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**HOUSE BILL 2586**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Reykdal, Magendanz, Haler, Hargrove, Rossetti, Van De Wege, Muri, S. Hunt, and Springer

AN ACT Relating to siting common schools; adding a new section to chapter 36.70A RCW; adding a new section to chapter 28A.315 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that common schools should be located near the communities that they serve. It is in the best interests of students, parents, and communities that students spend a minimum amount of time traveling to and from schools. Limiting the amount of time that students spend on buses and providing safe routes that students can use to walk and bike to and from school will contribute to the health and engagement of students, parents, and the community. Moreover, the legislature finds that school districts are facing challenges in meeting their obligation to provide all-day kindergarten and 17:1 class size ratios for kindergarten through third grade in part due to current school facility constraints.

While siting schools within the urban growth area is preferred and all school districts should endeavor to site schools within the boundaries of urban growth areas in accordance with existing local, regional, and state planning policies, the legislature intends to assist school districts in addressing the convergence of multiple policies and obligations by authorizing for a period of ten years the siting of schools in areas located outside of urban growth areas.

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

(1) Until July 1, 2026, any county that is required or chooses to plan under RCW 36.70A.040 must allow school districts to site common schools, as that term is defined in RCW 28A.150.020, on lands located outside of urban growth areas when the criteria set forth in subsection (2) of this section are met. For any school facility that a school district sites outside of an urban growth area, as provided in this section, the county must allow public services and public facilities sufficient to meet the facility needs of the school to extend beyond the urban growth area.

(2) A school district must show that the following criteria has been met before a school may be sited outside of an urban growth area under subsection (1) of this section:

(a) The school is needed to meet student capacity needs in an identified service area that serves students residing in whole or in part outside of an urban growth area, as demonstrated by a capital facilities plan adopted by a locally elected school board of directors;

(b) The school district has conducted an inventory of developable land and determined that vacant land suitable to site the school is unavailable within the urban growth area and relevant service area, taking into consideration school service area needs, locally adopted educational program requirements, and to the extent that there is vacant land available within the urban growth boundary, the current zoning and the financial feasibility of using public dollars to secure such land;

(c) New infrastructure is planned and will be paid for by the school district, and impact fees, if applicable, are established consistent with the requirements of RCW 82.02.050. The extension of any public facility beyond an urban growth area to serve the school will be limited to those facilities necessary to serve the school facility and will be provided only in a manner that does not permit low-density sprawl;

(d) Service levels for transportation facilities serving the school and impacted by the school are considered and mitigated, including sidewalks, bike paths, and roads;

(e) The plan for the new school is consistent with the development regulations established by the county for the protection of critical areas pursuant to RCW 36.70A.170;

(f) An open record public hearing on siting the school is held by the school district with notice published at least thirty days before the hearing date and mailed to all property owners within one mile of the proposed site; and

(g) Other criteria relevant to the development regulations, planning goals, and unique local circumstances of the county are considered.

(3) Any county subject to this section shall ensure that:

(a) The comprehensive plan specifically identifies policies, consistent with this section, to guide the development of schools located outside of the urban growth boundary;

(b) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the new school, except in areas otherwise designated for urban growth under RCW 36.70A.110;

(c) The county ensures that the school development plan is consistent with the development regulations established for critical areas; and

(d) On-site and off-site infrastructure and service impacts are fully considered and mitigated.

(4)(a) After July 1, 2016, any county planning under RCW 36.70A.140 must incorporate a school capital facilities plan for each school district with service area in the county into the county's comprehensive plan when it reviews and revises its comprehensive plan and development regulations in accordance with RCW 36.70A.130. Counties and school districts must work together to integrate the school capital facilities plan into the comprehensive plan.

(b) Nothing in this subsection (4) modifies the authority of a school district to amend a school capital facilities plan that has been incorporated, as required by (a) of this subsection, into the comprehensive plan of the county before the next periodic review and revision of the county's comprehensive plan. A school district may amend a school capital facilities plan at any time in accordance with applicable law and administrative rules. The school district must transmit any proposed amendment to the county for review and comment prior to adoption.

NEW SECTION. **Sec.**  (1) The joint legislative audit and review committee shall review the impacts of schools that are sited outside of urban growth areas under the authority provided by this act. In conducting the review, the committee shall examine:

(a) Each instance in which a school was sited outside of the urban growth area and the factors, costs, and other criteria considered by the school district and county in siting the school;

(b) Whether legislative intent has been achieved in the siting of each school, such as the goals of locating schools in communities they serve, reducing the amount of time students travel to and from school, providing students safe routes for walking or biking to school, and assisting school districts in providing all-day kindergarten and 17:1 class size ratios for kindergarten through third grade;

(c) Whether and to what extent each school has contributed to sprawl or urban growth in areas outside of the urban growth area; and

(d) The impacts of extending public services and public facilities outside of urban growth areas to serve each school, including examining the costs, whether the public services and public facilities serve any inhabitants outside of the urban growth area other than the school, and whether extension of public services and public facilities has contributed to urban growth outside of the urban growth area.

(2) The joint legislative audit and review committee shall submit a report of its review to the legislature by November 1, 2024.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.315 RCW to read as follows:

School districts may site common schools in accordance with section 2 of this act.

NEW SECTION. **Sec.**  This act expires July 1, 2026.

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