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HOUSE BILL 1796

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Benton, Boldt, Ogden, Carlson, Morris and Elliot

Read first time 02/08/95. Referred to Committee on Government Operations.

1 AN ACT Relating to airport land use planning; adding a new chapter  
2 to Title 36 RCW; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that it is in the  
5 public interest to provide for the orderly development of each public  
6 and private public-use airport in this state.

7 The legislature also finds that general aviation airports are  
8 essential to the state's interest in an efficient and effective  
9 transportation system. Consequently, these airports, whether publicly  
10 owned or privately owned public-use, should be protected against  
11 encroachment by incompatible land uses.

12 It is the purpose of this chapter to protect general aviation  
13 airports against encroachment by incompatible land uses. It is also  
14 the purpose of this chapter to protect public health, safety, and  
15 welfare by ensuring the orderly expansion of airports and the adoption  
16 of land use measures that minimize the public's exposure to excessive  
17 noise and safety hazards within areas around public airports and  
18 private public-use airports to the extent that these areas are not  
19 already devoted to incompatible uses.

1        NEW SECTION.    **Sec. 2.**    Every county in which there is located an  
2 airport that is not served by a scheduled airline, but is operated for  
3 the benefit of the general public, whether publicly owned or privately  
4 owned public-use, shall adopt comprehensive airport land use plans. By  
5 December 1, 1995, each county shall notify the department of  
6 transportation that it has done one of the following to comply with  
7 this requirement:

8            (1) Established an airport land use commission under section 4 of  
9 this act to develop a comprehensive airport land use plan;

10           (2) Designated an existing body under section 5 of this act to  
11 develop a comprehensive airport land use plan;

12           (3) Contracted for the preparation of a comprehensive land use plan  
13 by the department of transportation as provided in section 7 of this  
14 act;

15           (4) If the county has only one public use airport that is owned by  
16 a city or town, adopted, with the affected city or town, the elements  
17 required under section 8 of this act; or

18           (5) After consultation with the appropriate airport operators and  
19 affected local entities and after a public hearing, adopted a  
20 resolution finding that there are no noise, public safety, or land use  
21 issues affecting any airport in the county that require the creation of  
22 a commission and declaring the county exempt from this requirement and  
23 transmitted a copy of the resolution to the secretary of  
24 transportation.

25        NEW SECTION.    **Sec. 3.**    (1) Comprehensive airport land use plans  
26 adopted under this chapter must protect publicly owned and privately  
27 owned public-use general aviation airports from incompatible land uses  
28 that threaten the existence of the airport or prohibit their orderly  
29 expansion. The plans must also provide for the adoption of land use  
30 measures that minimize the public's exposure to noise and safety  
31 hazards within areas around public airports and private airports used  
32 by the public to the extent that these areas are not already devoted to  
33 incompatible uses.

34           (2) The county legislative authority shall adopt processes for the  
35 amendment of the local comprehensive plan to be consistent with the  
36 comprehensive airport land use plans.

37           (3) The comprehensive airport land use plans shall be submitted,  
38 upon adoption, to the department of transportation.

1        NEW SECTION.    **Sec. 4.**    (1) An airport land use commission shall  
2 consist of the following members:

3        (a) Two persons representing the cities and towns in the county,  
4 appointed by a city and town selection committee comprised of the  
5 mayors of all the cities and towns within that county, except that if  
6 there are any cities and towns contiguous or adjacent to the qualifying  
7 airport, at least one representative from each contiguous or adjacent  
8 city or town shall be appointed. If there is only one city or town  
9 within a county, only one city or town member shall be appointed.

10       (b) Two persons representing the county, appointed by the county  
11 legislative authority.

12       (c) Two persons having expertise in aviation, appointed by a  
13 selection committee comprised of the managers of all of the public and  
14 private public-use airports within that county.

15       (d) One person representing the general public, appointed by the  
16 other six members of the commission.

17       (2) Public officers, whether elected or appointed, may be appointed  
18 and serve as members of the commission during their terms of public  
19 office.

20       (3) Each member shall promptly appoint a single proxy to represent  
21 him or her in commission affairs and to vote on all matters when the  
22 member is not in attendance. The proxy shall be designated in a signed  
23 written instrument which shall be kept on file at the commission  
24 offices. The proxy shall serve at the pleasure of the appointing  
25 member. A vacancy in the office of proxy shall be filled promptly by  
26 appointment of a new proxy.

27       (4) For the purposes of this chapter, a person having an "expertise  
28 in aviation" means a person who, by way of education, training,  
29 business, experience, vocation, or avocation, has acquired and  
30 possesses particular knowledge of, and familiarity with, the function,  
31 operation, and role of airports, or is an elected official of a local  
32 agency that owns or operates an airport.

