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SENATE BILL 6001

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Fraser, Sheldon, Drew, Talmadge and Prentice

Read first time 01/10/94. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to the enhancement of programs for the protection  
2 of open space and recreational opportunities; amending RCW 82.45.010,  
3 82.04.050, 84.34.037, 84.34.070, 84.34.020, 84.34.230, 36.70A.160,  
4 84.34.240, 36.69.140, 36.69.145, 36.68.400, 36.68.525, 35.61.010,  
5 35.61.020, 35.61.030, 35.61.040, and 36.69.310; reenacting and amending  
6 RCW 36.68.520; adding a new section to chapter 36.68 RCW; adding a new  
7 section to chapter 35.21 RCW; adding a new section to chapter 35.61  
8 RCW; adding a new chapter to Title 75 RCW; creating new sections; and  
9 providing an effective date.

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

11            NEW SECTION.    **Sec. 1.**    This act provides for the removal of  
12 unnecessary restraints on local governments in order that they may  
13 better be able to fulfill their responsibility to protect wildlife,  
14 provide for water quality and habitat preservation, provide and  
15 preserve urban forests and greenbelts, and enhance recreational  
16 opportunities. By allowing greater flexibility in the creation,  
17 administration, and funding of open space and recreational programs,  
18 local communities may design, implement, and fund the conservation and  
19 recreational programs designed to most effectively serve local needs.

1 State studies have shown that our state is losing thirty-five  
2 thousand acres of wildlife habitat, wetlands, open space, and  
3 recreational properties each year. In order to adequately protect our  
4 quality of life, diversity of species, fisheries populations, tourism,  
5 and resource and recreation-based economies at a time of diminishing  
6 state and local revenues, it is essential to allow each community's  
7 legislative body greater flexibility in order to meet local needs.

8 **PART I - STATE REAL ESTATE EXCISE TAX**

9 **Sec. 2.** RCW 82.45.010 and 1993 sp.s. c 25 s 502 are each amended  
10 to read as follows:

11 (1) As used in this chapter, the term "sale" shall have its  
12 ordinary meaning and shall include any conveyance, grant, assignment,  
13 quitclaim, or transfer of the ownership of or title to real property,  
14 including standing timber, or any estate or interest therein for a  
15 valuable consideration, and any contract for such conveyance, grant,  
16 assignment, quitclaim, or transfer, and any lease with an option to  
17 purchase real property, including standing timber, or any estate or  
18 interest therein or other contract under which possession of the  
19 property is given to the purchaser, or any other person at the  
20 purchaser's direction, and title to the property is retained by the  
21 vendor as security for the payment of the purchase price. The term  
22 also includes the grant, assignment, quitclaim, sale, or transfer of  
23 improvements constructed upon leased land.

24 (2) The term "sale" also includes the transfer or acquisition  
25 within any twelve-month period of a controlling interest in any entity  
26 with an interest in real property located in this state for a valuable  
27 consideration. For purposes of this subsection, all acquisitions of  
28 persons acting in concert shall be aggregated for purposes of  
29 determining whether a transfer or acquisition of a controlling interest  
30 has taken place. The department of revenue shall adopt standards by  
31 rule to determine when persons are acting in concert. In adopting a  
32 rule for this purpose, the department shall consider the following:

33 (a) Persons shall be treated as acting in concert when they have a  
34 relationship with each other such that one person influences or  
35 controls the actions of another through common ownership; and

36 (b) When persons are not commonly owned or controlled, they shall  
37 be treated as acting in concert only when the unity with which the

1 purchasers have negotiated and will consummate the transfer of  
2 ownership interests supports a finding that they are acting as a single  
3 entity. If the acquisitions are completely independent, with each  
4 purchaser buying without regard to the identity of the other  
5 purchasers, then the acquisitions shall be considered separate  
6 acquisitions.

7 (3) The term "sale" shall not include:

8 (a) A transfer by gift, devise, or inheritance.

9 (b) A transfer of any leasehold interest other than of the type  
10 mentioned above.

11 (c) A cancellation or forfeiture of a vendee's interest in a  
12 contract for the sale of real property, whether or not such contract  
13 contains a forfeiture clause, or deed in lieu of foreclosure of a  
14 mortgage.

15 (d) The partition of property by tenants in common by agreement or  
16 as the result of a court decree.

17 (e) The assignment of property or interest in property from one  
18 spouse to the other in accordance with the terms of a decree of divorce  
19 or in fulfillment of a property settlement agreement.

20 (f) The assignment or other transfer of a vendor's interest in a  
21 contract for the sale of real property, even though accompanied by a  
22 conveyance of the vendor's interest in the real property involved.

23 (g) Transfers by appropriation or decree in condemnation  
24 proceedings brought by the United States, the state or any political  
25 subdivision thereof, or a municipal corporation.

26 (h) A mortgage or other transfer of an interest in real property  
27 merely to secure a debt, or the assignment thereof.

28 (i) Any transfer or conveyance made pursuant to a deed of trust or  
29 an order of sale by the court in any mortgage, deed of trust, or lien  
30 foreclosure proceeding or upon execution of a judgment, or deed in lieu  
31 of foreclosure to satisfy a mortgage or deed of trust.

32 (j) A conveyance to the federal housing administration or veterans  
33 administration by an authorized mortgagee made pursuant to a contract  
34 of insurance or guaranty with the federal housing administration or  
35 veterans administration.

36 (k) A transfer in compliance with the terms of any lease or  
37 contract upon which the tax as imposed by this chapter has been paid or  
38 where the lease or contract was entered into prior to the date this tax  
39 was first imposed.

1 (l) The sale of any grave or lot in an established cemetery.

2 (m) A sale by or to the United States, this state or any political  
3 subdivision thereof, or a municipal corporation of this state.

4 (n) A transfer of real property, however effected, if it consists  
5 of a mere change in identity or form of ownership of an entity where  
6 there is no change in the beneficial ownership. These include  
7 transfers to a corporation or partnership which is wholly owned by the  
8 transferor and/or the transferor's spouse or children: PROVIDED, That  
9 if thereafter such transferee corporation or partnership voluntarily  
10 transfers such real property, or such transferor, spouse, or children  
11 voluntarily transfer stock in the transferee corporation or interest in  
12 the transferee partnership capital, as the case may be, to other than  
13 (1) the transferor and/or the transferor's spouse or children, (2) a  
14 trust having the transferor and/or the transferor's spouse or children  
15 as the only beneficiaries at the time of the transfer to the trust, or  
16 (3) a corporation or partnership wholly owned by the original  
17 transferor and/or the transferor's spouse or children, within three  
18 years of the original transfer to which this exemption applies, and the  
19 tax on the subsequent transfer has not been paid within sixty days of  
20 becoming due, excise taxes shall become due and payable on the original  
21 transfer as otherwise provided by law.

22 (o) A transfer that for federal income tax purposes does not  
23 involve the recognition of gain or loss for entity formation,  
24 liquidation or dissolution, and reorganization, including but not  
25 limited to nonrecognition of gain or loss because of application of  
26 section 332, 337, 351, 368(a)(1), 721, or 731 of the Internal Revenue  
27 Code of 1986, as amended.

