

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6401**

Chapter 28, Laws of 2004

58th Legislature  
2004 Regular Session

MILITARY INSTALLATIONS--LAND USE

EFFECTIVE DATE: 6/10/04

Passed by the Senate March 9, 2004  
YEAS 48 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 3, 2004  
YEAS 91 NAYS 5

FRANK CHOPP

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**Speaker of the House of Representatives**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SUBSTITUTE SENATE BILL  
6401** as passed by the Senate and  
the House of Representatives on  
the dates hereon set forth.

MILTON H. DOUMIT JR.

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**Secretary**

Approved March 22, 2004.

FILED

March 22, 2004 - 4:14 p.m.

GARY F. LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 6401**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

**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) Comprehensive plans, amendments to comprehensive plans,  
5 development regulations, or amendments to development regulations  
6 adopted under this section shall be adopted or amended concurrent with  
7 the scheduled update provided in RCW 36.70A.130, except that counties  
8 and cities identified in RCW 36.70A.130(4)(a) shall comply with this  
9 section on or before December 1, 2005, and shall thereafter comply with  
10 this section on a schedule consistent with RCW 36.70A.130(4).

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

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

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

36 (b) When a county or city intends to amend its development  
37 regulations to be consistent with the comprehensive plan elements  
38 addressed in (a) of this subsection, notice shall be provided to the

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

Passed by the Senate March 9, 2004.

Passed by the House March 3, 2004.

Approved by the Governor March 22, 2004.

Filed in Office of Secretary of State March 22, 2004.