
HOUSE BILL 2349

State of Washington 60th Legislature 2007 Regular Session

By Representatives B. Sullivan, Blake, Sells, Conway, Wood and Ormsby

Read first time 02/23/2007. Referred to Committee on Local Government.

1 AN ACT Relating to the transportation of sand and gravel; amending
2 RCW 36.70A.200; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that the cost of
5 transporting high quality sand and gravel by truck for major public and
6 private construction projects, including state and local highway
7 projects, beach restoration, and construction of public and private
8 buildings, is increasing dramatically as the result of increased fuel
9 prices.

10 (2) The legislature finds that marine transportation of sand and
11 gravel would not only be more cost-effective than trucking such
12 materials, it also significantly reduces the volume of heavy truck
13 traffic on highways and roads that are already congested.

14 (3) The legislature finds that marine transportation of sand and
15 gravel also uses less fuel per vehicle mile than truck transportation,
16 thereby reducing fossil fuel consumption, which in turn improves air
17 quality and mitigates the impact of global warming.

18 (4) The legislature finds that marine transportation of sand and

1 gravel also provides a more reliable and cost-effective source of
2 material for beach restoration and enhancement in the Puget Sound.

3 **Sec. 2.** RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read
4 as follows:

5 (1) The comprehensive plan of each county and city that is planning
6 under RCW 36.70A.040 shall include a process for identifying and siting
7 essential public facilities. Essential public facilities include those
8 facilities that are typically difficult to site, such as airports,
9 state education facilities and state or regional transportation
10 facilities as defined in RCW 47.06.140, state and local correctional
11 facilities, solid waste handling facilities, ~~((and))~~ in-patient
12 facilities including substance abuse facilities, mental health
13 facilities, group homes, and secure community transition facilities as
14 defined in RCW 71.09.020, and facilities necessary for the marine
15 transportation of sand and gravel from mining projects located
16 primarily on lands designated as forest or mineral resource lands
17 pursuant to RCW 36.70A.060(1)(a) in counties in western Washington that
18 have a population of less than thirty-five thousand people.

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

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

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

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

36 (6) No person may bring a cause of action for civil damages based
37 on the good faith actions of any county or city to provide for the

1 siting of secure community transition facilities in accordance with
2 this section and with the requirements of chapter 12, Laws of 2001 2nd
3 sp. sess. For purposes of this subsection, "person" includes, but is
4 not limited to, any individual, agency as defined in RCW 42.17.020,
5 corporation, partnership, association, and limited liability entity.

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

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

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

12 (b) A consideration for grants or loans provided under RCW
13 43.17.250(2); or

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

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