

**Report of the
Legislative Task Force on
School Siting**

**Final Report
December 2015**

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Legislation Establishing the Legislative Task Force on School Siting.

In 2015, the Legislative Task Force on School Siting was established in Second Engrossed House Bill 1115, relating to the capital budget.

Section 7024 of 2EHB 1115 provided that the Legislative Task Force on School Siting (Task Force) was created to review school facility challenges created by enrollment increases and recent education reforms, including expansion of full-day kindergarten and smaller class sizes.

The Task Force was required to review the issue of siting schools inside and outside of urban growth areas. In reviewing this issue, the Task Force was directed to achieve the planning goals and requirements set forth in chapter 36.70A RCW, the needs of school districts facing capacity issues, and the infrastructure needs of local governments. The Task Force was also required to consider the following:

- a comparison of providing transportation to and from schools in urban and rural areas;
- the impacts of schools on local and regional plans for growth when they are constructed in urban and rural areas;
- the availability and cost of water, sewer, transportation, law enforcement, emergency response facilities and services, and other necessary public facilities and services in urban and rural areas; and
- identify school locations that provide the most financially sustainable facilities and make the most efficient use of total tax dollars for each impacted jurisdiction, including school districts, cities, county unincorporated areas, sewer/water districts, fire districts, and the state.

The legislation required the Task Force to provide a summary of its discussions and any recommendations to the appropriate committees of the Legislature by December 1, 2015. The Task Force expires on January 1, 2016.

Task Force Members.

As provided in 2EHB 1115, the Task Force is comprised of the following members representing the following entities or organizations:

Member	Representing	2EHB 1115
Senator Pam Roach (Co-chair)	Washington State Senate, District 31	The chairs and ranking members of the Senate Committee on Government Operations and Security and the Senate Committee on Early Learning and K-12 Education, appointed by the President of the Senate. The chairs and ranking members of the House Committee on Local Government and the House Committee on Education, appointed by the Speaker of the House of Representatives
Senator Marko Lias	Washington State Senate, District 21	
Senator Steve Litzow	Washington State Senate, District 41	
Senator Rosemary McAuliffe	Washington State Senate, District 1	
Representative Chad Magendanz (Co-chair)	Washington House of Representatives, District 5	
Representative Dean Takko*	Washington House of Representatives, District 19	
Representative Joe Fitzgibbon**	Washington House of Representatives, District 34	
Representative David Taylor	Washington House of Representatives, District 15	
Representative Chris Reykdal***	Washington House of Representatives, District 22	
Michelle Price	Superintendent, Moses Lake School District	Two representatives of school districts, who represent school districts that serve students in rural areas and currently are experiencing difficulty finding suitable siting locations, selected by the Washington Association of School Administrators
Rick Schulte	Superintendent, Richland School District	
Ron Thiele	Superintendent, Issaquah School District	Two representatives of school districts, who represent school districts that serve students in urban areas and currently are experiencing difficulty finding suitable siting locations, selected by the Washington Association of School Administrators
Tom Seigel	Superintendent, Bethel School District	

Bryce Yadon	Futurewise	A representative of environmental concerns, appointed by the Governor
Blake Trask	Washington Bikes	A representative of active transportation concerns, appointed by the Governor
Art Castle	Building Industry Association of Washington	A representative of the building industry, appointed by the Governor
Carl Schroeder	Association of Washington Cities	A representative of the Association of Washington Cities
Commissioner Shelly O'Quinn	Washington State Association of Counties	A representative of the Washington State Association of Counties
Marty Snell	Washington State Association of County and Regional Planning Directors	A representative of the Washington State Association of County and Regional Planning Directors

* Appointed to the Senate on October 22, 2015.

** Appointed to replace Representative Dean Takko.

*** Appointed by Representative Sharon Tomiko Santos (Chair of the House Education Committee).

The Task Force elected Representative Chad Magendanz and Senator Pam Roach as co-chairs. Administrative support and other staffing was provided by:

- staff from the Office of the Superintendent of Public Instruction and from affected school districts, counties, and cities as needed; and
- Senate Committee Services and the House Office of Program Research.

Task Force Meetings.

