

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4801

AN ORDINANCE of the City of Bellevue readopting Ordinance No. 4767 authorizing the collection of school impact fees for Issaquah School District; adding a new Chapter 22.18 to the Bellevue City Code authorizing the collection of school impact fees for Issaquah School District No. 411; providing findings and definitions; providing for impact fee program elements and fee calculations; providing for fee assessments; providing for exemptions, credits, appeals, and independent calculations; providing for the impact fee account, uses of funds, and refunds; providing for the submission of the district's Capital Facilities Plan; providing for an annual review of the fee schedule; and providing for certain other matters in connection therewith.

WHEREAS, RCW 82.02.050, authorizes the imposition of impact fees for public facilities, including schools, which are addressed by a capital facilities element of a comprehensive plan adopted pursuant to RCW 36.70A.070; and

WHEREAS, the City Council adopted the Comprehensive Plan of the City of Bellevue on December 6, 1993 by Section 1 of Resolution No. 5726, as required by the Growth Management Act of 1990, as amended, (chapter 36.70A RCW) and subsequently amended the Capital Facilities Element of the Comprehensive Plan by Resolution No. 5897 (as separately set forth in Resolution No 5903); and

WHEREAS, the City Council authorized the imposition of school impact fees by Ordinance No. 4767 adopted on June 5, 1995; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board of the State of Washington in its September 20, 1995 Order of Dismissal in South Bellevue Partners Limited Partnership and South Bellevue Development, Inc. v. City of Bellevue and Issaquah School District No. 411 (Case No. 95-3-0055) concluded that the City did not properly adopt the amendments to the capital facilities element of the Comprehensive Plan because the City adopted such amendments by resolution instead of by ordinance and therefore declared that such amendment had no legal effect; and

WHEREAS, the City will appeal the decision of the Central Puget Sound Growth Management Hearings Board; and

WHEREAS, although the City believes that it properly adopted its Comprehensive Plan and all subsequent amendments and that the City will prevail on its appeal of the Central Puget Sound Growth Management Hearings Board's decision, the City, desiring to eliminate any procedural basis for appeals of the Comprehensive Plan, readopted the Comprehensive Plan and all amendments thereto pursuant to Ordinance No. ~~4800~~, and

WHEREAS, the City also desires to readopt Ordinance No. 4767 authorizing the imposition of school impact fees, in order to eliminate any possible procedural defect; and

WHEREAS, the City does not by readopting the Comprehensive Plan and/or by readopting Ordinance No. 4767, authorizing the imposition of school impact fees, admit that its prior actions were not valid and does not waive or otherwise relinquish its right to continue to contend that such actions were valid; and

WHEREAS, the decision of the Central Puget Sound Growth invalidating the City's amendment (Resolution No. 5903) to the Capital Facilities Plan raises questions as to the legal effect of Ordinance No. 4767 and hence the authority of the City to collect impact fees for schools; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 4767, authorizing the imposition of school impact fees, adopted by the City Council on June 5, 1995 is hereby readopted in its entirety as follows:

WHEREAS, the City Council of the City of Bellevue (the "Council") finds that development activity in the City of Bellevue will create additional demand and need for school facilities in the Issaquah School District; and

WHEREAS, the City of Bellevue (the "City") is authorized by Chapter 82.02 RCW to require new growth and development within the City of Bellevue to pay a proportionate share of the cost of new school facilities to serve such new growth and development through the assessment of impact fees; and

WHEREAS, the Issaquah School District No. 411, King County, Washington (the "District"), is authorized to provide public education for those residents of the City of Bellevue residing within the boundaries of the Issaquah School District; and

WHEREAS, the City of Bellevue is authorized by Chapter 82.02 RCW to impose impact fees on behalf of and for the benefit of the District; and

WHEREAS, impact fees may be collected and spent for public facilities that are included within the City's capital facilities plan and the amendments thereto; and