28 **PART II - STATE SALES TAX**

29 **Sec. 3.** RCW 82.04.050 and 1993 sp.s. c 25 s 301 are each amended  
30 to read as follows:

31 (1) "Sale at retail" or "retail sale" means every sale of tangible  
32 personal property (including articles produced, fabricated, or  
33 imprinted) to all persons irrespective of the nature of their business  
34 and including, among others, without limiting the scope hereof, persons  
35 who install, repair, clean, alter, improve, construct, or decorate real  
36 or personal property of or for consumers other than a sale to a person  
37 who presents a resale certificate under RCW 82.04.470 and who:

1 (a) Purchases for the purpose of resale as tangible personal  
2 property in the regular course of business without intervening use by  
3 such person; or

4 (b) Installs, repairs, cleans, alters, imprints, improves,  
5 constructs, or decorates real or personal property of or for consumers,  
6 if such tangible personal property becomes an ingredient or component  
7 of such real or personal property without intervening use by such  
8 person; or

9 (c) Purchases for the purpose of consuming the property purchased  
10 in producing for sale a new article of tangible personal property or  
11 substance, of which such property becomes an ingredient or component or  
12 is a chemical used in processing, when the primary purpose of such  
13 chemical is to create a chemical reaction directly through contact with  
14 an ingredient of a new article being produced for sale; or

15 (d) Purchases for the purpose of consuming the property purchased  
16 in producing ferrosilicon which is subsequently used in producing  
17 magnesium for sale, if the primary purpose of such property is to  
18 create a chemical reaction directly through contact with an ingredient  
19 of ferrosilicon; or

20 (e) Purchases for the purpose of providing the property to  
21 consumers as part of competitive telephone service, as defined in RCW  
22 82.04.065. The term shall include every sale of tangible personal  
23 property which is used or consumed or to be used or consumed in the  
24 performance of any activity classified as a "sale at retail" or "retail  
25 sale" even though such property is resold or utilized as provided in  
26 (a), (b), (c), (d), or (e) of this subsection following such use. The  
27 term also means every sale of tangible personal property to persons  
28 engaged in any business which is taxable under RCW 82.04.280 (2) and  
29 (7) and 82.04.290.

30 (2) The term "sale at retail" or "retail sale" shall include the  
31 sale of or charge made for tangible personal property consumed and/or  
32 for labor and services rendered in respect to the following:

33 (a) The installing, repairing, cleaning, altering, imprinting, or  
34 improving of tangible personal property of or for consumers, including  
35 charges made for the mere use of facilities in respect thereto, but  
36 excluding sales of laundry service to members by nonprofit associations  
37 composed exclusively of nonprofit hospitals, and excluding services  
38 rendered in respect to live animals, birds and insects;

1 (b) The constructing, repairing, decorating, or improving of new or  
2 existing buildings or other structures under, upon, or above real  
3 property of or for consumers, including the installing or attaching of  
4 any article of tangible personal property therein or thereto, whether  
5 or not such personal property becomes a part of the realty by virtue of  
6 installation, and shall also include the sale of services or charges  
7 made for the clearing of land and the moving of earth excepting the  
8 mere leveling of land used in commercial farming or agriculture;

9 (c) The charge for labor and services rendered in respect to  
10 constructing, repairing, or improving any structure upon, above, or  
11 under any real property owned by an owner who conveys the property by  
12 title, possession, or any other means to the person performing such  
13 construction, repair, or improvement for the purpose of performing such  
14 construction, repair, or improvement and the property is then  
15 reconveyed by title, possession, or any other means to the original  
16 owner;

17 (d) The sale of or charge made for labor and services rendered in  
18 respect to the cleaning, fumigating, razing or moving of existing  
19 buildings or structures, but shall not include the charge made for  
20 janitorial services; and for purposes of this section the term  
21 "janitorial services" shall mean those cleaning and caretaking services  
22 ordinarily performed by commercial janitor service businesses  
23 including, but not limited to, wall and window washing, floor cleaning  
24 and waxing, and the cleaning in place of rugs, drapes and upholstery.  
25 The term "janitorial services" does not include painting, papering,  
26 repairing, furnace or septic tank cleaning, snow removal or  
27 sandblasting;

28 (e) The sale of or charge made for labor and services rendered in  
29 respect to automobile towing and similar automotive transportation  
30 services, but not in respect to those required to report and pay taxes  
31 under chapter 82.16 RCW;

32 (f) The sale of and charge made for the furnishing of lodging and  
33 all other services by a hotel, rooming house, tourist court, motel,  
34 trailer camp, and the granting of any similar license to use real  
35 property, as distinguished from the renting or leasing of real  
36 property, and it shall be presumed that the occupancy of real property  
37 for a continuous period of one month or more constitutes a rental or  
38 lease of real property and not a mere license to use or enjoy the same;

1 (g) The sale of or charge made for tangible personal property,  
2 labor and services to persons taxable under (a), (b), (c), (d), (e),  
3 and (f) of this subsection when such sales or charges are for property,  
4 labor and services which are used or consumed in whole or in part by  
5 such persons in the performance of any activity defined as a "sale at  
6 retail" or "retail sale" even though such property, labor and services  
7 may be resold after such use or consumption. Nothing contained in this  
8 subsection shall be construed to modify subsection (1) of this section  
9 and nothing contained in subsection (1) of this section shall be  
10 construed to modify this subsection.

11 (3) The term "sale at retail" or "retail sale" shall include the  
12 sale of or charge made for personal, business, or professional services  
13 including amounts designated as interest, rents, fees, admission, and  
14 other service emoluments however designated, received by persons  
15 engaging in the following business activities:

16 (a) Amusement and recreation services not sponsored by government  
17 agencies including but not limited to golf, pool, billiards, skating,  
18 bowling, ski lifts and tows, and others;

19 (b) Abstract, title insurance, and escrow services;

20 (c) Credit bureau services;

21 (d) Automobile parking and storage garage services;

22 (e) Landscape maintenance and horticultural services but excluding  
23 horticultural services provided to farmers;

24 (f) Service charges associated with tickets to professional  
25 sporting events;

26 (g) Guided tours and guided charters not sponsored by government  
27 agencies; and

28 (h) The following personal services: Physical fitness services not  
29 sponsored by government agencies, tanning salon services, tattoo parlor  
30 services, massage services, steam bath services, turkish bath services,  
31 escort services, and dating services.

32 (4) The term shall also include the renting or leasing of tangible  
33 personal property to consumers and the rental of equipment with an  
34 operator.

35 (5) The term shall also include the providing of telephone service,  
36 as defined in RCW 82.04.065, to consumers.

37 (6) The term shall not include the sale of or charge made for labor  
38 and services rendered in respect to the building, repairing, or  
39 improving of any street, place, road, highway, easement, right of way,

1 mass public transportation terminal or parking facility, bridge,  
2 tunnel, or trestle which is owned by a municipal corporation or  
3 political subdivision of the state or by the United States and which is  
4 used or to be used primarily for foot or vehicular traffic including  
5 mass transportation vehicles of any kind.

