

---

SENATE BILL 5210

---

State of Washington

59th Legislature

2005 Regular Session

By Senators Doumit and Mulliken

Read first time 01/18/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to allowing fire protection facilities to use  
2 impact fees; and amending RCW 82.02.090.

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

4 **Sec. 1.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each  
5 amended to read as follows:

6 Unless the context clearly requires otherwise, the following  
7 definitions shall apply in RCW 82.02.050 through 82.02.090:

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.

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

15 (3) "Impact fee" means a payment of money imposed upon development  
16 as a condition of development approval to pay for public facilities  
17 needed to serve new growth and development, and that is reasonably  
18 related to the new development that creates additional demand and need  
19 for public facilities, that is a proportionate share of the cost of the

1 public facilities, and that is used for facilities that reasonably  
2 benefit the new development. "Impact fee" does not include a  
3 reasonable permit or application fee.

4 (4) "Owner" means the owner of record of real property, although  
5 when real property is being purchased under a real estate contract, the  
6 purchaser shall be considered the owner of the real property if the  
7 contract is recorded.

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

11 (6) "Project improvements" mean site improvements and facilities  
12 that are planned and designed to provide service for a particular  
13 development project and that are necessary for the use and convenience  
14 of the occupants or users of the project, and are not system  
15 improvements. No improvement or facility included in a capital  
16 facilities plan approved by the governing body of the county, city, or  
17 town shall be considered a project improvement.

18 (7) "Public facilities" means the following capital facilities  
19 owned or operated by government entities: (a) Public streets and  
20 roads; (b) publicly owned parks, open space, and recreation facilities;  
21 (c) school facilities; and (d) fire protection facilities (~~in~~  
22 ~~jurisdictions that are not part of a fire district~~)).

23 (8) "Service area" means a geographic area defined by a county,  
24 city, town, or intergovernmental agreement in which a defined set of  
25 public facilities provide service to development within the area.  
26 Service areas shall be designated on the basis of sound planning or  
27 engineering principles.

28 (9) "System improvements" mean public facilities that are included  
29 in the capital facilities plan and are designed to provide service to  
30 service areas within the community at large, in contrast to project  
31 improvements.

--- END ---