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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3186

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State of Washington

60th Legislature

2008 Regular Session

By House Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representative Nelson)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to beach management districts; amending RCW  
2 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050,  
3 36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110,  
4 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190,  
5 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020,  
6 39.34.190, 86.09.151, and 35.21.403; adding a new section to chapter  
7 36.61 RCW; adding a new section to chapter 43.21A RCW; and creating a  
8 new section.

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

10 **Sec. 1.** RCW 36.61.010 and 1987 c 432 s 1 are each amended to read  
11 as follows:

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

17 The legislature intends that an ecosystem-based beach management  
18 approach should be used to help promote the health of aquatic  
19 ecosystems and that such a management approach be undertaken in a

1 manner that retains ecosystem values within the state. This management  
2 approach should use long-term strategies that focus on reducing  
3 nutrient inputs from human activities affecting the aquatic ecosystem,  
4 such as decreasing nutrients into storm water sewers, decreasing  
5 fertilizer application, promoting the proper disposal of pet waste,  
6 promoting the use of vegetative borders, promoting the reduction of  
7 nutrients from on-site septic systems where appropriate, and protecting  
8 riparian areas. Organic debris, including vegetation, driftwood,  
9 seaweed, kelp, and organisms, are extremely important to beach  
10 ecosystems.

11 It is the purpose of this chapter to establish a governmental  
12 mechanism by which property owners can embark on a program of lake or  
13 beach improvement and maintenance for their and the general public's  
14 benefit, health, and welfare. Public property, including state  
15 property, shall be considered the same as private property in this  
16 chapter, except liens for special assessments and liens for rates and  
17 charges shall not extend to public property. Lake bottom property and  
18 marine property below the line of the ordinary high water mark shall  
19 not be considered to be benefited, shall not be subject to special  
20 assessments or rates and charges, and shall not receive voting rights  
21 under this chapter.

22 NEW SECTION. Sec. 2. A new section is added to chapter 36.61 RCW  
23 to read as follows:

24 (1) Beach management districts may be created for the purpose of  
25 controlling and removing aquatic plants or vegetation. These districts  
26 must develop a plan for these activities, in consultation with  
27 appropriate federal, state, and local agencies. The plan must include  
28 an element addressing nutrient loading from land use activities in a  
29 subbasin that is a tributary to the area targeted for management. The  
30 plan must be consistent with the action agenda approved by the Puget  
31 Sound partnership, where applicable.

32 (2) Plans for the control and removal of aquatic plants or  
33 vegetation must, to the greatest extent possible, meet the following  
34 requirements:

35 (a) Avoid or minimize the excess removal of living and nonliving  
36 nontarget native vegetation and organisms;

1 (b) Avoid or minimize management activities that will result in  
2 compacting beach sand, gravel, and substrate;

3 (c) Minimize adverse impacts to: (i) The project site when  
4 disposing of excessive accumulations of vegetation; and (ii) other  
5 areas of the beach or deep water environment; and

6 (d) Retain all natural habitat features on the beach, including  
7 retaining trees, stumps, logs, and large rocks in their natural  
8 location.

9 (3) Seaweed removal under this section may only occur on the shore  
10 of a saltwater body that lies between the extreme low tide and the  
11 ordinary high water mark, as those terms are defined in RCW 90.58.030.

12 (4) The control or removal of native aquatic plants or vegetation  
13 shall be authorized in the following areas:

14 (a) Beaches or near shore areas located within at least one mile of  
15 a ferry terminal that are in a county with a population of one million  
16 or more residents; and

17 (b) Beaches or near shore areas in a city that meets the following:

18 (i) Is adjacent to Puget Sound;

19 (ii) Has at least eighty-five thousand residents;

20 (iii) Shares a common boundary with a neighboring county; and

21 (iv) Is in a county with a population of one million or more  
22 residents.

23 **Sec. 3.** RCW 36.61.020 and 2000 c 184 s 5 are each amended to read  
24 as follows:

25 Any county may create lake or beach management districts to finance  
26 the improvement and maintenance of lakes or beaches located within or  
27 partially within the boundaries of the county. All or a portion of a  
28 lake or beach and the adjacent land areas may be included within one or  
29 more lake or beach management districts. More than one lake or beach,  
30 or portions of lakes or beaches, and the adjacent land areas may be  
31 included in a single lake or beach management district.

32 Special assessments or rates and charges may be imposed on the  
33 property included within a lake or beach management district to finance  
34 lake or beach improvement and maintenance activities, including: (1)  
35 (~~The control or removal of~~) Controlling or removing aquatic plants  
36 and vegetation; (2) improving water quality; (3) (~~the control of~~)  
37 controlling water levels; (4) treating and diverting storm water

1 (~~diversion and treatment~~); (5) controlling agricultural waste  
2 (~~control~~); (6) studying lake or marine water quality problems and  
3 solutions; (7) cleaning and maintaining ditches and streams entering  
4 the lake or marine waters or leaving the lake; (~~and~~) (8) monitoring  
5 air quality; and (9) the related administrative, engineering, legal,  
6 and operational costs, including the costs of creating the lake or  
7 beach management district.

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

20 **Sec. 4.** RCW 36.61.025 and 2000 c 184 s 4 are each amended to read  
21 as follows:

22 To improve the ability of counties to finance long-term lake or  
23 beach management objectives, lake or beach management districts may be  
24 created for any needed period of time.

