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HOUSE BILL 1982

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Maycumber, Walsh, Kretz, Chapman, Ybarra, and Eslick

Read first time 02/08/19. Referred to Committee on Housing, Community Development & Veterans.

1 AN ACT Relating to waiving fees related to groundwater  
2 withdrawals for low-income housing units; and amending RCW  
3 36.70A.540, 90.94.020, 90.94.030, and 18.104.055.

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

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

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

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

16 (ii) Height and bulk bonuses;

17 (iii) Fee waivers or exemptions, including for any governmental  
18 fees authorized under RCW 90.94.020 and 90.94.030;

19 (iv) Parking reductions; or

20 (v) Expedited permitting.

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

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

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

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

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

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

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

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

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

1 renter-occupied housing units, the total housing costs, including  
2 basic utilities as determined by the jurisdiction, may not exceed  
3 thirty percent of the income limit for the low-income housing unit;

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

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

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

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

36 (h) Affordable housing incentive programs may allow a payment of  
37 money or property in lieu of low-income housing units if the  
38 jurisdiction determines that the payment achieves a result equal to  
39 or better than providing the affordable housing on-site, as long as  
40 the payment does not exceed the approximate cost of developing the

1 same number and quality of housing units that would otherwise be  
2 developed. Any city or county shall use these funds or property to  
3 support the development of low-income housing, including support  
4 provided through loans or grants to public or private owners or  
5 developers of housing.

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

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

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

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

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

25 **Sec. 2.** RCW 90.94.020 and 2018 c 1 s 202 are each amended to  
26 read as follows:

27 (1) Unless requirements are otherwise specified in the applicable  
28 rules adopted under this chapter or under chapter 90.22 or 90.54 RCW,  
29 potential impacts on a closed water body and potential impairment to  
30 an instream flow are authorized for new domestic groundwater  
31 withdrawals exempt from permitting under RCW 90.44.050 through  
32 compliance with the requirements established in this section.

33 (2) In the following water resource inventory areas with instream  
34 flow rules adopted by the department under chapters 90.22 and 90.54  
35 RCW that do not explicitly regulate permit-exempt groundwater  
36 withdrawals and that have completed a watershed plan adopted under  
37 chapter 90.82 RCW, the department shall work with the initiating  
38 governments and the planning units described in chapter 90.82 RCW to  
39 review existing watershed plans to identify the potential impacts of

1 exempt well use, identify evidence-based conservation measures, and  
2 identify projects to improve watershed health: 1 (Nooksack); 11  
3 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan);  
4 55 (Little Spokane); and 59 (Colville).

5 (3) In the water resource inventory areas listed in subsection  
6 (2) of this section, the lead agency shall invite a representative  
7 from each federally recognized Indian tribe that has a usual and  
8 accustomed harvest area within the water resource inventory area to  
9 participate as part of the planning unit.

10 (4)(a) In collaboration with the planning unit, the initiating  
11 governments must update the watershed plan to include recommendations  
12 for projects and actions that will measure, protect, and enhance  
13 instream resources and improve watershed functions that support the  
14 recovery of threatened and endangered salmonids. Watershed plan  
15 recommendations may include, but are not limited to, acquiring senior  
16 water rights, water conservation, water reuse, stream gaging,  
17 groundwater monitoring, and developing natural and constructed  
18 infrastructure, which includes, but is not limited to, such projects  
19 as floodplain restoration, off-channel storage, and aquifer recharge.  
20 Qualifying projects must be specifically designed to enhance  
21 streamflows and not result in negative impacts to ecological  
22 functions or critical habitat.

23 (b) At a minimum, the watershed plan must include those actions  
24 that the planning units determine to be necessary to offset potential  
25 impacts to instream flows associated with permit-exempt domestic  
26 water use. The highest priority recommendations must include  
27 replacing the quantity of consumptive water use during the same time  
28 as the impact and in the same basin or tributary. Lower priority  
29 projects include projects not in the same basin or tributary and  
30 projects that replace consumptive water supply impacts only during  
31 critical flow periods. The watershed plan may include projects that  
32 protect or improve instream resources without replacing the  
33 consumptive quantity of water where such projects are in addition to  
34 those actions that the planning unit determines to be necessary to  
35 offset potential consumptive impacts to instream flows associated  
36 with permit-exempt domestic water use.

