
School Impact Fees

The District is responsible for providing public educational services to students now residing or who will reside in the District. New residential developments have major impacts on public school facilities in the District. Traditional methods of financing permanent school facilities shift to the existing community the entirety of costs related to new development impacts. In addition, the District is often unable to fund and to construct permanent school facilities to keep pace with the rate that residential developments are constructed.

The 1990 Growth Management Act and the 1991 Amendments to the Act included two elements that require and allow local jurisdictions to address the impacts of developments on schools:

1. The Act authorized counties, cities, and towns to impose impact fees for school facilities; and
2. The Act also amended RCW 58.17.110, the State Subdivision Act, to require denial of any plat unless the legislative body makes written findings that appropriate provisions are made for schools and school grounds. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under the Growth Management Act may be required as a condition of subdivision approval.

The State Environmental Policy Act, Chapter 43.21C RCW (SEPA), and its implementing regulations provides additional authority for mitigating impacts of new development on schools. However, that authority is limited to residential projects subject to statutory environmental review. Many residential projects are exempt from such review. As such, impact fees assessed under the Growth Management Act provide a more effective and comprehensive mechanism for mitigating for the impacts of new residential development on school facilities.

The District's desire and intent is that school mitigation be sought from all residential development within the District in an equitable and comprehensive manner. The District shall use all legally available efforts to secure school mitigation from new residential development. As a basis for demonstrating the cost of capacity needed to house and accommodate new students generated by residential development, the District has a Capital Facilities Plan with school impact fees meeting the requirements of the Growth Management Act. The District shall regularly update the Capital Facilities Plan and school impact fees and the District shall submit a request to the City of Lynden and Whatcom County for adoption of the updated Capital Facilities Plan and school impact fees.

Whatcom County has authority pursuant to Chapter 20.75 of the Whatcom County Code to collect Growth Management Act school impact fees. The District has requested that Whatcom County adopt the District's Capital Facilities Plan by reference as a part of the County's Comprehensive Plan and enter into an interlocal agreement to provide for the collection of school impact fees on behalf of the District. The District has requested that the City of Lynden adopt a school impact fee ordinance under the authority of the Growth Management Act. Until such time that Whatcom County and the City of Lynden, individually, implement or adopt a

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BOARD POLICY

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school impact fee ordinance on behalf of the District, the District shall seek school mitigation under the State Environmental Policy Act and the State Subdivision Act, as applicable, for those residential developments in Whatcom County or the City of Lynden, as applicable. However, because these methods provide only a partial remedy, the District shall continue to request that each jurisdiction, as applicable, implement or adopt a Growth Management Act school impact fee ordinance on behalf of the District.

The District shall encumber or expend impact fees collected by the City on behalf of the District, and all interest proceeds on such revenues, solely for expenditures authorized by the Growth Management Act and Ordinance No. 4046, as may be amended from time to time, relating to facilities identified in the District's Capital Facilities Plan. The District shall expend school mitigation fees collected from development in Whatcom County or the City of Lynden, as applicable, consistent with the terms of the relevant voluntary mitigation agreement and/or SEPA condition.

Legal Reference:	Chapter 36.70A RCW RCW 82.02.050-82.02.100 RCW 58.17.110	Growth Management Act Impact Fee provisions Approval or disapproval of subdivision and dedication – Factors to be considered – Conditions for approval – Finding – Release from damages.
	Chapter 43.21C RCW and State Environmental Policy Act WAC 197-11 <i>et seq.</i>	

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