used as transitional
19 facilities or for any specialized facilities housed in
20 relocatable facilities. Except as otherwise defined by the
21 school board pursuant to a board resolution, transitional
22 facilities shall mean those facilities that are used to cover
23 the time required for the construction of permanent facilities;
24 provided that, the "necessary financial commitments" as defined
25 in Section 5.B are in place to complete the permanent
26 facilities called for in the capital plan.

27 ~~((H-))~~ R. "Student Factor" means the number derived by a
28 school district to describe how many students of each grade
29 ~~((level))~~ span are expected to be generated by a dwelling unit.
30 Student factors shall be based on district records of average
31 actual student generated rates for new developments constructed
32 over a period of not more than five (5) years prior to the date
33 of the fee calculation; provided that, if such information is
34 not available in the district, data from adjacent districts,
35 districts with similar demographics, or county wide averages

1 may be used. Student factors must be separately determined for
 2 single family and multifamily dwelling units, and for grade
 3 ((levels)) spans.

4 S. "Shelters for temporary placement" means housing units
 5 within King County that provide housing to persons on a
 6 temporary basis for a duration not to exceed four weeks.

7 T. "Relocation facilities" means housing units within
 8 King County that provide housing to persons who have been
 9 involuntarily displaced from other housing units within King
 10 County as a result of conversion of their housing unit to other
 11 land uses.

12 U. "Transitional housing facilities" means housing units
 13 within King County owned by public housing authorities,
 14 nonprofit organizations or other public interest groups that
 15 provide housing to persons on a temporary basis for a duration
 16 not to exceed 24 months in conjunction with job training, self
 17 sufficiency training and human services counseling - the
 18 purpose of which is to help persons make the transition from
 19 homelessness to placement in permanent housing.

20 ~~((G. "Temporary facilities cost per student" means the~~
 21 ~~estimated cost of purchasing and siting a temporary facility~~
 22 ~~(portable classroom) in the district for the grade level of~~
 23 ~~school to be provided, divided by the district's design~~
 24 ~~capacity for temporary facilities for that grade level of~~
 25 ~~school.))~~

26 SECTION 3. Ordinance 9785, Section 4 are and K.C.C.
 27 21.61.030 hereby amended to read as follows:

28 School ((Adequaey)) Concurrency Standard((s)), Impact Fees
 29 - Applicability. A. The ((adequaey)) concurrency standard((s))
 30 set out in this chapter shall apply to all forms of residential
 31 development which are subject to county review and approval and
 32 which would ((result)) authorize the creation of new
 33 residential building lots or construction of new multifamily
 34 dwelling units. Excluded from the application of this standard
 35 would be any form of housing legally limited exclusively to

1 housing for the elderly, including nursing homes and retirement
 2 centers. Also excluded from the application of this standard
 3 would be shelters for temporary placement, relocation
 4 facilities and transitional housing facilities. Reconstruction
 5 or remodelling of existing dwelling units is not subject to the
 6 provisions of this chapter.

7 B. The fee schedules developed for a particular school
 8 district pursuant to K.C.C. Title 27 and subsequently adopted
 9 by the council in support of the district's needs shall be
 10 applied by the county to all residential development which is
 11 subject to the ((adequacy)) concurrency standard adopted
 12 herein. The fee shall also be applicable to all residential
 13 development within that portion of a city that is in the school
 14 district for which the fee is being established, if the city
 15 adopts the county's fee program by reference and requests that
 16 the county assess and collect the fee. Where the city adopts
 17 the county's program by reference, ((±)) implementation of the
 18 fee collection process shall be further detailed by interlocal
 19 agreements between the county, the city and the district. Any
 20 form of housing exclusively for the elderly, including nursing
 21 homes and retirement centers, is exempt from the application of
 22 the fee. Also excluded from the application of the fee are
 23 shelters for temporary placement, relocation facilities and
 24 transitional housing facilities.

25 SECTION 4. Ordinance 9785, Section 5 and K.C.C. 21.61.040
 26 are hereby amended as follows:

27 Findings, Recommendations, and Decisions Regarding School
 28 Capacities.

29 A. In making a threshold determination pursuant to the
 30 State Environmental Policy Act, Chapter 43.21 RCW, ((BALD)) the
 31 Environmental Division shall review the impacts of the new
 32 development on schools. The manager ((division)) and/or the
 33 zoning and subdivision examiner, in the course of reviewing
 34 proposals for residential development including ((preliminary
 35 plat)) applications for plats or, PUD's, or ((actualization of

1 potential)) multi-family zoning, and multi-family building
2 permits, shall consider any recommendation provided by the
3 School Technical Review Committee to certify or not certify
4 concurrency based on the school district's capital plan as
5 adopted by the Council. (~~documentation of capacity problems~~
6 ~~provided by the district as presumptively valid but subject to~~
7 ~~rebuttal, and shall))~~

8 B. Documentation which the district is required to
9 submit pursuant to Section 7 shall be incorporated into the
10 record in every case without requiring the district to offer
11 such plans and data into the record. The school district is
12 also authorized to present testimony and documents
13 demonstrating a lack of concurrency in the district and the
14 inability of the district to accommodate the students to be
15 generated by a specific development.

