
SUBSTITUTE SENATE BILL 6570

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by Senators Shin, Schmidt, Berkey, Keiser and Fairley)

READ FIRST TIME 02/09/04.

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

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

4 **Sec. 1.** RCW 36.70A.200 and 2002 c 68 s 2 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 state or regional transportation
11 facilities as defined in RCW 47.06.140, state and local correctional
12 facilities, solid waste handling facilities, and in-patient facilities
13 including substance abuse facilities, mental health facilities, group
14 homes, and secure community transition facilities as defined in RCW
15 71.09.020.

16 (2) Each county and city planning under RCW 36.70A.040 shall, not
17 later than September 1, 2002, establish a process, or amend its
18 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))~~ county or city may adopt a comprehensive plan or
14 development regulation ((may)) that precludes the siting of essential
15 public facilities, except that this limitation shall not prevent a
16 county or city from establishing in a plan or regulation:

17 (a) A permitting process for proposals for essential public
18 facilities that contains a reasonable and specific timeline for
19 issuance of a permit decision;

20 (b) Reasonable decision criteria relating to the siting, operation,
21 and expansion of essential public facilities; and

22 (c) A process for imposing reasonable conditions and mitigating
23 measures addressing the impacts of essential public facilities.

24 (6) No person may bring a cause of action for civil damages based
25 on the good faith actions of any county or city to provide for the
26 siting of secure community transition facilities in accordance with
27 this section and with the requirements of chapter 12, Laws of 2001 2nd
28 sp. sess. For purposes of this subsection, "person" includes, but is
29 not limited to, any individual, agency as defined in RCW 42.17.020,
30 corporation, partnership, association, and limited liability entity.

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

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

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

37 (b) A consideration for grants or loans provided under RCW
38 43.17.250(2); or

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

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