
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3518.1/24

ATTY/TYPIST: MFW:eab

BRIEF DESCRIPTION: Concerning lake and beach management district
administration.

1 AN ACT Relating to lake and beach management district
2 administration; amending RCW 36.61.010, 36.61.020, 36.61.025,
3 36.61.030, 36.61.090, 36.61.100, 36.61.110, 36.61.115, 36.61.120,
4 36.61.170, 36.61.220, and 36.61.310; and adding new sections to
5 chapter 36.61 RCW.

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

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

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

14 (2) The legislature intends that an ecosystem-based beach
15 management approach should be used to help promote the health of
16 aquatic ecosystems and that such a management approach be undertaken
17 in a manner that retains ecosystem values within the state. This
18 management approach should use long-term strategies that focus on
19 reducing nutrient inputs from human activities affecting the aquatic
20 ecosystem, such as decreasing nutrients into stormwater sewers,
21 decreasing fertilizer application, promoting the proper disposal of

1 pet waste, promoting the use of vegetative borders, promoting the
2 reduction of nutrients from on-site septic systems where appropriate,
3 and protecting riparian areas. Organic debris, including vegetation,
4 driftwood, seaweed, kelp, and organisms, are extremely important to
5 beach ecosystems.

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

18 (4) It is the purpose of this chapter to establish a governmental
19 mechanism by which property owners can embark on a program of lake or
20 beach improvement and maintenance for their and the general public's
21 benefit, health, and welfare. Property owners in a lake or beach
22 management district are encouraged to form a steering committee to
23 provide assistance to the county legislative authority to manage the
24 efforts and funds of the lake or beach management district and
25 provide valuable volunteer services for the general improvement and
26 maintenance of the lake or beach management district. Public
27 property, including state property, shall be considered the same as
28 private property in this chapter, except liens for special
29 assessments and liens for rates and charges shall not extend to
30 public property. Lake bottom property and marine property below the
31 line of the ordinary high water mark shall not be considered to be
32 benefited, shall not be subject to special assessments or rates and
33 charges, and shall not receive voting rights under this chapter.

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

36 (1) Any county may create or reauthorize lake or beach management
37 districts to finance: (a) The improvement and maintenance of lakes or
38 beaches located within or partially within the boundaries of the
39 county; and (b) the acquisition of real property or property rights

1 within or outside a lake or beach management district including, by
2 way of example, conservation easements authorized under RCW
3 64.04.130, and to promote the conservation and stewardship of
4 shorelines as well as the conservation and stewardship of upland
5 properties adjoining lakes or beaches for conservation or for minimal
6 development. All or a portion of a lake or beach and the adjacent
7 land areas may be included within one or more lake or beach
8 management districts. More than one lake or beach, or portions of
9 lakes or beaches, and the adjacent land areas may be included in a
10 single lake or beach management district.

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

15 (3) Special assessments or rates and charges may be imposed on
16 the property included within a lake or beach management district to
17 finance lake or beach improvement and maintenance activities,
18 including: (a) Controlling or removing aquatic plants and vegetation;
19 (b) improving water quality; (c) controlling water levels; (d)
20 treating and diverting stormwater; (e) controlling agricultural
21 waste; (f) studying lake or marine water quality problems and
22 solutions; (g) cleaning and maintaining ditches and streams entering
23 the lake or marine waters or leaving the lake; (h) monitoring air
24 quality; (i) the acquisition of real property and property rights;
25 and (j) the directly related administrative, engineering, legal, and
26 operational costs, including the costs of creating the lake or beach
27 management district.

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

1 **Sec. 3.** RCW 36.61.025 and 2008 c 301 s 4 are each amended to
2 read as follows:

3 To improve the ability of counties to finance long-term lake or
4 beach management objectives, lake or beach management districts may
5 be created or reauthorized for any needed period of time.

