

ESSB 6426 - H AMD 936

By Representative Appleton

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** In enacting this legislation, it is the
4 intent of the legislature to assist school districts in addressing
5 current school siting challenges by establishing pilot projects in
6 two counties, one in western Washington and one in eastern
7 Washington, for a period of ten years. The legislature intends for
8 one school project in each of the two counties to be sited in
9 accordance with the provisions of this act.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
11 RCW to read as follows:

12 (1) A county required or choosing to plan under RCW 36.70A.040
13 may designate one school project as an essential public facility
14 within its jurisdiction and may site the school project outside of
15 the urban growth area based on the criteria set forth in section 3 of
16 this act.

17 (2) As an alternative to designating a school project as an
18 essential public facility under subsection (1) of this section, a
19 county required or choosing to plan under RCW 36.70A.040 may
20 establish, in consultation with affected school districts and
21 affected cities, a process for approving one school project outside
22 of the urban growth area based on the criteria in section 3 of this
23 act.

24 (3) Any school project authorized under this section may not be
25 sited on agricultural lands, forestlands, or mineral resource lands.

26 (4) For purposes of this act and prior to submitting an
27 application for a school project, a school district must prepare a
28 written report setting forth a determination of need. The
29 determination of need must include:

30 (a) An inventory of developable land within the urban growth area
31 and relevant service area for the school project, taking into
32 consideration locally adopted educational program requirements;

1 (b) A review of the extent to which land is available within the
2 urban growth area and in the relevant service area, the current
3 zoning, site characteristics, and the financial feasibility of using
4 public dollars to secure such a school site; and

5 (c) Findings setting forth the siting criteria of the school
6 district and applying them to the question of whether it is feasible
7 for the school district to acquire land suitable to site the school
8 project within the urban growth area and the relevant service area.

9 (5) A county may review a determination of need made by a school
10 district under subsection (4) of this section, but the findings of
11 the school district are presumed to be correct. The county may
12 overturn the school district's determination of need only if the
13 determination is clearly erroneous. If a county overturns a
14 determination of need as clearly erroneous, the county must identify
15 other sites that meet the siting criteria of the school district set
16 forth in the determination of need.

17 (6) This section expires July 1, 2026.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
19 RCW to read as follows:

20 (1) No later than July 1, 2017, each county required or choosing
21 to plan under RCW 36.70A.040 must amend its process for siting
22 schools outside the urban growth area in accordance with section 2 of
23 this act. Approval of an amendment shall not be considered an
24 amendment to the comprehensive plan for the purposes of RCW
25 36.70A.130(2) and may be considered at any time.

26 (2) A school project authorized under section 2 of this act may
27 be sited outside the urban growth area when:

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

33 (b) New infrastructure is provided for, with costs to the school
34 district based on a reasonable nexus between the impacts of the
35 school project and infrastructure needs. On-site and off-site
36 infrastructure and service impacts on the county and affected cities
37 must be fully considered and mitigated. If applicable, impact fees
38 must be imposed based on the requirements of chapter 82.02 RCW;

1 (c) The school project may be served by public facilities,
2 including water systems and storm and sanitary sewer systems,
3 sufficient to meet the facility needs of the school. If any public
4 facility is extended beyond the urban growth area to serve the school
5 project, the public facility shall be available to and serve only the
6 school project;

7 (d) Any utility extensions or urban services necessary to serve
8 school projects outside the urban growth area are provided and paid
9 for and are solely dedicated to the school project;

10 (e) Transit-oriented site planning and traffic demand management
11 programs required by the county and affected cities are provided by
12 the school project;

13 (f) Buffers are provided on school district-owned property or on
14 property owned by other public agencies, or are provided through
15 easements between the school project and adjacent nonurban uses;

16 (g) Environmental protection, including air and water quality,
17 has been addressed and provided for;

18 (h) The school project complies with the applicable development
19 regulations for the property;

20 (i) If development regulations are not in place, the county
21 adopts development regulations during the next amendment cycle to
22 ensure that urban growth will not occur in adjacent nonurban areas;

23 (j) Provisions are made to mitigate significant adverse impacts
24 on designated agricultural lands, forestlands, mineral resource
25 lands, and archaeological, cultural, and historic sites if the school
26 is located adjacent to such lands or sites; and

27 (k) The plan for the school project is consistent with the
28 development regulations established for the protection of critical
29 areas by the county pursuant to RCW 36.70A.170.

30 (3) Each county that is required or choosing to plan under RCW
31 36.70A.040 and subject to this act shall make a finding, after the
32 appropriate amendment process, that:

33 (a) The comprehensive plan includes policies, consistent with
34 this section, to permit a school project to be sited outside of the
35 urban growth area;

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

1 (c) Any school project plan is consistent with the development
2 regulations established for critical areas.

3 (4) Approval of an application for a school project shall not be
4 considered an amendment to the comprehensive plan for the purposes of
5 RCW 36.70A.130(2) and may be considered at any time.

6 (5) This section expires July 1, 2016.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
8 RCW to read as follows:

9 (1) Sections 1 through 3 of this act only apply to any county
10 required or choosing to plan under RCW 36.70A.040 that has a
11 population between seven hundred thousand and one million one hundred
12 thousand residents, abuts at least five other counties, and is
13 located west of the crest of the Cascade mountain range.

14 (2) Sections 1 through 3 of this act only apply to any county
15 required or choosing to plan under RCW 36.70A.040 that has a
16 population between one hundred thousand and two hundred thousand
17 residents, abuts at least five other counties, and is located east of
18 the crest of the Cascade mountain range."

19 Correct the title.

EFFECT: Strikes all provisions of the underlying engrossed
substitute bill and inserts provisions that do the following:

(1) Add an intent section.

(2) Authorize, until July 1, 2026, certain counties to either:
(a) Designate one school project as an essential public facility and
site the school project outside of the urban growth area (UGA); or
(b) establish, in consultation with affected school districts and
affected cities, an alternative process for approving one school
project to be sited outside of the UGA.

(3) Require a school district, prior to submitting an application
for a school project, to prepare a written report setting forth a
determination of need that includes: (a) An inventory of developable
land within the UGA and relevant service area; (b) a review of
available land, zoning, site characteristics, and financial
feasibility; and (c) siting criteria and whether it is feasible to
acquire suitable land for the school project within the UGA and
relevant service area.

(4) Establish that findings of a school district in a
determination of need are presumed correct, and allow a county to
overturn a determination of need only if it is clearly erroneous.
Requires a county that overturns a determination of need as clearly
erroneous to identify other sites meeting the school district's
siting criteria.

(5) Require certain counties to amend their process for siting
schools outside the UGA in accordance with provisions of the bill.

(6) Allow, until July 1, 2026, siting of a school project authorized by the bill outside of the UGA when certain criteria are met.

(7) Require certain counties to amend their comprehensive plan and, after the amendment process, make specific findings regarding the comprehensive plan, development regulations, and any school projects.

(8) Make provisions of the bill applicable only to the following counties that are required or choosing to plan under the Growth Management Act: (a) Any county that has a population between 700,000 and 1.1 million residents, abuts at least five other counties, and is west of the crest of the Cascade mountain range; and (b) any county that has a population between 100,000 and 200,000 residents, abuts at least five other counties, and is east of the crest of the Cascade mountain range.

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