
SECOND SUBSTITUTE HOUSE BILL 1625

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives Reams, Brumsickle, Casada, Morris, Hargrove, Buck, Radcliff, Benton, Grant, Talcott, Hymes, Thompson, Elliot and Huff)

Read first time 01/30/96.

1 AN ACT Relating to payment of impact fees; amending RCW 43.21C.060,
2 58.17.110, and 82.02.060; adding a new section to chapter 36.70A RCW;
3 adding a new section to chapter 35.91 RCW; and adding a new section to
4 chapter 35.92 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
7 to read as follows:

8 Payment of an impact fee for system improvements imposed under the
9 authority of a charter county or a charter city derived from its
10 charter, or imposed under authority of chapter 82.02 RCW, constitutes
11 full and complete compliance with the concurrency requirements of this
12 chapter relating to the public facility for which the fee was paid.

13 **Sec. 2.** RCW 43.21C.060 and 1983 c 117 s 3 are each amended to read
14 as follows:

15 The policies and goals set forth in this chapter are supplementary
16 to those set forth in existing authorizations of all branches of
17 government of this state, including state agencies, municipal and
18 public corporations, and counties. Any governmental action may be

1 conditioned or denied pursuant to this chapter: PROVIDED, That such
2 conditions or denials shall be based upon policies identified by the
3 appropriate governmental authority and incorporated into regulations,
4 plans, or codes which are formally designated by the agency (or
5 appropriate legislative body, in the case of local government) as
6 possible bases for the exercise of authority pursuant to this chapter.
7 Such designation shall occur at the time specified by RCW 43.21C.120.
8 Such action may be conditioned only to mitigate specific adverse
9 environmental impacts which are identified in the environmental
10 documents prepared under this chapter. These conditions shall be
11 stated in writing by the decisionmaker. Mitigation measures shall be
12 reasonable and capable of being accomplished. In order to deny a
13 proposal under this chapter, an agency must find that: (1) The
14 proposal would result in significant adverse impacts identified in a
15 final or supplemental environmental impact statement prepared under
16 this chapter; and (2) reasonable mitigation measures are insufficient
17 to mitigate the identified impact. Except for permits and variances
18 issued pursuant to chapter 90.58 RCW, when such a governmental action,
19 not requiring a legislative decision, is conditioned or denied by a
20 nonelected official of a local governmental agency, the decision shall
21 be appealable to the legislative authority of the acting local
22 governmental agency unless that legislative authority formally
23 eliminates such appeals. Such appeals shall be in accordance with
24 procedures established for such appeals by the legislative authority of
25 the acting local governmental agency.

26 The procedures, standards, and definitions in RCW 82.02.050 through
27 82.02.090 relating to impact fees apply to any fee imposed and
28 collected under this chapter. Impact fees may be imposed and collected
29 only for those public facilities defined in RCW 82.02.090(7). Payment
30 of an impact fee under this chapter constitutes full and complete
31 compliance with the fee requirements of this chapter, or any other
32 statute or rule for provision of the facility or service for which an
33 impact fee may be imposed. The total cost of fees, including impact
34 fees and water and sewer hookup charges, imposed on a project shall not
35 exceed three percent of the value of the project as indicated on the
36 construction or building permit.

37 **Sec. 3.** RCW 58.17.110 and 1995 c 32 s 3 are each amended to read
38 as follows:

1 (1) The city, town, or county legislative body shall inquire into
2 the public use and interest proposed to be served by the establishment
3 of the subdivision and dedication. It shall determine: (a) If
4 appropriate provisions are made for, but not limited to, the public
5 health, safety, and general welfare, for open spaces, drainage ways,
6 streets or roads, alleys, other public ways, transit stops, potable
7 water supplies, sanitary wastes, parks and recreation, playgrounds,
8 schools and schoolgrounds, and shall consider all other relevant facts,
9 including sidewalks and other planning features that assure safe
10 walking conditions for students who only walk to and from school; and
11 (b) whether the public interest will be served by the subdivision and
12 dedication.

13 (2) A proposed subdivision and dedication shall not be approved
14 unless the city, town, or county legislative body makes written
15 findings that: (a) Appropriate provisions are made for the public
16 health, safety, and general welfare and for such open spaces, drainage
17 ways, streets or roads, alleys, other public ways, transit stops,
18 potable water supplies, sanitary wastes, parks and recreation,
19 playgrounds, schools and schoolgrounds and all other relevant facts,
20 including sidewalks and other planning features that assure safe
21 walking conditions for students who only walk to and from school; and
22 (b) the public use and interest will be served by the platting of such
23 subdivision and dedication. If it finds that the proposed subdivision
24 and dedication make such appropriate provisions and that the public use
25 and interest will be served, then the legislative body shall approve
26 the proposed subdivision and dedication. Dedication of land to any
27 public body, provision of public improvements to serve the subdivision,
28 and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be
29 required as a condition of subdivision approval. Payment of an impact
30 fee imposed under RCW 82.02.050 through 82.02.090, or a fee imposed
31 under RCW 43.21C.060, constitutes full and complete compliance with the
32 fee requirements of this chapter, or any other statute or rule for the
33 provision of the public facility for which an impact fee may be
34 imposed. The procedures, standards, and definitions in RCW 82.02.050
35 through 82.02.090 relating to impact fees apply to a fee imposed and
36 collected under this chapter. Impact fees may be imposed and collected
37 only for those public facilities defined in RCW 82.02.090(7). The
38 total cost of fees, including impact fees and water and sewer hookup
39 charges, imposed on a project shall not exceed three percent of the

