

Bond Case Briefs

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TRAFFIC IMPACT FEES - WASHINGTON

Douglass Properties II, LLC v. City of Olympia

Court of Appeals of Washington, Division 2 - February 2, 2021 - P.3d - 2021 WL 345458

Building permit applicant appealed city's hearing examiner's decision regarding transportation impact fees city imposed as a condition of issuance of building permit.

The Superior Court affirmed, and applicant appealed.

The Court of Appeals held that:

- City's traffic impact fee, imposed as a condition of issuance of building permit, was not subject to Fifth Amendment scrutiny;
- Applicant had the burden of establishing any exception to city ordinance governing calculation of traffic impact fees;
- Hearing examiner's decision to uphold city's traffic impact fee calculation was not clearly erroneous; and
- City, as prevailing party, was entitled to an award of reasonable attorney fees and costs.