WHEREAS, based on the information available to the City of Bellevue, the past taxes paid by undeveloped property for tax payments earmarked for or proratable to the particular school system improvements were de minimis; and

WHEREAS, even if the past tax payments were more than de minimis, the discount set forth in the fee formula adjusts for any past tax credits which should have been granted; and

WHEREAS, in developing the impact fees contained in this Ordinance for school facilities, the City of Bellevue and the District have provided a credit for the anticipated tax contributions that would be made by the development to the school facilities that will serve the new development; now, therefore,

Section 2. A new chapter is hereby added to the Bellevue City Code for the collection of school impact fees, and providing for certain other matters in connection therein, to read as follows:

22.18.010 Findings and Authority.

The City Council of the City of Bellevue (the "Council") hereby finds and determines that new growth and development in the City of Bellevue will create additional demand and need for school facilities in the Issaquah School District, and the Council finds 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 for the Issaquah School District. The provisions of this Chapter shall be liberally construed in order to carry out the purposes of the Council in establishing the school impact fee program.

22.18.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this Chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

A. "Capital Facilities Plan" means the District's Capital 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. the long-range construction and capital improvements projects of the District;
3. the schools under construction or expansion;
4. the proposed locations and capacities of expanded or new school facilities;
5. at least a six-year Financing Plan Component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters; and
6. any other long-range projects planned by the District.

B. "City" means the City of Bellevue, King County, Washington.

C. "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.

D. "Construction Cost Per Student" means the estimated 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 and taking into account the requirements of students with special needs.

E. "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.

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

G. "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.

H. "District" means the Issaquah School District No. 411, King County, Washington.

I. "Elderly" means a person aged 62 or older.

J. "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

K. "Fee Schedule" means the schedule set forth as Section 22.18.100 of this Chapter indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the City.

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

M. "Interlocal Agreement" means the Interlocal agreement by and between the City of Bellevue and the Issaquah School District as authorized by Resolution No. 5888

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

O. "Relocatable Facility" 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.

P. "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 and taking into account the requirements of students with special needs.

Q. "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 and taking into account the requirements of students with special needs.

R. "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 for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the School Board pursuant to a Board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities, provided that, the District has the necessary financial commitments in place to complete the permanent facilities called for in the Capital Facilities Plan.

S. "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 generation rates for new developments constructed over a period of not more than five (5) years prior to the date of the fee calculation; provided that, if such information is not available in the District, data from adjacent districts, districts with similar demographics, or countywide averages may be used. Student factors must be separately determined for single-family and multi-family dwelling units, and for grade spans.

22.18.030 Impact Fee Program Elements.

A. Impact fees will be assessed on all residential development activity in that portion of the City located within the District's boundaries based on the provisions of Section 22.18.050 of this Chapter.

B. The 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.

C. The impact fee shall be based on a 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 City's comprehensive plan.

22.18.040 Fee Calculations.

A. The impact fees for the District shall be calculated based on the formula set forth in Section 22.18.090 of this Chapter.

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

C. The fee calculations shall be made on a district wide basis to assure maximum utilization of all school facilities in the District currently used for instructional purposes.

D. The formula in Section 22.18.090 provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of voter support for bond issue in the District.

E. The formula also provides for a credit for school sites or facilities actually provided by a developer which the District finds to be acceptable as provided for in Section 22.18.060 of this Chapter.

22.18.050 Assessment of Impact Fees.

A. The City shall collect school impact fees, based on the fee schedule in Section 22.18.100 of this Chapter, from any applicant seeking development approval from the City for dwelling units located within the District's boundaries where such development activity requires final plat or PUD approval or the issuance of a residential building permit or a mobile home permit.

B. For a plat or PUD applied for on or after the effective date of this Ordinance, 50 percent of the impact fees due on the plat or the PUD shall be assessed and collected from the applicant at the time of final approval, using the fee schedule in effect when the plat or PUD is approved. The balance of the assessed fee shall be allocated to the dwelling units in the project, and shall be collected when the building permit for each dwelling unit is issued. Residential developments proposed for short plats shall not be governed by this subsection, but shall be governed by subsection D below.

