

SHB 1017 - H AMD 293

By Representative Fitzgibbon

ADOPTED AS AMENDED 03/07/2017

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) This chapter does not prohibit a county planning under RCW
6 36.70A.040 from authorizing the extension of public facilities and
7 utilities to serve a school sited in a rural area so long as:

8 (a) The county and any affected cities agree with the extension;

9 (b) The applicable school district has made a finding, with the
10 concurrence of the county legislative authority and the legislative
11 authorities of any affected cities, that the district's proposed site
12 is suitable to site the school and any associated recreational
13 facilities that the districting has determined cannot reasonably be
14 colocated on an existing school site, taking into consideration
15 school service area needs, locally adopted educational program
16 requirements, and the extent to which there is suitable land
17 available within the growth area that is vacant or developable;

18 (c) If the public facility or utility is extended beyond the
19 urban growth area to serve a school, the public facility or utility
20 must serve only the school and the costs of such extension must be
21 borne by the applicable school district based on a reasonable nexus
22 to the impacts of the school, except as provided in subsection (3) of
23 this section; and

24 (d) Any impacts associated with the siting of the school are
25 mitigated as required by the state environmental policy act, chapter
26 43.21C RCW.

27 (2) This chapter does not prohibit either the expansion of an
28 existing school in the rural area or the placement of portable
29 classrooms at an existing school in the rural area.

30 (3) Where a public facility or utility has been extended beyond
31 the urban growth area to serve a school, the public facility or
32 utility may, where consistent with RCW 36.70A.110(4), serve a

1 property or properties in addition to the school if a property owner
2 so requests, provided that the county and any affected cities agree
3 with the request and provided that the property is located no further
4 from the public facility or utility than the distance that, if the
5 property were within the urban growth area, the property would be
6 required to connect to the public facility or utility. In such an
7 instance, the school district may, for a period not to exceed twenty
8 years, require reimbursement from a requesting property owner for a
9 proportional share of the construction costs incurred by the school
10 district for the extension of the public facility or utilities.

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

13 (1) A county may authorize the siting in a rural area of a school
14 that serves students from an urban area, even where otherwise
15 prohibited by a multicounty planning policy, under the following
16 circumstances:

17 (a) The county has a population greater than eight hundred forty
18 thousand but less than one million five hundred thousand;

19 (b) The county must have adopted in its comprehensive plan a
20 policy concerning the siting of schools in rural areas;

21 (c) Any impacts associated with the siting of such a school are
22 mitigated as required by the state environmental policy act, chapter
23 43.21C RCW; and

24 (d) The county must be a participant in a multicounty planning
25 policy as described in RCW 36.70A.210.

26 (2) A multicounty planning policy in which any county referenced
27 in subsection (1) of this section is a participant must be amended,
28 at its next regularly scheduled update, to include a policy that
29 addresses the siting of schools in rural areas of all counties
30 subject to the multicounty planning policy.

31 (3) A school sited under this section may not collect or impose
32 the impact fees described in RCW 82.02.050.

33 (4) This section expires upon the adoption of the next regularly
34 scheduled update of any multicounty planning policy referenced in
35 subsection (2) of this section.

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

1 In a county that chooses to site schools under section 2 of this
2 act, each school district within the county must participate in the
3 county's periodic updates required by RCW 36.70A.130(1)(b) by:

4 (1) Coordinating its enrollment forecasts and projections with
5 the county's adopted population projections;

6 (2) Identifying school siting criteria with the county, cities,
7 and regional transportation planning organizations;

8 (3) Identifying suitable school sites with the county and cities,
9 with priority to siting urban-serving schools in existing cities and
10 towns in locations where students can walk and bicycle to the school
11 from their homes and that can effectively be served with transit; and

12 (4) Working with the county and cities to identify school costs
13 and funding for the capital facilities plan element required by RCW
14 36.70A.070(3).

15 **Sec. 4.** RCW 36.70A.030 and 2012 c 21 s 1 are each amended to
16 read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 (1) "Adopt a comprehensive land use plan" means to enact a new
20 comprehensive land use plan or to update an existing comprehensive
21 land use plan.

22 (2) "Agricultural land" means land primarily devoted to the
23 commercial production of horticultural, viticultural, floricultural,
24 dairy, apiary, vegetable, or animal products or of berries, grain,
25 hay, straw, turf, seed, Christmas trees not subject to the excise tax
26 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
27 hatcheries, or livestock, and that has long-term commercial
28 significance for agricultural production.

29 (3) "City" means any city or town, including a code city.

30 (4) "Comprehensive land use plan," "comprehensive plan," or
31 "plan" means a generalized coordinated land use policy statement of
32 the governing body of a county or city that is adopted pursuant to
33 this chapter.

