
HOUSE BILL 2599

State of Washington

65th Legislature

2018 Regular Session

By Representatives Fitzgibbon, Appleton, Jinkins, Tarleton, McBride, Doglio, Eslick, and Pollet

Read first time 01/11/18. Referred to Committee on Environment.

1 AN ACT Relating to allowing local governments to collect
2 reasonable fees to cover costs for long-range planning required by
3 state environmental policy statutes; and amending RCW 82.02.020.

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

5 **Sec. 1.** RCW 82.02.020 and 2013 c 243 s 4 are each amended to
6 read as follows:

7 (1) Except only as expressly provided in chapters 67.28, 81.104,
8 and 82.14 RCW, the state preempts the field of imposing retail sales
9 and use taxes and taxes upon parimutuel wagering authorized pursuant
10 to RCW 67.16.060, conveyances, and cigarettes, and no county, town,
11 or other municipal subdivision (~~shall have~~) has the right to impose
12 taxes of that nature. Except as provided in RCW 64.34.440 and
13 82.02.050 through 82.02.090, no county, city, town, or other
14 municipal corporation (~~shall~~) may impose any tax, fee, or charge,
15 either direct or indirect, on the construction or reconstruction of
16 residential buildings, commercial buildings, industrial buildings, or
17 on any other building or building space or appurtenance thereto, or
18 on the development, subdivision, classification, or reclassification
19 of land. However, this section does not preclude dedications of land
20 or easements within the proposed development or plat which the
21 county, city, town, or other municipal corporation can demonstrate

1 are reasonably necessary as a direct result of the proposed
2 development or plat to which the dedication of land or easement is to
3 apply.

4 (2) This section does not prohibit voluntary agreements with
5 counties, cities, towns, or other municipal corporations that allow a
6 payment in lieu of a dedication of land or to mitigate a direct
7 impact that has been identified as a consequence of a proposed
8 development, subdivision, or plat. A local government (~~(shall)~~) may
9 not use such voluntary agreements for local off-site transportation
10 improvements within the geographic boundaries of the area or areas
11 covered by an adopted transportation program authorized by chapter
12 39.92 RCW. Any such voluntary agreement is subject to the following
13 provisions:

14 ~~((1))~~ (a) The payment (~~(shall)~~) must be held in a reserve
15 account and may only be expended to fund a capital improvement agreed
16 upon by the parties to mitigate the identified, direct impact;

17 ~~((2))~~ (b) The payment (~~(shall)~~) must be expended in all cases
18 within five years of collection; and

19 ~~((3))~~ (c) Any payment not so expended (~~(shall)~~) must be
20 refunded with interest to be calculated from the original date the
21 deposit was received by the county and at the same rate applied to
22 tax refunds pursuant to RCW 84.69.100; however, if the payment is not
23 expended within five years due to delay attributable to the
24 developer, the payment (~~(shall)~~) must be refunded without interest.

25 (3) No county, city, town, or other municipal corporation
26 (~~(shall)~~) may require any payment as part of such a voluntary
27 agreement which the county, city, town, or other municipal
28 corporation cannot establish is reasonably necessary as a direct
29 result of the proposed development or plat.

30 (4) Nothing in this section prohibits cities, towns, counties, or
31 other municipal corporations from collecting reasonable fees from an
32 applicant for a permit or other governmental approval to cover the
33 cost to the city, town, county, or other municipal corporation of
34 processing applications, inspecting and reviewing plans, long-range
35 planning, or preparing detailed statements required by chapter 43.21C
36 RCW, including reasonable fees that are consistent with RCW
37 43.21C.420(6), 43.21C.428, and beginning July 1, 2014, RCW 35.91.020.

38 (5) This section does not limit the existing authority of any
39 county, city, town, or other municipal corporation to impose special

1 assessments on property specifically benefited thereby in the manner
2 prescribed by law.

3 (6) Nothing in this section prohibits counties, cities, or towns
4 from imposing or permits counties, cities, or towns to impose water,
5 sewer, natural gas, drainage utility, and drainage system charges.
6 However, no such charge (~~shall~~) may exceed the proportionate share
7 of such utility or system's capital costs which the county, city, or
8 town can demonstrate are attributable to the property being charged.
9 Furthermore, these provisions may not be interpreted to expand or
10 contract any existing authority of counties, cities, or towns to
11 impose such charges.

12 (7) Nothing in this section prohibits a transportation benefit
13 district from imposing fees or charges authorized in RCW 36.73.120
14 nor prohibits the legislative authority of a county, city, or town
15 from approving the imposition of such fees within a transportation
16 benefit district.

17 (8) Nothing in this section prohibits counties, cities, or towns
18 from imposing transportation impact fees authorized pursuant to
19 chapter 39.92 RCW.

20 (9) Nothing in this section prohibits counties, cities, or towns
21 from requiring property owners to provide relocation assistance to
22 tenants under RCW 59.18.440 and 59.18.450.

23 (10) Nothing in this section limits the authority of counties,
24 cities, or towns to implement programs consistent with RCW
25 36.70A.540, nor to enforce agreements made pursuant to such programs.

26 (11) This section does not apply to special purpose districts
27 formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the
28 authority conferred by these titles affected.

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