

HB 2640 - S COMM AMD
By Committee on Local Government

ADOPTED 03/04/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 36.70A.200 and 2013 c 275 s 5 are each amended to
4 read as follows:

5 (1) (a) The comprehensive plan of each county and city that is
6 planning under RCW 36.70A.040 shall include a process for identifying
7 and siting essential public facilities. Essential public facilities
8 include those facilities that are typically difficult to site, such
9 as airports, state education facilities and state or regional
10 transportation facilities as defined in RCW 47.06.140, regional
11 transit authority facilities as defined in RCW 81.112.020, state and
12 local correctional facilities, solid waste handling facilities, and
13 inpatient 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 (b) Unless a facility is expressly listed in (a) of this
17 subsection, essential public facilities do not include facilities
18 that are operated by a private entity in which persons are detained
19 in custody under process of law pending the outcome of legal
20 proceedings but are not used for punishment, correction, counseling,
21 or rehabilitation following the conviction of a criminal offense.
22 Facilities included under this subsection (1)(b) shall not include
23 facilities detaining persons under RCW 71.09.020 (6) or (15) or
24 chapter 10.77 or 71.05 RCW.

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

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

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

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

13 (6) No person may bring a cause of action for civil damages based
14 on the good faith actions of any county or city to provide for the
15 siting of secure community transition facilities in accordance with
16 this section and with the requirements of chapter 12, Laws of 2001
17 2nd sp. sess. For purposes of this subsection, "person" includes, but
18 is not limited to, any individual, agency as defined in RCW
19 42.17A.005, corporation, partnership, association, and limited
20 liability entity.

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

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

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

27 (b) A consideration for grants or loans provided under RCW
28 43.17.250(3); or

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

31 NEW SECTION. **Sec. 2.** This act applies retroactively to land use
32 actions imposed prior to January 1, 2018, as well as prospectively.

33 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of
35 the state government and its existing public institutions, and takes
36 effect immediately."

ADOPTED 03/04/2020

1 On page 1, line 4 of the title, after "act;" strike the remainder
2 of the title and insert "amending RCW 36.70A.200; creating a new
3 section; and declaring an emergency."

EFFECT: Specifies that unless a facility is expressly listed, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Provides that this exclusion does not include facilities detaining persons in a secure community transition facility, in a less restrictive alternative that satisfies the requirements of a conditional release, persons detained as criminally insane, or persons detained with mental illness.

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