34 (5) "Critical areas" include the following areas and ecosystems:
35 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
36 used for potable water; (c) fish and wildlife habitat conservation
37 areas; (d) frequently flooded areas; and (e) geologically hazardous
38 areas. "Fish and wildlife habitat conservation areas" does not
39 include such artificial features or constructs as irrigation delivery

1 systems, irrigation infrastructure, irrigation canals, or drainage
2 ditches that lie within the boundaries of and are maintained by a
3 port district or an irrigation district or company.

4 (6) "Department" means the department of commerce.

5 (7) "Development regulations" or "regulation" means the controls
6 placed on development or land use activities by a county or city,
7 including, but not limited to, zoning ordinances, critical areas
8 ordinances, shoreline master programs, official controls, planned
9 unit development ordinances, subdivision ordinances, and binding site
10 plan ordinances together with any amendments thereto. A development
11 regulation does not include a decision to approve a project permit
12 application, as defined in RCW 36.70B.020, even though the decision
13 may be expressed in a resolution or ordinance of the legislative body
14 of the county or city.

15 (8) "Forestland" means land primarily devoted to growing trees
16 for long-term commercial timber production on land that can be
17 economically and practically managed for such production, including
18 Christmas trees subject to the excise tax imposed under RCW 84.33.100
19 through 84.33.140, and that has long-term commercial significance. In
20 determining whether forestland is primarily devoted to growing trees
21 for long-term commercial timber production on land that can be
22 economically and practically managed for such production, the
23 following factors shall be considered: (a) The proximity of the land
24 to urban, suburban, and rural settlements; (b) surrounding parcel
25 size and the compatibility and intensity of adjacent and nearby land
26 uses; (c) long-term local economic conditions that affect the ability
27 to manage for timber production; and (d) the availability of public
28 facilities and services conducive to conversion of forestland to
29 other uses.

30 (9) "Geologically hazardous areas" means areas that because of
31 their susceptibility to erosion, sliding, earthquake, or other
32 geological events, are not suited to the siting of commercial,
33 residential, or industrial development consistent with public health
34 or safety concerns.

35 (10) "Long-term commercial significance" includes the growing
36 capacity, productivity, and soil composition of the land for long-
37 term commercial production, in consideration with the land's
38 proximity to population areas, and the possibility of more intense
39 uses of the land.

1 (11) "Minerals" include gravel, sand, and valuable metallic
2 substances.

3 (12) "Public facilities" include streets, roads, highways,
4 sidewalks, street and road lighting systems, traffic signals,
5 domestic water systems, storm and sanitary sewer systems, parks and
6 recreational facilities, and schools.

7 (13) "Public services" include fire protection and suppression,
8 law enforcement, public health, education, recreation, environmental
9 protection, and other governmental services.

10 (14) "Recreational land" means land so designated under RCW
11 36.70A.1701 and that, immediately prior to this designation, was
12 designated as agricultural land of long-term commercial significance
13 under RCW 36.70A.170. Recreational land must have playing fields and
14 supporting facilities existing before July 1, 2004, for sports played
15 on grass playing fields.

16 (15) "Rural character" refers to the patterns of land use and
17 development established by a county in the rural element of its
18 comprehensive plan:

19 (a) In which open space, the natural landscape, and vegetation
20 predominate over the built environment;

21 (b) That foster traditional rural lifestyles, rural-based
22 economies, and opportunities to both live and work in rural areas;

23 (c) That provide visual landscapes that are traditionally found
24 in rural areas and communities;

25 (d) That are compatible with the use of the land by wildlife and
26 for fish and wildlife habitat;

27 (e) That reduce the inappropriate conversion of undeveloped land
28 into sprawling, low-density development;

29 (f) That generally do not require the extension of urban
30 governmental services; and

31 (g) That are consistent with the protection of natural surface
32 water flows and groundwater and surface water recharge and discharge
33 areas.

34 (16) "Rural development" refers to development outside the urban
35 growth area and outside agricultural, forest, and mineral resource
36 lands designated pursuant to RCW 36.70A.170. Rural development can
37 consist of a variety of uses and residential densities, including
38 clustered residential development, at levels that are consistent with
39 the preservation of rural character and the requirements of the rural

1 element. Rural development does not refer to agriculture or forestry
2 activities that may be conducted in rural areas.

3 (17) "Rural governmental services" or "rural services" include
4 those public services and public facilities historically and
5 typically delivered at an intensity usually found in rural areas, and
6 may include domestic water systems, fire and police protection
7 services, schools serving primarily rural students, transportation
8 and public transit services, and other public utilities associated
9 with rural development and normally not associated with urban areas.
10 Rural services do not include storm or sanitary sewers, except as
11 otherwise authorized by RCW 36.70A.110(4).