6 **Sec. 4.** RCW 36.61.030 and 2014 c 85 s 8 are each amended to read
7 as follows:

8 (1) A lake or beach management district may be initiated upon
9 either the adoption of a resolution of intention by a county
10 legislative authority or the filing of a petition signed by ~~((ten))~~
11 10 landowners or the owners of at least ~~((twenty))~~ 20 percent of the
12 privately owned acreage contained within the proposed lake or beach
13 management district, whichever is greater. Publicly owned land is
14 excluded from the computation of acreage. A petition or resolution of
15 intention shall set forth: ~~((1))~~ (a) The nature of the lake or
16 beach improvement or maintenance activities proposed to be financed;
17 ~~((2))~~ (b) the amount of money proposed to be raised by special
18 assessments or rates and charges; ~~((3))~~ (c) if special assessments
19 are to be imposed, whether the special assessments will be imposed
20 annually for the duration of the lake or beach management district,
21 or the full special assessments will be imposed at one time, with the
22 possibility of installments being made to finance the issuance of
23 lake or beach management district bonds, or both methods; ~~((4))~~ (d)
24 if rates and charges are to be imposed, the annual amount of revenue
25 proposed to be collected and whether revenue bonds payable from the
26 rates and charges are proposed to be issued; ~~((5))~~ (e) the number
27 of years proposed for the duration of the lake or beach management
28 district; and ~~((6))~~ (f) the proposed boundaries of the lake or
29 beach management district.

30 (2) The county legislative authority may require the posting of a
31 bond of up to ~~((five thousand dollars))~~ \$5,000 before the county
32 considers the proposed creation of a lake or beach management
33 district initiated by petition. ~~((The bond may only be used by the~~
34 ~~county to finance its costs in studying, holding hearings, making~~
35 ~~notices, preparing special assessment rolls or rolls showing the~~
36 ~~rates and charges on each parcel, and conducting elections related to~~
37 ~~the lake or beach management district if the proposed lake or beach~~
38 ~~management district is not created.))~~ The bond must be placed in a
39 reserve account and cannot not be used during the process to pay for

1 any expenses incurred by the county. If the lake or beach management
2 district is not created, the county may charge the reserve account
3 for any costs the county may have incurred, but any remaining funds
4 must be returned to the individuals posting the bond. If the lake or
5 beach management district is created, the bond must be returned to
6 the individuals posting the bond and any charges incurred during the
7 creation the lake or beach management district may be paid by the
8 lake or beach management district from its assessments.

9 (3) A resolution of intention shall also designate the number of
10 the proposed lake or beach management district, and fix a date, time,
11 and place for a public hearing on the formation of the proposed lake
12 or beach management district. The date for the public hearing shall
13 be at least (~~thirty~~) 30 days and no more than (~~ninety~~) 90 days
14 after the adoption of the resolution of intention unless an emergency
15 exists.

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

27 NEW SECTION. Sec. 5. A new section is added to chapter 36.61
28 RCW to read as follows:

29 (1) Reauthorization of a lake or beach management district may be
30 initiated a year prior to the district sunseting if the county
31 legislative authority and the steering committee, if the district has
32 one, agree that the continuation of the district is in the public
33 interest and: (a) The nature of the lake or beach improvement or
34 maintenance is consistent with the district's current resolution; (b)
35 the amount of money proposed to be raised by special assessments or
36 rates and charges does not exceed 110 percent of current charges; (c)
37 if special assessments are to be imposed they are imposed consistent
38 with the existing district assessments; and (d) the number of years

1 proposed to reauthorize the district is not more than the number of
2 years for which the current district was established.

3 (2) The county legislative authority may require the posting of a
4 bond of up to \$5,000 if the existing district has insufficient funds
5 to cover the reauthorization of the district.

6 (3) The reauthorization of an existing district is not required
7 to comply with the procedures established in RCW 36.61.040 through
8 36.61.060.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.61
10 RCW to read as follows:

11 (1) After evaluating the public interest and need in the
12 reauthorization of an existing district, the county legislative
13 authority may adopt a resolution submitting the question of
14 reauthorizing the lake or beach management district to the owners of
15 the land within the proposed lake or beach management district,
16 including publicly owned land, if the county legislative authority
17 finds that it is in the public interest to reauthorize the lake or
18 beach management district and the financing of the lake or beach
19 improvement and maintenance activities continues to be feasible. The
20 resolution shall also include: (a) A plan describing the proposed
21 lake or beach improvement and maintenance activities which avoid
22 adverse impacts on fish and wildlife and provide for appropriate
23 measures to protect and enhance fish and wildlife; (b) the number of
24 years the lake or beach management district will be reauthorized, not
25 to exceed the number of years the lake or beach management district
26 was previously in existence; (c) the amount to be raised by special
27 assessments or rates and charges; (d) if special assessments are to
28 be imposed, whether the special assessments will be imposed annually
29 for the duration of the lake or beach management district or only
30 once with the possibility of installments being imposed and lake or
31 beach management bonds being issued, or both, and, if both types of
32 special assessments are proposed to be imposed, the lake or beach
33 improvement or maintenance activities proposed to be financed by each
34 type of special assessment; (e) if rates and charges are to be
35 imposed, a description of the proposed rates and charges and the
36 possibility of revenue bonds being issued that are payable from the
37 rates and charges; and (f) the estimated special assessment or rate
38 and charge proposed to be imposed on each parcel included in the
39 proposed lake or beach management district.

