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**HOUSE BILL 1135**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Slatter, Walen, Reed, Berry, Ramel, Fitzgibbon, Doglio, Wylie, Pollet, Kloba, and Tharinger

Prefiled 01/05/23. Read first time 01/09/23. Referred to Committee on Local Government.

1 AN ACT Relating to authorizing impact fee revenue to fund  
2 improvements to bicycle and pedestrian facilities; amending RCW  
3 82.02.090; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that increasing  
6 numbers of people are utilizing transportation and commuting options  
7 that do not primarily involve the use of public roadways. These  
8 options include trails designed to allow for transportation and  
9 commuting without the use of motorized transport. These  
10 transportation and commuting options provide numerous benefits,  
11 including a reduction in greenhouse gas emissions and enhanced  
12 connection between communities and job centers. The continued  
13 expansion of these options requires the construction and use of  
14 public facilities for pedestrians and bicyclists.

15 Currently, however, the resources that local governments can use  
16 for these facilities may be limited, and local governments may be  
17 unable to use impact fees related to transportation for public  
18 facilities outside of public streets and roads. It is the intent of  
19 the legislature to provide local governments with increased  
20 flexibility in utilizing impact fees in order to provide the funding

1 and facilities necessary for the continued growth and success of such  
2 modern commuting options.

3 **Sec. 2.** RCW 82.02.090 and 2018 c 133 s 1 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this section and  
6 RCW 82.02.050 through (~~82.02.090~~) 82.02.080 unless the context  
7 clearly requires otherwise.

8 (1) "Development activity" means any construction or expansion of  
9 a building, structure, or use, any change in use of a building or  
10 structure, or any changes in the use of land, that creates additional  
11 demand and need for public facilities. "Development activity" does  
12 not include:

13 (a) Buildings or structures constructed by a regional transit  
14 authority; or

15 (b) Buildings or structures constructed as shelters that provide  
16 emergency housing for people experiencing homelessness, or emergency  
17 shelters for victims of domestic violence, as defined in RCW  
18 70.123.020.

19 (2) "Development approval" means any written authorization from a  
20 county, city, or town which authorizes the commencement of  
21 development activity.

22 (3) "Impact fee" means a payment of money imposed upon  
23 development as a condition of development approval to pay for public  
24 facilities needed to serve new growth and development, and that is  
25 reasonably related to the new development that creates additional  
26 demand and need for public facilities, that is a proportionate share  
27 of the cost of the public facilities, and that is used for facilities  
28 that reasonably benefit the new development. "Impact fee" does not  
29 include a reasonable permit or application fee.

30 (4) "Owner" means the owner of record of real property, although  
31 when real property is being purchased under a real estate contract,  
32 the purchaser is considered the owner of the real property if the  
33 contract is recorded.

34 (5) "Project improvements" mean site improvements and facilities  
35 that are planned and designed to provide service for a particular  
36 development project and that are necessary for the use and  
37 convenience of the occupants or users of the project, and are not  
38 system improvements. An improvement or facility included in a capital

1 facilities plan approved by the governing body of the county, city,  
2 or town is not considered a project improvement.

3 (6) "Proportionate share" means that portion of the cost of  
4 public facility improvements that are reasonably related to the  
5 service demands and needs of new development.

6 (7) "Public facilities" means the following capital facilities  
7 owned or operated by government entities: (a) Public streets (~~and~~),  
8 roads, and bicycle and pedestrian facilities that were designed with  
9 multimodal commuting as an intended use; (b) publicly owned parks,  
10 open space, and recreation facilities; (c) school facilities; and (d)  
11 fire protection facilities.

12 (8) "Service area" means a geographic area defined by a county,  
13 city, town, or intergovernmental agreement in which a defined set of  
14 public facilities provide service to development within the area.  
15 Service areas must be designated on the basis of sound planning or  
16 engineering principles.

17 (9) "System improvements" mean public facilities that are  
18 included in the capital facilities plan and are designed to provide  
19 service to service areas within the community at large, in contrast  
20 to project improvements.

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