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**SUBSTITUTE SENATE BILL 6001**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Sheldon, Drew, Talmadge and Prentice)

Read first time 02/04/94.

1 AN ACT Relating to the enhancement of programs for the protection  
2 of open space and recreational opportunities; amending RCW 84.34.037,  
3 84.34.070, 84.34.020, 84.34.230, 36.70A.160, 84.34.240, 84.52.010,  
4 36.69.140, 36.69.145, 36.68.400, and 36.68.525; reenacting and amending  
5 RCW 36.68.520; adding a new section to chapter 36.68 RCW; adding a new  
6 section to chapter 35.21 RCW; adding a new chapter to Title 90 RCW;  
7 creating new sections; and providing an effective date.

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

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

18 State studies have shown that our state is losing thirty-five  
19 thousand acres of wildlife habitat, wetlands, open space, and

1 recreational properties each year. In order to adequately protect our  
2 quality of life, diversity of species, fish populations, tourism, and  
3 resource and recreation-based economies at a time of diminishing state  
4 and local revenues, it is essential to allow each community's  
5 legislative body greater flexibility in order to meet local needs.

6 **PART I - PROPERTY TAXES: CURRENT USE CLASSIFICATION**

7 **Sec. 2.** RCW 84.34.037 and 1992 c 69 s 6 are each amended to read  
8 as follows:

9 (1) Applications for classification or reclassification under RCW  
10 84.34.020(1) shall be made to the county legislative authority. An  
11 application made for classification or reclassification of land under  
12 RCW 84.34.020(1) (b) and (c) which is in an area subject to a  
13 comprehensive plan shall be acted upon in the same manner in which an  
14 amendment to the comprehensive plan is processed. Application made for  
15 classification of land which is in an area not subject to a  
16 comprehensive plan shall be acted upon after a public hearing and after  
17 notice of the hearing shall have been given by one publication in a  
18 newspaper of general circulation in the area at least ten days before  
19 the hearing(~~(: PROVIDED, That)~~). For applications for classification  
20 of land in an incorporated area, the county legislative authority shall  
21 send a copy of the application for classification to the legislative  
22 body of the city or town in which the land is located. The city or  
23 town legislative body shall issue a written recommendation to either  
24 grant or deny the application for classification to the county  
25 legislative authority. This written recommendation shall be issued no  
26 later than three months after the date the city or town legislative  
27 body received the application. The county legislative authority may  
28 either grant or deny the application in accordance with the written  
29 recommendation. If the county legislative authority does not agree  
30 with the recommendation, the application shall be referred to and acted  
31 upon by a granting authority composed of three members of the county  
32 legislative ((body)) authority and three members of the city or town  
33 legislative body in which the land is located.

34 (2) In determining whether an application made for classification  
35 or reclassification under RCW 84.34.020(1) (b) and (c) should be  
36 approved or disapproved, the granting authority may take cognizance of

1 the benefits to the general welfare of preserving the current use of  
2 the property which is the subject of application, and shall consider:

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

4 (b) Whether granting the application for land applying under RCW  
5 84.34.020(1)(b) will (i) conserve or enhance natural, cultural, or  
6 scenic resources, (ii) protect streams, stream corridors, wetlands,  
7 natural shorelines and aquifers, (iii) protect soil resources and  
8 unique or critical wildlife and native plant habitat, (iv) promote  
9 conservation principles by example or by offering educational  
10 opportunities, (v) enhance the value of abutting or neighboring parks,  
11 forests, wildlife preserves, nature reservations, sanctuaries, or other  
12 open spaces, (vi) enhance recreation opportunities, (vii) preserve  
13 historic and archaeological sites, (viii) preserve visual quality along  
14 highway, road, and street corridors or scenic vistas, (ix) affect any  
15 other factors relevant in weighing benefits to the general welfare of  
16 preserving the current use of the property; and

17 (c) Whether granting the application for land applying under RCW  
18 84.34.020(1)(c) will (i) either preserve land previously classified  
19 under RCW 84.34.020(2) or preserve land that is traditional farmland  
20 and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land  
21 with a potential for returning to commercial agriculture, and (iii)  
22 affect any other factors relevant in weighing benefits to the general  
23 welfare of preserving the current use of property.

