**6426-S.E AMH APPL H4686.1 - NOT FOR FLOOR USE**

**ESSB 6426** - H AMD **910**

By Representative Appleton

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

(1) A county may choose to identify school developments as essential public facilities on the list of essential public facilities adopted by the county pursuant to RCW 36.70A.200 for the purpose of siting a single school development on rural lands located outside of urban growth areas in accordance with section 2 of this act.

(2) As an alternative to identifying and siting a school development as an essential public facility under subsection (1) of this section, a county required or choosing to plan under RCW 36.70A.040 may establish, in cooperation with cities as provided in RCW 36.70A.210, a process for reviewing and approving a proposal to site a single school development on rural lands located outside of urban growth areas in accordance with section 2 of this act.

(3) For purposes of this section, "school development" means a master planned location for a single public school and school-related activities that:

(a) Requires a parcel of land so large that there are no suitable parcels available or found to be developable within an urban growth area;

(b) Is needed to serve students located inside the urban growth area; and

(c) Is on land owned by the relevant school district on January 1, 2016.

(4) This section expires July 1, 2021.

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

(1) A county required or choosing to plan under RCW 36.70A.040 may authorize the siting of a school development, as defined in section 1 of this act, outside of an urban growth area and urban services may be provided for the school development if criteria including, but not limited to, the following are met:

(a) New infrastructure is paid for by the school district and applicable impact fees are paid;

(b) The school development will be served by public facilities, including water systems and storm and sanitary sewer systems, sufficient to meet the facility needs of the school. If any public facility is extended beyond the urban growth area to serve the school development, the public facility may be available to and serve only the specific school development;

(c) On-site and off-site infrastructure and service impacts for the county and affected cities are fully considered and mitigated;

(d) Transit-oriented site planning and traffic demand management programs required by the city or county are provided by the school district and implemented;

(e) Buffers are provided on school-owned property between the school development and adjacent nonurban areas;

(f) Environmental protection, including air and water quality, is addressed and provided for;

(g) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;

(h) Provision is made to mitigate adverse impacts on designated agricultural lands, forestlands, and mineral resource lands;

(i) The plan for the school development is consistent with the county's development regulations established for protection of critical areas; and

(j) An inventory of developable land has been conducted by a third party and provided to the county, and the county, in approving the school development proposal, determines and makes written findings that land suitable to site the school development is unavailable within the urban growth area.

(2) Final approval of an application to site a school development under this section may not be issued until the county amends the comprehensive plan of the county, in accordance with this chapter, to designate the school development site on the land use map. An amendment to the comprehensive plan of the county to designate a school development site in accordance with this section may be considered and adopted at any time during the year, as provided in RCW 36.70A.130(2)(a).

(3) This section expires July 1, 2021.

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

A county that authorizes the siting of a school development outside of an urban growth area under section 2 of this act must comply with this section. If the county subsequently adopts an amendment to its comprehensive plan adjusting the boundaries of the urban growth area or areas designated in the comprehensive plan to include land on which the school development is located, the county must, concurrent with adoption of the amendment, remove land from the designated urban growth area or areas. The total area of land removed from designated urban growth areas must be equal in size to, or greater in size than, the total area of land that is added to urban growth areas by the amendment.

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

Sections 1 through 3 of this act apply to any county required or choosing to plan under RCW 36.70A.040 that has a population between seven hundred thousand and one million one hundred thousand residents and abuts at least five other counties.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.150 RCW to read as follows:

The office of the superintendent of public instruction and the department of commerce must implement the following recommendations from the office of the superintendent of public instruction's 2007 summit on school planning and siting in Washington:

(1) Revise the population projection and enrollment forecast allocation process, codified in WAC 392-343-045, to address inconsistency between population projections by the office of financial management and enrollment projections by the office of the superintendent of public instruction;

(2) Revise acreage standards for new schools, codified in WAC 392-342-020;

(3) Develop policies that favor remodeling existing schools and encourage selection of infill sites for new schools; and

(4) Create different standards for rural areas and urban areas.

**Sec.**  RCW 36.70A.130 and 2012 c 191 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year, except that, until December 31, 2015, the program shall provide for consideration of amendments of an urban growth area in accordance with RCW 36.70A.1301 once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; ((~~or~~))

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment; or

(vi) The amendment of a county comprehensive plan to designate a school development site on the land use map in accordance with section 2(2) of this act.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsection (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) Except as provided in subsection (6) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before December 1, 2004, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, and every eight years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, and every eight years thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, and every eight years thereafter, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, and every eight years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in subsection (4) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in subsection (4) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(d) A county or city that is subject to a deadline established in subsection (4)(d) of this section and that meets the criteria established in (b) or (c) of this subsection may comply with the requirements of subsection (4)(d) of this section at any time within the thirty-six months after the extension provided in (b) or (c) of this subsection.

(e) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(f) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(g) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW:

(i) Complying with the deadlines in this section;

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or

(iii) Complying with the extension provisions of subsection (6)(b), (c), or (d) of this section.

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ten years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met."

Correct the title.

EFFECT: Strikes all provisions of the underlying engrossed substitute bill and inserts provisions that do the following:

(1) Authorize, until July 1, 2021, counties planning under the Growth Management Act (GMA) that have a population between 700,000 and 1.1 million and abut at least five other counties to either: (a) Identify school developments as essential public facilities for the purpose of siting a single school development on rural lands outside of urban growth areas (UGA); or (b) establish, in cooperation with cities, an alternative process for reviewing and approving a proposal to site a single school development on rural lands located outside of UGAs.

(2) Define "school development" to mean a master planned location for a single public school and school-related activities that: (a) Requires a parcel of land so large that there are no suitable parcels available or found to be developable within an UGA; (b) is needed to serve students inside the UGA; and (c) is on land owned by the relevant school district on January 1, 2016.

(3) Authorize, until July 1, 2021, counties planning under the GMA that have a population between 700,000 and 1.1 million and abut at least five other counties to approve siting of a school development outside of an UGA if certain criteria are met, including that the school development will be served by public facilities such as water and sewer. Also, requires that, if any public facilities are extended beyond the UGA, the facilities are only available to and serve the specific school development.

(4) Require the county, prior to issuing final approval of an application to site a school development, to amend the comprehensive plan of the county to designate the school development site on the land use map.

(5) Amend the GMA to provide that an amendment to the comprehensive plan to designate a school development site on the land use map may be considered and adopted at any time during the year.

(6) Require any county that modifies its UGA boundaries to include land on which a school development, sited in accordance with the bill, is located to remove a total area of land from the UGA that equals the total area of land added.

(7) Require the Office of the Superintendent of Public Instruction (OSPI) and the Department of Commerce to implement specified recommendations from the OSPI's 2007 Summit on School Planning and Siting in Washington.