

---

**ENGROSSED 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 incompatible development.

4 (2) It is the intent of the legislature that strategies and  
5 policies adopted under this section shall be adopted and amended  
6 concurrent with the scheduled update provided in RCW 36.70A.130, except  
7 that counties and cities identified in RCW 36.70A.130(4)(a) shall  
8 comply with this section on or before December 1, 2005.

9 (3) A comprehensive plan, amendment to a plan, a development  
10 regulation or amendment to a development regulation, should not allow  
11 development in the vicinity of a military installation that is  
12 incompatible with the installation's ability to carry out its mission  
13 requirements. A city or county may find that an existing comprehensive  
14 plan and development regulations are compatible with the installation's  
15 ability to carry out its mission requirements.

16 (4) As part of the requirements of RCW 36.70A.070(1) each county  
17 and city planning under RCW 36.70A.040 that has a federal military  
18 installation, other than a reserve center, that employs one hundred or  
19 more personnel and is operated by the United States department of  
20 defense within or adjacent to its border, shall notify the commander of  
21 the military installation of the county or city's intent to amend its  
22 comprehensive plan to address lands adjacent to military installations  
23 and consider policies to ensure those lands are protected from  
24 incompatible development.

25 (5)(a) The notice provided under subsection (4) of this section  
26 shall request from the commander of the military installation a written  
27 recommendation and supporting facts relating to the use of land being  
28 considered in the adoption of a comprehensive plan or an amendment to  
29 a plan. The notice shall provide sixty days for a response from the  
30 commander. If the commander does not submit a response to such request  
31 within sixty days, the local government may presume that implementation  
32 of the proposed plan or amendment will not have any adverse effect on  
33 the operation of the installation.

34 (b) When a county or city intends to amend its development  
35 regulations to be consistent with the comprehensive plan elements  
36 addressed in (a) of this subsection, notice shall be provided to the  
37 commander of the military installation consistent with subsection (4)  
38 of this section. The notice shall request from the commander of the

1 military installation a written recommendation and supporting facts  
2 relating to the use of land being considered in the amendment to the  
3 development regulations. The notice shall provide sixty days for a  
4 response from the commander to the requesting government. If the  
5 commander does not submit a response to such request within sixty days,  
6 the local government may presume that implementation of the proposed  
7 development regulation or amendment will not have any adverse effect on  
8 the operation of the installation.

--- END ---