24 (3) If a public benefit rating system is adopted under RCW  
25 84.34.055, the county legislative authority shall rate property for  
26 which application for classification has been made under RCW  
27 84.34.020(1) (b) and (c) according to the public benefit rating system  
28 in determining whether an application should be approved or  
29 disapproved, but when such a system is adopted, open space properties  
30 then classified under this chapter which do not qualify under the  
31 system shall not be removed from classification but may be rated  
32 according to the public benefit rating system.

33 (4) The granting authority may approve the application with respect  
34 to only part of the land which is the subject of the application. If  
35 any part of the application is denied, the applicant may withdraw the  
36 entire application. The granting authority in approving in part or  
37 whole an application for land classified or reclassified pursuant to  
38 RCW 84.34.020(1) may also require that certain conditions be met,  
39 including but not limited to the granting of easements. As a condition

1 of granting open space classification, the legislative body may not  
2 require public access on land classified under RCW 84.34.020(1)(b)(iii)  
3 for the purpose of promoting conservation of wetlands.

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

7 **Sec. 3.** RCW 84.34.070 and 1992 c 69 s 10 are each amended to read  
8 as follows:

9 (1) When land has once been classified under this chapter, it shall  
10 remain under such classification and shall not be applied to other use  
11 except as provided by subsection (2) of this section for at least ten  
12 years from the date of classification and shall continue under such  
13 classification until and unless withdrawn from classification after  
14 notice of request for withdrawal shall be made by the owner. During  
15 any year after eight years of the initial ten-year classification  
16 period have elapsed, notice of request for withdrawal of all or a  
17 portion of the land may be given by the owner to the assessor or  
18 assessors of the county or counties in which such land is situated. In  
19 the event that a portion of a parcel is removed from classification,  
20 the remaining portion must meet the same requirements as did the entire  
21 parcel when such land was originally granted classification pursuant to  
22 this chapter unless the remaining parcel has different income criteria.  
23 Within seven days the assessor shall transmit one copy of such notice  
24 to the legislative body which originally approved the application. The  
25 assessor or assessors, as the case may be, shall, when two assessment  
26 years have elapsed following the date of receipt of such notice,  
27 withdraw such land from such classification and the land shall be  
28 subject to the additional tax and applicable interest due under RCW  
29 84.34.108. Agreement to tax according to use shall not be considered  
30 to be a contract and can be abrogated at any time by the legislature in  
31 which event no additional tax or penalty shall be imposed.

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

- 34 (a) Reclassification between lands under RCW 84.34.020 (2) and (3);  
35 (b) Reclassification of land classified under RCW 84.34.020 (2) or  
36 (3) or chapter 84.33 RCW to open space land under RCW 84.34.020(1);  
37 (c) Reclassification of land classified under RCW 84.34.020 (2) or  
38 (3) to forest land classified under chapter 84.33 RCW; ((and))

1 (d) Reclassification of land classified as open space land under  
2 RCW 84.34.020(1)(c) and reclassified to farm and agricultural land  
3 under RCW 84.34.020(2) if the land had been previously classified as  
4 farm and agricultural land under RCW 84.34.020(2) or if the land is  
5 permanently protected by deed restriction so that it may not be  
6 developed for a use other than agricultural; and

7 (e) Transfer of land classified as open space, farm and  
8 agricultural land, or timber land under RCW 84.34.020 (1), (2), or (3)  
9 to a governmental agency if the governmental agency acquires the land  
10 for open space protection purposes as set forth in RCW 84.34.020(1).  
11 If the government agency subsequently converts the use of the land from  
12 open space to other uses, the governmental agency making the conversion  
13 shall be responsible for paying the additional tax and applicable  
14 interest due under RCW 84.34.108 calculated at the time of sale.

15 (3) Applications for reclassification shall be subject to  
16 applicable provisions of RCW 84.34.037, 84.34.035, 84.34.041, and  
17 chapter 84.33 RCW.

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

23 **PART II - 1 PERCENT FOR OPEN SPACE OPTION**

24 NEW SECTION. Sec. 4. A new section is added to chapter 36.68 RCW  
25 to read as follows:

26 Counties may establish a "one percent for open space fund," which  
27 requires that up to one percent of any moneys budgeted by the county  
28 for capital construction be expended by the county for the acquisition  
29 of open space lands. The designation of sites, selection, contracting,  
30 purchase, maintenance, and sale, exchange, or disposition of open space  
31 lands shall be the responsibility of the county.

