

ORDINANCE NO. 2015-12-050

AN ORDINANCE OF THE CITY OF BELLINGHAM UPDATING THE PUBLIC SCHOOL FACILITY SECTION OF THE CAPITAL FACILITIES CHAPTER OF THE BELLINGHAM COMPREHENSIVE PLAN TO INCORPORATE BY REFERENCE THE BELLINGHAM SCHOOL DISTRICT'S 2015-2021 CAPITAL FACILITIES PLAN AND UPDATING BELLINGHAM'S SCHOOL IMPACT FEE ORDINANCE IN BELLINGHAM MUNICIPAL CODE (BMC) 19.08 TO BE CONSISTENT WITH THE DISTRICT'S NEW CFP.

WHEREAS, in 2009 the City of Bellingham adopted the Bellingham School District (the District) 2010-2015 Capital Facilities Plan (CFP); and

WHEREAS, the District's current CFP expires at the end of 2015, and in order for the District to remain eligible to collect school impact fees, a new District CFP must be incorporated into the Bellingham Comprehensive Plan and corresponding code amendments are needed to update the school impact fee ordinance in BMC 19.08; and

WHEREAS, the District's has prepared and adopted an updated CFP covering the 2015-2021 planning period and requested adoption of the plan into the Bellingham Comprehensive Plan; and

WHEREAS, the City of Bellingham completed its annual review of comprehensive plan amendments in June 2015, and the District's request did not come in time to be included with the annual 2014-2015 cycle of amendments; and

WHEREAS, the City's State Growth Management Act required comprehensive plan update will not be completed until June 2016. This timeline leaves the District without a City adopted school CFP for at least a six month period, thus creating an emergency for both the District and the City; and

WHEREAS, on September 14, 2015, the City Council initiated the review process for an emergency amendment to the Bellingham Comprehensive Plan to consider the District's request to incorporate their new CFP into the plan under RCW 36.70A.130(2)(b); and

WHEREAS, one of the eligibility requirements for collection of school impact fees is the preparation and adoption of a CFP that meets the requirements of RCW 82.02.050 and BMC 19.08; and

WHEREAS, on August 11, 2015, a Determination of Non Significance (DNS) was issued by the Bellingham School District for the proposal consistent with RCW 43.21C; and

WHEREAS, as required by RCW 36.70A.106 notice of the City's intent to adopt the proposed comprehensive plan amendments were sent to the Department of Commerce on September 16, 2015; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the Bellingham Planning Commission held a public hearing to review the proposed amendments to the Bellingham Comprehensive Plan on October 15, 2015; and

WHEREAS, the Planning Commission found the proposed amendments are consistent with the comprehensive plan amendment criteria in BMC 20.20.040 B., and thereafter adopted Findings of Fact, Conclusions and Recommendations to approve the proposed comprehensive plan amendments; and

WHEREAS, after mailed and published notice, the City Council held a public hearing to review the proposed amendments to the Bellingham Comprehensive Plan and BMC 19.08 on November 16, 2015; and

WHEREAS, the City Council considered the recommendation of the Planning Commission, the staff report, and the public comment and hereby adopts the Planning Commission Findings of Fact, Conclusions, and Recommendations to incorporate the District's 2015-2021 CFP into the Public School Facilities section of the Capital Facilities chapter of the Bellingham Comprehensive Plan, and approve the related text amendments to the plan and in BMC 19.08.

NOW, THEREFORE, THE CITY OF BELLINGHAM, WASHINGTON, DOES ORDAIN:

Section 1. The Capital Facilities Chapter of the Bellingham Comprehensive Plan, Part 4: Public School Facilities, Bellingham School District #501, is hereby amended to incorporate the Bellingham School District's 2015-2021 CFP as shown in Exhibit A.

Section 2. The Bellingham Municipal Code 19.08 School Impact Fees is hereby amended as shown in Exhibit B.

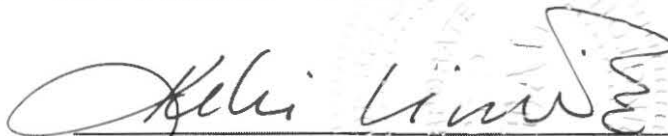
Section 3. The City Council adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission dated October 22, 2015, relating to the amendments to the Bellingham Comprehensive Plan, attached as Exhibit C.