16 C. Based upon a finding that the impacts generated by the
17 plat, the PUD or the multi-family development were generally
18 not anticipated at the time of the last Council review and
19 approval of a school district capital plan and were not
20 included in the district's long-range forecast, the manager may
21 require or recommend phasing or provision of the needed
22 facilities and/or sites as appropriate to address the
23 deficiency or deny or condition approval (~~(as required by this~~
24 ~~chapter and as necessary to remedy the deficiency, or recommend~~
25 ~~such denial or conditional approval, or recommend such denial~~
26 ~~or conditional approval)), consistent with the provisions of
27 this ordinance, the state subdivision act, and the State
28 Environmental Policy Act. (~~(as provided for in K.C.C.~~
29 ~~21.61.050. Failure of a district to document a deficiency~~
30 ~~shall be considered as indicating that the facilities are~~
31 ~~adequate. Documentation provided in support of an adopted~~
32 ~~county ordinance establishing a fee for the district shall be~~
33 ~~presumed to apply to any application made in that district and~~
34 ~~shall be incorporated into the record in every case without~~
35 ~~requiring the district to offer it.))~~~~

1 D. Determinations of the examiner or manager regarding
 2 concurrency can be appealed only pursuant to the provisions for
 3 appeal of the development permit process for which the
 4 determination has been made. Where no other administrative
 5 appeal process is available, an appeal may be taken to the
 6 zoning examiner using the appeal procedures for variances. Any
 7 errors in the formula identified as a result of an appeal
 8 should be referred to the council for possible modifications.

9 E. Where the council has not adopted an impact fee
 10 ordinance for a particular school district, the language of
 11 this section shall not affect the authority or duties of the
 12 examiner or the manager pursuant to the State Environmental
 13 Policy Act or the State Subdivision Act.

14 SECTION 5. Ordinance 9785, Section 6 and K.C.C. 21.61.050
 15 are amended as follows:

16 School ((Adequacy)) Concurrency Standard((s)). ((A-
 17 ~~School facilities shall be deemed to have adequate capacity for~~
 18 ~~purposes of approval of any residential development proposal if~~
 19 ~~all of the following circumstances exist:~~

20 ~~1. The district as a whole has permanent facilities~~
 21 ~~to house the students projected to be coming from the~~
 22 ~~development without exceeding the class size capacity standards~~
 23 ~~of the district by more than 5 percent and any facilities that~~
 24 ~~have been closed for more than two years due to lack of demand~~
 25 ~~for the facilities are not treated as available permanent~~
 26 ~~facilities until any needed remodeling can be provided for.~~

27 ~~2. The district has the land to accommodate the~~
 28 ~~permanent and portable facilities needed to serve the students~~
 29 ~~projected to be coming from the development.~~

30 ~~3. Any school mitigation fee required by ordinance~~
 31 ~~to be paid is paid or is scheduled for payment and is~~
 32 ~~adequately secured.~~

33 ~~B. If the capacity standards set out in subsections A.1~~
 34 ~~and A.3 are or would be exceeded with the construction of a~~
 35 ~~proposed development, the school facilities available to serve~~

1 ~~the development shall be deemed inadequate and the development~~
2 ~~shall not be approved unless the development is phased to meet~~
3 ~~the standards and the impact fee authorized by this chapter is~~
4 ~~paid in a manner timely to the needs of the impacted school~~
5 ~~district, or the needed land or facilities are provided before~~
6 ~~or concurrently with the construction of the development. An~~
7 ~~offer of payment of an applicable impact fee shall not be~~
8 ~~deemed sufficient if the fee cannot be used in a timely fashion~~
9 ~~to actually provide needed school facilities, and the payment~~
10 ~~shall be delayed until such time as it can be used, but shall~~
11 ~~not be forgiven unless a facility of equal value is provided.~~

12 ~~C. A certificate of school facility availability from~~
13 ~~the district in which a development proposal is located shall~~
14 ~~be required as a part of any development proposal application.~~
15 ~~The factors to be applied in the certificate, such as student~~
16 ~~factors and capacity numbers, shall be consistent with the~~
17 ~~provisions of this chapter. Any determination of adequacy~~
18 ~~shall be made for the anticipated date the proposed development~~
19 ~~will actually occur and based on the information provided in~~
20 ~~the certificate of availability. The information in the~~
21 ~~certificate shall be presumptively valid, but any information~~
22 ~~provided by other sources demonstrating any errors in the~~
23 ~~certificate shall also be considered.~~

24 ~~D. Building permits for individual single family~~
25 ~~dwelling shall be exempt from the requirements of this section~~
26 ~~and shall not require certificates of adequacy.~~

27 ~~E. The capacity standards and student factors for each~~
28 ~~district shall be determined administratively by BALD based on~~
29 ~~the standards as defined in K.C.C. 21.61.020 until such time as~~
30 ~~it is formally established in each fee implementing ordinance~~
31 ~~which adopts a fee program and schedule for a particular school~~
32 ~~district.))~~

33 A. The concurrency standard is satisfied if: (1) the
34 permanent and interim improvements necessary to serve the
35 development are planned to be in place at the time the impacts

1 of development are expected to occur, and (2) the necessary
 2 financial commitments are in place to assure the completion of
 3 the needed improvements to meet the district's standard of
 4 service within three (3) years of the time that the impacts of
 5 development are expected to occur. Necessary improvements are
 6 those facilities identified by the district in its capital
 7 facilities plan as reviewed and adopted by King County.

8 C. Any combination of the following shall constitute the
 9 "necessary financial commitments" for the purposes of
 10 subsection (A):

11 1. The district has received voter approval of and/or
 12 has bonding authority;

13 2. The district has received approval for federal,
 14 state, or other funds;

15 3. The district has received a secured commitment from
 16 a developer that the developer will construct the needed
 17 permanent school facility, and the school district has found
 18 such facility to be acceptable and consistent with its capital
 19 facilities plan; and/or

20 4. The district has other assured funding, including
 21 but not limited to school impact fees which have been paid.

22 D. Compliance with this concurrency requirement of this
 23 section shall be sufficient to satisfy the provisions of RCW
 24 58.17.060 and RCW 58.17.110.

