**2427-S AMH TAYL H4416.2 - NOT FOR FLOOR USE**

**SHB 2427** - H AMD **668**

By Representative Taylor

**WITHDRAWN 02/16/2016**

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

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

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

(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 boundary 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 boundary, the current zoning and the financial feasibility of using public dollars to secure such land;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.