32 NEW SECTION. Sec. 5. A new section is added to chapter 35.21 RCW  
33 to read as follows:

34 Cities and towns may establish a "one percent for open space fund,"  
35 which requires that up to one percent of any moneys budgeted by the  
36 city or town for capital construction be expended by the city or town

1 for the acquisition of open space lands. The designation of sites,  
2 selection, contracting, purchase, maintenance, and sale, exchange, or  
3 disposition of open space lands shall be the responsibility of the city  
4 or town.

5

### PART III - CONSERVATION FUTURES

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

30 (2) "Farm and agricultural land" means either (a) any parcel of  
31 land that is twenty or more acres or multiple parcels of land that are  
32 contiguous and total twenty or more acres (i) devoted primarily to the  
33 production of livestock or agricultural commodities for commercial  
34 purposes, (ii) enrolled in the federal conservation reserve program or  
35 its successor administered by the United States department of  
36 agriculture, or (iii) other similar commercial activities as may be  
37 established by rule (~~following consultation with the advisory~~

1 ~~committee established in section 19 of this act~~)); (b) any parcel of  
2 land that is five acres or more but less than twenty acres devoted  
3 primarily to agricultural uses, which has produced a gross income from  
4 agricultural uses equivalent to, as of January 1, 1993, (i) one hundred  
5 dollars or more per acre per year for three of the five calendar years  
6 preceding the date of application for classification under this chapter  
7 for all parcels of land that are classified under this subsection or  
8 all parcels of land for which an application for classification under  
9 this subsection is made with the granting authority prior to January 1,  
10 1993, and (ii) on or after January 1, 1993, two hundred dollars or more  
11 per acre per year for three of the five calendar years preceding the  
12 date of application for classification under this chapter; (c) any  
13 parcel of land of less than five acres devoted primarily to  
14 agricultural uses which has produced a gross income as of January 1,  
15 1993, of (i) one thousand dollars or more per year for three of the  
16 five calendar years preceding the date of application for  
17 classification under this chapter for all parcels of land that are  
18 classified under this subsection or all parcels of land for which an  
19 application for classification under this subsection is made with the  
20 granting authority prior to January 1, 1993, and (ii) on or after  
21 January 1, 1993, fifteen hundred dollars or more per year for three of  
22 the five calendar years preceding the date of application for  
23 classification under this chapter. Parcels of land described in (b)(i)  
24 and (c)(i) of this subsection shall, upon any transfer of the property  
25 excluding a transfer to a surviving spouse, be subject to the limits of  
26 (b)(ii) and (c)(ii) of this subsection. Agricultural lands shall also  
27 include such incidental uses as are compatible with agricultural  
28 purposes, including wetlands preservation, provided such incidental use  
29 does not exceed twenty percent of the classified land and the land on  
30 which appurtenances necessary to the production, preparation, or sale  
31 of the agricultural products exist in conjunction with the lands  
32 producing such products. Agricultural lands shall also include any  
33 parcel of land of one to five acres, which is not contiguous, but which  
34 otherwise constitutes an integral part of farming operations being  
35 conducted on land qualifying under this section as "farm and  
36 agricultural lands"; or (d) the land on which housing for employees and  
37 the principal place of residence of the farm operator or owner of land  
38 classified pursuant to (a) of this subsection is sited if: The housing  
39 or residence is on or contiguous to the classified parcel; and the use

1 of the housing or the residence is integral to the use of the  
2 classified land for agricultural purposes.

3 (3) "Timber land" means any parcel of land that is five or more  
4 acres or multiple parcels of land that are contiguous and total five or  
5 more acres which is or are devoted primarily to the growth and harvest  
6 of forest crops for commercial purposes. A timber management plan  
7 shall be filed with the county legislative authority at the time (a) an  
8 application is made for classification as timber land pursuant to this  
9 chapter or (b) when a sale or transfer of timber land occurs and a  
10 notice of classification continuance is signed. Timber land means the  
11 land only.

