



UNIFIED SCHOOL DISTRICT
Tradition With The Future In Mind

Memorandum

TO: City of Hughson City Planning Commission
Stanislaus County Board of Supervisors
Feeder School Superintendents: (Hickman, Gratton, LaGrange, Roberts Ferry)

FROM: Brian Beck, Superintendent

DATE: February 24, 2012

RE: 30-Day Public Notice for Public Hearing for School Facilities Needs
Analysis Update and related Developer Fees

As per SB 50, the following documents are being provided for your review and comment:

- 1) One copy of the 30-day Public Notice for April 3, 2012 Public Hearing for updated School Facilities Needs Analysis, updated Statutory Fees and updated Level 2 Fees. The Public Notice will be posted in the local newspaper on February 26, 2012.
- 2) One copy of the draft Resolutions for adopting the updated School Facilities Needs Analysis, updated Statutory Fees and updated Level 2 Developer Fees.
- 3) One copy of the updated 2012 School Facilities Needs Analysis.
- 4) A map of the Hughson Unified School District Boundaries is included in School Facilities Needs Analysis.

If you have any questions regarding these documents, please contact me at (209) 883-4428.

Thank you.

cc: Cindy Whiteman, HUSD Chief Business Official

2012 FEB 27 A 11:24
BOARD OF SUPERVISORS



UNIFIED SCHOOL DISTRICT
Tradition With The Future In Mind

Brian Beck, Superintendent

BOARD OF TRUSTEES: Rick Applegate Mark Harman Randall Heckman Jim Hudelson Cindy Cunningham-Gripp

**NOTICE OF PROPOSED ADOPTION OF A SCHOOL FACILITIES NEEDS
ANALYSIS INCLUDING THE ADOPTION OF LEVEL TWO MITIGATION FEES ON
RESIDENTIAL DEVELOPMENT AND STATUTORY MITIGATION FEES ON
RESIDENTIAL AND COMMERCIAL INDUSTRIAL DEVELOPMENT
GOVERNMENT CODE SECTIONS 65995, 65995.5 and 65995.7**

NOTICE IS HEREBY GIVEN that the Governing Board of the Hughson Unified School District will hold a public hearing on April 3, 2012 at 6:30 pm to consider input from the public on the proposed adoption of a School Facilities Needs Analysis ("SFNA") for the District, the adoption of Level II Fee on new residential developments and the adoption of Statutory Mitigation fees on residential and commercial industrial development. The adoption of the SFNA, the Level II Fee and Statutory Mitigation fees are necessary to fund the construction of school facilities necessary to maintain current levels of educational services in the District and to accommodate growth due to development.

Members of the public are invited to comment in writing, on or before April 3, 2012, or appear in person at the hearing on April 3, 2012, at the following location:

Hughson Unified School District Office
6815 Hughson Avenue
Hughson, CA 95326

Materials regarding the SFNA, Level II Fee and Statutory Mitigation fees are on file and are available for public review at the District Office located at 6815 Hughson Avenue, Hughson, CA. If you need additional information concerning the adoption of the SFNA, Level II Fee and/or Statutory Mitigation Fees, please contact Cindy Whiteman at (209) 883-4428.

Any person challenging the adoption of the SFNA, the Level II Fee or Statutory Mitigation fees in court of competent jurisdiction after the conclusion of the public hearing may be limited to only those issues raised at the hearing or in correspondence delivered to the school district prior to the hearing.



UNIFIED SCHOOL DISTRICT
Tradition With The Future In Mind

Brian Beck

DRAFT

BOARD OF TRUSTEES: Rick Applegate Mark Harman Randall Heckman Jim Hudelson Cindy Cunningham-Gipp

RESOLUTION NO. 11/12:11

**ADOPTING SCHOOL FACILITIES NEEDS ANALYSIS AND NEW FEE STRUCTURE
PURSUANT TO SENATE BILL 50 AND GOVERNMENT CODE SECTION 65995**

WHEREAS, Education Code section 17620 authorizes school districts to impose certain fees as set forth in Government Code section 65995 *et seq.* to finance the construction and reconstruction of school facilities, and;

WHEREAS, the School Facilities Needs Analysis is the statutory requirement under Senate Bill 50 ("SB 50"), the Leroy F. Greene School Facilities Act of 1998 (chapter 407, Statutes of 1998), Government Code section 65995 *et. seq.* for evaluating the adequacy of existing facilities and the need for additional, altered and new facilities on new sites in which the District delivers its educational services for present and future District students and;

WHEREAS, the District approved a previous SFNA, which now requires review and updating as required based on relevant new data compiled by the District since the adoption of the previous SFNA on October 12, 2010.

WHEREAS, the members of the Board of Trustees hereby certify that they have read and considered the updated SFNA before taking action on this Resolution; and

WHEREAS, the SFNA was noticed and distributed for review and comment by local planning agencies and the public 30 days prior to the date of consideration of this updated Resolution by the District Board of Trustees on February 26, 2012.

NOW, THEREFORE, BE IT RESOLVED BASED ON THE FOREGOING RECITALS

1. The SFNA, prepared by District staff and school consultant, accurately and completely evaluates the District needs for facilities and sets forth the cost and fiscal means to pay for facilities needed to house the projected K-12 students from new residential development in order to provide a healthy and positive environment for the delivery of the District's educational services.
2. The SFNA will be monitored and updated as required by Government Code 65995 *et. seq.*
3. The procedure for the adoption of this SFNA has been conducted in accordance with its statutory authority and other State law.

Resolution No. 11/12:11
Adoption of School Facilities Needs Analysis
Page 2

The foregoing Resolution was moved by _____, seconded by _____, and adopted on roll call vote by majority vote of the members of the Governing Board of the Hughson Unified School District.

Trustee Applegate	_____
Trustee Harman	_____
Trustee Heckman	_____
Trustee Hudelson	_____
Trustee Cunningham-Gipp	_____

AYES: _____ NOES: _____ ABSENT/NOT VOTING _____

I hereby certify the foregoing to be a full, true, and correct resolution duly adopted on the 3rd of April 2012, by the Board of Trustees of the Hughson Unified School District

President Cindy Cunningham-Gipp
Governing Board Trustee



UNIFIED SCHOOL DISTRICT
Tradition With The Future In Mind

Brian Beck

DRAFT

BOARD OF TRUSTEES: Rick Applegate Mark Harman Randall Heckman Jim Hudelson Cindy Cunningham-Gipp

RESOLUTION NO. 11/12:12

**UPDATING FEES ON DEVELOPMENT PROJECTS
PURSUANT TO GOVERNMENT CODE SECTION 65995
LEVEL TWO DEVELOPER FEES**

WHEREAS, Education Code section 17620 authorizes school districts to impose certain fees as set forth in Government Code section 65995 *et seq.* to finance the construction and reconstruction of school facilities, and;

WHEREAS, under Senate Bill 50 ("SB 50"), the Leroy F. Greene School Facilities Act of 1998 (chapter 407, Statutes of 1998), Government Code section 65995.5 provides that in lieu of a residential fee imposed under Government Code section 65995, subdivision (b)(1), a school district may impose alternative fees on new residential construction in amounts calculated pursuant to Section 65995.5, subdivision (c) and 65995.7; and

WHEREAS, pursuant to Government Code section 65995.5, subdivision (b), the District is justified in levying a K-12 fee of **\$4.14** per square foot of assessable residential construction in the City of Hughson and **\$3.88** K-12 (District 9-12 share is **\$2.02**) per square foot of assessable residential construction in Stanislaus County, and;

WHEREAS, pursuant to Government Code section 65995.5, subdivision (b), in order to be eligible to impose fees in these alternative amounts, the school district is required to do all of the following: (1) make a timely application to the State Board of Allocation ("SAB") for new construction funding and be deemed by SAB to meet the eligibility requirements for new construction funding; (2) conduct and adopt a school facilities needs analysis pursuant to Government Code section 65995.6; and (3) satisfy at least two of the requirements set forth in subparagraphs (A) to (D) inclusive of Government Code section 65995.5, subdivision (b) (3), and;

WHEREAS, the District has conducted a school facilities needs analysis as specified by Government Code section 65995.5.

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following findings:

1. The District has been determined by the State Allocation Board to meet the eligibility requirements for new construction funding.
2. The District has satisfied the requirements of Government Code section 65995.5, subdivision (b)(3)(C)(ii), in that the District has issued debt or incurred obligations for capital outlay in an amount greater than fifteen percent (15%) of its local bonding capacity. In addition, the District meets the requirement of Government Code section 65995.5, subdivision (b)(3)(D), in that at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms.
3. The District has conducted a school facilities needs analysis consistent with the requirements of Government Code section 65995.6 whereby the District has determined the need for school facilities to accommodate unhoused pupils that are attributable to projected enrollment growth from the development of new residential units over the next five (5) years.