25 **Sec. 5.** RCW 36.61.030 and 1987 c 432 s 3 are each amended to read  
26 as follows:

27 A lake or beach management district may be initiated upon either  
28 the adoption of a resolution of intention by a county legislative  
29 authority or the filing of a petition signed by ten landowners or the  
30 owners of at least fifteen percent of the acreage contained within the  
31 proposed lake or beach management district, whichever is greater. A  
32 petition or resolution of intention shall set forth: (1) The nature of  
33 the lake or beach improvement or maintenance activities proposed to be  
34 financed; (2) the amount of money proposed to be raised by special  
35 assessments or rates and charges; (3) if special assessments are to be  
36 imposed, whether the special assessments will be imposed annually for

1 the duration of the lake or beach management district, or the full  
2 special assessments will be imposed at one time, with the possibility  
3 of installments being made to finance the issuance of lake or beach  
4 management district bonds, or both methods; (4) if rates and charges  
5 are to be imposed, the annual amount of revenue proposed to be  
6 collected and whether revenue bonds payable from the rates and charges  
7 are proposed to be issued; (5) the number of years proposed for the  
8 duration of the lake or beach management district; and (6) the proposed  
9 boundaries of the lake or beach management district.

10 The county legislative authority may require the posting of a bond  
11 of up to five thousand dollars before the county considers the proposed  
12 creation of a lake or beach management district initiated by petition.  
13 The bond may only be used by the county to finance its costs in  
14 studying, holding hearings, making notices, preparing special  
15 assessment rolls or rolls showing the rates and charges on each parcel,  
16 and conducting elections related to the lake or beach management  
17 district if the proposed lake or beach management district is not  
18 created.

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

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

36 **Sec. 6.** RCW 36.61.040 and 1994 c 264 s 9 are each amended to read  
37 as follows:

1 Notice of the public hearing shall be published in at least two  
2 consecutive issues of a newspaper of general circulation in the  
3 proposed lake or beach management district, the date of the first  
4 publication to be at least fifteen days prior to the date fixed for the  
5 public hearing by the resolution of intention. Notice of the public  
6 hearing shall also be given to the owner or reputed owner of any lot,  
7 tract, parcel of land, or other property within the proposed lake or  
8 beach management district by mailing the notice at least fifteen days  
9 before the date fixed for the public hearing to the owner or reputed  
10 owner of the property as shown on the tax rolls of the county assessor  
11 at the address shown thereon. Notice of the public hearing shall also  
12 be mailed to the departments of fish and wildlife, natural resources,  
13 and ecology at least fifteen days before the date fixed for the public  
14 hearing.

15 Notices of the public hearing shall: (1) Refer to the resolution  
16 of intention; (2) designate the proposed lake or beach management  
17 district by number; (3) set forth a proposed plan describing: (a) The  
18 nature of the proposed lake or beach improvement or maintenance  
19 activities; (b) the amount of special assessments or rates and charges  
20 proposed to be raised by the lake or beach management district; (c) if  
21 special assessments are proposed to be imposed, whether the special  
22 assessments will be imposed annually for the duration of the lake or  
23 beach management district, or the full special assessments will be  
24 payable at one time, with the possibility of periodic installments  
25 being paid and lake or beach management bonds being issued, or both;  
26 (d) if rates and charges are proposed to be imposed, the annual amount  
27 of revenue proposed to be collected and whether revenue bonds payable  
28 from the rates and charges are proposed to be issued; and (e) the  
29 proposed duration of the lake or beach management district; and (4)  
30 indicate the date, time, and place of the public hearing designated in  
31 the resolution of intention.

32 In the case of the notice sent to each owner or reputed owner by  
33 mail, the notice shall set forth the estimated amount of the cost of  
34 the lake or beach improvement or maintenance activities to be borne by  
35 special assessment, or annual special assessments, or rates and charges  
36 on the lot, tract, parcel of land, or other property owned by the owner  
37 or reputed owner.

1 If the county legislative authority has designated a committee of  
2 itself or an officer to hear complaints and make recommendations to the  
3 full county legislative authority, as provided in RCW 36.61.060, the  
4 notice shall also describe this additional step before the full county  
5 legislative authority may adopt a resolution creating the lake or beach  
6 management district.

7 **Sec. 7.** RCW 36.61.050 and 1994 c 264 s 10 are each amended to read  
8 as follows:

9 The county legislative authority shall hold a public hearing on the  
10 proposed lake or beach management district at the date, time, and place  
11 designated in the resolution of intention.

12 At this hearing the county legislative authority shall hear  
13 objections from any person affected by the formation of the lake or  
14 beach management district. Representatives of the departments of fish  
15 and wildlife, natural resources, and ecology shall be afforded  
16 opportunities to make presentations on and comment on the proposal.  
17 Members of the public shall be afforded an opportunity to comment on  
18 the proposal. The county legislative authority must consider  
19 recommendations provided to it by the departments of fish and wildlife,  
20 natural resources, and ecology. The public hearing may be extended to  
21 other times and dates declared at the public hearing. The county  
22 legislative authority may make such changes in the boundaries of the  
23 lake or beach management district or such modification in plans for the  
24 proposed lake or beach improvement or maintenance activities as it  
25 deems necessary. The county legislative authority may not change  
26 boundaries of the lake or beach management district to include property  
27 that was not included previously without first passing an amended  
28 resolution of intention and giving new notice to the owners or reputed  
29 owners of property newly included in the proposed lake or beach  
30 management district in the manner and form and within the time provided  
31 for the original notice. The county legislative authority shall not  
32 alter the plans for the proposed lake or beach improvement or  
33 maintenance activities to result in an increase in the amount of money  
34 proposed to be raised, and shall not increase the amount of money  
35 proposed to be raised, without first passing an amended resolution of  
36 intention and giving new notice to property owners in the manner and  
37 form and within the time provided for the original notice.