PASSED by the City Council this 14th day of December, 2015.



COUNCIL PRESIDENT

APPROVED by me this 18th day of December, 2015.




MAYOR

ATTEST:



FINANCE DIRECTOR

APPROVED AS TO FORM:



OFFICE OF THE CITY ATTORNEY

Published: December 18, 2015

Exhibit A

**Bellingham Comprehensive Plan
Capital Facilities Chapter Amendments**

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
(360) 778-8270

1 **BELLINGHAM COMPREHENSIVE PLAN**
2 **CAPITAL FACILITIES CHAPTER 5**

3
4 **PART 4: PUBLIC SCHOOL FACILITIES**
5

6 ~~Three individual school districts provide Ppublic education in the City of Bellingham; and its~~
7 ~~Urban Growth Areas. and the Urban Fringe Subarea is provided by four individual school~~
8 ~~districts that are e~~ Each school district is responsible for planning, financing, constructing, and
9 maintaining public school facilities within their district. School district boundaries do not coincide
10 with city limits, urban growth areas, or Whatcom County planning subarea boundaries (~~See Map~~
11 ~~CF-8~~).

12
13 The Bellingham, Ferndale, and Meridian, ~~and Mount Baker~~ School Districts currently determine
14 public school facility, personnel, and resource needs based on existing zoning, residential
15 densities, and population growth projections. Population growth and infill development projects
16 are expected to increase the demand for public school services, especially on the north and
17 south sides of the City of Bellingham.

18
19 **BELLINGHAM SCHOOL DISTRICT #501**
20

21 Bellingham School District (BSD) #501 provides Kindergarten through 12th grade public
22 education to all of the City of Bellingham with the exception of the north half of the Cordata
23 Planned Unit Development. District boundaries also cover most of the City's UGA (except the
24 industrial and commercial zoned areas north and northeast of the airport); rural areas generally
25 west of the Bellingham International Airport to the Nooksack River and east of Hannegan Road
26 almost to Noon Road. The District's northern boundary generally follows the east-west Van
27 Wyck Road alignment with minor variations. Beyond the Urban Fringe Subarea and Bellingham
28 UGA, the district extends south to the Skagit County boundary and southeast to include Sudden
29 Valley.
30

31 The District provides basic educational programs in 154 elementary schools, 4 middle schools,
32 3 high schools, and one alternative high school. Students who ~~are struggling with the high~~
33 ~~school workload or prefer an alternative to~~ the structure of traditional high school learning
34 environment may attend Options Alternative High School, ~~which shares the Bellingham High~~
35 ~~School campus (See Table CF.4., for individual school sites, capacities, and enrollment).~~
36

37 **School Impact Fees**
38

39 The Growth Management Act (GMA) allows cities and counties to collect impact fees, on behalf
40 of public school districts, for public school facilities. In 1992, the Bellingham School District and
41 the Bellingham City Council adopted a School Impact Mitigation Ordinance (Ordinance 10333)
42 to authorize the collection of funds from new residential development within the Bellingham
43 City limits to help offset the costs of new or upgraded school capacity facilities to serve the new
44 development. ~~The Ferndale School District and the City of Ferndale adopted a School Impact~~
45 ~~Fee Ordinance in March 2006.~~
46

47 In 1998 the Bellingham School District Board of Directors adopted a Capital Facilities Plan
48 (CFP) in Support of School Impact Fees in accordance with the requirements of the Growth
49 Management Act and based on the premise that all new residential development built within the
50 District will create impacts on school facilities generate additional students. ~~The City and County~~

1 now require that project owners/developers enter into a Single-family or Multi-family Mitigation
2 Agreement with the Bellingham School District prior to final project approval. In order for the
3 District to remain eligible to collect school impact fees, their CFP must be updated at least every
4 six years and then incorporated into the City's comprehensive plan. The City's School Impact
5 Fee ordinance in Title 19 may also need to be amended to be consistent with the District's
6 updated CFP.

