

HOUSE BILL REPORT

ESHB 1420

As Passed House:
March 10, 2015

Title: An act relating to school siting and aiding school districts in reducing overall school construction costs.

Brief Description: Establishing a legislative task force on school siting.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Wilcox, Springer, Magendanz, G. Hunt, Muri, Kirby, Takko, Kilduff and Hargrove).

Brief History:

Committee Activity:

Local Government: 1/29/15, 2/18/15 [DPS].

Floor Activity:

Passed House: 3/10/15, 82-16.

Brief Summary of Engrossed Substitute Bill

- Creates a legislative task force on school siting and provides for the task force's membership, chair selection, staff support, reimbursement of member travel expenses, and payment of task force expenses.
- Requires the task force to meet three times to review the issue of siting schools inside and outside of urban growth areas, and to provide a summary of the task force's discussions and any recommendations to the appropriate committees of the Legislature by December 1, 2015.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Takko, Chair; Gregerson, Vice Chair; Fitzgibbon, McBride, Peterson and Pike.

Minority Report: Do not pass. Signed by 3 members: Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin.

Staff: Michaela Murdock (786-7289).

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.

Background:

Growth Management Act - Introduction.

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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

Planning Goals and Requirements.

For the purpose of guiding the development of comprehensive plans and development regulations, counties and cities must consider various planning goals set forth in statute. Several planning goals relate to "public facilities" and "public services," which are defined as including schools and education respectively. For example:

- *Urban growth.* Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- *Economic development.* Encourage economic development throughout the state, promote economic opportunity, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- *Public facilities and services.* Ensure that those public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Each comprehensive plan must include a plan, scheme, or design for a land use element designating the proposed general distribution, location, and extent of the uses of land for, among other things, public facilities. In addition, comprehensive plans must include a capital facilities plan element consisting of: (a) an inventory of existing capital facilities owned by public entities; (b) a forecast of future facility needs; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan to finance such capital facilities; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that elements of the plan are coordinated and consistent.

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. Planning jurisdictions must include within their UGAs, sufficient

areas and densities to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas 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 GMA provides that, in general, it is not appropriate for urban governmental services, such as public services and public facilities at an intensity historically and typically provided in cities, to be extended to or expanded outside of the UGA into 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.

Summary of Engrossed Substitute Bill:

A legislative task force on school siting is created. The task force is comprised of 13 members:

- two members appointed by the Speaker of the House of Representatives from each of the two largest caucuses;
- two members appointed by the President of the Senate from each of the two largest caucuses; and
- nine members who represent: (1) environmental concerns related to school siting; (2) the building industry; (3) cities; (4) counties; (5) schools located in urban areas that are currently experiencing difficulty finding suitable new school sites; (6) schools located in rural areas that are currently experiencing difficulty finding suitable new school sites; and (7) county and regional planning directors.

Provisions governing task force membership selection or appointment, selection of a chair, support staff, reimbursement of member travel expenses, and payment of task force expenses are set forth.

The task force must meet three times during the 2015 interim to review the issue of siting schools inside and outside of urban growth areas. In reviewing this issue, the task force must balance the planning goals and requirements of the GMA with the needs of school districts facing capacity issues and the infrastructure needs of local governments. The task force must provide a summary of its discussions and any recommendations to the appropriate committees of the Legislature by December 1, 2015.

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.

Staff Summary of Public Testimony:

(In support) This bill was requested by the Bethel School District (Bethel). The GMA increases costs for schools. The statute needs to be revised and updated to reflect current realities.

In areas across the state, there are school districts (districts) that simply cannot build new schools in areas where schools are needed. In these districts, there is insufficient space within the UGA to build a new school, or it is prohibitively expensive to acquire sufficient land, and it is difficult for districts to raise money and get bonds passed. Although areas adjacent to or just outside the UGA boundaries could provide appropriate school sites, and kids already live in these areas, districts are not allowed to build on these sites.

Schools across the state are experiencing this difficulty, including schools in Bethel, Moses Lake, Rochester, Issaquah, Sumner, and Eatonville. For example:

- The Moses Lake School District owns land located outside of the UGA. Property located inside the UGA is unaffordable for the district and can only be purchased for millions of dollars.
- The Rochester School District's buildings are all located outside of the UGA. The only land inside the UGA large enough to build on is tribal land. Using eminent domain to condemn tribal land is not a realistic option for the district.
- The Issaquah School District owns land located outside the UGA that they purchased for \$4 million. Property within the UGA is valued at \$40 million.
- The Eatonville School District has an opportunity to receive farmland as a gift for use as a school. The farm is located outside of the UGA, and the district will not be able to use it for a school.
- The Sumner School District owns land located outside of the UGA that could serve master planned communities in the rural area. The district will not be allowed to do so, even though the communities will add large numbers of students to the area. Moreover, there is insufficient space within the UGA to build.

The state has an obligation to fund schools in accordance with the *McCleary* case and by order of the Washington Supreme Court. If the Legislature meets its obligations, districts will need to build new schools to reduce class sizes. If we expect all districts to build the schools they need inside the UGA, it will be too expensive. We need more cost-effective ways to meet these obligations. This is a common sense bill that will help schools save money. Schools need help complying with the paramount duty of the state to educate.

There are several myths about schools: (1) schools are built to promote growth and development; (2) schools need to connect to sewer; and (3) allowing schools outside of the UGA will set a precedent. These myths are all false. First, schools are only built in response to growth. Next, schools may use septic systems. Finally, schools, services, and neighborhoods are already located outside of the UGA. If this bill is enacted, districts will not impulsively site schools outside of the UGA; a case-by-case basis will be used.

The bill should be amended to include additional counties across the state.

(Opposed) King County supports efforts to provide schools with necessary tools, but this can be done by locating schools within UGAs. The bill takes away local control over land use.

Locating cities in rural areas means development is not happening in urban areas. Infrastructure is being built in cities to support development. Siting schools outside the UGA decreases the likelihood that children will be able to walk or bike to school, that parents will be able to participate in the school community, or that the school will be a center of development and community.

Recommendations of a school siting task force, comprised of representatives from across the region, were adopted recently. The task force unanimously called for schools to be sited in urban areas, and rural schools in rural cities and towns. This bill will reverse multi-county planning policies. Although the price of land within UGAs is greater, the lifecycle costs will be greater for schools outside the UGAs.

This state is still in the throes of an obesity crisis. We need all sectors of society to help build healthy communities, including the land use sector. The physical environment impacts our habits, behavior, and health. Proper school siting will help contribute to healthier, higher-achieving students.

Land is expensive inside the UGA for both schools and builders. If a suburban environment exists outside of the UGA, then the county should adjust the UGA boundary. This bill will carve out exceptions to the GMA that will cause problems in the future. If schools want to be able to charge impact fees, they should be doing it inside the UGA.

Persons Testifying: (In support) Representative Wilcox, prime sponsor; Representative Springer; Tom Seigel, Bethel School District; Glen Morgan, Rochester School District; Deb Merle, Washington State School Directors' Association; Dan Cardwell, Pierce County; Debra Campbell, Sumner School District; Michelle Price, Moses Lake School District; and Krestin Bahr, Eatonville School District.

(Opposed) Fred Jarrett, King County; Bryce Yadon, Futurewise; Dan Steele, Washington Association of School Administrators; Vic Colman, Childhood Obesity Prevention Coalition; and Steve Gano, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: None.