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**SENATE BILL 5945**

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**State of Washington 65th Legislature 2017 2nd Special Session**

**By** Senators Zeiger, Takko, Miloscia, and Conway

AN ACT Relating to the siting of schools and school 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) This chapter does not prohibit a county planning under RCW 36.70A.040 from authorizing the siting of a school in a rural area that serves students that reside in an urban growth area and does not prohibit local jurisdictions from extending public facilities and utilities to serve a school sited in a rural area so long as the following requirements are met:

(a) The school in a rural area is sited within two miles of the urban growth boundary;

(b) The applicable school district board of directors has adopted a policy addressing school service area and facility needs and educational program requirements;

(c) The applicable school district has made a finding, with the concurrence of the county legislative authority and the legislative authorities of any affected cities, that the district's proposed site is suitable to site the school and any associated recreational facilities that the district has determined cannot reasonably be colocated on an existing school site, taking into consideration the policy adopted in (b) of this subsection and the extent to which vacant or developable land within the growth area meets those requirements;

(d) The county and any affected cities agree to the extension of public facilities and utilities to serve the school sited in a rural area at the time of concurrence in (c) of this subsection;

(e) If the public facility or utility is extended beyond the urban growth area to serve a school, the public facility or utility must serve only the school and the costs of such extension must be borne by the applicable school district based on a reasonable nexus to the impacts of the school, except as provided in subsection (3) of this section; and

(f) Any impacts associated with the siting of the school are mitigated as required by the state environmental policy act, chapter 43.21C RCW.

(2) This chapter does not prohibit either the expansion or modernization of an existing school in the rural area or the placement of portable classrooms at an existing school in the rural area.

(3) Where a public facility or utility has been extended beyond the urban growth area to serve a school, the public facility or utility may, where consistent with RCW 36.70A.110(4), serve a property or properties in addition to the school if a property owner so requests, provided that the county and any affected cities agree with the request and provided that the property is located no further from the public facility or utility than the distance that, if the property were within the urban growth area, the property would be required to connect to the public facility or utility. In such an instance, the school district may, for a period not to exceed twenty years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utilities.

(4) For the purposes of this section, "school" refers to public schools as defined in RCW 28A.150.010.

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