

SENATE BILL REPORT

SB 5289

As of January 24, 2023

Title: An act relating to allowing the use of impact fees for law enforcement.

Brief Description: Concerning allowing the use of impact fees for law enforcement.

Sponsors: Senators Shewmake, Holy, Lovick and Wagoner.

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 1/24/23.

Brief Summary of Bill

- Amends the definition of public facilities, within the context of impact fees, to add law enforcement facilities.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Staff: Karen Epps (786-7424)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous planning requirements for counties and cities obligated by mandate or choice to fully plan under the GMA—planning jurisdictions—and a reduced number of directives for all other counties and cities. Twenty-eight of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

Impact Fees. Planning jurisdictions may impose impact fees on development activity to finance certain public facility improvements that are addressed by the capital facilities plan element of a comprehensive plan. This financing must provide a balance between impact fees and other sources of public funds and cannot rely solely on impact fees. Impact fees

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may only be imposed for system improvements, a term defined in statute, that are reasonably related to the new development, may not exceed a proportionate share of the costs of system improvements, and must be used for system improvements that will reasonably benefit the new development.

Impact fees may be collected and spent only for qualifying public facilities included within a capital facilities plan element of a comprehensive plan. Public facilities, within the context of impact fee statutes, are the following capital facilities owned or operated by government entities:

- public streets and roads;
- publicly owned parks, open space, and recreation facilities;
- school facilities; and
- fire protection facilities.

County and city ordinances by which impact fees are imposed must conform with specific requirements. Among other obligations, these ordinances must include a schedule of impact fees for each type of development activity for which a fee is imposed.

Summary of Bill: The definition of public facilities is amended to add law enforcement facilities.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a way to be able to use impact fees for building new police facilities. Impact fees can be used for fire protection facilities, they should be able to be used for broader public safety purposes. Law enforcement facilities should receive impact fees as other public facilities do. As cities continue to grow, law enforcement must grow proportionally to maintain safety and quality of life. Taxes, bonds, and overburdened revenue sources are the only methods now to fund law enforcement facilities. Cities cannot continue to hire new employees without facilities to support them. Law enforcement is a direct public service and this bill will help ensure that a proportional share of new growth and improvements help support building or improving law enforcement facilities as needed. Increased development has an impact on the services that law enforcement facilities must provide in their communities and that should be accommodated in the impact fee process.

CON: There is concern that allowing impact fees to be used for law enforcement facilities will lead to a shortage of available funding for its existing uses like roads, parks, open

spaces, recreation facilities, schools, and fire protection districts. Expansion of allowable use of these funds will lead to an increase in impact fees for housing development. This bill will make it more expensive to build and will make housing less affordable. Maintaining impact fees at currently levels will help with affordable housing. Law enforcement facilities should be funded out of the general fund or by asking for additional resources from the voters.

Persons Testifying: PRO: Senator Sharon Shewmake, Prime Sponsor; James McMahan, WA Assoc Sheriffs & Police Chiefs; Kevin Turner, Ferndale City - Police Department.

CON: Alex Hur, Master Builders Association of King and Snohomish Counties; Bill Stauffacher, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: No one.