

SB 5548 - H COMM AMD

By Committee on Local Government & Housing

ADOPTED 04/08/2009

1 Strike everything after the enacting clause and insert the
2 following:

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;

19 (c) The availability of other means of funding public facility
20 improvements;

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

22 (e) The methods by which public facilities improvements were
23 financed;

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

28 (3) Shall provide a credit for the value of any dedication of land
29 for, improvement to, or new construction of any system improvements

1 provided by the developer, to facilities that are identified in the
2 capital facilities plan and that are required by the county, city, or
3 town as a condition of approving the development activity;

4 (4) Shall provide a credit for the value of any dedication of land
5 for public transit infrastructure improvements requested by the
6 legislative authority of the applicable county, city, or town. A
7 credit may only be provided under this subsection (4) if the public
8 transit infrastructure improvement improves system capacity and the
9 long-term operational costs for the new public transit infrastructure
10 have been identified and secured for six or more years. Credits
11 provided under this subsection (4) may not exceed the value of the
12 impact fees for public streets and roads imposed on the applicable
13 development;

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

18 ~~((+5))~~ (6) Shall include a provision for calculating the amount of
19 the fee to be imposed on a particular development that permits
20 consideration of studies and data submitted by the developer to adjust
21 the amount of the fee;

22 ~~((+6))~~ (7) Shall establish one or more reasonable service areas
23 within which it shall calculate and impose impact fees for various land
24 use categories per unit of development;

25 ~~((+7))~~ (8) May provide for the imposition of an impact fee for
26 system improvement costs previously incurred by a county, city, or town
27 to the extent that new growth and development will be served by the
28 previously constructed improvements provided such fee shall not be
29 imposed to make up for any system improvement deficiencies."

30 Correct the title.

EFFECT: (1) Removes provisions specifying that local ordinances by which impact fees are imposed must provide a credit for the value of any dedication of land for, improvement to, or new construction of any project improvements, including public transportation infrastructure improvements, provided by the developer.

(2) Specifies that local ordinances by which impact fees are imposed must provide a credit for public transit infrastructure improvements requested by the legislative authority of the applicable county, city, or town.

(3) Specifies that these credits may only be provided if the public transit infrastructure improvement improves system capacity and the long-term operational costs for the new infrastructure have been identified and secured for six or more years.

(4) Specifies that these credits may not exceed the value of impact fees for public streets and roads imposed on the applicable development.

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