

HOUSE BILL REPORT

ESSB 6401

As Reported by House Committee On:

Local Government

Title: An act relating to encroachment of incompatible land uses around military installations.

Brief Description: Protecting military installations from encroachment of incompatible land uses.

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

Brief History:

Committee Activity:

Local Government: 2/25/04, 2/26/04 [DPA].

Brief Summary of Engrossed Substitute Bill (As Amended by House Committee)

- Specifies that comprehensive plans or development regulations adopted or amended to comply with requirements of the Growth Management Act (GMA) should not allow incompatible development in the vicinity of a military installation.
- Requires cities and counties fully planning under the GMA with or adjacent to qualifying federal military installations to notify installation commanders of the jurisdiction's intent to amend its comprehensive plan or development regulations for lands adjacent to the installations.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 8 members: Representatives Romero, Chair; D. Simpson, Vice Chair; Schindler, Ranking Minority Member; Ahern, Clibborn, Ericksen, Mielke and Moeller.

Minority Report: Do not pass. Signed by 2 members: Representatives Jarrett, Assistant Ranking Minority Member; and Upthegrove.

Staff: Ethan Moreno (786-7386).

Background:

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. GMA jurisdictions must also adopt development regulations that are consistent with and implement the comprehensive plan. Each comprehensive plan must include certain elements, such as housing, transportation, and land use elements.

The land use element of a comprehensive plan must designate the proposed general distribution, location and extent of the uses of land, where appropriate, for agriculture, housing, public facilities, and other land uses. In addition to other requirements, the land use element must include population densities, building intensities, and estimates of future population growth.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. With limited exceptions, however, amendments to a comprehensive plan may be considered by the governing body of the local jurisdiction no more frequently than once every year. Furthermore, GMA jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a statutory schedule.

Summary of Amended Bill:

Comprehensive plans, development regulations, or amendments to such plans or regulations adopted to comply with requirements of the Growth Management Act (GMA) should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulations are compatible with the installation's ability to carry out its mission requirements.

Each county and city fully planning under the GMA with a qualifying federal military installation within its jurisdiction or adjacent to its border must notify the installation commander of the jurisdiction's intent to amend its comprehensive plan or development

regulations to address lands adjacent to military installations to ensure that those lands are protected from incompatible development. The notification process is considered a requirement for the land use element of a comprehensive plan adopted under the GMA. A qualifying federal military installation must employ at least 100 persons and must be operated by the U.S. Department of Defense, but may not be a reserve center.

The notice provided to the installation commander must request a written recommendation and supporting facts within 60 days relating to the use of land being considered in the proposed comprehensive plan or amendment. If the commander does not submit a response to the request within 60 days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.

Similarly, when a jurisdiction fully planning under the GMA intends to amend its development regulations to be consistent with comprehensive plan elements for lands adjacent to qualifying military installations, the county or city must notify the installation commander of its intent and request a related written recommendation and supporting facts. If the commander does not submit a response to the request within 60 days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation.

Comprehensive plans, amendments to comprehensive plans, development regulations or amendments to development regulations must be adopted or amended concurrently with the statutory schedule for reviews and evaluations of comprehensive plans and development regulations provided in the GMA. The following counties and the cities within those counties, however, must comply with specified requirements by December 1, 2005, and must thereafter comply with the same requirements according to the GMA schedule:

- Clallam;
- Clark;
- Jefferson;
- King;
- Kitsap;
- Pierce;
- Snohomish;
- Thurston; and
- Whatcom.

Amended Bill Compared to Engrossed Substitute Bill:

The amended bill deletes provisions referencing legislative intent and specifies that comprehensive plans, amendments to comprehensive plans, development regulations or

amendments to development regulations adopted to comply with specified requirements must be adopted or amended according to a review and evaluation schedule provided in the GMA. The amended bill specifies also that jurisdictions required to satisfy compliance requirements by December 1, 2005, must thereafter do so according to the same review and evaluation schedule.

A city or county may find that an existing comprehensive plan or (rather than "and") development regulations are compatible with a military installation as provided. Provisions in the underlying bill referencing comprehensive plans and policies are amended to require certain jurisdictions to notify qualifying military installation commanders of the jurisdiction's intent to amend its comprehensive plan or development regulations to address lands adjacent to the installations as provided.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The BRAC (base realignment and closure) committee will be examining military installations nationwide. The GMA does not include provisions for military installations. This bill is designed to address and protect military installations from encroachment that may lead to base closure concerns. The military brings billions of dollars into the economy, including through bases in Pierce County, and military installations are good neighbors. Washington's bases are unique and provide services throughout the world. Washington, D.C. must be made aware of cooperative planning efforts in the state. Military bases are important for federal security and this bill is strongly supported by the Governor's office.

This bill is important to communities with military bases. The upcoming BRAC closure round, which will be competitive, will focus on military value. Preventing base encroachment is one of the few military value issues that the state and local governments can address through planning requirements.

The one-year compliance delay for specific jurisdictions provided in the bill is appropriate. The notification requirements of the bill could be clarified, as cities should retain appropriate discretion and should not be required to transmit inapplicable material to installation commanders. Provisions related to "incompatible uses" could also be clarified.

Testimony Against: None.

Persons Testifying: Senator Rasmussen, prime sponsor; Senator Mulliken, co-sponsor; Mac McDowell, Island County Commissioner; Chris Rose, Governor's Office; Bob Gee, Tacoma-Pierce County Chamber of Commerce; and Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.