
HOUSE BILL 1017

State of Washington

65th Legislature

2017 Regular Session

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

Prefiled 12/05/16. Read first time 01/09/17. Referred to Committee on Environment.

1 AN ACT Relating to the siting of schools and school facilities;
2 amending RCW 36.70A.280 and 36.70A.280; adding a new section to
3 chapter 36.70A RCW; creating a new section; providing an effective
4 date; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** INTENT. The legislature recognizes that
7 under Article IX of the Washington state Constitution, it is the
8 paramount duty of the state to make ample provision for K-12
9 education, which includes creating a framework to support the siting
10 of the schools and school facilities that are needed to serve
11 students. Interpretations of the growth management act have created
12 barriers that provide unequal treatment for urban and rural students.
13 The legislature intends that students should be provided similar
14 educational opportunities regardless if they live in urban, suburban,
15 or rural settings.

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

18 (1) For counties and cities planning under this chapter,
19 counties, cities, and towns shall prioritize the siting of schools
20 and school facilities.

1 (2) Schools and school facilities shall be permitted uses in all
2 zones, including but not limited to lands designated as residential,
3 urban, rural, transitional, governmental, and all other zones.
4 Furthermore, these schools may not be required to be sited in
5 industrial zones or on resource lands:

6 (a) Elementary schools;

7 (b) Middle or junior high schools;

8 (c) High schools within the urban area;

9 (d) School facilities colocated with schools;

10 (e) School facilities that are not colocated with a school;

11 (f) Renovation, expansion, modernization, or reconstruction of an
12 existing school, or the addition of the relocatable facilities; or

13 (g) Conversion of an existing high school into a middle/junior
14 high school or an elementary school through modification, expansion,
15 or renovation.

16 (3) New high schools or school facilities that are not colocated
17 with a school sited in a rural area shall be conditional uses in all
18 zones, including but not limited to lands designated as residential,
19 urban, rural, transitional, governmental, and all other zones. These
20 schools or facilities may not be required to be sited in industrial
21 zones or on resource lands.

22 (4) To implement the policy under this section, an amendment to
23 the county's process in accordance with this section is not an
24 amendment to the comprehensive plan for the purposes of RCW
25 36.70A.130(2) and may be considered at any time. Approval of an
26 application for a school under this section is not an amendment to
27 the comprehensive plan of the county for the purposes of RCW
28 36.70A.130(2) and may be considered at any time.

29 (5) Any comprehensive plan or development regulation adopted to
30 implement school siting under this section is not subject to the
31 requirement for compliance with applicable multicounty planning
32 policies and countywide planning policies.

33 (6) Schools or school facilities sited in the rural area must
34 comply with the following criteria:

35 (a) New infrastructure is provided for, and the cost of providing
36 new infrastructure is paid for by the school district based on a
37 reasonable nexus to the impact of the school or school facility on
38 infrastructure needs. On-site and off-site infrastructure and
39 service impacts on the county and the affected city must be

1 considered. If applicable, impact fees must be imposed based on the
2 requirements of chapter 82.02 RCW;

3 (b) Cities or public agencies may extend public facilities to a
4 school or school facility sited in accordance with this section.
5 Public facilities include water systems and sanitary sewer systems
6 sufficient to meet the facility needs of the school; and

7 (c) Any county siting a school pursuant to this section shall
8 determine, prior to or concurrent with review of an application for a
9 proposed school or school facility, that:

10 (i) The comprehensive plan includes policies, consistent with
11 this section, to permit the school or school facility to be sited
12 outside of the urban growth area; and

13 (ii) Critical area, environmental, transit, and transportation
14 concerns are sufficiently addressed in accordance with the
15 comprehensive plan and development regulations and the state
16 environmental policy act checklist.

17 **Sec. 3.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to
18 read as follows:

19 (1) The growth management hearings board shall hear and determine
20 only those petitions alleging either:

21 (a) That, except as provided otherwise by this subsection, a
22 state agency, county, or city planning under this chapter is not in
23 compliance with the requirements of this chapter, chapter 90.58 RCW
24 as it relates to the adoption of shoreline master programs or
25 amendments thereto, or chapter 43.21C RCW as it relates to plans,
26 development regulations, or amendments, adopted under RCW 36.70A.040
27 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
28 to hear petitions alleging noncompliance (~~((with RCW 36.70A.5801))~~) for
29 siting a school or school facility in accordance with section 2 of
30 this act;

31 (b) That the twenty-year growth management planning population
32 projections adopted by the office of financial management pursuant to
33 RCW 43.62.035 should be adjusted;

34 (c) That the approval of a work plan adopted under RCW
35 36.70A.735(1)(a) is not in compliance with the requirements of the
36 program established under RCW 36.70A.710;

37 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
38 regionally applicable and cannot be adopted, wholly or partially, by
39 another jurisdiction;

1 (e) That a department certification under RCW 36.70A.735(1)(c) is
2 erroneous; or

3 (f) That a department determination under RCW 36.70A.060(1)(d) is
4 erroneous.