1       **Sec. 8.** RCW 36.61.060 and 1985 c 398 s 10 are each amended to read  
2 as follows:

3       A county legislative authority may adopt an ordinance providing for  
4 a committee of itself, or an officer, to hold public hearings on the  
5 proposed formation of a lake or beach management district and hear  
6 objections to the proposed formation as provided in RCW 36.61.050. The  
7 committee or officer shall make a recommendation to the full  
8 legislative authority, which need not hold a public hearing on the  
9 proposed creation of the lake or beach management district. The full  
10 county legislative authority by resolution may approve or disapprove  
11 the recommendation and submit the question of creating the lake or  
12 beach management district to the property owners as provided in RCW  
13 36.61.070 through 36.61.100.

14       **Sec. 9.** RCW 36.61.070 and 1987 c 432 s 5 are each amended to read  
15 as follows:

16       After the public hearing, the county legislative authority may  
17 adopt a resolution submitting the question of creating the lake or  
18 beach management district to the owners of land within the proposed  
19 lake or beach management district, including publicly owned land, if  
20 the county legislative authority finds that it is in the public  
21 interest to create the lake or beach management district and the  
22 financing of the lake or beach improvement and maintenance activities  
23 is feasible. The resolution shall also include: (1) A plan describing  
24 the proposed lake or beach improvement and maintenance activities which  
25 avoid adverse impacts on fish and wildlife and provide for appropriate  
26 measures to protect and enhance fish and wildlife; (2) the number of  
27 years the lake or beach management district will exist; (3) the amount  
28 to be raised by special assessments or rates and charges; (4) if  
29 special assessments are to be imposed, whether the special assessments  
30 shall be imposed annually for the duration of the lake or beach  
31 management district or only once with the possibility of installments  
32 being imposed and lake or beach management bonds being issued, or both,  
33 and, if both types of special assessments are proposed to be imposed,  
34 the lake or beach improvement or maintenance activities proposed to be  
35 financed by each type of special assessment; (5) if rates and charges  
36 are to be imposed, a description of the rates and charges and the  
37 possibility of revenue bonds being issued that are payable from the



1 rates and charges; and (6) the estimated special assessment or rate and  
2 charge proposed to be imposed on each parcel included in the proposed  
3 lake or beach management district.

4 No lake or beach management district may be created by a county  
5 that includes territory located in another county without the approval  
6 of the legislative authority of the other county.

7 **Sec. 10.** RCW 36.61.080 and 1987 c 432 s 6 are each amended to read  
8 as follows:

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

13 "Shall lake management district No. . . . . be formed?  
14 Yes . . . . .  
15 No . . . . ."

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

20  
21 "Shall beach management district No. . . . . be formed?  
22 Yes . . . . .  
23 No . . . . ."

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

32 **Sec. 11.** RCW 36.61.090 and 1987 c 432 s 7 are each amended to read  
33 as follows:

34 The balloting shall be subject to the following conditions, which  
35 shall be included in the instructions mailed with each ballot, as  
36 provided in RCW 36.61.080: (1) All ballots must be signed by the owner  
37 or reputed owner of property according to the assessor's tax rolls; (2)

1 each ballot must be returned to the county legislative authority not  
2 later than (~~five o'clock~~) 5:00 p.m. of a specified day, which shall  
3 be at least twenty but not more than thirty days after the ballots are  
4 mailed; (3) each property owner shall mark his or her ballot for or  
5 against the creation of the proposed lake or beach management district,  
6 with the ballot weighted so that the property owner has one vote for  
7 each dollar of estimated special assessment or rate and charge proposed  
8 to be imposed on his or her property; and (4) the valid ballots shall  
9 be tabulated and a simple majority of the votes cast shall determine  
10 whether the proposed lake or beach management district shall be  
11 approved or rejected.

12 **Sec. 12.** RCW 36.61.100 and 1987 c 432 s 8 are each amended to read  
13 as follows:

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

28 The ballots shall be available for public inspection after they are  
29 counted.

30 **Sec. 13.** RCW 36.61.110 and 1985 c 398 s 11 are each amended to  
31 read as follows:

32 No lawsuit may be maintained challenging the jurisdiction or  
33 authority of the county legislative authority to proceed with the lake  
34 or beach improvement and maintenance activities and creating the lake  
35 or beach management district or in any way challenging the validity of  
36 the actions or decisions or any proceedings relating to the actions or

1 decisions unless the lawsuit is served and filed no later than forty  
2 days after publication of a notice that the ordinance has been adopted  
3 ordering the lake or beach improvement and maintenance activities and  
4 creating the lake or beach management district. Written notice of the  
5 appeal shall be filed with the county legislative authority and clerk  
6 of the superior court in the county in which the property is situated.