The Task Force convened three meetings over the course of the 2015 interim, occurring on October 8, November 3, and November 30. Summaries of the meetings are not designed to be comprehensive or a complete transcription of the meetings, but rather a discussion of the presentations and a brief summary of each agenda item. The meetings on November 3 and November 30 were recorded and audio from those meetings is available.¹ All meetings were open to the public.

Task Force Meeting on October 8, 2015.²

Members Present: Senator McAuliffe, Senator Roach, Representative G. Hunt, Representative Magendanz, Representative Reykdal, Representative Takko, Art Castle, Eric Johnson (substituting for Michelle Price), Commissioner O'Quinn, Rick Schulte, Carl Schroeder, Tom Seigel, Marty Snell, Ron Thiele, Blake Trask, Bryce Yadon.

Election of a Chair. The enabling legislation, 2EHB 1115, section 7024, directed the Task Force to choose a chair from among its legislative membership. Representative Magendanz was elected chair of the committee. Senator Roach made a motion to elect co-chairs. Senator Roach was elected as co-chair of the committee with Representative Magendanz.

Overview of the Task Force's Purpose and Responsibilities. Staff from Senate Committee Services and the House Office of Program Research provided an overview of the Task Force's purpose – to review the issue of siting schools inside and outside of urban growth areas, as set forth in 2EHB 1115. The Task Force is responsible for considering a number of topics related to this issue: (1) transportation in urban and rural areas; (2) impacts of schools on local and regional plans for growth; (3) availability of certain services and facilities; and (4) school locations that provide the most financial stability and efficient use of tax dollars. The Task Force must provide a summary of its discussions and any recommendations to the appropriate committees of the Legislature by December 1, 2015.

School District Panel. Superintendents from four school districts – Bethel, Issaquah, Moses Lake, and Richland – each discussed the issues they are experiencing with siting new schools in their districts. The superintendents explained that these districts have growing populations, but they are not able to find suitable land within the urban growth area to build new schools. Some districts have purchased land outside of the urban growth area, but they are unable to proceed

¹ <http://www.avcaptureall.com/Sessions.aspx>.

² Meeting Materials: <https://app.leg.wa.gov/CMD/agenda.aspx?agency=4&year=2015&cid=21518&mid=22496>.

with building schools given state and local requirements. Factors that are considered in whether a particular site is suitable for a new school include size, cost, proximity to other schools and hazards, and availability of property. Ron Thiele, Superintendent of the Issaquah School District, explained that property inside the urban growth area costs 10-20 times more than property located outside of the urban growth area in that district. The superintendents also explained that they have been exploring other solutions, including building multi-level schools and establishing year-round, multi-track schoolyears.

State Agencies Panel. Staff from the Office of the Superintendent of Public Instruction, the Department of Health, and the Department of Commerce discussed the ways in which they are involved with siting new schools.

The Office of the Superintendent of Public Instruction. This agency administers the School Construction Assistance Program, which provides funding assistance to school districts that are undertaking a major new construction or modernization project. School districts must first secure local funding for their projects. If the projects meet certain eligibility requirements, the State provides partial funding based on formulas, allowances, and costs. The Office of the Superintendent of Public Instruction also noted two other considerations that the Task Force should consider: full-day kindergarten; and K-3 class size reduction.

The Department of Health. Regulations require the Board of Education to obtain written approval from the local public health department health officer indicating that a proposed development site for a new school facility presents no health programs. School sites must be a sufficient size to provide for the health and safety of the school enrollment and meet certain noise requirements. The Department of Health also looks at water, sewer, and other site issues.

The Department of Commerce. The agency's Growth Management Services provides school districts with an overview of the Growth Management Act's (GMA) requirements. The GMA requires certain plans depending on the county. For counties planning under the GMA, an urban growth area must be designated along with other comprehensive plan elements. Staff explained that schools can be outside of the urban growth area and in rural areas. However, urban governmental services (*e.g.* sewers) cannot be extended to schools in rural areas except to protect public health, safety, or the environment.

Other Issues. Stakeholders from King County, Spokane County, the City of Redmond, the Washington State Association of Counties, and the Washington Association of Regional and County Planning Directors also spoke about their experiences with siting schools. In 2007, there was a summit on school planning and siting in Washington. The final report with recommendations was published in February 2007.

