
HOUSE BILL 1502

State of Washington

57th Legislature

2001 Regular Session

By Representatives G. Chandler, Grant, Schoesler and Mastin

Read first time 01/29/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to conservation districts; and amending RCW
2 89.08.020, 89.08.080, 89.08.110, 89.08.150, 89.08.180, and 89.08.350.

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

4 **Sec. 1.** RCW 89.08.020 and 1999 c 305 s 1 are each amended to read
5 as follows:

6 Unless the context clearly indicates otherwise, as used in this
7 chapter:

8 "Commission" and "state conservation commission" means the agency
9 created hereunder. All former references to "state soil and water
10 conservation committee", "state committee" or "committee" shall be
11 deemed to be references to the "state conservation commission";

12 "District", or "conservation district" means a governmental
13 subdivision of this state and a public body corporate and politic,
14 organized in accordance with the provisions of chapter 184, Laws of
15 1973 1st ex. sess., for the purposes, with the powers, and subject to
16 the restrictions set forth in this chapter. All districts created
17 under chapter 184, Laws of 1973 1st ex. sess. shall be known as
18 conservation districts and shall have all the powers and duties set out
19 in chapter 184, Laws of 1973 1st ex. sess. All references in chapter

1 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water
2 conservation districts" shall be deemed to be reference to
3 "conservation districts";

4 "Board" and "supervisors" mean the board of supervisors of a
5 conservation district;

6 "Land occupier" or "occupier of land" includes any person, firm,
7 political subdivision, government agency, municipality, public or
8 private corporation, copartnership, association, or any other entity
9 whatsoever which holds title to, or is in possession of, any lands
10 lying within a district organized under the provisions of chapter 184,
11 Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant,
12 or otherwise;

13 "District elector" (~~((or "voter"))~~) means a (~~((registered voter in the
14 county where the district is located who resides))~~) qualified county
15 elector occupying land within the district boundary or in the area
16 affected by a petition;

17 "Due notice" means a notice published at least twice, with at least
18 six days between publications, in a publication of general circulation
19 within the affected area, or if there is no such publication, by
20 posting at a reasonable number of public places within the area, where
21 it is customary to post notices concerning county and municipal
22 affairs. Any hearing held pursuant to due notice may be postponed from
23 time to time without a new notice;

24 "Renewable natural resources", "natural resources" or "resources"
25 includes land, air, water, vegetation, fish, wildlife, wild rivers,
26 wilderness, natural beauty, scenery and open space;

27 "Conservation" includes conservation, development, improvement,
28 maintenance, preservation, protection and use, and alleviation of
29 floodwater and sediment damages, and the disposal of excess surface
30 waters.

31 "Farm and agricultural land" means either (a) land in any
32 contiguous ownership of twenty or more acres devoted primarily to
33 agricultural uses; (b) any parcel of land five acres or more but less
34 than twenty acres devoted primarily to agricultural uses, which has
35 produced a gross income from agricultural uses equivalent to one
36 hundred dollars or more per acre per year for three of the five
37 calendar years preceding the date of application for classification
38 under this chapter; or (c) any parcel of land of less than five acres
39 devoted primarily to agricultural uses which has produced a gross

1 income of one thousand dollars or more per year for three of the five
2 calendar years preceding the date of application for classification
3 under this chapter. Agricultural lands shall also include farm
4 woodlots of less than twenty and more than five acres and the land on
5 which appurtenances necessary to production, preparation or sale of the
6 agricultural products exist in conjunction with the lands producing
7 such products. Agricultural lands shall also include any parcel of
8 land of one to five acres, which is not contiguous, but which otherwise
9 constitutes an integral part of farming operations being conducted on
10 land qualifying under this section as "farm and agricultural lands".

11 **Sec. 2.** RCW 89.08.080 and 1999 c 305 s 2 are each amended to read
12 as follows:

13 To form a conservation district, (~~twenty percent of the voters~~)
14 twenty-five or more persons occupying land within the area to be
15 affected may file a petition with the commission asking that the area
16 be organized into a district.

