
SENATE BILL 6269

State of Washington

59th Legislature

2006 Regular Session

By Senators Kastama, Pridemore and Kline

Read first time 01/10/2006. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to public school facilities; amending RCW
2 36.70A.020, 36.70A.070, 36.70A.190, 36.70A.310, and 36.70A.345; and
3 adding a new section to chapter 28A.320 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read
6 as follows:

7 The following goals are adopted to guide the development and
8 adoption of comprehensive plans and development regulations of those
9 counties and cities that are required or choose to plan under RCW
10 36.70A.040. The following goals are not listed in order of priority
11 and shall be used exclusively for the purpose of guiding the
12 development of comprehensive plans and development regulations:

13 (1) Urban growth. Encourage development in urban areas where
14 adequate public facilities and services exist or can be provided in an
15 efficient manner.

16 (2) Reduce sprawl. Reduce the inappropriate conversion of
17 undeveloped land into sprawling, low-density development.

18 (3) Transportation. Encourage efficient multimodal transportation

1 systems that are based on regional priorities and coordinated with
2 county and city comprehensive plans.

3 (4) Housing. Encourage the availability of affordable housing to
4 all economic segments of the population of this state, promote a
5 variety of residential densities and housing types, and encourage
6 preservation of existing housing stock.

7 (5) Economic development. Encourage economic development
8 throughout the state that is consistent with adopted comprehensive
9 plans, promote economic opportunity for all citizens of this state,
10 especially for unemployed and for disadvantaged persons, promote the
11 retention and expansion of existing businesses and recruitment of new
12 businesses, recognize regional differences impacting economic
13 development opportunities, and encourage growth in areas experiencing
14 insufficient economic growth, all within the capacities of the state's
15 natural resources, public services, and public facilities.

16 (6) Property rights. Private property shall not be taken for
17 public use without just compensation having been made. The property
18 rights of landowners shall be protected from arbitrary and
19 discriminatory actions.

20 (7) Permits. Applications for both state and local government
21 permits should be processed in a timely and fair manner to ensure
22 predictability.

23 (8) Natural resource industries. Maintain and enhance natural
24 resource-based industries, including productive timber, agricultural,
25 and fisheries industries. Encourage the conservation of productive
26 forest lands and productive agricultural lands, and discourage
27 incompatible uses.

28 (9) Open space and recreation. Retain open space, enhance
29 recreational opportunities, conserve fish and wildlife habitat,
30 increase access to natural resource lands and water, and develop parks
31 and recreation facilities.

32 (10) Environment. Protect the environment and enhance the state's
33 high quality of life, including air and water quality, and the
34 availability of water.

35 (11) Citizen participation and coordination. Encourage the
36 involvement of citizens in the planning process and ensure coordination
37 between communities and jurisdictions to reconcile conflicts.

1 (12) Public facilities and services. Ensure that those public
2 facilities and services necessary to support development shall be
3 adequate to serve the development at the time the development is
4 available for occupancy and use without decreasing current service
5 levels below (~~locally~~) established minimum standards.

6 (13) Historic preservation. Identify and encourage the
7 preservation of lands, sites, and structures, that have historical or
8 archaeological significance.

9 **Sec. 2.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
10 as follows:

11 The comprehensive plan of a county or city that is required or
12 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
13 and descriptive text covering objectives, principles, and standards
14 used to develop the comprehensive plan. The plan shall be an
15 internally consistent document and all elements shall be consistent
16 with the future land use map. A comprehensive plan shall be adopted
17 and amended with public participation as provided in RCW 36.70A.140.

