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HOUSE BILL 3343

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State of Washington

60th Legislature

2008 Regular Session

By Representative Chase

1 AN ACT Relating to construction standards for state construction  
2 projects; and adding a new chapter to Title 43 RCW.

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

4 NEW SECTION. **Sec. 1.** It is the goal of the legislature that new  
5 state construction projects or state construction projects that are  
6 considered substantial redevelopment adhere to the 65/10/0 project  
7 design standard and will not significantly harm the aquatic environment  
8 and anadromous fisheries. To meet these goals the legislature intends  
9 to do the following:

10 (1) Eliminate storm water discharge to all surface waters from  
11 greenfields construction projects on all types of soil by all state  
12 agencies including but not limited to the department of transportation,  
13 the parks and recreation commission, the department of general  
14 administration, and the department of corrections;

15 (2) Preserve habitat for aquatic life within a watershed with  
16 innovative construction design and development techniques; and

17 (3) Foster broad community acceptance of the use of significantly  
18 less impervious surface and greater natural habitat conservation on  
19 sites.

1           NEW SECTION.   **Sec. 2.** The definitions in this section apply  
2 throughout this chapter unless the context clearly requires otherwise.  
3 However, additional definitions not included in this section are  
4 included in the department of ecology's 2005 *Stormwater Management*  
5 *Manual for Western Washington* and the *Low Impact Development Technical*  
6 *Guidance for Puget Sound*, published by the Puget Sound action team.

7           (1) "Effective impervious surface" means impervious surface that is  
8 connected to surface water directly or with a conveyance device, such  
9 as a ditch or pipe.

10           (2) "Forest restoration" means the process of restoring native  
11 vegetation, soils, and mulch on disturbed land with the intent of  
12 eventually achieving a forested condition. A bioretention facility  
13 designed with deeply restored soils and predominated by native  
14 vegetation may be classified as restored forest.

15           (3) "Forested area" means an area characterized by the presence of  
16 undisturbed soils and vegetation cover that was likely present prior to  
17 the immigration of Europeans to the United States over substantially  
18 the entire site. If original vegetation cover is unknown, it is  
19 assumed to be a conifer forest characterized by a predominance of  
20 evergreen trees with undisturbed soils.

21           (4) "Greenfields" means sites that have never been developed or  
22 sites in the process of redevelopment that will have substantially all  
23 existing structures removed.

24           (5) "Hardscapes" includes impervious surfaces or pervious pavement  
25 systems.

26           (6) "Overland flow" means precipitation that is collected and  
27 conveyed on the surface of the ground or in other man-made conveyance  
28 systems such as ditches and pipes. "Overland flow" does not include  
29 precipitation that falls directly on naturally occurring water bodies.

30           (7) "65/10/0 project design" means a project site that, after  
31 completion, retains permanently a minimum of sixty-five percent of the  
32 site as forest or restored forest; the total impervious area is limited  
33 to ten percent; the runoff from the developed portion of the site is  
34 fully dispersed in the retained forest preserve; zero overland flow  
35 discharge is allowed from the site; has no runoff collection and  
36 conveyance systems such as ditches and pipes; and meets other  
37 engineering criteria protecting health, safety, and welfare.

1 (8) "Substantial redevelopment" means any reconstruction,  
2 rehabilitation, addition, or other improvement to a structure, the  
3 total cost of which equals or exceeds fifty percent of the market value  
4 of the structure before the start of construction of the improvement.

5 (9) "Total impervious area" includes the sum of areas in which  
6 water cannot penetrate such as compacted soils, impervious concrete,  
7 and impervious roof tops. Pervious pavement and vegetated rooftops do  
8 not count toward total impervious area. Rooftops where at least fifty  
9 percent of annual rainfall is harvested and used for domestic purposes  
10 may not be counted as impervious areas.

11 (10) "Zero effective impervious surface" means impervious surface  
12 reduction and isolation such that no runoff is generated and  
13 traditional drainage collection systems are not necessary.