1 (2) No lake or beach management district may be reauthorized by a
2 county that includes territory located in another county without the
3 approval of the legislative authority of the other county.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.61
5 RCW to read as follows:

6 (1) A ballot shall be mailed to each owner or reputed owner of
7 any lot, tract, parcel of land, or other property within the proposed
8 lake management district, including publicly owned land, which ballot
9 shall contain the following proposition:

10 "Shall lake management district No. be reauthorized?
11 Yes
12 No"

13 (2) A ballot shall be mailed to each owner or reputed owner of
14 any lot, tract, parcel of land, or other property within the proposed
15 beach management district, including publicly owned land, which
16 ballot shall contain the following proposition:

17 "Shall beach management district No. be reauthorized?
18 Yes
19 No"

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

27 **Sec. 8.** RCW 36.61.090 and 2008 c 301 s 11 are each amended to
28 read as follows:

29 The balloting shall be subject to the following conditions, which
30 shall be included in the instructions mailed with each ballot, as
31 provided in RCW 36.61.080: (1) All ballots must be signed by the
32 owner or reputed owner of property according to the assessor's tax
33 rolls; (2) each ballot must be returned to the county legislative
34 authority not later than 5:00 p.m. of a specified day, which shall be
35 at least (~~twenty~~) 20 but not more than (~~thirty~~) 30 days after the
36 ballots are mailed; (3) each property owner shall mark his or her

1 ballot for or against the creation or reauthorization of the proposed
2 lake or beach management district, with the ballot weighted so that
3 the property owner has one vote for each dollar of estimated special
4 assessment or rate and charge proposed to be imposed on his or her
5 property; and (4) the valid ballots shall be tabulated and a simple
6 majority of the votes cast shall determine whether the proposed lake
7 or beach management district shall be approved or rejected, or
8 reauthorized or rejected.

9 **Sec. 9.** RCW 36.61.100 and 2008 c 301 s 12 are each amended to
10 read as follows:

11 If the proposal receives a simple majority vote in favor of
12 creating or reauthorizing the lake or beach management district, the
13 county legislative authority shall adopt an ordinance creating or
14 reauthorizing the lake or beach management district and may proceed
15 with establishing the special assessments or rates and charges,
16 collecting the special assessments or rates and charges, and
17 performing the lake or beach improvement or maintenance activities.
18 If a proposed lake management district includes more than one lake
19 and its adjacent areas, the lake management district may only be
20 established if the proposal receives a simple majority vote in favor
21 of creating it by the voters on each lake and its adjacent areas. The
22 county legislative authority shall publish a notice in a newspaper of
23 general circulation in a lake or beach management district indicating
24 that such an ordinance has been adopted within (~~ten~~) 10 days of the
25 adoption of the ordinance.

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

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.61
30 RCW to read as follows:

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

34 **Sec. 11.** RCW 36.61.110 and 2008 c 301 s 13 are each amended to
35 read as follows:

36 No lawsuit may be maintained challenging the jurisdiction or
37 authority of the county legislative authority to proceed with the

1 lake or beach improvement and maintenance activities and creating or
2 reauthorizing the lake or beach management district or in any way
3 challenging the validity of the actions or decisions or any
4 proceedings relating to the actions or decisions unless the lawsuit
5 is served and filed no later than (~~forty~~) 40 days after publication
6 of a notice that the ordinance has been adopted ordering the lake or
7 beach improvement and maintenance activities and creating or
8 reauthorizing the lake or beach management district. Written notice
9 of the appeal shall be filed with the county legislative authority
10 and clerk of the superior court in the county in which the property
11 is situated.