37 (c) Prior to adoption of the updated watershed plan, the  
38 department must determine that actions identified in the watershed  
39 plan, after accounting for new projected uses of water over the

1 subsequent twenty years, will result in a net ecological benefit to  
2 instream resources within the water resource inventory area.

3 (d) The watershed plan may include:

4 (i) Recommendations for modification to fees established under  
5 this subsection;

6 (ii) Standards for water use quantities that are less than  
7 authorized under RCW 90.44.050 or more or less than authorized under  
8 subsection (5) of this section for withdrawals exempt from  
9 permitting;

10 (iii) Specific conservation requirements for new water users to  
11 be adopted by local or state permitting authorities; or

12 (iv) Other approaches to manage water resources for a water  
13 resource inventory area or a portion thereof.

14 (e) Any modification to fees collected under subsection (5) of  
15 this section or standards for water use quantities that are less than  
16 authorized under RCW 90.44.050 or more or less than authorized under  
17 subsection (5) of this section for withdrawals exempt from permitting  
18 may not be applied unless authorized by rules adopted under this  
19 chapter or under chapter 90.54 RCW.

20 (5) Until an updated watershed plan is approved and rules are  
21 adopted under this chapter or chapter 90.54 RCW, a city or county  
22 issuing a building permit under RCW 19.27.097(1)(c), or approving a  
23 subdivision under chapter 58.17 RCW in a watershed listed in  
24 subsection (2) of this section must:

25 (a) Record relevant restrictions or limitations associated with  
26 water supply with the property title;

27 (b) Collect applicable fees, as described under this section;

28 (c) Record the number of building permits issued under chapter  
29 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW  
30 subject to the provisions of this section;

31 (d) Annually transmit to the department three hundred fifty  
32 dollars of each fee collected under this subsection;

33 (e) Annually transmit an accounting of building permits and  
34 subdivision approvals subject to the provisions of this section to  
35 the department;

36 (f) Until rules have been adopted that specify otherwise, require  
37 the following measures for each new domestic use that relies on a  
38 withdrawal exempt from permitting under RCW 90.44.050:

1 (i) An applicant shall pay a fee of five hundred dollars to the  
2 permitting authority, except as provided in subsection (9) of this  
3 section;

4 (ii) An applicant may obtain approval for a withdrawal exempt  
5 from permitting under RCW 90.44.050 for domestic use only, with a  
6 maximum annual average withdrawal of three thousand gallons per day  
7 per connection.

8 (6) Rules adopted under this chapter or under chapter 90.54 RCW  
9 may:

10 (a) Rely on watershed plan recommendations and procedures  
11 established in this section to authorize new withdrawals exempt from  
12 permitting under RCW 90.44.050 that would potentially impact a closed  
13 waterbody or a minimum flow or level;

14 (b) Rely on projects identified in the watershed plan to offset  
15 consumptive water use; and

16 (c) Include updates to fees based on the planning unit's  
17 determination of the costs for offsetting consumptive water use.

18 (7) (a) If a watershed plan that meets the requirements of this  
19 section is not adopted in water resource inventory area 1 (Nooksack)  
20 by February 1, 2019, the department must adopt rules for that water  
21 resource inventory area that meet the requirements of this section by  
22 August 1, 2020.

23 (b) If a watershed plan that meets the requirements of this  
24 section is not adopted in water resource inventory area 11  
25 (Nisqually) by February 1, 2019, the department must adopt rules for  
26 that water resource inventory area that meet the requirements of this  
27 section by August 1, 2020.

28 (c) The department must adopt rules that meet the requirements of  
29 this section for any of the following water resource inventory areas  
30 that do not adopt a watershed plan that meets the requirements of  
31 this section by February 1, 2021: 22 (Lower Chehalis); 23 (Upper  
32 Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

33 (8) This section only applies to new domestic groundwater  
34 withdrawals exempt from permitting under RCW 90.44.050 in the  
35 following water resource inventory areas with instream flow rules  
36 adopted under chapters 90.22 and 90.54 RCW that do not explicitly  
37 regulate permit-exempt groundwater withdrawals: 1 (Nooksack); 11  
38 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan);  
39 55 (Little Spokane); and 59 (Colville) and does not restrict the

1 withdrawal of groundwater for other uses that are exempt from  
2 permitting under RCW 90.44.050.