18 Each comprehensive plan shall include a plan, scheme, or design for
19 each of the following:

20 (1) A land use element designating the proposed general
21 distribution and general location and extent of the uses of land, where
22 appropriate, for agriculture, timber production, housing, commerce,
23 industry, recreation, open spaces, general aviation airports, public
24 utilities, public facilities, and other land uses. The land use
25 element shall include population densities, building intensities, and
26 estimates of future population growth. The land use element shall
27 provide for protection of the quality and quantity of ground water used
28 for public water supplies. Wherever possible, the land use element
29 should consider utilizing urban planning approaches that promote
30 physical activity. Where applicable, the land use element shall review
31 drainage, flooding, and storm water run-off in the area and nearby
32 jurisdictions and provide guidance for corrective actions to mitigate
33 or cleanse those discharges that pollute waters of the state, including
34 Puget Sound or waters entering Puget Sound. The land use element shall
35 clearly identify the land use categories in which public school
36 facilities are an allowable use and shall include sufficient land

1 proximate to residential development to meet the need for schools
2 consistent with the public school facilities element.

3 (2) A housing element ensuring the vitality and character of
4 established residential neighborhoods that: (a) Includes an inventory
5 and analysis of existing and projected housing needs that identifies
6 the number of housing units necessary to manage projected growth; (b)
7 includes a statement of goals, policies, objectives, and mandatory
8 provisions for the preservation, improvement, and development of
9 housing, including single-family residences; (c) identifies sufficient
10 land for housing, including, but not limited to, government-assisted
11 housing, housing for low-income families, manufactured housing,
12 multifamily housing, and group homes and foster care facilities; and
13 (d) makes adequate provisions for existing and projected needs of all
14 economic segments of the community.

15 (3) A capital facilities plan element consisting of: (a) An
16 inventory of existing capital facilities owned by public entities,
17 showing the locations and capacities of the capital facilities; (b) a
18 forecast of the future needs for such capital facilities; (c) the
19 proposed locations and capacities of expanded or new capital
20 facilities; (d) at least a six-year plan that will finance such capital
21 facilities within projected funding capacities and clearly identifies
22 sources of public money for such purposes; and (e) a requirement to
23 reassess the land use element if probable funding falls short of
24 meeting existing needs and to ensure that the land use element, capital
25 facilities plan element, and financing plan within the capital
26 facilities plan element are coordinated and consistent. Park and
27 recreation facilities shall be included in the capital facilities plan
28 element. The capital facilities plan element shall include public
29 school facilities and be consistent with the public school facilities
30 element.

31 (4) A utilities element consisting of the general location,
32 proposed location, and capacity of all existing and proposed utilities,
33 including, but not limited to, electrical lines, telecommunication
34 lines, and natural gas lines.

35 (5) Rural element. Counties shall include a rural element
36 including lands that are not designated for urban growth, agriculture,
37 forest, or mineral resources. The following provisions shall apply to
38 the rural element:

1 (a) Growth management act goals and local circumstances. Because
2 circumstances vary from county to county, in establishing patterns of
3 rural densities and uses, a county may consider local circumstances,
4 but shall develop a written record explaining how the rural element
5 harmonizes the planning goals in RCW 36.70A.020 and meets the
6 requirements of this chapter.

7 (b) Rural development. The rural element shall permit rural
8 development, forestry, and agriculture in rural areas. The rural
9 element shall provide for a variety of rural densities, uses, essential
10 public facilities, and rural governmental services needed to serve the
11 permitted densities and uses. To achieve a variety of rural densities
12 and uses, counties may provide for clustering, density transfer, design
13 guidelines, conservation easements, and other innovative techniques
14 that will accommodate appropriate rural densities and uses that are not
15 characterized by urban growth and that are consistent with rural
16 character.

17 (c) Measures governing rural development. The rural element shall
18 include measures that apply to rural development and protect the rural
19 character of the area, as established by the county, by:

20 (i) Containing or otherwise controlling rural development;

21 (ii) Assuring visual compatibility of rural development with the
22 surrounding rural area;

23 (iii) Reducing the inappropriate conversion of undeveloped land
24 into sprawling, low-density development in the rural area;

25 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
26 surface water and ground water resources; and

27 (v) Protecting against conflicts with the use of agricultural,
28 forest, and mineral resource lands designated under RCW 36.70A.170.

