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HOUSE BILL 2599

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State of Washington

65th Legislature

2018 Regular Session

By Representative Fitzgibbon

1 AN ACT Relating to allowing local governments to collect  
2 reasonable fees to cover costs for long-range planning required by  
3 state environmental policy statutes; and amending RCW 82.02.020.

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

5 **Sec. 1.** RCW 82.02.020 and 2013 c 243 s 4 are each amended to  
6 read as follows:

7 (1) Except only as expressly provided in chapters 67.28, 81.104,  
8 and 82.14 RCW, the state preempts the field of imposing retail sales  
9 and use taxes and taxes upon parimutuel wagering authorized pursuant  
10 to RCW 67.16.060, conveyances, and cigarettes, and no county, town,  
11 or other municipal subdivision (~~shall have~~) has the right to impose  
12 taxes of that nature. Except as provided in RCW 64.34.440 and  
13 82.02.050 through 82.02.090, no county, city, town, or other  
14 municipal corporation (~~shall~~) may impose any tax, fee, or charge,  
15 either direct or indirect, on the construction or reconstruction of  
16 residential buildings, commercial buildings, industrial buildings, or  
17 on any other building or building space or appurtenance thereto, or  
18 on the development, subdivision, classification, or reclassification  
19 of land. However, this section does not preclude dedications of land  
20 or easements within the proposed development or plat which the  
21 county, city, town, or other municipal corporation can demonstrate

1 are reasonably necessary as a direct result of the proposed  
2 development or plat to which the dedication of land or easement is to  
3 apply.

4 (2) This section does not prohibit voluntary agreements with  
5 counties, cities, towns, or other municipal corporations that allow a  
6 payment in lieu of a dedication of land or to mitigate a direct  
7 impact that has been identified as a consequence of a proposed  
8 development, subdivision, or plat. A local government (~~(shall)~~) may  
9 not use such voluntary agreements for local off-site transportation  
10 improvements within the geographic boundaries of the area or areas  
11 covered by an adopted transportation program authorized by chapter  
12 39.92 RCW. Any such voluntary agreement is subject to the following  
13 provisions:

14 ~~((1))~~ (a) The payment (~~(shall)~~) must be held in a reserve  
15 account and may only be expended to fund a capital improvement agreed  
16 upon by the parties to mitigate the identified, direct impact;

17 ~~((2))~~ (b) The payment (~~(shall)~~) must be expended in all cases  
18 within five years of collection; and

19 ~~((3))~~ (c) Any payment not so expended (~~(shall)~~) must be  
20 refunded with interest to be calculated from the original date the  
21 deposit was received by the county and at the same rate applied to  
22 tax refunds pursuant to RCW 84.69.100; however, if the payment is not  
23 expended within five years due to delay attributable to the  
24 developer, the payment (~~(shall)~~) must be refunded without interest.

25 (3) No county, city, town, or other municipal corporation  
26 (~~(shall)~~) may require any payment as part of such a voluntary  
27 agreement which the county, city, town, or other municipal  
28 corporation cannot establish is reasonably necessary as a direct  
29 result of the proposed development or plat.

30 (4) Nothing in this section prohibits cities, towns, counties, or  
31 other municipal corporations from collecting reasonable fees from an  
32 applicant for a permit or other governmental approval to cover the  
33 cost to the city, town, county, or other municipal corporation of  
34 processing applications, inspecting and reviewing plans, long-range  
35 planning, or preparing detailed statements required by chapter 43.21C  
36 RCW, including reasonable fees that are consistent with RCW  
37 43.21C.420(6), 43.21C.428, and beginning July 1, 2014, RCW 35.91.020.

38 (5) This section does not limit the existing authority of any  
39 county, city, town, or other municipal corporation to impose special

1 assessments on property specifically benefited thereby in the manner  
2 prescribed by law.

3 (6) Nothing in this section prohibits counties, cities, or towns  
4 from imposing or permits counties, cities, or towns to impose water,  
5 sewer, natural gas, drainage utility, and drainage system charges.  
6 However, no such charge (~~shall~~) may exceed the proportionate share  
7 of such utility or system's capital costs which the county, city, or  
8 town can demonstrate are attributable to the property being charged.  
9 Furthermore, these provisions may not be interpreted to expand or  
10 contract any existing authority of counties, cities, or towns to  
11 impose such charges.

12 (7) Nothing in this section prohibits a transportation benefit  
13 district from imposing fees or charges authorized in RCW 36.73.120  
14 nor prohibits the legislative authority of a county, city, or town  
15 from approving the imposition of such fees within a transportation  
16 benefit district.

17 (8) Nothing in this section prohibits counties, cities, or towns  
18 from imposing transportation impact fees authorized pursuant to  
19 chapter 39.92 RCW.

20 (9) Nothing in this section prohibits counties, cities, or towns  
21 from requiring property owners to provide relocation assistance to  
22 tenants under RCW 59.18.440 and 59.18.450.

23 (10) Nothing in this section limits the authority of counties,  
24 cities, or towns to implement programs consistent with RCW  
25 36.70A.540, nor to enforce agreements made pursuant to such programs.

26 (11) This section does not apply to special purpose districts  
27 formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the  
28 authority conferred by these titles affected.

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