
HOUSE BILL 2125

State of Washington 59th Legislature 2005 Regular Session

By Representative Simpson

Read first time 02/18/2005. Referred to Committee on Local Government.

1 AN ACT Relating to the impact fee exemption for low-income housing
2 and other broad purpose development activities; and amending RCW
3 82.02.060.

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

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

7 The local ordinance by which impact fees are imposed:

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

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

16 (b) An adjustment to the cost of the public facilities for past or
17 future payments made or reasonably anticipated to be made by new
18 development to pay for particular system improvements in the form of

1 user fees, debt service payments, taxes, or other payments earmarked
2 for or proratable to the particular system improvement;

3 (c) The availability of other means of funding public facility
4 improvements;

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

6 (e) The methods by which public facilities improvements were
7 financed;

8 (2) May provide an exemption for low-income housing, and other
9 development activities with broad public purposes, from these impact
10 fees, (~~provided that~~) subject to the following:

11 (a) The impact fees for such development activity shall be paid
12 from public funds other than impact fee accounts. However, under no
13 circumstances shall a county, city, town, or school district be
14 required to transfer funds to an impact fee account from another agency
15 account;

16 (b) The impact fee schedule shall not be adjusted to offset impact
17 fees not collected from an exempt low-income housing development or
18 from another exempt development activity with broad public purposes;
19 and

20 (c) A low-income housing development granted an exemption under
21 this subsection shall be conditioned on the requirement that the
22 developer record a covenant prohibiting the use of the property for any
23 purpose other than low-income housing for a period of not less than
24 twenty years;

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

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

34 (5) Shall include a provision for calculating the amount of the fee
35 to be imposed on a particular development that permits consideration of
36 studies and data submitted by the developer to adjust the amount of the
37 fee;

1 (6) Shall establish one or more reasonable service areas within
2 which it shall calculate and impose impact fees for various land use
3 categories per unit of development;

4 (7) May provide for the imposition of an impact fee for system
5 improvement costs previously incurred by a county, city, or town to the
6 extent that new growth and development will be served by the previously
7 constructed improvements provided such fee shall not be imposed to make
8 up for any system improvement deficiencies.

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