

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6279**

61st Legislature  
2010 Regular Session

Passed by the Senate February 11, 2010  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House March 3, 2010  
YEAS 63 NAYS 35

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6279** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 6279

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Passed Legislature - 2010 Regular Session

State of Washington                      61st Legislature                      2010 Regular Session

By Senators Kline, Murray, and Haugen

Read first time 01/11/10. Referred to Committee on Transportation.

1            AN ACT Relating to the clarification of regional transit authority  
2 facilities as essential 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 and state or regional transportation  
11 facilities as defined in RCW 47.06.140, regional transit authority  
12 facilities as defined in RCW 81.112.020, state and local correctional  
13 facilities, solid waste handling facilities, and in-patient facilities  
14 including substance abuse facilities, mental health facilities, group  
15 homes, and secure community transition facilities as defined in RCW  
16 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 42.17.020,  
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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