17 The petition shall give the name of the proposed district, state
18 that it is needed in the interest of the public health, safety, and
19 welfare, give a general description of the area proposed to be
20 organized and request that the commission determine that it be created,
21 and that it define the boundaries thereof and call an election on the
22 question of creating the district.

23 If more than one petition is filed covering parts of the same area,
24 the commission may consolidate all or any of them.

25 **Sec. 3.** RCW 89.08.110 and 1999 c 305 s 3 are each amended to read
26 as follows:

27 If the commission finds that the district is needed, it shall then
28 determine whether it is practicable. To assist the commission in
29 determining this question, it shall, within a reasonable time, submit
30 the proposition to a vote of the (~~district electors~~) land occupiers
31 in the proposed district.

32 The commission shall fix the date of the election, designate the
33 polling places, fix the hours for opening and closing the polls, and
34 appoint the election officials. The election shall be conducted, the
35 vote counted and returns canvassed and the results published by the
36 commission.

1 **Sec. 4.** RCW 89.08.150 and 1999 c 305 s 5 are each amended to read
2 as follows:

3 If a majority of the votes cast at the election are against the
4 creation of the district, the commission shall deny the petition. If
5 a majority favor the district, the commission shall determine the
6 practicability of the project.

7 In making such determination, the commission shall consider the
8 attitude of the ((~~voters~~)) land occupiers of the district; the number
9 of eligible voters who voted at the election; the size of the majority
10 vote; the wealth and income of the land occupiers; the probable expense
11 of carrying out the project; and any other economic factors relevant
12 thereto.

13 If the commission finds that the project is impracticable it shall
14 enter an order to that effect and deny the petition. When the petition
15 has been denied, no new petition covering the same or substantially the
16 same area may be filed within six months therefrom.

17 **Sec. 5.** RCW 89.08.180 and 1999 c 305 s 6 are each amended to read
18 as follows:

19 Territory may be added to an existing district upon filing a
20 petition as in the case of formation with the commission by ((~~twenty~~
21 ~~percent of the voters of the affected area~~)) occupiers of the lands to
22 be included. The same procedure shall be followed as for the creation
23 of the district.

24 As an alternate procedure, the commission may upon the petition of
25 a majority of the ((~~voters~~)) land occupiers in any one or more
26 districts or in unorganized territory adjoining a conservation district
27 change the boundaries of a district, or districts, if such action will
28 promote the practical and feasible administration of such district or
29 districts.

30 Upon petition of the boards of supervisors of two or more
31 districts, the commission may approve the combining of all or parts of
32 such districts and name the district, or districts, with the approval
33 of the name by the secretary of state. A public hearing and/or a
34 referendum may be held if deemed necessary or desirable by the
35 commission in order to determine the wishes of the ((~~voters~~)) land
36 occupiers.

37 When districts are combined, the joint boards of supervisors will
38 first select a chairman, secretary and other necessary officers and

1 select a regular date for meetings. All elected supervisors will
2 continue to serve as members of the board until the expiration of their
3 current term of office, and/or until the election date nearest their
4 expiration date. All appointed supervisors will continue to serve
5 until the expiration of their current term of office, at which time the
6 commission will make the necessary appointments. In the event that
7 more than two districts are combined, a similar procedure will be set
8 up and administered by the commission.

9 When districts are combined or territory is moved from one district
10 to another, the property, records and accounts of the districts
11 involved shall be distributed to the remaining district or districts as
12 approved by the commission. A new certificate of organization, naming
13 and describing the new district or districts, shall be issued by the
14 secretary of state.

15 **Sec. 6.** RCW 89.08.350 and 1999 c 305 s 9 are each amended to read
16 as follows:

17 At any time after five years from the organization of a district,
18 (~~twenty percent of the voters~~) one hundred or more land occupiers in
19 the district may file with the commission a petition, praying that the
20 district be dissolved. The commission may hold public hearings
21 thereon, and within sixty days from receipt of the petition, shall give
22 due notice of an election on the question of dissolution. It shall
23 provide appropriate ballots, conduct the election, canvass the returns,
24 and declare the results in the same manner as for elections to create
25 a district.

26 All district electors may vote at the election. No informality
27 relating to the election shall invalidate it if notice is substantially
28 given and the election is fairly conducted.

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