

Application No. 891683: **COMPREHENSIVE PLAN TEXT AMENDMENT – Change the concurrency standard for schools to require permanent facilities to meet concurrency.**

Applicant: Pierce County Council

GENERAL DESCRIPTION

The proposal would allow only permanent school facilities to be considered in meeting school facilities concurrency or use temporary structures if funding is in place for permanent facilities or use alternative strategies to address the need. The proposal would also add a policy to require coordination with school districts as part of the periodic update of the Comprehensive Plan.

PROPOSED AMENDMENT

Comprehensive Plan

Capital Facilities Element, Page 3-7

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-20.1.3 School facilities must be provided prior to or concurrent with development. For school facilities, “concurrent with development” means that permanent school facilities are in place having the capacity to accommodate the need resulting from the development. Where temporary structures are proposed to house students, a financial commitment must be in place to provide permanent school facilities sufficient to accommodate the need within six years, or alternatively, the school district may propose other strategies sufficient to respond to the need.

CF-20.1.4 In coordination with school districts, conduct a review of school district facility capacity no later than a year prior to a mandated Comprehensive

Plan update. Where capacity deficiencies are projected, consider modifications to zoning or other measures to address the capacity deficiency.

STAFF RECOMMENDATION

Staff does not support the proposed amendment because:

- Existing barriers to funding new or expanded schools, aside from impact fees, are largely beyond the control of Pierce County and school districts.
- The County may be relinquishing its land use authority to school districts because the school districts must act to meet concurrency. The school district may or may not have the ability to do that.
- The policy would require moratoria on growth in the County where school districts use portable facilities or do not have bonds in place for permanent facilities (even in school districts that have not requested denial of projects nor indicated that they do not have capacity to accept students).
- The policy does not recognize existing State funding mechanisms that require using portables to demonstrate need and receive construction funds for new schools.

IMPLEMENTATION REQUIREMENTS

If the Proposal is adopted, Pierce County Code would need to be revised to reflect the new concurrency standard; otherwise, no changes would be necessary.

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 may result in additional development of land for educational uses only if school districts are able to find funding to expand existing schools or establish new schools to remain concurrent with development.

The proposed policy and potential implementing regulations would only apply to the County, and not the school districts. Therefore, if school districts do not provide sufficient permanent facilities, the County would be required to disapprove development permits, reduce allowed density within the school district boundaries, or redirect growth to other non-deficient school districts. The proposal may result in reduced development or a development moratorium within applicable school district boundaries. This may have adverse impacts on housing and economic development.

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

The proposal would not change the provision of adequate school facilities. Conversely, the proposal could cause the County to reduce or halt development within school district boundaries even if a school district has capacity in portables or is implementing other strategies but does not have funding or a bond in place for permanent facilities.

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

The proposal could have an indirect effect on the rate of population and employment growth by reducing growth.

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

The proposal may not meet GMA objectives to plan for and encourage growth in the urban growth areas, protect rural areas from sprawl, provide housing for various income levels and needs, and locating schools in urban areas.

The County currently meets concurrency for schools by collecting school impact fees schools from new development. The current impact fee allows a developer to pay a proportional share for impacts to schools. An interpretation of the proposal could require a developer, of even a small plat of 10 lots, to pay for the construction of a permanent school facility to comply with the policy.

5. The effect upon general land values or housing costs

The proposal may require the County to restrict or eliminate residential development in places where adequate permanent school facilities are not provided by the school district but still have capacity in other facilities. A reduction in the future housing supply may increase land values, home values, housing costs, and reduce school revenues.

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

Not applicable

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

A school district is not required to comply with the Growth Management Act (GMA). The County would be imposing restrictions on itself that would impact its ability to provide for future growth, significantly affect the housing supply and adversely affect economic growth. The County would be forfeiting its land use authority to independent school districts and unpredictable school funding mechanisms.

While GMA encourages development in urban areas where adequate public facilities exist, it also requires that a County plan for growth. The proposal would concede the County's land use planning authority for accommodating growth to a special purpose district.

The proposal would be inconsistent with Pierce County Comprehensive Plan policies and objectives to provide adequate housing for future growth.

