

ESSB 6426 - H AMD 910

By Representative Appleton

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) A county may choose to identify school developments as
6 essential public facilities on the list of essential public
7 facilities adopted by the county pursuant to RCW 36.70A.200 for the
8 purpose of siting a single school development on rural lands located
9 outside of urban growth areas in accordance with section 2 of this
10 act.

11 (2) As an alternative to identifying and siting a school
12 development as an essential public facility under subsection (1) of
13 this section, a county required or choosing to plan under RCW
14 36.70A.040 may establish, in cooperation with cities as provided in
15 RCW 36.70A.210, a process for reviewing and approving a proposal to
16 site a single school development on rural lands located outside of
17 urban growth areas in accordance with section 2 of this act.

18 (3) For purposes of this section, "school development" means a
19 master planned location for a single public school and school-related
20 activities that:

21 (a) Requires a parcel of land so large that there are no suitable
22 parcels available or found to be developable within an urban growth
23 area;

24 (b) Is needed to serve students located inside the urban growth
25 area; and

26 (c) Is on land owned by the relevant school district on January
27 1, 2016.

28 (4) This section expires July 1, 2021.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
30 RCW to read as follows:

1 (1) A county required or choosing to plan under RCW 36.70A.040
2 may authorize the siting of a school development, as defined in
3 section 1 of this act, outside of an urban growth area and urban
4 services may be provided for the school development if criteria
5 including, but not limited to, the following are met:

6 (a) New infrastructure is paid for by the school district and
7 applicable impact fees are paid;

8 (b) The school development will be served by public facilities,
9 including water systems and storm and sanitary sewer systems,
10 sufficient to meet the facility needs of the school. If any public
11 facility is extended beyond the urban growth area to serve the school
12 development, the public facility may be available to and serve only
13 the specific school development;

14 (c) On-site and off-site infrastructure and service impacts for
15 the county and affected cities are fully considered and mitigated;

16 (d) Transit-oriented site planning and traffic demand management
17 programs required by the city or county are provided by the school
18 district and implemented;

19 (e) Buffers are provided on school-owned property between the
20 school development and adjacent nonurban areas;

21 (f) Environmental protection, including air and water quality, is
22 addressed and provided for;

23 (g) Development regulations are established to ensure that urban
24 growth will not occur in adjacent nonurban areas;

25 (h) Provision is made to mitigate adverse impacts on designated
26 agricultural lands, forestlands, and mineral resource lands;

27 (i) The plan for the school development is consistent with the
28 county's development regulations established for protection of
29 critical areas; and

30 (j) An inventory of developable land has been conducted by a
31 third party and provided to the county, and the county, in approving
32 the school development proposal, determines and makes written
33 findings that land suitable to site the school development is
34 unavailable within the urban growth area.

35 (2) Final approval of an application to site a school development
36 under this section may not be issued until the county amends the
37 comprehensive plan of the county, in accordance with this chapter, to
38 designate the school development site on the land use map. An
39 amendment to the comprehensive plan of the county to designate a
40 school development site in accordance with this section may be

1 considered and adopted at any time during the year, as provided in
2 RCW 36.70A.130(2)(a).

3 (3) This section expires July 1, 2021.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
5 RCW to read as follows:

6 A county that authorizes the siting of a school development
7 outside of an urban growth area under section 2 of this act must
8 comply with this section. If the county subsequently adopts an
9 amendment to its comprehensive plan adjusting the boundaries of the
10 urban growth area or areas designated in the comprehensive plan to
11 include land on which the school development is located, the county
12 must, concurrent with adoption of the amendment, remove land from the
13 designated urban growth area or areas. The total area of land removed
14 from designated urban growth areas must be equal in size to, or
15 greater in size than, the total area of land that is added to urban
16 growth areas by the amendment.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
18 RCW to read as follows:

19 Sections 1 through 3 of this act apply to any county required or
20 choosing to plan under RCW 36.70A.040 that has a population between
21 seven hundred thousand and one million one hundred thousand residents
22 and abuts at least five other counties.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.150
24 RCW to read as follows:

25 The office of the superintendent of public instruction and the
26 department of commerce must implement the following recommendations
27 from the office of the superintendent of public instruction's 2007
28 summit on school planning and siting in Washington:

29 (1) Revise the population projection and enrollment forecast
30 allocation process, codified in WAC 392-343-045, to address
31 inconsistency between population projections by the office of
32 financial management and enrollment projections by the office of the
33 superintendent of public instruction;

34 (2) Revise acreage standards for new schools, codified in WAC
35 392-342-020;

36 (3) Develop policies that favor remodeling existing schools and
37 encourage selection of infill sites for new schools; and

1 (4) Create different standards for rural areas and urban areas.

