
HOUSE BILL 2604

State of Washington

60th Legislature

2008 Regular Session

By Representatives Simpson, Ormsby, and Chase

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1 AN ACT Relating to exempting low-income housing and development
2 activities with broad public purposes from impact fees; and amending
3 RCW 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((~~7~~)) and other
9 development activities with broad public purposes(~~((7, from these impact~~
10 ~~fees, provided that the impact fees for such development activity shall~~
11 ~~be paid from public funds other than impact fee accounts))~~);

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

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

21 (5) Shall include a provision for calculating the amount of the fee
22 to be imposed on a particular development that permits consideration of
23 studies and data submitted by the developer to adjust the amount of the
24 fee;

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

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

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