The proposal may be inconsistent with the Countywide Planning Policies for Pierce County. The proposal may conflict with Pierce County Comprehensive Plan Objective CF-20 and Countywide Planning Policies ED-3 and ED-4 to coordinate with school districts in capital facilities planning:

ED-3 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 established and planned growth patterns through the capital facilities element, coordination...between school districts and other governmental entities...,

The policy needs to be coordinated with the school districts to address potential impacts and implications for its capital facilities planning.

Consistent with GMA policies for “early and continuous” public participation in the development of Comprehensive Plans, the proposal would require coordination with school districts as part of the periodic update of the Comprehensive Plan. This would be consistent with other policies that require coordination with schools.

8. The effect upon critical areas and natural resource lands

Not applicable

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

Not applicable

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

There are three major issues that currently hinder school districts ability to accommodate enrollment growth and provide greater facility capacity. First, property tax bonds and levies that fund construction of new schools must pass by a 60% majority (RCW 39.36.020), which has been historically difficult for some school districts to achieve in Pierce County. Second, State funding for new schools through the School Construction Assistance Program is based on the number of “unhoused students” (i.e., students in portables, which is an incentive for school districts to continue to rely on temporary facilities). Third, school impact fees assessed by the County do not wholly address school capacity needs.

Addressing these issues is challenging. The proposed amendment offers another solution: adopt school concurrency regulations that, if school facilities fail concurrency, require the County to deny development permits, reduce zoned growth capacity, or redirect growth to other non-deficient school districts.

The proposed policy and GMA provide alternative measures that may be taken before limiting growth, including:

- Reduction in level of service standard,
- Demand management,
- Development mitigations or conditions,
- Revised growth allocations to regional minimums, or
- Other strategies besides portables sufficient to respond to the need.

While no school district has requested that the County deny development permits due to inadequate facilities, some school districts state in their Capital Facilities Plans that they are beyond capacity when counting all structures, including Bethel School District and Peninsula School District. The proposed policy excludes portables as sufficient to satisfy capacity, unless there is funding in place, therefore with the placement of one portable or until all portables are removed, a school district would not meet concurrency. Most school districts have many portables, and some have hundreds. It could take some districts decades to remove all portables and become concurrent.

Alternative Strategies

It is difficult to determine the meaning of alternative strategies in the context of the proposed policy to link concurrency with permanent structures. Alternative strategies are currently available to school districts to provide capacity for students, including schedule changes such as split shifts or double sessions.

Applicable RCWs/Policies

GROWTH MANAGEMENT ACT (GMA)

RCW 36.70A.020: The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations: (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner; (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; ... (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock; (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas

experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities; ...(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

RCW 36.70A.115(1): Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.

WAC 365-196-415(2)(a): Counties and cities should create an inventory of existing capital facilities showing locations and capacities, including the extent to which existing facilities have capacity available for future growth. Capital facilities involved should include, at a minimum, water systems, sanitary sewer systems, stormwater facilities, reclaimed water facilities, schools, parks and recreational facilities, police and fire protection facilities. Capital facilities that are needed to support other comprehensive plan elements, such as transportation, the parks and recreation or the utilities elements, may be addressed in the capital facility element or in the specific element. Counties and cities should periodically review and update the inventory. At a minimum this review must occur as part of the periodic update required by RCW 36.70A.130(1). Counties and cities may also maintain this inventory annually in response to changes in the annual capital budget.

WAC 365-196-415(2)(b)(ii): Counties and cities should identify those improvements that are necessary to address existing deficiencies or to preserve the ability to maintain existing capacity. Counties and cities should identify those improvements that are necessary for development. Counties and cities may identify any other improvements desired to raise levels of services above locally adopted minimum standards, to enhance the quality of life in the community or meet other community needs not related to growth such as administrative offices, courts or jail facilities. Counties and cities are not required to set level of service standards for facilities that are not necessary for development. Because these facilities are not necessary for development, the failure to fund these facilities as planned would not require a reassessment of the land use element if funding falls short as required by RCW 36.70A.070 (3)(e).

WAC 365-196-840(3)(c): Counties and cities should set level of service to reflect realistic expectations consistent with the achievement of growth aims. Setting levels of service too high could, under some regulatory strategies, result in no growth. As a deliberate policy, this would be contrary to the act.

