S-0942.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5638**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senator Braun

AN ACT Relating to lake and beach districts; amending RCW 36.61.010, 36.61.020, 36.61.030, 36.61.080, and 36.61.100; and adding a new section to chapter 36.61 RCW.

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

**Sec.**  RCW 36.61.010 and 2014 c 85 s 1 are each amended to read as follows:

(1) The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

(2) The legislature intends that an ecosystem-based beach management approach should be used to help promote the health of aquatic ecosystems and that such a management approach be undertaken in a manner that retains ecosystem values within the state. This management approach should use long-term strategies that focus on reducing nutrient inputs from human activities affecting the aquatic ecosystem, such as decreasing nutrients into stormwater sewers, decreasing fertilizer application, promoting the proper disposal of pet waste, promoting the use of vegetative borders, promoting the reduction of nutrients from on-site septic systems where appropriate, and protecting riparian areas. Organic debris, including vegetation, driftwood, seaweed, kelp, and organisms, are extremely important to beach ecosystems.

(3) The legislature further finds that it is in the public interest to promote the conservation and stewardship of shorelines and upland properties adjoining lakes and beaches in order to: (a) Conserve natural or scenic resources; (b) protect riparian habitats and water quality; (c) promote conservation of soils, wetlands, shorelines, or tidal marshes; (d) enhance the value of lakes or beaches to the public as well as the benefit of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space; (e) enhance recreation opportunities; (f) preserve historic sites; and (g) protect visual quality along highway, road, street, trail, recreational, and other corridors or scenic vistas.

(4) It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake or beach improvement and maintenance for their and the general public's benefit, health, and welfare. Property owners in a lake or beach management district are encouraged to form a steering or advisory committee to advise the county legislative authority regarding developing the budget related to the efforts and funds of the lake or beach management district and provide valuable volunteer services for the general improvement and maintenance of the lake or beach management district. Public property, including state property, shall be considered the same as private property in this chapter, except the public property owner is not eligible to vote for or against the formation of a lake or beach management district and liens for special assessments and liens for rates and charges shall not extend to public property. Lake bottom property and marine property below the line of the ordinary high water mark shall not be considered to be benefited, shall not be subject to special assessments or rates and charges, and shall not receive voting rights under this chapter.

**Sec.**  RCW 36.61.020 and 2014 c 85 s 2 are each amended to read as follows:

(1) Any county may create lake or beach management districts to finance: (a) The improvement and maintenance of lakes or beaches located within or partially within the boundaries of the county; and (b) the acquisition of real property or property rights within or outside a lake or beach management district including, by way of example, conservation easements authorized under RCW 64.04.130, and to promote the conservation and stewardship of shorelines as well as the conservation and stewardship of upland properties adjoining lakes or beaches for conservation or for minimal development. All or a portion of a lake or beach and the adjacent land areas may be included within one or more lake or beach management districts. More than one lake or beach, or portions of lakes or beaches, and the adjacent land areas may be included in a single lake or beach management district.

(2) For the purposes of this chapter, the term "improvement" includes, among other things, the acquisition of real property and property rights within or outside a lake or beach management district for the purposes set forth in RCW 36.61.010 and this section.

(3)(a) Special assessments or rates and charges may be imposed on the property included within a lake or beach management district to finance lake or beach improvement and maintenance activities, including: ((~~(a)~~)) (i) Controlling or removing aquatic plants and vegetation; ((~~(b)~~)) (ii) improving water quality; ((~~(c)~~)) (iii) controlling water levels; ((~~(d)~~)) (iv) treating and diverting stormwater; ((~~(e)~~)) (v) controlling agricultural waste; ((~~(f)~~)) (vi) studying lake or marine water quality problems and solutions; ((~~(g)~~)) (vii) cleaning and maintaining ditches and streams entering the lake or marine waters or leaving the lake; ((~~(h)~~)) (viii) monitoring air quality; ((~~(i)~~)) (ix) the acquisition of real property and property rights; and ((~~(j)~~)) (x) the directly related administrative, engineering, legal, and operational costs, including the costs of creating the lake or beach management district.

(b) Special assessments or rates and charges may not be used for indirect interfund costs or for salaries or benefits of supervisory personnel.

(4) Special assessments or rates and charges may be imposed annually on all the land in a lake or beach management district for the duration of the lake or beach management district without a related issuance of lake or beach management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake or beach management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake or beach management district bonds.

