

FINAL BILL REPORT

ESHB 1017

PARTIAL VETO C 129 L 17 Synopsis as Enacted

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

Sponsors: House Committee on Environment (originally sponsored 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).

House Committee on Environment
Senate Committee on Early Learning & K-12 Education

Background:

The Growth Management Act.

The Growth Management Act (GMA) is the land use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes additional planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The GMA requires 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.

Planning Goals and Requirements.

When developing comprehensive plans and development regulations, counties and cities must consider various goals. Several goals relate to "public facilities" and "public services," which include schools and education, respectively:

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- *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.

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 may 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.

Under the GMA, it is generally inappropriate 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.

Impact Fees.

Counties and cities planning under the GMA may impose impact fees on development activity as part of the financing of public facilities needed to serve new growth and development.

Additionally, impact fees may only be imposed for system improvements that are reasonably related to the new development, may not exceed a proportionate share of the costs of system improvements, and must be used for system improvements that will reasonably benefit the new development.

Impact fees may be collected and spent only for qualifying public facilities that are included within a capital facilities plan element of a comprehensive plan.

Multicounty Planning Policies.

Multicounty planning policies must be adopted by two or more counties where each county has a population 450,000 or more and with contiguous urban areas. Multicounty planning policies may be adopted by other counties, according to the process established under the GMA, or through other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

Summary:

The GMA does not prohibit a county planning fully under the GMA from authorizing the extension of public facilities and utilities to serve a school sited in a rural area under certain conditions. These conditions are: (a) the school district must have adopted a policy addressing school service area and facility needs and educational program requirements; (b) the school district must have found, with the concurrence of the county and any affected cities, that the 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 account certain factors, including the extent to which there is suitable land available within the growth area that is vacant or developable; (c) the county and any affected cities must agree with the extension of public facilities and utilities to serve the school; (d) if the public facility or utility is extended beyond the UGA 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, with one exception, described below; and (e) any impacts associated with the siting of the school must be mitigated as required by the State Environmental Policy Act (SEPA).

The GMA 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.

A public facility or utility that has been extended beyond the UGA to serve a school may serve properties in addition to the school under two conditions. First, the county and any affected cities must agree that the public facility or utility may serve other properties in addition to the school. Second, the property must be located no further from the public facility or utility than the distance that, if the property were within the UGA, the property would be required to connect to the public facility or utility. Where the public facility or utility serves a property or properties in addition to the school, the school district may, for a period not to exceed 20 years, require reimbursement from such property owners for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utilities.

A county may site in the rural area a school that serves students from an urban area, even where otherwise prohibited by a multicounty planning policy, under certain conditions. These conditions include: (a) the county must have a population greater than 840,000 but less than 1,500,000, and must abut at least six other counties; (b) the county must have adopted in its comprehensive plan a policy concerning the siting of schools in rural areas; (c) impacts associated with the siting of such a school are mitigated as required by the SEPA; and (d) the county must be a participant in a multicounty planning policy.

A multicounty planning policy in which a county that sites a school in the rural area is a participant must be amended, at the next regularly scheduled update of the policy, to include a policy that addresses the siting of school in rural areas.

A school sited in the rural area of a county that is a participant in a multicounty planning policy may not collect or impose impact fees.

In a county that sites a school in the rural area of the county and that is also a participant in a multicounty planning process, the school districts of the county must take certain steps to participate in the county's periodic comprehensive plan updates. These steps include: (a) coordinating enrollment forecasts with the county; (b) identifying school siting criteria with the county, cities, and regional transportation planning organizations; (c) identifying suitable school sites with the county and cities; and (d) working with the county and cities to identify school costs and funding for the comprehensive plan's capital facilities element.

Votes on Final Passage:

House	82	15	
Senate	31	17	(Senate amended)
House	81	15	(House concurred)

Effective: July 23, 2017

Partial Veto Summary: The Governor vetoed the section that allows counties planning fully under the Growth Management Act to authorize the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area.