7 The Bellingham School District updated its Capital Facilities Plan in 2003 and again in 2009.
8 The Bellingham City Council reauthorized the School Impact Fee Ordinance in 2004 and in
9 2009.

10
11 In August 2015, the Bellingham School District adopted an updated Capital Facilities Plan
12 covering the 2015-2021 planning period. The CFP examines anticipated school population
13 growth, existing school facilities, and the District's ability to house the expected future student
14 population for the six year planning period and to 2036. According to the District's CFP, the
15 overall Bellingham School District student enrollment is projected to increase by 5.5% by 2021
16 and 43% by 2036. The enrollment projection to 2036 is based on certain planning assumptions
17 that the District will monitor and update as needed. The District's student generation rate
18 covering the next six years indicates that 0.278 students will be generated from each new single
19 family dwelling unit and 0.049 students will be generated from each new multi-family dwelling
20 unit. This projected student enrollment growth will create the need for additional capacity at the
21 elementary and high school grade levels within the six year planning period. If the student
22 enrollment percentages remain consistent through 2036, the District anticipates additional
23 student capacity will be needed at all grade levels.

24
25 Currently, a school impact fee of \$2,242,854 per single-family dwelling unit and \$229,154 per
26 multi-family dwelling unit is collected by the City at the time of building permit issuance. The
27 fees are then transferred to the School District. Since 2009, the District has received a total of
28 about 1.734 million dollars in impact fees. The funds have been used to construct capacity
29 improvements at a number of schools. Whatcom County does not currently collect school
30 impact fees on most new development, but may does collect some fees through SEPA mitigation
31 agreements. The County has agreed to consider adopting the District's CFP and will begin
32 collecting impact fees when they have been deemed in compliance with the GMA.

33
34 In accordance with RCW 82.02 and the Mitigation Agreements, the impact fees collected can
35 only be used for projects specified in the District's Capital Facilities Plan and cannot be used to
36 "catch up" with past level of service deficiencies. Impact fees can only be used for capital
37 projects that add capacity to the system. The fees cannot be used for ongoing operational
38 expenses such as salaries, supplies, etc.

39
40 In June 2009, the Bellingham School District adopted an updated Capital Facilities Plan for the
41 years 2010-2015. The CFP examines anticipated school population growth, existing school
42 facilities, and the District's ability to house the expected future student population. According to
43 the 2009 Capital Facilities Plan, the overall Bellingham School District enrollment is expected to
44 increase by 14% by 2015. As a result, enrollment is forecasted to exceed the capacity of the
45 current facilities at all grade levels during the next six years.

46
47 Bellingham School District facility plans set standards for siting and enrollments when acquiring
48 new sites and constructing new schools:

Table CF.5. Bellingham School District Facility Siting and Sizing Requirements		
Facility Type	Minimum Site	Building Capacity
Elementary School	10 Acres	450-500 Students
Middle School	20 Acres	650-700 Students
High School	40 Acres	1,200 Students

1
2
3 **Elementary Schools:** The District's 2015⁰⁹ Capital Facilities Plan projects an increase of
4 311794 elementary students by 2021¹⁵ and anticipates that the elementary school population
5 will be accommodated once the new Aldrich Road school is available for occupancy in 2012. If
6 enrollment grows as projected, the District will need additional student capacity within the six
7 year planning period. During the next 10 years, the District may need to consider a new
8 elementary school to reduce class sizes and address other capacity needs.
9

10 Although Sudden Valley is not part of the City's planning area, it is a part of the Bellingham
11 School District and development there affects the District's ability to respond to student
12 populations, facility needs, and transportation requirements. Over 300 students currently
13 attending Geneva Elementary School are from homes in Sudden Valley. At the beginning of
14 2003, Whatcom County Water District #10 removed the sewer moratorium for buildable lots in
15 Sudden Valley and hundreds of residential lots there are now being built upon. The Sudden
16 Valley Association expects build-out to occur around 2010 with a community population near
17 7,000 residents. The District will closely monitor the development in the Sudden Valley area
18 and the related impact it creates for providing school facilities for Sudden Valley resident
19 students.
20