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

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

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

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

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

25 (a) Land that was previously classified under subsection (2) of  
26 this section, that no longer meets the criteria of subsection (2) of  
27 this section, and that is reclassified under subsection (1) of this  
28 section; or

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

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

35 (1) For the purpose of acquiring conservation futures as well as  
36 other rights and interests in real property pursuant to RCW 84.34.210  
37 and 84.34.220 and maintenance and stewardship of open space pursuant to  
38 subsection (2) of this section, a county may levy an amount not to



1 exceed (~~six and one quarter~~) ten cents per thousand dollars of  
2 assessed valuation against the assessed valuation of all taxable  
3 property within the county, which levy shall be in addition to that  
4 authorized by RCW (~~84.52.050 and~~) 84.52.043.

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

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

13 (4) No more than fifty percent of the conservation futures levy  
14 authorized under this section shall be used for purposes allowed in  
15 subsections (2) and (3) of this section.

16 (5) For the application of subsections (2) and (3) of this section,  
17 open space purchased with conservation futures funds shall mean: (a)  
18 lands, land interests, or other land rights acquired in land pursuant  
19 to RCW 84.34.200, whether in fee simple, or less than fee simple, where  
20 funds from the conservation futures program constitute at least twenty-  
21 five percent of the acquisition cost, or (b) any gift of land that is  
22 used as a contribution in acquisitions using conservation futures  
23 funds.

24 **Sec. 8.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to read  
25 as follows:

26 Each county and city that is required or chooses to prepare a  
27 comprehensive land use plan under RCW 36.70A.040 shall identify open  
28 space corridors within and between urban growth areas. They shall  
29 include lands useful for recreation, wildlife habitat, trails, and  
30 connection of critical areas as defined in RCW 36.70A.030.  
31 Identification of a corridor under this section by a county or city  
32 shall not restrict the use or management of lands within the corridor  
33 for agricultural or forest purposes. Restrictions on the use or  
34 management of such lands for agricultural or forest purposes imposed  
35 after identification solely to maintain or enhance the value of such  
36 lands as a corridor may occur only if the county or city or a nonprofit  
37 conservancy corporation or association acquires sufficient interest to  
38 prevent development of the lands or to control the resource development

1 of the lands. The requirement for acquisition of sufficient interest  
2 does not include those corridors regulated by the interstate commerce  
3 commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec.  
4 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be  
5 interpreted to alter the authority of the state, or a county or city,  
6 to regulate land use activities.

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

10 **Sec. 9.** RCW 84.34.240 and 1971 ex.s. c 243 s 5 are each amended to  
11 read as follows:

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

23 **Sec. 10.** RCW 84.52.010 and 1993 c 337 s 4 are each amended to read  
24 as follows:

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

27 The rate percent of all taxes for state and county purposes, and  
28 purposes of taxing districts coextensive with the county, shall be  
29 determined, calculated and fixed by the county assessors of the  
30 respective counties, within the limitations provided by law, upon the  
31 assessed valuation of the property of the county, as shown by the  
32 completed tax rolls of the county, and the rate percent of all taxes  
33 levied for purposes of taxing districts within any county shall be  
34 determined, calculated and fixed by the county assessors of the  
35 respective counties, within the limitations provided by law, upon the  
36 assessed valuation of the property of the taxing districts  
37 respectively.

1       When a county assessor finds that the aggregate rate of tax levy on  
2 any property, that is subject to the limitations set forth in RCW  
3 84.52.043 or 84.52.050, as now or hereafter amended, exceeds the  
4 limitations provided in either of these sections, the assessor shall  
5 recompute and establish a consolidated levy in the following manner:

6       (1) The full certified rates of tax levy for state, county, county  
7 road district, and city or town purposes shall be extended on the tax  
8 rolls in amounts not exceeding the limitations established by law(~~(7~~  
9 ~~subject to subsection (2)(e) of this section)~~); however any state levy  
10 shall take precedence over all other levies and shall not be reduced  
11 for any purpose other than that required by RCW 84.55.010; however, if  
12 as a result of the levies imposed under RCW 84.52.069, 84.34.230, and  
13 84.52.105, the combined rates of regular property tax levies exceed one  
14 percent of the true and fair value of any property and after any  
15 reductions or eliminations under RCW 84.52.043, then the levies imposed  
16 under RCW 84.34.230 and 84.52.105, and any portion of the levy imposed  
17 under RCW 84.52.069 that is in excess of thirty cents per thousand  
18 dollars of assessed value, shall be reduced on a pro rata basis or  
19 eliminated until the combined rates of regular property tax levies no  
20 longer exceed one percent of the true and fair value of any property as  
21 follows:

