FINAL BILL REPORT
SB 5452

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Synopsis as Enacted

Brief Description: Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities.

Sponsors: Senators Shewmake, Billig, Hasegawa, Kuderer, Liias, Nguyen, Pedersen, Saldaña and Valdez.

Senate Committee on Local Government, Land Use & Tribal Affairs
Senate Committee on Transportation
House Committee on Local Government

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be fully planning under the GMA.

The GMA sets forth 14 planning goals to guide the development and adoption of comprehensive plans and development regulations of counties and cities that fully plan under the GMA. The transportation goal encourages efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city transportation plans.

Impact Fees. Fully planning jurisdictions may impose impact fees on development activity as part of financing public facilities needed to serve new growth and development. This financing must provide a balance between impact fees and other sources of public funds and cannot rely solely on impact fees. Impact fees may only be imposed for system improvements reasonably related to the new development, may not exceed a proportionate share of the costs of system improvements, and must be used for system improvements that will reasonably benefit the new development.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Impact fees may be collected and spent only for qualifying public facilities included within a capital facilities plan element of a comprehensive plan. Public facilities, within the context of impact fee statutes, are the following capital facilities owned or operated by government entities:

- public streets and roads;
- publicly owned parks, open space, and recreation facilities;
- school facilities; and
- fire protection facilities.

Local governments collecting impact fees must produce an annual report detailing the fees that have been collected and what they have been used for. Impact fees must generally be collected prior to construction, and must be kept in a separate account depending on the type of the public facility it was collected for. If impact fees are not used within ten years of collection, they generally, must be returned.

Summary: The definition of public facilities is amended to add bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use.

Votes on Final Passage:

Senate	34	14
House	57	40

Effective: July 23, 2023