AN ACT Relating to allowing local governments to collect reasonable fees to cover costs for long-range planning required by state environmental policy statutes; and amending RCW 82.02.020.

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

Sec. 1. RCW 82.02.020 and 2013 c 243 s 4 are each amended to read as follows:

(1) Except only as expressly provided in chapters 67.28, 81.104, and 82.14 RCW, the state preempts the field of imposing retail sales and use taxes and taxes upon parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision ((shall have)) has the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation ((shall)) may impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate
are reasonably necessary as a direct result of the proposed
development or plat to which the dedication of land or easement is to
apply.

(2) This section does not prohibit voluntary agreements with
counties, cities, towns, or other municipal corporations that allow a
payment in lieu of a dedication of land or to mitigate a direct
impact that has been identified as a consequence of a proposed
development, subdivision, or plat. A local government (shall) may
not use such voluntary agreements for local off-site transportation
improvements within the geographic boundaries of the area or areas
covered by an adopted transportation program authorized by chapter
39.92 RCW. Any such voluntary agreement is subject to the following
provisions:

((1)) (a) The payment (shall) must be held in a reserve
account and may only be expended to fund a capital improvement agreed
upon by the parties to mitigate the identified, direct impact;

((2)) (b) The payment (shall) must be expended in all cases
within five years of collection; and

((3)) (c) Any payment not so expended (shall) must be
refunded with interest to be calculated from the original date the
deposit was received by the county and at the same rate applied to
tax refunds pursuant to RCW 84.69.100; however, if the payment is not
expended within five years due to delay attributable to the
developer, the payment (shall) must be refunded without interest.

(3) No county, city, town, or other municipal corporation
(shall) may require any payment as part of such a voluntary
agreement which the county, city, town, or other municipal
corporation cannot establish is reasonably necessary as a direct
result of the proposed development or plat.

(4) Nothing in this section prohibits cities, towns, counties, or
other municipal corporations from collecting reasonable fees from an
applicant for a permit or other governmental approval to cover the
cost to the city, town, county, or other municipal corporation of
processing applications, inspecting and reviewing plans, long-range
planning, or preparing detailed statements required by chapter 43.21C
RCW, including reasonable fees that are consistent with RCW
43.21C.420(6), 43.21C.428, and beginning July 1, 2014, RCW 35.91.020.

(5) This section does not limit the existing authority of any
county, city, town, or other municipal corporation to impose special
assessments on property specifically benefited thereby in the manner prescribed by law.

(6) Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges. However, no such charge (shall) may exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged. Furthermore, these provisions may not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

(7) Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

(8) Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

(9) Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

(10) Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

(11) This section does not apply to special purpose districts formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

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