
SUBSTITUTE SENATE BILL 6001

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators McCaslin and Haugen)

Read first time 03/01/95.

1 AN ACT Relating to school impact fees; and amending RCW 82.02.050
2 and 36.70A.130.

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

4 **Sec. 1.** RCW 82.02.050 and 1994 c 257 s 24 are each amended to read
5 as follows:

6 (1) It is the intent of the legislature:

7 (a) To ensure that adequate facilities are available to serve new
8 growth and development;

9 (b) To promote orderly growth and development by establishing
10 standards by which counties, cities, and towns may require, by
11 ordinance, that new growth and development pay a proportionate share of
12 the cost of new facilities needed to serve new growth and development;
13 ((and))

14 (c) To ensure that school districts affected by growth and
15 development are provided with a uniform level of support from new
16 development; and

17 (d) To ensure that impact fees are imposed through established
18 procedures and criteria so that specific developments do not pay
19 arbitrary fees or duplicative fees for the same impact.

1 (2) Counties, cities, and towns that are required or choose to plan
2 under RCW 36.70A.040 are authorized to impose impact fees on
3 development activity as part of the financing for public facilities,
4 provided that the financing for system improvements to serve new
5 development must provide for a balance between impact fees and other
6 sources of public funds and cannot rely solely on impact fees.

7 (3) The legislature has recognized that counties are regional
8 governments within their boundaries. Where a school district serves
9 the populations of more than one city, town, or county unincorporated
10 area, and the school district has developed a capital facilities plan
11 that complies with RCW 36.70A.070, the school district shall petition
12 the county with the largest portion of the district to coordinate a
13 process resulting in the imposition of a coordinated uniform school
14 impact fee by each jurisdiction served by the school district. The
15 school district shall be a participant in the process. The time from
16 petition to agreement and adoption of a uniform school impact fee by
17 each jurisdiction shall not exceed one hundred eighty days.

18 (4) If after one hundred eighty days from the date the petition
19 authorized in subsection (3) of this section is delivered to the
20 county, the counties, cities, and towns served by a school district
21 have not reached agreement and have not adopted a uniform fee, then a
22 county, city, town, or school district may invoke binding arbitration.
23 At the end of the binding arbitration process, the decision of the
24 arbitrator shall be transmitted to the counties, cities, and towns
25 served by the district, and each county, city, and town shall adopt a
26 school impact fee ordinance at the fee levels established by the
27 arbitrator within ninety days of receiving the decision, and shall
28 incorporate the district's plan into its comprehensive plan. No later
29 than November 30, 1995, the department of community, trade, and
30 economic development shall adopt procedural criteria governing the
31 binding arbitration process.

32 (5) In order to initiate the process outlined in subsections (3)
33 and (4) of this section, a school district must complete the following:

34 (a) Prepare a capital facilities plan in accordance with RCW
35 36.70A.070, and comply with the requirements of RCW 82.02.050 through
36 82.02.090;

37 (b) Adopt the school district capital facilities plan at an open
38 public meeting;

1 (c) Adopt a resolution stating the need for an impact fee, the
2 proposed amounts of the impact fee, how the impact fee supports the
3 development of the capital facilities and the acquisition of school
4 sites identified in the plan, the plan for the expenditure of the
5 impact fees, how the county will initiate the process outlined in
6 subsection (3) of this section, and the counties, cities, and towns
7 that will participate in the process; and

8 (d) Submit the adopted plan and resolution to the counties, cities,
9 and towns served by the school district for review and inclusion in the
10 capital facilities elements of the comprehensive plans of the counties,
11 cities, and towns.

12 (6) No later than September 30, 1995, the department of community,
13 trade, and economic development, in cooperation with school districts,
14 development interests, and local governments, shall develop and
15 distribute training and educational materials that facilitate the
16 implementation of chapter . . . , Laws of 1995 (this act). At a
17 minimum, such information must include a sample impact fee ordinance
18 and descriptions of impact fee collection processes identifying various
19 methods and timing of collection.

20 (7) A county, city, or town planning under chapter 36.70A RCW may
21 at any time adopt amendments or revisions to its comprehensive plan and
22 development regulations in order to adopt school impact fees and school
23 district capital facilities plans.

24 (8) The impact fees:

25 (a) Shall only be imposed for system improvements that are
26 reasonably related to the new development;

27 (b) Shall not exceed a proportionate share of the costs of system
28 improvements that are reasonably related to the new development; and

29 (c) Shall be used for system improvements that will reasonably
30 benefit the new development.

31 ~~((+4))~~ (9) Impact fees may be collected and spent only for the
32 public facilities defined in RCW 82.02.090 which are addressed by a
33 capital facilities plan element of a comprehensive land use plan
34 adopted pursuant to the provisions of RCW 36.70A.070 or the provisions
35 for comprehensive plan adoption contained in chapter 36.70, 35.63, or
36 35A.63 RCW. After the date a county, city, or town is required to
37 adopt its development regulations under chapter 36.70A RCW, continued
38 authorization to collect and expend impact fees shall be contingent on
39 the county, city, or town adopting or revising a comprehensive plan in

1 compliance with RCW 36.70A.070, and on the capital facilities plan
2 identifying:

3 (a) Deficiencies in public facilities serving existing development
4 and the means by which existing deficiencies will be eliminated within
5 a reasonable period of time;

6 (b) Additional demands placed on existing public facilities by new
7 development; and

8 (c) Additional public facility improvements required to serve new
9 development.

10 If the capital facilities plan of the county, city, or town is
11 complete other than for the inclusion of those elements which are the
12 responsibility of a special district, the county, city, or town may
13 impose impact fees to address those public facility needs for which the
14 county, city, or town is responsible.

15 **Sec. 2.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each
16 amended to read as follows:

17 (1) Each comprehensive land use plan and development regulations
18 shall be subject to continuing evaluation and review by the county or
19 city that adopted them.

20 Any amendment or revision to a comprehensive land use plan shall
21 conform to this chapter, and any change to development regulations
22 shall be consistent with and implement the comprehensive plan.

23 (2) Each county and city shall establish procedures whereby
24 proposed amendments or revisions of the comprehensive plan are
25 considered by the governing body of the county or city no more
26 frequently than once every year. All proposals shall be considered by
27 the governing body concurrently so the cumulative effect of the various
28 proposals can be ascertained. However, a county or city may adopt
29 amendments or revisions to its comprehensive plan that conform with
30 this chapter at any time when authorized by RCW 82.02.050(7) and
31 whenever an emergency exists.

32 (3) Each county that designates urban growth areas under RCW
33 36.70A.110 shall review, at least every ten years, its designated urban
34 growth area or areas, and the densities permitted within both the
35 incorporated and unincorporated portions of each urban growth area. In
36 conjunction with this review by the county, each city located within an
37 urban growth area shall review the densities permitted within its
38 boundaries, and the extent to which the urban growth occurring within

1 the county has located within each city and the unincorporated portions
2 of the urban growth areas. The county comprehensive plan designating
3 urban growth areas, and the densities permitted in the urban growth
4 areas by the comprehensive plans of the county and each city located
5 within the urban growth areas, shall be revised to accommodate the
6 urban growth projected to occur in the county for the succeeding
7 twenty-year period.

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