7 **Sec. 14.** RCW 36.61.115 and 1987 c 432 s 9 are each amended to read  
8 as follows:

9 A special assessment, or rate and charge, on any lot, tract, parcel  
10 of land, or other property shall not be increased beyond one hundred  
11 ten percent of the estimated special assessment, or rate and charge,  
12 proposed to be imposed as provided in the resolution adopted in RCW  
13 36.61.070, unless the creation of a lake or beach management district  
14 is approved under another mailed ballot election that reflects the  
15 weighted voting arising from such increases.

16 **Sec. 15.** RCW 36.61.120 and 1985 c 398 s 12 are each amended to  
17 read as follows:

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

32 At the time, date, and place fixed for a public hearing, the county  
33 legislative authority shall act as a board of equalization and hear  
34 objections to the special assessment roll, and at the times to which  
35 the public hearing may be adjourned, the county legislative authority  
36 may correct, revise, raise, lower, change, or modify the special

1 assessment roll or any part thereof, or set the proposed special  
2 assessment roll aside and order a new proposed special assessment roll  
3 to be prepared. The county legislative authority shall confirm and  
4 approve a special assessment roll by adoption of a resolution.

5 If a proposed special assessment roll is amended to raise any  
6 special assessment appearing thereon or to include omitted property, a  
7 new public hearing shall be held. The new public hearing shall be  
8 limited to considering the increased special assessments or omitted  
9 property. Notices shall be sent to the owners or reputed owners of the  
10 affected property in the same manner and form and within the time  
11 provided for the original notice.

12 Objections to a proposed special assessment roll must be made in  
13 writing, shall clearly state the grounds for objections, and shall be  
14 filed with the governing body prior to the public hearing. Objections  
15 to a special assessment or annual special assessments that are not made  
16 as provided in this section shall be deemed waived and shall not be  
17 considered by the governing body or a court on appeal.

18 **Sec. 16.** RCW 36.61.140 and 1985 c 398 s 14 are each amended to  
19 read as follows:

20 Notice of the original public hearing on the proposed special  
21 assessment roll, and any public hearing held as a result of raising  
22 special assessments or including omitted property, shall be published  
23 and mailed to the owner or reputed owner of the property as provided in  
24 RCW 36.61.040 for the public hearing on the formation of the lake or  
25 beach management district. However, the notice need only provide the  
26 total amount to be collected by the special assessment roll and shall  
27 state that: (1) A public hearing on the proposed special assessment  
28 roll will be held, giving the time, date, and place of the public  
29 hearing; (2) the proposed special assessment roll is available for  
30 public perusal, giving the times and location where the proposed  
31 special assessment roll is available for public perusal; (3) objections  
32 to the proposed special assessment must be in writing, include clear  
33 grounds for objections, and must be filed prior to the public hearing;  
34 and (4) failure to so object shall be deemed to waive an objection.

35 Notices mailed to the owners or reputed owners shall additionally  
36 indicate the amount of special assessment ascribed to the particular

1 lot, tract, parcel of land, or other property owned by the person so  
2 notified.

3 **Sec. 17.** RCW 36.61.160 and 1987 c 432 s 10 are each amended to  
4 read as follows:

5 Whenever special assessments are imposed, all property included  
6 within a lake or beach management district shall be considered to be  
7 the property specially benefited by the lake or beach improvement or  
8 maintenance activities and shall be the property upon which special  
9 assessments are imposed to pay the costs and expenses of the lake or  
10 beach improvement or maintenance activities, or such part of the costs  
11 and expenses as may be chargeable against the property specially  
12 benefited. The special assessments shall be imposed on property in  
13 accordance with the special benefits conferred on the property up to  
14 but not in excess of the total costs and expenses of the lake or beach  
15 improvement or maintenance activities as provided in the special  
16 assessment roll.

17 Special assessments may be measured by front footage, acreage, the  
18 extent of improvements on the property, or any other factors that are  
19 deemed to fairly reflect special benefits, including those authorized  
20 under RCW 35.51.030. Special assessments may be calculated by using  
21 more than one factor. Zones around the public improvement may be used  
22 that reflect different levels of benefit in each zone that are measured  
23 by a front footage, acreage, the extent of improvements, or other  
24 factors.

25 Public property, including property owned by the state of  
26 Washington, shall be subject to special assessments to the same extent  
27 that private property is subject to the special assessments, except no  
28 lien shall extend to public property.

29 **Sec. 18.** RCW 36.61.170 and 1985 c 398 s 17 are each amended to  
30 read as follows:

31 The total annual special assessments may not exceed the estimated  
32 cost of the lake or beach improvement or maintenance activities  
33 proposed to be financed by such special assessments, as specified in  
34 the resolution of intention. The total of special assessments imposed  
35 in a lake or beach management district that are of the nature of  
36 special assessments imposed in a local improvement district shall not

1 exceed one hundred fifty percent of the estimated total cost of the  
2 lake or beach improvement or maintenance activities that are proposed  
3 to be financed by the lake or beach management district as specified in  
4 the resolution of intention. After a lake or beach management district  
5 has been created, the resolution of intention may be amended to  
6 increase the amount to be financed by the lake or beach management  
7 district by using the same procedure in which a lake or beach  
8 management district is created.