29 (d) Limited areas of more intensive rural development. Subject to
30 the requirements of this subsection and except as otherwise
31 specifically provided in this subsection (5)(d), the rural element may
32 allow for limited areas of more intensive rural development, including
33 necessary public facilities and public services to serve the limited
34 area as follows:

35 (i) Rural development consisting of the infill, development, or
36 redevelopment of existing commercial, industrial, residential, or
37 mixed-use areas, whether characterized as shoreline development,
38 villages, hamlets, rural activity centers, or crossroads developments.

1 (A) A commercial, industrial, residential, shoreline, or mixed-use
2 area shall be subject to the requirements of (d)(iv) of this
3 subsection, but shall not be subject to the requirements of (c)(ii) and
4 (iii) of this subsection.

5 (B) Any development or redevelopment other than an industrial area
6 or an industrial use within a mixed-use area or an industrial area
7 under this subsection (5)(d)(i) must be principally designed to serve
8 the existing and projected rural population.

9 (C) Any development or redevelopment in terms of building size,
10 scale, use, or intensity shall be consistent with the character of the
11 existing areas. Development and redevelopment may include changes in
12 use from vacant land or a previously existing use so long as the new
13 use conforms to the requirements of this subsection (5);

14 (ii) The intensification of development on lots containing, or new
15 development of, small-scale recreational or tourist uses, including
16 commercial facilities to serve those recreational or tourist uses, that
17 rely on a rural location and setting, but that do not include new
18 residential development. A small-scale recreation or tourist use is
19 not required to be principally designed to serve the existing and
20 projected rural population. Public services and public facilities
21 shall be limited to those necessary to serve the recreation or tourist
22 use and shall be provided in a manner that does not permit low-density
23 sprawl;

24 (iii) The intensification of development on lots containing
25 isolated nonresidential uses or new development of isolated cottage
26 industries and isolated small-scale businesses that are not principally
27 designed to serve the existing and projected rural population and
28 nonresidential uses, but do provide job opportunities for rural
29 residents. Rural counties may allow the expansion of small-scale
30 businesses as long as those small-scale businesses conform with the
31 rural character of the area as defined by the local government
32 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also
33 allow new small-scale businesses to utilize a site previously occupied
34 by an existing business as long as the new small-scale business
35 conforms to the rural character of the area as defined by the local
36 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services
37 and public facilities shall be limited to those necessary to serve the

1 isolated nonresidential use and shall be provided in a manner that does
2 not permit low-density sprawl;

3 (iv) A county shall adopt measures to minimize and contain the
4 existing areas or uses of more intensive rural development, as
5 appropriate, authorized under this subsection. Lands included in such
6 existing areas or uses shall not extend beyond the logical outer
7 boundary of the existing area or use, thereby allowing a new pattern of
8 low-density sprawl. Existing areas are those that are clearly
9 identifiable and contained and where there is a logical boundary
10 delineated predominately by the built environment, but that may also
11 include undeveloped lands if limited as provided in this subsection.
12 The county shall establish the logical outer boundary of an area of
13 more intensive rural development. In establishing the logical outer
14 boundary the county shall address (A) the need to preserve the
15 character of existing natural neighborhoods and communities, (B)
16 physical boundaries such as bodies of water, streets and highways, and
17 land forms and contours, (C) the prevention of abnormally irregular
18 boundaries, and (D) the ability to provide public facilities and public
19 services in a manner that does not permit low-density sprawl;

20 (v) For purposes of (d) of this subsection, an existing area or
21 existing use is one that was in existence:

22 (A) On July 1, 1990, in a county that was initially required to
23 plan under all of the provisions of this chapter;

24 (B) On the date the county adopted a resolution under RCW
25 36.70A.040(2), in a county that is planning under all of the provisions
26 of this chapter under RCW 36.70A.040(2); or

27 (C) On the date the office of financial management certifies the
28 county's population as provided in RCW 36.70A.040(5), in a county that
29 is planning under all of the provisions of this chapter pursuant to RCW
30 36.70A.040(5).