25 NEW SECTION. SECTION 6. A new section is hereby added to
 26 Title 21, to read as follows:

27 Concurrency - Applicability and Relationship with Fees

28 A. The concurrency standard set out in Section 5 shall
 29 apply to applications for preliminary plat or PUD approval
 30 which would result in the creation of new residential building
 31 lots or the construction of new dwelling units, requests ((to
 32 actualize-potential)) for multi-family zoning, and building
 33 permits for multi-family housing projects which have not been
 34 previously evaluated for compliance with the concurrency
 35 standard.

1 B. The county's finding of concurrency shall be made at
2 the time of preliminary plat or planned unit development
3 approval, at the time that a request to actualize potential
4 multi-family zoning is approved, or prior to building permit
5 issuance for multi-family housing projects which have not been
6 previously established for compliance with the concurrency
7 standard. Once such a finding has been made, the development
8 shall be considered as vested for purposes of the concurrency
9 determination.

10 C. Excluded from the application of the concurrency
11 standard are building permits for individual single family
12 dwellings, any form of housing exclusively for the elderly,
13 including nursing homes and retirement centers. Also excluded
14 from the application of the concurrency standard are shelters
15 for temporary placement, relocation facilities and transitional
16 housing facilities. Reconstruction or remodelling of existing
17 dwelling units is not subject to the provisions of this
18 Ordinance.

19 D. Also excluded from the application of the concurrency
20 standard set out in this ordinance are:

- 21 1. short subdivisions;
- 22 2. building permits for residential units in
23 preliminary Planned Unit Developments which were under
24 consideration by King County on January 22, 1991;
- 25 3. building permits for residential units in recorded
26 Planned Unit Developments that have not yet expired per K.C.C.
27 21.56.060;
- 28 4. building permits applied for by December 31, 1993,
29 related to rezone applications to actualize potential zoning
30 which were under consideration by King County on January 22,
31 1991;
- 32 5. building permits applied for by December 31, 1993,
33 related to residential development proposals for site plan
34 review to fulfill P-Suffix requirements of multi-family zoning

1 which were under consideration by King County on January 22,
2 1991; and

3 6. any residential building permit for any development
4 proposal for which a concurrency determination has already been
5 made pursuant to the terms of K.C.C. Chapter 21.61.

6 E. All of the development activities which are excluded
7 from the application of the concurrency standard are subject to
8 school impact fees imposed pursuant to Title 27, unless
9 otherwise excluded pursuant to Section 18.

10 F. The assessment and payment of impact fees are governed
11 by and shall be subject to the provisions in K.C.C. Title 27
12 addressing school impact fees.

13 G. A certification of concurrency for a school district
14 shall not preclude the county from collecting impact fees for
15 the district. Impact fees may be assessed and collected as
16 long as the fees are used to fund capital and system
17 improvements needed to serve the new development, and as long
18 as the use of such fees is consistent with the requirements of
19 Chapter 82.02 RCW and this chapter. Pursuant to Chapter 82.02
20 RCW, impact fees may also be used to recoup capital and system
21 improvement costs previously incurred by a school district to
22 the extent that new growth and development will be served by
23 the previously constructed improvements or incurred costs.

24 NEW SECTION. SECTION 7. A new section is hereby added to
25 K.C.C. Title 21, to read as follows:

26 Submission of District Capital Facilities Plan and Data.

27 A. On an annual basis, each school district shall submit
28 the following materials to the School Technical Review
29 Committee created pursuant to Section 8 herein:

30 1. The district's capital facilities plan adopted by
31 the school board.

32 2. The district's enrollment projections over the next
33 six (6) years, it's current enrollment and the district's
34 enrollment projections and actual enrollment from the previous
35 year.

1 3. The district's standard of service.

2 4. An inventory and evaluation of district facilities
3 which address the district's standard of service.

4 5. The district's overall capacity over the next six
5 (6) years, which shall be a function of the district's standard
6 of service as measured by the number of students which can be
7 housed in district facilities.

8 B. To the extent that the district's standard of service
9 reveals a deficiency in its current facilities, the district's
10 capital facilities plan must demonstrate a plan for achieving
11 the standard of service, and must identify the sources of
12 funding for building or acquiring the necessary facilities to
13 meet the standard of service.

14 C. Facilities to meet future demand shall be designed to
15 meet the adopted standards of service. If sufficient funding
16 is not projected to be available to fully fund a capital plan
17 which meets the standard of service, the district's capital
18 plan should document the reason for the funding gap.

19 D. If an impact fee ordinance has been adopted on behalf
20 of a school district, the district shall also submit an annual
21 report to the Committee showing the capital improvements which
22 were financed in whole or in part by the impact fees.

23 NEW SECTION. SECTION 8. A new section is hereby added to
24 K.C.C. Title 21, to read as follows:

25 School Technical Review Committee.

26 A. There is hereby created a School Technical Review
27 Committee within King County. The Committee shall consist of 4
28 county staff persons, one each from the Building and Land
29 Development Division, the Planning and Community Development
30 Division, the Office of Financial Management and the County
31 Council.

32 B. The Committee shall be charged with reviewing each
33 school district's capital facilities plan, enrollment
34 projections, standard of service, the district's overall
35 capacity for the next six (6) years to ensure consistency with

1 the King County Comprehensive Plan, and adopted community
2 plans, and the district's calculation and rationale for
3 proposed impact fees.

4 C. Notice of the time and place of the Committee meeting
5 where the district's documents will be considered shall be
6 provided to the district.

7 D. At the meeting where the Committee will review or act
8 upon the district's documents, the district shall have the
9 right to attend or to be represented, and shall be permitted to
10 present testimony to the Committee. Meetings shall also be
11 open to the public.

12 E. In its review, the Committee shall consider the
13 following factors:

14 1. Whether the district's forecasting system for
15 enrollment projections has been demonstrated to be reliable and
16 reasonable.

