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## Local Government Committee

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### HB 2377

**Brief Description:** Establishing schools as essential public facilities within the growth management act.

**Sponsors:** Representatives Taylor, Magendanz, Reykdal, Young, Stokesbary, Muri, Condotta, Rossetti, Wilson and Scott.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Modifies the Growth Management Act to specify that all education facilities, not just state education facilities, are essential public facilities for purposes of siting schools under local comprehensive plans and development regulations.</li></ul>
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**Hearing Date:** 2/2/16

**Staff:** Michaela Murdock (786-7289).

**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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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.

The GMA directs jurisdictions that fully plan under the GMA 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.

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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.*

### Comprehensive Plans.

Each comprehensive plan adopted by a county or city must include a plan, scheme, or design for a land use element. The land use element must designate the proposed general distribution, location, and extent of land uses within the jurisdiction including, where appropriate, public facilities. Under the GMA, schools are included within the definition of "public facilities." Similarly, education is included within the definition of "public services."

The comprehensive plan must also include a rural element for lands that are not designated for urban growth, agriculture, forest, or mineral resources. Rural development (development that occurs outside the urban growth area, or designated agricultural, forest, or mineral resource lands) must be permitted in the rural element, and may provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. "Rural governmental services" or "rural services" includes public services and public facilities historically and typically delivered at an intensity usually found in rural areas.

### Essential Public Facilities.

Each county and city must have a process for identifying and siting essential public facilities in their comprehensive plans. Essential public facilities are facilities that are typically difficult to site. They may be publicly or privately owned, a new or existing facility, or a support activity or facility necessary for an essential public facility. The GMA designates a number of facilities that are essential public facilities, including:

- airports;
- state education facilities;
- state or regional transportation facilities;
- regional transit authority facilities;
- state and local correctional facilities;
- solid waste handling facilities;
- in-patient facilities, including substance abuse facilities;
- mental health facilities;
- group homes;
- secure community transition facilities;
- any facility on the state 10-year capital plan maintained by the Office of Financial Management; and
- transportation facilities of statewide significance.

The statutory list, however, is not exhaustive. Counties and cities are encouraged to create their own lists of essential public facilities, which at a minimum must include the facilities identified in the GMA.

When identifying an essential public facility, counties and cities must determine: (1) whether the facility provides or is necessary to provide a public service; and (2) whether the facility is difficult to site. For example, a facility is difficult to site if the public facility needs a specific type of site (due to size, location, availability of public services, etc.) of which there are few choices, or the public facility has, or is generally perceived by the public to have, significant adverse impacts that make it difficult to site.

### Siting Essential Public Facilities.

Comprehensive plans and development regulations may not preclude the siting of essential public facilities. A local jurisdiction may not include criteria in its land use approval process that would allow the essential public facility to be denied, but it may impose reasonable permitting requirements and conditions necessary to mitigate the impacts of the essential public facility. Counties and cities are encouraged to provide for the possibility of siting any type of essential public facility somewhere within the planning area of the county or city.

**Summary of Bill:**

Under the Establishing Essential Educational Facilities Act, created by the bill, the Legislature declares that schools are essential public facilities and its intent for schools to be built in the communities they serve. The GMA is amended to establish that all education facilities, not just state education facilities, are facilities identified in statute as essential public facilities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.