

SENATE BILL REPORT

HB 2243

As Passed Senate, July 1, 2017

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

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

Sponsors: Representatives McCaslin and Barkis.

Brief History: Passed House: 7/01/17, 78-15.

Committee Activity:

Floor Activity:

Third Special Session: Passed Senate: 7/01/17, 30-19.

Brief Summary of Bill

- Authorizes a county planning under the Growth Management Act (GMA) to extend public facilities and utilities to serve a school sited in a rural area that serves rural and urban students when certain requirements are met.
- Allows extended public facilities or utilities to serve properties in addition to a school if certain requirements are met.
- Directs the Department of Commerce to report on schools built outside of urban growth areas.

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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

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.

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. 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 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 so long as the following requirements are met:

- the applicable school district board of directors has adopted a policy addressing school service area and facility needs and educational program requirements;
- the applicable school district has made a finding, with the concurrence of the county and any affected cities, that the district's proposed site is suitable to site the school and any associated recreational facilities that the district has determined cannot reasonably be collocated on an existing school site, 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, the public facility or utility must serve only the school and the costs of such extension

- must be borne by the applicable 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 to the public facility or utility.

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.

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 of the public facility or utility.

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.

By December 1, 2023, the Department of Commerce must report to the Governor and the Legislature about schools that have been built outside of UGAs, are under construction, or are planned as a result of the requirements of this act. The report must include:

- the number, location, and characteristics of the schools;
- the number of urban and rural students served; and
- a cost analysis of schools built outside of urban growth boundaries.

Appropriation: None.

Fiscal Note: Not requested.

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

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