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

25       (b) Second, if the consolidated tax levy rate still exceeds these  
26 limitations, the certified property tax levies imposed under RCW  
27 84.52.105, the remaining portion of the levy imposed under RCW  
28 84.34.230, and any portion of the levy imposed under RCW 84.52.069 that  
29 is in excess of thirty cents per thousand dollars of assessed value,  
30 shall be reduced on a pro rata basis or eliminated; and

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

35       (a) First, the certified property tax levy rates of those junior  
36 taxing districts authorized under RCW 36.68.525, 36.69.145, and  
37 67.38.130 shall be reduced on a pro rata basis or eliminated;

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

4 (c) Third, if the consolidated tax levy rate still exceeds these  
5 limitations, the certified property tax levy rates of all other junior  
6 taxing districts, other than fire protection districts, library  
7 districts, the first fifty cent per thousand dollars of assessed  
8 valuation levies for metropolitan park districts, and the first fifty  
9 cent per thousand dollars of assessed valuation levies for public  
10 hospital districts, shall be reduced on a pro rata basis or eliminated;

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

15 (e) Fifth, if the consolidated tax levy rate still exceeds these  
16 limitations, the certified property tax levy rates authorized for fire  
17 protection districts under RCW 52.16.130, library districts,  
18 metropolitan park districts under their first fifty cent per thousand  
19 dollars of assessed valuation levy, and public hospital districts under  
20 their first fifty cent per thousand dollars of assessed valuation levy,  
21 shall be reduced on a pro rata basis or eliminated.

22 **PART IV - PARK AND RECREATION DISTRICTS**  
23 **AND PARK AND RECREATION SERVICE AREAS**

24 NEW SECTION. **Sec. 11.** The intent of the legislature by enacting  
25 sections 12 through 16, chapter . . . , Laws of 1994 (this act) is:

26 (1) To allow park and recreation districts and park and recreation  
27 service areas to place more than one excess levy on the same ballot,  
28 allowing districts and service areas to give voters the opportunity to  
29 vote on separate issues, such as for operating and capital funds, at  
30 the same election, thereby reducing election costs; and

31 (2) To increase the amount a park and recreation district or park  
32 and recreation service area may collect through a six-year property tax  
33 levy from a maximum of fifteen cents per thousand dollars of assessed  
34 value to a maximum of seventy-five cents per thousand dollars of  
35 assessed value. This would allow for a more stable funding source for  
36 park and recreation districts and park and recreation service areas at  
37 a realistic tax rate and reduce the need for holding excess levy

1 elections on an annual or biannual basis. In addition, it would level  
2 out the collection of taxes over each of six years rather than the  
3 practice now of collecting in one year to fund two years.

4 **Sec. 12.** RCW 36.69.140 and 1984 c 186 s 30 are each amended to  
5 read as follows:

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

12 (2) A park and recreation district may issue general obligation  
13 bonds for capital purposes only, not to exceed an amount, together with  
14 any outstanding nonvoter approved general obligation indebtedness equal  
15 to three-eighths of one percent of the value of the taxable property  
16 within such district, as the term "value of the taxable property" is  
17 defined in RCW 39.36.015. A park and recreation district may  
18 additionally issue general obligation bonds, together with outstanding  
19 voter approved and nonvoter approved general obligation indebtedness,  
20 equal to one and one-fourth percent of the value of the taxable  
21 property within the district, as the term "value of the taxable  
22 property" is defined in RCW 39.36.015, when such bonds are approved by  
23 three-fifths of the voters of the district at a general or special  
24 election called for that purpose and may provide for the retirement  
25 thereof by levies in excess of dollar rate limitations in accordance  
26 with the provisions of RCW 84.52.056. When authorized by the voters of  
27 the district, the district may issue interest bearing warrants payable  
28 out of and to the extent of excess levies authorized in the year in  
29 which the excess levy was approved. These elections shall be held as  
30 provided in RCW 39.36.050. Such bonds and warrants shall be issued and  
31 sold in accordance with chapter 39.46 RCW.