3 (9) (a) Upon request by a low-income person, the permitting  
4 authority must waive any fee imposed upon the low-income person under  
5 this section. The permitting authority may also initiate waiver of  
6 the fees for a low-income person.

7 (b) For purposes of this subsection "low-income person" includes:

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

11 (ii) Any property owner when providing a manufactured/mobile home  
12 as defined in RCW 59.30.020;

13 (iii) Any property owner when providing housing for migrant  
14 farmworkers; or

15 (iv) A housing authority governed by chapter 35.82 RCW.

16 **Sec. 3.** RCW 90.94.030 and 2018 c 1 s 203 are each amended to  
17 read as follows:

18 (1) Unless requirements are otherwise specified in the applicable  
19 rules adopted under this chapter or chapter 90.22 or 90.54 RCW,  
20 potential impacts on a closed water body and potential impairment to  
21 an instream flow are authorized for new domestic groundwater  
22 withdrawals exempt from permitting under RCW 90.44.050 through  
23 compliance with the requirements established in this section.

24 (2) (a) In the following water resource inventory areas with  
25 instream flow rules adopted by the department under chapters 90.22  
26 and 90.54 RCW that do not explicitly regulate permit-exempt  
27 groundwater withdrawals and that have either not adopted a watershed  
28 plan, or adopted a partial watershed plan, under chapter 90.82 RCW,  
29 the department shall establish watershed restoration and enhancement  
30 committees in the following water resource inventory areas: 7  
31 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-  
32 White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-  
33 Goldsborough); and 15 (Kitsap).

34 (b) The department shall chair the watershed restoration and  
35 enhancement committee and invite the following entities to  
36 participate:

37 (i) A representative from each federally recognized Indian tribe  
38 that has reservation land within the water resource inventory area;



1 (ii) A representative from each federally recognized Indian tribe  
2 that has a usual and accustomed harvest area within the water  
3 resource inventory area;

4 (iii) A representative from the department of fish and wildlife,  
5 appointed by the director of the department of fish and wildlife;

6 (iv) A representative designated by each county within the water  
7 resource inventory area;

8 (v) A representative designated by each city within the water  
9 resource inventory area;

10 (vi) A representative designated by the largest irrigation  
11 district within the water resource inventory area;

12 (vii) A representative designated by the largest publicly owned  
13 water purveyor providing water within the water resource inventory  
14 area that is not a municipality;

15 (viii) A representative designated by a local organization  
16 representing the residential construction industry within the water  
17 resource inventory area;

18 (ix) A representative designated by a local organization  
19 representing environmental interests within the water resource  
20 inventory area; and

21 (x) A representative designated by a local organization  
22 representing agricultural interests within the water resource  
23 inventory area.

24 (3) By June 30, 2021, the department shall prepare and adopt a  
25 watershed restoration and enhancement plan for each watershed listed  
26 under subsection (2)(a) of this section, in collaboration with the  
27 watershed restoration and enhancement committee. Except as described  
28 in (h) of this subsection, all members of a watershed restoration and  
29 enhancement committee must approve the plan prior to adoption.

30 (a) The watershed restoration and enhancement plan should include  
31 recommendations for projects and actions that will measure, protect,  
32 and enhance instream resources and improve watershed functions that  
33 support the recovery of threatened and endangered salmonids. Plan  
34 recommendations may include, but are not limited to, acquiring senior  
35 water rights, water conservation, water reuse, stream gaging,  
36 groundwater monitoring, and developing natural and constructed  
37 infrastructure, which includes but is not limited to such projects as  
38 floodplain restoration, off-channel storage, and aquifer recharge.  
39 Qualifying projects must be specifically designed to enhance

1 streamflows and not result in negative impacts to ecological  
2 functions or critical habitat.

3 (b) At a minimum, the plan must include those actions that the  
4 committee determines to be necessary to offset potential impacts to  
5 instream flows associated with permit-exempt domestic water use. The  
6 highest priority recommendations must include replacing the quantity  
7 of consumptive water use during the same time as the impact and in  
8 the same basin or tributary. Lower priority projects include projects  
9 not in the same basin or tributary and projects that replace  
10 consumptive water supply impacts only during critical flow periods.  
11 The plan may include projects that protect or improve instream  
12 resources without replacing the consumptive quantity of water where  
13 such projects are in addition to those actions that the committee  
14 determines to be necessary to offset potential consumptive impacts to  
15 instream flows associated with permit-exempt domestic water use.

