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## Environment & Energy Committee

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### HB 2640

**Brief Description:** Clarifying that 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 are not essential public facilities under the growth management act.

**Sponsors:** Representatives Fey, Kirby, Doglio, Fitzgibbon, Orwall, Gregerson, Valdez, Peterson and Ryu.

#### Brief Summary of Bill

- Provides that, under the Growth Management Act, 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.

**Hearing Date:** 1/28/20

**Staff:** Robert Hatfield (786-7117).

#### Background:

The Growth Management Act (GMA) is the comprehensive land-use-planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the GMA (planning jurisdictions) and a reduced number of directives for all other counties and cities.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Comprehensive plans must include a process for identifying and siting essential public facilities (EPFs). Although not expressly defined in statute, the GMA specifies that EPFs include facilities that are typically difficult to site, such as airports, regional transportation facilities, state and local correctional facilities, and inpatient facilities including substance abuse facilities. Comprehensive plans and development regulations may not preclude the siting of EPFs.

**Summary of Bill:**

Under the Growth Management Act, 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 the primary purpose of punishment, correction, counseling, or rehabilitation following conviction of a criminal offense, nor for the primary purpose of providing evaluation and treatment, forensic services, mental health services, or medical services.

The bill applies retroactively to land-use actions imposed prior to January 1, 2018, as well as prospectively.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.