
HOUSE BILL 1080

State of Washington

61st Legislature

2009 Regular Session

By Representatives Simpson and Williams

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1 AN ACT Relating to allowing impact fees to be used for all fire
2 protection facilities; and amending RCW 82.02.090.

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

4 **Sec. 1.** RCW 82.02.090 and 2008 c 42 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the following
7 definitions shall apply in RCW 82.02.050 through 82.02.090:

8 (1) "Development activity" means any construction or expansion of
9 a building, structure, or use, any change in use of a building or
10 structure, or any changes in the use of land, that creates additional
11 demand and need for public facilities. "Development activity" does not
12 include buildings or structures constructed by a regional transit
13 authority.

14 (2) "Development approval" means any written authorization from a
15 county, city, or town which authorizes the commencement of development
16 activity.

17 (3) "Impact fee" means a payment of money imposed upon development
18 as a condition of development approval to pay for public facilities
19 needed to serve new growth and development, and that is reasonably

1 related to the new development that creates additional demand and need
2 for public facilities, that is a proportionate share of the cost of the
3 public facilities, and that is used for facilities that reasonably
4 benefit the new development. "Impact fee" does not include a
5 reasonable permit or application fee.

6 (4) "Owner" means the owner of record of real property, although
7 when real property is being purchased under a real estate contract, the
8 purchaser shall be considered the owner of the real property if the
9 contract is recorded.

10 (5) "Proportionate share" means that portion of the cost of public
11 facility improvements that are reasonably related to the service
12 demands and needs of new development.

13 (6) "Project improvements" mean site improvements and facilities
14 that are planned and designed to provide service for a particular
15 development project and that are necessary for the use and convenience
16 of the occupants or users of the project, and are not system
17 improvements. No improvement or facility included in a capital
18 facilities plan approved by the governing body of the county, city, or
19 town shall be considered a project improvement.

20 (7) "Public facilities" means the following capital facilities
21 owned or operated by government entities: (a) Public streets and
22 roads; (b) publicly owned parks, open space, and recreation facilities;
23 (c) school facilities; and (d) fire protection facilities (~~in~~
24 ~~jurisdictions that are not part of a fire district~~)).

25 (8) "Service area" means a geographic area defined by a county,
26 city, town, or intergovernmental agreement in which a defined set of
27 public facilities provide service to development within the area.
28 Service areas shall be designated on the basis of sound planning or
29 engineering principles.

30 (9) "System improvements" mean public facilities that are included
31 in the capital facilities plan and are designed to provide service to
32 service areas within the community at large, in contrast to project
33 improvements.

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