
SUBSTITUTE HOUSE BILL 1169

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Quall, P. Sullivan, Talcott, Strow, Grant, Buri, Morrell, Miloscia, Dickerson, Morris, Lovick, Simpson, Tom, Chase, Kenney, O'Brien, Sells, Ormsby, Haigh and Santos)

READ FIRST TIME 02/23/05.

1 AN ACT Relating to including public school facilities as essential
2 public 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, public school facilities, and state or
11 regional transportation facilities as defined in RCW 47.06.140, state
12 and local correctional facilities, solid waste handling facilities, and
13 in-patient facilities including substance abuse facilities, mental
14 health facilities, group homes, and secure community transition
15 facilities as defined in RCW 71.09.020. In addition, by resolution, a
16 school district board of directors can declare a specific public school
17 facility an essential public facility, but it cannot specify a
18 particular parcel, site, or geographic area for its location.

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

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

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

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

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

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

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

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

31 (b) A consideration for grants or loans provided under RCW
32 43.17.250(2); or

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

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