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HOUSE BILL 2764

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Quall and Morris

Read first time 01/28/2002. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to impact fees for fire protection facilities in  
2 urban growth areas not contiguous to a city or town; and amending RCW  
3 82.02.090.

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

5 **Sec. 1.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each  
6 amended to read as follows:

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

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

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

16 (3) "Impact fee" means a payment of money imposed upon development  
17 as a condition of development approval to pay for public facilities  
18 needed to serve new growth and development, and that is reasonably  
19 related to the new development that creates additional demand and need

1 for public facilities, that is a proportionate share of the cost of the  
2 public facilities, and that is used for facilities that reasonably  
3 benefit the new development. "Impact fee" does not include a  
4 reasonable permit or application fee.

5 (4) "Owner" means the owner of record of real property, although  
6 when real property is being purchased under a real estate contract, the  
7 purchaser shall be considered the owner of the real property if the  
8 contract is recorded.

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

12 (6) "Project improvements" mean site improvements and facilities  
13 that are planned and designed to provide service for a particular  
14 development project and that are necessary for the use and convenience  
15 of the occupants or users of the project, and are not system  
16 improvements. No improvement or facility included in a capital  
17 facilities plan approved by the governing body of the county, city, or  
18 town shall be considered a project improvement.

19 (7) "Public facilities" means the following capital facilities  
20 owned or operated by government entities: (a) Public streets and  
21 roads; (b) publicly owned parks, open space, and recreation facilities;  
22 (c) school facilities; and (d) fire protection facilities in  
23 jurisdictions that are not part of a fire district other than that  
24 portion of a fire district within an urban growth area if such urban  
25 growth area is not contiguous to the boundary of any city or town.

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

31 (9) "System improvements" mean public facilities that are included  
32 in the capital facilities plan and are designed to provide service to  
33 service areas within the community at large, in contrast to project  
34 improvements.

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