

SENATE BILL REPORT

SB 5945

As of June 13, 2017

Title: An act relating to the siting of schools and school facilities.

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

Sponsors: Senators Zeiger, Takko, Miloscia and Conway.

Brief History:

Committee Activity: Early Learning & K-12 Education: 6/12/17.

Brief Summary of Bill

- Authorizes a county planning under the Growth Management Act (GMA) to site a school in a rural area that serves students that reside in an urban growth area and authorizes the extension of public facilities and utilities to such a school when certain requirements are met.
- Allows extended public facilities or utilities to serve properties in addition to a school if certain requirements are met.
- Provides that the GMA does not prohibit the expansion or modernization of an existing school in the rural area or the placement of portable classrooms.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Growth Management Act (GMA). The 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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body.

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.

Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

Urban Growth Areas (UGAs). Counties that fully plan under the GMA must designate UGAs, 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 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.

School Siting. In 2015, the capital budget created the Legislative Task Force on School Siting (Task Force). The Task Force reviewed the issue of siting schools inside and outside of UGAs. The Task Force voted on potential recommendations, which included allowing urban services to serve schools in rural areas through utility extensions.

During the 2017 regular session, the Legislature passed ESHB 1017 relating to the siting of schools and school facilities. The Governor vetoed the section of the bill that addressed 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 when certain requirements are met.

Summary of Bill: The GMA does not prohibit a county planning under the GMA 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:

- the school in a rural area is sited within two miles of the urban growth boundary;
- the school district board of directors has adopted a policy addressing school service area and facility needs and educational program requirements;
- the 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, taking into consideration the school district policy and the extent to which vacant or developable land within the UGA meets those requirements;
- the county and any affected cities agree to the extension of public facilities and utilities at the time of concurrence;
- if the public facility or utility is extended beyond the UGA to serve a school, it must serve only the school and the costs of such extension must be borne by the school district based on a reasonable nexus to the impacts of the school, except as provided below; and

- any impacts associated with the siting of the school are mitigated as required by the State Environmental Policy Act.

Where a public facility or utility has been extended beyond the UGA to serve a school, the public facility or utility may 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
- the property is 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.

Additionally, the extension of a public facility or utility must be consistent with current law, which states that extension or expansion of urban governmental services into rural areas is permitted in limited circumstances shown to be necessary to protect basic public health and safety, and the environment and when such services are financially supportable at rural densities and do not permit urban development.

In such an instance, the school district may, for a period not to exceed 20 years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension.

The GMA does not prohibit either the expansion or modernization of an existing school in the rural area or the placement of portable classrooms. School refers to public schools as defined in state law.

Appropriation: None.

Fiscal Note: Requested on June 7, 2017.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Second Special Session 2017): PRO: Many school districts are growing at fast rates and need more schools. For some school districts that are experiencing growth, there are not available sites that are large enough, affordable, and in the right location for new schools. Many students are in portable classrooms. Each school district has its own unique needs and opportunities. This bill would help address these issues while adding a significant restriction on the siting schools by only allowing it within two miles of the urban growth boundary. This bill provides districts flexibility with the siting of schools but still has a planning structure.

CON: Preserving the integrity of the GMA is important. This bill could allow new housing development to follow schools. The size and scope of extended utilities should be limited to serve only schools in rural areas, not additional development. If the extended utility can serve more than the school, there will be pressure to build out, and schools will seek reimbursement. Siting schools outside a UGA increases transportation costs. The bill should establish a determination of need framework for school siting.

OTHER: Certain counties are already able to build schools in rural areas, but they must serve primarily rural students. Parents living within the UGA are not advocating for schools in rural areas. This bill will eradicate the urban growth line. This bill should clarify what concurrence from county and affected cities means. Currently, urban services cannot be extended beyond the UGA, and changing the UGA is very difficult. Rural areas have density protections in place, which lessens the concern for creating dense sprawl areas. This bill will work for most counties, but some counties have already engaged in intense processes in how schools are sited. These counties would like assurances that these processes will be grandfathered in.

Persons Testifying: PRO: Senator Hans Zeiger, Prime Sponsor; Michael Gunn, Everett Public Schools; Marie Sullivan, Pasco, Richland and Moses Lake school districts; Jessica Vavrus, WA State School Directors' Association; Bill Stauffacher, Building Industry Association of Washington; Charlie Brown, Franklin Pierce School District; Krestin Bahr, Eatonville School District.

CON: Bryce Yadon, Futurewise; Deb Merle, Governor's Policy Office; Rob Duff, Governor's Policy Office.

OTHER: Laura Berg, WA State Association of Counties; Dave Mastin, Office of Superintendent of Public Instruction; Kathy George, citizen; Nick Federici, City of Spokane.

Persons Signed In To Testify But Not Testifying: No one.