

# **CVUSD Board Policy**

BP 7211

## **Developer Fees**

### Facilities

\*\*\*Note: Developer fees are one method of financing facilities available to the district. As amended by SB 50 (Ch. 407, Statutes of 1998), Government Code 65995 prohibit cities and counties from requiring development fees in excess of the maximum amounts set forth in Education Code 17620 to help fund school facilities. Government Code 65995 and, as amended by AB 127 (Ch. 35, Statutes of 2006), Government Code 65997 essentially repeal, until 2012, the Mira/Hart/Murrietta line of case law which had granted cities or counties the authority to deny development projects based on a determination as to whether school facilities were adequate to meet the demands created by the development. Districts with current Mira agreements should consult legal counsel in order to determine whether that agreement can be "grandfathered," and therefore exempted from the SB 50 requirements.\*\*\*

\*\*\*Note: See AR 7211 for detailed findings that must be made by the Governing Board prior to the levying of any developer fees. The following policy and regulation are optional.\*\*\*

In order to finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the Governing Board may establish, levy and collect developer fees on residential, commercial and industrial construction within the district, subject to restrictions specified by law and administrative regulation.

### Appeals Process for Protests by Developers

\*\*\*Note: In addition to authorizing developer protests in accordance with Government Code 66020 and 66021, Education Code 17621 requires the Board to provide an appeals process for commercial/industrial fees when the district has analyzed the impact of these projects on a categorical rather than individual basis.\*\*\*

The Superintendent or designee shall establish an appeals process for the handling of protests by developers. (Education Code 17621)

### Legal Reference:

#### EDUCATION CODE

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17582 District deferred maintenance fund

17620-17626 Levies against development projects by school districts

#### GOVERNMENT CODE

6061 One time notice  
6066 Two weeks' notice  
65352.2 Level 2 funding notification requirement  
65864-65869.5 Development agreements  
65995-65998 Payment of fees against a development project  
66000-66008 Fees for development projects  
66016-66018.5 Development project fees  
66020-66025 Protests and audits  
CODE OF REGULATIONS, TITLE 2  
1859-1859.106 School facility program  
COURT DECISIONS  
Dolan v. City of Tigard (1994) 114 S.Ct. 2309

Management Resources:

WEB SITES

Department of General Services, Office of Public School Construction:

<http://www.dgs.ca.gov/opsc>

CSBA: 2/99

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