4. The District's School Facilities Needs Analysis results in a maximum alternative residential K-12 fee of **\$4.14** per square foot of assessable residential construction in the City of Hughson and the District 9-12 portion of **\$2.02** (based on \$3.88 K-12 fee) in Stanislaus County based on agreements with feeder school districts, as applicable.
5. The purpose of the alternative Level Two fees is to provide school facilities for unhoused students that will be generated as a result of the construction of new residential units in the District over the next five (5) years.
6. The alternative Level Two fees must be used exclusively for the school facilities identified in the District's School Facilities Needs Analysis consistent with Government Code section 65995.5, subdivision (f).
7. There is a reasonable relationship between the need for school facilities and the type of development on which the fees are imposed because, as set forth in the District's School Facilities Needs Analysis, the construction of new residential units generates students that cannot be housed without additional facilities in that the District currently lacks facility capacity to house significant numbers of existing students in grades kindergarten through twelfth grade.
8. There is a reasonable relationship between the use of the fees and the types of development projects on which the fees are imposed in that new residential units of all types generate students who will attend the District schools, these students cannot be housed by the district without the construction of additional facilities, and the fees will be solely expended to finance these new additional facilities.
9. There is a reasonable relationship between the amount of the fees and the cost of the facilities attributable to the construction of new residential units on which the fees are imposed in that the square footage of all types of residential units has a direct relationship to the number of students generated and, thus, to the facilities which the District must add to accommodate these students.

BE IT FURTHER RESOLVED, that the Board conducted a noticed public hearing at a board meeting on April 3, 2012 at the Hughson Unified School District at which time information contained in the District's School Facilities Needs Analysis was presented, together with the District's responses to all written comments received during the 30 day Public Noticing period regarding the School Facilities Needs Analysis. The Board adopted the School Facilities Needs Analysis and incorporates its School Facilities Needs Analysis herein by reference; and

BE IT FURTHER RESOLVED, that the Board hereby establishes an updated alternative Level Two Fee of **\$4.14** per square foot of new residential construction in the City of Hughson and the District 9-12 portion of **\$2.02 (based on \$3.88 K-12)** per square foot of new residential construction in Stanislaus County per feeder school district agreements, as applicable; and

BE IT FURTHER RESOLVED, that in the event the State Allocation Board is no longer approving apportionments for new school construction and the State Allocation Board provides written notice to the Secretary of Senate and the Chief Clerk of the Assembly of the determination that funds are no longer available, this Board, after consultation with building and development industry representatives, shall consider whether to impose Level Three fees and if so, the amount and effective date for such Level Three fees; and

BE IT FURTHER RESOLVED, that the District has established a separate Developer Fee Fund, Level Two Fees in which all Level Two fees collected pursuant to this Resolution, along with any interest income earned therein, shall be deposited in order to avoid any commingling of the fees with other fees, revenues and funds of the District, except for temporary investments, and that the District is authorized to make expenditures or to incur obligation solely for the purposes for which the fees are collected, which the Governing Board hereby designates to be those purposes permitted by any applicable law; and

Resolution No. 11/12:12
Update Level Two Developer Fees
Page 3

BE IT FURTHER RESOLVED, that the District will review the above-mentioned Developer Fee Fund, Level Two Fees on a fiscal year and five year basis in accordance with Government Code section 66001 and 66006; and

BE IT FURTHER RESOLVED, that if the District has unexpected or uncommitted fees within five (5) years of collection, the District will make required findings or refund the fees as set forth in Education Code Section 17624; and

BE IT FURTHER RESOLVED, that should the conditions set forth in Government Code section 65995.7, subdivision (a), occur such that this Board, after consultation with building and development industry representatives, acts to establish Level Three fees on new residential construction and, thereafter, should the District receive funds from state sources for the facilities constructed with said Level Three fees, the District shall, consistent with Government Code section 65995.7, subdivision (b), offer to negotiate an agreement with any person subject to said Level Three fees regarding the amount to be reimbursed to that person from available state funds; and

BE IT FURTHER RESOLVED, that the alternative Level Two fees established pursuant to this Resolution are not subject to the restriction contained in subdivision (a) of Government Code section 66007, and that no building permit shall be issued for any development absent certification of compliance by the development project with the fees imposed pursuant to this Resolution; and

BE IT FURTHER RESOLVED, that the Superintendent give notice to all cities and counties with jurisdiction over the territory of the District of the Board's action by serving a copy of this Resolution, the supporting documentation and a map indicating the areas subject to the Level Two alternative fees on each agency and requesting that no building permits or, for manufactured homes, certificates of occupancy, be issued on or after the date of this Resolution without certification from the District evidencing compliance with the District's Level two alternative fees as specified herein.

The foregoing Resolution was moved by _____, seconded by _____, and adopted on roll call vote by majority vote of the members of the Governing Board of the Hughson Unified School District.

Trustee Applegate _____
Trustee Harman _____
Trustee Heckman _____
Trustee Hudelson _____
Trustee Cunningham-Gipp _____

AYES: _____ NOES: _____ ABSENT/NOT VOTING _____

I hereby certify the foregoing to be a full, true, and correct resolution duly adopted on the 3rd of April 2012, by the Board of Trustees of the Hughson Unified School District

President Cindy Cunningham-Gipp
Governing Board Trustee



UNIFIED SCHOOL DISTRICT
Tradition With The Future In Mind

Brian Beck

DRAFT

BOARD OF TRUSTEES: Rick Applegate Mark Harman Randall Heckman Jim Hudelson Cindy Cunningham-Gipp

RESOLUTION NO. 11/12:13

IMPOSING STATUTORY MITIGATION FEES ON RESIDENTIAL AND COMMERCIAL INDUSTRIAL DEVELOPMENT PROJECTS

PURSUANT TO SENATE BILL 50

WHEREAS, Education Code section 17620 authorizes school districts to impose certain fees as set forth in Government Code section 65995 *et seq.* to finance the construction and reconstruction of school facilities, and;

WHEREAS, Senate Bill 50 ("SB 50"), the Leroy F. Greene School Facilities Act of 1998 (chapter 407, Statutes of 1998), Government Code section 65995 establishes a maximum amount of fee that may be charged against such development projects and authorizes the maximum amount set forth in said section to be adjusted for inflation as set forth in the statewide cost index for Class B construction, as determined by the State Allocation Board at its January meeting; and

WHEREAS, at its January 2012 meeting, the State Allocation Board determined that it should set a maximum fee of three dollars and twenty cents (\$3.20) per square foot for residential development projects and fifty-one cents (\$0.51) per square foot for commercial and industrial development; and

WHEREAS, the purpose of this resolution is to approve and adopt the statutory mitigation fees on residential and commercial industrial development projects and to make certain findings with respect to said fees;

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following findings:

1. The Board has reviewed available information relating to proposed and potential development, resulting school facility needs, the cost thereof, and the available sources of revenue including the fees provided by this Resolution, and based thereon upon a School Facilities Needs Analysis and all other written and oral presentations to the Board, hereby makes the following findings:
 - a. Additional development projects within the District boundaries, whether residential or commercial / industrial, will increase the need for school facilities;
 - b. Without the addition of new school facilities, any further residential development projects, residential or commercial / industrial, will result in a significant decrease in the quality of education presently offered by the District;
 - c. The fees pursuant to this Resolution will be used for the construction and/or reconstruction of school facilities as needed.

2. Based upon the foregoing findings, the Board hereby imposes K-12 Statutory Mitigation fees in the amount of \$3.20 per square foot of assessable space for new residential construction as applicable and in the amount of \$0.51 per square foot for new commercial or industrial construction. To be split according to developer fee agreements with feeder school districts as applicable.

- 3. The policies set forth in this Resolution are not exclusive and all other agreements and enhanced fees beyond the statutory fees remain in full force and affect.
- 4. The Superintendent or designee shall cause the fee to be collected prior to the issuance of a building permit by the City of Hughson or Stanislaus County and that the Superintendent is further authorized and directed to adopt appropriate administrative procedures for the collection of the fee, and the certification to the City of Hughson or Stanislaus County that the fee has been paid; and
- 5. This Resolution shall become effective 60 days after adoption by the Board, during which time all existing Developer Fee Resolutions and related fees shall remain in effect.

BE IT FURTHER RESOLVED, that the Superintendent give notice to all cities and counties with jurisdiction over the territory of the District of the Board's action by serving a copy of this Resolution on each agency and requesting that no building permits be issued on or after the date of this Resolution without certification from the District evidencing compliance with the District's Statutory Mitigation fees as specified herein.

The foregoing Resolution was moved by _____, seconded by _____, and adopted on roll call vote by majority vote of the members of the Governing Board of the Hughson Unified School District.

Trustee Applegate	_____
Trustee Harman	_____
Trustee Heckman	_____
Trustee Hudelson	_____
Trustee Cunningham-Gipp	_____

AYES: _____ NOES: _____ ABSENT/NOT VOTING _____

I hereby certify the foregoing to be a full, true, and correct resolution duly adopted on the 3rd of April 2012, by the Board of Trustees of the Hughson Unified School District

President Cindy Cunningham-Gipp
Governing Board Trustee

2012

School Facilities Needs Analysis and
Developer Fee Justification Study

Hughson Unified School District

Gratton School District

Hickman Community Charter School District

La Grange School District

Roberts Ferry Union Elementary School District

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I. EXECUTIVE SUMMARY

Hughson Unified School District serves K-12 students in the City of Hughson and 9-12 students in the outlying elementary feeder school district areas of Stanislaus County. The 2011/12 K-12 enrollment is 2,153 students.

Elementary Feeder School Districts

Gratton School District serves K-8 students in the Community of Denair, Stanislaus County. The current 2011/12 K-8 enrollment is 124 students.

Hickman Community Charter District serves K-8 students in the Community of Hickman, Stanislaus County. The 2011/12 K-8 enrollment is 930 students (includes 430 K-8 students attending Hickman school site for a university style program).

