

# SENATE BILL REPORT

## SB 6496

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As Passed Senate, February 13, 1996

**Title:** An act relating to open space protection.

**Brief Description:** Authorizing open space protection districts for the purpose of acquiring development rights.

**Sponsors:** Senator Heavey.

**Brief History:**

**Committee Activity:** Government Operations: 1/24/96, 2/2/96 [DP].  
Passed Senate, 2/13/96, 40-9.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Heavey and Winsley.

**Staff:** Rod McAulay (786-7754)

**Background:** Counties, cities, certain other municipalities and nonprofit nature conservancy corporations are authorized to acquire, other than by eminent domain, interests in property to protect open space land, farm land or timber land for public use or enjoyment. The private owner may retain the right to continue any existing open space use and to develop other open space uses under the terms of the interest acquired by the public. Development rights acquired by this authority are called "conservation futures." There is no specific mechanism for the citizens of a certain area within a county to exercise the authority to acquire conservation futures.

**Summary of Bill:** Authority is established for the creation of open space protection districts in the following manner:

- A petition signed by 10 percent of the registered voters within the proposed district is filed with the county auditor;
- The auditor verifies the signatures and if adequate forwards the petition to the county commissioners;
- The commissioners institute an investigation of the feasibility and cost of the district followed by a public hearing;
- Following the hearing, the commissioners make findings whether the proposed district fits within the general framework of the county's comprehensive plan and general planning policies and is feasible. If appropriate, the commissioners fix the exact boundaries of the district and submit the matter to a vote in the area of the proposed

district. If the commissioners dismiss the petition, no new petition may be considered embracing the same area for two years.

- Upon approval by a majority of the voters voting on the proposition at the next general or special election, the district is formed.

An open space protection district may be financed by regular property tax levies or an annual excess levy. A proposition to approve a levy may be submitted to the voters at the same time as the question to form a district and must be approved by 60 percent of the voters voting. Voter turnout requirements are established.

Open space protection districts are governed by the board of county commissioners, unless otherwise provided for by interlocal agreement when the district is in more than one county or includes territory within a city or town. A district may include territory within a city or town, if approved by a resolution of the governing body of the city or town. Additional area may be added to a district in the same manner as a district is formed. The county treasurer is the treasurer for the district.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** It would help areas such as Vashon Island to protect their aquifer. This would only happen with strong public support. It might help alleviate the "takings" issue.

**Testimony Against:** None.

**Testified:** Dave Rogers; Mike Ryherd; Dick Ducharme; Scott Merriman; Jeff Parsons.