In 2012, King County convened the King County School Siting Task Force. Its final report with recommendations was published on March 31, 2012. The Task Force looked at alternatives for 18 rural properties and came to an agreement that schools could be built outside of the urban growth area for three King County sites. These sites were close to the urban growth area and other schools, and there were no other alternatives.

Next Steps. The Task Force discussed scheduling its next meeting and directed staff for Senate Committee Services and the House Office of Program Research to assist. Staff was asked to collect all of the presentation materials used during the meeting and post the materials on the legislative website.

Task Force Meeting on November 3, 2015.³

Members Present: Senator Roach (co-chair), Representative Magendanz (co-chair), Senator McAuliffe, Representative Reykdal, Representative Taylor, Art Castle, Dave Catterson (substituting for Carl Schroeder), Laura Merrill (substituting for Commissioner O'Quinn), Michelle Price, Rick Schulte, Tom Seigel, Ron Thiele, Blake Trask, Bryce Yadon.

High School Sizing Requirements. Tom Seigel, Superintendent of the Bethel School District, discussed the acreage needed for a comprehensive high school. That district examined two of its existing high schools and concluded that a high school in a suburban environment needs 21 to 50 acres and 15 additional acres for recreational fields. He explained how this range is different than a school in an urban environment. Currently, rules adopted by the Superintendent of Public Instruction, WAC 392-342-020, provide guidance on the size of schools.

Essential Public Facilities and Limited Areas of More Intensive Rural Development. Staff from the House Office of Program Research provided an overview of current law. The comprehensive plan of each county and city fully planning under the Growth Management Act must include a process for identifying and siting "essential public facilities." Further, comprehensive plans and development regulations may not preclude the siting of "essential public facilities." "Essential public facilities" are facilities that are typically difficult to site, such as airports, regional transportation facilities, state educational facilities, and state and local correctional facilities. K-12 public schools are not currently included in the non-exhaustive statutory list of "essential public facilities."

The rural element of a county or city's comprehensive plan may allow for Limited Areas of More Intensive Rural Development (LAMIRDs), including necessary public facilities (*e.g.* schools)

³ Meeting Materials: <https://app.leg.wa.gov/CMD/agenda.aspx?agency=4&year=2015&cid=21518&mid=22507>.
Meeting Audio: <http://www.avcaptureall.com/Sessions.aspx#session.9f70b1d6-a205-4cd4-862c-f681b52581e7>.

and public services (*e.g.*, education) to serve the limited area. New uses of property within a LAMIRD may be allowed, including development of vacant land.

School Boundaries. The Educational Service District (ESD) Superintendent for the Capital Region (ESD 113), Dana Anderson, explained the process for changing school district boundaries. He also explained the background and governance structure of the ESDs.

Cindy Proctor, an Enumclaw resident, provided comments by letter. She stated that in rural areas there can be a lack of coordination between school siting and development. Kristin Bryant, who grew up in Black Diamond, discussed her experiences with school siting issues. She stated that schools need to be close to where students live and involved in planning decisions when there is new development.

Potential Recommendations. Task Force members developed a list potential recommendations that the Task Force could make to the Legislature. The potential recommendations, listed in the order in which the Task Force considered them and not in any order of priority, are:

1. (a) Classify schools as "essential public facilities" under the Growth Management Act.
(b) Classify schools as "essential public facilities" under the Growth Management Act where existing densities are met or located.
2. (a) Amend HB 1420 (2015), which would permit schools outside of the urban growth boundary when specified criteria are met, to apply to Pierce County and/or the Bethel School District and adopt it.
(b) Amend HB 1420 (2015), which would permit schools outside of the urban growth boundary when specified criteria are met, to apply statewide and adopt it.
3. Establish criteria and an appeal process for counties to approve the siting of schools outside of urban growth areas on a case-by-case basis.
4. Consider whether school districts should have sole responsibility for siting schools.
5. Authorize schools located outside of an urban growth area to connect to services, such as sewer and water, within the urban growth area under certain conditions.
6. Provide a safe harbor from litigation for counties, cities, and school districts that site schools outside of an urban growth area, and/or require courts and the Growth Management Hearings Board to defer to local school siting decisions that meet certain criteria.
7. Direct school districts and local jurisdictions to plan together. Require counties and cities to work collaboratively with school districts to plan for school siting needs, including conducting a holistic review of school feeder patterns, projected

growth, services, and other criteria, during the development and amendment of comprehensive plan and development regulations.

