H-0117.2

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**HOUSE BILL 1017**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives McCaslin, Barkis, Blake, Holy, Pettigrew, Haler, Taylor, Shea, Harris, Chandler, Smith, Muri, Stokesbary, Nealey, Stambaugh, Griffey, Vick, Buys, Dye, Short, Pike, Wilcox, Van Werven, Hargrove, Young, Klippert, Kilduff, and Sawyer

AN ACT Relating to the siting of schools and school facilities; amending RCW 36.70A.280 and 36.70A.280; adding a new section to chapter 36.70A RCW; creating a new section; providing an effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  INTENT. The legislature recognizes that under Article IX of the Washington state Constitution, it is the paramount duty of the state to make ample provision for K-12 education, which includes creating a framework to support the siting of the schools and school facilities that are needed to serve students. Interpretations of the growth management act have created barriers that provide unequal treatment for urban and rural students. The legislature intends that students should be provided similar educational opportunities regardless if they live in urban, suburban, or rural settings.

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

(1) For counties and cities planning under this chapter, counties, cities, and towns shall prioritize the siting of schools and school facilities.

(2) Schools and school facilities shall be permitted uses in all zones, including but not limited to lands designated as residential, urban, rural, transitional, governmental, and all other zones. Furthermore, these schools may not be required to be sited in industrial zones or on resource lands:

(a) Elementary schools;

(b) Middle or junior high schools;

(c) High schools within the urban area;

(d) School facilities colocated with schools;

(e) School facilities that are not colocated with a school;

(f) Renovation, expansion, modernization, or reconstruction of an existing school, or the addition of the relocatable facilities; or

(g) Conversion of an existing high school into a middle/junior high school or an elementary school through modification, expansion, or renovation.

(3) New high schools or school facilities that are not colocated with a school sited in a rural area shall be conditional uses in all zones, including but not limited to lands designated as residential, urban, rural, transitional, governmental, and all other zones. These schools or facilities may not be required to be sited in industrial zones or on resource lands.

(4) To implement the policy under this section, an amendment to the county's process in accordance with this section is not an amendment to the comprehensive plan for the purposes of RCW 36.70A.130(2) and may be considered at any time. Approval of an application for a school under this section is not an amendment to the comprehensive plan of the county for the purposes of RCW 36.70A.130(2) and may be considered at any time.

(5) Any comprehensive plan or development regulation adopted to implement school siting under this section is not subject to the requirement for compliance with applicable multicounty planning policies and countywide planning policies.

(6) Schools or school facilities sited in the rural area must comply with the following criteria:

(a) New infrastructure is provided for, and the cost of providing new infrastructure is paid for by the school district based on a reasonable nexus to the impact of the school or school facility on infrastructure needs. On-site and off-site infrastructure and service impacts on the county and the affected city must be considered. If applicable, impact fees must be imposed based on the requirements of chapter 82.02 RCW;

(b) Cities or public agencies may extend public facilities to a school or school facility sited in accordance with this section. Public facilities include water systems and sanitary sewer systems sufficient to meet the facility needs of the school; and

(c) Any county siting a school pursuant to this section shall determine, prior to or concurrent with review of an application for a proposed school or school facility, that:

(i) The comprehensive plan includes policies, consistent with this section, to permit the school or school facility to be sited outside of the urban growth area; and

(ii) Critical area, environmental, transit, and transportation concerns are sufficiently addressed in accordance with the comprehensive plan and development regulations and the state environmental policy act checklist.

**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 or school facility in accordance with section 2 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 or school facility in accordance with section 2 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 3 of this act expires December 31, 2020.

NEW SECTION. **Sec.**  Section 4 of this act takes effect December 31, 2020.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**