
Local Government Committee

HB 2499

Brief Description: Permitting school siting outside of urban growth areas.

Sponsors: Representatives Wilcox, Morrell, Zeiger, Green and Buys.

Brief Summary of Bill

- Requires counties that have a population of at least 500,000, about at least five other counties, and are required or choose to plan under the Growth Management Act (GMA), to permit schools outside of designated urban growth areas (UGA) when specified criteria are met.
- Establishes planning actions that counties must satisfy in complying with the requirement to permit schools outside of UGAs.

Hearing Date: 1/29/14

Staff: Michaela Murdock (786-7289).

Background:

Growth Management Act - Introduction and Selected Planning Requirements.

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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

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 also requires planning jurisdictions to identify lands useful for public purposes. Examples of these lands include lands used for utility corridors, sewage treatment facilities, and schools.

Urban Growth Areas.

Counties that fully plan under the GMA must designate urban growth areas (UGAs), areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Fully planning counties and each city within these counties must include within their UGAs, areas and densities that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period. As part of this planning process, each city within the county must include areas sufficient 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 UGA provisions in the GMA specify that, in general, it is not appropriate for urban governmental services to be extended to or expanded in 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. The term "urban governmental services," is defined in the GMA as including public services and public facilities at an intensity historically and typically provided in cities. "Public facilities," as defined in the GMA, includes, among other facilities, streets, domestic water systems, and schools.

Summary of Bill:

Certain counties are required to permit schools outside of UGAs when specified criteria are met. Such counties are counties with a population of at least 500,000 that abut at least five other counties and either are required to plan or choose to plan under the GMA.

The specified criteria include:

- the school is needed to meet identified student capacity needs;
- vacant land suitable to site the school is unavailable within the UGA and relevant service area;
- new infrastructure is provided for and impact fees, if applicable, are established;
- transit-oriented site planning and traffic demand management programs are implemented;
- buffers are provided between the school development and adjacent nonurban uses;
- environmental protection has been addressed;
- development regulations ensure urban growth will not occur in adjacent nonurban areas;
- impacts on designated agricultural lands, forest land, and mineral resource land will be mitigated, if applicable; and
- the plan for the new school is consistent with development regulations established for the protection of critical areas by the county.

Counties that must permit a school outside a UGA must also ensure that specified planning actions are met. For example, the county must identify policies to guide the development of a school outside the UGA, and must restrict new urban or suburban land uses in the vicinity of the school, except as otherwise appropriately designated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.