12 **Sec. 12.** RCW 36.61.115 and 2008 c 301 s 14 are each amended to
13 read as follows:

14 A special assessment, or rate and charge, on any lot, tract,
15 parcel of land, or other property shall not be increased beyond (~~one~~
16 ~~hundred ten~~) 110 percent of the estimated special assessment, or
17 rate and charge, proposed to be imposed as provided in the resolution
18 adopted in RCW 36.61.070, unless the creation or reauthorization of a
19 lake or beach management district is approved under another mailed
20 ballot election that reflects the weighted voting arising from such
21 increases.

22 **Sec. 13.** RCW 36.61.120 and 2008 c 301 s 15 are each amended to
23 read as follows:

24 (1) After a lake or beach management district is created or
25 reauthorized, the county shall prepare a proposed special assessment
26 roll. A separate special assessment roll shall be prepared for annual
27 special assessments if both annual special assessments and special
28 assessments paid at one time are imposed. The proposed special
29 assessment roll shall list: (~~(1)~~) (a) Each separate lot, tract,
30 parcel of land, or other property in the lake or beach management
31 district; (~~(2)~~) (b) the acreage of such property, and the number of
32 feet of lake or beach frontage, if any; (~~(3)~~) (c) the name and
33 address of the owner or reputed owner of each lot, tract, parcel of
34 land, or other property as shown on the tax rolls of the county
35 assessor; and (~~(4)~~) (d) the special assessment proposed to be
36 imposed on each lot, tract, parcel of land, or other property, or the
37 annual special assessments proposed to be imposed on each lot, tract,
38 parcel of land, or other property.

1 (2) At the time, date, and place fixed for a public hearing, the
2 county legislative authority shall act as a board of equalization and
3 hear objections to the special assessment roll, and at the times to
4 which the public hearing may be adjourned, the county legislative
5 authority may correct, revise, raise, lower, change, or modify the
6 special assessment roll or any part thereof, or set the proposed
7 special assessment roll aside and order a new proposed special
8 assessment roll to be prepared. The county legislative authority
9 shall confirm and approve a special assessment roll by adoption of a
10 resolution.

11 (3) If a proposed special assessment roll is amended to raise any
12 special assessment appearing thereon or to include omitted property,
13 a new public hearing shall be held. The new public hearing shall be
14 limited to considering the increased special assessments or omitted
15 property. Notices shall be sent to the owners or reputed owners of
16 the affected property in the same manner and form and within the time
17 provided for the original notice.

18 (4) Objections to a proposed special assessment roll must be made
19 in writing, shall clearly state the grounds for objections, and shall
20 be filed with the governing body prior to the public hearing.
21 Objections to a special assessment or annual special assessments that
22 are not made as provided in this section shall be deemed waived and
23 shall not be considered by the governing body or a court on appeal.

24 (5) If property formerly not included in a lake or beach
25 management district acquires private access to the lake or beach, the
26 boundary of the lake or beach management district may be adjusted and
27 these parcels may be added to the district without a new resolution
28 or vote. The county legislative authority must send a letter to the
29 property owners who have acquired private access to the lake or beach
30 to: (a) Notify them that they are subject to the lake or beach
31 management district assessment fee because of their private access to
32 the lake; (b) stipulate the rate they will be assessed, based on
33 properties of similar character already within the lake or beach
34 management district; and (3) notify them that this assessment fee
35 will be assessed in the next property tax assessment period and the
36 property owner may contest the assessment at a public hearing for
37 this purpose.

38 **Sec. 14.** RCW 36.61.170 and 2014 c 85 s 10 are each amended to
39 read as follows:

1 (1) The total annual special assessments may not exceed the
2 estimated cost of the lake or beach improvement or maintenance
3 activities proposed to be financed by such special assessments, as
4 specified in the resolution of intention. The total of special
5 assessments imposed in a lake or beach management district that are
6 of the nature of special assessments imposed in a local improvement
7 district shall not exceed (~~one hundred fifty percent~~) 200 percent
8 or no more than 10 percent a year, whichever is less, of the
9 estimated total cost of the lake or beach improvement or maintenance
10 activities that are proposed to be financed by the lake or beach
11 management district as specified in the resolution of intention.

12 (2) After a lake or beach management district has been created or
13 reauthorized, the resolution of intention may be amended to increase
14 or otherwise modify the amount to be financed by the lake or beach
15 management district by using the same procedure in which a lake or
16 beach management district is created or reauthorized, including
17 landowner approvals consistent with the procedures established in RCW
18 36.61.080 through 36.61.100.