12 (18) "Urban governmental services" or "urban services" include
13 those public services and public facilities at an intensity
14 historically and typically provided in cities, specifically including
15 storm and sanitary sewer systems, domestic water systems, street
16 cleaning services, fire and police protection services, schools,
17 public transit services, and other public utilities associated with
18 urban areas and normally not associated with rural areas.

19 (19) "Urban growth" refers to growth that makes intensive use of
20 land for the location of buildings, structures, and impermeable
21 surfaces to such a degree as to be incompatible with the primary use
22 of land for the production of food, other agricultural products, or
23 fiber, or the extraction of mineral resources, rural uses, rural
24 development, and natural resource lands designated pursuant to RCW
25 36.70A.170. A pattern of more intensive rural development, as
26 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
27 to spread over wide areas, urban growth typically requires urban
28 governmental services. "Characterized by urban growth" refers to land
29 having urban growth located on it, or to land located in relationship
30 to an area with urban growth on it as to be appropriate for urban
31 growth.

32 (20) "Urban growth areas" means those areas designated by a
33 county pursuant to RCW 36.70A.110.

34 (21) "Wetland" or "wetlands" means areas that are inundated or
35 saturated by surface water or groundwater at a frequency and duration
36 sufficient to support, and that under normal circumstances do
37 support, a prevalence of vegetation typically adapted for life in
38 saturated soil conditions. Wetlands generally include swamps,
39 marshes, bogs, and similar areas. Wetlands do not include those
40 artificial wetlands intentionally created from nonwetland sites,

1 including, but not limited to, irrigation and drainage ditches,
2 grass-lined swales, canals, detention facilities, wastewater
3 treatment facilities, farm ponds, and landscape amenities, or those
4 wetlands created after July 1, 1990, that were unintentionally
5 created as a result of the construction of a road, street, or
6 highway. Wetlands may include those artificial wetlands intentionally
7 created from nonwetland areas created to mitigate conversion of
8 wetlands."

9 Correct the title.

EFFECT: (1) Provides that the Growth Management Act (GMA) does not prohibit a county planning fully under the GMA from authorizing the extension of public facilities and utilities to serve a school sited in a rural area under certain conditions. These conditions include: (a) The county and any affected cities agree with the extension; (b) the school district has found, with the concurrence of the county and any affected cities, that the proposed site is suitable to site the school and any associated recreational facilities that the districting has determined cannot reasonably be colocated on an existing school site, taking into account certain factors, including the extent to which there is suitable land available within the growth area that is vacant or developable; (c) if the public facility or utility is extended beyond the urban growth area to serve a school, the public facility or utility must serve only the school and the costs of such extension must be borne by the applicable school district, with one exception, described below; and (d) any impacts associated with the siting of the school are mitigated as required by the State Environmental Policy Act (SEPA).

(2) Provides that the GMA does not prohibit either the expansion of an existing school in the rural area or the placement of portable classrooms at an existing school in the rural area.

(3) Permits a public facility or utility extended beyond the urban growth area in order to serve a school to also serve a property or properties in addition to the school, provided that the county and any affected cities agree with the request and provided that the property is located no further from the public facility or utility than the distance that, if the property were within the urban growth area, the property would be required to connect to the public facility or utility. Where the public facility or utility serves a property or properties in addition to the school, the school district may, for a period not to exceed twenty years, require reimbursement from such property owners for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utilities.

(4) Permits a county to site in the rural area a school that serves students from an urban area, even where otherwise prohibited by a multicounty planning policy, under certain conditions. These conditions include: (a) The county must have a population greater than eight hundred forty thousand but less than one million five hundred thousand; (b) the county must have adopted in its comprehensive plan a policy concerning the siting of schools in rural areas; (c) impacts associated with the siting of such a school are

mitigated as required by the SEPA; and (d) the county must be a participant in a multicounty planning policy.

(5) Requires amendment of any multicounty planning policy in which any county that sites a school in the rural area is a participant, at the next regularly scheduled update.

(6) Prohibits the imposition or collection of impact fees by any county that sites a school in the rural area as a participant in a multicounty planning policy.

(7) Requires, for any county that sites a school in the rural area as a participant in a multicounty planning policy, that the school districts in such a county participate in the county's periodic comprehensive plan updates.

(8) Modifies the GMA's definition of "rural governmental services" to include schools serving primarily rural students.

(9) Modifies the GMA's definition of "urban governmental services" to include schools.

--- END ---