

# SENATE BILL REPORT

## SB 5452

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As Reported by Senate Committee On:  
Local Government, Land Use & Tribal Affairs, February 2, 2023

**Title:** An act relating to authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities.

**Brief Description:** Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities.

**Sponsors:** Senators Shewmake, Billig, Hasegawa, Kuderer, Lias, Nguyen, Pedersen, Saldaña and Valdez.

**Brief History:**

**Committee Activity:** Local Government, Land Use & Tribal Affairs: 1/24/23, 2/02/23 [DP, w/oRec].

**Brief Summary of Bill**

- Amends the definition of public facilities, within the context of impact fees, to add bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

**Majority Report:** Do pass.

Signed by Senators Lovelett, Chair; Salomon, Vice Chair; Kauffman.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Torres, Ranking Member; Short.

**Staff:** Maggie Douglas (786-7279)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be fully planning under the GMA.

The GMA sets forth 14 planning goals to guide the development and adoption of comprehensive plans and development regulations of counties and cities that fully plan under the GMA. The transportation goal encourages efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city transportation plans.

Impact fees. Fully planning jurisdictions may impose impact fees on development activity as part of financing public facilities needed to serve new growth and development. This financing must provide a balance between impact fees and other sources of public funds and cannot rely solely on impact fees. Impact fees may only be imposed for system improvements 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.

Local governments collecting impact fees must produce an annual report detailing the fees that have been collected and what they have been used for. Impact fees must generally be collected prior to construction, and must be kept in a separate account depending on the type of the public facility it was collected for. If impact fees are not used within ten years of collection, they generally, must be returned.

**Summary of Bill:** The definition of public facilities is amended to add bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use.

**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: Impact fees can be used to build a bike lane along a road but not a separated bike lane which are safer and provide better services. This bill is a win for the safety of communities and is a better use of impact fees. This bill does not authorize a new impact fee, it leverages fees already charged for bike paths facilities along the roadway. This gives cities more flexibility to plan for multimodal transportation systems. Multimodal investments help create a livable and walkable community. They provide a safe and enjoyable way for residents to walk to and from work and do not put additional wear and tear on roads. Developers are constructing housing and job development along these multimodal corridors. There will be less costs for this than other improvements associated with streets.

CON: Expanding the allowable use of impact fees is a concern. There needs to be a way that these great ideas can be funded without leading to an increase in housing cost. The use being discussed in this bill is already allowable under the parks impact fees and the use that is being discussed is more in line with a parks and recreation activity, rather than transportation activity. Expanding transportation impact fees will disproportionately burden first time home buyers.

**Persons Testifying:** PRO: Senator Sharon Shewmake, Prime Sponsor; Angela Birney, City of Redmond Mayor; Briahna Murray, Redmond Contract Lobbyist; Tim McHarg, Redmond Principal Planner.

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.