
SENATE BILL 5638

State of Washington

68th Legislature

2023 Regular Session

By Senator Braun

1 AN ACT Relating to lake and beach districts; amending RCW
2 36.61.010, 36.61.020, 36.61.030, 36.61.080, and 36.61.100; and adding
3 a new section to chapter 36.61 RCW.

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

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

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

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

1 and protecting riparian areas. Organic debris, including vegetation,
2 driftwood, seaweed, kelp, and organisms, are extremely important to
3 beach ecosystems.

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

16 (4) It is the purpose of this chapter to establish a governmental
17 mechanism by which property owners can embark on a program of lake or
18 beach improvement and maintenance for their and the general public's
19 benefit, health, and welfare. Property owners in a lake or beach
20 management district are encouraged to form a steering or advisory
21 committee to advise the county legislative authority regarding
22 developing the budget related to the efforts and funds of the lake or
23 beach management district and provide valuable volunteer services for
24 the general improvement and maintenance of the lake or beach
25 management district. Public property, including state property, shall
26 be considered the same as private property in this chapter, except
27 the public property owner is not eligible to vote for or against the
28 formation of a lake or beach management district and liens for
29 special assessments and liens for rates and charges shall not extend
30 to public property. Lake bottom property and marine property below
31 the line of the ordinary high water mark shall not be considered to
32 be benefited, shall not be subject to special assessments or rates
33 and 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 lake or beach management districts to
37 finance: (a) The improvement and maintenance of lakes or beaches
38 located within or partially within the boundaries of the county; and
39 (b) the acquisition of real property or property rights within or

1 outside a lake or beach management district including, by way of
2 example, conservation easements authorized under RCW 64.04.130, and
3 to promote the conservation and stewardship of shorelines as well as
4 the conservation and stewardship of upland properties adjoining lakes
5 or beaches for conservation or for minimal development. All or a
6 portion of a lake or beach and the adjacent land areas may be
7 included within one or more lake or beach management districts. More
8 than one lake or beach, or portions of lakes or beaches, and the
9 adjacent land areas may be included in a single lake or beach
10 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) (a) 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))~~ (i) Controlling or removing aquatic plants and
19 vegetation; ~~((b))~~ (ii) improving water quality; ~~((c))~~ (iii)
20 controlling water levels; ~~((d))~~ (iv) treating and diverting
21 stormwater; ~~((e))~~ (v) controlling agricultural waste; ~~((f))~~ (vi)
22 studying lake or marine water quality problems and solutions; ~~((g))~~
23 (vii) cleaning and maintaining ditches and streams entering the lake
24 or marine waters or leaving the lake; ~~((h))~~ (viii) monitoring air
25 quality; ~~((i))~~ (ix) the acquisition of real property and property
26 rights; and ~~((j))~~ (x) the directly related administrative,
27 engineering, legal, and operational costs, including the costs of
28 creating the lake or beach management district.

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

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

1 derived by the initial full payment of the special assessments, and
2 the installments covering all of the costs related to issuing,
3 selling, and redeeming the lake or beach management district bonds.

4 **Sec. 3.** RCW 36.61.030 and 2014 c 85 s 8 are each amended to read
5 as follows:

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

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

1 district is created, the bond must be returned to the individuals
2 posting the bond and any charges incurred during the creation of the
3 lake or beach management district must be paid by the lake or beach
4 management district from its assessments.

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

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

22 **Sec. 4.** RCW 36.61.080 and 2008 c 301 s 10 are each amended to
23 read as follows:

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

28 "Shall lake management district No. be formed?
29 Yes
30 No"

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

35 "Shall beach management district No. be formed?
36 Yes
37 No"

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

8 **Sec. 5.** RCW 36.61.100 and 2008 c 301 s 12 are each amended to
9 read as follows:

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

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

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

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

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