6 (7) The term shall also not include sales of feed, seed, seedlings,  
7 fertilizer, agents for enhanced pollination including insects such as  
8 bees, and spray materials to persons who participate in the federal  
9 conservation reserve program or its successor administered by the  
10 United States department of agriculture, or to farmers for the purpose  
11 of producing for sale any agricultural product, nor shall it include  
12 sales of chemical sprays or washes to persons for the purpose of post-  
13 harvest treatment of fruit for the prevention of scald, fungus, mold,  
14 or decay.

15 (8) The term shall not include the sale of or charge made for labor  
16 and services rendered in respect to the constructing, repairing,  
17 decorating, or improving of new or existing buildings or other  
18 structures under, upon, or above real property of or for the United  
19 States, any instrumentality thereof, or a county or city housing  
20 authority created pursuant to chapter 35.82 RCW, including the  
21 installing, or attaching of any article of tangible personal property  
22 therein or thereto, whether or not such personal property becomes a  
23 part of the realty by virtue of installation. Nor shall the term  
24 include the sale of services or charges made for the clearing of land  
25 and the moving of earth of or for the United States, any  
26 instrumentality thereof, or a county or city housing authority.

27 **PART III - PROPERTY TAXES: CURRENT USE CLASSIFICATION**

28 **Sec. 4.** RCW 84.34.037 and 1992 c 69 s 6 are each amended to read  
29 as follows:

30 (1) Applications for classification or reclassification under RCW  
31 84.34.020(1) shall be made to the county legislative authority. An  
32 application made for classification or reclassification of land under  
33 RCW 84.34.020(1) (b) and (c) which is in an area subject to a  
34 comprehensive plan shall be acted upon in the same manner in which an  
35 amendment to the comprehensive plan is processed. Application made for  
36 classification of land which is in an area not subject to a  
37 comprehensive plan shall be acted upon after a public hearing and after



1 notice of the hearing shall have been given by one publication in a  
2 newspaper of general circulation in the area at least ten days before  
3 the hearing(~~(: PROVIDED, That)~~). For applications for classification  
4 of land in an incorporated area, the city or town legislative body in  
5 which the land is located shall also be given notice and shall issue a  
6 written recommendation to the granting authority before action is  
7 taken. The granting authority may act upon the application if such  
8 action follows the recommendations. If the granting authority is  
9 unable to agree to the recommendations, the application shall be  
10 referred to and acted upon by a granting authority composed of three  
11 members of the county legislative body and three members of the city or  
12 town legislative body in which the land is located.

13 (2) In determining whether an application made for classification  
14 or reclassification under RCW 84.34.020(1) (b) and (c) should be  
15 approved or disapproved, the granting authority may take cognizance of  
16 the benefits to the general welfare of preserving the current use of  
17 the property which is the subject of application, and shall consider:

18 (a) The resulting revenue loss or tax shift;

19 (b) Whether granting the application for land applying under RCW  
20 84.34.020(1)(b) will (i) conserve or enhance natural, cultural, or  
21 scenic resources, (ii) protect streams, stream corridors, wetlands,  
22 natural shorelines and aquifers, (iii) protect soil resources and  
23 unique or critical wildlife and native plant habitat, (iv) promote  
24 conservation principles by example or by offering educational  
25 opportunities, (v) enhance the value of abutting or neighboring parks,  
26 forests, wildlife preserves, nature reservations, sanctuaries, or other  
27 open spaces, (vi) enhance recreation opportunities, (vii) preserve  
28 historic and archaeological sites, (viii) preserve visual quality along  
29 highway, road, and street corridors or scenic vistas, (ix) affect any  
30 other factors relevant in weighing benefits to the general welfare of  
31 preserving the current use of the property; and

32 (c) Whether granting the application for land applying under RCW  
33 84.34.020(1)(c) will (i) either preserve land previously classified  
34 under RCW 84.34.020(2) or preserve land that is traditional farmland  
35 and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land  
36 with a potential for returning to commercial agriculture, and (iii)  
37 affect any other factors relevant in weighing benefits to the general  
38 welfare of preserving the current use of property.

1 (3) If a public benefit rating system is adopted under RCW  
2 84.34.055, the county legislative authority shall rate property for  
3 which application for classification has been made under RCW  
4 84.34.020(1) (b) and (c) according to the public benefit rating system  
5 in determining whether an application should be approved or  
6 disapproved, but when such a system is adopted, open space properties  
7 then classified under this chapter which do not qualify under the  
8 system shall not be removed from classification but may be rated  
9 according to the public benefit rating system.

10 (4) The granting authority may approve the application with respect  
11 to only part of the land which is the subject of the application. If  
12 any part of the application is denied, the applicant may withdraw the  
13 entire application. The granting authority in approving in part or  
14 whole an application for land classified or reclassified pursuant to  
15 RCW 84.34.020(1) may also require that certain conditions be met,  
16 including but not limited to the granting of easements. As a condition  
17 of granting open space classification, the legislative body may not  
18 require public access on land classified under RCW 84.34.020(1)(b)(iii)  
19 for the purpose of promoting conservation of wetlands.

20 (5) The granting or denial of the application for current use  
21 classification or reclassification is a legislative determination and  
22 shall be reviewable only for arbitrary and capricious actions.

23 **Sec. 5.** RCW 84.34.070 and 1992 c 69 s 10 are each amended to read  
24 as follows:

25 (1) When land has once been classified under this chapter, it shall  
26 remain under such classification and shall not be applied to other use  
27 except as provided by subsection (2) of this section for at least ten  
28 years from the date of classification and shall continue under such  
29 classification until and unless withdrawn from classification after  
30 notice of request for withdrawal shall be made by the owner. During  
31 any year after eight years of the initial ten-year classification  
32 period have elapsed, notice of request for withdrawal of all or a  
33 portion of the land may be given by the owner to the assessor or  
34 assessors of the county or counties in which such land is situated. In  
35 the event that a portion of a parcel is removed from classification,  
36 the remaining portion must meet the same requirements as did the entire  
37 parcel when such land was originally granted classification pursuant to  
38 this chapter unless the remaining parcel has different income criteria.

1 Within seven days the assessor shall transmit one copy of such notice  
2 to the legislative body which originally approved the application. The  
3 assessor or assessors, as the case may be, shall, when two assessment  
4 years have elapsed following the date of receipt of such notice,  
5 withdraw such land from such classification and the land shall be  
6 subject to the additional tax and applicable interest due under RCW  
7 84.34.108. Agreement to tax according to use shall not be considered  
8 to be a contract and can be abrogated at any time by the legislature in  
9 which event no additional tax or penalty shall be imposed.