La Grange School District serves K-8 students in the Community of La Grange, Stanislaus County. The 2011/12 K-8 enrollment is 11 students

Roberts Ferry Union Elementary School District serves K-8 students in the City of Waterford, Stanislaus County. The 2011/12 K-8 enrollment is 125 students.

The justification for collecting fees on future residential and commercial/industrial development is based on the following:

- All of the School Districts are operating near or over existing capacity.
- The City of Hughson projects approximately 131 homes to be constructed over the next 5 years, which is estimated to generate 84 K-12 students.
- Infill residential development in Stanislaus County is estimated to be approximately 25 homes over the next 5 years, which is estimated to generate 15 K-12 students.

The following represents the justified developer fees for each District as applicable to residential and commercial / industrial projects within each District: In Stanislaus County, Hughson Unified receives 52% share of developer fee and Elementary Feeder School Districts receive 48% share of developer fee.

School District	Residential K-12 Level 1 Fees ¹	Residential K-12 Level 2 Fees	Residential K-12 Level 3 Fees	Commercial Industrial Fee
City of Hughson				
Hughson Unified	\$ 3.20	\$ 4.14	\$ 8.28	\$ 0.51
Stanislaus County				
Hughson Unified 9-12	\$ 1.66	\$ 2.02	\$ 4.04	\$ 0.27
Gratton K-8	\$ 1.54	N/A	N/A	\$ 0.24
Hickman Community Charter K-8	\$ 1.54	\$ 1.86	\$ 3.72	\$ 0.24
La Grange K-8	\$ 1.54	N/A	N/A	\$ 0.24
Roberts Ferry Union Elementary K-8	\$1.54	N/A	N/A	\$ 0.24

¹Level 1 fees are only applied to special types of projects if District is eligible for Level 2 fees.

II. INTRODUCTION

This report is to demonstrate that the Hughson Unified School District and Elementary Feeder Districts; Gratton Elementary School District, Hickman Elementary School, and Roberts Ferry Union Elementary School District meet pertinent requirements of State laws regarding the collection of developer fees.

Note: La Grange Elementary School District will be closing at the end of the 2011-12 school year and the students are anticipated to attend Roberts Ferry Union School District or Hughson Unified School District. Therefore, the analysis for that area will be subject to statutory fees as justified by Stanislaus County area analysis included in the following School Facilities Needs Analysis / Developer Fee Justification Study.

State law gives school districts the authority to charge fees on new residential and commercial/industrial developments if those developments generate additional students and cause a need for additional school facilities. SB 50, which became law on November 4, 1998, upon the passage of Proposition 1A, provided school districts with the authority to impose three different levels of fees on residential development.

A. Level 1 Fees

Level 1 Fees as authorized by Government Code Section 65995 authorizes school districts to collect fees on future development of no more than \$3.20 per square foot for residential construction and \$0.51 for commercial/industrial construction. Level 1 Fees are adjusted every two years according to the inflation rate for Class B construction as determined by the State Allocation Board. Government Code Section 66001 requires that a reasonable relationship exist between the amount and use of the fees and the development on which the fees are to be charged.

B. Level 2 Fees

Level 2 Fees were established by SB 50 under Government Code Section 65995.5. In order for the a school district to impose Level 2 fees, a School Facilities Needs Analysis must be prepared in accordance with Government Code Section 65995.6. The school district must also meet two out of four statutory requirements set forth in Government Code Section 65995.5(b)(3) and have received State Allocation Board approval on an eligibility application that meets the eligibility requirements for new construction funding.

C. Level 3 Fees

Level 3 Fees were established by SB 50 under Government Code Section 65995.7 and can only be imposed if the State funds are determined to be exhausted. Level 3 Fees are established in the same manner as Level 2 Fees however they are determined based on 100% of projected costs rather than 50% of projected costs.

This Report identifies the cost of providing school facilities for students generated by future residential and commercial/industrial development, in order to justify the collection of developer fees on those developments and explains the relationship between the fees and the developments on which those fees are to be charged.

III. DISTRICT REQUIREMENTS FOR IMPOSING LEVEL 2 FEES

The Hughson Unified School District and Hickman Community Charter School District meet the State Eligibility Requirement set forth by Section 65995.5(b)(3) which is required to impose Level 2 fees. However, the Gratton School District and Roberts Ferry Union Elementary School District do not meet the two of the four requirements set forth by Section 65995.5(b)(3) needed to impose Level 2 fees and will be subject to Level 1 fees.

A. Section 65995.5(b)(1); State Eligibility Application Requirement

Hughson Unified School District

The District has made a timely application to the State Allocation Board for new construction funding for which it is eligible and meets the eligibility requirements for new construction funding.

Gratton School District

The Gratton School District has made a timely application to the State Allocation Board for new construction funding for which it is eligible and meets the eligibility requirements for new construction funding.

Hickman Community Charter School District

The Hickman Community Charter School District has made a timely application to the State Allocation Board for new construction funding for which it is eligible and meets the eligibility requirements for new construction funding.

Roberts Ferry Union Elementary School District

The Roberts Ferry Union Elementary School District has made a timely application to the State Allocation Board for new construction funding for which it is eligible and meets the eligibility requirements for new construction funding.

B. Section 65995.5(b)(3); Two of Four Requirements

Hughson Unified School District

1. The Hughson Unified School District has incurred debt in excess of 15% of current bonding capacity.
2. At least twenty percent of the teaching stations within the Hughson Unified School District are relocatable classrooms.
 - a. The District has 108 classrooms of which 52 are relocatable. Therefore approximately 48% of the District teaching stations are relocatable.

Gratton School District

Gratton School District does not meet two of the four requirements for Level 2 fees. However as identified in the following report the District will continued to be justified in levying Level 1 Fees Statutory fees.

Hickman Community Charter School District

1. Hickman Community Charter School District has incurred debt in excess of 15% of current bonding capacity.
2. At least twenty percent of the teaching stations within the Hickman Community Charter School District are relocatable classrooms.
 - a. The District has 28 classrooms of which 7 are relocatable. Therefore approximately 25% of the District teaching stations are relocatable.

Roberts Ferry Union Elementary School District

Roberts Ferry Union Elementary School District does not meet two of the four requirements for Level 2 fees. However as identified in the following report the District will continued to be justified in levying Level 1 Fees Statutory fees.

IV. SCHOOL FACILITIES NEEDS

In determining the School Districts existing and projected facilities needs a classroom inventory was completed for each School District by school site and updated based on facilities constructed under the School Facilities Program.

Pursuant to SB 50, existing school capacity is determined by a teaching station methodology whereby each permanent teaching station is counted and loaded at the rate of 25 students per classroom for grades K-6 and 27 students per classroom for grades 7-8 and 9-12. Pursuant to Education Code Section 17071.30(b), the maximum number of portable classrooms included within the capacity calculation shall not exceed 25% of the number of permanent classrooms.

The following Table identifies that based on SB 50 capacity calculations and current student enrollments, that all School Districts will require additional capacity for students from new development in grades K-12.

The Hughson Unified School District's current K-12 enrollments are over capacity by 318 students.

The Gratton School District current K-8 enrollments are near capacity with only 5 pupil seats available.

The Hickman Elementary School District current K-8 enrollments are over capacity by 222 pupils. While this calculation does include Independent Charter School enrollments many of these students attend onsite classes each week. In addition, some of the facilities included in the calculations are designated for Independent Charter School enrollments. Therefore, a continued facilities need remains.

Roberts Ferry Union Elementary School District current K-8 enrollments are over capacity by 23 students.

**Table 1
Existing Capacity / Enrollment Analysis by Grade Level**

Hughson Unified School District

	Permanent Clssrms	Relo Clssrms	Total Clssrms	Relos Excluded under SB 50	Eligible Clssrms under SB 50	State Loading	SB 50 Eligible Capacity	October 2011 Enrollments	Available Capacity
K-5	22	25	47	19.5	27.5	25	687.5	900	-212.5
6-8	13	12	25	8.75	16.25	27	438.75	461	-22.25
9-12	21	15	36	9.75	26.25	27	708.75	792	-83.25

Gratton Elementary School District¹

K-8	5	0	5	0	5	25/27	127	124	5
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Hickman Elementary School District

K-8	21	7	28	2	26	25/27	708	930	-222
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Roberts Ferry Elementary School District²

K-8	3	2	5	1.25	3.75	25/27	102	125	-23
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¹Lab not included as classroom.

²The District does not have a Library therefore one classroom was counted as a Library. The School District falls under Small Schools and the school site is under CDE recommended acres for number of classrooms.

V. PROJECT DEVELOPMENT AND UNHOUSED STUDENTS

An analysis of the new residential development projected to be constructed in the City of Hughson and Stanislaus County over the next five years determined a projected 156 units. The residential development information was provided by City of Hughson staff, local developers and an analysis of historical infill development in Stanislaus County.

Based on the yield rate analysis provided in the Hughson Unified School District 2008 Master Plan, the projected 156 units for the City of Hughson and Stanislaus County will yield approximately 99 unboxed K-12 students over the next five years.

