

**Application No. 891627: Comprehensive Plan Text Amendment - Rural School Policies - Amend policies consistent with State Legislation allowing schools in the rural area and extension of sewer service to schools in the rural area**

**Applicant:** Pierce County Planning and Public Works

## GENERAL DESCRIPTION

The proposal would amend “Schools in the Rural Areas” policies of the Comprehensive Plan to clarify the allowance of schools in rural areas, requiring coordination between schools and counties and provisions for the extension of public services. Amendment based state legislation codified in RCW 36.70A.211, RCW 36.70A.212, RCW 36.70A.213.

## PROPOSED AMENDMENTS

### Land Use Element, Rural, Page 2-57

#### SCHOOLS IN RURAL AREAS

**GOAL LU-78** ~~Site s~~ Schools, institutions, and other community facilities ~~within the rural area when they serve primarily rural student populations.~~ may be located in rural areas.

~~**LU-78.1** Allow these facilities that serve primarily rural populations in rural areas only when the facility primarily serves rural student populations or provides an identified need such a rural dependent educational activities that cannot be met in the urban area.~~

~~**LU-78.1.1** Encourage schools, institutions, and other community facilities that serve rural residents to locate in neighboring cities and towns.~~

**LU-78.1.2** Expansion of an existing site is preferred over the creation of a new site.

**LU-78.1.3** Ensure the location and design of proposed facilities in the rural area is harmonious, ~~including size and scale,~~ with the existing character of the area.

**LU-78. 4** Ensure coordination between the County and each school district siting schools in the rural area.

**LU-78.4.1** Each school district siting schools in the rural area shall participate in the County's periodic updates to its Comprehensive Plan as required by RCW

36.70A.130(1)(b) by:

- Coordinating its enrollment forecasts and projections with the County's adopted population projections;
- Identifying school siting criteria with the County, cities, and regional transportation planning organizations;
- Identifying suitable school sites with the County and cities, with priority to siting urban-serving schools in existing cities and towns in locations where students can safely walk and bicycle to the school from their homes and that can effectively be served with transit; and
- Working with the County and cities to identify school costs and funding for the capital facilities plan element required by RCW 36.70A.070(3).

**LU-78.5** New schools in the rural area serving students from an urban area shall not be incorporated into the calculations to determine school impact fees for a school district nor receive funding from school impact fees.

**LU-78.6.** The extension of public facilities and utilities to serve a school sited in a rural area may be authorized by the County provided the following requirements are met:

**LU-78.6.1** The applicable school district board of directors must adopt a policy addressing school service area and facility needs and educational program requirements;

**LU-78.6.2** School districts must make a finding, with the concurrence of the County Council and the legislative authorities of any affected cities, that the district's proposed site is suitable to site the school and any associated recreational facilities that the district has determined cannot reasonably be collocated on an existing school site, taking into consideration the policy adopted in LU-78.6.1 and the extent to which vacant or developable land within the growth area meets facility needs and educational program requirements;

**LU-78.6.3** The County and any affected cities that provide sewer service agree to the extension of public facilities and utilities to serve the school sited in a rural area that serves urban and rural students at the time of concurrence s referenced in LU-78.6.2;

**LU-78.6.4** If a sanitary sewer line extended beyond the urban growth area to serve a school, private property in the rural area may connect to the sewer utility if:

- The property has a failing onsite sanitary sewer system; or
- The property owner requests connection provided:
  - 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;

- The property may only develop at existing zoning densities; and
- There may be no request to expand the Urban Growth Boundary based solely on the extension of the sewer.

## Land Use Element, Rural, Page 2-46

### RURAL CHARACTER

**GOAL LU-62** Ensure land uses and activities are consistent with and preserve rural character.

**LU-62.1** Encourage and support economic vitality in ways that protect the rural way of life and are compatible with the rural environment.

**LU-62.2** Prohibit urban level service extensions, including sewer lines, into rural areas, except:

**LU-62.2.1** To remedy groundwater contamination problems to correct health hazards; or

**LU-62.2.2** When there is an existing formal binding agreement to serve an approved development.

**LU-62.2.3** For public facilities and utilities to serve a school sited in a rural area pursuant to Additional Rural Policies -Schools in Rural Areas LU-78.6.

