

Chapter 3.40 - FINANCING OF INTERIM SCHOOL FACILITIES

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3.40.010 - Purpose.

The purpose of this chapter is to provide methods for financing interim classroom and related facilities for elementary and high schools where it has been determined that conditions of overcrowding exist so that the impact of new residential developments on the schools will be mitigated.

(Prior code § 3-5.01)

3.40.020 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Classroom and related facilities" means capital improvements as defined in the Education Code of the state.

"Conditions of overcrowding" means that the total enrollment of an attendance area, including the enrollment from proposed developments, exceeds the capacity of such attendance area as determined by the governing body of the district.

"Reasonable methods for mitigating conditions of overcrowding" means and includes, but is not limited to, agreements between a subdivider and the effected school district whereby temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used.

"Residential development" means a project containing residential dwellings, including mobilehomes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.

"Yield rate" means the average number of students per residential unit within the several school districts as determined by demographic studies conducted by the school districts. A yield rate shall be provided by the school districts for each of the following classifications of residential units:

1. Single-family residences;
2. Duplexes;

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3. Apartment buildings (per apartment); and
4. Mobilehomes.

For the purposes of this section, condominium or townhouse units shall be classified as apartment units.

(Prior code § 3-5.02)

3.40.030 - School district findings.

- A. Notices of Findings. The governing body of a school district which operates an elementary or high school shall notify the city if the governing body makes a finding supported by clear and convincing evidence that:
 1. Conditions of overcrowding exist in one or more attendance areas within the district serving the city, which conditions will impair the normal functioning of educational programs. The reason for such conditions existing shall be stated; and
 2. All reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exist.
- B. Mitigation Measures. The notice of findings sent to the city shall specify the mitigation measures considered by the school district. Mitigation measures to be considered by the school district shall include, but not be limited to, the following:
 1. School bond elections;
 2. Double sessions;
 3. Adjustment of interior and exterior school attendance boundaries; and
 4. Bussing of students to other schools within the district.

With respect to each such mitigation measure considered, the district's findings shall state in detail how such mitigation measure was evaluated, why it is not feasible to utilize such mitigation measure and why such mitigation measure, if used, would not serve to remove overcrowding as an impairment to the normal functioning of educational programs.

- C. Effects of Council Concurrence. If the council concurs in the findings of the school district, the provisions of this chapter shall be applicable to actions taken on residential developments in the affected attendance areas of the city by the planning commission and the city.

(Prior code § 3-5.03)

3.40.040 - Application of mitigation measures—Exceptions.

Within the attendance area where it has been determined pursuant to [Section 3.40.030](#) of this chapter that conditions of overcrowding exist, no rezoning of property to a residential use, application for a discretionary permit for residential use or tentative major or minor subdivision map shall be approved within such area without the dedication of land or the payment of fees as required by [Section 3.40.050](#) of this chapter, unless the city finds specific overriding fiscal, economic, social or environmental factors which, in the judgment of the council, would benefit the city, thereby justifying the approval of a residential development.

(Prior code § 3-5.04)

3.40.050 - Residential developments—Approval—Requirements.

- A. For the purpose of establishing an interim method of providing classroom facilities where overcrowding conditions exist as determined necessary pursuant to [Section 3.40.030](#) of this chapter, an applicant or subdivider shall be required to dedicate land, pay fees in lieu thereof or a combination of both as a condition of approval of a residential development provided the applicable general plan provides for the location of schools and the council finds that the facilities to be constructed from such fees or the land to be dedicated or both, is consistent with the general plan.
- B. A fee shall be paid for each unit of a residential development approved within an overcrowded attendance area. Such fee shall be determined in the following manner: the cost per square foot of one portable classroom, multiplied by the number of square feet required for each student (fifty (50) square feet for kindergarten through eighth grades and fifty-five (55) square feet for grades nine through twelve (12)), multiplied by the yield rate for the attendance area, shall equal the fee to be paid for each unit. This formula may be shown as follows:

Cost of one portable classroom X 50 (K-8) X yield fee per square feet in classroom 55 (9-12)
rate = unit
- C. At the beginning of each fiscal year, estimates shall be obtained for the price of a portable classroom for the upcoming school year and, if necessary, adjustments shall be made in the formula to reflect such change in price. Whenever a school district determines, as a result of a demographic study or update of a demographic study, that there has been a change in the yield rates within the district, the district shall immediately notify the city of such change and thereafter the formula for the district shall be adjusted to reflect such change.
- D. In subdivisions containing fifty (50) parcels or less, only the payment of fees shall be required. In larger subdivisions the school district shall be consulted to determine whether a dedication of land should be required, taking into consideration whether the location and amount of land to be made available could be effectively utilized by the school district.
- E. If a dedication of land is required, the amount of fees to be paid under this section shall be reduced by an amount equal to the fair market value of the land dedicated. Such value shall be the value of the land with subdivision improvements and shall be determined by an appraisal by the city assessor. The balance of fees due, if any, shall be divided equally among all the units of the development.
- F. The land or fees or both, transferred to a school district shall be used only for the purpose of providing interim elementary or high school classroom and related facilities.
- G. If the payment of fees is required, such payment shall be made at the time the building permit is issued.

(Prior code § 3-5.05)

3.40.060 - School district schedules of plans.

Following the decision by the city to require the dedication of land or the payment of fees or both, the governing body of the school district shall submit a schedule specifying how it will use the land or fees or both, to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available and the terms when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the city and the reasons for the modifications.

(Prior code § 3-5.06)

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3.40.070 - School district reports.

Any school district receiving funds pursuant to this chapter shall maintain a separate account for any fees paid and shall file a report with the city on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased or constructed during the previous fiscal year. In addition, the report shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed by August 1st of each year and shall be filed more frequently at the request of the city. Whenever a school district determines that conditions of overcrowding no longer exist in an attendance area, the school district shall immediately notify the city of such determination. Thereafter, the city shall cease levying any fee or requiring any dedication of land pursuant to this chapter within such attendance area. Any remaining funds held by the school district as a result of fees imposed under this chapter shall be deposited in the building fund of the school district.

(Prior code § 3-5.07)

3.40.080 - Discretionary approval of council.

Notwithstanding any other provision of this chapter, the council may approve a residential development without compliance with this chapter if, in its judgment, there are specific overriding fiscal, economic, social or environmental factors associated with the development which would benefit the city and justify such approval.

(Prior code § 3-5.08)