

2 **ESB 6094** - H AMD TO H AMD (H-3356.2/97)**786 WITHDRAWN 4-27-97**  
3 By Representative Sherstad

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5 On page 74, after line 17 of the amendment, insert the following:

6 "Sec. 55. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each  
7 amended to read as follows:

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

10 (1) "Development activity" means any construction or expansion of  
11 a building, structure, or use, any change in use of a building or  
12 structure, or any changes in the use of land, that creates additional  
13 demand and need for public facilities.

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

17 (3) "Impact fee" means a payment of money imposed upon development  
18 as a condition of development approval to pay for public facilities  
19 needed to serve new growth and development, and that is reasonably  
20 related to the new development that creates additional demand and need  
21 for public facilities, that is a proportionate share of the cost of the  
22 public facilities, and that is used for facilities that reasonably  
23 benefit the new development. "Impact fee" does not include a  
24 reasonable permit or application fee.

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

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

32 (6) "Project improvements" mean site improvements and facilities  
33 that are planned and designed to provide service for a particular  
34 development project and that are necessary for the use and convenience  
35 of the occupants or users of the project, and are not system  
36 improvements. No improvement or facility included in a capital

1 facilities plan approved by the governing body of the county, city, or  
2 town shall be considered a project improvement.

3 (7) "Public facilities" means the following capital facilities  
4 owned or operated by government entities: (a) Public streets and  
5 roads; (b) publicly owned parks, open space, and recreation facilities;  
6 and (c) (~~school facilities; and (d)~~) fire protection facilities in  
7 jurisdictions that are not part of a fire district. "Public  
8 facilities" does not include school facilities.

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

14 (9) "System improvements" mean public facilities that are included  
15 in the capital facilities plan and are designed to provide service to  
16 service areas within the community at large, in contrast to project  
17 improvements."

18 Renumber the remaining sections consecutively and correct any  
19 internal references and the title accordingly.

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