9 **Sec. 19.** RCW 36.61.190 and 1985 c 398 s 19 are each amended to  
10 read as follows:

11 Special assessments and installments on any special assessment  
12 shall be collected by the county treasurer.

13 The county treasurer shall publish a notice indicating that the  
14 special assessment roll has been confirmed and that the special  
15 assessments are to be collected. The notice shall indicate the  
16 duration of the lake or beach management district and shall describe  
17 whether the special assessments will be paid in annual payments for the  
18 duration of the lake or beach management district, or whether the full  
19 special assessments will be payable at one time, with the possibility  
20 of periodic installments being paid and lake or beach management bonds  
21 being issued, or both.

22 If the special assessments are to be payable at one time, the  
23 notice additionally shall indicate that all or any portion of the  
24 special assessments may be paid within thirty days from the date of  
25 publication of the first notice without penalty or interest. This  
26 notice shall be published in a newspaper of general circulation in the  
27 lake or beach management district.

28 Within ten days of the first newspaper publication, the county  
29 treasurer shall notify each owner or reputed owner of property whose  
30 name appears on the special assessment roll, at the address shown on  
31 the special assessment roll, for each item of property described on the  
32 list: (1) Whether one special assessment payable at one time or  
33 special assessments payable annually have been imposed; (2) the amount  
34 of the property subject to the special assessment or annual special  
35 assessments; and (3) the total amount of the special assessment due at  
36 one time, or annual amount of special assessments due. If the special

1 assessment is due at one time, the notice shall also describe the  
2 thirty-day period during which the special assessment may be paid  
3 without penalty, interest, or cost.

4 **Sec. 20.** RCW 36.61.200 and 1985 c 398 s 20 are each amended to  
5 read as follows:

6 If the special assessments are to be payable at one time, all or  
7 any portion of any special assessment may be paid without interest,  
8 penalty, or costs during this thirty-day period and placed into a  
9 special fund to defray the costs of the lake or beach improvement or  
10 maintenance activities. The remainder shall be paid in installments as  
11 provided in a resolution adopted by the county legislative authority,  
12 but the last installment shall be due at least two years before the  
13 maximum term of the bonds issued to pay for the improvements or  
14 maintenance. The installments shall include amounts sufficient to  
15 redeem the bonds issued to pay for the lake or beach improvement and  
16 maintenance activities. A twenty-day period shall be allowed after the  
17 due date of any installment within which no interest, penalty, or costs  
18 on the installment may be imposed.

19 The county shall establish by ordinance an amount of interest that  
20 will be imposed on late special assessments imposed annually or at  
21 once, and on installments of a special assessment. The ordinance shall  
22 also specify the penalty, in addition to the interest, that will be  
23 imposed on a late annual special assessment, special assessment, or  
24 installment which shall not be less than five percent of the delinquent  
25 special assessment or installment.

26 The owner of any lot, tract, parcel of land, or other property  
27 charged with a special assessment may redeem it from all liability for  
28 the unpaid amount of the installments by paying, to the county  
29 treasurer, the remaining portion of the installments that is  
30 attributable to principal on the lake or beach management district  
31 bonds.

32 **Sec. 21.** RCW 36.61.220 and 1985 c 398 s 22 are each amended to  
33 read as follows:

34 Within fifteen days after a county creates a lake or beach  
35 management district, the county shall cause to be filed with the county  
36 treasurer, a description of the lake or beach improvement and

1 maintenance activities proposed that the lake or beach management  
2 district finances, the lake or beach management district number, and a  
3 copy of the diagram or print showing the boundaries of the lake or  
4 beach management district and preliminary special assessment roll or  
5 abstract of same showing thereon the lots, tracts, parcels of land, and  
6 other property that will be specially benefited thereby and the  
7 estimated cost and expense of such lake or beach improvement and  
8 maintenance activities to be borne by each lot, tract, parcel of land,  
9 or other property. The treasurer shall immediately post the proposed  
10 special assessment roll upon his or her index of special assessments  
11 against the properties affected by the lake or beach improvement or  
12 maintenance activities.

13 **Sec. 22.** RCW 36.61.230 and 1985 c 398 s 23 are each amended to  
14 read as follows:

15 The special assessment or annual special assessments imposed upon  
16 the respective lots, tracts, parcels of land, and other property in the  
17 special assessment roll or annual special assessment roll confirmed by  
18 resolution of the county legislative authority for the purpose of  
19 paying the cost and expense in whole or in part of any lake or beach  
20 improvement or maintenance activities shall be a lien upon the property  
21 assessed from the time the special assessment roll is placed in the  
22 hands of the county treasurer for collection, but as between the  
23 grantor and grantee, or vendor and vendee of any real property, when  
24 there is no express agreement as to payment of the special assessments  
25 against the real property, the lien of such special assessments shall  
26 attach thirty days after the filing of the diagram or print and the  
27 estimated cost and expense of such lake or beach improvement or  
28 maintenance activities to be borne by each lot, tract, parcel of land,  
29 or other property, as provided in RCW 36.61.220. Interest and penalty  
30 shall be included in and shall be a part of the special assessment  
31 lien. No lien shall extend to public property subjected to special  
32 assessments.

33 The special assessment lien shall be paramount and superior to any  
34 other lien or encumbrance theretofore or thereafter created except a  
35 lien for general taxes.