14 NEW SECTION. **Sec. 3.** In order to accomplish the intent of this  
15 chapter, all new state construction projects or state construction  
16 projects that are considered substantial redevelopment must meet the  
17 following criteria:

18 (1) Site design must conform to the 65/10/0 project design  
19 standard.

20 (2) A maximum of thirty-five percent of a site proposed for  
21 development by a state agency may be developed. Of this percentage,  
22 the state construction project design may be guided but not limited by  
23 practices found in the most recent version of *Low Impact Development*  
24 *Technical Guidance Manual for Puget Sound*, published by the Puget Sound  
25 action team.

26 (3) The sixty-five percent of the site that will remain in or be  
27 restored to a forested condition may not be isolated as a tract but  
28 must be integrated within the project to serve as the recipient of  
29 precipitation from hardscapes.

30 (4) Soil types may not be a factor in the practicality of employing  
31 the 65/10/0 project design standard.

32 (5) The state construction project may not threaten public health  
33 or safety.

34 (6) Local development regulations may not impede state construction  
35 projects designed to meet design criteria set forth in this section.

36 (7) The state construction project is consistent with generally  
37 accepted engineering and design criteria, except as necessary to

1 achieve the purposes set forth in this section. The deviation from  
2 accepted engineering and design criteria may not lessen protection of  
3 life and property but rather these needs must be met in alternate ways.

4 (8) The state construction project must promote one or more of the  
5 following:

6 (a) An innovative site design that furthers the purposes of this  
7 section;

8 (b) Increased on-site storm water retention that uses a variety of  
9 native vegetation;

10 (c) The project does not allow density greater or less than what  
11 would otherwise be allowed under city or county regulations and does  
12 not allow any relaxation of the critical areas regulation; or

13 (d) 65/10/0 project design requirements discharge project  
14 requirements:

15 (i) To reduce impervious area, one-way roads must be employed where  
16 practical;

17 (ii) Bioretention facilities must be the principal method for  
18 treating and retaining storm water; and

19 (iii) On a forested site, grading of a site is not allowed except  
20 for road and walk footprints, building pads, driveways, and parking  
21 areas unless the grading is absolutely necessary for project  
22 feasibility.

23 (9) With the exception of state highways, all roads, shoulders,  
24 turnouts for emergency vehicles, parking stalls, driveways, and similar  
25 structures must be constructed with a wearing surface consisting of  
26 some type of approved pervious pavement, such as concrete without  
27 fines, or an interlocking concrete paver system with drainage openings  
28 to facilitate rainwater infiltration.

29 (10) The lowest floor elevation of any structure must be a minimum  
30 of twenty-four inches above existing grade for ten feet in any  
31 direction.

32 (11) On class C and D soils, foundations for structures must be  
33 "no-excavation" type, such as piles or pin-pile footings.

34 (12) Generally, roof gutters are not permitted, except for over  
35 entryways, unless the roof gutters are a part of a cistern collection  
36 system.

37 (13) Roof runoff must be either infiltrated at the roof dripline or  
38 collected in cisterns and used for domestic purposes.

1 (14) The state shall provide manuals for maintenance of low-impact  
2 facilities.

3 (15) All structures must be provided with fire sprinkling systems.

4 (16) Noncombustible siding and roofing materials for all structures  
5 and enclosed underfloor areas are required.

6 (a) Gutters and downspouts should generally be avoided, but if used  
7 must be constructed of noncombustible material;

8 (b) Exterior walls of buildings or structures must be constructed  
9 with materials approved for a minimum of one-hour-rated fire-resistive  
10 construction on the exterior side or constructed with approved  
11 noncombustible materials. These materials must extend from the top of  
12 the foundation to the underside of the roof sheathing; and

13 (c) Buildings or structures must have all underfloor areas enclosed  
14 to the ground, with exterior walls that meet the requirements of (b) of  
15 this subsection. However, complete enclosure may be omitted where the  
16 underside of all exposed floors and all exposed structural columns,  
17 beams, and supporting walls are protected as required for exterior  
18 one-hour-rated fire-resistive construction.

19 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute  
20 a new chapter in Title 43 RCW.

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