

PLANNING COMMISSION AGENDA ITEM COVER SHEET

Meeting Date	Staff Contact	
8/20/2009	GREG AUCUTT	
Subject:		
<p>Review of a request by the Bellingham School District to add by reference the District's new six-year capital facilities plan to the Capital Facilities Chapter of the Bellingham Comprehensive Plan and to update the text of Section 4, Public School Facilities.</p>		
Attachments:		
1. Staff Report with the following attachments:		
2. Draft Planning Commission Findings of Fact		
3. Comprehensive Plan Amendments		
4. BSD Six-Year Capital Facilities Plan		
5. Summary of Impact Fees and Expenses		
Meeting Type	Category	
<input checked="" type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Public Meeting	<input type="checkbox"/> Quasi-judicial	
<input type="checkbox"/> Work Session	<input type="checkbox"/> Information Only	
<input type="checkbox"/> Briefing		
Clearances	Initials	Date
Tim Stewart, Director	<i>GA for TS</i>	8/5/09
Alan Marriner, Legal	<i>AM</i>	8/5/09
Previous Commission Meeting or Action:		
Recommended Action:		
See staff report for recommendations.		

1 **STAFF REPORT**

2
3 **Agenda Topic:** Amendment to incorporate by reference the Bellingham School District's
4 Six-Year Capital Facilities Plan into the Capital Facilities Chapter of the
5 city's comprehensive plan and to update Section 4, Public School
6 Facilities.
7

8 **For:** August 10, 2009 Planning Commission Public Hearing
9

10 **Staff Contact:** Greg Aucutt, Senior Planner
11
12

13 **I. SUMMARY OF PROPOSAL**
14

15 The Bellingham School District (the District) has prepared a new capital facilities plan (CFP)
16 covering the 2010-2015 planning period. The District requests that their CFP be incorporated
17 into the City's comprehensive plan. It is also appropriate to update the text of the Public School
18 Facilities section of the comprehensive plan at this time to reflect the new information presented
19 in the District's CFP. These amendments are part of the 2009 docket of annual comprehensive
20 plan amendments.
21

22 **II. BACKGROUND**
23

24 The State Growth Management Act (RCW 82.02) authorizes school districts to prepare capital
25 facilities plans. Once the plan is adopted by the school district and a city, the district can collect
26 impact fees on new development. The intent of this provision as stated in the GMA is:
27

28 (a) To ensure that adequate school facilities and services are available to serve new growth and
29 development;
30

31 (b) To promote orderly growth and development by establishing standards by which counties,
32 cities and towns may require, by ordinance, that new growth and development pay a
33 proportional share of the cost of new facilities needed to serve new growth and development;
34 and
35

36 (c) To ensure that impact fees are imposed through established procedures and criteria so that
37 specific developments do not pay arbitrary fees or duplicative fees for the same impact.
38

39 The GMA also states that impact fees can only be imposed for capital improvements that place
40 additional demands on school facilities as a result of new development. Impact fees must be
41 used for capital improvements that add capacity to the system (such as new schools and
42 portable classrooms). Impact fees cannot be used for ongoing operational expenses such as
43 teacher salaries, books, etc. The fees must be used for projects identified in the a school
44 district's capital facilities plan and must be spent within six years of the date of collection.
45

46 In order to be eligible to collect impacts fees, school districts must develop a capital facilities
47 plan and the plan must be adopted in the city's comprehensive plan. In addition, cities collecting
48 impact fees on behalf of school districts must adopt an ordinance. The ordinance should include
49 (among other things):
50

- 51 1. A fee schedule for each type of development.
52

1 2. An exemption for affordable housing or other development activities that have a broad
2 public benefit.

3
4 3. A credit provision that defines the value of any dedication of land or new construction
5 of new school facilities.

6
7 4. A provision allowing adjustment or appeal of the fee in special circumstances.

8
9 **III. HISTORY OF SCHOOL IMPACT FEE COLLECTION BY THE CITY OF BELLINGHAM**

10
11 1992 – The City began collecting impact fees on behalf of the school district.

12 1998 – The District prepared and the City adopted the first capital facilities plan 1998-2003).

13 1999 – The City adopted the first impact fee ordinance under the GMA.

14 2004 – The District prepared and the City adopted the current District CFP.

15 2009 – The Planning Director docketed a request by the District to amend the City's
16 comprehensive plan to include a new CFP covering the 2010-2015 period.