31 (e) Exception. This subsection shall not be interpreted to permit
32 in the rural area a major industrial development or a master planned
33 resort unless otherwise specifically permitted under RCW 36.70A.360 and
34 36.70A.365.

35 (6) A transportation element that implements, and is consistent
36 with, the land use element.

37 (a) The transportation element shall include the following
38 subelements:

1 (i) Land use assumptions used in estimating travel;

2 (ii) Estimated traffic impacts to state-owned transportation
3 facilities resulting from land use assumptions to assist the department
4 of transportation in monitoring the performance of state facilities, to
5 plan improvements for the facilities, and to assess the impact of land-
6 use decisions on state-owned transportation facilities;

7 (iii) Facilities and services needs, including:

8 (A) An inventory of air, water, and ground transportation
9 facilities and services, including transit alignments and general
10 aviation airport facilities, to define existing capital facilities and
11 travel levels as a basis for future planning. This inventory must
12 include state-owned transportation facilities within the city or
13 county's jurisdictional boundaries;

14 (B) Level of service standards for all locally owned arterials and
15 transit routes to serve as a gauge to judge performance of the system.
16 These standards should be regionally coordinated;

17 (C) For state-owned transportation facilities, level of service
18 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
19 to gauge the performance of the system. The purposes of reflecting
20 level of service standards for state highways in the local
21 comprehensive plan are to monitor the performance of the system, to
22 evaluate improvement strategies, and to facilitate coordination between
23 the county's or city's six-year street, road, or transit program and
24 the department of transportation's six-year investment program. The
25 concurrency requirements of (b) of this subsection do not apply to
26 transportation facilities and services of statewide significance except
27 for counties consisting of islands whose only connection to the
28 mainland are state highways or ferry routes. In these island counties,
29 state highways and ferry route capacity must be a factor in meeting the
30 concurrency requirements in (b) of this subsection;

31 (D) Specific actions and requirements for bringing into compliance
32 locally owned transportation facilities or services that are below an
33 established level of service standard;

34 (E) Forecasts of traffic for at least ten years based on the
35 adopted land use plan to provide information on the location, timing,
36 and capacity needs of future growth;

37 (F) Identification of state and local system needs to meet current

1 and future demands. Identified needs on state-owned transportation
2 facilities must be consistent with the statewide multimodal
3 transportation plan required under chapter 47.06 RCW;

4 (iv) Finance, including:

5 (A) An analysis of funding capability to judge needs against
6 probable funding resources;

7 (B) A multiyear financing plan based on the needs identified in the
8 comprehensive plan, the appropriate parts of which shall serve as the
9 basis for the six-year street, road, or transit program required by RCW
10 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
11 for public transportation systems. The multiyear financing plan should
12 be coordinated with the (~~six-year~~) ten-year improvement program
13 developed by the department of transportation as required by RCW
14 47.05.030;

15 (C) If probable funding falls short of meeting identified needs, a
16 discussion of how additional funding will be raised, or how land use
17 assumptions will be reassessed to ensure that level of service
18 standards will be met;

19 (v) Intergovernmental coordination efforts, including an assessment
20 of the impacts of the transportation plan and land use assumptions on
21 the transportation systems of adjacent jurisdictions;

22 (vi) Demand-management strategies;

23 (vii) Pedestrian and bicycle component to include collaborative
24 efforts to identify and designate planned improvements for pedestrian
25 and bicycle facilities and corridors that address and encourage
26 enhanced community access and promote healthy lifestyles.

27 (b) After adoption of the comprehensive plan by jurisdictions
28 required to plan or who choose to plan under RCW 36.70A.040, local
29 jurisdictions must adopt and enforce ordinances which prohibit
30 development approval if the development causes the level of service on
31 a locally owned transportation facility to decline below the standards
32 adopted in the transportation element of the comprehensive plan, unless
33 transportation improvements or strategies to accommodate the impacts of
34 development are made concurrent with the development. These strategies
35 may include increased public transportation service, ride sharing
36 programs, demand management, and other transportation systems
37 management strategies. For the purposes of this subsection (6)
38 "concurrent with the development" shall mean that improvements or

1 strategies are in place at the time of development, or that a financial
2 commitment is in place to complete the improvements or strategies
3 within six years.

