

1 **SSB 5787** - H AMD TO H AMD (5787-S AMH LINV DINE 142)  
2 By Representative Schual-Berke **485 SCOPE & OBJECT 4/18/03**

3 On page 2, after line 8 of the amendment, insert the following:

4 "NEW SECTION. **Sec. 3.** (1) The legislature finds that  
5 construction projects may create environmental impacts on the  
6 project site and in surrounding areas. The legislature recognizes  
7 that the state's environmental and project review laws are intended  
8 to mitigate the impacts of construction projects for the benefit of  
9 citizens, property owners, and the public. The legislature also  
10 finds that the environmental impacts of large, complex construction  
11 projects may affect an area much larger than the project site and  
12 surrounding community.

13 (2) The legislature recognizes a concern that the importation  
14 of fill material according to the provisions of section 1 of this  
15 act for large, complex construction projects may pose environmental  
16 risk in an area much larger than the project site and surrounding  
17 community. The legislature also recognizes that identifying the  
18 areas affected by a large, complex construction project may be  
19 difficult.

20 (3) The legislature also finds that construction or expansion  
21 of large regional airports are large, complex construction projects  
22 which may raise the concern identified in subsection (2) of this  
23 section. The legislature finds that, while these projects provide  
24 benefits to the state, qualify as essential public facilities  
25 according to the state growth management act, and provide numerous  
26 job-making economic development benefits to businesses and  
27 individuals by moving goods to and from markets and by fostering  
28 travel, these projects may create substantial environmental and  
29 other impacts to local communities that prove financially  
30 disadvantageous and detrimental to the quality of life for  
31 residents in the impacted areas. This legislature finds that this  
32 concern is magnified when the construction project involves the

1 importation of fill material, as fill importation creates the  
2 potential of introducing contaminants into the area or of  
3 exacerbating soil contamination in the area. The legislature also  
4 finds that fill importation raises the potential of affecting water  
5 quality if fill is placed in or near a water body or if  
6 contaminants from the soil leach into a surface or ground water  
7 body. The legislature recognizes a need to balance the pressing  
8 need for construction projects related to the construction or  
9 expansion or airport facilities and the impacts they may create.

10 (4) The legislature recognizes the inequitable burden borne by  
11 residents and communities of the surrounding areas affected by the  
12 activities, construction, or expansion of large regional airports.  
13 The Legislature therefore intends to establish a mechanism to  
14 provide mitigation to surrounding residents and communities  
15 affected by activities associated with large regional airports and  
16 the impacts of construction or expansion of those airports that  
17 involve the importation of fill material.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A  
19 RCW to read as follows:

20 (1) On or before October 1, 2003, the department shall  
21 establish an aviation mitigation zone for any large regional  
22 airport located in the state of Washington. An aviation mitigation  
23 zone shall only include the following:

24 (a) Cities with a population fewer than forty thousand adjacent  
25 to the city within which the large regional airport is located;

26 (b) Cities with a population fewer than ten thousand adjacent  
27 to a city qualifying for inclusion in the mitigation zone according  
28 to the criteria established by (a) of this subsection; and

29 (c) Any portion of any incorporated or unincorporated area that  
30 is within a 60 Ldn noise level contour of the large regional  
31 airport as determined by the aircraft noise measurement methodology  
32 described in 14 C.F.R., Appendix A to Part 150 -- Noise Exposure  
33 Maps, as of the effective date of this act.

34 (2)(a) For the purposes of this section, "Ldn" means yearly  
35 day-night average sound level.

36 (b) For the purposes of this section, "large regional airport"  
37 means an airport serving more than twenty scheduled jet aircraft

1 flights per day operated by a port district in a county with a  
2 population greater than one million.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 84.08  
4 RCW to read as follows:

5 (1) For the purposes of establishing aviation mitigation zones  
6 in accordance with the provisions of section 4 of this act, on or  
7 before September 15, 2003, the department shall develop a noise  
8 exposure map for any large regional airport meeting the criteria  
9 established by section 4 of this act. The noise exposure map shall  
10 be prepared in accordance with the methodology described in 14  
11 C.F.R., Appendix A to Part 150 -- Noise Exposure Maps, as of the  
12 effective date of this act. The noise exposure map shall include  
13 a 60 Ldn noise level contour. The department may use noise  
14 exposure data collected or produced by an applicable port district  
15 when developing a noise exposure map required by this section.

16 (2) For the purposes of this section, "Ldn" has the same  
17 meaning as in section 4 of this act.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 84.36  
19 RCW to read as follows:

20 (1) If any portion of a tract or parcel of real property is  
21 within an aviation mitigation zone established under section 4 of  
22 this act, the entire tract or parcel is exempt from port taxes.

23 (2) If any portion of a tract or parcel of real property is  
24 within an aviation mitigation zone established under section 4 of  
25 this act, the entire tract or parcel is exempt from property taxes  
26 levied for any state purpose.

27 (3) The county assessor shall not require an exemption  
28 application for properties that the assessor knows are eligible for  
29 exemption under this section based on an aviation mitigation zone  
30 established under section 4 of this act. However, a property owner  
31 may submit a written request to the assessor requesting exemption  
32 under this section. After determining whether the property is  
33 eligible for exemption under this section, the assessor shall give  
34 written notice of denial or approval to the property owner within  
35 thirty days of the date the request was received. A denial may be  
36 appealed to the board of equalization of the county in which the

1 property is located within thirty days of the date the denial  
2 notice is mailed.

3 (4) For the purposes of this section, "port taxes" means taxes  
4 imposed by a port district that operates a large regional airport  
5 for which an aviation mitigation zone is established under section  
6 4 of this act.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 84.55  
8 RCW to read as follows:

9 The levy for a taxing district in any year shall be reduced as  
10 necessary to prevent exemptions under section 6(1) of this act from  
11 resulting in a higher tax rate than would have occurred in the  
12 absence of the exemptions under section 6(1) of this act.

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.79  
14 RCW to read as follows:

15 (1) The aviation mitigation account is created in the state  
16 treasury. Moneys in the account may be spent only after  
17 appropriation. Expenditures from the account may be used only for  
18 aviation mitigation purposes within the following:

19 (a) Any city included wholly or partially within the aviation  
20 mitigation zone established by section 4 of this act; and

21 (b) Any unincorporated territory included within the aviation  
22 mitigation zone established by section 4 of this act.

23 (2) Only the director of the department of community, trade,  
24 and economic development or the director's designee may authorize  
25 expenditures from the account established by this section.

26 NEW SECTION. **Sec. 9.** Section 6 of this act applies to taxes  
27 levied for collection in 2004 and thereafter."

28 Renumber the sections consecutively and correct any internal  
29 references accordingly.

30 Correct the title.

**EFFECT:** (1) Requires the Department of Community, Trade, and Economic Development (CTED) to establish an aviation mitigation zone (AMZ) for any qualifying large regional airport. (2) Requires the Department of Revenue to develop noise exposure maps for the purposes of establishing an AMZ. (3) Real property within an aviation mitigation zone is exempt from port property taxes and the state property tax. (4) Adjusts the port property tax to prevent the exemption from causing tax shifts onto other taxpayers. (5) Creates an aviation mitigation account for funds that may be used only for specific mitigation purposes. Moneys in the account may be spent only after appropriation and only after appropriate authorization from the CTED. (6) Includes intent language.