10 (2) The following reclassifications are not considered withdrawals  
11 or removals and are not subject to additional tax under RCW 84.34.108:

12 (a) Reclassification between lands under RCW 84.34.020 (2) and (3);

13 (b) Reclassification of land classified under RCW 84.34.020 (2) or  
14 (3) or chapter 84.33 RCW to open space land under RCW 84.34.020(1);

15 (c) Reclassification of land classified under RCW 84.34.020 (2) or  
16 (3) to forest land classified under chapter 84.33 RCW; (~~and~~)

17 (d) Reclassification of land classified as open space land under  
18 RCW 84.34.020(1)(c) and reclassified to farm and agricultural land  
19 under RCW 84.34.020(2) if the land had been previously classified as  
20 farm and agricultural land under RCW 84.34.020(2) or if the land is  
21 permanently protected by deed restriction against further development  
22 for other than agricultural uses; and

23 (e) Transfer of land classified as open space or farm and  
24 agricultural land under RCW 84.34.020 (1) or (2) to a governmental  
25 agency if the governmental agency acquires the land for open space  
26 protection or recreation purposes.

27 (3) Applications for reclassification shall be subject to  
28 applicable provisions of RCW 84.34.037, 84.34.035, 84.34.041, and  
29 chapter 84.33 RCW.

30 (4) The income criteria for land classified under RCW 84.34.020(2)  
31 (b) and (c) may be deferred for land being reclassified from land  
32 classified under RCW 84.34.020 (1)(c) or (3), or chapter 84.33 RCW into  
33 RCW 84.34.020(2) (b) or (c) for a period of up to five years from the  
34 date of reclassification.

35 **PART IV - 1 PERCENT FOR OPEN SPACE OPTION**

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.68 RCW  
37 to read as follows:

1 Counties may establish a "one percent for open space fund," which  
2 requires that up to one percent of any moneys budgeted by the county  
3 for capital construction be expended by the county for the acquisition  
4 of open space lands. The designation of sites, selection, contracting,  
5 purchase, maintenance, and sale, exchange, or disposition of open space  
6 lands shall be the responsibility of the county.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.21 RCW  
8 to read as follows:

9 Cities and towns may establish a "one percent for open space fund,"  
10 which requires that up to one percent of any moneys budgeted by the  
11 city or town for capital construction be expended by the city or town  
12 for the acquisition of open space lands. The designation of sites,  
13 selection, contracting, purchase, maintenance, and sale, exchange, or  
14 disposition of open space lands shall be the responsibility of the city  
15 or town.

16 **PART V - CONSERVATION FUTURES**

17 **Sec. 8.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read  
18 as follows:

19 As used in this chapter, unless a different meaning is required by  
20 the context:

21 (1) "Open space land" means (a) any land area so designated by an  
22 official comprehensive land use plan adopted by any city or county and  
23 zoned accordingly(~~(+,+)~~), or (b) any land area, the preservation of  
24 which in its present use or the restoration, rehabilitation, or  
25 reclamation of which would (i) conserve (~~and~~) or enhance natural or  
26 scenic resources, or (ii) protect streams or water supply, or (iii)  
27 promote conservation of soils, wetlands, beaches or tidal marshes, or  
28 (iv) enhance the value to the public of abutting or neighboring parks,  
29 forests, wildlife preserves, nature reservations or sanctuaries or  
30 other open space, or (v) enhance recreation opportunities, or (vi)  
31 preserve historic sites, or (vii) preserve visual quality along  
32 highway, road, and street corridors or scenic vistas, or (viii) retain  
33 in its natural state tracts of land not less than one acre situated in  
34 an urban area and open to public use on such conditions as may be  
35 reasonably required by the legislative body granting the open space  
36 classification, or (c) any land meeting the definition of farm and

1 agricultural conservation land under subsection (8) of this section.  
2 As a condition of granting open space classification, the legislative  
3 body may not require public access on land classified under (b)(iii) of  
4 this subsection for the purpose of promoting conservation of wetlands.

5 (2) "Farm and agricultural land" means either (a) any parcel of  
6 land that is twenty or more acres or multiple parcels of land that are  
7 contiguous and total twenty or more acres (i) devoted primarily to the  
8 production of livestock or agricultural commodities for commercial  
9 purposes, (ii) enrolled in the federal conservation reserve program or  
10 its successor administered by the United States department of  
11 agriculture, or (iii) other similar commercial activities as may be  
12 established by rule (~~following consultation with the advisory~~  
13 ~~committee established in section 19 of this act~~); (b) any parcel of  
14 land that is five acres or more but less than twenty acres devoted  
15 primarily to agricultural uses, which has produced a gross income from  
16 agricultural uses equivalent to, as of January 1, 1993, (i) one hundred  
17 dollars or more per acre per year for three of the five calendar years  
18 preceding the date of application for classification under this chapter  
19 for all parcels of land that are classified under this subsection or  
20 all parcels of land for which an application for classification under  
21 this subsection is made with the granting authority prior to January 1,  
22 1993, and (ii) on or after January 1, 1993, two hundred dollars or more  
23 per acre per year for three of the five calendar years preceding the  
24 date of application for classification under this chapter; (c) any  
25 parcel of land of less than five acres devoted primarily to  
26 agricultural uses which has produced a gross income as of January 1,  
27 1993, of (i) one thousand dollars or more per year for three of the  
28 five calendar years preceding the date of application for  
29 classification under this chapter for all parcels of land that are  
30 classified under this subsection or all parcels of land for which an  
31 application for classification under this subsection is made with the  
32 granting authority prior to January 1, 1993, and (ii) on or after  
33 January 1, 1993, fifteen hundred dollars or more per year for three of  
34 the five calendar years preceding the date of application for  
35 classification under this chapter. Parcels of land described in (b)(i)  
36 and (c)(i) of this subsection shall, upon any transfer of the property  
37 excluding a transfer to a surviving spouse, be subject to the limits of  
38 (b)(ii) and (c)(ii) of this subsection. Agricultural lands shall also  
39 include such incidental uses as are compatible with agricultural

1 purposes, including wetlands preservation, provided such incidental use  
2 does not exceed twenty percent of the classified land and the land on  
3 which appurtenances necessary to the production, preparation, or sale  
4 of the agricultural products exist in conjunction with the lands  
5 producing such products. Agricultural lands shall also include any  
6 parcel of land of one to five acres, which is not contiguous, but which  
7 otherwise constitutes an integral part of farming operations being  
8 conducted on land qualifying under this section as "farm and  
9 agricultural lands"; or (d) the land on which housing for employees and  
10 the principal place of residence of the farm operator or owner of land  
11 classified pursuant to (a) of this subsection is sited if: The housing  
12 or residence is on or contiguous to the classified parcel; and the use  
13 of the housing or the residence is integral to the use of the  
14 classified land for agricultural purposes.

15 (3) "Timber land" means any parcel of land that is five or more  
16 acres or multiple parcels of land that are contiguous and total five or  
17 more acres which is or are devoted primarily to the growth and harvest  
18 of forest crops for commercial purposes. A timber management plan  
19 shall be filed with the county legislative authority at the time (a) an  
20 application is made for classification as timber land pursuant to this  
21 chapter or (b) when a sale or transfer of timber land occurs and a  
22 notice of classification continuance is signed. Timber land means the  
23 land only.

24 (4) "Current" or "currently" means as of the date on which property  
25 is to be listed and valued by the assessor.

26 (5) "Owner" means the party or parties having the fee interest in  
27 land, except that where land is subject to real estate contract "owner"  
28 shall mean the contract vendee.