2 **Sec. 6.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to
3 read as follows:

4 (1)(a) Each comprehensive land use plan and development
5 regulations shall be subject to continuing review and evaluation by
6 the county or city that adopted them. Except as otherwise provided, a
7 county or city shall take legislative action to review and, if
8 needed, revise its comprehensive land use plan and development
9 regulations to ensure the plan and regulations comply with the
10 requirements of this chapter according to the deadlines in
11 subsections (4) and (5) of this section.

12 (b) Except as otherwise provided, a county or city not planning
13 under RCW 36.70A.040 shall take action to review and, if needed,
14 revise its policies and development regulations regarding critical
15 areas and natural resource lands adopted according to this chapter to
16 ensure these policies and regulations comply with the requirements of
17 this chapter according to the deadlines in subsections (4) and (5) of
18 this section. Legislative action means the adoption of a resolution
19 or ordinance following notice and a public hearing indicating at a
20 minimum, a finding that a review and evaluation has occurred and
21 identifying the revisions made, or that a revision was not needed and
22 the reasons therefor.

23 (c) The review and evaluation required by this subsection shall
24 include, but is not limited to, consideration of critical area
25 ordinances and, if planning under RCW 36.70A.040, an analysis of the
26 population allocated to a city or county from the most recent ten-
27 year population forecast by the office of financial management.

28 (d) Any amendment of or revision to a comprehensive land use plan
29 shall conform to this chapter. Any amendment of or revision to
30 development regulations shall be consistent with and implement the
31 comprehensive plan.

32 (2)(a) Each county and city shall establish and broadly
33 disseminate to the public a public participation program consistent
34 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
35 schedules whereby updates, proposed amendments, or revisions of the
36 comprehensive plan are considered by the governing body of the county
37 or city no more frequently than once every year, except that, until
38 December 31, 2015, the program shall provide for consideration of
39 amendments of an urban growth area in accordance with RCW 36.70A.1301

1 once every year. "Updates" means to review and revise, if needed,
2 according to subsection (1) of this section, and the deadlines in
3 subsections (4) and (5) of this section or in accordance with the
4 provisions of subsection (6) of this section. Amendments may be
5 considered more frequently than once per year under the following
6 circumstances:

7 (i) The initial adoption of a subarea plan. Subarea plans adopted
8 under this subsection (2)(a)(i) must clarify, supplement, or
9 implement jurisdiction-wide comprehensive plan policies, and may only
10 be adopted if the cumulative impacts of the proposed plan are
11 addressed by appropriate environmental review under chapter 43.21C
12 RCW;

13 (ii) The development of an initial subarea plan for economic
14 development located outside of the one hundred year floodplain in a
15 county that has completed a state-funded pilot project that is based
16 on watershed characterization and local habitat assessment;

17 (iii) The adoption or amendment of a shoreline master program
18 under the procedures set forth in chapter 90.58 RCW;

19 (iv) The amendment of the capital facilities element of a
20 comprehensive plan that occurs concurrently with the adoption or
21 amendment of a county or city budget; ((~~or~~))

22 (v) The adoption of comprehensive plan amendments necessary to
23 enact a planned action under RCW 43.21C.031(2), provided that
24 amendments are considered in accordance with the public participation
25 program established by the county or city under this subsection
26 (2)(a) and all persons who have requested notice of a comprehensive
27 plan update are given notice of the amendments and an opportunity to
28 comment; or

29 (vi) The amendment of a county comprehensive plan to designate a
30 school development site on the land use map in accordance with
31 section 2(2) of this act.

32 (b) Except as otherwise provided in (a) of this subsection, all
33 proposals shall be considered by the governing body concurrently so
34 the cumulative effect of the various proposals can be ascertained.
35 However, after appropriate public participation a county or city may
36 adopt amendments or revisions to its comprehensive plan that conform
37 with this chapter whenever an emergency exists or to resolve an
38 appeal of a comprehensive plan filed with the growth management
39 hearings board or with the court.

1 (3)(a) Each county that designates urban growth areas under RCW
2 36.70A.110 shall review, according to the schedules established in
3 subsection (5) of this section, its designated urban growth area or
4 areas, and the densities permitted within both the incorporated and
5 unincorporated portions of each urban growth area. In conjunction
6 with this review by the county, each city located within an urban
7 growth area shall review the densities permitted within its
8 boundaries, and the extent to which the urban growth occurring within
9 the county has located within each city and the unincorporated
10 portions of the urban growth areas.

