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**SENATE BILL 5289**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Shewmake

1 AN ACT Relating to allowing the use of impact fees for law  
2 enforcement; 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 2018 c 133 s 1 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout RCW 82.02.050  
7 through 82.02.090 unless the context clearly requires otherwise.

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  
12 not include:

13 (a) Buildings or structures constructed by a regional transit  
14 authority; or

15 (b) Buildings or structures constructed as shelters that provide  
16 emergency housing for people experiencing homelessness, or emergency  
17 shelters for victims of domestic violence, as defined in RCW  
18 70.123.020.

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

1 (3) "Impact fee" means a payment of money imposed upon  
2 development as a condition of development approval to pay for public  
3 facilities needed to serve new growth and development, and that is  
4 reasonably related to the new development that creates additional  
5 demand and need for public facilities, that is a proportionate share  
6 of the cost of the public facilities, and that is used for facilities  
7 that reasonably benefit the new development. "Impact fee" does not  
8 include a reasonable permit or application fee.

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

13 (5) "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  
16 convenience of the occupants or users of the project, and are not  
17 system improvements. An improvement or facility included in a capital  
18 facilities plan approved by the governing body of the county, city,  
19 or town is not considered a project improvement.

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

23 (7) "Public facilities" means the following capital facilities  
24 owned or operated by government entities: (a) Public streets and  
25 roads; (b) publicly owned parks, open space, and recreation  
26 facilities; (c) school facilities; ~~((and))~~ (d) fire protection  
27 facilities; and (e) law enforcement facilities.

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

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

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