
SENATE BILL 5131

State of Washington

62nd Legislature

2011 Regular Session

By Senators Haugen, King, and White

Read first time 01/14/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to expanding certain public facilities eligible to
2 be credited against the imposition of impact fees; and reenacting and
3 amending RCW 82.02.090.

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

5 **Sec. 1.** RCW 82.02.090 and 2010 c 86 s 1 are each reenacted and
6 amended to read as follows:

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

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

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

18 (3) "Impact fee" means a payment of money imposed upon development
19 as a condition of development approval to pay for public facilities

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

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

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

18 (6) "Proportionate share" means that portion of the cost of public
19 facility improvements that are reasonably related to the service
20 demands and needs of new development.

21 (7) "Public facilities" means the following capital facilities
22 owned or operated by government entities: (a) Public streets (~~and~~),
23 roads, transit, bicycle, and pedestrian facilities; (b) publicly owned
24 parks, open space, and recreation facilities; (c) school facilities;
25 and (d) fire protection facilities.

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

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

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