19 **Sec. 15.** RCW 36.61.220 and 2014 c 85 s 5 are each amended to
20 read as follows:

21 Within (~~thirty~~) 30 days after a county creates or reauthorizes
22 a lake or beach management district, the county shall cause to be
23 filed with the county treasurer(~~(r)~~) a description of the lake or
24 beach improvement and maintenance activities proposed that the lake
25 or beach management district finances, the lake or beach management
26 district number, and a copy of the diagram or print showing the
27 boundaries of the lake or beach management district and preliminary
28 special assessment roll or abstract of the same showing thereon the
29 lots, tracts, parcels of land, and other property that will be
30 specially benefited thereby and the estimated cost and expense of
31 such lake or beach improvement and maintenance activities to be borne
32 by each lot, tract, parcel of land, or other property. The treasurer
33 shall immediately post the proposed special assessment roll upon his
34 or her index of special assessments against the properties affected
35 by the lake or beach improvement or maintenance activities.

36 **Sec. 16.** RCW 36.61.310 and 2014 c 85 s 11 are each amended to
37 read as follows:

1 (1) Except when lake or beach management district bonds are
2 outstanding or when an existing contract might otherwise be impaired,
3 a lake or beach management district may be dissolved either by: The
4 county legislative authority upon a finding that the purposes of the
5 district have been accomplished; or a vote of the property owners
6 within the district, if proposed by the legislative authority of the
7 county or through the filing of a sufficient petition signed by the
8 owners of at least (~~twenty~~) 20 percent of the acreage within the
9 district.

10 (2) If the question of dissolution of a district is submitted to
11 property owners, the balloting is subject to the following
12 conditions, which must be included in the instructions mailed with
13 each ballot, as provided in RCW 36.61.080:

14 (a) A ballot must be mailed to each owner or reputed owner of any
15 lot, tract, parcel of land, or other property within the district,
16 with the ballot weighted so that a property owner has one vote for
17 each dollar of special assessment or rates and charges imposed on his
18 or her property;

19 (b) A ballot must be signed by the owner or reputed owner of
20 property according to the assessor's tax rolls;

21 (c) Each ballot must be returned to the county legislative
22 authority no later than 5:00 p.m. of a specified day, which must be
23 at least (~~twenty~~) 20, but not more than (~~thirty~~) 30 days after
24 the ballots are mailed; and

25 (d) Each property owner must mark his or her ballot for or
26 against the dissolution of the district.

27 (3) If, following the tabulation of the valid ballots, a simple
28 majority of the votes cast are in favor of dissolving the district,
29 the district must be dissolved on the date established in the ballot
30 proposition.

31 (4) A county, although not separately responsible for satisfying
32 the financial obligations of a dissolved district, has full authority
33 to continue imposing special assessments, rates, and charges for a
34 dissolved district until all financial obligations of the district
35 incurred prior to its dissolution have been extinguished or retired.

36 (5) When a district is dissolved or not reauthorized, any
37 remaining funds, after satisfying any county financial obligations,
38 must be returned to the current property owners. A detailed budget
39 report identifying all funds expended after the dissolution of the

1 district will be provided to the district citizen committee and the
2 amount to be refunded by parcel type/characterization stipulated.

3 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.61
4 RCW to read as follows:

5 (1) During the authorization period of a lake or beach management
6 district the county legislative authority and the steering committee,
7 if the district has one, may agree that it would be in the public
8 interest to transition the lake or beach management district to a
9 special district in accordance with chapter 85.38 RCW. If the county
10 legislative authority and the steering committee agree, the steering
11 committee may take action under chapter 85.38 RCW to explore
12 transitioning a lake or beach management district to a special
13 district utilizing lake or beach management district funds.

14 (2) Should a majority vote of the district members agree to form
15 a special district, all remaining lake or beach management funds must
16 be transferred to the special district less any unsatisfied financial
17 obligations to the county legislative authority.

18 (3) The county legislative authority may waive all or a portion
19 of any unsatisfied financial obligations from the former lake or
20 beach management district.

21 (4) Should a majority vote to form a special district not be
22 obtained, the lake or beach management district will continue as a
23 lake or beach management district until it is either dissolved or
24 reauthorized.

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