**Table 2
5-Year Projection of New Residential Development and
Estimated Projection of Students From New Residential Development**

City of Hughson

Projected Residential Development	Type of Unit	Est. Square Feet	Total 5-Year Projection of Units
Euclid North (Fitzpatrick Homes)	SFD	2300-3600	15
Euclid South (Homestead/EF Communities)	SFD	2000-2700	15
Feathers Glen (Homestead/EF Communities)	SFD	2000-2700	20
Fontana Ranch Estates North	SFD	2000-3750	26
Fontana Ranch Estates South (Kiper)	SFD	2000-3750	24
Sterling Glen 3 (incl. Rush Property)	SFD	1219-2810	31
Total Number of Projected Units			131
Projected Students from New Residential Development			
Grade Level	Yield Rates¹		Total 5-Year Projection of Students
K-5	0.333		44
6-8	0.136		18
9-12	0.167		22
Total Projected Students from New Residential Development			84

Stanislaus County

Projected Residential Development	Type of Unit	Est. Square Feet	Total 5-Year Projection of Units²
Infill Residential Development	SFD	2031	25
Total Number of Projected Units			25
Projected Students from New Residential Development			
Grade Level	Yield Rates¹		Total 5-Year Projection of Students
K-5	0.333		8
6-8	0.136		3
9-12	0.167		4
Total Projected Students from New Residential Development			15

¹Yield Rates are from District 2008 Master Plan by SchoolWorks, Inc.

²Based on a historical 5-year analysis of residential development determining an annual average construction of 5 homes.

VI. PROJECTED FACILITIES NEEDS FOR PROJECTED NEW DEVELOPMENT

As identified above in Table 2 Hughson Unified School District and Hickman Community Charter School District have no available capacity to house students from projected new residential development and have met the requirements set forth in Government Codes 65995.5(b)(1) and 65595.5(b)(3).

Therefore the Districts may impose Level 2 developer fees based on the following calculations.

Gratton School District, La Grange School District and Roberts Ferry Union Elementary School District have a need for additional facilities may impose Level 1 developer fee based on the following calculations.

A. Projected New Residential Development Square Footage

A historical 5-year analysis of residential development within the Hughson Unified School District and Elementary Feeder School District boundaries both in the City and County determined that the average Single Family unit would be approximately 2,031 square feet. Multi-family average square footage is estimated to be 960 square foot. There was no available information to determine historical or projected square footage for multi-family units. See Appendix A, Average Square Footage Summary.

Therefore, the total projected new residential square footage for the City of Hughson is 266,061 and Stanislaus County is 50,775 as identified in Table 3 below.

**Table 3
Housing Type and Square Footage**

Housing Type	Number of Units	Average Square Footage	Total Square Footage
City of Hughson			
Single Family	131	2,031	266,061
Multi-Family	0	960	0
Total	131		266,061
Stanislaus County			
Single Family	25	2,031	50,775
Total	25		50,775

B. Projected New Construction Costs

Education Code Section 17072.10 establishes allowable cost factors for school construction that are used to determine the appropriate Alternative fee for new residential development. These cost factors were developed on a per-student basis and are based on approximately 50% of statewide school construction costs. The cost factors are also equivalent to the amount of State grant funding that school districts receive for new school construction.

1. State New Construction Per Pupil Grants

The new construction current State Per Pupil Grant amounts for K-12 pupils as of January 2012 are as follows. Note: Fire Detection/Alarm and Sprinkler grants are additional per pupil grants that are provided by the State for new construction projects and have been included where appropriate.

**Table 4
Estimated Construction Costs based on SB 50 Guidelines (2012)**

Type of State Funding	Elementary School (K-5)	Middle School (6-8)	High School (9-12)
Per pupil Grant	\$ 9,455	\$ 9,999	\$ 12,721
Fire Detection/Alarm	\$ 11	\$ 16	\$ 25
Sprinklers	\$ 159	\$ 189	n/a
Total Est. Cost per Pupil	\$ 9,625	\$ 10,204	\$ 12,746

City of Hughson

Projected Unhoused Pupils from New Development	44	18	22
Total Est. OPSC Construction Funding for New Construction	\$ 423,500	\$ 183,672	\$ 280,412
Total Est. District Match for New Construction	\$ 423,500	\$ 183,672	\$ 280,412
Total Est. Construction Costs for Projected Unhoused Students	\$ 847,000	\$ 367,344	\$ 560,824
	Total K-12		\$ 1,775,168

Stanislaus County

Projected Unhoused Pupils from New Development	8	3	\$ 4
Total Est. OPSC Construction Funding for New Construction	\$ 77,000	\$ 30,612	\$ 50,984
Total Est. District Match for New Construction	\$ 77,000	\$ 30,612	\$ 50,984
Total Est. Construction Costs for Projected Unhoused Students	\$ 154,000	\$ 61,224	\$ 101,968
	Total K-12		\$ 317,192

As calculated in Table 4 above, the projected State per pupil grants for the projected unhoused K-12 students from new residential construction in the City of Hughson is \$887,584 for a total estimated construction cost of \$1,775,168 which includes a 50% District match.

The State per pupil grants for the projected Unhoused K-12 students from new residential construction in the Stanislaus County is \$158,596 for a total estimated construction cost of \$317,192, which includes a 50% District match.

2. Site Acquisition

The California Department of Education (CDE) sets forth the required school site sizes for K-12 in the "Guide to School Site Analysis and Development, 2000 Edition." As identified in the following Table 5 the Hughson Unified School District Master Plan capacities approved by the Board for K-5 school sites is 700 pupils, 6-8 school sites is 1000 pupils and 9-12 school site is 1500 pupils, which was used to determine recommended CDE site size. However, the actual cost calculation utilized is based on students projected from new development and reflects site acquisition costs for specific amount of land needed to house projected unhoused students from new residential development regardless of current site size.

All School Districts elementary and middle school sites are under recommended site size for current capacity. The Hughson Unified School District recently purchased additional land for projected new high school student enrollments and therefore does not require additional land for expansion of high school.

Based on the CDE Guide for school sites and projected unhoused students from new residential development, projected site acquisition needs and costs were determined in Table 5 below.

Based on research of current market trends in the area, the average cost of land would be approximately \$30,000 per acre. In addition, the District is allowed to include costs up to 4% of actual purchase price of land for escrow, Phase I, PEA and related items.

Therefore the total allowable K-12 costs for site acquisition in the City of Hughson is \$34,712.23 and the total allowable K-12 costs for site acquisition in Stanislaus County is \$6,124.11.

**Table 5
Estimated Site Acquisition Costs**

	Elementary School (K-5)	Middle School (6-8)	High School (9-12)
Master Plan Enrollments	700	1000	1500
CDE Recommended Site Size (acres)	11.4	22	41.2
Estimated Cost per Acre	\$ 30,000	\$ 30,000	\$ 30,000
Total Estimated Cost for Land	\$ 342,000	\$ 660,000	\$ 1,236,000
4% Add'l Costs for Site Acquisition	\$ 13,680	\$ 26,400	\$ 49,440
Total Estimated Cost for Site Acquisition	\$ 355,680	\$ 686,400	\$ 1,285,440

City of Hughson

Total Projected Land Needs based on Projected Unhoused Students			
Projected Unhoused Students	44	18	22
Estimated Land Needed (acres)	0.717	0.396	0.604
Estimated Site Acquisition Costs for Projected Unhoused Students	\$ 22,357.03	\$ 12,355.20	\$ -
Total K-12			\$ 34,712.23

Stanislaus County

Total Projected Land Needs based on Projected Unhoused Students			
Projected Unhoused Students	8	3	4
Estimated Land Needed (acres)	0.130	0.066	0.110
Estimated Site Acquisition Costs for Projected Unhoused Students	\$ 4,064.91	\$ 2,059.20	\$ -
Total K-12			\$ 6,124.11

3. Additional Site Development Costs

The State construction cost calculation also includes costs for Service site development, Off-site development and Utilities. While these costs may vary, an analysis of State Allocation Board (SAB) approved additional site development costs of new school projects in Stanislaus County was completed. See Appendix A for detailed analysis.

Based on this analysis it was determined that additional site development costs would be as follows for the City of Hughson and Stanislaus County areas:

**Table 6
Additional Site Development Costs**

City of Hughson

Grade Level	Required Acres	Additional Site Development Costs
K-5	0.717	\$ 174,066.81
6-8	0.396	\$ 92,046.64
9-12	0.604	\$ 127,835.99
Total		\$ 393,949.44

Stanislaus County

Grade Level	Required Acres	Additional Site Development Costs
K-5	0.130	\$ 31,560.23
6-8	0.066	\$ 15,341.11
9-12	0.110	\$ 23,281.39
Total		\$ 70,182.73

4. Total Projected Construction Cost

When the projected State building construction costs, site acquisition and additional site development costs are combined, the estimated new construction costs to house projected K-12 students from new residential in the Hughson Unified School District (City of Hughson) are \$2,203,829.67. Total costs to house projected K-12 students from new residential development in Stanislaus County are \$393,498.84.

**Table 7
Total Projected Construction Costs**

City of Hughson

Grade Level	State Base Per Pupil Grants x 2	Estimated Site Acquisition	Estimated Additional Site Development Costs	100% Total Projected New Construction Costs
K-5	\$ 847,000	\$ 22,357.03	\$174,066.81	\$1,043,423.84
6-8	\$ 367,344	\$ 12,355.20	\$ 92,046.64	\$ 471,745.84
9-12	\$ 560,824	\$ 0	\$127,835.99	\$ 688,659.99
Total	\$1,775,168	\$ 34,712.23	\$393,949.44	\$2,203,829.67

Stanislaus County

Grade Level	State Base Per Pupil Grants x 2	Estimated Site Acquisition	Estimated Additional Site Development Costs	100% Total Projected New Construction Costs
K-5	\$154,000	\$ 4,064.91	\$ 31,560.23	\$189,625.14
6-8	\$61,224	\$ 2,059.20	\$ 15,341.11	\$ 78,624.31
9-12	\$101,968	\$ 0	\$ 23,281.39	\$125,249.39
Total	\$317,192	\$6,124.11	\$ 70,182.73	\$393,498.84

C. Net Projected Construction Cost

The formula used to calculate the Level 2 fee includes a reduction of total construction costs by other local funds that are not committed to providing school facilities for existing students. These funds include Level 1 fees, Mira fees, G.O. bonds, available surplus property, etc.