1       **Sec. 23.** RCW 36.61.260 and 2000 c 184 s 6 are each amended to read  
2 as follows:

3       (1) Counties may issue lake or beach management district bonds in  
4 accordance with this section. Lake or beach management district bonds  
5 may be issued to obtain money sufficient to cover that portion of the  
6 special assessments that are not paid within the thirty-day period  
7 provided in RCW 36.61.190.

8       Whenever lake or beach management district bonds are proposed to be  
9 issued, the county legislative authority shall create a special fund or  
10 funds for the lake or beach management district from which all or a  
11 portion of the costs of the lake or beach improvement and maintenance  
12 activities shall be paid. Lake or beach management district bonds  
13 shall not be issued in excess of the costs and expenses of the lake or  
14 beach improvement and maintenance activities and shall not be issued  
15 prior to twenty days after the thirty days allowed for the payment of  
16 special assessments without interest or penalties.

17       Lake or beach management district bonds shall be exclusively  
18 payable from the special fund or funds and from a guaranty fund that  
19 the county may have created out of a portion of proceeds from the sale  
20 of the lake or beach management district bonds.

21       (2) Lake or beach management district bonds shall not constitute a  
22 general indebtedness of the county issuing the bond nor an obligation,  
23 general or special, of the state. The owner of any lake or beach  
24 management district bond shall not have any claim for the payment  
25 thereof against the county that issues the bonds except for payment  
26 from the special assessments made for the lake or beach improvement or  
27 maintenance activities for which the lake or beach management district  
28 bond was issued and from a lake or beach management district guaranty  
29 fund that may have been created. The county shall not be liable to the  
30 owner of any lake or beach management district bond for any loss to the  
31 lake or beach management district guaranty fund occurring in the lawful  
32 operation of the fund. The owner of a lake or beach management  
33 district bond shall not have any claim against the state arising from  
34 the lake or beach management district bond, special assessments, or  
35 guaranty fund. Tax revenues shall not be used to secure or guarantee  
36 the payment of the principal of or interest on lake or beach management  
37 district bonds.

1 The substance of the limitations included in this subsection shall  
2 be plainly printed, written, engraved, or reproduced on: (a) Each lake  
3 or beach management district bond that is a physical instrument; (b)  
4 the official notice of sale; and (c) each official statement associated  
5 with the lake or beach management district bonds.

6 (3) If the county fails to make any principal or interest payments  
7 on any lake or beach management district bond or to promptly collect  
8 any special assessment securing the bonds when due, the owner of the  
9 lake or beach management district bond may obtain a writ of mandamus  
10 from any court of competent jurisdiction requiring the county to  
11 collect the special assessments, foreclose on the related lien, and  
12 make payments out of the special fund or guaranty fund if one exists.  
13 Any number of owners of lake or beach management districts may join as  
14 plaintiffs.

15 (4) A county may create a lake or beach management district bond  
16 guaranty fund for each issue of lake or beach management district  
17 bonds. The guaranty fund shall only exist for the life of the lake or  
18 beach management district bonds with which it is associated. A portion  
19 of the bond proceeds may be placed into a guaranty fund. Unused moneys  
20 remaining in the guaranty fund during the last two years of the  
21 installments shall be used to proportionally reduce the required level  
22 of installments and shall be transferred into the special fund into  
23 which installment payments are placed.

24 (5) Lake or beach management district bonds shall be issued and  
25 sold in accordance with chapter 39.46 RCW. The authority to create a  
26 special fund or funds shall include the authority to create accounts  
27 within a fund.

28 **Sec. 24.** RCW 36.61.270 and 1987 c 432 s 11 are each amended to  
29 read as follows:

30 Whenever rates and charges are to be imposed in a lake or beach  
31 management district, the county legislative authority shall prepare a  
32 roll of rates and charges that includes those matters required to be  
33 included in a special assessment roll and shall hold a public hearing  
34 on the proposed roll of rates and charges as provided under RCW  
35 36.61.120 through 36.61.150 for a special assessment roll. The county  
36 legislative authority shall have full jurisdiction and authority to  
37 fix, alter, regulate, and control the rates and charges imposed by a

1 lake or beach management district and may classify the rates or charges  
2 by any reasonable factor or factors, including benefit, use, front  
3 footage, acreage, the extent of improvements on the property, the type  
4 of improvements on the property, uses to which the property is put,  
5 service to be provided, and any other reasonable factor or factors.  
6 The flexibility to establish rates and charges includes the authority  
7 to reduce rates and charges on property owned by low-income persons.

8 Except as provided in this section, the collection of rates and  
9 charges, lien status of unpaid rates and charges, and method of  
10 foreclosing on such liens shall be subject to the provisions of chapter  
11 36.94 RCW. Public property, including state property, shall be subject  
12 to the rates and charges to the same extent that private property is  
13 subject to them, except that liens may not be foreclosed on the public  
14 property, and the procedure for imposing such rates and charges on  
15 state property shall conform with the procedure provided for in chapter  
16 79.44 RCW concerning the imposition of special assessments upon state  
17 property. The total amount of rates and charges cannot exceed the cost  
18 of lake or beach improvement or maintenance activities proposed to be  
19 financed by such rates and charges, as specified in the resolution of  
20 intention. Revenue bonds exclusively payable from the rates and  
21 charges may be issued by the county under chapter 39.46 RCW.