11 (b) The county comprehensive plan designating urban growth areas,
12 and the densities permitted in the urban growth areas by the
13 comprehensive plans of the county and each city located within the
14 urban growth areas, shall be revised to accommodate the urban growth
15 projected to occur in the county for the succeeding twenty-year
16 period. The review required by this subsection may be combined with
17 the review and evaluation required by RCW 36.70A.215.

18 (4) Except as provided in subsection (6) of this section,
19 counties and cities shall take action to review and, if needed,
20 revise their comprehensive plans and development regulations to
21 ensure the plan and regulations comply with the requirements of this
22 chapter as follows:

23 (a) On or before December 1, 2004, for Clallam, Clark, Jefferson,
24 King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and
25 the cities within those counties;

26 (b) On or before December 1, 2005, for Cowlitz, Island, Lewis,
27 Mason, San Juan, Skagit, and Skamania counties and the cities within
28 those counties;

29 (c) On or before December 1, 2006, for Benton, Chelan, Douglas,
30 Grant, Kittitas, Spokane, and Yakima counties and the cities within
31 those counties; and

32 (d) On or before December 1, 2007, for Adams, Asotin, Columbia,
33 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln,
34 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
35 Whitman counties and the cities within those counties.

36 (5) Except as otherwise provided in subsections (6) and (8) of
37 this section, following the review of comprehensive plans and
38 development regulations required by subsection (4) of this section,
39 counties and cities shall take action to review and, if needed,
40 revise their comprehensive plans and development regulations to

1 ensure the plan and regulations comply with the requirements of this
2 chapter as follows:

3 (a) On or before June 30, 2015, and every eight years thereafter,
4 for King, Pierce, and Snohomish counties and the cities within those
5 counties;

6 (b) On or before June 30, 2016, and every eight years thereafter,
7 for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan,
8 Skagit, Thurston, and Whatcom counties and the cities within those
9 counties;

10 (c) On or before June 30, 2017, and every eight years thereafter,
11 for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania,
12 Spokane, and Yakima counties and the cities within those counties;
13 and

14 (d) On or before June 30, 2018, and every eight years thereafter,
15 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays
16 Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,
17 Wahkiakum, Walla Walla, and Whitman counties and the cities within
18 those counties.

19 (6)(a) Nothing in this section precludes a county or city from
20 conducting the review and evaluation required by this section before
21 the deadlines established in subsections (4) and (5) of this section.
22 Counties and cities may begin this process early and may be eligible
23 for grants from the department, subject to available funding, if they
24 elect to do so.

25 (b) A county that is subject to a deadline established in
26 subsection (4)(b) through (d) of this section and meets the following
27 criteria may comply with the requirements of this section at any time
28 within the thirty-six months following the deadline established in
29 subsection (4) of this section: The county has a population of less
30 than fifty thousand and has had its population increase by no more
31 than seventeen percent in the ten years preceding the deadline
32 established in subsection (4) of this section as of that date.

33 (c) A city that is subject to a deadline established in
34 subsection (4)(b) through (d) of this section and meets the following
35 criteria may comply with the requirements of this section at any time
36 within the thirty-six months following the deadline established in
37 subsection (4) of this section: The city has a population of no more
38 than five thousand and has had its population increase by the greater
39 of either no more than one hundred persons or no more than seventeen

1 percent in the ten years preceding the deadline established in
2 subsection (4) of this section as of that date.

3 (d) A county or city that is subject to a deadline established in
4 subsection (4)(d) of this section and that meets the criteria
5 established in (b) or (c) of this subsection may comply with the
6 requirements of subsection (4)(d) of this section at any time within
7 the thirty-six months after the extension provided in (b) or (c) of
8 this subsection.

9 (e) A county that is subject to a deadline established in
10 subsection (5)(b) through (d) of this section and meets the following
11 criteria may comply with the requirements of this section at any time
12 within the twenty-four months following the deadline established in
13 subsection (5) of this section: The county has a population of less
14 than fifty thousand and has had its population increase by no more
15 than seventeen percent in the ten years preceding the deadline
16 established in subsection (5) of this section as of that date.

17 (f) A city that is subject to a deadline established in
18 subsection (5)(b) through (d) of this section and meets the following
19 criteria may comply with the requirements of this section at any time
20 within the twenty-four months following the deadline established in
21 subsection (5) of this section: The city has a population of no more
22 than five thousand and has had its population increase by the greater
23 of either no more than one hundred persons or no more than seventeen
24 percent in the ten years preceding the deadline established in
25 subsection (5) of this section as of that date.