## Capital Facilities Element, Page 3-7

### PUBLIC SCHOOLS

**GOAL CF-20** Coordinate land use planning and school district capital facilities planning.

**CF-20.1** School facilities should meet the needs of the existing and future population.

**CF-20.1.1** The County shall work collaboratively with the School Districts to identify strategies to accommodate student populations in proximity to their residences.

**CF-20.1.2** Strategies may include providing an inventory of developable land to a School District, identifying surplus County owned properties, modifying development regulations to eliminate barriers to school property development or redevelopment, rezoning suitable urban lands, or adjusting the urban growth area consistent with UGA expansion policies.

**CF-20.2** Ensure school impact fees help pay the costs associated with serving new development.

**CF-20.3** Coordinate annually with school districts to determine if the current impact fee payments are effective.

**CF-20.3.1** Request an account of how the fees are being utilized.

**CF-20.4** New schools in the rural area serving students from an urban area shall not be incorporated into the calculations to determine school impact fees for a school district nor receive funding from school impact fees.

## Utilities Element Pages 13-9 and 13-10

### SANITARY SEWER SERVICE AND WASTEWATER TREATMENT

**U-15.7** Sewer service cannot be provided outside the Urban Growth Areas unless:

**U-15.7.1** Sewer service will remedy groundwater contamination and health problems, as determined by the local health department; and

**U-15.7.2** Extension/expansion is necessary to protect basic public health and safety, the environment, is financially supportable at rural densities, and cannot be used to permit urban development; or

**U-15.7.3** A formal binding agreement to service an approved planned develop

**U-15.7.4** The extension of public facilities and utilities is authorized to serve a school sited in a rural area pursuant to Additional Rural Policies -Schools in Rural Areas LU-78.6.

Staff also recommends the following revision to the Rural Element to provide consistency:

### Rural Character

**LU-61.5** A land use pattern protected from conversion into uses that require urban level services except for extension of sewer to school facilities that meet Additional Rural Policies - Schools in Rural Areas LU-78.6.

## STAFF RECOMMENDATION

Staff supports the amendments to the Pierce County Comprehensive Plan. Staff support is based on the following:

- The amendments are consistent with the provisions of HB1017 and HB 2243 as codified in RCW 36.70A.211, RCW 36.70A.212, and RCW 36.70A.213.
- The amendments will allow for schools in the rural area in Pierce County.

- The amendments will increase coordination between the County and school districts that locate schools in the rural area.
- The amendments will allow for the extension of sewer to schools in the rural area.

## IMPLEMENTATION REQUIREMENTS

Amend Chapter 18A.43 Rural School Siting in Title 18A – Development Regulations – Zoning.

The amendment would not require changes to policies and regulations of Pierce County Sewer Utilities. The Utility would follow the allowances of state law.

## IMPACT ANALYSIS

*Procedures for Amendments to the Comprehensive Plan*, PCC 19C.10, requires that the merits of all amendments to the Plan be evaluated based on the following (PCC 19C.10.060 A.):

1. The effect upon the rate of growth, development, and conversion of land as envisioned in the Plan

The proposal would not affect the growth, development and conversion of land. The amendments would allow for schools in the rural to serve the needs of students. The amendments do not change the location of the Urban Growth boundary. The location of a school in the rural area would not change rural densities or uses.

The amendment also reflects the legislation that prohibits the extension of sewer to schools as a reason to extend the Urban Growth Area. The amendments also do not allow for development on either side of a sewer extension to be development at any density greater than allowed by rural zoning.

2. The effect upon the County's capacity to provide adequate public facilities

This amendment increases a school district's ability to provide adequate capacity for educational needs.

The proposal would have a very limited impact on the capacity to provide adequate public facilities such as sewer. The utility provider must approve any public facility/sewer extension and would not allow the extension if it would impact capacity adversely

3. The effect upon the rate of population and employment growth

The proposal would not affect the rate of population and employment growth. Schools follow growth and are in response to the student demands of an area. Growth in rural areas would be as allowed by current rural policies and densities.

4. Whether Plan objectives are being met as specified or remain valid and desirable

The proposal would continue to support the Plan objectives for the Rural area. The amendments would not increase zoning density or revise the UGA to allow additional density in the rural area.