22 **Sec. 25.** RCW 36.94.020 and 1997 c 447 s 11 are each amended to  
23 read as follows:

24 The construction, operation, and maintenance of a system of  
25 sewerage and/or water is a county purpose. Subject to the provisions  
26 of this chapter, every county has the power, individually or in  
27 conjunction with another county or counties to adopt, provide for,  
28 accept, establish, condemn, purchase, construct, add to, operate, and  
29 maintain a system or systems of sanitary and storm sewers, including  
30 outfalls, interceptors, plans, and facilities and services necessary  
31 for sewerage treatment and disposal, and/or system or systems of water  
32 supply within all or a portion of the county. However, counties shall  
33 not have power to condemn sewerage and/or water systems of any  
34 municipal corporation or private utility.

35 Such county or counties shall have the authority to control,  
36 regulate, operate, and manage such system or systems and to provide  
37 funds therefor by general obligation bonds, revenue bonds, local

1 improvement district bonds, utility local improvement district or local  
2 improvement district assessments, and in any other lawful fiscal  
3 manner. Rates or charges for on-site inspection and maintenance  
4 services may not be imposed under this chapter on the development,  
5 construction, or reconstruction of property.

6 Under this chapter, after July 1, 1998, any requirements for  
7 pumping the septic tank of an on-site sewage system should be based,  
8 among other things, on actual measurement of accumulation of sludge and  
9 scum by a trained inspector, trained owner's agent, or trained owner.  
10 Training must occur in a program approved by the state board of health  
11 or by a local health officer.

12 Before adopting on-site inspection and maintenance utility  
13 services, or incorporating residences into an on-site inspection and  
14 maintenance or sewer utility under this chapter, notification must be  
15 provided, prior to the applicable public hearing, to all residences  
16 within the proposed service area that have on-site systems permitted by  
17 the local health officer. The notice must clearly state that the  
18 residence is within the proposed service area and must provide  
19 information on estimated rates or charges that may be imposed for the  
20 service.

21 A county shall not provide on-site sewage system inspection,  
22 pumping services, or other maintenance or repair services under this  
23 section using county employees unless the on-site system is connected  
24 by a publicly owned collection system to the county's sewerage system,  
25 and the on-site system represents the first step in the sewage disposal  
26 process. Nothing in this section shall affect the authority of a state  
27 or local health officer to carry out their responsibilities under any  
28 other applicable law.

29 A county may, as part of a system of sewerage established under  
30 this chapter, provide for, finance, and operate any of the facilities  
31 and services and may exercise the powers expressly authorized for  
32 county storm water, flood control, pollution prevention, and drainage  
33 services and activities under chapters 36.89, 86.12, 86.13, and 86.15  
34 RCW. A county also may provide for, finance, and operate the  
35 facilities and services and may exercise any of the powers authorized  
36 for aquifer protection areas under chapter 36.36 RCW; for lake or beach  
37 management districts under chapter 36.61 RCW; for diking districts, and  
38 diking, drainage, and sewerage improvement districts under chapters

1 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection  
2 districts under chapter 90.72 RCW. However, if a county by reference  
3 to any of those statutes assumes as part of its system of sewerage any  
4 powers granted to such areas or districts and not otherwise available  
5 to a county under this chapter, then (1) the procedures and  
6 restrictions applicable to those areas or districts apply to the  
7 county's exercise of those powers, and (2) the county may not  
8 simultaneously impose rates and charges under this chapter and under  
9 the statutes authorizing such areas or districts for substantially the  
10 same facilities and services, but must instead impose uniform rates and  
11 charges consistent with RCW 36.94.140. By agreement with such an area  
12 or district that is not part of a county's system of sewerage, a county  
13 may operate that area's or district's services or facilities, but a  
14 county may not dissolve any existing area or district except in  
15 accordance with any applicable provisions of the statute under which  
16 that area or district was created.

17 **Sec. 26.** RCW 39.34.190 and 2003 c 327 s 2 are each amended to read  
18 as follows:

19 (1) The legislative authority of a city or county and the governing  
20 body of any special purpose district enumerated in subsection (2) of  
21 this section may authorize up to ten percent of its water-related  
22 revenues to be expended in the implementation of watershed management  
23 plan projects or activities that are in addition to the county's,  
24 city's, or district's existing water-related services or activities.  
25 Such limitation on expenditures shall not apply (~~to additional~~  
26 ~~revenues for watershed plan implementation that are authorized by voter~~  
27 ~~approval under section 5 of this act or~~) to water-related revenues of  
28 a public utility district organized according to Title 54 RCW. Water-  
29 related revenues include rates, charges, and fees for the provision of  
30 services relating to water supply, treatment, distribution, and  
31 management generally, and those general revenues of the local  
32 government that are expended for water management purposes. A local  
33 government may not expend for this purpose any revenues that were  
34 authorized by voter approval for other specified purposes or that are  
35 specifically dedicated to the repayment of municipal bonds or other  
36 debt instruments.

