
HOUSE BILL 3067

State of Washington 61st Legislature 2010 Regular Session

By Representatives Williams, Rodne, Springer, Clibborn, Lias, Upthegrove, Priest, and Wallace

Read first time 01/22/10. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to establishing a process for the payment of impact
2 fees through provisions stipulated in recorded covenants; and amending
3 RCW 82.02.050.

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

5 **Sec. 1.** RCW 82.02.050 and 1994 c 257 s 24 are each amended to read
6 as follows:

7 (1) It is the intent of the legislature:

8 (a) To ensure that adequate facilities are available to serve new
9 growth and development;

10 (b) To promote orderly growth and development by establishing
11 standards by which counties, cities, and towns may require, by
12 ordinance, that new growth and development pay a proportionate share of
13 the cost of new facilities needed to serve new growth and development;
14 and

15 (c) To ensure that impact fees are imposed through established
16 procedures and criteria so that specific developments do not pay
17 arbitrary fees or duplicative fees for the same impact.

18 (2) Counties, cities, and towns that are required or choose to plan
19 under RCW 36.70A.040 are authorized to impose impact fees on

1 development activity as part of the financing for public facilities,
2 provided that the financing for system improvements to serve new
3 development must provide for a balance between impact fees and other
4 sources of public funds and cannot rely solely on impact fees.

5 (3) Counties, cities, and towns collecting impact fees must make
6 available to applicants for building permits issued for a lot or unit
7 within a subdivision, short subdivision, or site development permit
8 issuance a process by which the applicant may record a covenant against
9 title to the property that requires payment equal to one hundred
10 percent of the impact fee rates in effect at the time of final plat
11 approval, short plat approval, or site development permit, less a
12 credit for any deposits paid. Covenants recorded in accordance with
13 this subsection (3) must provide for automatic payment through escrow
14 of the impact fee due and owing to be paid at the time of closing of
15 sale of the lot or unit.

16 (4) The impact fees:

17 (a) (~~Shall~~) Must only be imposed for system improvements that are
18 reasonably related to the new development;

19 (b) (~~Shall~~) May not exceed a proportionate share of the costs of
20 system improvements that are reasonably related to the new development;
21 and

22 (c) (~~Shall~~) Must be used for system improvements that will
23 reasonably benefit the new development.

24 (~~(4)~~) (5)(a) Impact fees may be collected and spent only for the
25 public facilities defined in RCW 82.02.090 which are addressed by a
26 capital facilities plan element of a comprehensive land use plan
27 adopted pursuant to the provisions of RCW 36.70A.070 or the provisions
28 for comprehensive plan adoption contained in chapter 36.70, 35.63, or
29 35A.63 RCW. After the date a county, city, or town is required to
30 adopt its development regulations under chapter 36.70A RCW, continued
31 authorization to collect and expend impact fees (~~shall be~~) is
32 contingent on the county, city, or town adopting or revising a
33 comprehensive plan in compliance with RCW 36.70A.070, and on the
34 capital facilities plan identifying:

35 (~~(a)~~) (i) Deficiencies in public facilities serving existing
36 development and the means by which existing deficiencies will be
37 eliminated within a reasonable period of time;

1 ~~((b))~~ (ii) Additional demands placed on existing public
2 facilities by new development; and

3 ~~((e))~~ (iii) Additional public facility improvements required to
4 serve new development.

5 (b) If the capital facilities plan of the county, city, or town is
6 complete other than for the inclusion of those elements which are the
7 responsibility of a special district, the county, city, or town may
8 impose impact fees to address those public facility needs for which the
9 county, city, or town is responsible.

--- END ---