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**ENGROSSED SUBSTITUTE SENATE BILL 6426**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senate Government Operations & Security (originally sponsored by Senators Conway, Dammeier, Takko, Becker, Mullet, Sheldon, and Chase)

AN ACT Relating to essential public facilities; and adding a new section to chapter 36.70A RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 must identify schools to be sited outside the urban growth area as essential public facilities under RCW 36.70A.200. Not later than one year from the effective date of this section, each county and city planning under RCW 36.70A.040 shall amend its existing process for siting essential public facilities to comply with this section.

(2) Schools may be permitted outside the urban growth area and considered essential public facilities under RCW 36.70A.200 when:

(a) The school is needed to meet student capacity needs in an identified service area which serves students residing in whole or in part outside of an urban growth area, as demonstrated by a capital facilities plan adopted by a locally elected school board of directors;

(b) An inventory of developable land has been conducted and findings have been made that vacant land suitable to site the school is unavailable within the urban growth area and relevant service area, taking into consideration school service area needs, locally adopted educational program requirements, and, to the extent there is vacant land available within the urban growth area, the current zoning and the financial feasibility of using dollars to secure such land;

(c) New infrastructure is provided for and impact fees, if applicable, are established consistent with the requirements of RCW 82.02.050;

(d) Any utility extensions or urban services necessary to serve schools outside the urban growth area are provided for, and are solely dedicated for school purposes;

(e) Transit-oriented site planning and traffic demand management programs are implemented;

(f) Buffers are provided between the school development and adjacent nonurban uses;

(g) Environmental protection has been addressed and provided for;

(h) Development regulations are established to ensure urban growth will not occur in adjacent nonurban areas;

(i) Provisions are made to mitigate impacts on designated agricultural lands, forest lands, and mineral resource lands if the proposed site is located adjacent to such lands; and

(j) The plan for the new school is consistent with the development regulations established for the protection of critical areas by the county pursuant to RCW 36.70A.170.

(3) Each county and city that is planning under RCW 36.70A.040 and subject to this section shall ensure that:

(a) The comprehensive plan specifically identifies policies, consistent with this section, to guide the development of schools as essential public facilities located outside of the urban growth area;

(b) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of new schools, except in areas otherwise designated for urban growth under RCW 36.70A.110;

(c) The county or city ensures that the school development plan is consistent with the development regulations established for critical areas; and

(d) On-site and off-site infrastructure and service impacts are fully considered and mitigated.

(4)(a) This section applies to any county that is required or chooses to plan under RCW 36.70A.040 with a population of at least one hundred fifty thousand and no more than two hundred thousand that abuts at least five other counties.

(b) This section applies to any county that is required or chooses to plan under RCW 36.70A.040 with a population of at least seven hundred thousand and no more than one million one hundred thousand that abuts at least five other counties.

(c) This section applies to any county that is required or chooses to plan under RCW 36.70A.040 with a population of at least eighty thousand and no more than one hundred thousand that abuts at least five other counties.

(d) This section applies to any county that is required or chooses to plan under RCW 36.70A.040 with a population of at least eighty-five thousand and that abuts at least six other counties.

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