29 (6) "Contiguous" means land adjoining and touching other property  
30 held by the same ownership. Land divided by a public road, but  
31 otherwise an integral part of a farming operation, shall be considered  
32 contiguous.

33 (7) "Granting authority" means the appropriate agency or official  
34 who acts on an application for classification of land pursuant to this  
35 chapter.

36 (8) "Farm and agricultural conservation land" means either:

37 (a) Land that was previously classified under subsection (2) of  
38 this section, that no longer meets the criteria of subsection (2) of

1 this section, and that is reclassified under subsection (1) of this  
2 section; or

3 (b) Land that is traditional farmland that is not classified under  
4 chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a  
5 use inconsistent with agricultural uses, and that has a high potential  
6 for returning to commercial agriculture.

7 **Sec. 9.** RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each  
8 amended to read as follows:

9 (1) For the purpose of acquiring conservation futures as well as  
10 other rights and interests in real property pursuant to RCW 84.34.210  
11 and 84.34.220 and maintenance and operation of open space and  
12 recreational properties pursuant to subsection (2) of this section, a  
13 county may levy an amount not to exceed ((six and one quarter)) ten  
14 cents per thousand dollars of assessed valuation against the assessed  
15 valuation of all taxable property within the county, which levy shall  
16 be in addition to that authorized by RCW 84.52.050 and 84.52.043.

17 (2) Of the amount levied under subsection (1) of this section, the  
18 county may spend up to two cents per thousand dollars of assessed  
19 valuation solely for the purpose of funding maintenance and stewardship  
20 of open space and recreational property purchased with conservation  
21 futures funds, whether owned in less than fee simple or fee simple.

22 (3) Of the amount levied under subsection (1) of this section, the  
23 county may spend up to three cents per thousand dollars of assessed  
24 valuation solely for the purpose of capital enhancement of conservation  
25 futures property acquired under RCW 84.34.210 and 84.34.220 for the  
26 purposes of displaying or enhancing the conservation values of the  
27 site.

28 **Sec. 10.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to  
29 read as follows:

30 Each county and city that is required or chooses to prepare a  
31 comprehensive land use plan under RCW 36.70A.040 shall identify open  
32 space corridors within and between urban growth areas. They shall  
33 include lands useful for recreation, wildlife habitat, trails, and  
34 connection of critical areas as defined in RCW 36.70A.030.  
35 Identification of a corridor under this section by a county or city  
36 shall not restrict the use or management of lands within the corridor  
37 for agricultural or forest purposes. Restrictions on the use or

1 management of such lands for agricultural or forest purposes imposed  
2 after identification solely to maintain or enhance the value of such  
3 lands as a corridor may occur only if the county or city or a nonprofit  
4 conservancy corporation or association acquires sufficient interest to  
5 prevent development of the lands or to control the resource development  
6 of the lands. The requirement for acquisition of sufficient interest  
7 does not include those corridors regulated by the interstate commerce  
8 commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec.  
9 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be  
10 interpreted to alter the authority of the state, or a county or city,  
11 to regulate land use activities.

12 The city or county may acquire by donation or purchase the fee  
13 simple or lesser interests in these open space corridors using funds  
14 authorized by RCW 84.34.230(1) or other sources.

15 **Sec. 11.** RCW 84.34.240 and 1971 ex.s. c 243 s 5 are each amended  
16 to read as follows:

17 Any board of county commissioners may establish by resolution a  
18 special fund which may be termed a conservation futures fund to which  
19 it may credit all taxes levied pursuant to RCW 84.34.230. Amounts  
20 placed in this fund may be used solely for the purposes of: Acquiring  
21 rights and interests in real property pursuant to the terms of RCW  
22 84.34.210 and 84.34.220; funding maintenance and stewardship of open  
23 space and recreational property pursuant to RCW 84.34.230(2); and  
24 capital enhancement of conservation futures property pursuant to RCW  
25 84.34.230(3). Nothing in this section shall be construed as limiting  
26 in any manner methods and funds otherwise available to a county for  
27 financing the acquisition of such rights and interests in real  
28 property.

29 **PART VI - PARK AND RECREATION DISTRICTS**  
30 **AND PARK AND RECREATION SERVICE AREAS**

31 NEW SECTION. **Sec. 12.** The intent of the legislature by enacting  
32 sections 13 through 17, chapter . . ., Laws of 1994 (this act) is:

33 (1) To allow park and recreation districts and park and recreation  
34 service areas to place more than one excess levy on the same ballot,  
35 allowing districts and service areas to give voters the opportunity to



1 vote on separate issues, such as for operating and capital funds, at  
2 the same election, thereby reducing election costs; and

3 (2) To increase the amount a park and recreation district or park  
4 and recreation service area may collect through a six-year property tax  
5 levy from a maximum of fifteen cents per thousand dollars of assessed  
6 value to a maximum of seventy-five cents per thousand dollars of  
7 assessed value. This would allow for a more stable funding source for  
8 park and recreation districts and park and recreation service areas at  
9 a realistic tax rate and reduce the need for holding excess levy  
10 elections on an annual or biannual basis. In addition, it would level  
11 out the collection of taxes over each of six years rather than the  
12 practice now of collecting in one year to fund two years.

13 **Sec. 13.** RCW 36.69.140 and 1984 c 186 s 30 are each amended to  
14 read as follows:

15 (1) A park and recreation district shall have the power to levy  
16 ~~((an))~~ excess ~~((levy))~~ levies upon the property included within the  
17 district, in the manner prescribed by Article VII, section 2, of the  
18 Constitution and by RCW 84.52.052~~((. — Such excess levy may be either))~~  
19 for operating funds ~~((or for))~~, capital outlay funds, ~~((or for a))~~ and  
20 cumulative reserve funds.

21 (2) A park and recreation district may issue general obligation  
22 bonds for capital purposes only, not to exceed an amount, together with  
23 any outstanding nonvoter approved general obligation indebtedness equal  
24 to three-eighths of one percent of the value of the taxable property  
25 within such district, as the term "value of the taxable property" is  
26 defined in RCW 39.36.015. A park and recreation district may  
27 additionally issue general obligation bonds, together with outstanding  
28 voter approved and nonvoter approved general obligation indebtedness,  
29 equal to one and one-fourth percent of the value of the taxable  
30 property within the district, as the term "value of the taxable  
31 property" is defined in RCW 39.36.015, when such bonds are approved by  
32 three-fifths of the voters of the district at a general or special  
33 election called for that purpose and may provide for the retirement  
34 thereof by levies in excess of dollar rate limitations in accordance  
35 with the provisions of RCW 84.52.056. When authorized by the voters of  
36 the district, the district may issue interest bearing warrants payable  
37 out of and to the extent of excess levies authorized in the year in  
38 which the excess levy was approved. These elections shall be held as

1 provided in RCW 39.36.050. Such bonds and warrants shall be issued and  
2 sold in accordance with chapter 39.46 RCW.

