
HOUSE BILL 2377

State of Washington 64th Legislature 2016 Regular Session

By Representatives Taylor, Magendanz, and Reykdal

1 AN ACT Relating to establishing schools as essential public
2 facilities within the growth management act; amending RCW 36.70A.200;
3 creating new sections; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act is known, and may be cited, as
6 the establishing essential educational facilities act.

7 NEW SECTION. **Sec. 2.** Article IX, section 1 of the state
8 Constitution establishes that educating all children within the
9 state's borders is the state's paramount duty. Current
10 interpretations of the growth management act impede building schools
11 necessary to comply with this paramount duty. The legislature
12 declares that schools are essential public facilities and intends to
13 ensure that schools can be built in the communities they serve.

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

16 (1) The comprehensive plan of each county and city that is
17 planning under RCW 36.70A.040 shall include a process for identifying
18 and siting essential public facilities. Essential public facilities
19 include those facilities that are typically difficult to site, such

1 as airports, ((state)) education facilities and state or regional
2 transportation facilities as defined in RCW 47.06.140, regional
3 transit authority facilities as defined in RCW 81.112.020, state and
4 local correctional facilities, solid waste handling facilities, and
5 inpatient facilities including substance abuse facilities, mental
6 health facilities, group homes, and secure community transition
7 facilities as defined in RCW 71.09.020.

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

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

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

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

27 (6) No person may bring a cause of action for civil damages based
28 on the good faith actions of any county or city to provide for the
29 siting of secure community transition facilities in accordance with
30 this section and with the requirements of chapter 12, Laws of 2001
31 2nd sp. sess. For purposes of this subsection, "person" includes, but
32 is not limited to, any individual, agency as defined in RCW
33 42.17A.005, corporation, partnership, association, and limited
34 liability entity.

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

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

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

1 (b) A consideration for grants or loans provided under RCW
2 43.17.250(3); or

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

5 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of
7 the state government and its existing public institutions, and takes
8 effect immediately.

--- END ---