

EDUCATIONAL IMPACT FEE ADOPTION

The Williamson County Board of Commissioners passed a resolution establishing an Educational Impact Fee at their November 2016 meeting. The proceeds from this fee will be directed toward the growth-related capital needs of the Williamson County School System, and will apply to all new residential construction.

The effective date for this **one-half of this fee is March 1, 2017**. At that time, only one-half of this fee will be assessed on new residential construction on permits issued on, or after that date. Starting **September 1, 2017**, the **full impact fee** will be assessed on permits issued on that date or after. A copy of the resolution enacted by the County Board of Commissioners is available, as well as the adopted fee schedule.

Questions regarding this fee may be directed to Joe Horne, Community Development Director at joeh@williamson-tn.org.

STATE OF TENNESSEE, WILLIAMSON COUNTY

I, Elaine Anderson, County Clerk of Williamson County, do hereby certify that the foregoing is a true

and perfect copy of: Resolution of the Williamson County Board of Commissioners to Adopt and Implement an Education Impact Fee and Impact Fee Schedule Pursuant to the Authority Granted by the Provisions and in Accordance with Chapter 120 of the Private Acts of 1987, and to be Assessed and Collected in the Manner as Defined in the Previously Adopted Resolution Related to the Findings and Acceptance of the Impact Fee Report Concerning Residential Development on the Need for New and Expanded Education Facilities.

as the same appears of record in Minute Book No. 28 Pages on file in my office at Franklin.

Witness my hand and seal, at office, this 8th day of December, 2016.

Elaine Anderson Clerk

By Jeffery White D.C.

Resolution No. 11-16-7

Requested by: Commissioner Kaestner

RESOLUTION OF THE WILLIAMSON COUNTY BOARD OF COMMISSIONERS TO ADOPT AND IMPLEMENT AN EDUCATION IMPACT FEE AND IMPACT FEE SCHEDULE PURSUANT TO THE AUTHORITY GRANTED BY THE PROVISIONS AND IN ACCORDANCE WITH CHAPTER 120 OF THE PRIVATE ACTS OF 1987, AND TO BE ASSESSED AND COLLECTED IN THE MANNER AS DEFINED IN THE PREVIOUSLY ADOPTED RESOLUTION RELATED TO THE FINDINGS AND ACCEPTANCE OF THE IMPACT FEE REPORT CONCERNING RESIDENTIAL DEVELOPMENT ON THE NEED FOR NEW AND EXPANDED EDUCATION FACILITIES

WHEREAS, by action of the Tennessee General Assembly, Chapter 120 of the Private Acts of 1987 were created and subsequently confirmed by action of the Williamson County Board of Commissioners on May 7, 1987; and

WHEREAS, the Board of Commissioners of Williamson County, Tennessee (hereinafter "County Commission") has determined that Williamson County, including the jurisdiction of the municipalities (hereinafter "County"), has and will continue to experience residential development which generates a need for additional public education facilities and related capital items; and

WHEREAS, Williamson County retained TischlerBise of Bethesda, Maryland to accumulate data and research the need for an education facility impact fee, and if warranted by the conclusions of the study, to establish new residential development's proportionate share demand for capital education improvements needed to serve new residential development; and

WHEREAS, TischlerBise prepared and presented an education impact analysis titled, "Williamson County, Tennessee School Fees," dated October 14, 2016 ("Education Impact Fee Report"); and

WHEREAS, the Budget Task Force was created to study and make recommendations to the County Commission concerning the proportionality between new residential growth and the effect on the need for new or expanded school facilities; and

WHEREAS, the Williamson County Board of County Commissioners adopted Resolution No. 11-16-6, to accept and approve the findings, conclusions, methodology, purpose, and intent of the Education Impact Fee Report and to adopt the policy, rules, and procedures for implementation of an education impact fee pursuant to the provisions of Chapter 120 of the Private Acts of 1987; and

WHEREAS, Section 6 of Chapter 120 of the Private Acts of 1987 requires the County Commission to adopt schedules, and set the Education Impact Fee rates; and

WHEREAS, finding the impact fee schedule and the amounts recommended in by the Education Impact Fee Report to be levied meets the proportionate demand and need for new residential development for expansion or additional education facilities, in accordance with the Education Impact Fee Report, objectives, and policies, the County Commission, adopts and implements the Impact Fee schedule as defined below; and

WHEREAS, the amount of the Education Impact Fee to be imposed shall be determined by the cost of additional or expanded education facilities needed to meet the increased student generation rates from new residential development in accordance with the Education Impact Fee schedule and in accordance with the findings established by the Education Impact Fee Report for those public facilities as identified by the Analysis and Plan; and

WHEREAS, based on the findings of the Education Impact Fee Report and the Williamson County Education Impact Fee resolution approved by action of the County Commissioners, there are two service areas within the County that will have Education Impact Fee rates based on the types of schools provided in the two areas. The area located in the Franklin Special School District ("FSSD"), that services only k-8 schools and the area of the County outside the FSSD that services k-12 schools. The Education Impact Fee amount is based on the impact of new residential dwellings are projected to have on the need for additional school capacity and the location of the dwellings in accordance with the FSSD territorial boundaries; and