As noted previously the Hughson Unified School District and Hickman Community Charter District currently have unhoused students. Therefore all Level 1 fees and other available funds are committed to providing adequate housing and facilities for the existing students. Gratton School District, La Grange School District and Roberts Ferry Union Elementary School District have no available funds to house projected students.

The Hughson Unified School District has two properties that may be considered surplus in the future. However, one site has been determined to be non-useable for a school site and current real estate prices do not indicate a net profit on the sale of the school site. The second property, an old elementary school site, is currently being leased by the City and houses the District continuation high school and adult education programs.

D. Level 2 and 3 Fee per Square Foot Determination

Utilizing the data provided above the Level 2 fees per square foot for new residential development was calculated based on 50% of Total Estimated construction costs and total projected square footage from projected new development in the City of Hughson and Stanislaus County.

**Table 8
Level 2 Fee Calculation**

Area	Projected New Residential Units	50% of Total Estimated Construction Costs for New School Facilities	Total Projected Square Footage from New Residential Development	Level 2 Fee (per sq. foot)	Level 3 Fee (per Sq. foot)
City of Hughson	131	\$1,101,914.84	266,061	\$ 4.14	\$8.28
Stanislaus County	25	\$196,749.42	50,775	\$ 3.88	\$7.76

VII. RESIDENTIAL DEVELOPER FEE SUMMARY

Based on the findings herein, the Hughson Unified School District meet the requirements for levying Level 2 fees and has justified fees in the amount of \$4.14 per square foot for residential single family (attached and detached) and multi-family within the City of Hughson, and District 9-12 share (52% of K-12; Level 2 fee) of \$2.02 within Stanislaus County.

The Hickman Community Charter School District meets the requirements for levying Level 2 fees and has justified District K-8 share (48% of K-12) of Level 2 fees in the amount of \$1.86 per square foot for residential units within Stanislaus County.

Gratton School District, La Grange School District and Roberts Ferry Union Elementary School District are justified in continuing to collect Level 1 Statutory K-8 fees (48% of K-12) in the amount of \$1.54 per square of new residential development within respective School District boundaries of Gratton School District, La Grange School District and Roberts Ferry Union Elementary School District in Stanislaus County.

These fees should be established and levied on new residential development, with the exception of any residential development that is paying mitigation through a Mello-Roos CFD special tax.

VIII. NEW COMMERCIAL / INDUSTRIAL FEE JUSTIFICATION

The Commercial / Industrial Fee Justification analyzes the costs of providing school facilities for students generated by new commercial / industrial development.

Commercial / industrial (C/I) development will attract additional workers to the District, and a portion of those workers will have school-age children. Therefore, the additional workers will generate additional students in the Districts. As indicated in Section IV., the Districts do not have additional capacity to house new students generated from commercial / industrial development and this will create a fiscal impact on the Districts due to the additional need for new school facilities.

The following analysis calculates the following five factors together to calculate the school facility cost incurred by the District per square foot of new commercial / industrial development:

- C/I Development square footage per employee,
- District-Resident Employee Per Housing Unit Ratio,
- C/I Development square foot per housing unit,
- C/I Fee generated per housing unit
- Shortfall per Residential Unit

A. C/I Development Square Footage per Employee

Assembly Bill 530 provided that school districts may choose to utilize employee density standards such as those identified by the San Diego Association of Governments (SanDAG) to establish the number of employees per square foot of new commercial / industrial development projects.

B. Percentage of District Resident Employees

Based on District census data for Hughson Unified and Elementary Feeder School Districts, it is estimated that approximately 1.16 workers will be generated from each new unit of residential construction. In addition 0.36 (36%) of workers in each District also live in the District. When the housing unit ratio of 1.16 and the District-resident employee ratio of 0.36 are multiplied, it shows that each new unit of residential construction within the District will generate 0.42 District-resident employees.

C. C/I Development Square Footage per Housing Unit

When the C/I square footage per employee is multiplied by the District-Resident ratio per housing unit the C/I square footage per housing unit by category is determined.

D. C/I Fee Generated per Housing Unit

The C/I fee generated per unit of residential construction can be determined by multiplying the C/I square footage generated per housing unit by the current statutory C/I fee of \$0.51 per square foot.

E. Shortfall per Residential Unit

Based on projected construction costs in Table 7, it is estimated that the average school facility cost per K-12 student is \$26,236.06 (\$2,203,829.37 divided by 84 students) and the cost per housing unit is \$16,686.13 (housing unit avg. yield rate of 0.636 multiplied by \$26,236.06).

The shortfall amount is based on each housing unit generating a capital outlay requirement for K-12 facilities of \$16,686.13 and a residential fee revenue of \$8,408.34 (\$4.14 per square foot multiplied by the average unit size of 2,031 square feet). This leaves a funding shortfall of \$8,277.79.

F. Maximum Justified Fee

The Maximum Justified C/I fee is determined by dividing the funding shortfall by the C/I Fee square footage generated by each housing unit.

As Table 9 identifies, all categories of C/I development, result in a maximum justified fee exceeding the fee rate of \$0.51 per square foot as authorized by Statutory fee regulations. Based on this finding, the Districts are justified in levying a C/I fee of \$0.51 on all C/I development. In Stanislaus County, Hughson Unified School District would receive \$0.27 (52%) and Elementary Feeder School Districts would receive \$0.24 (48%).

**Table 9
Calculation of Commercial / Industrial Fees with Residential Offset**

Development Category	Employee Density		District-Resident Per Unit Ratio	C/I Sq. Ft. Per Housing Unit	C/I Fee Generated Per Housing Unit @ \$0.51 Per Sq. Ft.	Shortfall per Residential Unit	Maximum Justified C/I Fee Per Sq. Ft.
	Employees per 1,000 Sq. Ft. ¹	Sq. Ft. Per Employee ¹					
Office	3.51	285	0.42	120	\$ 61.05	\$ 8,277.79	\$ 69.15
Retail/Service	1.87	534	0.42	224	\$ 114.38	\$ 8,277.79	\$ 36.91
Light Industrial	3.29	304	0.42	128	\$ 65.12	\$ 8,277.79	\$ 64.83
Heavy Industrial	2.22	450	0.42	189	\$ 96.39	\$ 8,277.79	\$ 43.80
Warehouse	1.28	780	0.42	328	\$ 167.08	\$ 8,277.79	\$ 25.27
Lodging	1.13	885	0.42	372	\$ 189.57	\$ 8,277.79	\$ 22.27
Hospitals	2.75	364	0.42	153	\$ 77.97	\$ 8,277.79	\$ 54.15
Self Storage	0.06	15500	0.42	6510	\$ 3,320.10	\$ 8,277.79	\$ 1.27

