

---

HOUSE BILL 1802

---

State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Fitzgibbon, Takko, and Springer

Read first time 01/29/15. Referred to Committee on Local Government.

1            AN ACT Relating to optional methods of financing long-range  
2 planning costs; and amending RCW 82.02.020.

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

4            **Sec. 1.** RCW 82.02.020 and 2013 c 243 s 4 are each amended to  
5 read as follows:

6            Except only as expressly provided in chapters 67.28, 81.104, and  
7 82.14 RCW, the state preempts the field of imposing retail sales and  
8 use taxes and taxes upon parimutuel wagering authorized pursuant to  
9 RCW 67.16.060, conveyances, and cigarettes, and no county, town, or  
10 other municipal subdivision (~~shall have~~) has the right to impose  
11 taxes of that nature. Except as provided in RCW 64.34.440 and  
12 82.02.050 through 82.02.090, no county, city, town, or other  
13 municipal corporation (~~shall~~) may impose any tax, fee, or charge,  
14 either direct or indirect, on the construction or reconstruction of  
15 residential buildings, commercial buildings, industrial buildings, or  
16 on any other building or building space or appurtenance thereto, or  
17 on the development, subdivision, classification, or reclassification  
18 of land. However, this section does not preclude dedications of land  
19 or easements within the proposed development or plat which the  
20 county, city, town, or other municipal corporation can demonstrate  
21 are reasonably necessary as a direct result of the proposed

1 development or plat to which the dedication of land or easement is to  
2 apply.

3 This section does not prohibit voluntary agreements with  
4 counties, cities, towns, or other municipal corporations that allow a  
5 payment in lieu of a dedication of land or to mitigate a direct  
6 impact that has been identified as a consequence of a proposed  
7 development, subdivision, or plat. A local government (~~shall~~) may  
8 not use such voluntary agreements for local off-site transportation  
9 improvements within the geographic boundaries of the area or areas  
10 covered by an adopted transportation program authorized by chapter  
11 39.92 RCW. Any such voluntary agreement is subject to the following  
12 provisions:

13 (1) The payment (~~shall~~) must be held in a reserve account and  
14 may only be expended to fund a capital improvement agreed upon by the  
15 parties to mitigate the identified, direct impact;

16 (2) The payment (~~shall~~) must be expended in all cases within  
17 five years of collection; and

18 (3) Any payment not so expended (~~shall~~) must be refunded with  
19 interest to be calculated from the original date the deposit was  
20 received by the county and at the same rate applied to tax refunds  
21 pursuant to RCW 84.69.100; however, if the payment is not expended  
22 within five years due to delay attributable to the developer, the  
23 payment (~~shall~~) must be refunded without interest.

24 No county, city, town, or other municipal corporation (~~shall~~)  
25 may require any payment as part of such a voluntary agreement which  
26 the county, city, town, or other municipal corporation cannot  
27 establish is reasonably necessary as a direct result of the proposed  
28 development or plat.

29 Nothing in this section prohibits cities, towns, counties, or  
30 other municipal corporations from collecting reasonable fees from an  
31 applicant for a permit or other governmental approval to cover the  
32 cost to the city, town, county, or other municipal corporation of  
33 processing applications, inspecting and reviewing plans, long-range  
34 planning, or preparing detailed statements required by chapter 43.21C  
35 RCW, including reasonable fees that are consistent with RCW  
36 43.21C.420(6), 43.21C.428, and beginning July 1, 2014, RCW 35.91.020.

37 This section does not limit the existing authority of any county,  
38 city, town, or other municipal corporation to impose special  
39 assessments on property specifically benefited thereby in the manner  
40 prescribed by law.

1        Nothing in this section prohibits counties, cities, or towns from  
2 imposing or permits counties, cities, or towns to impose water,  
3 sewer, natural gas, drainage utility, and drainage system charges.  
4 However, no such charge (~~shall~~) may exceed the proportionate share  
5 of such utility or system's capital costs which the county, city, or  
6 town can demonstrate are attributable to the property being charged.  
7 Furthermore, these provisions may not be interpreted to expand or  
8 contract any existing authority of counties, cities, or towns to  
9 impose such charges.

10        Nothing in this section prohibits a transportation benefit  
11 district from imposing fees or charges authorized in RCW 36.73.120  
12 nor prohibits the legislative authority of a county, city, or town  
13 from approving the imposition of such fees within a transportation  
14 benefit district.

15        Nothing in this section prohibits counties, cities, or towns from  
16 imposing transportation impact fees authorized pursuant to chapter  
17 39.92 RCW.

18        Nothing in this section prohibits counties, cities, or towns from  
19 requiring property owners to provide relocation assistance to tenants  
20 under RCW 59.18.440 and 59.18.450.

21        Nothing in this section limits the authority of counties, cities,  
22 or towns to implement programs consistent with RCW 36.70A.540, nor to  
23 enforce agreements made pursuant to such programs.

24        This section does not apply to special purpose districts formed  
25 and acting pursuant to Title 54, 57, or 87 RCW, nor is the authority  
26 conferred by these titles affected.

--- END ---