17 2. The historic levels of funding and voter support
18 for bond issues in the district;

19 3. The inability of the district to obtain the
20 anticipated state funding or to receive voter approval for
21 district bond issues;

22 4. An emergency or emergencies in the district which
23 required the closing of a school facility or facilities
24 resulting in a sudden and unanticipated decline in district-
25 wide capacity; and

26 5. The standards of service set by school districts in
27 similar types of communities. While community differences will
28 be permitted, the standard established by the district should
29 be reasonably consistent with the standards set by other school
30 districts in communities of similar socioeconomic profile.

31 6. The committee shall consider the standards identified
32 by the state concerning the ratios of certificated
33 instructional staff to students.

34 F. In the event that the district's standard of service
35 reveals a deficiency in its current facilities, the Committee

1 shall review the district's capital facilities plan to
2 determine whether the district has identified all sources of
3 funding necessary to achieve the standard of service.

4 G. The district in developing the Financing Plan
5 Component of the Capital Facilities Plan shall plan on a six-
6 year horizon and shall demonstrate its best efforts by taking
7 the following steps:

8 1. Establish a six-year financing plan, and propose
9 the necessary bond issues and levies required by and consistent
10 with that plan and as approved by the school board and
11 consistent with RCW 28A.535.020 and RCW 84.52.052 and .056 as
12 amended; and

13 2. Apply to the state for funding, and comply with the
14 state requirement for eligibility to the best of the district's
15 ability.

16 H. The Committee is authorized to request the school
17 district to review and to resubmit its capital facilities plan,
18 or to establish a different standard of service, or to review
19 its capacity for accommodating new students, under the
20 following circumstances:

21 1. The standard of service established by the district
22 is not reasonable in light of the factors set forth in
23 subsection (E) above.

24 2. The Committee finds that the district's standard of
25 service cannot reasonably be achieved in light of the secured
26 financial commitments and the historic levels of support in the
27 district; or

28 3. Any other basis which is consistent with the
29 provisions of this Section.

30 I. The Committee shall prepare and submit an annual
31 report to the King County Council for each school district
32 recommending a certification of concurrency in the district,
33 except as provided in Subsection L.

34 J. The Committee shall submit copies of its
35 recommendation of concurrency for each school district to the

1 manager of BALD, to the zoning and subdivision examiner, and to
2 the district.

3 K. The committee shall recommend to the council a
4 comprehensive plan amendment adopting the district's capital
5 facilities plan as part of the comprehensive plan, for any plan
6 which the committee concludes accurately reflects the
7 district's facilities status.

8 1. In the event that after reviewing the district's
9 capital facilities plan and other documents, the Committee is
10 unable to recommend certifying concurrency in a school
11 district, the Committee shall submit a statement to the
12 Council, the manager and the zoning and subdivision examiner
13 stating that the Committee is unable to recommend certifying
14 concurrency in a specific school district. The Committee
15 shall recommend to the executive that he propose to the
16 council, amendments to the land use element of the King County
17 Comprehensive Plan or amendments to the development regulations
18 implementing the plan to more closely conform county land use
19 plans and school facilities plans, including but not limited to
20 requiring mandatory phasing of plats, PUD's or multi-family
21 development located within the district's boundary. The
22 necessary draft amendments shall accompany such
23 recommendations.

24 NEW SECTION. SECTION 9. A new section is hereby added to
25 K.C.C. Title 21, to read as follows:

26 Annual Council Review.

27 A. On at least an annual basis, the King County Council
28 shall review the reports prepared by the Committee and certify
29 the district's plans. The review may occur in conjunction with
30 any update of the capital facilities plan element of the King
31 County Comprehensive Plan proposed by the Committee.

32 B. The Council shall review and consider any proposal(s)
33 submitted by the Committee for amending the land use element of
34 the King County Comprehensive Plan, or the development
35 regulations implementing the plan, including but not limited to

1 requiring mandatory phasing of plats, PUD's or mululti-family
2 development when the Committee is unable to recommend a
3 certification of concurrency in a specific school district.
4 Any proposed amendments to the comprehensive plan or
5 development regulations shall be subject to the public hearing
6 and other procedural requirements set out in Title 20 or 21, as
7 applicable.

8 C. The Council may require the Committee to submit
9 proposed amendments or may itself initiate amendments to the
10 land use element of the King County Comprehensive Plan, or
11 amendments to the development regulations implementing the
12 plan.

13 SECTION 10. Ordinance 9785, Sections 7, 8 and 11 and
14 K.C.C. 21.61.060, .070, and .090 are each hereby repealed.

15 SECTION 11. A new section is hereby added to Title 27, to
16 read as follows:

17 Authority. The provisions of this ordinance for the
18 assessment and collection of impact fees are adopted pursuant
19 to Chapter 82.02 RCW.

20 NEW SECTION. SECTION 12. There is added to K.C.C. Title
21 27 a new section to read as follows:

22 Definitions. For purposes of this Ordinance, the
23 definitions set out in K.C.C. 21.61 are incorporated herein by
24 reference, and the following terms shall have the indicated
25 meanings:

26 A. "City" means any City which is located wholly or
27 partially within the district and which chooses to adopt the
28 King County school mitigation ordinances by reference.

29 B. "District" means a school district for which the
30 County has adopted an impact fee ordinance and fee schedule,
31 and has incorporated the capital facilities plan of the
32 district into the capital facilities element of the King County
33 Comprehensive Plan.

34 C. "Encumbered" means impact fees identified by the
35 district as being committed as part of the funding for a school

1 facility for which the publicly funded share has been assured
2 or building permits sought or construction contracts let.

3 D. "Fee Schedule" means the schedule indicating the
4 standard fee amount per dwelling unit that shall be paid as a
5 condition of residential development within the district.