4 (c) The transportation element described in this subsection (6),
5 and the six-year plans required by RCW 35.77.010 for cities, RCW
6 36.81.121 for counties, and the ten-year plan required by RCW
7 35.58.2795 for public transportation systems, and RCW 47.05.030 for the
8 state, must be consistent.

9 (7) An economic development element establishing local goals,
10 policies, objectives, and provisions for economic growth and vitality
11 and a high quality of life. The element shall include: (a) A summary
12 of the local economy such as population, employment, payroll, sectors,
13 businesses, sales, and other information as appropriate; (b) a summary
14 of the strengths and weaknesses of the local economy defined as the
15 commercial and industrial sectors and supporting factors such as land
16 use, transportation, utilities, education, work force, housing, and
17 natural/cultural resources; and (c) an identification of policies,
18 programs, and projects to foster economic growth and development and to
19 address future needs. A city that has chosen to be a residential
20 community is exempt from the economic development element requirement
21 of this subsection.

22 (8) A park and recreation element that implements, and is
23 consistent with, the capital facilities plan element as it relates to
24 park and recreation facilities. The element shall include: (a)
25 Estimates of park and recreation demand for at least a ten-year period;
26 (b) an evaluation of facilities and service needs; and (c) an
27 evaluation of intergovernmental coordination opportunities to provide
28 regional approaches for meeting park and recreational demand.

29 (9) A public school facilities element to implement in respect to
30 public school facilities the goal established in RCW 36.70A.020(12).
31 As provided in this subsection, a county or city shall, in conjunction
32 with each school district within whose boundaries any part of the
33 county or city is located, establish level of service standards for
34 public school facilities that serve the residential uses in the land
35 use element and provide that the level of service standards will be
36 achieved and maintained.

37 (a) To implement the public school facilities element, a county or
38 city shall enter into an interlocal agreement with the board of

1 directors of each school district within whose boundaries any part of
2 the county or city is located to establish jointly the specific ways in
3 which the plans and processes of the county or city and the school
4 district are to be coordinated. The county and cities and the school
5 district board of directors in each school district are encouraged to
6 adopt a single interlocal agreement to which all join as parties. At
7 a minimum, the interlocal agreement must include the following:

8 (i) A process by which each county and city and the school district
9 agree and base their plans on consistent projections of the amount,
10 type, and distribution of population growth and student enrollment;

11 (ii) A process to coordinate school district planning for existing
12 and future public school facilities, including funding, with county and
13 city planning for residential development and redevelopment;

14 (iii) A process for the school district to inform the county and
15 cities regarding school capacity and level of service standards adopted
16 by the school district and for the county or city to adopt in the land
17 use element level of service standards for public school facilities
18 that serve the residential uses in the land use element;

19 (iv) A process to determine the need for and the timing of on-site
20 and offsite improvements to support new schools and proposed expansion
21 or redevelopment of existing schools. The process must address
22 identification of the party or parties responsible for the improvements
23 and the source or sources of funding;

24 (v) A process for the school district to review and comment on the
25 effect of proposed comprehensive plan amendments, development
26 regulations, and project permit applications affecting residential
27 development within the boundaries of the school district;

28 (vi) A process for determining where and how joint use of school
29 district and county or city facilities can be shared for mutual benefit
30 and efficiency;

31 (vii) A procedure for the resolution of disputes between the school
32 district and each county or city; and

33 (viii) An oversight process, including public participation, for
34 the implementation of the interlocal agreement.