21 **Middle Schools:** The District's 2015⁰⁹ CFP projects an increase of 167324 middle school
22 students by 2021¹⁵. The District is not planning for additional student capacity during the six year
23 planning period. If enrollment grows as projected, the District will need an additional middle
24 school at some point during the next 10 years. During the next 10 years, the District may need
25 to consider a new middle school to reduce class sizes and address other capacity needs.
26

27
28 **High Schools:** The District's 2015⁰⁹ CFP predicts an increase of 100376 high school students
29 by 2021¹⁵. If enrollment increases as expected, the District will need additional student capacity
30 at the high school level to accommodate the expected growth during the six year planning
31 period. classroom additions will be needed at the high schools.
32

33 The Bellingham School District's 2015⁰⁹-2021¹⁵ Capital Facilities Plan is adopted by reference
34 in this chapter of the comprehensive plan.
35
36

Table CF.4. Bellingham School District #501					
Inventory of School Facilities					
	Site Acres	Facility Sq-Ft	Student Capacity	2003-2004 Enrollment	Capacity Used
Elementary					
Alderwood	10.7	30,947	<u>315</u> 300	269	90%
Birchwood	4.6	33,510	<u>293</u> 350	350	100%
Carl-Cozier	4.2	45,390	<u>338</u> 500	405	81%
Columbia	3.0	35,041	<u>248</u> 300	206	69%
Geneva	8.8	52,013	<u>428</u> 500	496	99%
Happy Valley	7.5	39,697	<u>338</u> 450	424	94%
Larrabee	1.3	18,260	200	192	96%
Lowell	3.2	35,427	<u>338</u> 300	316	105%
Northern Heights	16.0	50,108	<u>338</u> 500	362	72%
Parkview	4.1	33,882	<u>293</u> 375	275	73%
Roosevelt	14.2	50,140	<u>405</u> 600	391	65%
Silver-Beach	10.0	48,364	<u>383</u> 500	398	80%
Sunnyland	2.9	32,607	<u>293</u> 325	317	98%
Yew Street Site	15.7	n/a	n/a	n/a	n/a
Aldrich Rd Site	17.0	n/a	n/a	n/a	n/a
Other				24	
Elem. Subtotal	123.2	505,386	5,200	4,425	Avg 86%
Middle-School					
Fairhaven	13.6	89,480	<u>650</u> 700	567	81%
Kulshan	17.0	74,497	<u>675</u> 700	658	101%
Shuksan	15.7	87,964	<u>675</u> 700	521	74%
Whatecom	8.2	103,884	700	689	98%
M.S. Subtotal	54.5	355,785	2,800	2,435	Avg 89%
High-School					
Bellingham	16.5	166,164	<u>1,075</u> 1,200	1,041	87%
Sehome	41.0	175,624	<u>1,000</u> 1,525	1,040	80%
Squalicum	39.0	178,616	<u>1,275</u> 1,475	1,186	91%
Other				33	
Options H.S.	(BHS)	(at BHS)	?	118	
H.S. Subtotal	96.5	520,404	3,700	3,385	Avg 86%
Grand Total	274.2	1381575	11,700	10,245	Avg 87%

Sources: Bellingham School District, 2001 Facilities Long Range Master Plan, March 2004 Draft Capital Facilities Plan (2004-2009) and Bellingham School District Administration personal contact September-October 2003.

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2
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Exhibit B

BMC 19.08 School Impact Fees

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
(360) 778-8270

1
2
3

Chapter 19.08
SCHOOL IMPACT FEES

4 Sections:

- 5 19.08.010 Findings, purpose and applicability.
6 19.08.020 Authority.
7 19.08.030 Definitions.
8 19.08.040 School district eligibility.
9 19.08.050 School facilities plan requirements and procedures.
10 19.08.060 School impact fee.
11 19.08.070 Impact fee accounting.
12 19.08.080 Adjustments, waivers, appeals and arbitration.