¹Employee Density Source SanDAG

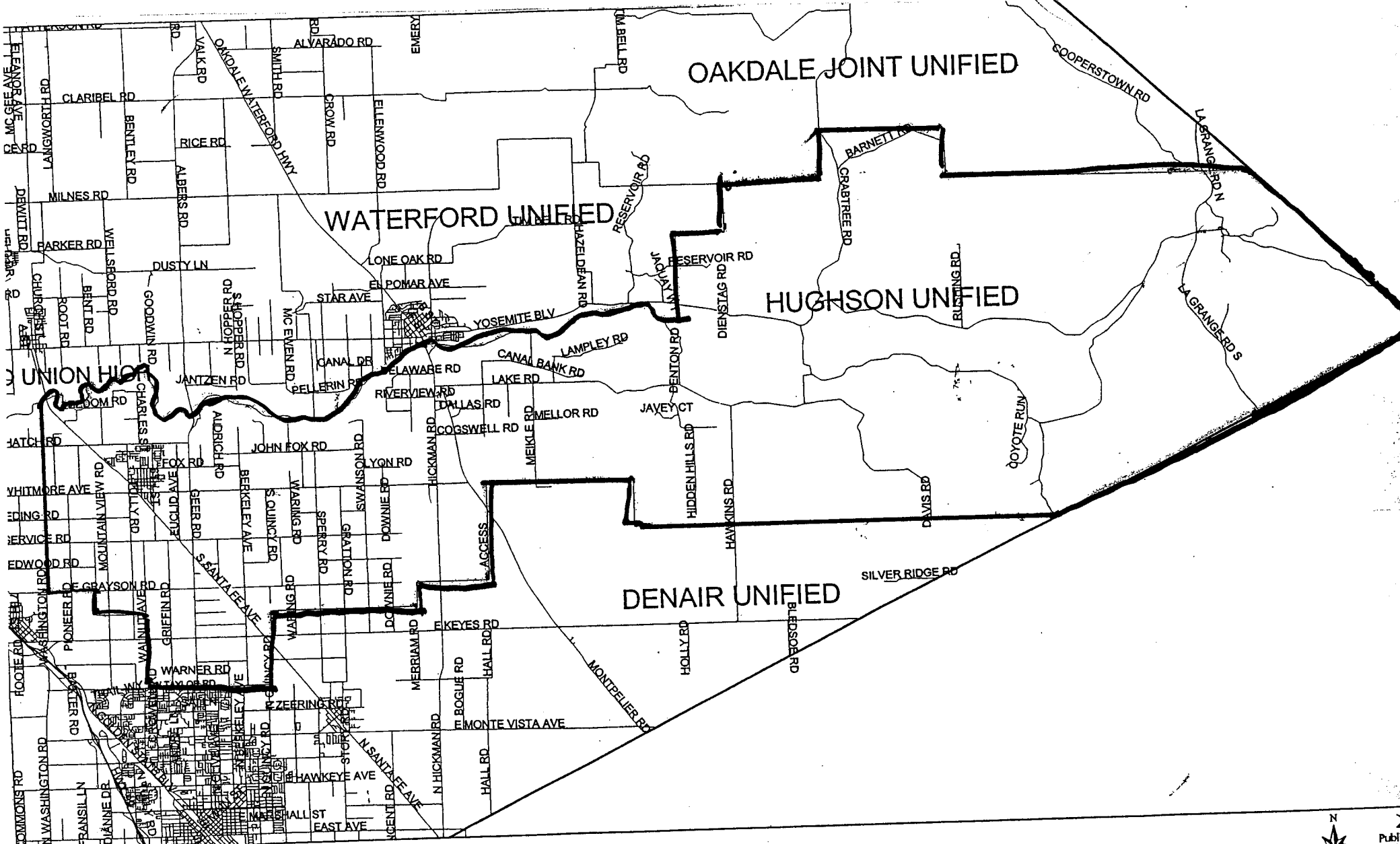
APPENDIX A

District Map

Approved Eligibility

Site Development Costs

Average Square Footage Summary



HUGHSON UNIFIED SCHOOL DISTRICT



4630 0 4630 9260 Feet

This map is for display purposes only. Map printed: 11/8/2004

**Table A-1
Approved State New Construction Eligibility**

	K-6	7-8	9-12	Non Severe SDC	Severe SDC
Hughson Unified School District					
Established Eligibility	224	-187	87	0	0
SAB Approvals/Adjustments	281	187	276	45	0
Remaining Eligibility	505	0	363	45	0
Gratton Elementary School District					
Established Eligibility	1	3	0	0	0
SAB Approvals/Adjustments	7	8	0	0	4
Remaining Eligibility	8	11	0	0	4
Hickman Elementary School District (Community Charter District)					
Established Eligibility	6	-39	0	-3	0
SAB Approvals/Adjustments	0	0	0	0	0
Remaining Eligibility	6	-39	0	-3	0
La Grange Elementary School District					
Established Eligibility	84	-10	0	22	8
SAB Approvals/Adjustments	0	0	0	0	0
Remaining Eligibility	84	-10	0	22	8
Roberts Ferry Union Elementary School District					
Established Eligibility	-37	25	0	0	0
SAB Approvals/Adjustments	54	-17	0	0	0
Remaining Eligibility	17	8	0	0	0

2012 School Facilities Needs Analysis and Developer Fee Justification Study

Table A-2
Additional Site Development Costs based on New Construction School Projects Approved by OPSC

Comparison New Construction School Projects Approved by OPSC	OPSC Approved Add'l Site Development Costs (100%)	Escalation based on current 2012 Construction Cost B Index	Adjusted Add'l Site Development Costs as of 2/2012	Total Acreage	Add'l Site Development Costs Per Acre
New Elementary Schools					
Ceres Unified; Adkison Elementary	\$ 2,141,828	46%	\$ 3,121,500	11.26	\$ 277,220
Oakdale Joint Unified; Sierra Elementary	\$ 1,575,260	45.47%	\$ 2,291,531	11	\$ 208,321
Average Add'l Site Development Costs per Acre for Elementary School Projects					\$ 242,771
New Middle Schools					
Sylvan Union Elementary; Savage Middle	\$ 3,609,066	16.94%	\$ 4,220,442	18.41	\$ 229,247
Empire Union Elementary; Glick Middle	\$ 2,519,852	45.41%	\$ 3,664,117	15.55	\$ 235,635
Average Add'l Site Development Costs per Acre for Middle School Projects					\$ 232,441
New High Schools					
Stockton Unified; Cesar Chavez High	\$ 8,959,088	45.41%	\$ 13,027,410	49.13	\$ 265,162
Modesto City High; Enochs High	\$ 8,143,920	27.38%	\$ 10,373,725	65.6	\$ 158,136
Average Add'l Site Development Costs per Acre for High School Projects					\$ 211,649

Table A-3
Average Square Footage Summary

School Year	# of Units	Total Square Footage
2006/07	47	98,792
2007/08	17	33,699
2008/09	24	49,066
2009/10	14	28,165
2010/11	23	44,192
Total	125	253,914
Average Square Foot per Unit		2031

APPENDIX B

School Facilities Needs Analysis

and

Developer Fee Regulations

2012 School Facilities Needs Analysis and Developer Fee Justification Study

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 65995-65998

65995. (a) Except for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), a fee, charge, dedication, or other requirement for the construction or reconstruction of school facilities may not be levied or imposed in connection with, or made a condition of, any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization, as defined in Section 56021 or 56073.

(b) Except as provided in Sections 65995.5 and 65995.7, the amount of any fees, charges, dedications, or other requirements authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), or both, may not exceed the following:

(1) In the case of residential construction, including the location, installation, or occupancy of manufactured homes and mobilehomes, one dollar and ninety-three cents (\$1.93) per square foot of assessable space. "Assessable space," for this purpose, means all of the square footage within the perimeter of a residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, detached accessory structure, or similar area.

The amount of the square footage within the perimeter of a residential structure shall be calculated by the building department of the city or county issuing the building permit, in accordance with the standard practice of that city or county in calculating structural perimeters. "Manufactured home" and "mobilehome" have the meanings set forth in subdivision (f) of Section 17625 of the Education Code. The application of any fee, charge, dedication, or other form of requirement to the location, installation, or occupancy of manufactured homes and mobilehomes is subject to Section 17625 of the Education Code.

(2) In the case of any commercial or industrial construction, thirty-one cents (\$0.31) per square foot of chargeable covered and enclosed space. "Chargeable covered and enclosed space," for this purpose, means the covered and enclosed space determined to be within the perimeter of a commercial or industrial structure, not including any storage areas incidental to the principal use of the construction, garage, parking structure, unenclosed walkway, or utility or disposal area. The determination of the chargeable covered and enclosed space within the perimeter of a commercial or industrial structure shall be made by the building department of the city or county issuing the building permit, in accordance with the building standards of that city or county.

(3) The amount of the limits set forth in paragraphs (1) and (2) shall be increased in 2000, and every two years thereafter, according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting, which increase shall be effective as of the date of that meeting.

2012 School Facilities Needs Analysis and Developer Fee Justification Study

(c) (1) Notwithstanding any other provision of law, during the term of a contract entered into between a subdivider or builder and a school district, city, county, or city and county, whether general law or chartered, on or before January 1, 1987, that requires the payment of a fee, charge, or dedication for the construction of school facilities as a condition to the approval of residential construction, neither Section 17620 of the Education **Code** nor this chapter applies to that residential construction.

(2) Notwithstanding any other provision of state or local law, construction that is subject to a contract entered into between a person and a school district, city, county, or city and county, whether general law or chartered, after January 1, 1987, and before the operative date of the act that adds paragraph (3) that requires the payment of a fee, charge, or dedication for the construction of school facilities as a condition to the approval of construction, may not be affected by the act that adds paragraph (3).

(3) Notwithstanding any other provision of state or local law, until January 1, 2000, any construction not subject to a contract as described in paragraph (2) that is carried out on real property for which residential development was made subject to a condition relating to school facilities imposed by a state or local agency in connection with a legislative act approving or authorizing the residential development of that property after January 1, 1987, and before the operative date of the act adding this paragraph, shall be required to comply with that condition.

Notwithstanding any other provision of state or local law, on and after January 1, 2000, any construction not subject to a contract as described in paragraph (2) that is carried out on real property for which residential development was made subject to a condition relating to school facilities imposed by a state or local agency in connection with a legislative act approving or authorizing the residential development of that property after January 1, 1987, and before the operative date of the act adding this paragraph, may not be subject to a fee, charge, dedication, or other requirement exceeding the amount specified in paragraphs (1) and (2) of subdivision (b), or, if a district has increased the limit specified in paragraph (1) of subdivision (b) pursuant to either Section **65995.5** or **65995.7**, that increased amount.

(4) Any construction that is not subject to a contract as described in paragraph (2), or to paragraph (3), and that satisfies both of the requirements of this paragraph, may not be subject to any increased fee, charge, dedication, or other requirement authorized by the act that adds this paragraph beyond the amount specified in paragraphs (1) and (2) of subdivision (b).

(A) A tentative map, development permit, or conditional use permit was approved before the operative date of the act that amends this subdivision.

(B) A building permit is issued before January 1, 2000.

(d) For purposes of this chapter, "construction" means new construction and reconstruction of existing building for residential, commercial, or industrial. "Residential, commercial, or industrial construction" does not include any facility used exclusively for religious purposes that is thereby exempt from property taxation under the laws of this state, any facility used exclusively as a private full-time day school as described in Section 48222 of the Education **Code**, or any facility that is owned and occupied by one or more agencies of federal, state, or local **government**. In addition,

2012 School Facilities Needs Analysis and Developer Fee Justification Study

"commercial or industrial construction" includes, but is not limited to, any hotel, inn, motel, tourist home, or other lodging for which the maximum term of occupancy for guests does not exceed 30 days, but does not include any residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code.

