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HOUSE BILL 1169

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State of Washington

59th Legislature

2005 Regular Session

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 01/18/2005. Referred to Committee on Local Government.

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.

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 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 42.17.020,  
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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