13 **19.08.010 Findings, purpose and applicability.**

14 A. through B. [No change]

15 C. Applicability. The terms of this chapter shall apply to all development for which a complete application for
16 approval is submitted on or after the effective date of the ordinance codified in this chapter, except for
17 development that was the subject of a prior State Environmental Policy Act (SEPA) threshold determination
18 that provided for school mitigation. All building permit applications accepted by the city prior to the effective
19 date of the ordinance codified in this chapter, or for development that was the subject of a prior SEPA threshold
20 determination that included provisions for school mitigation, shall be reviewed for all purposes allowed under
21 state law, including environmental review pursuant to the city of Bellingham environmental policy ordinance,
22 Chapter 16.20 BMC. [Ord. 2006-03-022].

23 **19.08.020 Authority.**

24 [No change]

25 **19.08.030 Definitions.**

26 As used in this chapter, the following terms have the meaning set forth below:

27 Words Defined by RCW 82.02.090. Words used in this title and defined in RCW 82.02.090 shall have the same
28 meaning assigned in RCW 82.02.090 unless a more specific definition is contained herein.

1 "Average assessed value" means the average assessed value for each dwelling unit type within the Bellingham
2 school district.

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

4 "Building permit" means the permit required for new construction and additions pursuant to BMC Title 17. As
5 used herein, this shall not be deemed to include permits required for remodeling, rehabilitation or other
6 improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no
7 increase in the resulting number of dwelling units.

8 "Capital facilities" means school facilities identified in the district's six-year school capital facilities plan (~~see the~~
9 ~~capital facilities plan at the end of this chapter~~) that are "system improvements" as defined by the state growth
10 management act as opposed to localized "project improvements."

11 "City" means the city of Bellingham.

12 "Council" means the Bellingham city council.

13 "Department" means the city of Bellingham planning and community development department.

14 "Developer" means the proponent of a development activity, such as any person or entity who owns or holds
15 purchase options or other development control over property for which development activity is proposed.

16 "Development" means, for the purposes of this chapter, all single-family subdivisions (short and
17 preliminary/final plats), condominium and multifamily residential development, including planned residential
18 development, and all multifamily structures which require building permits, but excluding remodel or renovation
19 permits which do not result in additional dwelling units.

20 "Development activity" means any residential construction or expansion of a building, structure or use of land,
21 or any other change in use of a building, structure, or land that creates additional demand and need for school
22 facilities, but excluding remodeling or renovation projects which do not result in additional dwelling units. Also
23 excluded from this definition is "housing for older persons" as defined by 42 USC 3607, when guaranteed by a
24 restrictive covenant.

25 "Development approval" means any written authorization from the city that authorizes the commencement of a
26 development activity.

1 "Director" means the city's planning and community development director or the planning director's designee.

2 "District" means the Bellingham School District No. 501.

3 "District property tax levy rate" means the Bellingham school district's current capital property tax rate per
4 \$1,000 of assessed value.

5 "Duplex dwelling units" means any residential building containing two separate dwelling units. For purposes of
6 calculating school impact fees to correctly mitigate the impact of new development, each duplex building shall
7 be considered as two single-family dwelling units.

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

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

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

17 "Growth Management Act/GMA" means the Growth Management Act, Chapter 17, Laws of the State of
18 Washington of 1990, First Executive Session, as now in existence or as hereafter amended.

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

21 "Interlocal agreement" means the 1999 agreement between the city and the district concerning collection and
22 handling of school impact fees.

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

1 "Low income housing" means the city's definition of low income housing as set forth in the current city of
2 Bellingham consolidated plan (or successor thereto).

3 "Multifamily dwelling unit" means any residential building containing three or more dwelling units.

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

5 "Relocatable facilities" means factory-built structures, transportable in one or more sections, that are designed
6 to be used as education spaces and are needed to prevent the over building of school facilities, to meet the
7 needs of service areas within a district, or to cover the gap between the time that families move into new
8 residential developments and the date that construction is completed on permanent school facilities.

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

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

13 "School capital facilities plan" or "school CFP" means the Bellingham school district's six-year plan for capital
14 facility improvements adopted by the school board consisting of those elements required by
15 BMC 19.08.040 and meeting the requirements of the GMA. ~~See the capital facilities plan at the end of this~~
16 ~~chapter.~~

17 "School impact fee" means a payment of money imposed upon development as a condition of development.
18 The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for
19 collecting and handling impact fees, or the cost of reviewing independent fee calculations.