(e) The Legislature finds and declares that the financing of school facilities and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities are matters of statewide concern. For this reason, the Legislature hereby occupies the subject matter of requirements related to school facilities levied or imposed in connection with, or made a condition of, any land use approval, whether legislative or adjudicative act, or both, and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities, to the exclusion of all other measures, financial or nonfinancial, on the subjects. For purposes of this subdivision, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(f) Nothing in this section shall be interpreted to limit or prohibit the use of Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 to finance the construction or reconstruction of school facilities. However, the use of Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 may not be required as a condition of approval of any legislative or adjudicative act, or both, if the purpose of the community facilities district is to finance school facilities.

(g) (1) The refusal of a person to agree to undertake or cause to be undertaken an act relating to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5, including formation of, or annexation to, a community facilities district, voting to levy a special tax, or authorizing another to vote to levy a special tax, may not be a factor when considering the approval of a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, if the purpose of the community facilities district is to finance school facilities.

(2) If a person voluntarily elects to establish, or annex into, a community facilities district and levy a special tax approved by landowner vote to finance school facilities, the present value of the special tax specified in the resolution of formation shall be calculated as an amount per square foot of assessable space and that amount shall be a credit against any applicable fee, charge, dedication, or other requirement for the construction or reconstruction of school facilities. For purposes of this paragraph, the calculation of present value shall use the interest rate paid on the United States Treasury's 30-year bond on the date of the formation of, or annexation to, the community facilities district, as the capitalization rate.

(3) For purposes of subdivisions (f), (h), and (i), and this subdivision, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(h) The payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code in the amount specified in Section 65995 and, if

2012 School Facilities Needs Analysis and Developer Fee Justification Study

applicable, any amounts specified in Section **65995.5** or **65995.7** are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities.

(i) A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section **65995.5** or **65995.7**, as applicable.

65995.1. (a) Notwithstanding any other provision of law, as to any development project for the construction of senior citizen housing, as described in Section 51.3 of the Civil **Code**, a residential care facility for the elderly as described in subdivision (k) of Section 1569.2 of the Health and Safety **Code**, or a multilevel facility for the elderly as described in paragraph (9) of subdivision (d) of Section 15432, any fee, charge, dedication, or other form of requirement that is levied under Section 53080 may be applied only to new construction, and is subject to the limits and conditions applicable under subdivision (b) of Section **65995** in the case of commercial or industrial development.

(b) Notwithstanding any other provision of law, as to any development project for the construction of agricultural migrant worker housing financed in whole or part pursuant to Chapter 8.5 (commencing with Section 50710) of Part 2 of Division 31 of the Health and Safety **Code**, no fees, charges, dedications, or other forms of requirements that are levied under Section 53080 shall be applied to new construction, reconstruction, or rehabilitation of this housing. The exemption provided by this subdivision shall be applicable only to that agricultural migrant worker housing which is owned by the state and which is subject to a contract ensuring compliance with the requirements of Chapter 8.5 (commencing with Section 50710) of Part 2 of Division 31 of the Health and Safety **Code**.

(c) Any development project against which school facilities fees or other requirements have been levied or waived in accordance with the limit or exemption set forth in subdivision (a) or (b) may be converted to any use other than those uses described in the statutes cited in that subdivision only with the approval of the city or county that issued the building permit for the project. That approval shall not be granted absent certification by the appropriate school district that payment has been made on the part of the development project at the rate of the school facilities fee, charge, dedication, or other form of requirement applied by the district under Section 53080 to residential development as of the date of conversion, less the amount of any school facilities fees or other requirements paid on the part of the project in accordance with the limits set forth in subdivision (a) or (b).

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65995.2. (a) Notwithstanding any other provision of law, the imposition of any fee, charge, dedication, or other requirement authorized under Section 53080, or Chapter 4.7 (commencing with Section 65970), or both, against any manufactured home or mobilehome that is located within a mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, in which residence is limited to older persons, as defined pursuant to the federal Fair Housing Amendments Act of 1988, is subject to the limits and conditions that are applicable under subdivision (b) of Section **65995** in the case of commercial and industrial development.

(b) Any mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, in which school facilities fees, charges, dedications, or other requirements have been imposed against one or more manufactured homes or mobilehomes in accordance with the limit set forth in subdivision (a) may subsequently choose to permit the residence of persons other than older persons, in which event it shall so notify the appropriate school district and city or county. As a condition of the first sale, subsequent to that notification, of each manufactured home or mobilehome in the mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, payment shall be made to the school district in the amount of the school facilities fee or other requirement applied by the district under Section 53080, or Chapter 4.7 (commencing with Section 65970), or both, to residential development as of the date of that sale, less the amount of any school facilities fees, charges, dedications, or other requirements imposed against that manufactured home or mobilehome in accordance with the limits described in subdivision (a). Any prospective purchaser of a manufactured home or mobilehome that is subject to the requirement set forth in this subdivision shall be given written notice of the existence of that requirement by the seller prior to entering into any contract for that purchase.

(c) Compliance on the part of any manufactured home or mobilehome with any additional fee or other requirement applied by the school district pursuant to subdivision (b), and certification by the appropriate school district of that compliance, shall be required as a condition of the following, as applicable:

(1) The close of escrow of the first sale of the manufactured home or mobilehome following the notice required by subdivision (b), where the manufactured home or mobilehome is to be located, installed, or occupied in a mobilehome park that has chosen to permit the residence of persons other than older persons pursuant to subdivision (b) and the sale or transfer of the manufactured home or mobilehome is subject to escrow as provided in Section 18035 or 18035.2 of the Health and Safety **Code**.

(2) The approval of the manufactured home or mobilehomes for initial occupancy pursuant to Section 18551 or 18613 of the Health and Safety **Code** following the notice required by subdivision (b), where the manufactured home or mobilehome is to be located, installed, or occupied in a mobilehome park that has chosen to permit the residence of persons other than older persons pursuant to subdivision (b), in the event that paragraph (1) does not apply.

65995.5. (a) The governing board of a school district may impose

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the amount calculated pursuant to this section as an alternative to the amount that may be imposed on residential construction calculated pursuant to subdivision (b) of Section **65995**.

(b) To be eligible to impose the fee, charge, dedication, or other requirement up to the amount calculated pursuant to this section, a governing board shall do all of the following:

(1) Make a timely application to the State Allocation Board for new construction funding for which it is eligible and be determined by the board to meet the eligibility requirements for new construction funding set forth in Article 2 (commencing with Section 17071.10) and Article 3 (commencing with Section 17071.75) of Chapter 12.5 of Part 10 of the Education **Code**. A governing board that submits an application to determine the district's eligibility for new construction funding shall be deemed eligible if the State Allocation Board fails to notify the district of the district's eligibility within 120 days of receipt of the application.

(2) Conduct and adopt a school facility needs analysis pursuant to Section **65995.6**.

(3) Until January 1, 2000, satisfy at least one of the requirements set forth in subparagraphs (A) to (D), inclusive, and, on and after January 1, 2000, satisfy at least two of the requirements set forth in subparagraphs (A) to (D), inclusive:

(A) The district is a unified or elementary school district that has a substantial enrollment of its elementary school pupils on a multitrack year-round schedule. "Substantial enrollment" for purposes of this paragraph means at least 30 percent of district pupils in kindergarten and grades 1 to 6, inclusive, in the high school attendance area in which all or some of the new residential units identified in the needs analysis are planned for construction. A high school district shall be deemed to have met the requirements of this paragraph if either of the following apply:

(i) At least 30 percent of the high school district's pupils are on a multitrack year-round schedule.

(ii) At least 40 percent of the pupils enrolled in public schools in kindergarten and grades 1 to 12, inclusive, within the boundaries of the high school attendance area for which the school district is applying for new facilities are enrolled in multitrack year-round schools.

(B) The district has placed on the ballot in the previous four years a local general obligation bond to finance school facilities and the measure received at least 50 percent plus one of the votes cast.

(C) The district meets one of the following:

(i) The district has issued debt or incurred obligations for capital outlay in an amount equivalent to 15 percent of the district's local bonding capacity, including indebtedness that is repaid from property taxes, parcel taxes, the district's general fund, special taxes levied pursuant to Section 4 of Article XIII A of the California Constitution, special taxes levied pursuant to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 that are approved by a vote of registered voters, special taxes levied pursuant to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 that are approved by a vote of landowners prior to November 4, 1998, and revenues received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety **Code**). Indebtedness or other obligation to finance school facilities to be owned, leased, or used by the

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district, that is incurred by another public agency, shall be counted for the purpose of calculating whether the district has met the debt percentage requirement contained herein.

(ii) The district has issued debt or incurred obligations for capital outlay in an amount equivalent to 30 percent of the district's local bonding capacity, including indebtedness that is repaid from property taxes, parcel taxes, the district's general fund, special taxes levied pursuant to Section 4 of Article XIII A of the California Constitution, special taxes levied pursuant to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 that are approved by a vote of registered voters, special taxes levied pursuant to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 that are approved by a vote of landowners after November 4, 1998, and revenues received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code). Indebtedness or other obligation to finance school facilities to be owned, leased, or used by the district, that is incurred by another public agency, shall be counted for the purpose of calculating whether the district has met the debt percentage requirement contained herein.