33       NEW SECTION.    **Sec. 5.**    (1) If the county legislative authority and  
34 mayors of cities and towns within the affected county each make a  
35 determination by a majority vote that proper land use planning can be  
36 accomplished through the actions of an appropriately designated body,  
37 the body so designated shall assume the planning responsibilities of an

1 airport land use commission and an airport land use commission need not  
2 be created.

3 (2) A body designated to be responsible for the preparation,  
4 adoption, and amendment of a comprehensive airport land use plan under  
5 this section, which does not include among its membership at least two  
6 members having an expertise in aviation, shall, when acting in the  
7 capacity of an airport land use commission, be augmented so that the  
8 body will have at least two members having expertise in aviation.

9 (3) By December 1, 1996, counties, and affected cities and towns,  
10 planning under this section shall do all of the following:

11 (a) Adopt processes for the preparation, adoption, and amendment of  
12 the comprehensive airport land use plan for each airport that is  
13 operated for the benefit of the general public, whether publicly owned  
14 or privately owned public-use;

15 (b) Adopt processes for the notification of the general public,  
16 landowners, interested groups, and other public agencies regarding the  
17 preparation, adoption, and amendment of the comprehensive airport land  
18 use plan;

19 (c) Adopt processes for the mediation of disputes arising from the  
20 preparation, adoption, and amendment of the comprehensive airport land  
21 use plan;

22 (d) Adopt processes for the amendment of local comprehensive plans  
23 to be consistent with the comprehensive airport land use plan;

24 (e) Designate the agency that shall be responsible for the  
25 preparation, adoption, and amendment of each comprehensive airport land  
26 use plan.

27 NEW SECTION. **Sec. 6.** (1) The department of transportation shall  
28 review the processes adopted under section 2(5) and section 5 of this  
29 act and shall approve the processes if the department determines that  
30 the processes are consistent with the procedure required by this  
31 chapter and will do all of the following:

32 (a) Result in the preparation, adoption, and implementation of a  
33 plan within a reasonable amount of time;

34 (b) Rely on the height, use, noise, safety, and density criteria  
35 that are compatible with airport operations, as established by federal  
36 aviation regulations, including Part 77 of Title 14 of the Code of  
37 Federal Regulations, state law, and rules promulgated by the department  
38 of transportation;

1 (c) Provide adequate opportunities for notice to, review of, and  
2 comment by the general public, landowners, interested groups, and other  
3 public agencies.

4 (2) If the process adopted by a county does not comply with the  
5 requirements of this section, the county shall establish an airport  
6 land use plan commission within ninety days of the determination of  
7 noncompliance by the department of transportation. A comprehensive  
8 airport land use plan must be adopted pursuant to this chapter within  
9 ninety days of the establishment of the commission.

10 NEW SECTION. **Sec. 7.** (1) A county may contract for the  
11 preparation of a comprehensive airport land use plan with the  
12 department of transportation. By December 1, 1996, the county, and any  
13 cities or towns affected by the airport within the county, shall:

14 (a) Agree to adopt and implement the comprehensive airport plan  
15 developed by the department; and

16 (b) Incorporate the height, use, noise, safety, and density  
17 criteria that are compatible with airport operations as established by  
18 federal aviation regulations, including Part 77 of Title 14 of the Code  
19 of Federal Regulations, state law, and rules promulgated by the  
20 department of transportation.

21 (2) If the county and affected cities and towns do not comply with  
22 the requirements of subsection (1) of this section by December 1, 1996,  
23 the county shall establish an airport land use plan commission within  
24 ninety days of the determination of noncompliance by the department of  
25 transportation. A comprehensive airport land use plan must be adopted  
26 pursuant to this chapter within ninety days of the establishment of the  
27 commission.

28 NEW SECTION. **Sec. 8.** (1) A county is not required to develop a  
29 comprehensive airport land use plan if:

30 (a) The county has only one public use airport that is owned by a  
31 city or town;

32 (b) The county and the affected city and town adopt the elements in  
33 section 7(1)(b) of this act, as part of their local comprehensive plan  
34 for the county and the affected city or town; and

35 (c) The local comprehensive plans are adopted and submitted to the  
36 department of transportation by December 1, 1996.

1 (2) If the county and the affected city and town do not comply with  
2 the requirements of subsection (1) of this section by December 1, 1996,  
3 the county shall establish an airport land use plan commission within  
4 ninety days of the determination of noncompliance by the department of  
5 transportation. A comprehensive airport land use plan must be adopted  
6 pursuant to this chapter within ninety days of the establishment of the  
7 commission.

8 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act shall  
9 constitute a new chapter in Title 36 RCW.

10 NEW SECTION. **Sec. 10.** This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of the  
12 state government and its existing public institutions, and shall take  
13 effect immediately.

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