
SENATE BILL 5548

State of Washington 61st Legislature 2009 Regular Session

By Senators Haugen, Jarrett, Fraser, and Shin

Read first time 01/26/09. Referred to Committee on Transportation.

1 AN ACT Relating to requiring project improvements, including public
2 transportation infrastructure improvements, to be credited against the
3 imposition of impact fees; and amending RCW 82.02.060.

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

5 **Sec. 1.** RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each
6 amended to read as follows:

7 The local ordinance by which impact fees are imposed:

8 (1) Shall include a schedule of impact fees which shall be adopted
9 for each type of development activity that is subject to impact fees,
10 specifying the amount of the impact fee to be imposed for each type of
11 system improvement. The schedule shall be based upon a formula or
12 other method of calculating such impact fees. In determining
13 proportionate share, the formula or other method of calculating impact
14 fees shall incorporate, among other things, the following:

- 15 (a) The cost of public facilities necessitated by new development;
16 (b) An adjustment to the cost of the public facilities for past or
17 future payments made or reasonably anticipated to be made by new
18 development to pay for particular system improvements in the form of

1 user fees, debt service payments, taxes, or other payments earmarked
2 for or proratable to the particular system improvement;

3 (c) The availability of other means of funding public facility
4 improvements;

5 (d) The cost of existing public facilities improvements; and

6 (e) The methods by which public facilities improvements were
7 financed;

8 (2) May provide an exemption for low-income housing, and other
9 development activities with broad public purposes, from these impact
10 fees, provided that the impact fees for such development activity shall
11 be paid from public funds other than impact fee accounts;

12 (3) Shall provide a credit for the value of any dedication of land
13 for, improvement to, or new construction of any system improvements
14 provided by the developer, to facilities that are identified in the
15 capital facilities plan and that are required by the county, city, or
16 town as a condition of approving the development activity;

17 (4) Shall provide a credit for the value of any dedication of land
18 for, improvement to, or new construction of any project improvements,
19 including public transportation infrastructure improvements, provided
20 by the developer;

21 (5) Shall allow the county, city, or town imposing the impact fees
22 to adjust the standard impact fee at the time the fee is imposed to
23 consider unusual circumstances in specific cases to ensure that impact
24 fees are imposed fairly;

25 ((+5)) (6) Shall include a provision for calculating the amount of
26 the fee to be imposed on a particular development that permits
27 consideration of studies and data submitted by the developer to adjust
28 the amount of the fee;

29 ((+6)) (7) Shall establish one or more reasonable service areas
30 within which it shall calculate and impose impact fees for various land
31 use categories per unit of development;

32 ((+7)) (8) May provide for the imposition of an impact fee for
33 system improvement costs previously incurred by a county, city, or town
34 to the extent that new growth and development will be served by the
35 previously constructed improvements provided such fee shall not be
36 imposed to make up for any system improvement deficiencies.

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