6 E. "Interlocal Agreement" means any agreement between the
7 County, the district, and any city setting forth certain terms
8 relating to the collection of impact fees by the County and
9 distribution of those fees to the district. An interlocal
10 agreement shall not be required where the County is the sole
11 jurisdiction within the boundaries of the district that is
12 assessing impact fees.

13 NEW SECTION. SECTION 13. A new section is hereby added
14 to K.C.C. Title 27, to read as follows:

15 Impact Fee Program Elements.

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

19 B. Impact fees will be imposed on a district-by-district
20 basis, on behalf of any school district which provides to the
21 County, a capital facilities plan, the district's standards of
22 service for the various grade spans, estimates of the cost of
23 providing needed facilities and other capital improvements, and
24 the data from the district called for by the formula in Section
25 15. The actual fee schedule for the district will be adopted
26 by ordinance based on this information and the fee calculation
27 set out for Section 15. Any impact fee imposed shall be
28 reasonably related to the impact caused by the development and
29 shall not exceed a proportionate share of the cost of system
30 improvements that are reasonably related to the development.
31 The impact fee formula shall account in the fee calculation for
32 future revenues the district will receive from the development.
33 The ordinance adopting the fee schedule shall specify under
34 what circumstances the fee may be adjusted in the interests of
35 fairness.

1 C. The impact fee shall be based on a capital facilities
2 plan developed by the district and approved by the school
3 board, and adopted by reference by the county as part of the
4 capital facilities element of the comprehensive plan for the
5 purpose of establishing the fee program.

6 NEW SECTION. SECTION 14. A new section is hereby added
7 to K.C.C. Title 27, to read as follows:

8 Fee Calculations.

9 A. The fee for each district shall be calculated based on
10 the formula set out in Attachment A.

11 B. Separate fees shall be calculated for single family
12 and multifamily types of dwelling units, and separate student
13 generation rates must be determined by the district for each
14 type of dwelling unit. For purposes of this Ordinance, mobile
15 homes shall be treated as single family dwellings and duplexes
16 shall be treated as multifamily dwellings.

17 C. The fee shall be calculated on a district-by-district
18 basis using the appropriate factors and data to be supplied by
19 the district, as indicated in Attachment A. The fee
20 calculations shall be made on a district-wide basis to assure
21 maximum utilization of all school facilities in the district
22 used currently or within the last two years for instructional
23 purposes.

24 D. The formula in Attachment A provides a credit for the
25 anticipated tax contributions that would be made by the
26 development based on historical levels of voter support for
27 bond issue in the school district.

28 E. The formula also provides for a credit for school
29 facilities or sites actually provided by a developer which the
30 school district finds to be acceptable.

31 NEW SECTION. SECTION 15. There is added to K.C.C.
32 Title 27 a new section to read as follows:

33 Fee collection.

34 Fees shall be collected by BALD and maintained in a
35 separate account for each school district, pursuant to Section

1 17. Fees shall be paid to the district pursuant to
2 administrative rules of an interlocal agreement between the
3 county and the district.

4 NEW SECTION. SECTION 16. There is added to K.C.C. Title
5 27 a new section to read as follows:

6 Assessment of Impact Fees.

7 A. In school districts where impact fees have been
8 adopted by county ordinance and except as provided in Section
9 18 the county shall collect impact fees, based on the schedules
10 set forth in each ordinance establishing the fee to be
11 collected for the district, from any applicant seeking
12 development approval from the county where such development
13 activity requires final plat or PUD approval or the issuance of
14 a residential building permit or a mobile home permit and the
15 fee for the lot or unit has not been previously paid.

16 B. For a plat or PUD applied for on or after the
17 effective date of the ordinance adopting the fee for the
18 district in question receiving final approval, fifty percent
19 (50%) of the impact fees due on the plat or the PUD shall be
20 assessed and collected from the applicant at the time of final
21 approval, using the impact fee schedules in effect when the
22 plat or PUD was approved. The balance of the assessed fee
23 shall be allocated to the dwelling units in the project, and
24 shall be collected when the occupancy permits are issued.
25 Residential developments proposed for short plats shall not be
26 governed by this subsection, but shall be governed by
27 subsection D below.

28 C. If on the effective date of an ordinance adopting an
29 impact fee for a district, a plat or PUD has already received
30 preliminary approval, such plat or PUD shall not be required to
31 pay fifty percent (50%) of the impact fees at the time of final
32 approval, but the impact fees shall be assessed and collected
33 from the lot owner at the time the occupancy permits are
34 issued, using the impact fee schedules then in effect. [If on
35 the effective date of a district's ordinance, an applicant has

1 applied for preliminary plat or PUD approval, but has not yet
2 received such approval, the applicant shall follow the
3 procedures set forth in subsection B above.]

4 D. For existing lots or lots not covered by subsection B
5 above, application for single family and multi-family
6 residential building permits, mobile home permits, and site
7 plan approval for mobile home parks proposed, the total amount
8 of the impact fees shall be assessed and collected from the
9 applicant when the building permit is issued, using the impact
10 fee schedules then in effect. Irrespective of the date that
11 the application for a building permit or mobile home permit or
12 site plan approval was submitted and except as provided for in
13 Section 18, no approval shall be granted and no permit shall be
14 issued until the required school impact fees have been paid.

15 E. In school districts for which impact fees have been
16 adopted by county ordinance and except as provided for in
17 Section 18, the County shall not grant final plat or PUD
18 approval nor issue the required building permit or mobile home
19 permit nor grant the required site plan approval for a mobile
20 home park unless and until the impact fees set forth in the
21 district's impact fee schedule have been paid.

22 F. Notwithstanding the provisions of this section, any
23 application for a single family building permit for a
24 residential development or a mobile home permit or a permit for
25 a multi-family development submitted before January 22, 1991,
26 shall not be required to pay school impact fees.

