

RCW 36.70A.200**Siting of essential public facilities—Limitation on liability.**

(1) The comprehensive plan of each county and city that is planning under RCW **36.70A.040** shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW **47.06.140**, regional transit authority facilities as defined in RCW **81.112.020**, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW **71.09.020**.

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

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

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

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

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

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

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

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

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

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

[**2013 c 275 § 5**; **2011 c 60 § 17**; **2010 c 62 § 1**; **2002 c 68 § 2**; **2001 2nd sp.s. c 12 § 205**; **1998 c 171 § 3**; **1991 sp.s. c 32 § 1**.]

NOTES:

Effective date—2011 c 60: See RCW **42.17A.919**.

Purpose—2002 c 68: "The purpose of this act is to:

(1) Enable the legislature to act upon the recommendations of the joint select committee on the equitable distribution of secure community transition facilities established in section 225, chapter 12, Laws of 2001 2nd sp. sess.; and

(2) Harmonize the preemption provisions in RCW **71.09.250** with the preemption provisions applying to future secure community transition facilities to reflect the joint select committee's recommendation that the preemption granted for future secure community transition facilities be the same throughout the state." [**2002 c 68 § 1.**]

Severability—2002 c 68: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [**2002 c 68 § 19.**]

Effective date—2002 c 68: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 21, 2002]." [**2002 c 68 § 20.**]

Intent—Severability—Effective dates—2001 2nd sp.s. c 12: See notes following RCW **71.09.250**.