35 (b) The public school facilities element shall demonstrate that the
36 comprehensive plan and development regulations necessary to implement
37 the comprehensive plan provide that permanent public school facility

1 space to serve enrollment generated by residential development at the
2 adopted level of service will be located proximate to the development
3 and will be in place at the time that the enrollment is projected.

4 (c) The public school facilities element required in this
5 subsection, including the interlocal agreement and any development
6 regulations that implement the element, must be adopted no later than
7 December 1, 2008, and submitted to the department for review according
8 to the schedule adopted by the department.

9 (10) It is the intent that new or amended elements required after
10 January 1, 2002, be adopted concurrent with the scheduled update
11 provided in RCW 36.70A.130. Requirements to incorporate any such new
12 or amended elements shall be null and void until funds sufficient to
13 cover applicable local government costs are appropriated and
14 distributed by the state at least two years before local government
15 must update comprehensive plans as required in RCW 36.70A.130. This
16 subsection does not apply to requirements relating to public school
17 facilities in subsections (1), (3), and (9) of this section.

18 **Sec. 3.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to
19 read as follows:

20 (1) The department shall establish a program of technical and
21 financial assistance and incentives to counties and cities to encourage
22 and facilitate the adoption and implementation of comprehensive plans
23 and development regulations throughout the state.

24 (2) The department shall develop a priority list and establish
25 funding levels for planning and technical assistance grants both for
26 counties and cities that plan under RCW 36.70A.040. Priority for
27 assistance shall be based on a county's or city's population growth
28 rates, commercial and industrial development rates, the existence and
29 quality of a comprehensive plan and development regulations, and other
30 relevant factors.

31 (3) The department shall develop and administer a grant program to
32 provide direct financial assistance to counties and cities for the
33 preparation of comprehensive plans under this chapter. The department
34 may establish provisions for county and city matching funds to conduct
35 activities under this subsection. Grants may be expended for any
36 purpose directly related to the preparation of a county or city
37 comprehensive plan as the county or city and the department may agree,

1 including, without limitation, the conducting of surveys, inventories
2 and other data gathering and management activities, the retention of
3 planning consultants, contracts with regional councils for planning and
4 related services, and other related purposes.

5 (4) The department shall establish a program of technical
6 assistance:

7 (a) Utilizing department staff, the staff of other state agencies,
8 and the technical resources of counties and cities to help in the
9 development of comprehensive plans required under this chapter. The
10 technical assistance may include, but not be limited to, model land use
11 ordinances, regional education and training programs, and information
12 for local and regional inventories; and

13 (b) Adopting by rule procedural criteria to assist counties and
14 cities in adopting comprehensive plans and development regulations that
15 meet the goals and requirements of this chapter. These criteria shall
16 reflect regional and local variations and the diversity that exists
17 among different counties and cities that plan under this chapter.

18 (5) The department shall provide mediation services to resolve
19 disputes between counties and cities regarding, among other things,
20 coordination of regional issues and designation of urban growth areas.

21 (6) The department shall provide planning grants to enhance citizen
22 participation under RCW 36.70A.140.

23 (7) The department shall adopt by rule minimum criteria and a
24 schedule for the review and determination of compliance of a public
25 school facilities element adopted and submitted for review by a city or
26 county under RCW 36.70A.070. The department shall be available to
27 informally assist with and comment on public school facilities elements
28 prior to their adoption and submittal, including (a) making available
29 model interlocal agreements meeting the requirements of RCW 36.70A.070,
30 and (b) notifying counties and cities that plan under RCW 36.70A.040
31 and corresponding school districts of the requirements of RCW
32 36.70A.070.