32 **Sec. 13.** RCW 36.69.145 and 1984 c 131 s 6 are each amended to read  
33 as follows:

34 (1) A park and recreation district may impose regular property tax  
35 levies in an amount equal to ~~((fifteen))~~ seventy-five cents or less per  
36 thousand dollars of assessed value of property in the district in each  
37 year for ~~((five))~~ six consecutive years when specifically authorized so

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

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

28 **Sec. 14.** RCW 36.68.400 and 1988 c 82 s 1 are each amended to read  
29 as follows:

30 Any county shall have the power to create park and recreation  
31 service areas for the purpose of financing, acquiring, constructing,  
32 improving, maintaining, or operating any park, senior citizen  
33 activities centers, zoos, aquariums, and recreational facilities as  
34 defined in RCW 36.69.010 which shall be owned or leased by the county  
35 and administered as other county parks or shall be owned or leased and  
36 administered by a city or town or shall be owned or leased and  
37 administered by the park and recreation service area. A park and  
38 recreation service area may purchase athletic equipment and supplies,

1 ((and)) make reasonable capital improvements furthering the authorized  
2 purposes of the park and recreation service area, provide for the  
3 upkeep of park buildings, grounds, and facilities, and provide  
4 custodial, recreational, and park program personnel at any park or  
5 recreational facility owned or leased by the service area or a county,  
6 city, ~~((or))~~ town, or school district. A park and recreation service  
7 area shall be a quasi-municipal corporation, an independent taxing  
8 "authority" within the meaning of section 1, Article 7 of the  
9 Constitution, and a "taxing district" within the meaning of section 2,  
10 Article 7 of the Constitution.

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

18 The members of the county legislative authority, acting ex officio  
19 and independently, shall compose the governing body of any park and  
20 recreation service area which is created within the county: PROVIDED,  
21 That where a park and recreation service area includes an incorporated  
22 city or town within the county, the park and recreation service area  
23 may be governed as provided in an interlocal agreement adopted pursuant  
24 to chapter 39.34 RCW. The voters of a park and recreation service area  
25 shall be all registered voters residing within the service area.

26 A multicounty park and recreation service area shall be governed as  
27 provided in an interlocal agreement adopted pursuant to chapter 39.34  
28 RCW.

29 **Sec. 15.** RCW 36.68.520 and 1984 c 186 s 29 and 1984 c 131 s 8 are  
30 each reenacted and amended to read as follows:

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

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

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

16 Bonds may be retired by excess property tax levies when such levies  
17 are approved by the voters at a special election in accordance with the  
18 provisions of Article VII, section 2 of the Constitution and RCW  
19 84.52.056.

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

21 **Sec. 16.** RCW 36.68.525 and 1984 c 131 s 9 are each amended to read  
22 as follows:

23 A park and recreation service area may impose regular property tax  
24 levies in an amount equal to ~~((fifteen))~~ seventy-five cents or less per  
25 thousand dollars of assessed value of property in the service area in  
26 each year for six consecutive years when specifically authorized so to  
27 do by a majority of at least three-fifths of the voters thereof  
28 approving a proposition authorizing the levies submitted not more than  
29 twelve months prior to the date on which the proposed initial levy is  
30 to be made and not oftener than twice in such twelve month period,  
31 either at a special election or at the regular election of the service  
32 area, at which election the number of ~~((persons))~~ voters voting "yes"  
33 on the proposition shall constitute three-fifths of a number equal to  
34 forty percent of the ~~((total votes cast))~~ number of voters voting in  
35 the service area at the last preceding general election when the number  
36 of ~~((electors))~~ voters voting on the proposition does not exceed forty  
37 percent of the ~~((total votes cast))~~ number of voters voting in such  
38 taxing district in the last preceding general election; or by a



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

15 **PART V - SALMON PROTECTION DISTRICTS**

16 NEW SECTION. **Sec. 17.** The legislative authority of each county  
17 containing an anadromous fishery resource within its boundaries is  
18 authorized to establish a salmon protection district to include areas  
19 in which nonpoint pollution or loss of habitat threatens the water  
20 quality upon which the continuation or restoration of the anadromous  
21 fishery resource is dependent. For the purposes of this chapter, an  
22 anadromous fishery resource includes steelhead, anadromous cutthroat,  
23 anadromous bull trout, and all species of salmon.