27 G. Notwithstanding the provisions of this section, any
28 application for preliminary plat or PUD approval submitted
29 before January 22, 1991, shall not be required to pay school
30 impact fees at the time of plat or PUD approval. However,
31 where the county has adopted a fee ordinance for the district,
32 such developments shall pay the full impact fee at the time the
33 building permits are issued if the applications for the
34 building permits are submitted after January 22, 1991.

1 H. Any application for preliminary plat or PUD approval
2 or multi-family zoning which has been approved subject to
3 conditions requiring the payment of impact fees established
4 pursuant to this ordinance, shall be required to pay the fee in
5 accordance with the condition of approval.

6 NEW SECTION. SECTION 17. There is added to K.C.C. Title
7 27 a new section to read as follows:

8 Adjustments, Exceptions, and Appeals.

9 A. Excluded from the application of the impact fees are
10 any form of housing exclusively for the elderly, including
11 nursing homes and retirement centers, so long as these uses are
12 maintained, reconstruction or remodelling of existing dwelling
13 units not resulting in additional new dwelling units or
14 replacement of a pre-existing unit with a new unit. Also
15 excluded from the application of the impact fees are shelters
16 for temporary placement, relocation facilities and transitional
17 housing facilities.

18 B. Arrangement may be made for later payment with the
19 approval of the school district only if the district determines
20 that it will be unable to use or will not need the payment
21 until a later time, provided that sufficient security, as
22 defined by the district, is provided to assure payment.
23 Security shall be made to and held by the school district,
24 which will be responsible for tracking and documenting the
25 security interest.

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

30 D. Whenever a development is granted approval subject to
31 a condition that the developer actually provide a school
32 facility acceptable to the district, the developer shall be
33 entitled to a credit for the actual cost of providing the
34 facility, against the fee that would be chargeable under the
35 formula provided by this Ordinance. The cost of construction

1 shall be estimated at the time of approval, but must be
2 documented, and the documentation confirmed after the
3 construction is completed to assure that an accurate credit
4 amount is provided. If construction costs are less than the
5 calculated fee amount, the difference remaining shall be
6 chargeable as a school impact fee.

7 E. With respect to impact fees assessed under the terms
8 of a county ordinance establishing the fee amount, standard
9 impact fees may be adjusted by the county, at the county's
10 discretion, if one of the following circumstances exist,
11 provided that the discount set forth in the fee formula fails
12 to adjust for the error in the calculation or fails to
13 ameliorate for the unfairness of the fee:

14 1. a. The developer demonstrates that an impact fee
15 assessment was incorrectly calculated; or

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

19 2. Fee adjustments shall follow the process for appeal of
20 the underlying application.

21 F. A developer may provide studies and data to
22 demonstrate that any particular factor used by the district may
23 not be appropriately applied to the development proposal, but
24 the district's data shall be presumed valid unless clearly
25 demonstrated to be otherwise by the proponent.

26 G. Any appeal of the decision of the manager or the
27 zoning and subdivision examiner with regard to fee amounts
28 shall follow the appeal process for the underlying permit and
29 not be subject to a separate appeal process. Where no other
30 administrative appeal process is available, an appeal may be
31 taken to the zoning examiner using the appeal procedures for
32 variances. Any errors in the formula identified as a result of
33 an appeal should be referred to the Council for possible
34 modification.

1 H. Impact fees may be paid under protest, but if the fee
2 is protested, the County shall make construction or development
3 pursuant to the issuance of any approval or permit so obtained
4 conditional upon final resolution of the protest, if failure to
5 pay the fee would otherwise require a denial or deferral of the
6 project.

7 NEW SECTION. SECTION 18. A new section is added to
8 K.C.C Title 27 to read as follows: Exemption or Reduction for
9 Low Income Housing. A. Low income housing projects being
10 developed by public housing agencies or private non-profit
11 housing developers shall be exempt from the payment of school
12 impact fees, provided that the amount of the school impact fees
13 not collected from low income household development is paid
14 from public funds other than impact fee accounts or the school
15 district identifies other sources or agrees to waive the
16 payment of the fee. The planning and community development
17 division shall review proposed developments of low income
18 housing by such public or non-profit developers pursuant to
19 criteria and procedures adopted by administrative rule, and
20 shall advise BALDD as to whether the project qualifies for the
21 exemption.

22 B. Private developers who dedicate residential units
23 for occupancy by low income households may apply to parks,
24 planning and resources department for reductions in school
25 impact fees pursuant to the criteria established for public
26 housing agencies and private non-profit housing developers
27 pursuant to Subsection A, and subject to the provisos in
28 Subsection A. The planning and community development division
29 of parks, planning and resources department shall review
30 proposed developments of low income housing by such public or
31 non-profit developers pursuant to criteria and procedures
32 adopted by administrative rule, and shall advise BALDD as to
33 whether the project qualifies for the exemption. If P & C D
34 recommends the exemption, BALDD shall reduce the calculated
35 school impact fee for the development by an amount that is

1 proportionate to the number of units in the development that
2 satisfy the adopted criteria.

3 C. Individual low income home purchasers (as defined
4 pursuant to the King County Housing Assistance Plan) who are
5 purchasing homes at prices not exceeding FHA limits for
6 financing are exempted from payment of the impact fee, provided
7 that the school district agrees to the exemption, and provision
8 is made for payment of the fee at such time as the property in
9 question is transferred to another owner who does not qualify
10 for the exemption, at which time the fee shall be due and
11 payable.

