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HOUSE BILL 2276

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Upthegrove, Schual-Berke, Sommers, Sullivan, Veloria, Hudgins, Romero, Chase, Dunshee, McIntire, McDermott, Hunt, Santos, Cody, Simpson, O'Brien, Kenney, Dickerson, Quall and Haigh

Read first time 04/25/2003. Referred to Committee on Local Government.

1 AN ACT Relating to establishing aviation mitigation zones for large  
2 regional airports; adding a new section to chapter 36.70A RCW; adding  
3 a new section to chapter 84.08 RCW; adding a new section to chapter  
4 84.36 RCW; adding a new section to chapter 84.55 RCW; adding a new  
5 section to chapter 43.79 RCW; creating new sections; and declaring an  
6 emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that large regional  
9 airports are facilities of statewide benefit that qualify as essential  
10 public facilities as described in the growth management act. The  
11 legislature further finds that the continued public and private use of  
12 large regional airports provides numerous benefits to commerce and  
13 individuals as a job maker by moving goods to and from markets, and by  
14 fostering travel for personal, recreational, and business-related  
15 pursuits. However beneficial to regional and statewide interests, the  
16 large regional airports create substantial impacts to local  
17 communities, impacts that often prove financially disadvantageous and  
18 detrimental to the quality of life for residents in the surrounding  
19 areas.

1 In recognition of the inequitable burden borne by such residents,  
2 the legislature intends to establish a mechanism to mitigate the  
3 impacts of large regional airports for the residents most affected by  
4 the activities traditionally associated with those airports.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
6 to read as follows:

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

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

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

16 (c) Any portion of any incorporated or unincorporated area that is  
17 within a 60 Ldn noise level contour of the large regional airport as  
18 determined by the aircraft noise measurement methodology described in  
19 14 C.F.R., Appendix A to Part 150 -- Noise Exposure Maps, as of the  
20 effective date of this act.

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

23 (b) For the purposes of this section, "large regional airport"  
24 means an airport serving more than twenty scheduled jet aircraft  
25 flights per day operated by a port district in a county with a  
26 population greater than one million.

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

29 (1) For the purposes of establishing aviation mitigation zones in  
30 accordance with the provisions of section 2 of this act, on or before  
31 September 15, 2003, the department shall develop a noise exposure map  
32 for any large regional airport meeting the criteria established by  
33 section 2 of this act. The noise exposure map shall be prepared in  
34 accordance with the methodology described in 14 C.F.R., Appendix A to  
35 Part 150 -- Noise Exposure Maps, as of the effective date of this act.  
36 The noise exposure map shall include a 60 Ldn noise level contour. The

1 department may use noise exposure data collected or produced by an  
2 applicable port district when developing a noise exposure map required  
3 by this section.

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

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 84.36 RCW  
7 to read as follows:

8 (1) If any portion of a tract or parcel of real property is within  
9 an aviation mitigation zone established under section 2 of this act,  
10 the entire tract or parcel is exempt from port taxes.

11 (2) If any portion of a tract or parcel of real property is within  
12 an aviation mitigation zone established under section 2 of this act,  
13 the entire tract or parcel is exempt from property taxes levied for any  
14 state purpose.

15 (3) The county assessor shall not require an exemption application  
16 for properties that the assessor knows are eligible for exemption under  
17 this section based on an aviation mitigation zone established under  
18 section 2 of this act. However, a property owner may submit a written  
19 request to the assessor requesting exemption under this section. After  
20 determining whether the property is eligible for exemption under this  
21 section, the assessor shall give written notice of denial or approval  
22 to the property owner within thirty days of the date the request was  
23 received. A denial may be appealed to the board of equalization of the  
24 county in which the property is located within thirty days of the date  
25 the denial notice is mailed.

26 (4) For the purposes of this section, "port taxes" means taxes  
27 imposed by a port district that operates a large regional airport for  
28 which an aviation mitigation zone is established under section 2 of  
29 this act.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 84.55 RCW  
31 to read as follows:

32 The levy for a taxing district in any year shall be reduced as  
33 necessary to prevent exemptions under section 4(1) of this act from  
34 resulting in a higher tax rate than would have occurred in the absence  
35 of the exemptions under section 4(1) of this act.

1        NEW SECTION.   **Sec. 6.**   A new section is added to chapter 43.79 RCW  
2 to read as follows:

3        (1)   The aviation mitigation account is created in the state  
4 treasury.   Moneys in the account may be spent only after appropriation.  
5 Expenditures from the account may be used only for aviation mitigation  
6 purposes within the following:

7        (a)   Any city included wholly or partially within the aviation  
8 mitigation zone established by section 2 of this act; and

9        (b)   Any unincorporated territory included within the aviation  
10 mitigation zone established by section 2 of this act.

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

14       NEW SECTION.   **Sec. 7.**   Section 4 of this act applies to taxes  
15 levied for collection in 2004 and thereafter.

16       NEW SECTION.   **Sec. 8.**   This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and takes effect  
19 immediately.

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