

SENATE BILL REPORT

SB 6001

As Reported By Senate Committee On:
Government Operations, March 1, 1995

Title: An act relating to school impact fees.

Brief Description: Providing for a coordinated uniform school impact fee.

Sponsors: Senators McCaslin and Haugen.

Brief History:

Committee Activity: Government Operations: 2/28/95, 3/1/95 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Staff: Rod McAulay (786-7754)

Background: Counties and cities which plan under the Growth Management Act are authorized to impose impact fees on development activity to pay a proportionate share of the cost of new public facilities which are required by and will benefit the development. Public facilities are defined to include streets, parks, open space, recreation facilities, schools and fire protection facilities.

The boundaries of a school district may extend beyond a single city, including other cities and unincorporated territory. In such a situation, it has occurred that one or several of the jurisdictions within the school district have imposed impact fees while other jurisdictions within the same school district have not. This has resulted in an inequitable distribution of the burden of funding new school construction required to serve the increased population.

Summary of Substitute Bill: It is the intent of the Legislature to ensure that school districts affected by growth are provided with a uniform level of support from new development. Where a school district includes more than one city, town or county unincorporated area, and develops a capital facilities plan that relies, in part, upon impact fees, the district shall petition the county with the largest portion of the district to coordinate a process resulting in the imposition of a uniform school impact fee by each jurisdiction served by the district. If after 180 days the jurisdictions and the district do not agree and adopt a uniform fee, a county, city, town or school district may invoke binding arbitration. The decision of the arbitrator must be transmitted to each city, town or county served by the district, and each is required to adopt a school impact fee ordinance in the amount established by the arbitrator.

A school district may not initiate the process for establishing a uniform impact fee unless it: (1) prepares a capital facilities plan; (2) adopts the plan at a public meeting; (3) adopts a resolution justifying the fee and stating how the county initiates the coordination process; and (4) submits the adopted plan to the counties, cities and towns served by the district for review and inclusion in their respective comprehensive plans.

No later than September 30, 1995, the Department of Community, Trade, and Economic Development must develop training and educational materials regarding impact fees, including a sample impact fee ordinance.

A county, city or town may amend its comprehensive plan and development regulations at any time in order to adopt school impact fees and school district capital facilities plans.

Substitute Bill Compared to Original Bill: The substitute adds to the original bill (1) a specific start time for the 180-day negotiating period; (2) additional statutory references for the school district capital facility plan; (3) a requirement that a school district include a plan for expenditure of impact fees in the resolution required by the original bill; and (4) minor grammatical changes.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: A collaborative process is provided. School districts are given an option when some cities or counties are recalcitrant. It is basically unfair to have different fees within the same district.

Testimony Against: It does not include issues important to builders. SEPA is a loose end. Impact fees discriminate against young, new home buyer.

Testified: Roger Valdez, School Directors Assn. (pro); Grace Yuan, King County School Coalition (pro); Barb Roder, Olympia School Board (pro); Gwen Esher, Kent School District (pro); Jan Teague, Building Industry Assn. (con); Don McDonald, BIAW Leg. Chair (con); Randy Scott, WSAC.