24 The legislative authority shall constitute the governing body of  
25 the district and shall adopt a salmon protection program to be  
26 effective within the district. The legislative authority may appoint  
27 a local advisory council to advise the legislative authority in  
28 preparation and implementation of salmon protection programs. This  
29 program shall include any elements deemed appropriate to deal with the  
30 nonpoint pollution threatening water quality, including, but not  
31 limited to, requiring the elimination or decrease of contaminants in  
32 storm water runoff, establishing monitoring, inspection, and repair  
33 elements to ensure that on-site sewage systems are adequately  
34 maintained and working properly, assuring that animal grazing and  
35 manure management practices are consistent with best management  
36 practices, providing for habitat protection or restoration programs,  
37 and establishing educational and public involvement programs to inform

1 citizens on the causes of the threatening nonpoint pollution or habitat  
2 loss and what they can do to decrease the amount of such pollution or  
3 loss of habitat. An element may be omitted where another program is  
4 effectively addressing those sources of nonpoint water pollution or  
5 habitat loss. Within the limits of sections 18 and 21 of this act, the  
6 county legislative authority shall have full jurisdiction and authority  
7 to manage, regulate, and control its programs and to fix, alter,  
8 regulate, and control the fees for services provided and charges or  
9 rates as provided under those programs. Programs established under  
10 this chapter, may, but are not required to, be part of a system of  
11 sewerage as defined in RCW 36.94.010.

12 NEW SECTION. **Sec. 18.** (1) The county legislative authority may  
13 create a salmon protection district on its own motion or by submitting  
14 the question to the voters of the proposed district and obtaining the  
15 approval of a majority of those voting. The legislative authority may  
16 create more than one district.

17 The boundaries of the district shall be determined by the  
18 legislative authority, and may include any unincorporated area within  
19 the county, except for areas owned or managed by a city for watershed  
20 protection purposes. A city or town within the county shall only be  
21 included in the salmon protection district upon a formal request by its  
22 legislative authority submitted to the county legislative authority for  
23 inclusion in a salmon protection district. Counties shall coordinate  
24 and cooperate with cities, towns, and water-related special districts  
25 included within a salmon protection district in carrying out salmon  
26 protection programs.

27 The legislative authority of more than one county may by agreement  
28 provide for the creation of a district including areas within each of  
29 those counties. County legislative authorities are encouraged to  
30 coordinate their plans and programs to protect salmon growing,  
31 spawning, and fishing areas, especially where salmon growing, spawning,  
32 and fishing areas are located within the boundaries of more than one  
33 county.

34 The legislative authority or authorities creating a district may  
35 abolish a salmon protection district on its or their own motion or by  
36 submitting the question to the voters of the district and obtaining the  
37 approval of a majority of those voting.

1 (2) If the county legislative authority creates a salmon protection  
2 district by its own motion, any registered voter residing within the  
3 boundaries of the salmon protection district may file a referendum  
4 petition to repeal the ordinance that created the district. Any  
5 referendum petition to repeal the ordinance creating the salmon  
6 protection district shall be filed with the county auditor within seven  
7 days of passage of the ordinance. Within ten days of the filing of a  
8 petition, the county auditor shall confer with the petitioner  
9 concerning form and style of the petition, issue an identification  
10 number for the petition, and write a ballot title for the measure. The  
11 ballot title shall be posed as a question so that an affirmative answer  
12 to the question and an affirmative vote on the measure results in  
13 creation of the salmon protection district and a negative answer to the  
14 question and a negative vote on the measure results in the salmon  
15 protection district not being created. The petitioner shall be  
16 notified of the identification number and ballot title within this ten-  
17 day period.

18 After this notification, the petitioner shall have thirty days in  
19 which to secure on petition forms the signatures of not less than  
20 twenty-five percent of the registered voters residing within the  
21 boundaries of the salmon protection district and file the signed  
22 petitions with the county auditor. Each petition form shall contain  
23 the ballot title and full text of the measure to be referred. The  
24 county auditor shall verify the sufficiency of the signatures on the  
25 petitions. If sufficient valid signatures are properly submitted, the  
26 county auditor shall submit the referendum measure to the registered  
27 voters residing in the salmon protection district in a special election  
28 no later than one hundred twenty days after the signed petition has  
29 been filed with the county auditor. The special election may be  
30 conducted by mail ballot as provided for in chapter 29.36 RCW.

