

# FINAL BILL REPORT

## ESSB 6401

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Synopsis as Enacted

**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).

**Senate Committee on Land Use & Planning**  
**House Committee on Local Government**

**Background:** The federal Defense Base Closure and Realignment Act establishes a process for the Secretary of Defense to evaluate military installations and make recommendations to Congress for the closure or realignment of those installations. Final selection criteria for the upcoming round of base realignment and closures (BRAC) are currently being developed and will be published in February 2004. The draft criteria focuses on operating costs and the ability of the bases to complete their missions or undertake new missions, including the availability and condition of the land, facilities, and associated airspace.

Concerns have been raised about current or potential encroachment around some of the military installations in Washington and how that encroachment may negatively affect the evaluation of Washington bases in the BRAC process.

Current state law does not require local governments to protect military installations from encroachment in their land use and planning processes.

**Summary:** Legislative findings are made regarding the importance of the United States military as a vital component of the Washington State economy, and it is identified as a priority of the state to protect the land surrounding our military installations from incompatible development.

Comprehensive plans, development regulations, and amendments to either 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 process is established whereby counties and cities with federal military installations employing 100 or more personnel must notify the commander of an affected military installation of their intent to adopt or amend comprehensive plans or development regulations to address lands adjacent to the installation in order to ensure those lands are protected from incompatible development.

The commander must be provided 60 days to submit written recommendations and supporting facts related to the use of land being considered. Failure of a commander to submit a response may be presumed to mean that the proposed plan, regulation, or amendment will not have any adverse effect on the operation of the installation.

This new process will begin as part of each city and county's regularly-scheduled Growth Management Act update, with a one-year extension for those jurisdictions subject to a December 2004 update deadline.

**Votes on Final Passage:**

Senate	49	0	
House	91	5	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** June 10, 2004