RCW 36.70A.070: The comprehensive plan of a county or city that is required or chooses to

plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

RCW 36.70A.045: The department may adopt a schedule to permit phasing of comprehensive plan submittal for counties and cities planning under RCW 36.70A.040. This schedule shall not permit a comprehensive plan to be submitted greater than one hundred eighty days past the date that the plan was required to be submitted and shall be used to facilitate expeditious review and interjurisdictional coordination of comprehensive plans and development regulations.

RCW 36.70A.130(1)(d): Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

RCW 58.17.110(2): A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for...schools and schoolgrounds...

PIERCE COUNTY COUNTYWIDE PLANNING POLICIES (CPPs)

- EC-4** The County...shall...ensure that economic growth remains within the capacities of the state’s natural resources, public services, and public facilities.
- EC-5** The County...shall plan for sufficient economic growth and development...by coordinating the provision of public facilities and services and/or insuring that new development supports the cost of public facility and service expansions made necessary by such development and promoting development in areas with existing available public facility capacity.
- EC-6** The County...shall work to strengthen existing businesses and industries and to add to the diversity of economic opportunity and employment by striving to maintain adequate public facilities and service levels.
- ED-3** 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 established and planned growth patterns through the capital facilities element, coordination...between school districts and other governmental entities..., the possible use of impact fees, voluntary advancements, and regulatory requirements for a portion of school facility financing, and supporting for sufficient funding of educational facilities and services.
- ED-4** The County...shall coordinate with school districts by including school districts in the comprehensive planning process, 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.

UGA-2.3.2 The County and each municipality in the County should identify appropriate levels of service and concurrency standards that address schools, sewer, water, and parks.

UGA-5 Within the delineated urban growth areas, the County...shall adopt measures to ensure that growth and development are timed and phased consistent with the provision of adequate public facilities and services.

PIERCE COUNTY COMPREHENSIVE PLAN

Land Use Element

LU-6 Contain and direct growth within the designated Urban Growth Areas (UGAs) where adequate public facilities exist or can be efficiently provided.

LU-6.1 Adopt measures individually or through joint planning to ensure that growth is timed and phased consistently with the provision of adequate public facilities and services.

LU-27 Urban level facilities must be provided prior to or concurrent with development.

LU-27.2 Other types of services could include schools, sidewalks, bicycle paths, trails, parks and recreation.

LU-94 Allow development to occur only when adequate public facilities and services are available and the carrying capacity of the natural environment is not exceeded.

LU-119 Coordinate the orderly provision of public facilities and services with public and private development activities in a manner that is compatible with the fiscal resources of the County through the development and adoption of a Concurrency Management System.

LU-119.1 Development activity shall be conditioned upon facilities being in place as the impacts of the development occur.

LU 119.2 Provisions for the review of applications for development and the timing of the actual impacts caused by the development will be adopted as part of Pierce County's Concurrency Management System.

LU-121 Developments with requirements that exceed the capacity of the Capital Facilities Plan should not be allowed to develop until such services can be provided and maintained.

Capital Facilities Element

CF-2 Prepare and maintain a financially feasible six-year schedule of capital improvements in a Capital Facilities Plan.

- CF-2.1.1** The absence of a Capital Facilities Plan for a school district under the County's CFP does not limit the Hearing Examiner's authority, if any, to review the impact from residential development on schools while reviewing applications for land developments.
- CF-2.2** Establish and update level of service (LOS) standards for applicable capital facilities in the CFP.
- CF-3** Ensure that adequate infrastructure is provided to accommodate economic growth.
 - CF-3.1** Direct growth where adequate public facilities exist, or where they can be efficiently provided.
- CF-6** Establish a system of concurrency management to relate capacity of facilities to the approval of development permits when concurrency is required.
 - CF-6.1** Provide non-capital alternatives to achieve and maintain the adopted standard for level of service.
 - CF-6.2** Condition development projects in a manner that guarantees public facilities will be in place or that adequate mitigation will be provided as the impacts of the development occur.
 - CF-6.3** Annually review public facilities to determine if there is sufficient capacity to meet the needs and to maintain acceptable levels of service for existing and approved development.
 - CF-6.4** Identify the necessary facilities to maintain adopted levels of service to serve anticipated development and eliminate deficiencies.
 - CF-6.5** Consider the impacts of development on public facilities.
- 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.

Housing Element

H-2 Encourage the development of new housing within the Urban Growth Areas where facilities and services exist or are planned.