5. The effect upon general land values or housing costs

The proposal may have a localized impact on land or housing costs as lots or properties near a new school in the rural area may receive additional attention by property or home buyers. Proximity to the school may promote home building, however this would be at a rural density the same as would be allowed currently. Even properties that may choose to connect to a sewer line extended to the school could still only develop at rural densities.

6. Whether capital improvements or expenditures, including transportation, are being made or completed as expected

The proposal would facilitate capital improvement planning for school districts by providing additional school sites in proximity to students from rural and urban areas. School districts will be able to make transportation expenditures to accommodate new schools.

7. Whether the initiated amendment conforms to the requirements of the GMA, is internally consistent with the Plan and is consistent with the Countywide Planning Policies for Pierce County

The proposal would be consistent with the Growth Management Act as currently constituted with new sections RCW 36.70A.211, RCW 36.70A.212, and RCW 36.70A.213.

RCW 36.70A.211 addresses consistency with the Multi-County Planning Policies (MPPs) by indicating that in the next update to the MPPs the issue of siting schools in the rural area must be addressed for Pierce County.

Additionally, the Countywide Planning Policies balance the rationale for locating schools in the urban area with the service needs of siting schools closer to student populations living in the rural area.

The County has worked with school districts in the formation of school location policies with regards to schools in the rural area. As required by the legislation, Pierce County will be working with school districts to develop standards for school location through the next periodic update.

The proposal is consistent with the Rural Element of the Comprehensive Plan as the Element includes policies that do allow for schools in the rural area. Staff is recommending additional amendments to the Rural Element to clarify the rural character does include the allowance for schools and a policy that recognizes the allowance for the extension of sewer to a school in the rural area.

8. The effect upon critical areas and natural resource lands

The proposal would not change the policy and regulatory requirement for critical area or natural resource lands.

9. Consistency with locational criteria in the Comprehensive Plan and application requirements established by this Chapter

The proposal will establish locational criteria with regards to schools in the rural area and the extension of urban facilities (sewer) to schools in the rural area.

10. The effect upon other considerations as deemed necessary by the Department

The County has received a letter in support of the proposed amendment from the Pierce County School Districts Coalition representing the Bethel School District, Eatonville School District, Franklin Pierce School District, Tacoma School District, Peninsula School District, Puyallup School District, Sumner-Bonney Lake School District, and the White River School District.

## BACKGROUND

The County conducted the required periodic update of its Comprehensive Plan in 2015. The updated Comprehensive Plan included policies to address schools in the rural area. These policies were appealed to the Growth Management Hearings Board (GMHB). This appeal (Case No. 15-3-0010c) incorporated an earlier appeal of a comprehensive plan amendment related to locating schools in the rural area (Coordinated Case No. 12-3-0002c).

The GMHB found that the policies of the updated Comprehensive Plan did not meet the requirements of the Growth Management Act (GMA) Act in the context of Multi-County and Countywide Planning Policies (MPPs and CPPs respectively) regarding locating schools in the rural area. Multi-County Planning Policy MPP 21 from Vision 2040 requires schools primarily to serve urban populations be sited within the urban growth area. The Board found that the MPPs are part of GMA framework and have binding effect on comprehensive plan policies.

In response to the GMHB decision, the County passed Ordinance 2016-34s and amended its policies in the Rural Element to be consistent with the Boards' findings. The Board, in response, under an Order Granting Reconsideration, which became the Final Order and Decision for Case No. 15-3-0010c, found the County's policies on school location in the rural area in compliance with the GMA.

The policies as adopted in Ordinance 2016-34s significantly limited the opportunity to locate schools in the rural area that would serve students from the urban area. The school districts petitioned the Legislature to pass legislation to address the issue. In response the Legislature passed two bills, HB 1017 and later HB 2243.

HB1017 allowed for schools to be located in the rural area in Pierce County with a provision limiting the use of impact fees for these schools (Also see RCW 36.70A.211). HB 1017 also required that in the next periodic update of the Comprehensive Plan that there is significant coordination between school districts and the County if schools are to be located in the rural area (See also RCW 36.70A.212). Finally, HB 2243 provided for the extension of urban public services such as sewer to schools in the rural area (See also RCW 36.70A.213).