3 **Sec. 14.** RCW 36.69.145 and 1984 c 131 s 6 are each amended to read  
4 as follows:

5 (1) A park and recreation district may impose regular property tax  
6 levies in an amount equal to (~~(fifteen)~~) seventy-five cents or less per  
7 thousand dollars of assessed value of property in the district in each  
8 year for (~~(five)~~) six consecutive years when specifically authorized so  
9 to do by a majority of at least three-fifths of the voters thereof  
10 approving a proposition authorizing the levies submitted at a special  
11 election or at the regular election of the district, at which election  
12 the number of (~~(persons)~~) voters voting "yes" on the proposition shall  
13 constitute three-fifths of a number equal to forty per centum of the  
14 (~~(total votes cast)~~) number of voters voting in such district at the  
15 last preceding general election when the number of (~~(electors)~~) voters  
16 voting on the proposition does not exceed forty per centum of the  
17 (~~(total votes cast)~~) number of voters voting in such taxing district in  
18 the last preceding general election; or by a majority of at least  
19 three-fifths of the (~~(electors)~~) voters thereof voting on the  
20 proposition if the number of (~~(electors)~~) voters voting on the  
21 proposition exceeds forty per centum of the (~~(total votes cast)~~) number  
22 of voters voting in such taxing district in the last preceding general  
23 election. A proposition authorizing the tax levies shall not be  
24 submitted by a park and recreation district more than twice in any  
25 twelve-month period. Ballot propositions shall conform with RCW  
26 29.30.111. In the event a park and recreation district is levying  
27 property taxes, which in combination with property taxes levied by  
28 other taxing districts subject to the one percent limitation provided  
29 for in Article 7, section 2, of our state Constitution result in taxes  
30 in excess of the limitation provided for in RCW 84.52.043, the park and  
31 recreation district property tax levy shall be reduced or eliminated  
32 before the property tax levies of other taxing districts are reduced.

33 (2) The limitation in RCW 84.55.010 shall not apply to the first  
34 levy imposed under this section following the approval of the levies by  
35 the voters under subsection (1) of this section.

36 **Sec. 15.** RCW 36.68.400 and 1988 c 82 s 1 are each amended to read  
37 as follows:

1 Any county shall have the power to create park and recreation  
2 service areas for the purpose of financing, acquiring, constructing,  
3 improving, maintaining, or operating any park, senior citizen  
4 activities centers, zoos, aquariums, and recreational facilities as  
5 defined in RCW 36.69.010 which shall be owned or leased by the county  
6 and administered as other county parks or shall be owned or leased and  
7 administered by a city or town or shall be owned or leased and  
8 administered by the park and recreation service area. A park and  
9 recreation service area may purchase athletic equipment and supplies,  
10 ~~((and))~~ make reasonable capital improvements furthering the authorized  
11 purposes of the park and recreation service area, provide for the  
12 upkeep of park buildings, grounds, and facilities, and provide  
13 custodial, recreational, and park program personnel at any park or  
14 recreational facility owned or leased by the service area or a county,  
15 city, ~~((or))~~ town, or school district. A park and recreation service  
16 area shall be a quasi-municipal corporation, an independent taxing  
17 "authority" within the meaning of section 1, Article 7 of the  
18 Constitution, and a "taxing district" within the meaning of section 2,  
19 Article 7 of the Constitution.

20 A park and recreation service area shall constitute a body  
21 corporate and shall possess all the usual powers of a corporation for  
22 public purposes including, but not limited to, the authority to hire  
23 employees, staff, and services, to enter into contracts, to accept and  
24 expend or use gifts, grants, and donations, and to sue and be sued as  
25 well as all other powers that may now or hereafter be specifically  
26 conferred by statute.

27 The members of the county legislative authority, acting ex officio  
28 and independently, shall compose the governing body of any park and  
29 recreation service area which is created within the county: PROVIDED,  
30 That where a park and recreation service area includes an incorporated  
31 city or town within the county, the park and recreation service area  
32 may be governed as provided in an interlocal agreement adopted pursuant  
33 to chapter 39.34 RCW. The voters of a park and recreation service area  
34 shall be all registered voters residing within the service area.

35 A multicounty park and recreation service area shall be governed as  
36 provided in an interlocal agreement adopted pursuant to chapter 39.34  
37 RCW.

1       **Sec. 16.** RCW 36.68.520 and 1984 c 186 s 29 and 1984 c 131 s 8 are  
2 each reenacted and amended to read as follows:

3       (1) A park and recreation service area shall have the power to levy  
4 ~~((an))~~ annual excess ~~((levy))~~ levies upon the property included within  
5 the service area if authorized at a special election called for the  
6 purpose in the manner prescribed by section 2, Article VII of the  
7 Constitution and by RCW 84.52.052(~~-~~

8       ~~This excess levy may be either~~) for operating funds, ~~((or for))~~  
9 capital outlay funds, ~~((or for a))~~ and cumulative reserve funds.

10       (2) A park and recreation service area may issue general obligation  
11 bonds for capital purposes only, not to exceed an amount, together with  
12 any outstanding nonvoter approved general obligation indebtedness,  
13 equal to three-eighths of one percent of the value of the taxable  
14 property within the ~~((district))~~ service area. ~~((Such districts))~~  
15 Additionally, a park and recreation service area may issue general  
16 obligation bonds, together with any outstanding voter approved and  
17 nonvoter approved general indebtedness, equal to two and one-half  
18 percent of the value of the taxable property within the ((district))  
19 service area, as the term "value of the taxable property" is defined in  
20 RCW 39.36.015, when such bonds are approved by the voters of the  
21 ((district)) service area at a special election called for the purpose  
22 in accordance with the provisions of Article VIII, section 6 of the  
23 Constitution. Such bonds shall be issued and sold in accordance with  
24 chapter 39.46 RCW.

25       Bonds may be retired by excess property tax levies when such levies  
26 are approved by the voters at a special election in accordance with the  
27 provisions of Article VII, section 2 of the Constitution and RCW  
28 84.52.056.

29       Any elections shall be held as provided in RCW 39.36.050.

30       **Sec. 17.** RCW 36.68.525 and 1984 c 131 s 9 are each amended to read  
31 as follows:

32       A park and recreation service area may impose regular property tax  
33 levies in an amount equal to ~~((fifteen))~~ seventy-five cents or less per  
34 thousand dollars of assessed value of property in the service area in  
35 each year for six consecutive years when specifically authorized so to  
36 do by a majority of at least three-fifths of the voters thereof  
37 approving a proposition authorizing the levies submitted not more than  
38 twelve months prior to the date on which the proposed initial levy is

1 to be made and not oftener than twice in such twelve month period,  
2 either at a special election or at the regular election of the service  
3 area, at which election the number of (~~persons~~) voters voting "yes"  
4 on the proposition shall constitute three-fifths of a number equal to  
5 forty percent of the (~~total votes cast~~) number of voters voting in  
6 the service area at the last preceding general election when the number  
7 of (~~electors~~) voters voting on the proposition does not exceed forty  
8 percent of the (~~total votes cast~~) number of voters voting in such  
9 taxing district in the last preceding general election; or by a  
10 majority of at least three-fifths of the (~~electors~~) voters thereof  
11 voting on the proposition if the number of (~~electors~~) voters voting  
12 on the proposition exceeds forty per centum of the (~~total votes cast~~)  
13 number of voters voting in such taxing district in the last preceding  
14 general election. A proposition authorizing such tax levies shall not  
15 be submitted by a park and recreation (~~district~~) service area more  
16 than twice in any twelve-month period. Ballot propositions shall  
17 conform with RCW 29.30.111. If a park and recreation service area is  
18 levying property taxes, which in combination with property taxes levied  
19 by other taxing districts result in taxes in excess of the nine-dollar  
20 and fifteen cents per thousand dollars of assessed valuation limitation  
21 provided for in RCW 84.52.043, the park and recreation service area  
22 property tax levy shall be reduced or eliminated before the property  
23 tax levies of other taxing districts are reduced.

