
SENATE BILL 5314

State of Washington

63rd Legislature

2013 Regular Session

By Senators Becker, Dammeier, Rivers, Braun, Ericksen, Delvin, and Honeyford

Read first time 01/25/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to siting essential public facilities; and amending
2 RCW 36.70A.200.

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

4 **Sec. 1.** RCW 36.70A.200 and 2011 c 60 s 17 are each amended to read
5 as follows:

6 (1) The comprehensive plan of each county and city that is planning
7 under RCW 36.70A.040 shall include a process for identifying and siting
8 essential public facilities. Essential public facilities include those
9 facilities that are typically difficult to site, such as airports,
10 state education facilities (~~and~~), public schools as defined in RCW
11 28A.150.010, state or regional transportation facilities as defined in
12 RCW 47.06.140, regional transit authority facilities as defined in RCW
13 81.112.020, state and local correctional facilities, solid waste
14 handling facilities, and inpatient facilities including substance abuse
15 facilities, mental health facilities, group homes, and secure community
16 transition facilities as defined in RCW 71.09.020.

17 (2) Each county and city planning under RCW 36.70A.040 shall, not
18 later than September 1, 2002, establish a process, or amend its
19 existing process, for identifying and siting essential public

1 facilities and adopt or amend its development regulations as necessary
2 to provide for the siting of secure community transition facilities
3 consistent with statutory requirements applicable to these facilities.

4 (3) Any city or county not planning under RCW 36.70A.040 shall, not
5 later than September 1, 2002, establish a process for siting secure
6 community transition facilities and adopt or amend its development
7 regulations as necessary to provide for the siting of such facilities
8 consistent with statutory requirements applicable to these facilities.

9 (4) The office of financial management shall maintain a list of
10 those essential state public facilities that are required or likely to
11 be built within the next six years. The office of financial management
12 may at any time add facilities to the list.

13 (5) No local comprehensive plan or development regulation may
14 preclude the siting of essential public facilities.

15 (6) No person may bring a cause of action for civil damages based
16 on the good faith actions of any county or city to provide for the
17 siting of secure community transition facilities in accordance with
18 this section and with the requirements of chapter 12, Laws of 2001 2nd
19 sp. sess. For purposes of this subsection, "person" includes, but is
20 not limited to, any individual, agency as defined in RCW 42.17A.005,
21 corporation, partnership, association, and limited liability entity.

22 (7) Counties or cities siting facilities pursuant to subsection (2)
23 or (3) of this section shall comply with RCW 71.09.341.

24 (8) The failure of a county or city to act by the deadlines
25 established in subsections (2) and (3) of this section is not:

26 (a) A condition that would disqualify the county or city for
27 grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

28 (b) A consideration for grants or loans provided under RCW
29 43.17.250(2); or

30 (c) A basis for any petition under RCW 36.70A.280 or for any
31 private cause of action.

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