5 (2) A petition may be filed only by: (a) The state, or a county
6 or city that plans under this chapter; (b) a person who has
7 participated orally or in writing before the county or city regarding
8 the matter on which a review is being requested; (c) a person who is
9 certified by the governor within sixty days of filing the request
10 with the board; or (d) a person qualified pursuant to RCW 34.05.530.

11 (3) For purposes of this section "person" means any individual,
12 partnership, corporation, association, state agency, governmental
13 subdivision or unit thereof, or public or private organization or
14 entity of any character.

15 (4) To establish participation standing under subsection (2)(b)
16 of this section, a person must show that his or her participation
17 before the county or city was reasonably related to the person's
18 issue as presented to the board.

19 (5) When considering a possible adjustment to a growth management
20 planning population projection prepared by the office of financial
21 management, the board shall consider the implications of any such
22 adjustment to the population forecast for the entire state.

23 The rationale for any adjustment that is adopted by the board
24 must be documented and filed with the office of financial management
25 within ten working days after adoption.

26 If adjusted by the board, a county growth management planning
27 population projection shall only be used for the planning purposes
28 set forth in this chapter and shall be known as the "board adjusted
29 population projection." None of these changes shall affect the
30 official state and county population forecasts prepared by the office
31 of financial management, which shall continue to be used for state
32 budget and planning purposes.

33 **Sec. 4.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
34 read as follows:

35 (1) The growth management hearings board shall hear and determine
36 only those petitions alleging either:

37 (a) That, except as provided otherwise by this subsection, a
38 state agency, county, or city planning under this chapter is not in
39 compliance with the requirements of this chapter, chapter 90.58 RCW

1 as it relates to the adoption of shoreline master programs or
2 amendments thereto, or chapter 43.21C RCW as it relates to plans,
3 development regulations, or amendments, adopted under RCW 36.70A.040
4 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
5 to hear petitions alleging noncompliance (~~(with RCW 36.70A.5801)~~) for
6 siting a school or school facility in accordance with section 2 of
7 this act;

8 (b) That the twenty-year growth management planning population
9 projections adopted by the office of financial management pursuant to
10 RCW 43.62.035 should be adjusted;

11 (c) That the approval of a work plan adopted under RCW
12 36.70A.735(1)(a) is not in compliance with the requirements of the
13 program established under RCW 36.70A.710;

14 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
15 regionally applicable and cannot be adopted, wholly or partially, by
16 another jurisdiction; or

17 (e) That a department certification under RCW 36.70A.735(1)(c) is
18 erroneous.

19 (2) A petition may be filed only by: (a) The state, or a county
20 or city that plans under this chapter; (b) a person who has
21 participated orally or in writing before the county or city regarding
22 the matter on which a review is being requested; (c) a person who is
23 certified by the governor within sixty days of filing the request
24 with the board; or (d) a person qualified pursuant to RCW 34.05.530.

25 (3) For purposes of this section "person" means any individual,
26 partnership, corporation, association, state agency, governmental
27 subdivision or unit thereof, or public or private organization or
28 entity of any character.

29 (4) To establish participation standing under subsection (2)(b)
30 of this section, a person must show that his or her participation
31 before the county or city was reasonably related to the person's
32 issue as presented to the board.

33 (5) When considering a possible adjustment to a growth management
34 planning population projection prepared by the office of financial
35 management, the board shall consider the implications of any such
36 adjustment to the population forecast for the entire state.

37 The rationale for any adjustment that is adopted by the board
38 must be documented and filed with the office of financial management
39 within ten working days after adoption.

1 If adjusted by the board, a county growth management planning
2 population projection shall only be used for the planning purposes
3 set forth in this chapter and shall be known as the "board adjusted
4 population projection." None of these changes shall affect the
5 official state and county population forecasts prepared by the office
6 of financial management, which shall continue to be used for state
7 budget and planning purposes.

8 NEW SECTION. **Sec. 5.** Section 3 of this act expires December 31,
9 2020.

10 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect
11 December 31, 2020.

12 NEW SECTION. **Sec. 7.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

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