20 "Single-family dwelling unit" means any attached or detached residential dwelling unit designed for occupancy
21 by one or two families or households, including mobile homes. For purposes of this chapter and to correctly
22 mitigate the impact of new development, duplex buildings are classified as two single-family dwelling units.

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

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

5 "Student factor" or "student generation rate" means the number of students of each grade span (elementary,
6 middle school, high school) that the district determines are typically generated by different dwelling unit types
7 within the district. The Bellingham school district will use a survey or statistically valid methodology to derive the
8 specific student generation rate. [Ord. 2009-12-086; Ord. 2006-03-022].

9 **19.08.040 School district eligibility.**

10 A. School Capital Facilities Plan Required. The Bellingham school district shall be eligible to receive school
11 impact fees upon adoption by the city council of a six-year school capital facilities plan (~~see the capital facilities~~
12 ~~plan at the end of this chapter~~). This action will also constitute adoption by the city of the schedule of school
13 impact fees specified in such facilities plan. The district's plan shall meet the applicable requirements of the
14 State Growth Management Act.

15 B. Expiration of District Plan. For purposes of school impact fee eligibility, the district's school CFP shall expire
16 on December 31, 2021-15, or when an updated plan meeting the requirements of the GMA is adopted by the
17 city council, whichever date first occurs.

18 C. Revising the School Facilities Plan (CFP).

19 1. The school district may initiate revisions to the school CFP or fee schedule prior to the 202115
20 expiration date. The revised plan shall first be approved by the school board and then transmitted to the
21 city. The district's revised plan will then be considered by the city council as part of the city's annual
22 comprehensive plan amendment process, unless the school board of the district declares, and the city
23 finds, that an emergency exists.

24 2. through 3. [No change]

25 **19.08.050 School facilities plan requirements and procedures.**

26 A. Minimum Requirements for the District's School Capital Facilities Plan. To be eligible for school impact fees,
27 the district must submit a six-year school CFP to the city pursuant to the procedure established by this chapter.
28 The plan shall contain data and analysis necessary and sufficient to meet the requirements of the State GMA

1 and Chapter 82.02 RCW. The plan must provide sufficient detail to allow computation of the fees according to
2 the formula contained in the school CFP, ~~codified at the end of this chapter.~~

3 B. through C. [No change]

4 **19.08.060 School impact fee.**

5 A. Fee Required. Each development activity, as a condition of approval, shall be subject to the school impact
6 fee established pursuant to this title. The school impact fee shall be calculated in accordance with the formula
7 established in the school CFP adopted by city council and referenced in the Bellingham comprehensive plan,
8 ~~codified at the end of this chapter.~~ The school impact fee due and payable shall be as shown in the school
9 CFP.

10 B. through G. [No change]

11 **19.08.070 Impact fee accounting.**

12 A. through C. [No change]

13 **19.08.080 Adjustments, waivers, appeals and arbitration.**

14 A. through C. [No change]

Exhibit C

**Planning Commission
Findings of Fact, Conclusions, and Recommendations**

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
(360) 778-8270

CITY OF BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

OCTOBER 15, 2015

SUMMARY

Following the public hearing and deliberation on the proposed comprehensive plan amendment, the Bellingham Planning Commission finds that the Bellingham School Districts proposal to incorporate their new 2015-2021 Capital Facilities Plan into the Capital Facilities chapter of the Bellingham's Comprehensive Plan and related text amendments to the Public School Facilities section of the plan meet the comprehensive plan amendment criteria in Bellingham Municipal Code 20.20.040 B. and recommends approval of the proposal.

I. FINDINGS OF FACT

1. Project or Proposal Description

The Bellingham School District (the District) has made a request to amend the City's current comprehensive plan to include their new capital facilities plan (CFP) covering the 2015-2021 planning period. This plan is one of the District's primary facility planning documents and includes information on current facilities, standard of services, enrollment projections, classroom capacities, impact fees, financial plan, and anticipated capital facility needs within their planning period.

Also included in this proposal is a series of minor text amendments to update the Public School Facilities section of the comprehensive plan.