12 D. Parks, planning and resources department is hereby
13 instructed and authorized to adopt, pursuant to K.C.C. chapter
14 2.98, administrative rules to implement this section. Such
15 rules shall provide for the administration of this program and
16 shall:

17 1. Encourage the construction of housing for low
18 income households by public housing agencies or private non-
19 profit housing developers participating in publicly sponsored
20 or subsidized housing programs;

21 2. Encourage the construction in private
22 developments of housing units for low income households that
23 are in addition to units required by another housing program or
24 development condition;

25 3. Ensure that housing that qualifies as low cost
26 meets appropriate standards regarding household income, rent
27 levels or sale prices, location, number of units, and
28 development size; and

29 4. Ensure that developers who obtain an exemption
30 from or reduction of school impact fees will in fact build the
31 proposed low cost housing and make it available to low income
32 households for a minimum of fifteen (15) years.

33 E. As a condition of an exemption, the owner must agree
34 to execute and record a lien, a covenant, or some other
35 contractual provision against the property for a period of ten

1 (10) years guaranteeing that the proposed development will
2 continue to be used for low-income housing. In the event that
3 the pattern of development or the use of the development is no
4 longer for low-income housing, then the [City/County] shall
5 compel the owner to pay the impact fee amount plus interest
6 from which the owner or any prior owner was exempt. The lien,
7 covenant, or other contractual provision shall run with the
8 land and apply to subsequent owners for a period of ten (10)
9 years.

10 NEW SECTION. SECTION 19. There is added to K.C.C. Title
11 27 a new section to read as follows:

12 Impact Fee Accounts and Refunds.

13 A. Impact fee receipts shall be earmarked specifically
14 and retained in a special interest-bearing account established
15 by the County solely for the district's school impact fees.
16 All interest shall be retained in the account and expended for
17 the purpose or purposes identified in subsection (B).
18 Annually, the County, based in part on the report submitted by
19 the district pursuant to Section 7, shall prepare a report on
20 each impact fee account showing the source and amount of all
21 moneys collected, earned or received, and capital or system
22 improvements that were financed in whole or in part by impact
23 fees.

24 B. Impact fees for the district's system improvements
25 shall be expended by the district for capital improvements
26 including but not limited to school planning, land acquisition,
27 site improvements, necessary off-site improvements,
28 construction, engineering, architectural, permitting,
29 financing, and administrative expenses, relocatable facilities,
30 capital equipment pertaining to educational facilities, and any
31 other expenses which could be capitalized, and which are
32 consistent with the school district's capital facilities plan.

33 C. In the event that bonds or similar debt instruments
34 are issued for the advanced provision of capital facilities for
35 which impact fees may be expended and where consistent with the

1 provisions of the bond covenants, impact fees may be used to
2 pay debt service on such bonds or similar debt instruments to
3 the extent that the facilities or improvements provided are
4 consistent with the requirements of this Section.

5 D. Impact fees shall be expended or encumbered by the
6 district for a permissible use within six (6) years of receipt
7 by the County, unless there exists an extraordinary and
8 compelling reason for fees to be held longer than six (6)
9 years. Such extraordinary or compelling reasons shall be
10 identified to the County by the district. The County must
11 prepare written findings concurring with the district's
12 reasons, and authorizing the later encumbrance or expenditure
13 of the fees prior to the district so encumbering or expending
14 the funds, or directing a refund of the fees.

15 E. The current owner of property on which an impact fee
16 has been paid may receive a refund of such fees if the impact
17 fees have not been expended or encumbered within six (6) years
18 of receipt of the funds by the County. In determining whether
19 impact fees have been encumbered, impact fees shall be
20 considered encumbered on a first in, first out basis. The
21 County shall notify potential claimants by first-class mail
22 deposited with the United States postal service addressed to
23 the owner of the property as shown in the County tax records.

24 F. An owner's request for a refund must be submitted to
25 the County Council in writing within one (1) year of the date
26 the right to claim the refund arises or the date that notice is
27 given, which ever date is later. Any impact fees that are not
28 expended or encumbered within these time limitations, and for
29 which no application for a refund has been made within this one
30 (1) year period, shall be retained and expended consistent with
31 the provisions of this Section. Refunds of impact fees shall
32 include any interest earned on the impact fees.

33 G. Should the County seek to terminate any or all school
34 impact fee requirements, all unexpended or unencumbered funds,
35 including interest earned, shall be refunded to the current

1 owner of the property for which a school impact fee was paid .
2 Upon the finding that any or all fee requirements are to be
3 terminated, the County shall place notice of such termination
4 and the availability of refunds in a newspaper of general
5 circulation at least two (2) times and shall notify all
6 potential claimants by first-class mail addressed to the owner
7 of the property as shown in the County tax records. All funds
8 available for refund shall be retained for a period of one (1)
9 year. At the end of one (1) year, any remaining funds shall be
10 retained by the County, but must be expended for the district,
11 consistent with the provisions of this Section. The notice
12 requirement set forth above shall not apply if there are no
13 unexpended or unencumbered balances within the account or
14 accounts being terminated.

15 H. A developer may request and shall receive a refund,
16 including interest earned on the impact fees, when:

17 1. The developer does not proceed to finalize the
18 development activity as required by statute or County Code or
19 the Uniform Building Code, and

20 2. No impact on the district has resulted. "Impact"
21 shall be deemed to include cases where the District has
22 expended or encumbered the impact fees in good faith prior to
23 the application for a refund. In the event that the District
24 has expended or encumbered the fees in good faith, no refund
25 shall be forthcoming. However, if within a period of three (3)
26 years, the same or subsequent owner of the property proceeds
27 with the same or substantially similar development activity,
28 the owner shall be eligible for a credit. The owner must
29 petition the County and provide receipts of impact fees paid by
30 the owner for a development of the same or substantially
31 similar nature on the same property or some portion thereof.
32 The County shall determine whether to grant a credit, and such
33 determinations may be appealed by following the procedures set
34 forth in Section 17 above.

1 I. Interest due upon the refund of impact fees required
 2 by this Section shall be calculated according to the average
 3 rate received by the County or the district on invested funds
 4 throughout the period during which the fees were retained.

