

2 **ESB 6094** - H AMDS TO H AMD (H-3356.2/97) **775 WITHDRAWN 4-27-97**
3 By Representative Sherstad

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5 On page 9, line 25 of the amendment, after "consistent." insert
6 "The plan shall not include impact fees for the purposes of school
7 construction."

8 On page 40, after line 32 of the amendment, insert the following:

9 "Sec. 32. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each
10 amended to read as follows:

11 Unless the context clearly requires otherwise, the following
12 definitions shall apply in RCW 82.02.050 through 82.02.090:

13 (1) "Development activity" means any construction or expansion of
14 a building, structure, or use, any change in use of a building or
15 structure, or any changes in the use of land, that creates additional
16 demand and need for public facilities.

17 (2) "Development approval" means any written authorization from a
18 county, city, or town which authorizes the commencement of development
19 activity.

20 (3) "Impact fee" means a payment of money imposed upon development
21 as a condition of development approval to pay for public facilities
22 needed to serve new growth and development, and that is reasonably
23 related to the new development that creates additional demand and need
24 for public facilities, that is a proportionate share of the cost of the
25 public facilities, and that is used for facilities that reasonably
26 benefit the new development. "Impact fee" does not include a
27 reasonable permit or application fee.

28 (4) "Owner" means the owner of record of real property, although
29 when real property is being purchased under a real estate contract, the
30 purchaser shall be considered the owner of the real property if the
31 contract is recorded.

32 (5) "Proportionate share" means that portion of the cost of public
33 facility improvements that are reasonably related to the service
34 demands and needs of new development.

1 (6) "Project improvements" mean site improvements and facilities
2 that are planned and designed to provide service for a particular
3 development project and that are necessary for the use and convenience
4 of the occupants or users of the project, and are not system
5 improvements. No improvement or facility included in a capital
6 facilities plan approved by the governing body of the county, city, or
7 town shall be considered a project improvement.

8 (7) "Public facilities" means the following capital facilities
9 owned or operated by government entities: (a) Public streets and
10 roads; (b) publicly owned parks, open space, and recreation facilities;
11 and (c) (~~school facilities; and (d)~~) fire protection facilities in
12 jurisdictions that are not part of a fire district. "Public
13 facilities" does not include school facilities.

14 (8) "Service area" means a geographic area defined by a county,
15 city, town, or intergovernmental agreement in which a defined set of
16 public facilities provide service to development within the area.
17 Service areas shall be designated on the basis of sound planning or
18 engineering principles.

19 (9) "System improvements" mean public facilities that are included
20 in the capital facilities plan and are designed to provide service to
21 service areas within the community at large, in contrast to project
22 improvements."

23 Renumber the remaining sections consecutively and correct any
24 internal references and the title accordingly.

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