26 (g) State agencies are encouraged to provide technical assistance
27 to the counties and cities in the review of critical area ordinances,
28 comprehensive plans, and development regulations.

29 (7)(a) The requirements imposed on counties and cities under this
30 section shall be considered "requirements of this chapter" under the
31 terms of RCW 36.70A.040(1). Only those counties and cities that meet
32 the following criteria may receive grants, loans, pledges, or
33 financial guarantees under chapter 43.155 or 70.146 RCW:

34 (i) Complying with the deadlines in this section;

35 (ii) Demonstrating substantial progress towards compliance with
36 the schedules in this section for development regulations that
37 protect critical areas; or

38 (iii) Complying with the extension provisions of subsection
39 (6)(b), (c), or (d) of this section.

1 (b) A county or city that is fewer than twelve months out of
2 compliance with the schedules in this section for development
3 regulations that protect critical areas is making substantial
4 progress towards compliance. Only those counties and cities in
5 compliance with the schedules in this section may receive preference
6 for grants or loans subject to the provisions of RCW 43.17.250.

7 (8)(a) Except as otherwise provided in (c) of this subsection, if
8 a participating watershed is achieving benchmarks and goals for the
9 protection of critical areas functions and values, the county is not
10 required to update development regulations to protect critical areas
11 as they specifically apply to agricultural activities in that
12 watershed.

13 (b) A county that has made the election under RCW 36.70A.710(1)
14 may only adopt or amend development regulations to protect critical
15 areas as they specifically apply to agricultural activities in a
16 participating watershed if:

17 (i) A work plan has been approved for that watershed in
18 accordance with RCW 36.70A.725;

19 (ii) The local watershed group for that watershed has requested
20 the county to adopt or amend development regulations as part of a
21 work plan developed under RCW 36.70A.720;

22 (iii) The adoption or amendment of the development regulations is
23 necessary to enable the county to respond to an order of the growth
24 management hearings board or court;

25 (iv) The adoption or amendment of development regulations is
26 necessary to address a threat to human health or safety; or

27 (v) Three or more years have elapsed since the receipt of
28 funding.

29 (c) Beginning ten years from the date of receipt of funding, a
30 county that has made the election under RCW 36.70A.710(1) must review
31 and, if necessary, revise development regulations to protect critical
32 areas as they specifically apply to agricultural activities in a
33 participating watershed in accordance with the review and revision
34 requirements and timeline in subsection (5) of this section. This
35 subsection (8)(c) does not apply to a participating watershed that
36 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's
37 goals and benchmarks for protection have been met."

38 Correct the title.

EFFECT: Strikes all provisions of the underlying engrossed substitute bill and inserts provisions that do the following:

(1) Authorize, until July 1, 2021, counties planning under the Growth Management Act (GMA) that have a population between 700,000 and 1.1 million and abut at least five other counties to either: (a) Identify school developments as essential public facilities for the purpose of siting a single school development on rural lands outside of urban growth areas (UGA); or (b) establish, in cooperation with cities, an alternative process for reviewing and approving a proposal to site a single school development on rural lands located outside of UGAs.

(2) Define "school development" to mean a master planned location for a single public school and school-related activities that: (a) Requires a parcel of land so large that there are no suitable parcels available or found to be developable within an UGA; (b) is needed to serve students inside the UGA; and (c) is on land owned by the relevant school district on January 1, 2016.

(3) Authorize, until July 1, 2021, counties planning under the GMA that have a population between 700,000 and 1.1 million and abut at least five other counties to approve siting of a school development outside of an UGA if certain criteria are met, including that the school development will be served by public facilities such as water and sewer. Also, requires that, if any public facilities are extended beyond the UGA, the facilities are only available to and serve the specific school development.

(4) Require the county, prior to issuing final approval of an application to site a school development, to amend the comprehensive plan of the county to designate the school development site on the land use map.

(5) Amend the GMA to provide that an amendment to the comprehensive plan to designate a school development site on the land use map may be considered and adopted at any time during the year.

(6) Require any county that modifies its UGA boundaries to include land on which a school development, sited in accordance with the bill, is located to remove a total area of land from the UGA that equals the total area of land added.

(7) Require the Office of the Superintendent of Public Instruction (OSPI) and the Department of Commerce to implement specified recommendations from the OSPI's 2007 Summit on School Planning and Siting in Washington.

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