17
18 It should be noted that the District's current plan expires at the end of 2009. A new plan must be
19 adopted in the 2009 comprehensive plan amendment cycle for the District to remain eligible to
20 collect impact fees.

21
22 **IV. THE 2010-2015 CAPITAL FACILITIES PLAN**

23
24 In recent years, enrollment increases in the district have slowed somewhat. Since 2004,
25 elementary school enrollment has increased, middle school enrollment has decreased, and high
26 school enrollment has stayed about the same. Even so, the District's plan forecasts moderate
27 enrollment growth throughout the years of the plan. As a result, enrollment is forecasted to
28 exceed the permanent capacity of the existing facilities within the next six years. Total
29 enrollment is expected to increase from 10,600 in 2008 to about 12,000 in 2015. See section II
30 of the CFP for more details.

31
32 The District's plan identifies the need for a new elementary school. The District has a site on
33 Aldrich Road and funds to build the school are available from a 2006 Bond measure. Other
34 capacity improvements will be considered as needed, including a potential new middle school
35 and classroom additions as the high schools.

36
37 **V. ANALYSIS OF COMPREHENSIVE PLAN AMENDMENT CRITERIA**

38
39 The Bellingham Municipal Code includes criteria that should be used to evaluate proposed
40 amendments to the comprehensive plan. The criteria and a brief analysis are listed below.

41
42 ***1. Is the proposed amendment to the comprehensive plan supported by or consistent***
43 ***with the existing goals and policies of the comprehensive plan?***

44
45 Staff Response - The District's proposed CFP plan is consistent with the City
46 comprehensive plan goals and policies that: 1) encourage planning for growth; and
47 2) recommend that new development pay a fair share of the cost of providing new facilities
48 that are needed to accommodate growth and development. Since 1992, the district has
49 collected approximately \$3.4 million dollars in impact fees. The fees have been used to fund

1 capital improvement projects at a number of schools. (See Attachment 3, Summary of GMA
2 Fees and Expenses.)

3
4 **2. Have circumstances changed sufficiently since the adoption of the comprehensive
5 plan to justify the proposed change?**
6

7 Staff Response - The District's current plan has run its course and expires at the end of the
8 year. An up-to-date CFP is needed so that the District can plan for, fund, and construct
9 facilities that will be needed in the future to accommodate growth. An updated CFP is
10 needed to accurately and fairly assess a proportional share of the cost of new facilities that
11 should be funded in part by new growth and development. The City recently adopted new
12 population growth forecasts that cover the 2009-2031 timeframe. The new growth forecasts
13 were used by the district to develop the proposed CFP.

14
15 **3. Have the underlying assumptions found in the comprehensive plan changed, or is
16 new information available which was not considered at the time the plan was
17 adopted?**
18

19 Staff Response - See the answer to question #2.

20 **4. Does the proposed amendment promote a more desirable land use pattern for the
21 community as stated in the goals and policies in the comprehensive plan?**
22

23 Staff Response – Adopting a school capital facilities plan to require new development to pay
24 a proportionate share of the cost of new school facilities will contribute to the overall health,
25 welfare and quality of life of the community.
26

27 **5. What impacts would the proposed amendment to the comprehensive plan have on
28 the current use of other properties in the vicinity?**

29 No negative impacts have been identified.
30

31 **VI. PUBLIC COMMENT**
32

33 Notice of the Planning Commission hearing was published the Bellingham Herald and mailed to
34 neighborhood associations and MNAC representatives.
35

36 No written comments have been received to date.
37

38 **VII. SEPA REVIEW**
39

40 A determination of environmental non-significance (DNS) was issued by the Bellingham School
41 District on June 30, 2009.
42

43 **VIII. PLANNING COMMISSION ROLE**
44

45 The proposal before the Commission is a legislative comprehensive plan amendment requiring
46 a Type VI process. The Planning Commission must hold a public hearing on the proposal and
47 issue findings of fact and conclusions along with a recommendation to the City Council. The City

1 Council will also hold a public hearing prior to making a final decision. If approved by Council,
2 the District's 2010-2015 Capital Facilities Plan will be added to the ordinance adopting other
3 amendments to the comprehensive plan at the end of the year.