16 (c) Prior to adoption of the watershed restoration and  
17 enhancement plan, the department must determine that actions  
18 identified in the plan, after accounting for new projected uses of  
19 water over the subsequent twenty years, will result in a net  
20 ecological benefit to instream resources within the water resource  
21 inventory area.

22 (d) The watershed restoration and enhancement plan must include  
23 an evaluation or estimation of the cost of offsetting new domestic  
24 water uses over the subsequent twenty years, including withdrawals  
25 exempt from permitting under RCW 90.44.050.

26 (e) The watershed restoration and enhancement plan must include  
27 estimates of the cumulative consumptive water use impacts over the  
28 subsequent twenty years, including withdrawals exempt from permitting  
29 under RCW 90.44.050.

30 (f) The watershed restoration and enhancement plan may include:

31 (i) Recommendations for modification to fees established under  
32 this subsection;

33 (ii) Standards for water use quantities that are less than  
34 authorized under RCW 90.44.050 or more or less than authorized under  
35 subsection (4) of this section for withdrawals exempt from  
36 permitting;

37 (iii) Specific conservation requirements for new water users to  
38 be adopted by local or state permitting authorities; or

39 (iv) Other approaches to manage water resources for a water  
40 resource inventory area or a portion thereof.

1 (g) After adoption of a watershed restoration and enhancement  
2 plan, the department shall evaluate the plan recommendations and  
3 initiate rule making, if necessary, to incorporate recommendations  
4 into rules adopted under this chapter or under chapter 90.22 or 90.54  
5 RCW. Any modification to fees collected under subsection (4) of this  
6 section or standards for water use quantities that are less than  
7 authorized under RCW 90.44.050 or more or less than authorized under  
8 subsection (4) of this section for withdrawals exempt from permitting  
9 may not be applied unless authorized by rules adopted under this  
10 chapter or under chapter 90.54 RCW.

11 (h) If the watershed restoration and enhancement committee fails  
12 to approve a plan by June 30, 2021, the director of the department  
13 shall submit the final draft plan to the salmon recovery funding  
14 board established under RCW 77.85.110 and request that the salmon  
15 recovery funding board provide a technical review and provide  
16 recommendations to the director to amend the final draft plan, if  
17 necessary, so that actions identified in the plan, after accounting  
18 for new projected uses of water over the subsequent twenty years,  
19 will result in a net ecological benefit to instream resources within  
20 the water resource inventory area. The director of the department  
21 shall consider the recommendations and may amend the plan without  
22 committee approval prior to adoption. After plan adoption, the  
23 director of the department shall initiate rule making within six  
24 months to incorporate recommendations into rules adopted under this  
25 chapter or under chapter 90.22 or 90.54 RCW, and shall adopt amended  
26 rules within two years of initiation of rule making.

27 (4)(a) Until a watershed restoration and enhancement plan is  
28 approved and rules are adopted under subsection (3) of this section,  
29 a city or county issuing a building permit under RCW 19.27.097(1)(d),  
30 or approving a subdivision under chapter 58.17 RCW in a watershed  
31 listed in subsection (2)(a) of this section must:

32 (i) Record relevant restrictions or limitations associated with  
33 water supply with the property title;

34 (ii) Collect applicable fees, as described under this section;

35 (iii) Record the number of building permits issued under chapter  
36 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW  
37 subject to the provisions of this section;

38 (iv) Annually transmit to the department three hundred fifty  
39 dollars of each fee collected under this subsection;

1 (v) Annually transmit an accounting of building permits and  
2 subdivision approvals subject to the provisions of this section to  
3 the department;

4 (vi) Until rules have been adopted that specify otherwise,  
5 require the following measures for each new domestic use that relies  
6 on a withdrawal exempt from permitting under RCW 90.44.050:

7 (A) An applicant shall pay a fee of five hundred dollars to the  
8 permitting authority, except as provided in subsection (7) of this  
9 section;

10 (B) Except as provided in (b) of this subsection, an applicant  
11 may obtain approval for a withdrawal exempt from permitting under RCW  
12 90.44.050 for domestic use only, with a maximum annual average  
13 withdrawal of nine hundred fifty gallons per day per connection; and

14 (C) An applicant shall manage stormwater runoff on-site to the  
15 extent practicable by maximizing infiltration, including using low-  
16 impact development techniques, or pursuant to stormwater management  
17 requirements adopted by the local permitting authority, if locally  
18 adopted requirements are more stringent.

