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SENATE BILL 5040

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen, Winsley, Skratek and Erwin

Read first time 01/11/93. Referred to Committee on Transportation.

1 AN ACT Relating to the use of impact fees for traffic management  
2 and programs; and amending RCW 82.02.050.

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

4 **Sec. 1.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each  
5 amended to read 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 impact fees are imposed through established  
15 procedures and criteria so that specific developments do not pay  
16 arbitrary fees or duplicative fees for the same impact.

17 (2) Counties, cities, and towns that are required or choose to plan  
18 under RCW 36.70A.040 are authorized to impose impact fees on  
19 development activity as part of the financing for public facilities,

1 provided that the financing for system improvements to serve new  
2 development must provide for a balance between impact fees and other  
3 sources of public funds and cannot rely solely on impact fees.

4 (3) The impact fees:

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

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

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

11 (4) Impact fees may be collected and spent only for traffic  
12 management, traffic programs, and the public facilities defined in RCW  
13 82.02.090 which are addressed by a capital facilities plan element of  
14 a comprehensive land use plan adopted pursuant to the provisions of RCW  
15 36.70A.070 or the provisions for comprehensive plan adoption contained  
16 in chapter 36.70, 35.63, or 35A.63 RCW. After July 1, 1993, continued  
17 authorization to collect and expend impact fees shall be contingent on  
18 the county, city, or town adopting or revising a comprehensive plan in  
19 compliance with RCW 36.70A.070, and on the capital facilities plan  
20 identifying:

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

24 (b) Additional demands placed on existing public facilities by new  
25 development; and

26 (c) Additional public facility improvements required to serve new  
27 development.

28 If the capital facilities plan of the county, city, or town is  
29 complete other than for the inclusion of those elements which are the  
30 responsibility of a special district, the county, city, or town may  
31 impose impact fees to address those public facility needs for which the  
32 county, city, or town is responsible.

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