

# SENATE BILL REPORT

## SB 6566

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As of February 20, 2008

**Title:** An act relating to concurrency and impact fees for transportation purposes.

**Brief Description:** Addressing concurrency and impact fees for transportation purposes.

**Sponsors:** Senator Swecker.

**Brief History:**

**Committee Activity:** Transportation: 2/04/08.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kelly Simpson (786-7403)

**Background:** Under the Growth Management Act (GMA), most local jurisdictions may not approve new development if it causes the level of service on locally-owned transportation facilities to fall below locally-adopted congestion standards, unless transportation improvements or strategies to accommodate the impacts are made concurrent with the development. "Concurrent with the development" means improvements or strategies occurring at the time of development or in the form of a financial commitment to complete them within six years. However, except in certain island counties, this "concurrency" provision of the GMA does not apply to development activity impacting transportation facilities and services of statewide significance.

Counties, cities, and towns that are required or choose to plan under the GMA may impose impact fees on development activity as part of the financing for public facilities needed to serve new growth and development. The impact fees: (1) may only be imposed for system improvements that are reasonably related to the new development; (2) may not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and (3) must be used for system improvements that will reasonably benefit the new development.

**Summary of Bill:** The bill as referred to committee was not considered.

**SUMMARY OF BILL (Proposed Substitute):** Imposing local government impact fees is specifically authorized as a transportation strategy eligible to satisfy GMA transportation concurrency requirements.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This legislation is one of the top priorities of the Association of Washington Business this session. The bill is intended to allow local governments and developers to better address growth in a way that more closely aligns with the original intent of the concurrency requirement. The Department of Community, Trade and Economic Development has adopted rules, providing advice to local governments on how to comply with the GMA, that suggests setting standards too high may result in no growth; a result which is contrary to the underlying purpose of the GMA. The concurrency provision was not supposed to lead to no growth. Builders are moving outward from urban growth areas, which is contrary to the GMA's purpose. The bill facilitates people living closer to their work which helps to reduce greenhouse gas emissions. The bill provides a mechanism to better ensure that the infrastructure is in place to accommodate growth.

CON: Concurrency may have the result of discouraging growth at times. However, this bill is too broad. It allows any impact fees to count toward the concurrency requirement, not just transportation impact fees. This is a big loophole. Stakeholders in King County for awhile now have been discussing proposed changes to address concurrency issues. Their recommendations are about to be finalized. The Legislature should await these recommendations before passing this bill.

**Persons Testifying:** PRO: Chris McCabe, Association of Washington Business; Duke Schaub, Associated General Contractors of Washington.

CON: Genesee Adkins, Transportation Choices Coalition.