24 **PART VII - METROPOLITAN PARKS**

25 **Sec. 18.** RCW 35.61.010 and 1985 c 416 s 1 are each amended to read  
26 as follows:

27 Cities of five thousand or more population and such contiguous  
28 property the residents of which may decide in favor thereof in the  
29 manner set forth in this chapter may create a metropolitan park  
30 district for the management, control, improvement, maintenance, and  
31 acquisition of parks, parkways, and boulevards: PROVIDED, That no  
32 municipal corporation of the fourth class shall be included within such  
33 metropolitan park district, and any such fourth class municipal  
34 corporation heretofore included within such district is hereby  
35 automatically withdrawn.

36 Park and recreation districts established under chapter 36.69 RCW  
37 with a population of five thousand or more may become a metropolitan

1 park district by converting the existing park and recreation district  
2 as provided in this chapter. No municipal corporation of the fourth  
3 class may be included within such metropolitan park district, and any  
4 such district is automatically withdrawn upon conversion.

5 **Sec. 19.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended  
6 to read as follows:

7 At any general election, or at any special election which may be  
8 called for that purpose, or at any city election held in the city in  
9 all of the various voting precincts thereof, the city council or  
10 commission or park and recreation district board of commissioners may,  
11 or on petition of fifteen percent of the qualified electors of the city  
12 or park and recreation district based upon the registration for the  
13 last preceding general city or park and recreation district election,  
14 shall by ordinance or resolution, submit to the voters of the city or  
15 park and recreation district the proposition of creating a metropolitan  
16 park district, the limits of which shall be coextensive with the limits  
17 of the city or park and recreation district as now or hereafter  
18 established, inclusive of territory annexed to and forming a part of  
19 the city or park and recreation district.

20 Territory by virtue of its annexation to any city or park and  
21 recreation district having heretofore created a park district shall be  
22 deemed to be within the limits of the metropolitan park district.

23 The city council or commission or park and recreation district  
24 board of commissioners shall submit the proposition at a special  
25 election to be called therefor when the petition so requests.

26 **Sec. 20.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to  
27 read as follows:

28 In submitting the question to the voters for their approval or  
29 rejection, the city council or commission or park and recreation  
30 district board of commissioners shall pass an ordinance or resolution  
31 declaring its intention to submit the proposition of creating a  
32 metropolitan park district to the qualified voters of the city or park  
33 and recreation district. The ordinance or resolution shall be  
34 published once a week for two consecutive weeks in the official  
35 newspaper of the city or a newspaper of general circulation in the park  
36 and recreation district, and the city council or commission or park and  
37 recreation district board of commissioners shall cause to be placed

1 upon the ballot for the election, at the proper place, the proposition  
2 which shall be expressed in the following terms:

3       1 "For the formation of a metropolitan park district."

4       1 "Against the formation of a metropolitan park district."

5       **Sec. 21.** RCW 35.61.040 and 1965 c 7 s 35.61.040 are each amended  
6 to read as follows:

7       If at an election a majority of the voters voting thereon vote in  
8 favor of the formation of a metropolitan park district, the park  
9 district shall then be and become a municipal corporation and its name  
10 shall be "Metropolitan Park District of . . . . . (inserting the name  
11 of the city or park and recreation district)."

12       NEW SECTION. **Sec. 22.** A new section is added to chapter 35.61 RCW  
13 to read as follows:

14       When any metropolitan park district is formed pursuant to this  
15 chapter, the district shall assume control of parks, parkways,  
16 boulevards, and park property of the park and recreation district in  
17 which the park district is created. When any metropolitan park  
18 district assumes control of park and recreation district lands or  
19 property, or the metropolitan park district accepts county or city park  
20 and recreation lands, such metropolitan park district shall assume all  
21 existing indebtedness, bonded or otherwise, against such park property,  
22 and shall arrange by taxation or issuing bonds, as provided in this  
23 chapter, for the payment of such indebtedness, and shall relieve such  
24 park and recreation district, city, or county from such payment. The  
25 park district may issue refunding bonds when necessary in order to  
26 enable it to comply with this section.

27       **Sec. 23.** RCW 36.69.310 and 1963 c 4 s 36.69.310 are each amended  
28 to read as follows:

29       Any park and recreation district formed under the provisions of  
30 this chapter may be dissolved in the manner provided in chapter 53.48  
31 RCW, relating to port districts.

32       A district under this chapter that is converted to a metropolitan  
33 park district pursuant to chapter 35.61 RCW and having coextensive  
34 boundaries shall dissolve and transfer to such metropolitan park  
35 district all assets, properties, and contractual responsibilities

1 within sixty days of certification of the election establishing the  
2 metropolitan park district.

3 **PART VIII - SALMON PROTECTION DISTRICTS**

4 NEW SECTION. **Sec. 24.** The legislative authority of each county  
5 containing a salmon fishery within its boundaries is authorized to  
6 establish a salmon protection district to include areas in which  
7 nonpoint pollution or loss of habitat threatens the water quality upon  
8 which the continuation or restoration of the salmon fishery is  
9 dependent. The legislative authority shall constitute the governing  
10 body of the district and shall adopt a salmon protection program to be  
11 effective within the district. The legislative authority may appoint  
12 a local advisory council to advise the legislative authority in  
13 preparation and implementation of salmon protection programs. This  
14 program shall include any elements deemed appropriate to deal with the  
15 nonpoint pollution threatening water quality, including, but not  
16 limited to, requiring the elimination or decrease of contaminants in  
17 storm water runoff, establishing monitoring, inspection, and repair  
18 elements to ensure that on-site sewage systems are adequately  
19 maintained and working properly, assuring that animal grazing and  
20 manure management practices are consistent with best management  
21 practices, providing for habitat protection or restoration programs,  
22 and establishing educational and public involvement programs to inform  
23 citizens on the causes of the threatening nonpoint pollution or habitat  
24 loss and what they can do to decrease the amount of such pollution or  
25 loss of habitat. An element may be omitted where another program is  
26 effectively addressing those sources of nonpoint water pollution or  
27 habitat loss. Within the limits of sections 25 and 28 of this act, the  
28 county legislative authority shall have full jurisdiction and authority  
29 to manage, regulate, and control its programs and to fix, alter,  
30 regulate, and control the fees for services provided and charges or  
31 rates as provided under those programs. Programs established under  
32 this chapter, may, but are not required to, be part of a system of  
33 sewerage as defined in RCW 36.94.010.