31 NEW SECTION. **Sec. 19.** Whenever a governmental entity makes a  
32 decision which addresses a matter in which there is a conflict between  
33 (1) on the one hand, a proposed development, proposed change in land  
34 use controls, or proposed change in the provision of utility services;  
35 and (2) on the other hand, the long-term use of an area for a salmon  
36 fishery, which area is within the boundaries of a salmon protection  
37 district, then the governmental entity making the decision must observe  
38 the requirements of chapter 43.21C RCW and county ordinances or

1 resolutions integrating the state environmental policy act of 1971 into  
2 the various programs under county jurisdiction.

3 NEW SECTION. **Sec. 20.** Within available funding and as specified  
4 in the salmon protection program, counties creating salmon protection  
5 districts shall contract with conservation districts to draft plans  
6 with landowners to control pollution effects of animal waste.

7 NEW SECTION. **Sec. 21.** The county legislative authority  
8 establishing a salmon protection district may finance the protection  
9 program through (1) county tax revenues, (2) reasonable inspection fees  
10 and similar fees for services provided, (3) reasonable charges or fees  
11 specified in its protection program, or (4) federal, state, or private  
12 grants. Confined animal feeding operations subject to the national  
13 pollutant discharge elimination system and implementing regulations  
14 shall not be subject to fees, rates, or charges by a salmon protection  
15 district. Facilities permitted and assessed fees for wastewater  
16 discharge under the national pollutant discharge elimination system  
17 shall not be subject to fees, rates, or charges for wastewater  
18 discharge by a salmon protection district. Lands classified as forest  
19 land under chapter 84.33 RCW and timber land under chapter 84.34 RCW  
20 shall not be subject to fees, rates, or charges by a salmon protection  
21 district. Counties may collect charges or fees in the manner  
22 determined by the county legislative authority.

23 NEW SECTION. **Sec. 22.** This chapter shall not be considered as  
24 diminishing or affecting the authority of a county to adopt and enforce  
25 programs or controls, within all or a portion of the county, to deal  
26 with nonpoint pollution.

27 **PART VI - LEGISLATIVE STUDY**

28 NEW SECTION. **Sec. 23.** A legislative study shall be conducted  
29 jointly by the appropriate standing committees, or subcommittees of the  
30 standing committees, of the senate and the house of representatives as  
31 appointed by the president of the senate and the speaker of the house  
32 of representatives. The members appointed shall meet jointly, or as  
33 subcommittees of the joint committee, supported by the appropriate  
34 staff of the two houses, to examine methods of providing for greater

1 latitude and flexibility in programs to acquire, protect, preserve,  
2 reclaim, enhance, and fund local open space and recreational programs  
3 and properties.

4 This study shall examine and make recommendations to the 1995  
5 legislature on at least the following subject areas: (1) Alternative  
6 methods to condemnation to determine fair compensation for open space  
7 properties; (2) methods to provide for greater latitude in  
8 interjurisdictional and intrajurisdictional trades of open space and  
9 recreational properties; (3) long-term funding options for conservation  
10 districts; (4) long-term funding options for local acquisition and  
11 stewardship of open space lands; (5) the creation of a local  
12 governmental scenic highway designation program; (6) the designation of  
13 an alternative local or regional governmental structure capable of  
14 administering regional stewardship programs; (7) review and  
15 clarification of laws relating to conservation easements, purchase of  
16 development rights programs, transfer of development rights programs;  
17 (8) new opportunities for partnering to increase the effectiveness of  
18 local government acquisition and stewardship programs, and such other  
19 questions which may arise out of the study of these issues.

20 This section shall expire June 30, 1995.

21 **PART VII - MISCELLANEOUS**

22 NEW SECTION. **Sec. 24.** Part headings as used in this act  
23 constitute no part of the law.

24 NEW SECTION. **Sec. 25.** Sections 17 through 22 of this act shall  
25 constitute a new chapter in Title 90 RCW.

26 NEW SECTION. **Sec. 26.** If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 remainder of the act or the application of the provision to other  
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 27.** This act shall take effect July 1, 1994.

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