The proposed amendments incorporate the legislation and state code provisions into the Pierce County Comprehensive Plan with policies which would provide for the location of schools in the rural area and the extension of services.

### ***Applicable RCWs/Policies***

#### **GROWTH MANAGEMENT ACT (GMA)**

##### **RCW 36.70A.212**

Siting of schools—Rural areas, when authorized—Impact fees. (Expires June 30, 2031.)

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

(a) The county has a population of more than eight hundred forty thousand but fewer than one million five hundred thousand and abuts at least six other counties;

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

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

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

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

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

(4) This section expires June 30, 2031.

##### **RCW 36.70A.212**

Siting of schools—Periodic updates.

In a county that chooses to site schools under RCW 36.70A.211, each school district within the county must participate in the county's periodic updates required by RCW 36.70A.130(1)(b) by:

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

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



- (3) Identifying suitable school sites with the county and cities, with priority to siting urban-serving schools in existing cities and towns in locations where students can safely walk and bicycle to the school from their homes and that can effectively be served with transit; and
- (4) Working with the county and cities to identify school costs and funding for the capital facilities plan element required by RCW 36.70A.070(3).

### **RCW 36.70A.213**

Extension of public facilities and utilities to serve school sited in a rural area authorized—Requirements for authorization—Report.

(1) This chapter does not prohibit a county planning under RCW 36.70A.040 from authorizing the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area so long as the following requirements are met:

- (a) The applicable school district board of directors has adopted a policy addressing school service area and facility needs and educational program requirements;
- (b) The applicable school district has made a finding, with the concurrence of the county legislative authority and the legislative authorities of any affected cities, that the district's proposed site is suitable to site the school and any associated recreational facilities that the district has determined cannot reasonably be collocated on an existing school site, taking into consideration the policy adopted in (a) of this subsection and the extent to which vacant or developable land within the growth area meets those requirements;
- (c) The county and any affected cities agree to the extension of public facilities and utilities to serve the school sited in a rural area that serves urban and rural students at the time of concurrence in (b) of this subsection;
- (d) 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 based on a reasonable nexus to the impacts of the school, except as provided in subsection (3) of this section; and
- (e) Any impacts associated with the siting of the school are mitigated as required by the state environmental policy act, chapter 43.21C RCW.

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

(3) Where a public facility or utility has been extended beyond the urban growth area to serve a school, the public facility or utility may, where consistent with RCW 36.70A.110(4), serve a property or properties in addition to the school if the property owner so requests, 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. In such an instance, the school district may, for a

period not to exceed twenty years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utility.

(4) By December 1, 2023, the department shall report to the governor and the appropriate committees of the legislature about schools outside of urban growth areas that have been built, are under construction, or are planned as a result of the requirements of chapter 32, Laws of 2017 3rd sp. sess. The report shall include the number, location, and characteristics of the schools; the number of urban and rural students served; and a cost analysis of schools built outside of urban growth boundaries.

## MULTICOUNTY PLANNING POLICIES (VISION 2040)

**RCW 36.70A.211** addresses consistency with the Multi-County Planning Polices (MPPs) by indicating that in the next update to the MPPs the issue of siting schools in the rural area must be addressed for Pierce County. This would exempt the siting of school in the rural area in Pierce County from the MPPs until that time.

### SITING FACILITIES POLICIES

**MPP-PS-21:** Site schools, institutions, and other community facilities that primarily serve urban populations within the urban growth area in locations where they will promote the local desired growth plans.

**MPP-PS-22:** Locate schools, institutions, and other community facilities serving rural residents in neighboring cities and towns and design these facilities in keeping with the size and scale of the local community.

## PIERCE COUNTY COUNTYWIDE PLANNING POLICIES (CPPs)

The Countywide Planning Policies balance the rationale for locating schools in the urban area with the service needs of siting schools closer to student populations living in the rural area:

The County... shall meet specific educational facility needs by...working toward standards that would prioritize the location of these facilities to be in urban areas, with consideration to existing facilities in rural areas. (PC CPPs Ed 5.3)

**Ed-3.** The County, and each municipality the County, shall coordinate with other institutions or governmental entities responsible for providing educational services, in order to ensure the provision of educational facilities along with other necessary public facilities and services and along with established and planned growth patterns through:

- 3.1** the capital facilities plan element;
- 3.2** the land use element;
- 3.3** school site location decisions;

- 3.4 coordination and, if necessary, formal interlocal agreements between school districts and other governmental entities exercising land use planning, regulation, and capital improvement planning functions;
- 3.5 the possible use of impact fees, voluntary advancements, and regulatory requirements for a portion of school facility financing;
- 3.6 encouraging of joint (municipal/school district) use of playgrounds, parks, open-spaces and recreational facilities;
- 3.7 supporting for sufficient funding of educational facilities and services;
- 3.8 supporting for the provision of educational facilities and services to meet specialized needs.

