
Local Government & Housing Committee

ESSB 6603

Brief Description: Concerning land uses adjacent to general aviation airports.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Marr, Haugen, Swecker, Eide and Keiser).

Brief Summary of Engrossed Substitute Bill

- Creates parallel regulatory provisions in both the Growth Management Act and the Planning Enabling Act requiring that comprehensive plans and development regulations ensure that land uses: (1) are compatible with the operations of adjacent airports; and (2) restrict the siting of incompatible uses adjacent to airports.

Hearing Date: 2/22/10

Staff: Thamas Osborn (786-7129).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the GMA (planning jurisdictions) and a reduced number of directives for all other counties and cities.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

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Comprehensive plans must include a process for identifying and siting essential public facilities. Although not expressly defined in statute, the GMA specifies that essential public facilities include facilities that are typically difficult to site, such as airports, regional transportation facilities, and state and local correctional facilities. Comprehensive plans and development regulations may not preclude the siting of essential public facilities.

Planning Enabling Act.

Enacted in 1959, the Planning Enabling Act (PEA) is a precursor to the GMA that authorizes counties and regions in the state to engage in comprehensive land use and development planning. The PEA provides a statutory scheme that has considerable overlap with the GMA, insofar as it authorizes the creation of comprehensive land use plans at the county and regional level so as to ensure environmental protection while at the same time serving the needs of commerce, industry, agriculture, and recreation.

PEA authorizes counties to:

- Create comprehensive plans to guide development and to coordinate county programs and services;
- Create planning commissions and boards to oversee county and regional development;
- Join with other counties in establishing a Regional Planning Commission;
- Establish county departments necessary to implement planning functions;
- Implement zoning regulations; and
- Regulate the development and design of buildings and other structures.

The PEA has provisions regulating the development and operation of general aviation airports operated for the benefit of the general public. Under the PEA, a county's comprehensive plan and development regulations must discourage the siting of incompatible uses adjacent to such airports. Such plans and regulations may only be adopted after formal consultation with airport owners and managers, airport operators, pilots, port districts, and the aviation division of the Department of Transportation.

Washington State Department of Transportation Aviation Division.

The Washington State Department of Transportation Aviation Division (WSDOT- Aviation) has implemented the Airport Land Use Compatibility Program (program) to address the encroachment of incompatible land use development near and around airports. In response to land use legislation under the GMA and the PEA requiring planning policies that discourage incompatible development near airports, The WSDOT- Aviation has developed this technical assistance program to assist municipalities in meeting these planning requirements. The objectives of the program are to:

- Provide education, workshops, and training on best practices to protect airports from adjacent incompatible development and enhance airport operations to meet transportation demand;
- Assist counties, cities, and towns in meeting update deadlines for comprehensive plans and development regulations; and
- Ensure the functions and values of airports are protected and enhanced statewide.

Summary of Bill:

Overview of the Act.

The act creates parallel regulatory provisions in both the GMA and the PEA requiring that comprehensive plans and development regulations address development issues pertaining to land uses in areas adjacent to airports. Counties, cities, and towns are required to adopt policies and regulations that: (1) ensure that land uses are compatible with adjacent airports and airport operations; and (2) restrict the siting of incompatible uses adjacent to general aviation airports.

The following definitions are added to the GMA and PEA:

- "Airport influence area" means the area adjacent to a public use aviation airport that can affect or be affected by airports and aircraft operations. This sphere of influence is contained within airport traffic patterns, aircraft over flight and safety areas, and airspace surfaces critical for air navigation addressed under specified statutes and federal regulations. (The airport influence area is used to identify the geographic area that should be considered during the airport land use compatibility planning process.)
- "General aviation airport" means any public use airport with general aviation facilities and where general aviation activities occur. However, a general aviation airport does not include an airport in a county with a population of greater than 1.5 million persons where general aviation activity is less than 5 percent of total annual operations.

GMA and PEA Planning Requirements Regarding General Aviation Airports.

Under the GMA and PEA, every county, city, and town containing a general aviation airport, or whose jurisdictional boundaries include land located in an airport influence area, must adopt comprehensive plan and development regulations that: (1) include the evaluation of land uses that may be compatible or incompatible with airports and aircraft operations; and (2) facilitate the adoption and implementation of comprehensive plan policies and development regulations that restrict the siting of incompatible uses adjacent to the general aviation airport.

Such plans and regulations may only be adopted or amended after consultation with:

- airport owners and managers;
- private airport operators;
- general aviation pilots;
- port districts; and
- WSDOT-Aviation.

Counties and cities are encouraged to obtain technical assistance from the WSDOT-Aviation in with respect to the planning and regulatory requirements of the act.

Role of the WSDOT - Aviation.

The WSDOT-Aviation must develop guidelines establishing consultation procedures and a process to assist counties and cities to identify land uses that may be incompatible with airports

and aircraft operations, and to encourage and facilitate the adoption and implementation of comprehensive plan policies and development regulations consistent with the requirements of the act. The guidelines must recognize regional and airport differences and assist counties and cities in implementing best management practices and strategies to prohibit incompatible land uses adjacent to airports.

All proposed plan and regulation amendments adopted by counties and cities should be submitted to the aviation division of the department of transportation for early review and comment.

Appropriation: None.

Fiscal Note: Not requested.

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