

# SENATE BILL REPORT

## SB 6269

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As Reported By Senate Committee On:  
Government Operations & Elections, January 30, 2006

**Title:** An act relating to public school facilities.

**Brief Description:** Creating a public school facilities element under the growth management act.

**Sponsors:** Senators Kastama, Pridemore and Kline.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/17/06, 1/30/06 [DPS-WM].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 6269 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Benton, Haugen, Kline, Mulliken and Pridemore.

**Staff:** Genevieve Pisarski (786-7488)

**Background:** In Washington, local governments have jurisdiction over land use planning, but local school districts have jurisdiction over planning and funding for public school facilities. Under the Growth Management Act (GMA), schools are included in the definition of public facilities and, as such, must be included in the land use and capital facilities elements of local comprehensive plans and in identification of lands useful for public purposes. School districts are required to comply with local comprehensive plans. Where a local government elects to assess school impact fees on behalf of a local school district, it adopts the district's capital facilities plan and level of service standards.

As public facilities, schools are subject to the GMA's concurrency goal, under which facilities should be adequate to serve development at the time of occupancy without decreasing locally established levels of service. The Growth Management Hearings Boards have ruled, however, that the concurrency goal as it applies to schools is one of "indirect concurrency" and allows reliance on temporary facilities, because schools are not directly under local government jurisdiction and their funding is complex and subject to the varying requirements of the funding sources, which can include a combination of state grants, local levies, and impact fees.

**Summary of Substitute Bill:** By December 1, 2007, the Department of Community, Trade, and Economic Development (CTED), in coordination with the Office of the Superintendent of Public Instruction (OSPI), will complete a study of how local governments that plan under the GMA and school districts can assure that there will be permanent, nearby school buildings available at the time that enrollment is generated by new residential development. CTED and OSPI will develop recommendations for statutory requirements, funding mechanisms, and

planning processes. The study and recommendations will be presented to the Governor, the Superintendent of Public Instruction, and the Legislature.

The study and recommendations will look at possible changes to GMA goals, comprehensive plan elements, and development regulations, keeping in mind local governments' overall planning objectives and the goal of protecting resource lands; changes to state funding for schools; ways that local governments and school districts use interlocal agreements to coordinate planning; review and enforcement, including rule making, appeals, and sanctions; other alternatives and model processes for coordinated planning; and any other relevant topics. There will be a work group with representatives of Pierce, Clark, Spokane, and other counties, cities, public school districts, private sector groups, educational associations, state agencies, and OSPI.

**Substitute Bill Compared to Original Bill:** The bill as referred to committee was not considered.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** Local governments and school districts need to coordinate their planning, but existing requirements that govern each group and the circumstances in which each operates are very complex. A school district may encompass local governments that assess school impact fees and those that don't. Impact fees should go to permanent, not temporary, facilities, but in the Evergreen district 32 percent of students are in portables. Even when land for schools is available, local money is needed to buy it. The further up front that planning occurs, the better it is for getting land. Joint use and the definition of permanent and modular should be addressed. Funding mechanisms must be addressed, including capital facilities plan requirements, such as allowing 10 years instead of 6, and local matching funds. Realtors should be added to the work group. This proposal furthers the fundamental GMA objectives of comprehensive planning and concurrency; designating land for schools that are close to development is especially important.

**Testimony Against:** None.

**Testimony Other:** Joint planning is happening now in some areas. It should be universal and done in a way that furthers the other planning goals of local governments and school districts. Rural perspective should be included. School facilities should be part of an overall, comprehensive review of the GMA.

**Who Testified:** PRO: Dave Williams, AWC; Kaleen Cottingham, Futurwise; Marcia Fromhold, Clark County School Districts; William T. Panos, OSPI; Vern Veysey, WA Realtors.

OTHER: Nancy Ousley, CTED; Eric Johnson, WSAC.