
SUBSTITUTE SENATE BILL 6401

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by Senators Rasmussen, Roach, Kastama, Franklin, Doumit, Shin, Schmidt, Oke, Haugen and Murray)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to encroachment of incompatible land uses around
2 military installations; adding a new section to chapter 36.70A RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The United States military is a vital
6 component of the Washington state economy. The protection of military
7 installations from incompatible development of land is essential to the
8 health of Washington's economy and quality of life. Incompatible
9 development of land close to a military installation reduces the
10 ability of the military to complete its mission or to undertake new
11 missions, and increases its cost of operating. The department of
12 defense evaluates continued utilization of military installations based
13 upon their operating costs, their ability to carry out missions, and
14 their ability to undertake new missions.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW
16 to read as follows:

17 (1) Military installations are of particular importance to the

1 economic health of the state of Washington and it is a priority of the
2 state to protect the land surrounding our military installations from
3 encroachment.

4 (2) Each county and city planning under RCW 36.70A.040 that has a
5 federal military installation, other than a reserve center, that
6 employs one hundred or more personnel and is operated by the United
7 States department of defense within or adjacent to its border shall, in
8 consultation with the commander of the military installation, adopt
9 strategies in its comprehensive plan to identify lands adjacent to
10 military installations, and adopt policies to ensure that those lands
11 are protected from encroachment.

12 (3) The city or county shall also request from the commander of the
13 military installation a written recommendation and supporting facts
14 relating to the use of land being considered in the adoption of a
15 comprehensive plan or an amendment to a plan. If the commander does
16 not submit a response to such request, the local government may presume
17 that implementation of the proposed plan or amendment will not have any
18 adverse effect on the operation of the installation.

19 (4) The process of developing the strategies and policies required
20 by subsection (2) of this section may, at the request of the department
21 of defense, include a joint land use study. When the request of the
22 department of defense is accompanied by a commitment to fund all or a
23 substantial part of the study, a joint land use study shall be
24 conducted. A city or county must notify the department of defense of
25 its intention to plan under RCW 36.70A.040 and request a written
26 notification whether the department of defense will request a joint
27 land use study be conducted. If the department of defense does not
28 submit a response to such request, the local government may presume
29 that consultation with the commander of the military installation or
30 installations is sufficient. The city or county shall incorporate all
31 jointly approved findings of that study into its plans to protect
32 military installations from encroachment.

33 (5) It is the intent of the legislature that strategies and
34 policies adopted under this section shall be adopted and amended
35 concurrent with the scheduled update provided in RCW 36.70A.130, except
36 that counties and cities identified in RCW 36.70A.130(4)(a) shall
37 comply with this section on or before December 1, 2005. The joint land

1 use study required under subsection (4) of this section shall be
2 updated as part of each scheduled update provided in RCW 36.70A.130.

3 (6) For the purposes of this section:

4 (a) "Encroachment" means a pattern of development in the vicinity
5 of a military installation that is incompatible with the installation's
6 ability to carry out its mission requirements.

7 (b) "Joint land use study" means an analytical planning study of
8 civilian development patterns and land use activities in the vicinity
9 of a military installation, conducted by a city or county with the
10 cooperation of a military installation, that result in recommendations
11 for instituting compatible civilian land use activities and development
12 patterns that protect and preserve the utility and operational
13 effectiveness of the military installation.

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