
HOUSE BILL 2575

State of Washington

65th Legislature

2018 Regular Session

By Representatives Maycumber, Macri, Buys, Chapman, Taylor, Holy, McCaslin, Volz, Condotta, Schmick, Caldier, Barkis, Smith, Dent, Hayes, Chandler, and Steele

Read first time 01/10/18. Referred to Committee on Environment.

1 AN ACT Relating to waiving fees related to groundwater
2 withdrawals for low-income housing units; amending RCW 36.70A.540 and
3 18.104.055; adding a new section to chapter 90.44 RCW; and adding a
4 new section to chapter 90.54 RCW.

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

6 **Sec. 1.** RCW 36.70A.540 and 2009 c 80 s 1 are each amended to
7 read as follows:

8 (1)(a) Any city or county planning under RCW 36.70A.040 may enact
9 or expand affordable housing incentive programs providing for the
10 development of low-income housing units through development
11 regulations or conditions on rezoning or permit decisions, or both,
12 on one or more of the following types of development: Residential;
13 commercial; industrial; or mixed-use. An affordable housing incentive
14 program may include, but is not limited to, one or more of the
15 following:

16 (i) Density bonuses within the urban growth area;

17 (ii) Height and bulk bonuses;

18 (iii) Fee waivers or exemptions, especially for any governmental
19 fees for or related to groundwater withdrawals that are exempt under
20 RCW 90.44.050;

21 (iv) Parking reductions; or

1 (v) Expedited permitting.

2 (b) The city or county may enact or expand such programs whether
3 or not the programs may impose a tax, fee, or charge on the
4 development or construction of property.

5 (c) If a developer chooses not to participate in an optional
6 affordable housing incentive program adopted and authorized under
7 this section, a city, county, or town may not condition, deny, or
8 delay the issuance of a permit or development approval that is
9 consistent with zoning and development standards on the subject
10 property absent incentive provisions of this program.

11 (2) Affordable housing incentive programs enacted or expanded
12 under this section shall comply with the following:

13 (a) The incentives or bonuses shall provide for the development
14 of low-income housing units;

15 (b) Jurisdictions shall establish standards for low-income renter
16 or owner occupancy housing, including income guidelines consistent
17 with local housing needs, to assist low-income households that cannot
18 afford market-rate housing. Low-income households are defined for
19 renter and owner occupancy program purposes as follows:

20 (i) Rental housing units to be developed shall be affordable to
21 and occupied by households with an income of fifty percent or less of
22 the county median family income, adjusted for family size;

23 (ii) Owner occupancy housing units shall be affordable to and
24 occupied by households with an income of eighty percent or less of
25 the county median family income, adjusted for family size. The
26 legislative authority of a jurisdiction, after holding a public
27 hearing, may establish lower income levels; and

28 (iii) The legislative authority of a jurisdiction, after holding
29 a public hearing, may also establish higher income levels for rental
30 housing or for owner occupancy housing upon finding that higher
31 income levels are needed to address local housing market conditions.
32 The higher income level for rental housing may not exceed eighty
33 percent of the county area median family income. The higher income
34 level for owner occupancy housing may not exceed one hundred percent
35 of the county area median family income. These established higher
36 income levels are considered "low-income" for the purposes of this
37 section;

38 (c) The jurisdiction shall establish a maximum rent level or
39 sales price for each low-income housing unit developed under the
40 terms of a program and may adjust these levels or prices based on the

1 average size of the household expected to occupy the unit. For
2 renter-occupied housing units, the total housing costs, including
3 basic utilities as determined by the jurisdiction, may not exceed
4 thirty percent of the income limit for the low-income housing unit;

5 (d) Where a developer is utilizing a housing incentive program
6 authorized under this section to develop market rate housing, and is
7 developing low-income housing to satisfy the requirements of the
8 housing incentive program, the low-income housing units shall be
9 provided in a range of sizes comparable to those units that are
10 available to other residents. To the extent practicable, the number
11 of bedrooms in low-income units must be in the same proportion as the
12 number of bedrooms in units within the entire development. The
13 low-income units shall generally be distributed throughout the
14 development and have substantially the same functionality as the
15 other units in the development;

16 (e) Low-income housing units developed under an affordable
17 housing incentive program shall be committed to continuing
18 affordability for at least fifty years. A local government, however,
19 may accept payments in lieu of continuing affordability. The program
20 shall include measures to enforce continuing affordability and income
21 standards applicable to low-income units constructed under this
22 section that may include, but are not limited to, covenants, options,
23 or other agreements to be executed and recorded by owners and
24 developers;

25 (f) Programs authorized under subsection (1) of this section may
26 apply to part or all of a jurisdiction and different standards may be
27 applied to different areas within a jurisdiction or to different
28 types of development. Programs authorized under this section may be
29 modified to meet local needs and may include provisions not expressly
30 provided in this section or RCW 82.02.020;

31 (g) Low-income housing units developed under an affordable
32 housing incentive program are encouraged to be provided within
33 developments for which a bonus or incentive is provided. However,
34 programs may allow units to be provided in a building located in the
35 general area of the development for which a bonus or incentive is
36 provided; and

37 (h) Affordable housing incentive programs may allow a payment of
38 money or property in lieu of low-income housing units if the
39 jurisdiction determines that the payment achieves a result equal to
40 or better than providing the affordable housing on-site, as long as

1 the payment does not exceed the approximate cost of developing the
2 same number and quality of housing units that would otherwise be
3 developed. Any city or county shall use these funds or property to
4 support the development of low-income housing, including support
5 provided through loans or grants to public or private owners or
6 developers of housing.

