

# Senate Bill 366

Sponsored by Senator SCHRADER; Representative TOMEI (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes school district to establish impact fee on creation of lot or parcel. Directs county recording officer to assess and collect impact fee before recording subdivision or partition plat. Authorizes county recording officer to charge separate fee to recover administrative costs.

## A BILL FOR AN ACT

1  
2 Relating to school impact fee.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 3 of this 2007 Act:**

5 (1) **"Affordable housing" means housing units made available to families with a household**  
6 **income that is less than or equal to 80 percent of the area-wide median household income,**  
7 **as determined by the Housing and Community Services Department, for families with the**  
8 **same number of members and for which the monthly housing payment does not exceed 30**  
9 **percent of the monthly income of the family.**

10 (2) **"Capital improvement" includes, but is not limited to, acquisition of land, con-**  
11 **struction, reconstruction, renovation or improvement of school facilities, acquisition or in-**  
12 **stallation of new technology or other capital expenditures that improve a school district's**  
13 **ability to educate students. "Capital improvement" does not include costs of the operation**  
14 **or routine maintenance of school facilities.**

15 (3) **"School district" has the meaning given that term in ORS 330.003.**

16 **SECTION 2. (1) A school district may adopt by resolution an impact fee on the creation**  
17 **of new lots or parcels as provided in this section.**

18 (2) **Prior to the adoption of an impact fee, the school district shall:**

19 (a) **Prepare a facilities plan that contains a list of the capital improvements the school**  
20 **district intends to fund, in whole or in part, with moneys collected for the impact fee and**  
21 **the estimated cost of and proposed timing for each capital improvement; and**

22 (b) **Hold a public hearing at which the school district provides interested persons an op-**  
23 **portunity to comment on the adoption of the impact fee.**

24 (3) **In the resolution establishing an impact fee, the school district shall include:**

25 (a) **The methodology for calculating the impact fee; and**

26 (b) **Findings demonstrating that:**

27 (A) **The new capital improvements are needed to meet the demands placed on school fa-**  
28 **ilities by the new lots or parcels; and**

29 (B) **The impact fee is calculated with due consideration given to the estimated cost of**  
30 **and timing for the capital improvements identified in the facilities plan that are needed to**  
31 **meet the demands placed on school facilities by the new lots or parcels.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) A school district shall exempt lots or parcels dedicated to the development of afford-  
 2 able housing from the assessment and collection of the impact fee authorized under this  
 3 section.

4 (5) An impact fee collected pursuant to this section may not exceed \$6,500 per new lot  
 5 or parcel, plus an amount not to exceed one percent of the impact fee to recover the ad-  
 6 ministrative costs of the county recording officer to assess and collect the impact fee, but  
 7 the school district may annually adjust the impact fee based on the higher of:

8 (a) The percentage increase in the real market value for the period, as provided by the  
 9 county assessor, of the land in the school district, excluding buildings, structures and im-  
 10 provements; or

11 (b) The Engineering News-Record Construction Cost Index for the period.

12 (6) A school district that adopts an impact fee resolution pursuant to this section shall  
 13 transmit the resolution to the county recording officer responsible for recording a subdivi-  
 14 sion or partition plat, pursuant to ORS 92.120, within the boundaries of the school district.

15 (7) A school district may use moneys collected as an impact fee only to pay:

16 (a) For capital improvements to school facilities that are needed to meet the demands  
 17 placed on the facilities by the new lots or parcels;

18 (b) The administrative costs of the school district to implement the impact fee authorized  
 19 under this section; and

20 (c) The administrative costs of the county recording officer to assess and collect the  
 21 impact fee.

22 (8) If the impact fee does not include an amount to recover the administrative costs of  
 23 the county recording officer to assess and collect the impact fee, the recording officer that  
 24 assesses and collects the impact fee may establish a separate fee to recover those costs, in  
 25 an amount that does not exceed one percent of the impact fee.

26 (9) The county recording officer:

27 (a) Shall assess and collect the impact fee before recording a subdivision or partition plat  
 28 pursuant to ORS 92.120;

29 (b) May, if the impact fee does not include an amount to recover the costs of the county  
 30 recording officer to assess and collect the impact fee, collect a fee pursuant to subsection  
 31 (8) of this section; and

32 (c) Shall deliver the moneys collected for the impact fee, minus the amount retained to  
 33 recover administrative costs, to the appropriate school district.

34 **SECTION 3.** A school district that adopts an impact fee pursuant to section 2 of this 2007  
 35 Act shall annually prepare a report relating to the collection and expenditure of moneys  
 36 generated by the impact fee, make the report available to the public and file a copy of the  
 37 report with the Secretary of State no later than June 30 of each year for the preceding year.