34 NEW SECTION. **Sec. 25.** (1) The county legislative authority may  
35 create a salmon protection district on its own motion or by submitting  
36 the question to the voters of the proposed district and obtaining the



1 approval of a majority of those voting. The boundaries of the district  
2 shall be determined by the legislative authority. The legislative  
3 authority may create more than one district. A district may include  
4 any area or areas within the county, whether incorporated or  
5 unincorporated. Counties shall coordinate and cooperate with cities,  
6 towns, and water-related special districts within their boundaries in  
7 establishing salmon protection districts and carrying out salmon  
8 protection programs. Where a portion of the proposed district lies  
9 within an incorporated area, the county shall develop procedures for  
10 the participation of the city or town in the determination of the  
11 boundaries of the district and the administration of the district,  
12 including funding of the district's programs. The legislative  
13 authority of more than one county may by agreement provide for the  
14 creation of a district including areas within each of those counties.  
15 County legislative authorities are encouraged to coordinate their plans  
16 and programs to protect salmon growing, spawning, and fishing areas,  
17 especially where salmon growing, spawning, and fishing areas are  
18 located within the boundaries of more than one county. The legislative  
19 authority or authorities creating a district may abolish a salmon  
20 protection district on its or their own motion or by submitting the  
21 question to the voters of the district and obtaining the approval of a  
22 majority of those voting.

23 (2) If the county legislative authority creates a salmon protection  
24 district by its own motion, any registered voter residing within the  
25 boundaries of the salmon protection district may file a referendum  
26 petition to repeal the ordinance that created the district. Any  
27 referendum petition to repeal the ordinance creating the salmon  
28 protection district shall be filed with the county auditor within seven  
29 days of passage of the ordinance. Within ten days of the filing of a  
30 petition, the county auditor shall confer with the petitioner  
31 concerning form and style of the petition, issue an identification  
32 number for the petition, and write a ballot title for the measure. The  
33 ballot title shall be posed as a question so that an affirmative answer  
34 to the question and an affirmative vote on the measure results in  
35 creation of the salmon protection district and a negative answer to the  
36 question and a negative vote on the measure results in the salmon  
37 protection district not being created. The petitioner shall be  
38 notified of the identification number and ballot title within this ten-  
39 day period.

1 After this notification, the petitioner shall have thirty days in  
2 which to secure on petition forms the signatures of not less than  
3 twenty-five percent of the registered voters residing within the  
4 boundaries of the salmon protection district and file the signed  
5 petitions with the county auditor. Each petition form shall contain  
6 the ballot title and full text of the measure to be referred. The  
7 county auditor shall verify the sufficiency of the signatures on the  
8 petitions. If sufficient valid signatures are properly submitted, the  
9 county auditor shall submit the referendum measure to the registered  
10 voters residing in the salmon protection district in a special election  
11 no later than one hundred twenty days after the signed petition has  
12 been filed with the county auditor. The special election may be  
13 conducted by mail ballot as provided for in chapter 29.36 RCW.

14 NEW SECTION. **Sec. 26.** Whenever a governmental entity makes a  
15 decision which addresses a matter in which there is a conflict between  
16 (1) on the one hand, a proposed development, proposed change in land  
17 use controls, or proposed change in the provision of utility services;  
18 and (2) on the other hand, the long-term use of an area for a salmon  
19 fishery, which area is within the boundaries of a salmon protection  
20 district, then the governmental entity making the decision must observe  
21 the requirements of chapter 43.21C RCW and county ordinances or  
22 resolutions integrating the state environmental policy act of 1971 into  
23 the various programs under county jurisdiction.

24 NEW SECTION. **Sec. 27.** Within available funding and as specified  
25 in the salmon protection program, counties creating salmon protection  
26 districts shall contract with conservation districts to draft plans  
27 with landowners to control pollution effects of animal waste.

28 NEW SECTION. **Sec. 28.** The county legislative authority  
29 establishing a salmon protection district may finance the protection  
30 program through (1) county tax revenues, (2) reasonable inspection fees  
31 and similar fees for services provided, (3) reasonable charges or rates  
32 specified in its protection program, or (4) federal, state, or private  
33 grants. Confined animal feeding operations subject to the national  
34 pollutant discharge elimination system and implementing regulations  
35 shall not be subject to fees, rates, or charges by a salmon protection  
36 district. Facilities permitted and assessed fees for wastewater

1 discharge under the national pollutant discharge elimination system  
2 shall not be subject to fees, rates, or charges for wastewater  
3 discharge by a salmon protection district. Lands classified as forest  
4 land under chapter 84.33 RCW and timber land under chapter 84.34 RCW  
5 shall not be subject to fees, rates, or charges by a salmon protection  
6 district. Counties may collect charges or rates in the manner  
7 determined by the county legislative authority.

8 NEW SECTION. **Sec. 29.** Counties that have formed salmon protection  
9 districts shall receive high priority for state water quality financial  
10 assistance to implement salmon protection programs, including grants  
11 and loans provided under chapters 43.99F, 70.146, and 90.50A RCW.

12 NEW SECTION. **Sec. 30.** This chapter shall not be considered as  
13 diminishing or affecting the authority of a county to adopt and enforce  
14 programs or controls, within all or a portion of the county, to deal  
15 with nonpoint pollution.

16 **PART IX - LEGISLATIVE STUDY**

17 NEW SECTION. **Sec. 31.** A legislative study shall be conducted  
18 jointly by the appropriate standing committees, or subcommittees of the  
19 standing committees, of the senate and the house of representatives as  
20 appointed by the president of the senate and the speaker of the house  
21 of representatives. The members appointed shall meet jointly, or as  
22 subcommittees of the joint committee, supported by the appropriate  
23 staff of the two houses, to examine methods of providing for greater  
24 latitude and flexibility in programs to acquire, protect, preserve,  
25 reclaim, enhance, and fund local open space and recreational programs  
26 and properties.

27 This study shall examine and make recommendations to the 1995  
28 legislature on at least the following subject areas: (1) Alternative  
29 methods to condemnation to determine fair compensation for open space  
30 properties; (2) methods to provide for greater latitude in  
31 interjurisdictional and intrajurisdictional trades of open space and  
32 recreational properties; (3) long-term funding options for conservation  
33 districts; (4) long-term funding options for local acquisition and  
34 stewardship of open space lands; (5) the creation of a local  
35 governmental scenic highway designation program; (6) the designation of

1 an alternative local or regional governmental structure capable of  
2 administering regional stewardship programs; (7) review and  
3 clarification of laws relating to conservation easements, purchase of  
4 development rights programs, transfer of development rights programs,  
5 and such other questions which may arise out of the study of these  
6 issues.

7 This section shall expire June 30, 1995.

8 **PART X - MISCELLANEOUS**

9 NEW SECTION. **Sec. 32.** Part headings as used in this act  
10 constitute no part of the law.

11 NEW SECTION. **Sec. 33.** Sections 24 through 30 of this act shall  
12 constitute a new chapter in Title 75 RCW.

13 NEW SECTION. **Sec. 34.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 35.** This act shall take effect July 1, 1994.

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