
HOUSE BILL 2557

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Carlson, Kremen, Bowman, Sheldon, Vance, May, Wood, Miller, Van Luven, Ballard, Forner, Neher, Morris, Ludwig, Roland, Paris, Mitchell, Betrozoff, Brough, Hochstatter, Padden, Ferguson, Casada, Chandler, D. Sommers, Wynne, P. Johnson, Brumsickle, Nealey, Fraser, Tate and Schmidt

Read first time 01/22/92. Referred to Committee on Local Government.

1 AN ACT Relating to impact fees; and amending RCW 82.02.090.

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

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

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

7 (1) "Development activity" means any construction or expansion of
8 a building, structure, or use, any change in use of a building or
9 structure, or any changes in the use of land, that creates additional
10 demand and need for public facilities. It does not include remodeling,
11 expanding, or replacement of an existing single-family residence.

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

1 (3) "Impact fee" means a payment of money imposed upon development
2 as a condition of development approval to pay for public facilities
3 needed to serve new growth and development, and that is reasonably
4 related to the new development that creates additional demand and need
5 for public facilities, that is a proportionate share of the cost of the
6 public facilities, and that is used for facilities that reasonably
7 benefit the new development. "Impact fee" does not include a
8 reasonable permit or application fee.

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

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

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

23 (7) "Public facilities" means the following capital facilities
24 owned or operated by government entities: (a) Public streets and
25 roads; (b) publicly owned parks, open space, and recreation facilities;
26 (c) school facilities; and (d) fire protection facilities in
27 jurisdictions that are not part of a fire district.

28 (8) "Service area" means a geographic area defined by a county,
29 city, town, or intergovernmental agreement in which a defined set of
30 public facilities provide service to development within the area.

1 Service areas shall be designated on the basis of sound planning or
2 engineering principles.

3 (9) "System improvements" mean public facilities that are included
4 in the capital facilities plan and are designed to provide service to
5 service areas within the community at large, in contrast to project
6 improvements.