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**SUBSTITUTE HOUSE BILL 1921**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Benton, Elliot, Chopp, Thompson, Carlson, D. Schmidt, Ogden and Mason)

Read first time 03/06/95.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that existing general  
6 aviation airports are essential to the state's interest in an efficient  
7 and effective transportation system. Consequently, such airports,  
8 whether publicly owned or privately owned public-use, should be  
9 protected against encroachment by incompatible land uses.

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

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

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

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

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

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

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

26        NEW SECTION.    **Sec. 3.**    (1) General aviation airports are defined as  
27 airports not served by a scheduled airline.    They are operated for the  
28 benefit of the public and may be publicly or privately owned.

29        (2) Comprehensive general aviation airport land use plans adopted  
30 under this chapter must protect publicly owned and privately owned  
31 public-use general aviation airports from incompatible land uses that  
32 threaten the existence of the airport.

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

36        (4) The comprehensive general aviation airport land use plans shall  
37 be submitted, upon adoption, to the department of transportation.

1        NEW SECTION.    **Sec. 4.**    (1) A general aviation airport land use  
2 commission shall 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 general aviation airport, at least one representative from each  
8 contiguous or adjacent city or town shall be appointed. If there is  
9 only one city or town within a county, only one city or town member  
10 shall be appointed.

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

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

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

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

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

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

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

1 the body so designated shall assume the planning responsibilities of a  
2 general aviation airport land use commission and a general aviation  
3 airport land use commission need not be created.

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

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

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

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

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

24 (d) Adopt processes for the amendment of local comprehensive plans  
25 to be consistent with the comprehensive general aviation airport land  
26 use plan;

27 (e) Designate the agency that shall be responsible for the  
28 preparation, adoption, and amendment of each comprehensive general  
29 aviation airport land use plan.

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

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

37 (b) Rely on the height, use, noise, safety, and density criteria  
38 that are compatible with general aviation airport operations, as

1 established by federal aviation regulations, including Part 77 of Title  
2 14 of the Code of Federal Regulations, state law, and rules promulgated  
3 by the department of transportation;

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

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

14 NEW SECTION. **Sec. 7.** (1) A county may contract for the  
15 preparation of a comprehensive general aviation airport land use plan  
16 with the department of transportation. By December 1, 1996, the  
17 county, and any cities or towns affected by the general aviation  
18 airport within the county, shall:

19 (a) Agree to adopt and implement the comprehensive general aviation  
20 airport plan developed by the department; and

21 (b) Incorporate the height, use, noise, safety, and density  
22 criteria that are compatible with general aviation airport operations  
23 as established by federal aviation regulations, including Part 77 of  
24 Title 14 of the Code of Federal Regulations, state law, and rules  
25 promulgated by the department of transportation.

26 (2) If the county and affected cities and towns do not comply with  
27 the requirements of subsection (1) of this section by December 1, 1996,  
28 the county shall establish a general aviation airport land use plan  
29 commission within ninety days of the determination of noncompliance by  
30 the department of transportation. A comprehensive general aviation  
31 airport land use plan must be adopted pursuant to this chapter within  
32 ninety days of the establishment of the commission.

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

35 (a) The county has only one public-use general aviation airport  
36 that is owned by a city or town;

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

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

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

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

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

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