8. Direct the Office of the Superintendent of Public Instruction to update the requirements regarding the size of schools.
9. Consider long-term transportation costs, including student transportation and traffic congestion.
10. Clarify who can restrict height and density requirements related to siting schools.

Final Meeting. At the next meeting, the members will determine the process for voting on the potential recommendations. The members will then vote, in order to provide the recommendations to the Legislature by December 1. The members agreed that the next meeting will be at JA World in Auburn, Washington, at 10:00 AM on November 30.

Task Force Meeting on November 30, 2015.⁴

Members Present: Senator Roach (co-chair), Representative Magendanz (co-chair), Senator McAuliffe, Representative Fitzgibbon, Representative Reykdal, Representative Taylor, Art Castle, Dave Catterson (substituting for Carl Schroeder), Laura Merrill (substituting for Commissioner O'Quinn), Michelle Price, Rick Schulte, Tom Seigel, Ron Thiele, Blake Trask, Bryce Yadon.

Overview of Draft Report and Potential Recommendations. Legislative staff provided a brief overview of the draft report.⁵ The draft report includes an overview of the legislation creating the Task Force; a list of the Task Force members; a summary of each meeting of the Task Force; and a list of potential recommendations.

Statement of Intent. The Task Force members voted to add an intent section to the report. This section will state the Task Force's findings, including that neighborhood schools are traditionally the center of community activity, and students should not have to travel long distances to get to school. Communities and school districts should work collaboratively to plan for school siting needs.

Public Input on Potential Recommendations. The public was invited to comment on the potential recommendations and findings of the Task Force. The following persons or entities provided comments:

⁴ Meeting Materials: <https://app.leg.wa.gov/CMD/agenda.aspx?agency=4&year=2015&cid=21518&mid=23562>.

⁵ Draft Report:

<https://app.leg.wa.gov/CMD/Handler.ashx?MethodName=getdocumentcontent&documentId=IFp9y94ykO8&att=false>

Dan Cardwell, Pierce County Planner (Oral Comments). Mr. Cardwell asked the Task Force to consider clarifying that any utility extensions for schools outside the urban growth boundary would only be allowed for use by schools.

Mary Urback, Attorney for Bethel School District (Oral Comments). Ms. Urback representing the Bethel School District informed the Task Force of a current court case involving the school district's property located outside of the urban growth boundary. She explained that a change to state law could preclude further appeals and allow for construction of the school on that property.

The Washington State Association of Counties and the Washington State Association of County and Regional Planning Directors (Written Comments). School siting requirements and needs vary from jurisdiction to jurisdiction. A change in statute affecting the entire state is not needed and may create more difficulty in some areas (*e.g.*, regarding classifying schools as "essential public facilities"). Instead, counties and school districts should work together in updating comprehensive plans, including to discuss issues such as school impact fees, school expansions, or new school siting.

Tom Seigel (Bethel School District), Ron Thiele (Issaquah School District), Michelle Price (Moses Lake School District), and Rick Schulte (Richland School District).

These four members of the Task Force submitted three recommendations for consideration by the Task Force, listed in order of preference.

Futurewise. Regarding Bethel School District, Futurewise comments that local planning decisions contained in Vision 2040 and the Parkland-Spanaway-Midland Communities Plan prevent the school district from siting a school complex outside of the urban growth area. In addition, Futurewise asserts that siting a school outside of the urban growth area may be less costly initially, but will result in increased infrastructure costs to the community. Regarding Richland School District, Futurewise comments that local planning decisions (*i.e.*, Benton County's comprehensive plan) prevent the school district from extending water and sewer outside of the urban growth area, and the comprehensive plan has a formula for extending the urban growth area that takes into account land availability for schools.

