

SHB 2427 - H AMD 668

By Representative Taylor

WITHDRAWN 02/16/2016

1 On page 11, after line 2, insert the following:

2 "NEW SECTION. **Sec. 11.** A new section is added to chapter 36.70A
3 RCW to read as follows:

4 (1) Any county that is required or chooses to plan under RCW
5 36.70A.040 shall modernize its process related to siting schools and
6 permit schools outside of urban growth areas when the following
7 criteria are met:

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

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

21 (c) On-site and off-site infrastructure and service impacts are
22 fully considered and mitigated; and

23 (d) Environmental protection has been addressed and provided for.

24 (2) Any county subject to this section shall ensure that the
25 comprehensive plan or development regulations specifically identify
26 policies, consistent with this section, to guide the development of
27 schools located outside of the urban growth boundary.

28 (3) Only the state courts have authority to review causes of
29 action arising from the provisions of this section. State courts
30 shall give substantial deference to the actions of the city or
31 county.

1 **Sec. 12.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to
2 read as follows:

3 (1) The growth management hearings board shall hear and determine
4 only those petitions alleging either:

5 (a) That, except as provided otherwise by this subsection, a
6 state agency, county, or city planning under this chapter is not in
7 compliance with the requirements of this chapter, chapter 90.58 RCW
8 as it relates to the adoption of shoreline master programs or
9 amendments thereto, or chapter 43.21C RCW as it relates to plans,
10 development regulations, or amendments, adopted under RCW 36.70A.040
11 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
12 to hear petitions alleging noncompliance (~~(with RCW 36.70A.5801)~~) for
13 siting a school outside of an urban growth boundary in accordance
14 with section 11 of this act;

15 (b) That the twenty-year growth management planning population
16 projections adopted by the office of financial management pursuant to
17 RCW 43.62.035 should be adjusted;

18 (c) That the approval of a work plan adopted under RCW
19 36.70A.735(1)(a) is not in compliance with the requirements of the
20 program established under RCW 36.70A.710;

21 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
22 regionally applicable and cannot be adopted, wholly or partially, by
23 another jurisdiction;

24 (e) That a department certification under RCW 36.70A.735(1)(c) is
25 erroneous; or

26 (f) That a department determination under RCW 36.70A.060(1)(d) is
27 erroneous.

28 (2) A petition may be filed only by: (a) The state, or a county
29 or city that plans under this chapter; (b) a person who has
30 participated orally or in writing before the county or city regarding
31 the matter on which a review is being requested; (c) a person who is
32 certified by the governor within sixty days of filing the request
33 with the board; or (d) a person qualified pursuant to RCW 34.05.530.

34 (3) For purposes of this section "person" means any individual,
35 partnership, corporation, association, state agency, governmental
36 subdivision or unit thereof, or public or private organization or
37 entity of any character.

38 (4) To establish participation standing under subsection (2)(b)
39 of this section, a person must show that his or her participation

1 before the county or city was reasonably related to the person's
2 issue as presented to the board.

3 (5) When considering a possible adjustment to a growth management
4 planning population projection prepared by the office of financial
5 management, the board shall consider the implications of any such
6 adjustment to the population forecast for the entire state.

7 The rationale for any adjustment that is adopted by the board
8 must be documented and filed with the office of financial management
9 within ten working days after adoption.

10 If adjusted by the board, a county growth management planning
11 population projection shall only be used for the planning purposes
12 set forth in this chapter and shall be known as the "board adjusted
13 population projection." None of these changes shall affect the
14 official state and county population forecasts prepared by the office
15 of financial management, which shall continue to be used for state
16 budget and planning purposes.

17 **Sec. 13.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
18 read as follows:

19 (1) The growth management hearings board shall hear and determine
20 only those petitions alleging either:

21 (a) That, except as provided otherwise by this subsection, a
22 state agency, county, or city planning under this chapter is not in
23 compliance with the requirements of this chapter, chapter 90.58 RCW
24 as it relates to the adoption of shoreline master programs or
25 amendments thereto, or chapter 43.21C RCW as it relates to plans,
26 development regulations, or amendments, adopted under RCW 36.70A.040
27 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
28 to hear petitions alleging noncompliance (~~(with RCW 36.70A.5801)~~) for
29 siting a school outside of an urban growth boundary in accordance
30 with section 11 of this act;

31 (b) That the twenty-year growth management planning population
32 projections adopted by the office of financial management pursuant to
33 RCW 43.62.035 should be adjusted;

34 (c) That the approval of a work plan adopted under RCW
35 36.70A.735(1)(a) is not in compliance with the requirements of the
36 program established under RCW 36.70A.710;

37 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
38 regionally applicable and cannot be adopted, wholly or partially, by
39 another jurisdiction; or

1 (e) That a department certification under RCW 36.70A.735(1)(c) is
2 erroneous.

3 (2) A petition may be filed only by: (a) The state, or a county
4 or city that plans under this chapter; (b) a person who has
5 participated orally or in writing before the county or city regarding
6 the matter on which a review is being requested; (c) a person who is
7 certified by the governor within sixty days of filing the request
8 with the board; or (d) a person qualified pursuant to RCW 34.05.530.

9 (3) For purposes of this section "person" means any individual,
10 partnership, corporation, association, state agency, governmental
11 subdivision or unit thereof, or public or private organization or
12 entity of any character.

13 (4) To establish participation standing under subsection (2)(b)
14 of this section, a person must show that his or her participation
15 before the county or city was reasonably related to the person's
16 issue as presented to the board.

17 (5) When considering a possible adjustment to a growth management
18 planning population projection prepared by the office of financial
19 management, the board shall consider the implications of any such
20 adjustment to the population forecast for the entire state.

21 The rationale for any adjustment that is adopted by the board
22 must be documented and filed with the office of financial management
23 within ten working days after adoption.

24 If adjusted by the board, a county growth management planning
25 population projection shall only be used for the planning purposes
26 set forth in this chapter and shall be known as the "board adjusted
27 population projection." None of these changes shall affect the
28 official state and county population forecasts prepared by the office
29 of financial management, which shall continue to be used for state
30 budget and planning purposes.

31 NEW SECTION. **Sec. 14.** Section 12 of this act expires December
32 31, 2020.

33 NEW SECTION. **Sec. 15.** Section 13 of this act takes effect
34 December 31, 2020."

35 Correct the title.

EFFECT: Adds provisions to the underlying bill that make the following changes to existing law:

(1) Requires counties planning under the Growth Management Act (GMA) to allow schools outside of urban growth areas (UGA) when certain criteria are met, including: (a) The school is needed to meet student capacity needs; (b) vacant land suitable to site the school is unavailable within the UGA and relevant service area; (c) on-site and off-site infrastructure and service impacts are fully considered and mitigated; and (d) environmental protection has been addressed and provided for.

(2) Establishes that only state courts have authority to review causes of action that arise from the siting of a school outside of a UGA in accordance with authority granted by the bill, and requires state courts to give substantial deference to the actions of the city or county.

(3) Modifies the jurisdiction of the Growth Management Hearings Board (Board) in hearing petitions alleging noncompliance under the GMA to provide that the Board is not authorized to hear any petition alleging noncompliance for siting a school outside of a UGA in accordance with provisions of the bill.

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