C. If on the effective date of this Chapter, a plat or PUD has already received preliminary approval, such plat or PUD shall not be required to pay 50 percent of the impact fees at the time of final approval, but the impact fees shall be assessed and collected from the lot owner at the time the building

permits are issued, using the fee schedule then in effect. If on the effective date of this Chapter, an applicant has applied for preliminary plat or PUD approval, but has not yet received such approval, the applicant shall follow the procedures set forth in subsection B above.

D. For existing lots or lots not covered by subsection B above, applications for single-family and multi-family residential building permits, mobile home permits, and site plan approval for mobile home parks proposed, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued, using the fee schedule then in effect. Irrespective of the date that the application for a building permit or mobile home permit or site plan approval was submitted, no approval shall be granted and no permit shall be issued until the required school impact fees set forth in the fee schedule have been paid.

E. The City shall not grant final plat or PUD approval nor issue the required building permit or mobile home permit nor grant the required site plan approval for a mobile home park for projects located within the District's boundaries unless and until the impact fees set forth in the fee schedule have been paid.

22.18.060 Exemptions and Credits.

A. The following shall be exempt from the application of impact fees:

1. any form of housing exclusively for the elderly, including nursing homes and retirement centers, so long as these uses are maintained in perpetuity and the necessary covenants or declarations of restrictions are recorded on the property to ensure that no children will reside in the development; or

2. the replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within twelve (12) months of the demolition or destruction of the prior structure; or

3. alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed; or

4. 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; or

5. any development activity for which school impacts have been mitigated by the payment of fees, dedication of land, or construction or improvement of school facilities pursuant to a preliminary plat or PUD approval prior to the effective date of this ordinance, unless the terms of the plat or PUD approval provide otherwise; or

6. any development activity for which school impacts have been mitigated by the payment of fees, dedication of land, or construction or improvement of school facilities pursuant to a voluntary agreement entered into with the District prior to the effective date of this ordinance, unless the terms of this agreement provide otherwise; or

7. any development activity that complies with the definition of "Affordable Housing" set forth in Section 20.50.010 of the Bellevue City Code and the requirements set forth in Section 20.20.128 of the Bellevue City Code mandating the provision of affordable housing and the recording of a covenant running with the land so that the units remain as affordable housing for the life of the project. The school impact fees for these units shall be considered paid by the District through its other funding sources, without the District actually transferring funds from its other funding sources into the impact fee account.

B. Arrangements may be made for later payment 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 in its sole reasonable discretion, 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. After the effective date of this Chapter and if the development activity is not exempt from impact fees pursuant to subsection A above, the developer shall receive a credit for any payment made for the lot or development activity in question, either as a condition of development approval or pursuant to the terms of a voluntary mitigation agreement. The fee amount due on the development activity shall be reduced by the amount of the credit.

D. After the effective date of this Chapter, the developer can request that a credit or credits be awarded for the value of dedicated land, improvements, or construction provided by the developer. The District shall first determine the general suitability of the land, improvements, and/or construction for District purposes. Second, the District shall determine whether the land, improvements, and/or the facility constructed are included within the District's adopted Capital Facilities Plan or the Board of Directors for the District may make the finding that such land, improvements, and/or facilities would serve the goals and objectives of the Capital Facilities Plan of the District. The

District shall forward its determination to the City, including cases where the District determines that the dedicated land, improvements, and/or construction are not suitable for District purposes.

E. For each request for a credit or credits, if appropriate, the District shall select an appraiser from a list of independent appraisers. The appraiser shall be directed to determine for the District the value of the dedicated land, improvements, or construction provided by the developer on a case-by-case basis. The developer shall pay for the cost of the appraisal.

F. After receiving the appraisal, the District shall provide the developer with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the District before the City will award the impact fee credit. The failure of the applicant to sign, date, and return such document within sixty (60) calendar days shall nullify the credit.

