
SENATE BILL 5117

State of Washington **66th Legislature** **2019 Regular Session**

By Senators Palumbo, Darneille, Mullet, Carlyle, Nguyen, and Hunt

Prefiled 01/10/19.

1 AN ACT Relating to the siting of essential public facilities
2 under the growth management act; 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 2013 c 275 s 5 are each amended to
5 read as follows:

6 (1) The comprehensive plan of each county and city that is
7 planning under RCW 36.70A.040 shall include a process for identifying
8 and siting essential public facilities. Essential public facilities
9 include those facilities that are typically difficult to site, such
10 as airports, state education facilities and state or regional
11 transportation facilities as defined in RCW 47.06.140, regional
12 transit authority facilities as defined in RCW 81.112.020, state and
13 local correctional facilities, solid waste handling facilities, and
14 inpatient facilities including substance abuse facilities, mental
15 health facilities, group homes, and secure community transition
16 facilities as defined in RCW 71.09.020. Essential public facilities
17 do not include privately owned correctional or detention facilities.

18 (2) Each county and city planning under RCW 36.70A.040 shall, not
19 later than September 1, 2002, establish a process, or amend its
20 existing process, for identifying and siting essential public
21 facilities and adopt or amend its development regulations as

1 necessary to provide for the siting of secure community transition
2 facilities consistent with statutory requirements applicable to these
3 facilities.

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

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

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

16 (6) No person may bring a cause of action for civil damages based
17 on the good faith actions of any county or city to provide for the
18 siting of secure community transition facilities in accordance with
19 this section and with the requirements of chapter 12, Laws of 2001
20 2nd sp. sess. For purposes of this subsection, "person" includes, but
21 is not limited to, any individual, agency as defined in RCW
22 42.17A.005, corporation, partnership, association, and limited
23 liability entity.

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

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

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

30 (b) A consideration for grants or loans provided under RCW
31 43.17.250(3); or

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

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