33 **Sec. 4.** RCW 36.70A.310 and 1994 c 249 s 32 are each amended to
34 read as follows:

35 A request for review by the state to a growth management hearings
36 board may be made only by the governor, or with the governor's consent
37 the head of an agency, or by the commissioner of public lands as

1 relating to state trust lands, for the review of whether: (1) A county
2 or city that is required or chooses to plan under RCW 36.70A.040 has
3 failed to adopt a comprehensive plan or development regulations, or
4 county-wide planning policies within the time limits established by
5 this chapter; ~~((or))~~ (2) a county or city that is required or chooses
6 to plan under this chapter has adopted a comprehensive plan,
7 development regulations, or county-wide planning policies, that are not
8 in compliance with the requirements of this chapter; or (3) a county or
9 city that is required or chooses to plan under RCW 36.70A.040 has
10 failed to comply with public school facilities requirements under RCW
11 36.70A.070(9), including an interlocal agreement and implementing
12 development regulations.

13 **Sec. 5.** RCW 36.70A.345 and 1994 c 249 s 33 are each amended to
14 read as follows:

15 The governor may impose a sanction or sanctions specified under RCW
16 36.70A.340 on: (1) A county or city that fails to designate critical
17 areas, agricultural lands, forest lands, or mineral resource lands
18 under RCW 36.70A.170 by the date such action was required to have been
19 taken; (2) a county or city that fails to adopt development regulations
20 under RCW 36.70A.060 protecting critical areas or conserving
21 agricultural lands, forest lands, or mineral resource lands by the date
22 such action was required to have been taken; (3) a county that fails to
23 designate urban growth areas under RCW 36.70A.110 by the date such
24 action was required to have been taken; ~~((and))~~ (4) a county or city
25 that fails to adopt its comprehensive plan or development regulations
26 when such actions are required to be taken; or (5) a county or city
27 that is required or chooses to plan under RCW 36.70A.040 and has failed
28 to comply with public school facilities requirements under RCW
29 36.70A.070(9), including an interlocal agreement and implementing
30 development regulations.

31 Imposition of a sanction or sanctions under this section shall be
32 preceded by written findings by the governor, that either the county or
33 city is not proceeding in good faith to meet the requirements of the
34 act; or that the county or city has unreasonably delayed taking the
35 required action. The governor shall consult with and communicate his
36 or her findings to the appropriate growth management hearings board
37 prior to imposing the sanction or sanctions. For those counties or

1 cities that are not required to plan or have not opted in, the governor
2 in imposing sanctions shall consider the size of the jurisdiction
3 relative to the requirements of this chapter and the degree of
4 technical and financial assistance provided.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320
6 RCW to read as follows:

7 No later than December 1, 2008, the board of directors of each
8 school district within whose boundaries is located any part of a county
9 or city that is required or chooses to plan under RCW 36.70A.040 shall
10 enter into an interlocal agreement with that county or city to
11 establish jointly the specific ways in which the plans and processes of
12 the county or city and the school district are to be coordinated. The
13 school district board of directors and the county and cities in each
14 school district are encouraged to adopt a single interlocal agreement
15 to which all join as parties. At a minimum, the interlocal agreement
16 must include the following:

17 (1) A process by which each county and city and the school district
18 agree and base their plans on consistent projections of the amount,
19 type, and distribution of population growth and student enrollment;

20 (2) A process to coordinate school district planning for existing
21 and future public school facilities, including funding, with county and
22 city planning for residential development and redevelopment;

23 (3) A process for the school district to inform the county and
24 cities regarding school capacity and level of service standards adopted
25 by the school district and for the county or city to adopt in the land
26 use element level of service standards for public school facilities
27 that serve the residential uses in the land use element;

28 (4) A process to determine the need for and the timing of on-site
29 and offsite improvements to support new schools and proposed expansion
30 or redevelopment of existing schools. The process must address
31 identification of the party or parties responsible for the improvements
32 and the source or sources of funding;

33 (5) A process for the school district to review and comment on the
34 effect of proposed comprehensive plan amendments, development
35 regulations, and project permit applications affecting residential
36 development;

1 (6) A process for determining where and how joint use of school
2 district and county or city facilities can be shared for mutual benefit
3 and efficiency;

4 (7) A procedure for the resolution of disputes between the school
5 district and each county or city; and

6 (8) An oversight process, including an opportunity for public
7 participation, for the implementation of the interlocal agreement.

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