(D) At least 20 percent of the teaching stations within the district are relocatable classrooms.

(c) The maximum square foot fee, charge, dedication, or other requirement authorized by this section that may be collected in accordance with Chapter 6 (commencing with Section 17620) of Part 10.5 of the Education Code shall be calculated by a governing board of a school district, as follows:

(1) The number of unhoused pupils identified in the school facilities needs analysis shall be multiplied by the appropriate amounts provided in subdivision (a) of Section 17072.10. This sum shall be added to the site acquisition and development cost determined pursuant to subdivision (h).

(2) The full amount of local funds the governing board has dedicated to facilities necessitated by new construction shall be subtracted from the amount determined pursuant to paragraph (1). Local funds include fees, charges, dedications, or other requirements imposed on commercial or industrial construction.

(3) The resulting amount determined pursuant to paragraph (2) shall be divided by the projected total square footage of assessable space of residential units anticipated to be constructed during the next five-year period in the school district or the city and county in which the school district is located. The estimate of the projected total square footage shall be based on information available from the city or county within which the residential units are anticipated to be constructed or a market report prepared by an independent third party.

(d) A school district that has a common territorial jurisdiction with a district that imposes the fee, charge, dedication, or other requirement up to the amount calculated pursuant to this section or Section 65995.7, may not impose a fee, charge, dedication, or other requirement on residential construction that exceeds the limit set forth in subdivision (b) of Section 65995 less the portion of that amount it would be required to share pursuant to Section 17623 of the Education Code, unless that district is eligible to impose the fee, charge, dedication, or other requirement up to the amount calculated pursuant to this section or Section 65995.7.

(e) Nothing in this section is intended to limit or discourage the

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joint use of school facilities or to limit the ability of a school district to construct school facilities that exceed the amount of funds authorized by Section 17620 of the Education Code and provided by the state grant program, if the additional costs are funded solely by local revenue sources other than fees, charges, dedications, or other requirements imposed on new construction.

(f) Except as provided in paragraph (5) of subdivision (a) of Section 17620 of the Education Code, a fee, charge, dedication, or other requirement authorized under this section and Section 65995.7 shall be expended solely on the school facilities identified in the needs analysis as being attributable to projected enrollment growth from the construction of new residential units. This subdivision does not preclude the expenditure of a fee, charge, dedication, or other requirement, authorized pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 17620, on school facilities identified in the needs analysis as necessary due to projected enrollment growth attributable to the new residential units.

(g) "Residential units" and "residences" as used in this section and in Sections 65995.6 and 65995.7 means the development of single-family detached housing units, single-family attached housing units, manufactured homes and mobilehomes, as defined in subdivision (f) of Section 17625 of the Education Code, condominiums, and multifamily housing units, including apartments, residential hotels, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, and stock cooperatives, as defined in Section 1351 of the Civil Code.

(h) Site acquisition costs shall not exceed half of the amount determined by multiplying the land acreage determined to be necessary under the guidelines of the State Department of Education, as published in the "School Site Analysis and Development Handbook," as that handbook read as of January 1, 1998, by the estimated cost determined pursuant to Section 17072.12 of the Education Code. Site development costs shall not exceed the estimated amount that would be funded by the State Allocation Board pursuant to its regulations governing grants for site development costs.

65995.6. (a) The school facilities needs analysis required by paragraph (2) of subdivision (b) of Section 65995.5 shall be conducted by the governing board of a school district to determine the need for new school facilities for unhoused pupils that are attributable to projected enrollment growth from the development of new residential units over the next five years. The school facilities needs analysis shall project the number of unhoused elementary, middle, and high school pupils generated by new residential units, in each category of pupils enrolled in the district. This projection of unhoused pupils shall be based on the historical student generation rates of new residential units constructed during the previous five years that are of a similar type of unit to those anticipated to be constructed either in the school district or the city or county in which the school district is located, and relevant planning agency information, such as multiphased development projects, that may modify the historical figures. For purposes of this paragraph, "type" means a single

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family detached, single family attached, or multifamily unit. The existing school building capacity shall be calculated pursuant to Article 2 (commencing with Section 17071.10) of Chapter 12.5 of Part 10 of the Education Code. The existing school building capacity shall be recalculated by the school district as part of any revision of the needs analysis pursuant to subdivision (e) of this section. If a district meets the requirements of paragraph (3) of subdivision (b) of Section 65995.5 by having a substantial enrollment on a multitrack year-round schedule, the determination of whether the district has school building capacity area shall reflect the additional capacity created by the multitrack year-round schedule.

(b) When determining the funds necessary to meet its facility needs, the governing board shall do each of the following:

(1) Identify and consider any surplus property owned by the district that can be used as a schoolsite or that is available for sale to finance school facilities.

(2) Identify and consider the extent to which projected enrollment growth may be accommodated by excess capacity in existing facilities.

(3) Identify and consider local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the construction or reconstruction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units.

(c) The governing board shall adopt the school facility needs analysis by resolution at a public hearing. The school facilities needs analysis may not be adopted until the school facilities needs analysis in its final form has been made available to the public for a period of not less than 30 days during which time the school facilities needs analysis shall be provided to the local agency responsible for land use planning for its review and comment. Prior to the adoption of the school facilities needs analysis, the public shall have the opportunity to review and comment on the school facilities needs analysis and the governing board shall respond to written comments it receives regarding the school facilities needs analysis.

(d) Notice of the time and place of the hearing, including the location and procedure for viewing or requesting a copy of the proposed school facilities needs analysis and any proposed revision of the school facilities needs analysis, shall be published in at least one newspaper of general circulation within the jurisdiction of the school district that is conducting the hearing no less than 30 days prior to the hearing. If there is no paper of general circulation, the notice shall be posted in at least three conspicuous public places within the jurisdiction of the school district not less than 30 days prior to the hearing. In addition to these notice requirements, the governing board shall mail a copy of the school facilities needs analysis and any proposed revision to the school facilities needs analysis not less than 30 days prior to the hearing to any person who has made a written request if the written request was made 45 days prior to the hearing. The governing board may charge a fee reasonably related to the cost of providing these materials to those persons who request the school facilities needs analysis or revision.

(e) The school facilities needs analysis may be revised at any time in the same manner, and the revision is subject to the same conditions and requirements, applicable to the adoption of the school

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facilities needs analysis.

(f) A fee, charge, dedication, or other requirement in an amount authorized by this section or Section **65995.7**, shall be adopted by a resolution of the governing board as part of the adoption or revision of the school facilities needs analysis and may not be effective for more than one year. Notwithstanding subdivision (a) of Section 17621 of the Education **Code**, or any other provision of law, the fee, charge, dedication, or other requirement authorized by the resolution shall take effect immediately after the adoption of the resolution.

(g) Division 13 (commencing with Section 21000) of the Public Resources **Code** may not apply to the preparation, adoption, or update of the school facilities needs analysis, or adoption of the resolution specified in this section.

(h) Notice and hearing requirements other than those provided in this section may not be applicable to the adoption or revision of a school facilities needs analysis or the resolutions adopted pursuant to this section.

65995.7. (a) (1) If state funds for new school facility construction are not available, the governing board of a school district that complies with Section **65995.5** may increase the alternative fee, charge, dedication, or other requirement calculated pursuant to subdivision (c) of Section **65995.5** by an amount that may not exceed the amount calculated pursuant to subdivision (c) of Section **65995.5**, except that for the purposes of calculating this additional amount, the amount identified in paragraph (2) of subdivision (c) of Section **65995.5** may not be subtracted from the amount determined pursuant to paragraph (1) of subdivision (c) of Section **65995.5**. For purposes of this section, state funds are not available if the State Allocation Board is no longer approving apportionments for new construction pursuant to Article 5 (commencing with Section 17072.20) of Chapter 12.5 of Part 10 of the Education **Code** due to a lack of funds available for new construction. Upon making a determination that state funds are no longer available, the State Allocation Board shall notify the Secretary of the Senate and the Chief Clerk of the Assembly, in writing, of that determination and the date when state funds are no longer available for publication in the respective journal of each house. For the purposes of making this determination, the board shall not consider whether funds are available for, or whether it is making preliminary apportionments or final apportionments pursuant to, Article 11 (commencing with Section 17078.10).

(2) Paragraph (1) shall become inoperative commencing on the effective date of the measure that amended this section to add this paragraph, and shall remain inoperative through the earlier of either of the following:

(A) November 5, 2002, if the voters reject the Kindergarten University Public Education Facilities Bond Act of 2002, after which date paragraph (1) shall again become operative.

(B) The date of the 2004 direct primary election after which date paragraph (1) shall again become operative.

(b) A governing board may offer a reimbursement election to the person subject to the fee, charge, dedication, or other requirement that provides the person with the right to monetary reimbursement of

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the supplemental amount authorized by this section, to the extent that the district receives funds from state sources for construction of the facilities for which that amount was required, less any amount expended by the district for interim housing. At the option of the person subject to the fee, charge, dedication, or other requirement the reimbursement election may be made on a tract or lot basis. Reimbursement of available funds shall be made within 30 days as they are received by the district.

(c) A governing board may offer the person subject to the fee, charge, dedication, or other requirement an opportunity to negotiate an alternative reimbursement agreement if the terms of the agreement are mutually agreed upon.

(d) A governing board may provide that the rights granted by the reimbursement election or the alternative reimbursement agreement are assignable.