

# SENATE BILL REPORT

## SB 6401

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As Reported By Senate Committee On:  
Land Use & Planning, February 5, 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:** 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].

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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 Substitute Bill:** All cities and counties fully planning under the Growth Management Act (GMA) with federal military installations employing 100 or more personnel must adopt strategies in their comprehensive plans to identify lands adjacent to the installations and adopt policies to ensure those lands are protected from incompatible uses.

Definition of "encroachment" and "joint land use study" are added to the GMA.

The commander of a military installation must be notified and given an opportunity to respond to proposed changes in a local government's comprehensive plan or development regulations.

The process of adopting strategies and policies must include a joint land use study between the jurisdiction and the relevant military installation if requested and at least substantially funded by the Department of Defense. Any jointly adopted findings from the study must then be incorporated by the jurisdiction into its plans to protect the installations from encroachment.

The Legislature's intent is for the strategies and policies required by the act to be adopted and amended concurrent with the existing GMA update schedule for comprehensive plans and development regulations, except that those jurisdictions with a December 2004 deadline for GMA updates may have until December 2005 to comply with these new requirements. The joint land use study required by this act must be updated as part of subsequent GMA updates.

**Substitute Bill Compared to Original Bill:** The substitute modifies the definition of "encroachment" to be more general, and adds a definition of "joint land use study." It also clarifies that the bill does not apply to reserve installations. The substitute changes the requirements related to a joint land use study, so that a study is not required unless the Department of Defense requests one and agrees to pay all or a substantial portion of the costs of the study. The substitute adds a consultation requirement, so that military installations are given a formal opportunity to respond to proposed comprehensive plans and amendments. The requirement for counties to amend their county-wide planning policies is deleted.

**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.