G. Any claim for credit must be made no later than twenty (20) calendar days after the submission of an application for a building permit.

22.18.070 Appeals and Independent Calculations.

A. The City may adjust the amount of the school impact fee assessed if one of the following circumstances exist, provided that the developer can demonstrate to the City's satisfaction that the discount set forth in the fee formula ($F = UN/2$) fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the fee:

1. the developer demonstrates to the City's satisfaction that an impact fee assessment was incorrectly calculated; or

2. unusual and unique circumstances identified by the developer demonstrates that if the standard impact fee amount were applied to the development, it would be unfair, unjust or unlawful.

B. Requests for fee adjustments, and the administrative appeals process for the appeal of an impact fee, shall follow the process for the appeal of the underlying development application.

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C. 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, but the District's data shall be presumed valid unless clearly demonstrated to be otherwise by the developer. The developer shall pay for the cost of the studies and data, and must demonstrate to the City's satisfaction that the discount set forth in the fee formula ($F = UN/2$) fails to adjust for the error in the factor or in the fee calculation.

D. Any appeal of the decision of the Hearing Examiner with regard to fee amounts shall follow the appeals process for the underlying development application and not be subject to a separate appeal process. Any errors in the formula identified as a result of an appeal should be referred to the Council for possible modification.

E. Impact fees may be paid under protest, but if the fee is protested, the City shall make construction or development pursuant to the issuance of any approval or permit so obtained conditional upon final resolution of the protest.

22.18.080 The Impact Fee Account, Uses of Impact Fees, 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 as provided for in Section 22.18.090. All interest shall be retained in the account and expended for the purpose or purposes identified in subsection B. Annually, the City, based on the report submitted by the District pursuant to Section 22.18.090, shall prepare a report on school impact fees 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.

B. Impact fees for the district's system improvements shall be expended by the District for capital improvements, including but not limited to school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment pertaining to educational facilities, and any other expenses which could be capitalized, and which are consistent with the District's Capital Facilities Plan.

C. In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended and where consistent with the provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to

the extent that the facilities or improvements provided are consistent with the requirements of this Section.

D. School impact fees shall be expended or encumbered within six (6) years of receipt, unless the Council identifies in written findings extraordinary and compelling reason or reasons for the District to hold the fees beyond the six-year period. The District may petition the Council for an extension of the six-year period and the District set forth any such extraordinary or compelling reason or reasons in its petition. Where the Council identifies the reason or reasons in written findings, the Council shall establish the period of time within which the impact fees shall be expended or encumbered, after consultation with the District.

E. 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 City, except as provided for in subsection D. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The City 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 City's tax records.

F. An owner's request for a refund must be submitted to the Council 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 within the limitations in subsection D, 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.

G. 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 refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the City's 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 City, but must be expended for 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 within the account or accounts being terminated.

H. A developer may request and shall receive a 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 or 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 City 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 City shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in Section 22.18.070 above.

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

22.18.090 Formula for Determining School Impact Fees.

The following formula shall be used to determine 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 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 = $UN = A1 + \dots + C - (D1 - D2 - D3) - TC$

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 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)

A1 =	Elementary School site cost per student X the student factor	=	_____
A2 =	Middle/Junior High School site cost per student X student factor	=	_____
A3 =	High School site cost per student X student factor	=	_____
A	= A1 + A2 + A3	=	_____
B1 =	Elementary School construction cost per student X the student factor	=	_____
B2 =	Middle/Junior High School construction cost per student X the student factor	=	_____
B3 =	High School construction cost per student X the student factor	=	_____
B	= (B1 + B2 + B3) X <u>Square Footage of permanent facilities</u> total square footage of facilities	=	_____
C1 =	Elementary School relocatable facility cost per student X student factor	=	_____
C2 =	Middle/Junior High School relocatable facility cost per student X student factor	=	_____
C3 =	High School relocatable facility cost per student X student factor	=	_____
C	= (C1 + C2 + C3) X <u>Square Footage of permanent facilities</u> total square footage of facilities	=	_____
D1 =	Boeckh Index X SPI square footage per student for elementary school X state match % X student factor	=	_____
D2 =	Boeckh Index X SPI square footage per student for middle/junior high school X state match % X student factor	=	_____
D3 =	Boeckh Index X SPI square footage per student for high school X state match % X student factor	=	_____
D1	= D1 + D2 + D3	=	_____
TC =	$\frac{((1+i)^{10})-1}{i(1+i)^{10}}$ 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 stated in the Bond Buyer Twenty Bond General Obligation Bond Index