4
5 **IX. STAFF RECOMMENDATION**
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7 Staff recommends approval of the proposal to adopt the Bellingham School District's 2010-2015
8 CFP into the Capital Facilities chapter of the Bellingham Comprehensive Plan. Staff also
9 recommends approval of the text changes to Part 4, Public School Facilities as shown in
10 Attachment 2.

11
12 **X. ATTACHMENTS**
13

- 14 1. Draft Planning Commission Findings of Fact, Conclusions and Recommendations
- 15 2. Proposed amendments to the Capital Facilities chapter of the comprehensive plan
- 16 3. Proposed 2010-2015 Bellingham School District Capital Facilities Plan
- 17 4. BSD Summary of GMA Fees and Expenses

1 CITY OF BELLINGHAM PLANNING COMMISSION
2 FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS
3 BASED ON AUGUST 20, 2009 PUBLIC HEARING
4

5 **Re: Consideration of amendments to the Capital Facilities chapter of the Comprehensive**
6 **Plan to adopt a new Capital Facilities Plan for the Bellingham School District and**
7 **to update the text in Part 4, Public School Facilities**
8
9

10 ***I. PLANNING COMMISSION FINDINGS OF FACT***
11

12 ***SUMMARY:***
13

14 The Bellingham School District has developed and adopted a new Capital Facilities Plan (CFP)
15 that covers the 2010-2015 planning period. The District is requesting adoption of the CFP into
16 the City's comprehensive plan. By taking this action to adopt a new CFP for the Bellingham
17 School District, the City ensures that:
18

- 19 • There is a plan in place to provide new school facilities as the population grows; and
- 20 • Impact fees can continue to be collected so that new residential growth and
21 development pays a proportional share of the cost of providing new school facilities; and
- 22 • The public, property owners and developers are aware of the projects that will be
23 needed to serve the forecasted growth and that impact fees will be required to help fund
24 the improvements.

25
26 ***PROCESS:***
27

28 Amendments to the Bellingham Comprehensive Plan are legislative actions that must be
29 reviewed by the Planning Commission prior to final action by the City Council. The Council can
30 approve changes to the comprehensive plan only once a year.
31

32 ***BACKGROUND:***
33

34 1992 – The City began collecting impact fees on behalf of the school district.
35 1998 – The District prepared and the City adopted the first six-year school capital facilities plan.
36 1999 – The City adopted the first impact fee ordinance under the GMA.
37 2004 – The District prepared and the City adopted the current (2004-2009) District CFP.
38 2009 – The Planning Director docketed a request by the District to amend the City's
39 comprehensive plan to adopt a new CFP covering the 2010-2015 period.
40

41 It should be noted that the District's current plan expires at the end of 2009. A new plan must be
42 adopted in the 2009 comprehensive plan amendment cycle for the District to remain eligible to
43 collect impact fees.
44

45 ***PROPOSAL:***
46

47 The Bellingham School District (the District) has prepared a new capital facilities plan (CFP)
48 covering the 2010-2015 planning period. The District requests that their CFP be incorporated
49 into the City's comprehensive plan. It is also appropriate to update the text of the Public School

1 Facilities section of the comprehensive plan at this time to reflect the new information presented
2 in the District's CFP. These amendments are part of the 2009 docket of annual comprehensive
3 plan amendments.

4
5 **PUBLIC HEARING:**

6 The Planning Commission's public hearing was held on August 20, 2009. *Results to be added.*
7
8

9 **II. CONCLUSIONS**

- 10
11 1. The proposed amendments to the comprehensive plan meet the comprehensive plan
12 amendment criteria in the BMC.
13
14 2. The proposed amendment is consistent with the goals and policies of the Bellingham
15 Comprehensive Plan and the State Growth Management Act.
16
17 3. The proposed amendments will not create any internal inconsistencies in the
18 comprehensive plan.
19
20 4. The proposed amendment will benefit the community in the long-term, and is the best
21 interests of the community.
22
23
24

25 **III. RECOMMENDATION**

26
27 By a vote of ____, the Planning Commissioners approved a motion to recommend adoption of
28 the proposed amendments to the Capital Facilities chapter of the Bellingham Comprehensive
29 Plan.
30

31
32
33 **ADOPTED** this _____ day of _____, 2009.
34

35
36 _____
37 *Planning Commission Chairperson*
38
39

40
41 **ATTEST:** _____
42 *Recording Secretary*
43
44

45
46 **APPROVED AS TO FORM:**
47

48 _____
49 *City Attorney*