19 (b) Upon the issuance of a drought emergency order under RCW  
20 43.83B.405, the department may curtail withdrawal of groundwater  
21 exempt from permitting under RCW 90.44.050 and approved under this  
22 subsection (4) to no more than three hundred fifty gallons per day  
23 per connection for indoor use only. Notwithstanding the limitation to  
24 no more than three hundred fifty gallons per day per connection for  
25 indoor use only, an applicant may use groundwater exempt from  
26 permitting to maintain a fire control buffer during a drought  
27 emergency order.

28 (5) Rules adopted under this chapter or chapter 90.54 RCW may:

29 (a) Rely on watershed restoration and enhancement plan  
30 recommendations and procedures established in this section to  
31 authorize new withdrawals exempt from permitting under RCW 90.44.050  
32 that would potentially impact a closed waterbody or a minimum flow or  
33 level;

34 (b) Rely on projects identified in the watershed restoration and  
35 enhancement plan to offset consumptive water use; and

36 (c) Include updates to fees based on the watershed restoration  
37 and enhancement committee's determination of the costs for offsetting  
38 consumptive water use.

39 (6) This section only applies to new domestic groundwater  
40 withdrawals exempt from permitting under RCW 90.44.050 in the

1 following water resource inventory areas with instream flow rules  
2 adopted under chapters 90.22 and 90.54 RCW that do not explicitly  
3 regulate permit-exempt groundwater withdrawals: 7 (Snohomish); 8  
4 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12  
5 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15  
6 (Kitsap) and does not restrict the withdrawal of groundwater for  
7 other uses that are exempt from permitting under RCW 90.44.050.

8 (7)(a) Upon request by a low-income person, the permitting  
9 authority must waive any fee imposed upon the low-income person under  
10 this section. The permitting authority may also initiate waiver of  
11 the fees for a low-income person.

12 (b) For the purposes of this section "low-income person"  
13 includes:

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

17 (ii) Any property owner when providing a manufactured/mobile home  
18 as defined in RCW 59.30.020;

19 (iii) Any property owner when providing housing for migrant  
20 farmworkers; or

21 (iv) A housing authority governed by chapter 35.82 RCW.

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

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

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

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

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

36 (d) The fee for an environmental investigation well in which  
37 groundwater is sampled or measured is forty dollars for construction  
38 of up to four environmental investigation wells per project, ten  
39 dollars for each additional environmental investigation well

1 constructed on a project with more than four wells. There is no fee  
2 for soil or vapor sampling purposes.

3 (e) The fee for a ground source heat pump boring or a grounding  
4 well is forty dollars for construction of up to four ground source  
5 heat pump borings or grounding wells per project and ten dollars for  
6 each additional ground source heat pump boring or grounding well  
7 constructed on a project with more than four wells.

8 (f) The combined fee for construction and decommissioning of a  
9 dewatering well system shall be forty dollars for each two hundred  
10 horizontal lineal feet, or portion thereof, of the dewatering well  
11 system.

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

13 (h) The fee to decommission a resource protection well, except  
14 for an environmental investigation well, is twenty dollars. There is  
15 no fee to decommission an environmental investigation well or a  
16 geotechnical soil boring.

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

19 (3) The fees imposed by this section shall be paid at the time  
20 the notice of well construction is submitted to the department as  
21 provided by RCW 18.104.048. The department by rule may adopt  
22 procedures to permit the fees required for resource protection wells  
23 to be paid after the number of wells actually constructed has been  
24 determined. The department shall refund the amount of any fee  
25 collected for wells, borings, probes, or excavations as long as  
26 construction has not started and the department has received a refund  
27 request within one hundred eighty days from the time the department  
28 received the fee. The refund request shall be made on a form provided  
29 by the department.

30 (4) (a) Upon request by a low-income person, the department must  
31 waive any fee in this section. The department may initiate waiver of  
32 the fees for a low-income person.

33 (b) For the purposes of this section "low-income person"  
34 includes:

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

38 (ii) Any property owner when providing a manufactured/mobile home  
39 as defined in RCW 59.30.020; or

1        (iii) Any property owner when providing housing for migrant  
2 farmworkers.

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