

***Local Government & Housing
Committee***

HB 1085

Brief Description: *Imposing impact fees for state facilities.*

Sponsors: *Representative Dunshee.*

Brief Summary of Bill

- *Authorizes Growth Management Act jurisdictions to impose impact fees for impacts to highways, including state-owned or operated transportation facilities.*
- *Allows these impact fees to be spent for traffic management and traffic mitigation programs.*

Hearing Date: *2/21/01*

Staff: *Caroleen Dineen (786-7156).*

Background:

The Growth Management Act (GMA) requires a county and its cities to plan if the county meets specified population and growth criteria. Counties not meeting these criteria may choose to plan under the GMA. Currently 29 of Washington's 39 counties plan are required or have chosen to plan under the major GMA requirements (GMA jurisdictions).

The GMA requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. The GMA imposes additional requirements on GMA jurisdictions, including identification and protection of critical areas; identification and conservation of agricultural, forest, and mineral resource lands; and adoption of county-wide planning policies to coordinate comprehensive planning among counties and their cities.

GMA jurisdictions must designate urban growth areas (UGAs), within which urban growth is encouraged and outside of which urban growth is prohibited. "Urban growth" is

defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource uses. GMA jurisdictions also must adopt a comprehensive plan containing certain required elements and implementing development regulations.

GMA jurisdictions may adopt an ordinance to impose impact fees upon new development. Impact fees may be imposed for:

- public streets and roads;*
- publicly owned parks, open space and recreation facilities;*
- school facilities; and*
- city fire protection facilities.*

Impact fees collect a proportionate share of costs for those system improvements reasonably related to the new development. These fees must be used to pay for those system improvements identified in the capital facilities element of the jurisdiction's comprehensive plan that reasonably benefit the new development. The local ordinance by which impact fees are imposed must include certain provisions, including a schedule of impact fees for each type of development activity, a credit for the value of land dedicated for or new construction of system improvements, and a provision for adjustment of the standard impact fee under certain circumstances.

Summary of Bill:

Counties and cities planning under RCW 36.70A.040 (GMA jurisdictions) may impose impact fees for highways, including state-owned or operated transportation facilities. Impact fees for state-owned or operated transportation facilities are imposed on behalf of the state Department of Transportation (WSDOT). Impact fees may only be assessed for those transportation impacts reasonably related to service needs created by the approved development and may be spent only for traffic management, traffic mitigation programs, and items addressed in a GMA capital facilities plan. Adjustments of impact fees for state-owned or operated transportation facilities to consider unusual circumstances must be with the concurrence of the WSDOT.

A growth management hearings board must consider appeals of impact fee assessments for impacts to state-owned or operated transportation facilities. A growth management hearings board also has jurisdiction for appeals regarding the level of service standard adopted for state-owned or operated transportation facilities and alleged violations of impact fee requirements for state-owned or operated transportation facilities.

A purpose of including estimated traffic impacts to state-owned transportation facilities within the transportation element of a GMA comprehensive plan is to assist GMA jurisdictions in determining the proper impact fee to be imposed for state facilities' impacts. Level of service standards within the transportation element also provide a means to measure appropriate impact fees to be levied on the state's behalf.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.