
SENATE BILL 5834

State of Washington

54th Legislature

1995 Regular Session

By Senators Fraser and Fairley

Read first time 02/08/95. Referred to Committee on Government Operations.

1 AN ACT Relating to the enhancement of programs for the protection
2 of open space and recreation; amending RCW 84.34.020, 84.34.230,
3 36.70A.160, 84.34.240, and 84.52.010; providing an effective date; and
4 declaring an emergency.

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

6 **Sec. 1.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read
7 as follows:

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

10 (1) "Open space land" means (a) any land area so designated by an
11 official comprehensive land use plan adopted by any city or county and
12 zoned accordingly(~~(+,+)~~), or (b) any land area, the preservation of
13 which in its present use or the restoration, rehabilitation, or
14 reclamation of which would (i) conserve (~~and~~) or enhance natural or
15 scenic resources, or (ii) protect streams or water supply, or (iii)
16 promote conservation of soils, wetlands, beaches or tidal marshes, or
17 (iv) enhance the value to the public of abutting or neighboring parks,
18 forests, wildlife preserves, nature reservations or sanctuaries or
19 other open space, or (v) enhance recreation opportunities, or (vi)

1 preserve historic sites, or (vii) preserve visual quality along
2 highway, road, and street corridors or scenic vistas, or (viii) retain
3 in its natural state tracts of land not less than one acre situated in
4 an urban area and open to public use on such conditions as may be
5 reasonably required by the legislative body granting the open space
6 classification, or (c) any land meeting the definition of farm and
7 agricultural conservation land under subsection (8) of this section.
8 As a condition of granting open space classification, the legislative
9 body may not require public access on land classified under (b)(iii) of
10 this subsection for the purpose of promoting conservation of wetlands.

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

1 the five calendar years preceding the date of application for
2 classification under this chapter. Parcels of land described in (b)(i)
3 and (c)(i) of this subsection shall, upon any transfer of the property
4 excluding a transfer to a surviving spouse, be subject to the limits of
5 (b)(ii) and (c)(ii) of this subsection. Agricultural lands shall also
6 include such incidental uses as are compatible with agricultural
7 purposes, including wetlands preservation, provided such incidental use
8 does not exceed twenty percent of the classified land and the land on
9 which appurtenances necessary to the production, preparation, or sale
10 of the agricultural products exist in conjunction with the lands
11 producing such products. Agricultural lands shall also include any
12 parcel of land of one to five acres, which is not contiguous, but which
13 otherwise constitutes an integral part of farming operations being
14 conducted on land qualifying under this section as "farm and
15 agricultural lands"; or (d) the land on which housing for employees and
16 the principal place of residence of the farm operator or owner of land
17 classified pursuant to (a) of this subsection is sited if: The housing
18 or residence is on or contiguous to the classified parcel; and the use
19 of the housing or the residence is integral to the use of the
20 classified land for agricultural purposes.

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

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

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

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

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

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

5 (a) Land that was previously classified under subsection (2) of
6 this section, that no longer meets the criteria of subsection (2) of
7 this section, and that is reclassified under subsection (1) of this
8 section; or

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

13 **Sec. 2.** RCW 84.34.230 and 1994 c 301 s 33 are each amended to read
14 as follows:

15 (1) For the purpose of acquiring conservation futures as well as
16 other rights and interests in real property pursuant to RCW 84.34.210
17 and 84.34.220 and maintenance and stewardship of open space pursuant to
18 subsection (2) of this section, a county may levy an amount not to
19 exceed ((six and one quarter)) ten cents per thousand dollars of
20 assessed valuation against the assessed valuation of all taxable
21 property within the county, which levy shall be in addition to that
22 authorized by RCW 84.52.043.

23 (2) The county may use up to two cents of the amount levied under
24 subsection (1) of this section solely for the purpose of funding
25 maintenance and stewardship of open space purchased with conservation
26 futures funds, whether owned in fee simple or less than fee simple.

27 (3) The county may use up to three cents of the amount levied under
28 subsection (1) of this section solely to fund capital improvements of
29 property purchased under RCW 84.34.210 and 84.34.220 for the purpose of
30 enhancing or displaying the conservation values of the site.

31 (4) No less than five cents of the conservation futures levy
32 authorized under this section shall be used for purposes allowed in
33 subsection (1) of this section.

34 (5) For the application of subsections (2) and (3) of this section,
35 open space purchased with conservation futures funds shall mean: (a)
36 Lands, land interests, or other land rights acquired in land pursuant
37 to RCW 84.34.200, whether in fee simple, or less than fee simple, where
38 funds from the conservation futures program constitute at least twenty-

1 five percent of the acquisition cost, or (b) any gift of land that is
2 used as a contribution in acquisitions using conservation futures
3 funds.

4 **Sec. 3.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to read
5 as follows:

6 Each county and city that is required or chooses to prepare a
7 comprehensive land use plan under RCW 36.70A.040 shall identify open
8 space corridors within and between urban growth areas. They shall
9 include lands useful for recreation, wildlife habitat, trails, and
10 connection of critical areas as defined in RCW 36.70A.030.
11 Identification of a corridor under this section by a county or city
12 shall not restrict the use or management of lands within the corridor
13 for agricultural or forest purposes. Restrictions on the use or
14 management of such lands for agricultural or forest purposes imposed
15 after identification solely to maintain or enhance the value of such
16 lands as a corridor may occur only if the county or city or a nonprofit
17 conservancy corporation or association acquires sufficient interest to
18 prevent development of the lands or to control the resource development
19 of the lands. The requirement for acquisition of sufficient interest
20 does not include those corridors regulated by the interstate commerce
21 commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec.
22 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be
23 interpreted to alter the authority of the state, or a county or city,
24 to regulate land use activities.