2. Background Information

1992	The City began collecting impact fees on behalf of the school district.
1998	The District prepared and the City adopted the District's first CFP 1998-2003.
1999	The City adopted the first impact fee ordinance under the GMA.
2004	The District prepared and the City adopted the District's 2004-2009 CFP.
2009	The District prepared and the City adopted the District's 2010-2015 CFP.
2015	The Bellingham City Council initiated the review process for an emergency amendment to the City's comprehensive plan to consider BSD request to incorporate their 2015-2021 CFP into the plan (<i>RCW 36.70A. 130(2)(b)</i>).

3. Public Notice

Notice of the Planning Commission public hearing was mailed to neighborhood representatives and associations and other parties with an interest in this topic 30 days prior to the hearing. The notice was also published in the Bellingham Herald as required by BMC Chapter 21.10.

4. State Environmental Policy Act (SEPA) Determination

A determination of environmental non-significance (DNS) was issued by the Bellingham School District on August 11, 2015.

5. Consistency with the Comprehensive Plan, and/or Review Criteria

Bellingham Municipal Code 20.20.040, notes the Planning Commission and the City Council shall use the following criteria to evaluate Comprehensive Plan amendment requests:

Comprehensive and Neighborhood Plan Decision Criteria BMC 20.20.040

Petitioners requesting amendments to the Comprehensive Plan and/or a Neighborhood Plan shall be prepared to offer justification for the request using the following criteria. These criteria will be used by the Planning Commission and the City Council to evaluate amendment requests:

- A. There exists an error, omission or inconsistency in the pertinent Comprehensive Plan or neighborhood plan provision; OR
- B. All of the following criteria have been met:
 - 1. The proposed amendment is consistent with the Growth Management Act and other applicable laws;

The State Growth Management Act (RCW 82.02) requires school districts to prepare capital facilities plans. Once this plan is adopted by the school district and a city, the district can collect impact fees on new development. The general intent of this provision is to:

- ensure adequate facilities are in place to serve new growth and development;
- to promote orderly growth and development and require that new development pay a proportional share of the cost of providing new facilities to serve new growth; and
- ensure that impact fees are imposed through an established procedure and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same project.

The District's proposed CFP plan is consistent with the Growth Management Act and the goals and policies of Bellingham's Comprehensive Plan. The GMA requires capital facilities planning to ensure adequate public facilities are provided to meet the primary service needs of the City and to support anticipated growth projections. The District's new CFP includes information on current facilities, the district's standard of service, enrollment projections, classroom capacities, impact fees, and a finance plan for capital improvements needed to serve new growth between 2015-2021. The plan also estimates student population and capacity needs in the long-term to 2036. If student enrollment remains consistent through 2036, it is estimated that additional school facilities would be needed at all grade levels.

The District's plan is supported by the following Capital Facilities policies of the Bellingham Comprehensive Plan:

PUBLIC SCHOOL

CFP-31 The school districts should continue to monitor demographic changes (particularly distribution of students) and take a proactive stance in acquiring land to provide facilities to meet the needs of an expanding student population.

CFP-32 The City of Bellingham and Bellingham School District should continue to work to provide consistency between the District's Capital Improvement Plan and the City's

Comprehensive Plan.

CFP-33 Encourage the continued collection of impact fee program by the Bellingham School District (and other districts in the Urban Growth Areas) to collect funds from new development to help offset the costs of new or upgraded facilities as necessary to serve the new development.

- *The Planning Commission finds this criterion has been met.*

2. The proposed amendment addresses changing circumstances, changing community values, and is consistent with and will help achieve the Comprehensive Plan goals and policies.

In August 2015, the Bellingham School Board adopted a new CFP. The plan addresses changing circumstances and examines anticipated school population growth, existing/new school facilities, and the District's ability to house and finance the expected future student population for the 2015-2021 planning period and to 2036. The plan projects an increase of approximately 311 elementary students, 167 middle school students, and 100 high school students within the next 6 years.

