
HOUSE BILL 3000

State of Washington 55th Legislature 1998 Regular Session

By Representatives Bush and Crouse

Read first time 01/27/98. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to limiting charges for water, sewer, natural gas,
2 drainage utility, and drainage system capital costs to rate-based user
3 charges; 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 1996 c 230 s 1612 are each amended to
6 read as follows:

7 Except only as expressly provided in RCW 67.28.180 and 67.28.190
8 and the provisions of chapter 82.14 RCW, the state preempts the field
9 of imposing taxes upon retail sales of tangible personal property, the
10 use of tangible personal property, parimutuel wagering authorized
11 pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county,
12 town, or other municipal subdivision shall have the right to impose
13 taxes of that nature. Except as provided in RCW 82.02.050 through
14 82.02.090, no county, city, town, or other municipal corporation shall
15 impose any tax, fee, or charge, either direct or indirect, on the
16 construction or reconstruction of residential buildings, commercial
17 buildings, industrial buildings, or on any other building or building
18 space or appurtenance thereto, or on the development, subdivision,
19 classification, or reclassification of land. However, this section

1 does not preclude dedications of land or easements within the proposed
2 development or plat which the county, city, town, or other municipal
3 corporation can demonstrate are reasonably necessary as a direct result
4 of the proposed development or plat to which the dedication of land or
5 easement is to apply.

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

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

18 (2) The payment shall be expended in all cases within five years of
19 collection; and

20 (3) Any payment not so expended shall be refunded with interest at
21 the rate applied to judgments to the property owners of record at the
22 time of the refund; however, if the payment is not expended within five
23 years due to delay attributable to the developer, the payment shall be
24 refunded without interest.

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

30 Nothing in this section prohibits cities, towns, counties, or other
31 municipal corporations from collecting reasonable fees from an
32 applicant for a permit or other governmental approval to cover the cost
33 to the city, town, county, or other municipal corporation of processing
34 applications, inspecting and reviewing plans, or preparing detailed
35 statements required by chapter 43.21C RCW.

36 This section does not limit the existing authority of any county,
37 city, town, or other municipal corporation to impose special
38 assessments on property specifically benefitted thereby in the manner
39 prescribed by law.

1 Nothing in this section prohibits counties, cities, or towns from
2 imposing or permits counties, cities, or towns to impose water, sewer,
3 natural gas, drainage utility, and drainage system charges: PROVIDED,
4 That (~~no such charge shall exceed the proportionate share of~~) such
5 utility or system's capital costs (~~which the county, city, or town can~~
6 ~~demonstrate are attributable to the property being charged: PROVIDED~~
7 ~~FURTHER, That these provisions shall not be interpreted to expand or~~
8 ~~contract any existing authority of counties, cities, or towns to impose~~
9 ~~such charges~~) or any capacity charges must be recovered using rate-
10 based user charges and such utility or system may not charge hookup
11 fees that are above actual physical connection costs.

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

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

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

22 This section does not apply to special purpose districts formed and
23 acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority
24 conferred by these titles affected.

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