
SENATE BILL 6038

State of Washington

54th Legislature

1995 Regular Session

By Senator McCaslin

Read first time 02/28/95. Referred to Committee on Government Operations.

1 AN ACT Relating to impact fees; and amending RCW 82.02.050 and
2 36.70A.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 82.02.050 and 1994 c 257 s 24 are each amended to read
5 as follows:

6 (1) It is the intent of the legislature:

7 (a) To ensure that adequate facilities are available to serve new
8 growth and development;

9 (b) To promote orderly growth and development by establishing
10 standards by which counties, cities, and towns may require, by
11 ordinance, that new growth and development pay a proportionate share of
12 the cost of new facilities needed to serve new growth and development;
13 ((and))

14 (c) To ensure that school districts affected by growth and
15 development are provided with a uniform level of support from new
16 development; and

17 (d) To ensure that impact fees are imposed through established
18 procedures and criteria so that specific developments do not pay
19 arbitrary fees or duplicative fees for the same impact.

1 (2) Counties, cities, and towns that are required or choose to plan
2 under RCW 36.70A.040 are authorized to impose impact fees on
3 development activity as part of the financing for public facilities,
4 provided that the financing for system improvements to serve new
5 development must provide for a balance between impact fees and other
6 sources of public funds and cannot rely solely on impact fees.

7 (3) The legislature has recognized that counties are regional
8 governments within their boundaries. Where a school district serves
9 the populations of more than one city, town, or county unincorporated
10 area, and the school district has developed a capital facilities plan
11 that relies for part of its financing upon impact fees, the school
12 district shall petition the county with the largest portion of the
13 district to coordinate a process resulting in the imposition of a
14 coordinated uniform school impact fee by each jurisdiction served by
15 the school district. The school district shall be a participant in the
16 process. The time from petition to agreement and adoption of a uniform
17 school impact fee by each jurisdiction shall not exceed one hundred
18 eighty days.

19 (4) If after one hundred eighty days, the counties, cities, and
20 towns served by a school district have not reached agreement and have
21 not adopted a uniform fee, then a county, city, town, or school
22 district may invoke binding arbitration. At the end of the binding
23 arbitration process, the decision of the arbitrator shall be
24 transmitted to the counties, cities, and towns served by the district,
25 and each county, city, and town shall adopt a school impact fee
26 ordinance at the fee levels established by the arbitrator within ninety
27 days of receiving the decision, and shall incorporate the district's
28 plan into its comprehensive plan.

29 (5) In order to initiate the process outlined in subsections (3)
30 and (4) of this section, a school district must complete the following:

31 (a) Prepare a capital facilities plan in accordance with RCW
32 36.70A.070, and comply with the requirements of RCW 82.02.050,
33 82.02.060, 82.02.070, 82.02.080, and 82.02.090;

34 (b) Adopt the school district capital facilities plan at an open
35 public meeting;

36 (c) Adopt a resolution stating the need for an impact fee, the
37 proposed amounts of the impact fee, how the impact fee supports the
38 development of the capital facilities and the acquisition of school
39 sites identified in the plan for expenditure of the impact fees, and

1 how the county that will initiate the process outlined in subsection
2 (3) of this section; and

3 (d) Submit the adopted plan and resolution to the counties, cities,
4 and towns served by the school district for review and inclusion in the
5 capital facilities elements of the comprehensive plans of the counties,
6 cities, and towns.

7 (6) No later than September 30, 1995, the department of community,
8 trade, and economic development, in cooperation with school districts,
9 development interests, and local governments, shall develop and
10 distribute training and educational materials that facilitate the
11 implementation of chapter . . . , Laws of 1995 (this act). At a
12 minimum, such information must include a sample impact fee ordinance
13 and descriptions of impact fee collection processes identifying various
14 methods and timing of collection.

15 (7) A county, city, or town planning under chapter 36.70A RCW may
16 at any time adopt amendments or revisions to its comprehensive plan and
17 development regulations in order to adopt school impact fees and school
18 district capital facilities plans.

19 (8) The impact fees:

20 (a) Shall only be imposed for system improvements that are
21 reasonably related to the new development;

22 (b) Shall not exceed a proportionate share of the costs of system
23 improvements that are reasonably related to the new development; and

24 (c) Shall be used for system improvements that will reasonably
25 benefit the new development.

26 ~~((+4))~~ (9) Impact fees may be collected and spent only for the
27 public facilities defined in RCW 82.02.090 which are addressed by a
28 capital facilities plan element of a comprehensive land use plan
29 adopted pursuant to the provisions of RCW 36.70A.070 or the provisions
30 for comprehensive plan adoption contained in chapter 36.70, 35.63, or
31 35A.63 RCW. After the date a county, city, or town is required to
32 adopt its development regulations under chapter 36.70A RCW, continued
33 authorization to collect and expend impact fees shall be contingent on
34 the county, city, or town adopting or revising a comprehensive plan in
35 compliance with RCW 36.70A.070, and on the capital facilities plan
36 identifying:

37 (a) Deficiencies in public facilities serving existing development
38 and the means by which existing deficiencies will be eliminated within
39 a reasonable period of time;

1 (b) Additional demands placed on existing public facilities by new
2 development; and

3 (c) Additional public facility improvements required to serve new
4 development.

5 If the capital facilities plan of the county, city, or town is
6 complete other than for the inclusion of those elements which are the
7 responsibility of a special district, the county, city, or town may
8 impose impact fees to address those public facility needs for which the
9 county, city, or town is responsible.

10 **Sec. 2.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each
11 amended to read as follows:

12 (1) Each comprehensive land use plan and development regulations
13 shall be subject to continuing evaluation and review by the county or
14 city that adopted them.

15 Any amendment or revision to a comprehensive land use plan shall
16 conform to this chapter, and any change to development regulations
17 shall be consistent with and implement the comprehensive plan.

18 (2) Each county and city shall establish procedures whereby
19 proposed amendments or revisions of the comprehensive plan are
20 considered by the governing body of the county or city no more
21 frequently than once every year. All proposals shall be considered by
22 the governing body concurrently so the cumulative effect of the various
23 proposals can be ascertained. However, a county or city may adopt
24 amendments or revisions to its comprehensive plan that conform with
25 this chapter at any time when authorized by RCW 82.02.050(7) and
26 whenever an emergency exists.

27 (3) Each county that designates urban growth areas under RCW
28 36.70A.110 shall review, at least every ten years, its designated urban
29 growth area or areas, and the densities permitted within both the
30 incorporated and unincorporated portions of each urban growth area. In
31 conjunction with this review by the county, each city located within an
32 urban growth area shall review the densities permitted within its
33 boundaries, and the extent to which the urban growth occurring within
34 the county has located within each city and the unincorporated portions
35 of the urban growth areas. The county comprehensive plan designating
36 urban growth areas, and the densities permitted in the urban growth
37 areas by the comprehensive plans of the county and each city located
38 within the urban growth areas, shall be revised to accommodate the

1 urban growth projected to occur in the county for the succeeding
2 twenty-year period.

--- END ---