5 SECTION 20. Ordinance No. 10122, Section 2 is hereby
 6 amended to read as follows:

7 A. Base Fee Schedule. The following fees shall be
 8 assessed for the indicated types of development:

SCHOOL DISTRICT	SINGLE FAMILY	MULTIFAMILY
Tahoma, Dist. 409	\$3080 per	\$2700 per
	dwelling unit	dwelling
		unit

13 B. Assessment of Fees. The assessment and collection of
 14 Tahoma's impact fees are governed by K.C.C.

15 C. County's Administrative Costs. The County's
 16 ((administrative)) costs of administering the impact fee
 17 program issuing the certificate, including the cost of
 18 acquiring, monitoring and updating necessary data, shall be
 19 sixty-five dollars (\$65) per dwelling unit and shall be paid by
 20 the applicant to the County as part of the development
 21 application fee.

22 NEW SECTION. SECTION 21. A new section is hereby added
 23 to K.C.C. Title 21, to read as follows:

24 Interim Period.

25 A. During the interim period prior to the School Capacity
 26 Technical Review Committee completing its review of a
 27 district's plans and the county incorporating the plan into the
 28 county comprehensive plan, districts shall submit the following
 29 materials to the hearing examiner and manager:

30 1. A copy of the Inventory of Permanent School
 31 Facilities prepared by the Superintendent of Public Instruction
 32 which identifies the number of classrooms at each of the
 33 schools by grade span and by type of student.

1 2. Documentation of the number of other classrooms
2 available in the district which the district believes will best
3 serve its student population.

4 3. Based on the information in subsections (1) and
5 (2), a resolution of the school board adopting an interim
6 estimate of the district's overall capacity over the next six
7 (6) years, which shall be a function of the district's standard
8 of service, by the number of students which can be housed in
9 district facilities.

10 B. Until such time as the Committee is able to conduct
11 the review required by Section 8, the hearing examiner and the
12 manager shall be guided by the interim capacity submitted by
13 the district and adopted by the school board in making findings
14 of concurrency.

15 C. In the event that the hearing examiner or the manager
16 finds that the district's interim capacity is unreasonable
17 based on the standards identified in Section 8, the examiner or
18 the manager shall request the Council to review the interim
19 capacity consistent with the requirements of Section 9.

20 D. Determinations of the examiner or manager may be
21 appealed to the Council pursuant to the provisions for appeal
22 of the underlying permit process.

23 NEW SECTION. SECTION 22. A new section is added to
24 K.C.C. 27.04 to read as follows:

25 Impact Fee. "Impact fee" means a payment of money
26 authorized by state law and county ordinance to be imposed upon
27 development as a condition of development approval to pay for
28 public facilities needed to serve new growth and development.
29 Impact fees include but are not limited to roads mitigation
30 payment fees and school impact fees. "Impact fees" do not
31 include fees imposed to cover the costs of processing
32 applications, inspecting and reviewing plans or other
33 information required to be submitted for purpose of evaluation
34 of an application, or inspecting or monitoring development
35 activity.

1 NEW SECTION. SECTION 23. A new section is added to
2 K.C.C. 27.04 to read as follows:

3 Permit Fee. "Permit fee" means a payment of money imposed
4 upon development as a condition of application for or approval
5 of development to cover the costs of processing applications,
6 inspecting and reviewing plans or other information required to
7 be submitted for purpose of evaluation of an application, or
8 inspecting or monitoring development activity.

9 SECTION 24. Severability. If any portion of this
10 Ordinance is found to be invalid or unenforceable for any
11 reason, such finding shall not affect the validity or
12 enforceability of any other section of this Ordinance.

13 INTRODUCED AND READ for the first time this 7th day
14 of October, 1991.

15 PASSED this 18th day of November, 1991.

16 KING COUNTY COUNCIL
17 KING COUNTY, WASHINGTON

18 Lois North
19 Chair

20 ATTEST:

21 Gerald A. Peter
22 Clerk of the Council

23 APPROVED this 2nd day of December, 1991

24 Jim Hill
25 King County Executive

ATTACHMENT A

FORMULA FOR DETERMINING SCHOOL IMPACT FEES

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 facilities construction

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 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 = $NF = F-FC$

[Notes: 1. Student Factors are to be provided by the school 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 county-wide averages must be used. Student factors must be separately determined for single family and multifamily 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.

1
2
3
4
5
6

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 MULTIFAMILY UNITS)

Elementary school site cost per student X the student factor	=	_____
Middle/Junior High School site cost per student X student factor	=	_____
High School site cost per student X student factor	=	_____
A1+A2+A3	=	_____
Elementary school construction cost per student X the student factor	=	_____
Middle/Junior High School construction cost per student X student factor	=	_____
High School construction cost per student X student factor	=	_____
(B1+B2+B3) X <u>square footage of permanent facilities</u> total square footage of facilities	=	_____
Elementary school relocatable facility cost per student X the student factor	=	_____
Middle/Junior High School relocatable facility cost per student X student factor	=	_____
High School relocatable facility cost per student X student factor	=	_____
(C1+C2+C3) X <u>square footage of relocatable facilities</u> total square footage of facilities	=	_____
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	=	_____
Boeckh index X SPI Square footage per student for high school X state match & X student factor	=	_____
D1+D2+D3	=	_____

10162

$\frac{((1+i)^{10})-1}{i(1+i)}$ X average assessed value for the dwelling unit type in the school district.

X current school district capital property tax levy rate where i = the current interest rate as

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

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

_____ A
+ _____ B
+ _____ C

Subtotal

- _____ D
- _____ TC

1. UNFUNDED NEED UN = _____ divided by 2 = _____ = DEVELOPER FEE OBLIGATION
- _____ Less FC (if applicable)
_____ NET FEE OBLIGATION