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

28 **Sec. 4.** RCW 84.34.240 and 1971 ex.s. c 243 s 5 are each amended to
29 read as follows:

30 Any board of county commissioners may establish by resolution a
31 special fund which may be termed a conservation futures fund to which
32 it may credit all taxes levied pursuant to RCW 84.34.230. Amounts
33 placed in this fund may be used solely for the purposes of: Acquiring
34 rights and interests in real property pursuant to the terms of RCW
35 84.34.210 and 84.34.220; funding maintenance and stewardship of open
36 space property pursuant to RCW 84.34.230(2); and capital improvement of
37 conservation futures property pursuant to RCW 84.34.230(3). Nothing in

1 this section shall be construed as limiting in any manner methods and
2 funds otherwise available to a county for financing the acquisition of
3 such rights and interests in real property.

4 **Sec. 5.** RCW 84.52.010 and 1994 c 124 s 36 are each amended to read
5 as follows:

6 Except as is permitted under RCW 84.55.050, all taxes shall be
7 levied or voted in specific amounts.

8 The rate percent of all taxes for state and county purposes, and
9 purposes of taxing districts coextensive with the county, shall be
10 determined, calculated and fixed by the county assessors of the
11 respective counties, within the limitations provided by law, upon the
12 assessed valuation of the property of the county, as shown by the
13 completed tax rolls of the county, and the rate percent of all taxes
14 levied for purposes of taxing districts within any county shall be
15 determined, calculated and fixed by the county assessors of the
16 respective counties, within the limitations provided by law, upon the
17 assessed valuation of the property of the taxing districts
18 respectively.

19 When a county assessor finds that the aggregate rate of tax levy on
20 any property, that is subject to the limitations set forth in RCW
21 84.52.043 or 84.52.050, as now or hereafter amended, exceeds the
22 limitations provided in either of these sections, the assessor shall
23 recompute and establish a consolidated levy in the following manner:

24 (1) The full certified rates of tax levy for state, county, county
25 road district, and city or town purposes shall be extended on the tax
26 rolls in amounts not exceeding the limitations established by law;
27 however any state levy shall take precedence over all other levies and
28 shall not be reduced for any purpose other than that required by RCW
29 84.55.010; however, if as a result of the levies imposed under RCW
30 84.52.069, 84.34.230, and 84.52.105, the combined rates of regular
31 property tax levies exceed one percent of the true and fair value of
32 any property and after any reductions or eliminations under RCW
33 84.52.043, then the levies imposed under RCW 84.34.230 and 84.52.105,
34 and any portion of the levy imposed under RCW 84.52.069 that is in
35 excess of thirty cents per thousand dollars of assessed value, shall be
36 reduced on a pro rata basis or eliminated until the combined rates of
37 regular property tax levies no longer exceed one percent of the true
38 and fair value of any property as follows:

1 (a) First, the certified property tax levy rate of any levy under
2 RCW 84.34.230 that is in excess of six and one-quarter cents shall be
3 reduced or eliminated;

4 (b) Second, if the consolidated tax levy rate still exceeds these
5 limitations, the certified property tax levies imposed under RCW
6 84.52.105, the remaining portion of the levy imposed under RCW
7 84.34.230, and any portion of the levy imposed under RCW 84.52.069 that
8 is in excess of thirty cents per thousand dollars of assessed value,
9 shall be reduced on a pro rata basis or eliminated; and

10 (2) The certified rates of tax levy subject to these limitations by
11 all junior taxing districts imposing taxes on such property shall be
12 reduced or eliminated as follows to bring the consolidated levy of
13 taxes on such property within the provisions of these limitations:

14 (a) First, the certified property tax levy rates of those junior
15 taxing districts authorized under RCW 36.68.525, 36.69.145, and
16 67.38.130 shall be reduced on a pro rata basis or eliminated;

17 (b) Second, if the consolidated tax levy rate still exceeds these
18 limitations, the certified property tax levy rates of flood control
19 zone districts shall be reduced on a pro rata basis or eliminated;

20 (c) Third, if the consolidated tax levy rate still exceeds these
21 limitations, the certified property tax levy rates of all other junior
22 taxing districts, other than fire protection districts, library
23 districts, the first fifty cent per thousand dollars of assessed
24 valuation levies for metropolitan park districts, and the first fifty
25 cent per thousand dollars of assessed valuation levies for public
26 hospital districts, shall be reduced on a pro rata basis or eliminated;

27 (d) Fourth, if the consolidated tax levy rate still exceeds these
28 limitations, the certified property tax levy rates authorized to fire
29 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced
30 on a pro rata basis or eliminated; and

31 (e) Fifth, if the consolidated tax levy rate still exceeds these
32 limitations, the certified property tax levy rates authorized for fire
33 protection districts under RCW 52.16.130, library districts,
34 metropolitan park districts under their first fifty cent per thousand
35 dollars of assessed valuation levy, and public hospital districts under
36 their first fifty cent per thousand dollars of assessed valuation levy,
37 shall be reduced on a pro rata basis or eliminated.

1 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect July 1, 1995.

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