Process for Considering Potential Recommendations. The Task Force members discussed different approaches for considering each of the potential recommendations submitted to the Task Force. A majority of members agreed that the Task Force would vote on each potential recommendation to decide whether to keep it on a list of potential recommendations considered by the Task Force in the report to the Legislature. A "yes" vote meant that the potential recommendation would be kept on the list, though not adopted or supported by the Task Force as a whole. A "no" vote meant that the potential recommendation would be removed from the list of

potential recommendations. In addition to the list of potential recommendations considered by the Task Force (those receiving a majority of "yes" votes), the report would also include a separate list of those options that were considered and discussed by the Task Force but did not receive the support of a majority of members voting to keep them on the list of potential recommendations.

Voting on Potential Recommendations. The Task Force members voted on eighteen potential recommendations. Seven of these potential recommendations received more "no" votes than "yes" votes, and were removed from the list of potential recommendations of the Task Force.

The following is the list of eleven potential recommendations:

1. Classify schools as "essential public facilities" under the Growth Management Act.
2. Classify schools as "essential public facilities" under the Growth Management Act where existing densities are met or located.
3. Classify public schools as an "essential public facility."
 - a. Allow urban services in the Rural Area through utility extensions that are solely dedicated for school purposes.
 - b. Implementation of this change at the local level would be done by distinguishing (using differing criteria):
 - i. "essential public facilities" in the Urban Area; and
 - ii. "essential public facilities" in the Rural Area.
4. Amend HB 1420 (2015), which would permit schools outside of the urban growth area when specified criteria are met, to apply statewide and adopt it.
5. Amend HB 1420, relating to school siting in the Rural Area, in order to:
 - a. apply it statewide; and
 - b. allow urban services to serve schools in the Rural Area, as necessary, through utility extensions that are solely dedicated for school purposes when criteria to site schools has been satisfied.
6. Authorize schools located outside of an urban growth area to connect to services within the urban growth area, such as sewer and water, under certain conditions.
7. Where a proposed new school site is located outside an existing urban growth area, urban infrastructure is within one-half mile of the site, and surrounding existing density is greater than current rural density standards, during the next comprehensive plan update, extension of the urban growth area to include the new school site with appropriate zoning

surrounding the site that enables children to walk and bicycle to school should be considered.

8. In areas where existing density is greater than current rural density standards, a school may be sited without urban infrastructure.
9. Provide a safe harbor from litigation for counties, cities, and school districts that site schools outside of an urban growth area, and/or require courts and the Growth Management Hearings Board to defer to local school siting decisions that meet certain criteria.
10. Direct school districts and local jurisdictions to plan together. Require counties and cities to work collaboratively with school districts to plan for school siting needs, including conducting a holistic review of school feeder patterns, projected growth, services, and other criteria, during the development and amendment of comprehensive plan and development regulations.
11. Consider long-term transportation costs, including student transportation and traffic congestion.

The following are the seven potential recommendations that the Task Force members voted to remove from the list of potential recommendations:

1. Amend HB 1420 (2015), which would permit schools outside of the urban growth area when specified criteria are met, to apply to Pierce County and/or the Bethel School District and adopt it.
2. Establish criteria and an appeal process for counties to approve the siting of schools outside of urban growth areas on a case-by-case basis.
3. Consider whether school districts should have sole responsibility for siting schools.
4. Direct the Office of the Superintendent of Public Instruction to update the requirements regarding the size of schools.
5. Clarify who can restrict height and density requirements related to siting schools.
6. Require developers of large housing developments to dedicate land to school districts for construction of schools to support the new student population. The land dedication must not be less than the statutory or administrative rule guidelines regarding school sites.

7. Require courts and the Growth Management Hearings Board to defer to a local jurisdiction's school siting decisions.

Final Report. Representative Magendanz, co-chair of the Task Force, asked staff to make technical and grammatical changes to the report to reflect the discussions at the November 30 meeting, as well as to add the intent statement and a summary of the final meeting, and to e-mail the final report to the Task Force members. Task Force members were asked to review the final report.

Statement of Intent.

The Task Force finds that neighborhood schools are traditionally the center of community activity, and play an integral role in communities by providing a variety of resources and learning opportunities. This tradition should be continued. The Task Force also finds that it is in the best interests of students, parents, and communities that students spend a minimum amount of time traveling to and from schools, and busing students long distances should be avoided. The Task Force affirms that schools should be located in the neighborhoods they serve. Furthermore, communities and schools districts should work collaboratively to plan for school siting needs and establish cohesive plans.