The CFP also indicates that 0.278 students will be generated from each new single family dwelling (SFD) unit and 0.049 students will be generated from each new multi-family dwelling (MFD) unit. These figures are based on 2015 Student Generation Rate (SGR), which reflects the student demographic changes that have occurred since 2009. The 2009 SGR contained within the Districts 2010-2015 CFP identified 0.374 students per SFD and 0.151 students per MFD. (See appendix B of the District CFP for the methodology uses to produce the SGR.)

Based on the 2015 SGR and the cost related to new capital improvements for the next 6 years, the school impact fees are proposed to be changed as follows:

	Single Family Unit	Multi-family Unit
BSD School Impact Fee (current)	\$1,854	\$1,154
BSD School Impact Fee (proposed)	\$2,242	\$229
Difference	Increase \$388	Decrease \$925

The decrease in the MDF fee is related primarily to the decrease in the SGR (the number of students residing in multi-family units) between 2009 and 2015.

If the amendment is approved, the City's School Impact Fee Ordinance, BMC 19.08 will need to be amended in order to be consistent with the District's new CFP.

- *The Planning Commission finds this criterion has been met, and advises the District to continually monitor the SGR throughout their 2015-2021 CFP planning period for changes that could affect the cost associated with school impact fees.*

3. The proposed amendment will result in long term benefit to the community and is in the community's overall best interests.

Incorporating the District's new capital facility plan into the City's comprehensive plan will result in a public benefit by ensuring that adequate school facilities are in place to serve new growth and that new development pays a proportional share of the cost of providing new facilities. It is anticipated that student enrollment rates in the elementary and high school grade levels between 2015-2021 will increase resulting in the need of additional classroom capacity. By 2021, it is projected that Bellingham's student enrollment will increase by 5.5% over the six year planning period and by 43% in 2036. In addition to the elementary and high school capacity projects identified in the CFP, within the next 10 years, the District may consider a new elementary or middle school to reduce class sizes and address other capacity needs. If the student enrollment percentages remain consistent through 2036, the District anticipates additional student capacity will be needed at all grade levels. Planning for public school facilities is in the community's over-all best interest to ensure that the City of Bellingham has the necessary school facilities in place to support new residential development within the 2015-2021 planning period.

- *The Planning Commission finds this criterion has been met.*

4. The amendment will not adversely affect the public health, safety or general welfare.

Adopting the school District's CFP into the City's comprehensive plan will not adversely affect the public health, safety, or general welfare. As previously mentioned, in order for the District to remain eligible to collect school impact fees, a new CFP must be incorporated into the City's comprehensive plan to comply with RCW 82.02. School impact fees are collected to ensure that adequate school facilities are in place to serve new growth and that new residential development share in the cost of providing new facilities. Since 2009, the District has collected approximately 1.7 million dollars in impact fees. The fees have been used to fund new capital improvement projects at a number of schools.

- *The Planning Commission finds this criterion has been met.*

5. If a concurrent rezone is requested, the proposal must also meet the criteria for rezones in BMC 20.19.030.

Not applicable.

II. CONCLUSIONS

1. The proposed amendments to the Capital Facilities chapter meet the comprehensive plan amendment criteria in the BMC 20.20.040 B.
2. The proposed amendments are consistent with the goals and policies of the Bellingham Comprehensive Plan and the State Growth Management Act.
3. The proposed amendments will not create any internal inconsistencies in the comprehensive plan.
4. The proposed amendments will benefit the community in the long-term, and is the best interests of the community.
5. Incorporating the District's 2015-2021 CFP would enable the District to collect school impact fees to ensure that adequate school facilities are in place to serve new growth and that new development pays a proportional share of the cost of providing new facilities.

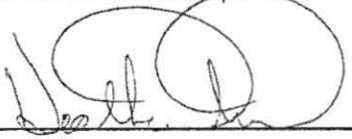
III. RECOMMENDATION

By a vote of 5 - 0, the Planning Commission recommends approval of the proposal to incorporate by reference the Bellingham School District's 2015-2021 CFP into the Capital Facilities chapter of the Bellingham Comprehensive Plan. The Planning Commission also recommends approval of the related text amendments to the Public School Facilities section of the plan.

ADOPTED this 22ND day of OCTOBER, 2015.



Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:



City Attorney