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## Environment Committee

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### HB 1017

**Brief Description:** Addressing the siting of schools and school facilities.

**Sponsors:** 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.

#### Brief Summary of Bill

- Requires schools and school facilities to be permitted uses under the Growth Management Act (GMA) in all land use zones, including lands designated as rural.
- Exempts the siting of schools from certain GMA requirements and provides criteria for siting schools and school facilities in rural areas.
- Provides that the GMA does not authorize the Growth Management Hearings Board to hear petitions alleging noncompliance for siting a school or school facility in accordance with the bill.

**Hearing Date:** 1/12/17

**Staff:** Robert Hatfield (786-7117).

#### **Background:**

##### Growth Management Act - Introduction.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The GMA directs jurisdictions that fully plan under the GMA (planning jurisdictions) to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are implemented through locally-adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA. Comprehensive plans under the GMA must contain a number of required elements, including a rural element that must protect the character of rural areas by guiding development in those areas. Counties and cities that plan under the GMA are required to adopt development regulations that assure the conservation of agricultural, forest, and mineral resource lands.

#### GMA - Planning Goals and Requirements.

For the purpose of guiding the development of comprehensive plans and development regulations, counties and cities must consider various goals set forth in statute. Several goals relate to "public facilities" and "public services," which are defined as including schools and education, respectively:

- *Urban growth:* Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- *Economic development:* Encourage economic development throughout the state, promote economic opportunity, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- *Public facilities and services:* Ensure that those public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

#### GMA - Urban Growth Areas.

Counties that fully plan under the GMA must designate Urban Growth Areas (UGAs), areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

The GMA provides that, in general, it is not appropriate for urban governmental services—such as public services and public facilities at an intensity historically and typically provided in cities—to be extended to or expanded outside of the UGA into rural areas. Extension or expansion may be permitted in limited circumstances where: (1) it is shown to be necessary to protect basic public health and safety and the environment; and (2) when such services are financially supportable at rural densities and do not permit urban development.

### GMA - Timing requirements.

Amendments to a county's or city's comprehensive plan may occur no more frequently than once per year unless certain exceptions apply.

### GMA - Coordination within and between counties.

Counties that plan under the GMA must adopt a countywide planning policy in cooperation with the cities located within the county. Where adjoining counties each have populations of 450,000 or more, such counties must adopt multicounty planning policies, and other counties may choose to adopt multicounty planning policies.

### Growth Management Hearings Board.

The Growth Management Hearings Board was created pursuant to the GMA and has the authority to hear petitions alleging noncompliance with the requirements of the GMA.

### Conditional Uses.

Certain uses within a given land use zone, known as conditional uses, are allowed within a given zone but only after review in accordance with the applicable zoning ordinance.

### **Summary of Bill:**

Counties, cities, and towns that plan under the Growth Management Act (GMA) must prioritize the siting of schools and school facilities. Under the GMA, schools and school facilities are permitted uses in all land use zones, and certain categories of schools may not be required to be sited in industrial zones or on resource lands. New high schools or school facilities that are not co-located with a school sited in a rural zone are conditional uses in all land use zones.

Certain actions taken by counties and cities to allow for the siting of schools are exempt from certain requirements under the GMA. These include:

- An amendment to a county's process to accommodate the siting of a school is exempt from the GMA's requirements concerning the scheduling of comprehensive plan updates and may be considered at any time.
- Approval of an application for the siting of a school is exempt from the GMA's requirements concerning the scheduling of comprehensive plan updates and may be considered at any time.
- The adoption of comprehensive plans and development regulations to permit school siting is exempt from the GMA's requirements concerning compliance with multicounty and countywide planning policies.

Schools or school facilities sited in the rural area must comply with three criteria:

- The cost of providing new infrastructure in connection with the siting of a school must be paid for by the school district based on the facility's impact on infrastructure needs. If applicable, impact fees must be imposed.
- Cities or public agencies may extend public facilities, including water systems and sanitary sewer systems, to a school sited outside the Urban Growth Area.
- Any county siting a school outside the Urban Growth Area must determine that: (1) the comprehensive plan includes policies to permit the school to be sited outside the Urban Growth Area; and (2) critical area, environmental, transit, and transportation concerns are addressed in accordance with both the comprehensive plan and the State Environmental Policy Act checklist.

The GMA does not authorize the Growth Management Hearings Board to hear a petition alleging noncompliance for the siting of a school or school facility outside the Urban Growth Area when certain criteria are met.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill, with the exception of section 4, takes effect 90 days after adjournment of the session in which the bill is passed. Section 4 takes effect December 31, 2020.