$$FC = \frac{\text{Value of site or facilities provided directly by the development}}{\text{number of dwelling units in development}}$$

$$\begin{aligned} \text{Total Unfunded Need} &= A + B + C - D - TC = \\ &\quad \underline{\hspace{2cm}} \quad A \\ &\quad + \underline{\hspace{2cm}} \quad B \\ &\quad + \underline{\hspace{2cm}} \quad C \\ &\quad - \underline{\hspace{2cm}} \quad D \\ &\quad - \underline{\hspace{2cm}} \quad TC \end{aligned}$$

$$\begin{aligned} \text{Total Unfunded Need Un} &= \underline{\hspace{2cm}} \quad \text{divided by 2} = \underline{\hspace{2cm}} \\ &= \text{DEVELOPER FEE OBLIGATION} \\ &\underline{\hspace{2cm}} \\ &\text{LESS FC (if applicable)} \\ &\underline{\hspace{2cm}} \\ &\text{NET FEE OBLIGATION} \end{aligned}$$

22.18.100 School Impact Fee Schedule:

School impact fees are established as follows:

Impact Fees Per Single-Family Dwelling Unit	\$2,750
Impact Fees Per Multi-Family Dwelling Unit	\$1,131

22.18.110 Review.

The fee schedule set forth herein shall be reviewed and updated by the Council on an annual basis after the Council receives the District's Plan and data. The review may occur in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan.

Section 2. Severability.

If any portion of this Ordinance is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other Section of this Ordinance.

Section 3. Short title.

This title shall be known and may be cited as "The City of Bellevue School Impact Fee Ordinance."

Section 3. Readoption of Ordinance 4767 by Section 1 of this ordinance shall not repeal or supersede said Ordinance No. 4767 as so adopted as set forth in Section 1 of this ordinance, and shall have no effect on, nor shall it invalidate, any action or pending action taken with regard to said Ordinance No. 4767 prior to the effective date of this ordinance.

Section 4. This ordinance readopts Ordinance No. 4767 for the sole purpose of eliminating any procedural errors in the adoption and enforceability of Ordinance No. 4767. In the event that upon final judicial review it is determined that Ordinance No. 4767 was properly adopted and enforceable, this ordinance shall have no force or effect.

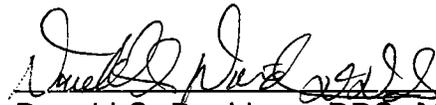
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Section 5. This ordinance shall take effect and be in force thirty days after its passage.

PASSED by the City Council this 16th day of October, 1995, and signed in authentication of its passage this 16th day of October, 1995.

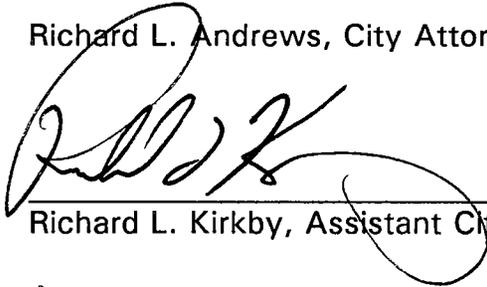
(SEAL)



Donald S. Davidson, DDS, Mayor

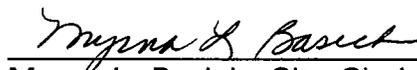
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

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