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SENATE BILL 5865

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Fraser

Read first time 02/18/93. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to conservation futures; and amending RCW  
2 84.34.230, 36.70A.160, 84.34.240, and 84.34.250.

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

4 **Sec. 1.** RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each  
5 amended to read as follows:

6 (1) For the purpose of acquiring conservation futures as well as  
7 other rights and interests in real property pursuant to RCW 84.34.210  
8 and 84.34.220, a county may levy an amount not to exceed six and one-  
9 quarter cents per thousand dollars of assessed valuation against the  
10 assessed valuation of all taxable property within the county, which  
11 levy shall be in addition to that authorized by RCW 84.52.050 and  
12 84.52.043.

13 (2) In addition to the amount authorized under subsection (1) of  
14 this section, a county may levy one and three-fourths cents per  
15 thousand dollars of assessed valuation against the assessed valuation  
16 of all taxable property within the county, which levy shall be in  
17 addition to that authorized by RCW 84.52.050 and 84.52.043. The moneys  
18 from this additional levy may be used solely for the purpose of funding  
19 maintenance and operation of real property, whether owned in less than

1 fee simple or fee simple, and either acquired or of the type eligible  
2 to be acquired under RCW 84.34.210 and 84.34.220.

3 **Sec. 2.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to read  
4 as follows:

5 Each county and city that is required or chooses to prepare a  
6 comprehensive land use plan under RCW 36.70A.040 shall identify open  
7 space corridors within and between urban growth areas. They shall  
8 include lands useful for recreation, wildlife habitat, trails, and  
9 connection of critical areas as defined in RCW 36.70A.030.  
10 Identification of a corridor under this section by a county or city  
11 shall not restrict the use or management of lands within the corridor  
12 for agricultural or forest purposes. Restrictions on the use or  
13 management of such lands for agricultural or forest purposes imposed  
14 after identification solely to maintain or enhance the value of such  
15 lands as a corridor may occur only if the county or city or a nonprofit  
16 conservancy corporation or association acquires sufficient interest to  
17 prevent development of the lands or to control the resource development  
18 of the lands. The requirement for acquisition of sufficient interest  
19 does not include those corridors regulated by the interstate commerce  
20 commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec.  
21 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be  
22 interpreted to alter the authority of the state, or a county or city,  
23 to regulate land use activities.

24 The city or county may acquire by donation or purchase the fee  
25 simple or lesser interests in these open space corridors using funds  
26 authorized by RCW 84.34.230(1) or other sources.

27 **Sec. 3.** RCW 84.34.240 and 1971 ex.s. c 243 s 5 are each amended to  
28 read as follows:

29 Any board of county commissioners may establish by resolution a  
30 special fund which may be termed a conservation futures fund to which  
31 it may credit all taxes levied pursuant to RCW 84.34.230(1) and (2).  
32 Amounts placed in this fund attributable to RCW 84.34.230(1) may be  
33 used solely for the purpose of acquiring rights and interests in real  
34 property pursuant to the terms of RCW 84.34.210 and 84.34.220. Amounts  
35 placed in this fund attributable to RCW 84.34.230(2) may be used solely  
36 for the purpose of funding maintenance and operation of real property,  
37 whether owned in less than fee simple or fee simple, and either

1 acquired or of the type eligible to be acquired under RCW 84.34.210 and  
2 84.34.220 or owned by a nonprofit nature conservancy corporation or  
3 association as defined in RCW 84.34.250. Nothing in this section shall  
4 be construed as limiting in any manner methods and funds otherwise  
5 available to a county for financing the acquisition of such rights and  
6 interests in real property.

7 **Sec. 4.** RCW 84.34.250 and 1975-'76 2nd ex.s. c 22 s 4 are each  
8 amended to read as follows:

9 As used in RCW 84.34.210, (~~(as now or hereafter amended, and RCW)~~)  
10 84.34.220, (~~(as now or hereafter amended)~~) and 84.34.230, "nonprofit  
11 nature conservancy corporation or association" means an organization  
12 which qualifies as being tax exempt under 26 U.S.C. section 501(c) (of  
13 the Internal Revenue Code) as it exists on June 25, 1976 and one which  
14 has as one of its principal purposes the conducting or facilitating of  
15 scientific research; the conserving of natural resources, including but  
16 not limited to biological resources, for the general public; or the  
17 conserving of open spaces, including but not limited to wildlife  
18 habitat to be utilized as public access areas, for the use and  
19 enjoyment of the general public.

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