
ENGROSSED SUBSTITUTE HOUSE BILL 1017

State of Washington

65th Legislature

2017 Regular Session

By House Environment (originally sponsored by Representatives McCaslin, Barkis, Blake, Holy, Pettigrew, Haler, Taylor, Shea, Harris, Chandler, Smith, Muri, Stokesbary, Nealey, Stambaugh, Griffey, Vick, Buys, Dye, Short, Pike, Wilcox, Van Werven, Hargrove, Young, Klippert, Kilduff, and Sawyer)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to the siting of schools and school facilities;
2 amending RCW 36.70A.030; and adding new sections to chapter 36.70A
3 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
6 RCW to read as follows:

7 (1) This chapter does not prohibit a county planning under RCW
8 36.70A.040 from authorizing the extension of public facilities and
9 utilities to serve a school sited in a rural area so long as:

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

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

20 (c) If the public facility or utility is extended beyond the
21 urban growth area to serve a school, the public facility or utility

1 must serve only the school and the costs of such extension must be
2 borne by the applicable school district based on a reasonable nexus
3 to the impacts of the school, except as provided in subsection (3) of
4 this section; and

5 (d) Any impacts associated with the siting of the school are
6 mitigated as required by the state environmental policy act, chapter
7 43.21C RCW.

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

11 (3) Where a public facility or utility has been extended beyond
12 the urban growth area to serve a school, the public facility or
13 utility may, where consistent with RCW 36.70A.110(4), serve a
14 property or properties in addition to the school if a property owner
15 so requests, provided that the county and any affected cities agree
16 with the request and provided that the property is located no further
17 from the public facility or utility than the distance that, if the
18 property were within the urban growth area, the property would be
19 required to connect to the public facility or utility. In such an
20 instance, the school district may, for a period not to exceed twenty
21 years, require reimbursement from a requesting property owner for a
22 proportional share of the construction costs incurred by the school
23 district for the extension of the public facility or utilities.

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

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

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

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

34 (c) Any impacts associated with the siting of such a school are
35 mitigated as required by the state environmental policy act, chapter
36 43.21C RCW; and

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

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

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

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

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

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

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

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

20 (3) Identifying suitable school sites with the county and cities,
21 with priority to siting urban-serving schools in existing cities and
22 towns in locations where students can safely walk and bicycle to the
23 school from their homes and that can effectively be served with
24 transit; and

25 (4) Working with the county and cities to identify school costs
26 and funding for the capital facilities plan element required by RCW
27 36.70A.070(3).

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

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout this chapter.

32 (1) "Adopt a comprehensive land use plan" means to enact a new
33 comprehensive land use plan or to update an existing comprehensive
34 land use plan.

35 (2) "Agricultural land" means land primarily devoted to the
36 commercial production of horticultural, viticultural, floricultural,
37 dairy, apiary, vegetable, or animal products or of berries, grain,
38 hay, straw, turf, seed, Christmas trees not subject to the excise tax

1 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
2 hatcheries, or livestock, and that has long-term commercial
3 significance for agricultural production.

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

5 (4) "Comprehensive land use plan," "comprehensive plan," or
6 "plan" means a generalized coordinated land use policy statement of
7 the governing body of a county or city that is adopted pursuant to
8 this chapter.

9 (5) "Critical areas" include the following areas and ecosystems:

10 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
11 used for potable water; (c) fish and wildlife habitat conservation
12 areas; (d) frequently flooded areas; and (e) geologically hazardous
13 areas. "Fish and wildlife habitat conservation areas" does not
14 include such artificial features or constructs as irrigation delivery
15 systems, irrigation infrastructure, irrigation canals, or drainage
16 ditches that lie within the boundaries of and are maintained by a
17 port district or an irrigation district or company.

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

19 (7) "Development regulations" or "regulation" means the controls
20 placed on development or land use activities by a county or city,
21 including, but not limited to, zoning ordinances, critical areas
22 ordinances, shoreline master programs, official controls, planned
23 unit development ordinances, subdivision ordinances, and binding site
24 plan ordinances together with any amendments thereto. A development
25 regulation does not include a decision to approve a project permit
26 application, as defined in RCW 36.70B.020, even though the decision
27 may be expressed in a resolution or ordinance of the legislative body
28 of the county or city.