Potential Recommendations Considered by the Task Force.

The following recommendations considered by the Task Force are not listed in any order of priority:

1. Classify schools as "essential public facilities" under the Growth Management Act.
 - Estimated vote count was 7 "yes" to 6 "no"
2. Classify schools as "essential public facilities" under the Growth Management Act where existing densities are met or located.
 - Estimated vote count was 5 "yes" to 5 "no"
3. Classify public schools as an "essential public facility."
 - a. Allow urban services in the Rural Area through utility extensions that are solely dedicated for school purposes.
 - b. Implementation of this change at the local level would be done by distinguishing (using differing criteria):
 - i. "essential public facilities" in the Urban Area; and
 - ii. "essential public facilities" in the Rural Area.
 - Estimated vote count was 7 "yes" to 6 "no"
4. Amend HB 1420 (2015), which would permit schools outside of the urban growth boundary when specified criteria are met, to apply statewide and adopt it.
 - Estimated vote count was 8 "yes" to 5 "no"

5. Amend HB 1420, relating to school siting in the Rural Area, in order to:
 - a. apply it statewide; and
 - b. allow urban services to serve schools in the Rural Area, as necessary, through utility extensions that are solely dedicated for school purposes when criteria to site schools has been satisfied.
 - Estimated vote count was 7 "yes" to 6 "no"

6. Authorize schools located outside of an urban growth area to connect to services, such as sewer and water, within the urban growth area under certain conditions.
 - Estimated vote count was 6 "yes" to 4 "no"

7. Where a proposed new school site is located outside an existing urban growth area, urban infrastructure is within one-half mile of the site, and surrounding existing density is greater than current rural density standards, during the next comprehensive plan update, extension of the urban growth area to include the new school site with appropriate zoning surrounding the site that enables children to walk and bicycle to school should be considered.
 - Estimated vote count was 7 "yes" to 4 "no"

8. In areas where existing density is greater than current rural density standards, a school may be sited without urban infrastructure.
 - Estimated vote count was 7 "yes" to 3 "no"

9. Provide a safe harbor from litigation for counties, cities, and school districts that site schools outside of an urban growth area, and/or require courts and the Growth Management Hearings Board to defer to local school siting decisions that meet certain criteria.
 - Estimated vote count was 9 "yes" to 5 "no"

10. Direct school districts and local jurisdictions to plan together. Require counties and cities to work collaboratively with school districts to plan for school siting needs, including conducting a holistic review of school feeder patterns, projected growth, services, and other criteria, during the development and amendment of comprehensive plan and development regulations.
 - Estimated vote count was 4 "yes" to 1 "no"

11. Consider long-term transportation costs, including student transportation and traffic congestion.
 - Estimated vote count was 6 "yes" to 5 "no"

Additional Options Considered by the Task Force.

1. Amend HB 1420 (2015), which would permit schools outside of the urban growth boundary when specified criteria are met, to apply to Pierce County and/or the Bethel School District and adopt it.
 - Estimated vote count was 2 "yes" to 8 "no"
2. Establish criteria and an appeal process for counties to approve the siting of schools outside of urban growth areas on a case-by-case basis.
 - Estimated vote count was 4 "yes" to 5 "no"
3. Consider whether school districts should have sole responsibility for siting schools.
 - Did not receive any yes votes
4. Direct the Office of the Superintendent of Public Instruction to update the requirements regarding the size of schools.
 - Estimated vote count was 4 "yes" to 9 "no"
5. Clarify who can restrict height and density requirements related to siting schools.
 - Estimated vote count was 1 "yes" to 5 "no"
6. Require developers of large housing developments to dedicate land to school districts for construction of schools to support the new student population. The land dedication must not be less than the statutory or administrative rule guidelines regarding school sites.
 - Estimated vote count was 2 "yes" to 7 "no"
7. Require courts and the Growth Management Hearings Board to defer to a local jurisdiction's school siting decisions.
 - Estimated vote count was 5 "yes" to 7 "no"