1201-S
Sponsor(s): House (originally sponsored by Representatives Cooper, Wood, Rayburn, Edmondson, Franklin, Haugen, Nealey, Zellinsky, Wynne, Bray, Mitchell, Roland and Ferguson)

Brief Description: Removing references to county classes.

HB 1201-S - DIGEST

(DIGEST AS ENACTED)

Declares the purposes of the act are to eliminate the use of formal county classes, substitute the use of the most current county population figures to distinguish counties, and to amend or repeal old statutes that reference county classes.

VETO MESSAGE ON HB 1201-S
May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 42, 60, and 156, Substitute House Bill No. 1201 entitled:

"AN ACT Relating to
local government."

Section 60 of Substitute House Bill No. 1201 requires all counties that plan and zone to authorize the siting of schools in all areas within their planning jurisdictions by either outright permitted uses or conditional use permits.

The inclusion of this section in the bill is motivated by good intentions -- to remove what some school districts consider as unreasonable county zoning restrictions that apply to school location decisions. School districts are legally obligated to meet the education needs of a growing student population. To meet those needs requires districts to make every effort to acquire land and locate new schools as economically as possible. That is becoming increasingly difficult. Districts are faced with zoning restrictions that are designed to prevent urban sprawl and preserve land for other critical uses. Often these restrictions conflict with the public facility and financial needs and constraints of school districts with growing student populations.

While I agree with and recognize these very legitimate needs and concerns, I am not convinced that the best solution is to exempt the siting of schools from county planning and zoning ordinances with a county's planning jurisdiction, as proposed in section 60.

First, section 60 conflicts with the spirit and intent of the 1990 Growth Management Act. That law gives certain urban counties the primary responsibility of establishing comprehensive plans, which must include regulation of land uses, the siting of public facilities, the location of public utilities, and the designation of rural areas where urban growth should not occur.

Under the Act, counties must also establish urban growth areas within which urban growth will occur and outside of which growth can occur only if it is not urban in nature. Such decisions and plans are to be made with the participation of other affected jurisdictions, including school districts.

To exempt decisions relating to the location of schools, particularly high schools, from such considerations would be to ignore the very real impacts that these large scale public facilities have on overall growth patterns. It would also create a precedent for future exemptions that could further undermine the primary purpose of the Growth Management Act, which I not only strongly support but believe should be strengthened.

Second, section 60 contains ambiguities that could arguably expend its impact beyond what the Legislature may have intended. By simply requiring that "schools" would be a permitted use, the language leaves open the possibility that educational facilities, other than public schools, could also be afforded the same status. I do not think section 60 was designed to apply to proprietary schools, although that is a possible interpretation of the language.

Section 42 amends RCW 35.82.285 by making technical changes relating to county classes. That amendment would conflict with a substantive amendment to the same RCW section continued in section 3 of Engrossed House Bill No. 1740. It is therefore advisable to veto section 42 so that the substantive amendment can take effect without confusion.

Section 156 amends RCW 81.104.040 by making technical changes relating to county classes. An amendment to the same RCW section continuing identical technical changes also appears in Substitute House Bill No. 2151 (section 4). However, Substitute House Bill No. 2151 contains additional substantive amendatory language that cannot be merged with other language in section 156. It is therefore advisable to veto section 156 to avoid a double amendment and ensure that conflicting language does not appear in the code.

For these reasons, I have vetoed sections 42, 60, and 156 of Substitute House Bill No. 1201.

With the exception of sections 42, 60, and 156, Substitute House Bill No. 1201 is approved.

Respectfully submitted,
Booth Gardner
Governor