

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6422**

Chapter 239, Laws of 1996

54th Legislature  
1996 Regular Session

GENERAL AVIATION FACILITIES--PROTECTION FROM  
INCOMPATIBLE LAND USES

EFFECTIVE DATE: 6/6/96

Passed by the Senate February 9, 1996  
YEAS 45 NAYS 0

JOEL PRITCHARD

**President of the Senate**

Passed by the House February 29, 1996  
YEAS 79 NAYS 11

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Approved March 28, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6422** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

**Secretary**

FILED

March 28, 1996 - 5:14 p.m.

MIKE LOWRY

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6422**

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Passed Legislature - 1996 Regular Session

**State of Washington                      54th Legislature                      1996 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Morton, Hale, Swecker, Prentice and Sutherland)

Read first time 02/02/96.

1            AN ACT Relating to protecting general aviation facilities from  
2 encroachment of incompatible land uses; reenacting and amending RCW  
3 36.70A.070; adding a new section to chapter 36.70 RCW; adding a new  
4 section to chapter 35.63 RCW; adding a new section to chapter 35A.63  
5 RCW; and adding a new section to chapter 36.70A RCW.

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

7            **Sec. 1.** RCW 36.70A.070 and 1995 c 400 s 3 and 1995 c 377 s 1 are  
8 each reenacted and amended to read as follows:

9            The comprehensive plan of a county or city that is required or  
10 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
11 and descriptive text covering objectives, principles, and standards  
12 used to develop the comprehensive plan. The plan shall be an  
13 internally consistent document and all elements shall be consistent  
14 with the future land use map. A comprehensive plan shall be adopted  
15 and amended with public participation as provided in RCW 36.70A.140.

16            Each comprehensive plan shall include a plan, scheme, or design for  
17 each of the following:

18            (1) A land use element designating the proposed general  
19 distribution and general location and extent of the uses of land, where

1 appropriate, for agriculture, timber production, housing, commerce,  
2 industry, recreation, open spaces, general aviation airports, public  
3 utilities, public facilities, and other land uses. The land use  
4 element shall include population densities, building intensities, and  
5 estimates of future population growth. The land use element shall  
6 provide for protection of the quality and quantity of ground water used  
7 for public water supplies. Where applicable, the land use element  
8 shall review drainage, flooding, and storm water run-off in the area  
9 and nearby jurisdictions and provide guidance for corrective actions to  
10 mitigate or cleanse those discharges that pollute waters of the state,  
11 including Puget Sound or waters entering Puget Sound.

12 (2) A housing element ensuring the vitality and character of  
13 established residential neighborhoods that: (a) Includes an inventory  
14 and analysis of existing and projected housing needs; (b) includes a  
15 statement of goals, policies, objectives, and mandatory provisions for  
16 the preservation, improvement, and development of housing, including  
17 single-family residences; (c) identifies sufficient land for housing,  
18 including, but not limited to, government-assisted housing, housing for  
19 low-income families, manufactured housing, multifamily housing, and  
20 group homes and foster care facilities; and (d) makes adequate  
21 provisions for existing and projected needs of all economic segments of  
22 the community.

23 (3) A capital facilities plan element consisting of: (a) An  
24 inventory of existing capital facilities owned by public entities,  
25 showing the locations and capacities of the capital facilities; (b) a  
26 forecast of the future needs for such capital facilities; (c) the  
27 proposed locations and capacities of expanded or new capital  
28 facilities; (d) at least a six-year plan that will finance such capital  
29 facilities within projected funding capacities and clearly identifies  
30 sources of public money for such purposes; and (e) a requirement to  
31 reassess the land use element if probable funding falls short of  
32 meeting existing needs and to ensure that the land use element, capital  
33 facilities plan element, and financing plan within the capital  
34 facilities plan element are coordinated and consistent.

35 (4) A utilities element consisting of the general location,  
36 proposed location, and capacity of all existing and proposed utilities,  
37 including, but not limited to, electrical lines, telecommunication  
38 lines, and natural gas lines.

1 (5) Counties shall include a rural element including lands that are  
2 not designated for urban growth, agriculture, forest, or mineral  
3 resources. The rural element shall permit appropriate land uses that  
4 are compatible with the rural character of such lands and provide for  
5 a variety of rural densities and uses and may also provide for  
6 clustering, density transfer, design guidelines, conservation  
7 easements, and other innovative techniques that will accommodate  
8 appropriate rural uses not characterized by urban growth.

