
SENATE BILL 5472

State of Washington

56th Legislature

1999 Regular Session

By Senator Benton

Read first time 01/25/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to impact fees; and amending RCW 82.02.060.

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

3 **Sec. 1.** RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each
4 amended to read as follows:

5 The local ordinance by which impact fees are imposed:

6 (1) Shall include a schedule of impact fees which shall be adopted
7 for each type of development activity that is subject to impact fees,
8 specifying the amount of the impact fee to be imposed for each type of
9 system improvement. The schedule shall be based upon a formula or
10 other method of calculating such impact fees. In determining
11 proportionate share, the formula or other method of calculating impact
12 fees shall incorporate, among other things, the following:

13 (a) The cost of public facilities necessitated by new development;

14 (b) An adjustment to the cost of the public facilities for past or
15 future payments made or reasonably anticipated to be made by new
16 development to pay for particular system improvements in the form of
17 user fees, debt service payments, taxes, or other payments earmarked
18 for or proratable to the particular system improvement;

1 (c) The availability of other means of funding public facility
2 improvements;

3 (d) The cost of existing public facilities improvements; and

4 (e) The methods by which public facilities improvements were
5 financed;

6 (2) May provide an exemption for low-income housing, and other
7 development activities with broad public purposes, from these impact
8 fees, provided that the impact fees for such development activity shall
9 be paid from public funds other than impact fee accounts;

10 (3) Shall provide a credit for the value of any dedication of land
11 for, improvement to, or new construction of any system improvements
12 provided by the developer, to facilities that are identified in the
13 capital facilities plan and that are required by the county, city, or
14 town as a condition of approving the development activity;

15 (4) Shall provide that impact fees for residential construction be
16 collected at the time of home title transfer to the occupant or twelve
17 months after the building permit is issued;

18 (5) Shall provide that impact fees for nonresidential construction
19 be identified on an itemized basis for each planned public project,
20 based upon adopted policies and procedures, and shall set forth such
21 itemized fees as a condition of approval of the development project.
22 Within ninety days prior to the scheduled start of construction of any
23 specific public project for which mitigation fees have been set, the
24 jurisdiction may require payment by the owner or owners of the
25 development project of the amount set forth for that public project in
26 the approval conditions;

27 (6) Shall allow the county, city, or town imposing the impact fees
28 to adjust the standard impact fee at the time the fee is imposed to
29 consider unusual circumstances in specific cases to ensure that impact
30 fees are imposed fairly;

31 (~~(5)~~) (7) Shall include a provision for calculating the amount of
32 the fee to be imposed on a particular development that permits
33 consideration of studies and data submitted by the developer to adjust
34 the amount of the fee;

35 (~~(6)~~) (8) Shall establish one or more reasonable service areas
36 within which it shall calculate and impose impact fees for various land
37 use categories per unit of development;

38 (~~(7)~~) (9) May provide for the imposition of an impact fee for
39 system improvement costs previously incurred by a county, city, or town

1 to the extent that new growth and development will be served by the
2 previously constructed improvements provided such fee shall not be
3 imposed to make up for any system improvement deficiencies.

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