

# SENATE BILL REPORT

## ESSB 6401

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As Passed Senate, February 17, 2004

**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:** Land Use & Planning: 1/29/04, 2/5/04 [DPS].

Passed Senate: 2/17/04, 49-0.

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### SENATE COMMITTEE ON LAND USE & PLANNING

**Majority Report:** That Substitute Senate Bill No. 6401 be substituted therefor, and the substitute bill do pass.

Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

**Staff:** Andrea McNamara (786-7483)

**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 of Bill:** 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 and to consider policies 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The GMA did not contemplate the need for protection of military bases, but a strong policy statement is needed as well as joint planning to be sure our bases fare well in the upcoming BRAC process. Washington has an enormous state in the BRAC process, and encroachment is one of the most serious issues facing some of our installations. There has been a strong history of cooperation between the bases and their neighboring jurisdictions, and this bill builds on the best practices that have been established through that history.

**Testimony Against:** Concerns were raised about the costs that might be imposed on local governments.

**Testified:** Randy Lewis, City of Tacoma.

**House Amendment(s):** The House amendment requires comprehensive plans, development regulations, and amendments to each that are adopted under this act to be adopted or amended according to the existing schedule for GMA updates, with a one-time, one-year extension for certain jurisdictions.

It also adds a requirement for local jurisdictions to notify commanders of their intent to amend development regulations in addition to comprehensive plans, and deletes references to strategies and policies.