**Ed-4.** The County, and each municipality in the County, shall coordinate with school districts by:

- 4.1 incorporating school facility location criteria, developed in conjunction with the local school district, in the local comprehensive plan;
- 4.2 including school districts in the comprehensive planning process;
- 4.3 developing a common base of data and sharing the data with school districts concerning population, household, and school-age population projections, non-educational capital facility needs, and land uses; and
- 4.4 initiating dialogues with school districts about school district boundaries and service areas in relation to municipal boundaries, designated urban growth areas, annexation plans, and service extension plans and policies.

**Ed-5.** The County, and each municipality in the County, shall determine specific siting requirements for all public and private educational facilities and shall meet specific educational facility needs by:

- 5.1 locating schools in a manner that is consistent with the local comprehensive plan, including the capital facilities element;
- 5.2 deciding all facility locations, types and sizes with consideration for the provision of other necessary public facilities and services and the compatibility and effect of the provision of such facilities on land use and development patterns; and
- 5.3 working toward standards that would prioritize the location of these facilities to be in urban areas, with consideration to existing facilities in rural areas.

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PIERCE COUNTY COMPREHENSIVE PLAN

**GOAL LU-61** Rural character is defined as:

**LU-61.1** An environment highlighted by the natural landscape, native vegetation, wildlife habitat, and large areas of open space.

**LU-61.2** An economy and lifestyle supported by agricultural and forestry activities, small-scale natural resource industries, cottage industries, and services that serve needs of local residents and tourists.

**LU-61.3** A visual character enhanced by scenic resources and territorial views.

**LU-61.4** A landscape attuned with the use of the land and water by wildlife and fish.

**LU-61.5** A land use pattern protected from conversion into uses that require urban level services.

**LU-61.6** An area served by limited public services and facilities.

**LU-61.7** A built environment developed in a manner that preserves watercourses, aquifer recharge areas, and the natural hydrologic cycle.

**LU-61.8** A land use pattern that is depicted through limited commercial services and low-density residential development.

**GOAL LU-62** Ensure land uses and activities are consistent with and preserve rural character.

**LU-62.1** Encourage and support economic vitality in ways that protect the rural way of life and are compatible with the rural environment.

**LU-62.2** Prohibit urban level service extensions, including sewer lines, into rural areas, except:

**LU-62.2.1** To remedy groundwater contamination problems to correct health hazards;  
or

**LU-62.2.2** When there is an existing formal binding agreement to serve an approved development.

**LU-62.3** Explore opportunities for establishing development standards for rural areas that would consider the differences between urban development requirements and rural development needs.

**LU-62.4** Respect the carrying capacity of the natural environment, and protect important elements of the rural environment, including its scenic and historic resources to preserve rural character.

**LU-62.4.1** Encourage low-density residential and resource-based activity as primary uses.

**LU-62.4.2** Allow for limited non-residential land uses that support rural densities.

ADDITIONAL RURAL POLICIES

SCHOOLS IN RURAL AREAS

**GOAL LU-78** Site schools, institutions, and other community facilities within the rural area when they serve primarily rural student populations.

**LU-78.1** Allow these facilities that serve primarily rural populations in rural areas only when the facility primarily serves rural student populations or provides an identified need such as rural dependent educational activities that cannot be met in the urban area.

**LU-78.1.1** Encourage schools, institutions, and other community facilities that serve rural residents to locate in neighboring cities and towns.

**LU-78.1.2** Expansion of an existing site is preferred over the creation of a new site.

**LU-78.1.3** Ensure the location and design of proposed facilities in the rural area is harmonious, including size and scale, with the existing character of the area.