29 (8) "Forestland" means land primarily devoted to growing trees
30 for long-term commercial timber production on land that can be
31 economically and practically managed for such production, including
32 Christmas trees subject to the excise tax imposed under RCW 84.33.100
33 through 84.33.140, and that has long-term commercial significance. In
34 determining whether forestland is primarily devoted to growing trees
35 for long-term commercial timber production on land that can be
36 economically and practically managed for such production, the
37 following factors shall be considered: (a) The proximity of the land
38 to urban, suburban, and rural settlements; (b) surrounding parcel
39 size and the compatibility and intensity of adjacent and nearby land
40 uses; (c) long-term local economic conditions that affect the ability

1 to manage for timber production; and (d) the availability of public
2 facilities and services conducive to conversion of forestland to
3 other uses.

4 (9) "Geologically hazardous areas" means areas that because of
5 their susceptibility to erosion, sliding, earthquake, or other
6 geological events, are not suited to the siting of commercial,
7 residential, or industrial development consistent with public health
8 or safety concerns.

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

14 (11) "Minerals" include gravel, sand, and valuable metallic
15 substances.

16 (12) "Public facilities" include streets, roads, highways,
17 sidewalks, street and road lighting systems, traffic signals,
18 domestic water systems, storm and sanitary sewer systems, parks and
19 recreational facilities, and schools.

20 (13) "Public services" include fire protection and suppression,
21 law enforcement, public health, education, recreation, environmental
22 protection, and other governmental services.

23 (14) "Recreational land" means land so designated under RCW
24 36.70A.1701 and that, immediately prior to this designation, was
25 designated as agricultural land of long-term commercial significance
26 under RCW 36.70A.170. Recreational land must have playing fields and
27 supporting facilities existing before July 1, 2004, for sports played
28 on grass playing fields.

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

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

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

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

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

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

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

5 (g) That are consistent with the protection of natural surface
6 water flows and groundwater and surface water recharge and discharge
7 areas.

8 (16) "Rural development" refers to development outside the urban
9 growth area and outside agricultural, forest, and mineral resource
10 lands designated pursuant to RCW 36.70A.170. Rural development can
11 consist of a variety of uses and residential densities, including
12 clustered residential development, at levels that are consistent with
13 the preservation of rural character and the requirements of the rural
14 element. Rural development does not refer to agriculture or forestry
15 activities that may be conducted in rural areas.

16 (17) "Rural governmental services" or "rural services" include
17 those public services and public facilities historically and
18 typically delivered at an intensity usually found in rural areas, and
19 may include domestic water systems, fire and police protection
20 services, schools serving primarily rural students, transportation
21 and public transit services, and other public utilities associated
22 with rural development and normally not associated with urban areas.
23 Rural services do not include storm or sanitary sewers, except as
24 otherwise authorized by RCW 36.70A.110(4).

25 (18) "Urban governmental services" or "urban services" include
26 those public services and public facilities at an intensity
27 historically and typically provided in cities, specifically including
28 storm and sanitary sewer systems, domestic water systems, street
29 cleaning services, fire and police protection services, schools,
30 public transit services, and other public utilities associated with
31 urban areas and normally not associated with rural areas.

32 (19) "Urban growth" refers to growth that makes intensive use of
33 land for the location of buildings, structures, and impermeable
34 surfaces to such a degree as to be incompatible with the primary use
35 of land for the production of food, other agricultural products, or
36 fiber, or the extraction of mineral resources, rural uses, rural
37 development, and natural resource lands designated pursuant to RCW
38 36.70A.170. A pattern of more intensive rural development, as
39 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
40 to spread over wide areas, urban growth typically requires urban

1 governmental services. "Characterized by urban growth" refers to land
2 having urban growth located on it, or to land located in relationship
3 to an area with urban growth on it as to be appropriate for urban
4 growth.

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

7 (21) "Wetland" or "wetlands" means areas that are inundated or
8 saturated by surface water or groundwater at a frequency and duration
9 sufficient to support, and that under normal circumstances do
10 support, a prevalence of vegetation typically adapted for life in
11 saturated soil conditions. Wetlands generally include swamps,
12 marshes, bogs, and similar areas. Wetlands do not include those
13 artificial wetlands intentionally created from nonwetland sites,
14 including, but not limited to, irrigation and drainage ditches,
15 grass-lined swales, canals, detention facilities, wastewater
16 treatment facilities, farm ponds, and landscape amenities, or those
17 wetlands created after July 1, 1990, that were unintentionally
18 created as a result of the construction of a road, street, or
19 highway. Wetlands may include those artificial wetlands intentionally
20 created from nonwetland areas created to mitigate conversion of
21 wetlands.

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