
HOUSE BILL 1751

State of Washington

52nd Legislature

1991 Regular Session

By Representative Heavey.

Read first time February 7, 1991. Referred to Committee on Education\Capital Facilities & Financing.

1 AN ACT Relating to impact fees for school facilities; amending RCW
2 82.02.090; adding a new section to chapter 82.02 RCW; adding a new
3 section to chapter 28A.315 RCW; and adding a new section to chapter
4 28A.525 RCW.

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

6 **Sec. 1.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each
7 amended to read as follows:

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

10 (1) "Development activity" means any construction or expansion of
11 a building, structure, or use, any change in use of a building or
12 structure, or any changes in the use of land, that creates additional
13 demand and need for public facilities.

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

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

12 (4) "Owner" means the owner of record of real property, although
13 when real property is being purchased under a real estate contract, the
14 purchaser shall be considered the owner of the real property if the
15 contract is recorded.

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

19 (6) "Project improvements" mean site improvements and facilities
20 that are planned and designed to provide service for a particular
21 development project and that are necessary for the use and convenience
22 of the occupants or users of the project, and are not system
23 improvements. No improvement or facility included in a capital
24 facilities plan approved by the governing body of the county, city, or
25 town shall be considered a project improvement.

26 (7) "Public facilities" means the following capital facilities
27 owned or operated by government entities: (a) Public streets and
28 roads; (b) publicly owned parks, open space, and recreation facilities;
29 (c) school facilities, subject to section 2 of this act; and (d) fire

1 protection facilities in jurisdictions that are not part of a fire
2 district.

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

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

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.02 RCW
13 to read as follows:

14 (1) School districts that have common boundaries, upon the request
15 of a developer building five or more single family units under a single
16 permit, shall change their boundaries when the change will move a new
17 development from a school district receiving impact fees to one that
18 does not where sufficient capacity exists to accommodate the new
19 development and where it is not excessively burdensome to change the
20 boundaries. The superintendent of public instruction shall approve all
21 boundary changes under this section, review all denials for boundary
22 changes requested under this section, and mediate disputes regarding
23 requested boundary changes under this section.

24 (2) The amount of impact fees collected for school facilities on
25 behalf of a school district in a given year shall be deducted from that
26 district's matching fund from the common school construction fund for
27 school plant facilities for that year.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.315
2 RCW to read as follows:

3 School districts that have common boundaries, upon the request of
4 a developer building five or more single family units under a single
5 permit, shall change their boundaries when the change will move a new
6 development from a school district receiving impact fees to one that
7 does not where sufficient capacity exists to accommodate the new
8 development and where it is not excessively burdensome to change the
9 boundaries. The superintendent of public instruction shall approve all
10 boundary changes under this section, review all denials for boundary
11 changes requested under this section, and mediate disputes regarding
12 requested boundary changes under this section.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.525
14 RCW to read as follows:

15 The amount of impact fees collected for school facilities on behalf
16 of a school district in a given year under RCW 82.02.050 through
17 82.02.090 shall be deducted from that district's matching fund from the
18 common school construction fund for school plant facilities for that
19 year.