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## Local Government Committee

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### HB 2169

**Brief Description:** Eliminating impact fees for qualifying school facilities.

**Sponsors:** Representatives Eddy, Springer and Clibborn.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Prohibits local governments from collecting or spending impact fees for school facilities.</li></ul>
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**Hearing Date:** 2/26/07

**Staff:** Ethan Moreno (786-7386).

**Background:**

Growth Management Act

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. Planning jurisdictions must also adopt development regulations that implement and conform with the comprehensive plan.

Impact Fees

Planning jurisdictions may impose impact fees on development activity as part of the financing of public facilities that are needed to serve new growth and development. This financing, however, must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees. Additionally, impact fees:

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- May only be imposed for system improvements, a term defined in statute, that are 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.

Reasonable permit or application fees are not considered impact fees.

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

- Public streets and roads;
- Publicly owned parks, open space, and recreation facilities;
- School facilities; and
- Fire protection facilities in jurisdictions that are not part of a fire district.

Public facilities for which impact fees may be spent must be included in a capital facilities plan element of a comprehensive plan adopted under the GMA.

**Summary of Bill:**

The list of public facilities for which impact fees may be collected and spent is amended to specify that impact fees may not be collected or spent for school facilities.

**Appropriation:** None.

**Fiscal Note:** Requested on February 26, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.