9 (6) A transportation element that implements, and is consistent  
10 with, the land use element. The transportation element shall include  
11 the following subelements:

12 (a) Land use assumptions used in estimating travel;

13 (b) Facilities and services needs, including:

14 (i) An inventory of air, water, and (~~land~~) ground transportation  
15 facilities and services, including transit alignments and general  
16 aviation airport facilities, to define existing capital facilities and  
17 travel levels as a basis for future planning;

18 (ii) Level of service standards for all arterials and transit  
19 routes to serve as a gauge to judge performance of the system. These  
20 standards should be regionally coordinated;

21 (iii) Specific actions and requirements for bringing into  
22 compliance any facilities or services that are below an established  
23 level of service standard;

24 (iv) Forecasts of traffic for at least ten years based on the  
25 adopted land use plan to provide information on the location, timing,  
26 and capacity needs of future growth;

27 (v) Identification of system expansion needs and transportation  
28 system management needs to meet current and future demands;

29 (c) Finance, including:

30 (i) An analysis of funding capability to judge needs against  
31 probable funding resources;

32 (ii) A multiyear financing plan based on the needs identified in  
33 the comprehensive plan, the appropriate parts of which shall serve as  
34 the basis for the six-year street, road, or transit program required by  
35 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
36 35.58.2795 for public transportation systems;

37 (iii) If probable funding falls short of meeting identified needs,  
38 a discussion of how additional funding will be raised, or how land use

1 assumptions will be reassessed to ensure that level of service  
2 standards will be met;

3 (d) Intergovernmental coordination efforts, including an assessment  
4 of the impacts of the transportation plan and land use assumptions on  
5 the transportation systems of adjacent jurisdictions;

6 (e) Demand-management strategies.

7 After adoption of the comprehensive plan by jurisdictions required  
8 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions  
9 must adopt and enforce ordinances which prohibit development approval  
10 if the development causes the level of service on a transportation  
11 facility to decline below the standards adopted in the transportation  
12 element of the comprehensive plan, unless transportation improvements  
13 or strategies to accommodate the impacts of development are made  
14 concurrent with the development. These strategies may include  
15 increased public transportation service, ride sharing programs, demand  
16 management, and other transportation systems management strategies.  
17 For the purposes of this subsection (6) "concurrent with the  
18 development" shall mean that improvements or strategies are in place at  
19 the time of development, or that a financial commitment is in place to  
20 complete the improvements or strategies within six years.

21 The transportation element described in this subsection, and the  
22 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
23 counties, and RCW 35.58.2795 for public transportation systems, must be  
24 consistent.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70 RCW  
26 to read as follows:

27 Every county, city, and town in which there is located a general  
28 aviation airport that is operated for the benefit of the general  
29 public, whether publicly owned or privately owned public use, shall,  
30 through its comprehensive plan and development regulations, discourage  
31 the siting of incompatible uses adjacent to such general aviation  
32 airport. Such plans and regulations may only be adopted or amended  
33 after formal consultation with: Airport owners and managers, private  
34 airport operators, general aviation pilots, ports, and the aviation  
35 division of the department of transportation. All proposed and adopted  
36 plans and regulations shall be filed with the aviation division of the  
37 department of transportation within a reasonable time after release for  
38 public consideration and comment. Each county, city, and town may

1 obtain technical assistance from the aviation division of the  
2 department of transportation to develop plans and regulations  
3 consistent with this section.

4 Any additions or amendments to comprehensive plans or development  
5 regulations required by this section may be adopted during the normal  
6 course of land-use proceedings.

7 This section applies to every county, city, and town, whether  
8 operating under chapter 35.63, 35A.63, 36.70, 36.70A RCW, or under a  
9 charter.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.63 RCW  
11 to read as follows:

12 Adoption and amendment of comprehensive plan provisions and  
13 development regulations under this chapter affecting a general aviation  
14 airport are subject to section 2 of this act.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.63 RCW  
16 to read as follows:

17 Adoption and amendment of comprehensive plan provisions and  
18 development regulations under this chapter affecting a general aviation  
19 airport are subject to section 2 of this act.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A RCW  
21 to read as follows:

22 Adoption and amendment of comprehensive plan provisions and  
23 development regulations under this chapter affecting a general aviation  
24 airport are subject to section 2 of this act.

Passed the Senate February 9, 1996.

Passed the House February 29, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.