1 (2) The following special purpose districts may exercise the  
2 authority provided by this section:

3 (a) Water districts, sewer districts, and water-sewer districts  
4 organized under Title 57 RCW;

5 (b) Public utility districts organized under Title 54 RCW;

6 (c) Irrigation, reclamation, conservation, and similar districts  
7 organized under Titles 87 and 89 RCW;

8 (d) Port districts organized under Title 53 RCW;

9 (e) Diking, drainage, and similar districts organized under Title  
10 85 RCW;

11 (f) Flood control and similar districts organized under Title 86  
12 RCW;

13 (g) Lake or beach management districts organized under chapter  
14 36.61 RCW;

15 (h) Aquifer protection areas organized under chapter 36.36 RCW; and

16 (i) Shellfish protection districts organized under chapter 90.72  
17 RCW.

18 (3) The authority for expenditure of local government revenues  
19 provided by this section shall be applicable broadly to the  
20 implementation of watershed management plans addressing water supply,  
21 water transmission, water quality treatment or protection, or any other  
22 water-related purposes. Such plans include but are not limited to  
23 plans developed under the following authorities:

24 (a) Watershed plans developed under chapter 90.82 RCW;

25 (b) Salmon recovery plans developed under chapter 77.85 RCW;

26 (c) Watershed management elements of comprehensive land use plans  
27 developed under the growth management act, chapter 36.70A RCW;

28 (d) Watershed management elements of shoreline master programs  
29 developed under the shoreline management act, chapter 90.58 RCW;

30 (e) Nonpoint pollution action plans developed under the Puget Sound  
31 water quality management planning authorities of chapter 90.71 RCW and  
32 chapter 400-12 WAC;

33 (f) Other comprehensive management plans addressing watershed  
34 health at a WRIA level or sub-WRIA basin drainage level;

35 (g) Coordinated water system plans under chapter 70.116 RCW and  
36 similar regional plans for water supply; and

37 (h) Any combination of the foregoing plans in an integrated  
38 watershed management plan.

1 (4) The authority provided by this section to expend revenues for  
2 watershed management plan implementation shall be construed broadly to  
3 include, but not be limited to:

4 (a) The coordination and oversight of plan implementation,  
5 including funding a watershed management partnership for this purpose;

6 (b) Technical support, monitoring, and data collection and  
7 analysis;

8 (c) The design, development, construction, and operation of  
9 projects included in the plan; and

10 (d) Conducting activities and programs included as elements in the  
11 plan.

12 **Sec. 27.** RCW 86.09.151 and 1986 c 278 s 52 are each amended to  
13 read as follows:

14 (1) Said flood control districts shall have full authority to carry  
15 out the objects of their creation and to that end are authorized to  
16 acquire, purchase, hold, lease, manage, improve, repair, occupy, and  
17 sell real and personal property or any interest therein, either inside  
18 or outside the boundaries of the district, to enter into and perform  
19 any and all necessary contracts, to appoint and employ the necessary  
20 officers, agents and employees, to sue and be sued, to exercise the  
21 right of eminent domain, to levy and enforce the collection of special  
22 assessments and in the manner herein provided against the lands within  
23 the district, for district revenues, and to do any and all lawful acts  
24 required and expedient to carry out the purpose of this chapter.

25 (2) In addition to the powers conferred in this chapter and those  
26 in chapter 85.38 RCW, flood control districts may engage in activities  
27 authorized under RCW 36.61.020 for lake or beach management districts  
28 using procedures granted in this chapter and in chapter 85.38 RCW.

29 **Sec. 28.** RCW 35.21.403 and 1985 c 398 s 27 are each amended to  
30 read as follows:

31 Any city or town may establish lake and beach management districts  
32 within its boundaries as provided in chapter 36.61 RCW. When a city or  
33 town establishes a lake or beach management district pursuant to  
34 chapter 36.61 RCW, the term "county legislative authority" shall be  
35 deemed to mean the city or town governing body, the term "county" shall

1 be deemed to mean the city or town, and the term "county treasurer"  
2 shall be deemed to mean the city or town treasurer or other fiscal  
3 officer.

4 NEW SECTION. **Sec. 29.** A new section is added to chapter 43.21A  
5 RCW to read as follows:

6 (1) The department shall, within available funds, provide technical  
7 assistance to community groups and county and city legislative  
8 authorities requesting assistance with the development of beach  
9 management programs. The department shall work with the departments of  
10 fish and wildlife, natural resources, and the Puget Sound partnership  
11 in coordinating agency assistance to community groups and county and  
12 city legislative authorities.

13 (2) The department shall coordinate with relevant state agencies  
14 and marine resources committees established in the area of beach  
15 management districts to provide technical assistance to beach  
16 management districts.

17 (3) The department shall, within available funds, coordinate with  
18 relevant state agencies to provide technical assistance to beach  
19 management districts so that beach management districts are able to  
20 ensure that proposed beach improvement and maintenance plans and  
21 activities of these districts are consistent with applicable federal,  
22 state, and local laws, and federal, state, and local resource  
23 management plans including, but not limited to:

- 24 (a) Shoreline master programs;
- 25 (b) Development regulations adopted to protect critical areas;
- 26 (c) State and federally identified habitat conservation plans and  
27 species recovery plans;
- 28 (d) State marine species management plans; and
- 29 (e) Shoreline and nearshore protection and restoration plans.

30 NEW SECTION. **Sec. 30.** If specific funding for the purposes of  
31 this act, referencing this act by bill or chapter number, is not  
32 provided by June 30, 2008, in the omnibus appropriations act, this act  
33 is null and void.

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