**Sec.**  RCW 36.61.030 and 2014 c 85 s 8 are each amended to read as follows:

A lake or beach management district may be initiated upon either the adoption of a resolution of intention by a county legislative authority or the filing of a petition signed by ten landowners or the owners of at least ((~~twenty~~)) 20 percent of the acreage contained within the proposed lake or beach management district, whichever is greater. A petition or resolution of intention shall set forth: (1) The nature of the lake or beach improvement or maintenance activities proposed to be financed; (2) the amount of money proposed to be raised by special assessments or rates and charges; (3) if special assessments are to be imposed, whether the special assessments will be imposed annually for the duration of the lake or beach management district, or the full special assessments will be imposed at one time, with the possibility of installments being made to finance the issuance of lake or beach management district bonds, or both methods; (4) if rates and charges are to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; (5) the number of years proposed for the duration of the lake or beach management district; and (6) the proposed boundaries of the lake or beach management district.

The county legislative authority may require the posting of a bond of up to five thousand dollars before the county considers the proposed creation of a lake or beach management district initiated by petition. ((~~The bond may only be used by the county to finance its costs in studying, holding hearings, making notices, preparing special assessment rolls or rolls showing the rates and charges on each parcel, and conducting elections related to the lake or beach management district if the proposed lake or beach management district is not created.~~)) The bond must be placed in a reserve account and cannot be used during the process to pay for any expenses incurred by the county. If the lake or beach management district is not created, the county may charge the reserve account for any costs the county may have incurred, but any remaining funds must be returned to the individuals posting the bond. If the lake or beach management district is created, the bond must be returned to the individuals posting the bond and any charges incurred during the creation of the lake or beach management district must be paid by the lake or beach management district from its assessments.

A resolution of intention shall also designate the number of the proposed lake or beach management district, and fix a date, time, and place for a public hearing on the formation of the proposed lake or beach management district. The date for the public hearing shall be at least thirty days and no more than ninety days after the adoption of the resolution of intention unless an emergency exists.

Petitions shall be filed with the county legislative authority. The county legislative authority shall determine the sufficiency of the signatures, which shall be conclusive upon all persons. No person may withdraw his or her name from a petition after it is filed. If the county legislative authority determines a petition to be sufficient and the proposed lake or beach management district appears to be in the public interest and the financing of the lake or beach improvement or maintenance activities is feasible, it shall adopt a resolution of intention, setting forth all of the details required to be included when a resolution of intention is initiated by the county legislative authority.

**Sec.**  RCW 36.61.080 and 2008 c 301 s 10 are each amended to read as follows:

(1) A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district, not including publicly owned land, which ballot shall contain the following proposition:

"Shall lake management district No. . . . . be formed?

Yes . . . . . . . .

No . . . . . . . ."

(2) A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed beach management district, not including publicly owned land, which ballot shall contain the following proposition:

"Shall beach management district No. . . . . be formed?

Yes . . . . . . . .

No . . . . . . . ."

(3) In addition, the ballot shall contain appropriate spaces for the signatures of the landowner or landowners, or officer authorized to cast such a ballot. Each ballot shall include a description of the property owner's property and the estimated special assessment, or rate and charge, proposed to be imposed upon the property. A copy of the instructions and the resolution submitting the question to the landowners shall also be included.

**Sec.**  RCW 36.61.100 and 2008 c 301 s 12 are each amended to read as follows:

If the proposal receives a simple majority vote in favor of creating the lake or beach management district, the county legislative authority shall adopt an ordinance creating the lake or beach management district and may proceed with establishing the special assessments or rates and charges, collecting the special assessments or rates and charges, and performing the lake or beach improvement or maintenance activities. If a proposed lake management district includes more than one lake and its adjacent areas, the lake management district may only be established if the proposal receives a simple majority vote in favor of creating it by the voters on each lake and its adjacent areas. The county legislative authority shall publish a notice in a newspaper of general circulation in a lake or beach management district indicating that such an ordinance has been adopted within ten days of the adoption of the ordinance.

The ballots shall be available for public inspection after they are counted. Ballots made available for inspection must be redacted to exclude voter personal information.

NEW SECTION. **Sec.**  A new section is added to chapter 36.61 RCW to read as follows:

All elections must be by ballot. The county must provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing their ballot.

**--- END ---**