
Local Government Committee

HB 2586

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

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

Brief Summary of Bill

- Requires for a period of 10 years – from the effective date of the bill until July 1, 2026 – counties planning under the Growth Management Act to allow school districts to site common schools outside of urban growth areas (UGAs) when certain criteria are met.
- Requires counties and school districts to work together to incorporate a capital facilities plan for each school district with service area in the county into the county's comprehensive plan during comprehensive plan and development regulation updates.
- Requires the Joint Legislative Audit and Review Committee to conduct a review of the impacts of any schools sited outside of UGAs in accordance with the bill, and to submit a report to the Legislature by November 1, 2024.

Hearing Date: 1/21/16

Staff: Michaela Murdock (786-7289).

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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

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 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, planning goals for "urban growth" and "public facilities and services" provide:

- *Urban growth.* Encourages development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- *Public facilities and services.* Ensures 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: (1) an inventory of existing capital facilities owned by public entities; (2) a forecast of future facility needs; (3) the proposed locations and capacities of expanded or new capital facilities; (4) at least a six-year plan to finance such capital facilities; and (5) 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.

Comprehensive Plan Updates.

In general, comprehensive plans and development regulations of a county or city must be reviewed and, if needed, revised by the county or city, to ensure the plan and regulations comply with requirements of the GMA. Jurisdictions must update according to a schedule prescribed by statute:

- *June 30, 2015, and subsequently, every eight years:* King, Pierce, and Snohomish counties.
- *June 30, 2016, and subsequently, every eight years:* Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties.
- *June 30, 2017, and subsequently, every eight years:* Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties.
- *June 30, 2018, and subsequently, every eight years:* Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties.

Counties and cities may conduct a review and evaluation of their comprehensive plan and development regulation before the deadlines established in statute.

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.

Common Schools.

"Common schools," as defined in statute, means schools maintained at public expense in each school district and carrying on a program from kindergarten through the twelfth grade or any part thereof, including vocational education courses otherwise permitted by law.

Summary of Bill:

Until July 1, 2026, any county required to or choosing to plan under the GMA must allow school districts to site common schools on lands located outside of urban growth areas when certain criteria are met. In addition, for any school facility allowed by a county to be sited outside of a UGA, the county must also allow public services and public facilities sufficient to meet the facility needs of the school to extend beyond the UGA.

Before the county is required to allow the siting of a school outside of the UGA, the school district must demonstrate that certain criteria are met such as:

- the school is needed to meet student capacity needs in an identified service area that serves students residing in whole or in part outside a UGA;
- the school district has conducted an inventory of developable land and determined that vacant land suitable to site the school is unavailable within the UGA and relevant service area;
- new infrastructure is planned and will be paid for by the school district, and impact fees, if applicable, are established;
- service levels for transportation facilities serving the school and impacted by the school are considered and mitigated, including sidewalks, bike paths, and roads;
- the plan is consistent with development regulations established by the county for the protection of critical areas;
- an open public hearing on the school site is held by the school district with notice published at least 30 days in advance and mailed to property owners within one mile of the site; and
- other criteria relevant to the development regulations, planning goals, and unique local circumstances of the county are considered.

Counties that are required to site a school outside of a UGA in accordance with the provisions of the bill, must ensure that certain planning actions are met, for example, related to guiding the development of schools located outside of a UGA and restricting new urban and suburban land use in the vicinity of the school. Counties and school districts are required to work together to incorporate a capital facilities plan for each school district with service area in the county into the county's comprehensive plan during comprehensive plan and development regulation updates.

The Joint Legislative Audit and Review Committee is required to conduct a review of the impacts of any schools sited outside of UGAs in accordance with the bill, and to submit a report to the Legislature by November 1, 2024.

Appropriation: None.

Fiscal Note: Requested on January 15, 2016.

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