WHEREAS, understanding the impact of assessing the new Education Impact Fee on Developers, the County Commission has determined that only fifty percent of the established Education

Impact Fee shall be assessed for a period of six months following the effective date and then the full amount of the Impact Fee will be assessed thereafter; and

WHEREAS, the County Commission hereby finds and declares that an Education Impact Fee imposed upon residential development in order to assist in the financing of specified education capital improvements in the defined service areas, the demand for which is attributable to new development, is in the best interests of Williamson County and its residents, is equitable, and does not impose an unfair burden on such development:

NOW THEREFORE, the Williamson County Board of Commissioners, meeting in regular session, this the 14th day of November, 2016, upon recommendation by the Budget Task Force, adopts, implements, and assesses the Education Impact Fee and impact fee schedule in accordance with the provisions of Chapter 120 of the Private Acts of 1987, the Education Impact Fee Study and Resolution No.11-16-6 as follows:

Section 1. The form and substance of the terms contained in Resolution No.11-16-6 referenced as the Williamson County Education Impact Fee is hereby made a part hereof as if fully set forth herein.

Section 2. The amount of the Education Impact Fee rates defined below shall be assessed at a rate equal to Fifty Percent (“50%”) of the adopted Education Impact Fee rates specified below for all building permits issued prior to September 1, 2017 or prior to the first day of the sixth month after the Education Impact Fee is effective and assessed. On the first day after the expiration of the six month period and each day thereafter One Hundred Percent (“100%”) of the Education Impact Fee will be assessed and due on all residential dwelling building permits based on the impact fee schedule defined below.

Section 3. The Education Impact Fee shall be assessed, unless otherwise exempted, for Residential Dwellings Units within the Franklin Special School District as follows:

Dwelling Unit Size	9-12 School Levels Fee for Each Dwelling Unit
1,399 sq. feet or less	\$1,145.00
1,400 to 1,899 sq. feet	\$1,914.00
1,900 to 2,399 sq. feet	\$2,502.00
2,400 to 2,899 sq. feet	\$2,993.00
2,900 to 3,399 sq. feet	\$3,386.00
3,400 sq. feet or more	\$3,745.00

Section 4. The Education Impact Fee shall be assessed, unless otherwise exempted, for Residential Dwellings Units outside the Franklin Special School District as follows:

Dwelling Unit Size	K-8 School Level	9-12 School Level	Total Fee for Each Dwelling Unit
1,399 sq. feet or less	\$1,682.00	\$1,145.00	\$2,827.00
1,400 to 1,899 sq. feet	\$3,404.00	\$1,914.00	\$5,317.00
1,900 to 2,399 sq. feet	\$4,718.00	\$2,502.00	\$7,220.00
2,400 to 2,899 sq. feet	\$5,795.00	\$2,993.00	\$8,788.00
2,900 to 3,399 sq. feet	\$6,689.00	\$3,386.00	\$10,074.00
3,400 sq. feet or more	\$7,464.00	\$3,745.00	\$11,210.00

Section 5. Payment shall be made in accordance with the Williamson County Education Impact Fee.

Section 6. Every three years, Williamson County shall study and adjust the Education Impact Fee to meet the proportionate demand new residential development will create for additional or expanded education facilities based on the then available current data. Adjustments to the Education Impact Fee will be calculated on a detailed analysis of the then available current data and this resolution shall be amended upon approval of the County Commission in accordance with the findings.

Section 7. The authority to impose this Education Impact Fee on new Development in Williamson County is in addition to all other authority to impose taxes, fees, assessments, or other revenue raising or land development regulatory measures granted either by the private or public acts of the state of Tennessee and with the exceptions of the credit assessed against the Education Impact Fee, the imposition of such, in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation.

Section 8. The provisions of this Resolution shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to Williamson County. This act shall be deemed to create an additional and alternative method for Williamson County to impose and collect revenue for the purpose of providing Capital Education Facilities made necessary by new residential Development in the County.

Section 9. If any provisions of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 10. The Impact Fee shall not be assessed prior to March 1, 2017.

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon adoption, the public welfare requiring it.

County Commissioner

COMMITTEES REFERRED TO & ACTION TAKEN:

Tax Study:	For <u>4*</u>	Against <u>0</u>	*As amended	
Budget Committee:	For <u>5*</u>	Against <u>0</u>	*As amended	
Education Committee:	For <u>6*</u>	Against <u>0</u>	*As amended	
Commission Action Taken:	For <u>22*</u>	Against <u>2</u>	Pass _____	Out _____ *As amended

Elaine Anderson, County Clerk

Jack Walton, Commission Chairman

Rogers Anderson, Williamson County Mayor

11/18/16
Date

*As amended - see attached

(EstablishEducationImpactFeeStructure)

Move to make the following amendments to Resolution 11-16-7:

1. Amend to insert the reference Resolution "11-16-6" in the sixth Whereas, under the Now Therefore, and in the first sentence of Section 1;
2. Replace all references to "impact fee" and "school impact fee" with "Education Impact Fee;"
3. Replace all references to "Impact Fee Report" and "Education Impact Fee Report" with "Impact Study Report;" and
4. In the first "Whereas" replace "were" with "was;"