7 (3) Affordable housing incentive programs enacted or expanded
8 under this section may be applied within the jurisdiction to address
9 the need for increased residential development, consistent with local
10 growth management and housing policies, as follows:

11 (a) The jurisdiction shall identify certain land use designations
12 within a geographic area where increased residential development will
13 assist in achieving local growth management and housing policies;

14 (b) The jurisdiction shall provide increased residential
15 development capacity through zoning changes, bonus densities, height
16 and bulk increases, parking reductions, or other regulatory changes
17 or other incentives;

18 (c) The jurisdiction shall determine that increased residential
19 development capacity or other incentives can be achieved within the
20 identified area, subject to consideration of other regulatory
21 controls on development; and

22 (d) The jurisdiction may establish a minimum amount of affordable
23 housing that must be provided by all residential developments being
24 built under the revised regulations, consistent with the requirements
25 of this section.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44
27 RCW to read as follows:

28 (1) Notwithstanding other provisions authorizing the department
29 to assess fees, the department or its agents, counties, cities, or
30 towns upon request by a low-income person as defined in this section
31 must waive any fee that the department or the department's agent
32 assesses in association with the withdrawal of public groundwaters
33 for the watering of a lawn or of a noncommercial garden not exceeding
34 one-half acre in area, or for single or group domestic uses governed
35 by RCW 90.44.050. This includes any such fees that are assessed as
36 part of the building permit process. Also, the department may
37 initiate waiver of the fees for a low-income person.

38 (2) For purposes of this section "low-income person" means:

1 (a) Any property owner providing affordable housing units to be
2 occupied by households with an income of two hundred percent or less
3 of the federal poverty level, adjusted for family size;

4 (b) Any property owner providing manufactured/mobile homes as
5 defined in RCW 59.30.020;

6 (c) Any property owner providing housing for migrant farmworkers;
7 or

8 (d) A housing authority governed by chapter 35.82 RCW.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.54
10 RCW to read as follows:

11 (1) Notwithstanding other provisions authorizing the department
12 to assess fees, the department or its agents, counties, cities, or
13 towns upon request by a low-income person as defined in this section
14 must waive any fee that the department or the department's agent
15 assesses in association with the withdrawal of public groundwaters
16 for the watering of a lawn or of a noncommercial garden not exceeding
17 one-half acre in area, or for single or group domestic uses governed
18 by RCW 90.44.050. This includes any such fees that are assessed as
19 part of the building permit process. Also, the department may
20 initiate waiver of the fees for a low-income person.

21 (2) For purposes of this section "low-income person" means:

22 (a) Any property owner providing affordable housing units to be
23 occupied by households with an income of two hundred percent or less
24 of the federal poverty level, adjusted for family size;

25 (b) Any property owner providing manufactured/mobile homes as
26 defined in RCW 59.30.020;

27 (c) Any property owner providing housing for migrant farmworkers;
28 or

29 (d) A housing authority governed by chapter 35.82 RCW.

30 **Sec. 4.** RCW 18.104.055 and 2005 c 84 s 4 are each amended to
31 read as follows:

32 (1) A fee is hereby imposed on each well constructed in this
33 state on or after July 1, 2005.

34 (2)(a) The fee for one water well, other than a dewatering well,
35 with a minimum top casing diameter of less than twelve inches is two
36 hundred dollars. This fee does not apply to a ground source heat pump
37 boring or a grounding well.

1 (b) The fee for one water well, other than a dewatering well,
2 with a minimum top casing diameter of twelve inches or greater is
3 three hundred dollars.

4 (c) The fee for a resource protection well, except for an
5 environmental investigation well, a ground source heat pump boring,
6 or a grounding well, is forty dollars for each well.

7 (d) The fee for an environmental investigation well in which
8 groundwater is sampled or measured is forty dollars for construction
9 of up to four environmental investigation wells per project, ten
10 dollars for each additional environmental investigation well
11 constructed on a project with more than four wells. There is no fee
12 for soil or vapor sampling purposes.

13 (e) The fee for a ground source heat pump boring or a grounding
14 well is forty dollars for construction of up to four ground source
15 heat pump borings or grounding wells per project and ten dollars for
16 each additional ground source heat pump boring or grounding well
17 constructed on a project with more than four wells.

18 (f) The combined fee for construction and decommissioning of a
19 dewatering well system shall be forty dollars for each two hundred
20 horizontal lineal feet, or portion thereof, of the dewatering well
21 system.

22 (g) The fee to decommission a water well is fifty dollars.

23 (h) The fee to decommission a resource protection well, except
24 for an environmental investigation well, is twenty dollars. There is
25 no fee to decommission an environmental investigation well or a
26 geotechnical soil boring.

27 (i) The fee to decommission a ground source heat pump boring or a
28 grounding well is twenty dollars.

29 (3) The fees imposed by this section shall be paid at the time
30 the notice of well construction is submitted to the department as
31 provided by RCW 18.104.048. The department by rule may adopt
32 procedures to permit the fees required for resource protection wells
33 to be paid after the number of wells actually constructed has been
34 determined. The department shall refund the amount of any fee
35 collected for wells, borings, probes, or excavations as long as
36 construction has not started and the department has received a refund
37 request within one hundred eighty days from the time the department
38 received the fee. The refund request shall be made on a form provided
39 by the department.

1 (4)(a) The department or the department's agents upon request by
2 a low-income person as defined in this subsection must waive any fee
3 in this section. The department may initiate waiver of the fees for a
4 low-income person.

5 (b) For purposes of this section "low-income person" means:

6 (i) Any property owner providing affordable housing units to be
7 occupied by households with an income of two hundred percent or less
8 of the federal poverty level, adjusted for family size;

9 (ii) Any property owner providing manufactured/mobile homes as
10 defined in RCW 59.30.020; or

11 (iii) Any property owner providing housing for migrant
12 farmworkers.

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