1 value of the project as indicated on the construction or building
2 permit. Dedications shall be clearly shown on the final plat. No
3 dedication, provision of public improvements, or impact fees imposed
4 under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes
5 an unconstitutional taking of private property. The legislative body
6 shall not as a condition to the approval of any subdivision require a
7 release from damages to be procured from other property owners.

8 (3) If the preliminary plat includes a dedication of a public park
9 with an area of less than two acres and the donor has designated that
10 the park be named in honor of a deceased individual of good character,
11 the city, town, or county legislative body must adopt the designated
12 name.

13 **Sec. 4.** RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each
14 amended to read as follows:

15 The local ordinance by which impact fees are imposed:

16 (1) Shall include a schedule of impact fees which shall be adopted
17 for each type of development activity that is subject to impact fees,
18 specifying the amount of the impact fee to be imposed for each type of
19 system improvement. The schedule shall be based upon a formula or
20 other method of calculating such impact fees. In determining
21 proportionate share, the formula or other method of calculating impact
22 fees shall incorporate, among other things, the following:

23 (a) The cost of public facilities necessitated by new development;

24 (b) An adjustment to the cost of the public facilities for past or
25 future payments made or reasonably anticipated to be made by new
26 development to pay for particular system improvements in the form of
27 user fees, debt service payments, taxes, or other payments earmarked
28 for or proratable to the particular system improvement;

29 (c) The availability of other means of funding public facility
30 improvements;

31 (d) The cost of existing public facilities improvements; and

32 (e) The methods by which public facilities improvements were
33 financed;

34 (2) May provide an exemption for low-income housing, and other
35 development activities with broad public purposes, from these impact
36 fees, provided that the impact fees for such development activity shall
37 be paid from public funds other than impact fee accounts;

1 (3) Shall provide a credit for the value of any dedication of land
2 for, improvement to, or new construction of any system improvements
3 provided by the developer, to facilities that are identified in the
4 capital facilities plan and that are required by the county, city, or
5 town as a condition of approving the development activity;

6 (4) Shall provide that impact fees for residential construction be
7 collected at the time of home title transfer to the occupant or twelve
8 months after the building permit is issued;

9 (5) Shall provide that impact fees for nonresidential construction
10 be identified on an itemized basis for each planned public project,
11 based upon adopted policies and procedures, and shall set forth such
12 itemized fees as a condition of approval of the development project.
13 Within ninety days prior to the scheduled start of construction of any
14 specific public project for which mitigation fees have been set, the
15 jurisdiction may require payment by the owner or owners of the
16 development project of the amount set forth for that public project in
17 the approval conditions;

18 (6) Shall allow the county, city, or town imposing the impact fees
19 to adjust the standard impact fee at the time the fee is imposed to
20 consider unusual circumstances in specific cases to ensure that impact
21 fees are imposed fairly;

22 (~~(+5)~~) (7) Shall include a provision for calculating the amount of
23 the fee to be imposed on a particular development that permits
24 consideration of studies and data submitted by the developer to adjust
25 the amount of the fee;

26 (~~(+6)~~) (8) Shall establish one or more reasonable service areas
27 within which it shall calculate and impose impact fees for various land
28 use categories per unit of development;

29 (~~(+7)~~) (9) May provide for the imposition of an impact fee for
30 system improvement costs previously incurred by a county, city, or town
31 to the extent that new growth and development will be served by the
32 previously constructed improvements provided such fee shall not be
33 imposed to make up for any system improvement deficiencies.

34 The total cost of fees, including impact fees, water and sewer
35 hookup charges, and off-site improvements imposed on a residential
36 project shall not exceed three percent of the value of the project as
37 indicated on the construction or building permit.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.91 RCW
2 to read as follows:

3 The total cost of fees, including impact fees, water and sewer
4 hookup charges, and off-site improvements imposed on a residential
5 project shall not exceed three percent of the value of the project as
6 indicated on the construction or building permit.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.92 RCW
8 to read as follows:

9 The total cost of fees, including impact fees, water and sewer
10 hookup charges, and off-site improvements imposed on a residential
11 project shall not exceed three percent of the value of the project as
12 indicated on the construction or building permit.

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