
HOUSE BILL 2573

State of Washington 61st Legislature 2010 Regular Session

By Representatives Simpson, Morris, Williams, Nelson, Eddy, Lias, Chase, Maxwell, and Moeller

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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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