S-3581.1

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**SENATE BILL 6456**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Conway, Bailey, Hobbs, Zeiger, Palumbo, and Rolfes

AN ACT Relating to the protection of military installations operated by the United States armed services from incompatible development; amending RCW 36.70A.530 and 47.80.030; adding a new section to chapter 43.330 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature, consistent with the intent expressed in RCW 36.70A.530(1), continues to recognize the economic importance of the state's military installations, and the need to prioritize the protection of land near military installations from development that is incompatible with the operational needs of the installation. Since 2004, the growth management act has contained a process for coordinating city and county growth plans with nearby military installations, in order to ensure that growth plans can incorporate the needs of these important local economic and community pillars.

(2) To continue to ensure that appropriate steps are taken to protect military installations from incompatible development and to remedy situations in which incompatible development threatens the viability of military installation operations, it is the goal of this act to:

(a) Strengthen the existing growth management act coordination process between local governments and military installations, and to require that when local planning studies have considered how to mitigate and avoid incompatible growth around military installations, the results of those planning efforts should be incorporated into local growth plans and regulations;

(b) Establish a process for prioritizing capital budget funding to address incompatible development surrounding military installations; and

(c) Require military installations to be treated similarly to other regional growth centers by regional transportation planning organizations.

**Sec.**  RCW 36.70A.530 and 2004 c 28 s 2 are each amended to read as follows:

(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

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

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

(4)(a) As part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center or a recruiting center, that ((~~employs one hundred or more personnel and~~)) is operated by the United States ((~~department of defense~~)) armed services within or adjacent to its border, shall notify the commander of ((~~the military installation of the county's or city's intent~~)) proposals by the county or city to amend ((~~its~~)) a comprehensive plan or amend or adopt development regulations ((~~to address lands adjacent to military installations to ensure those lands are protected from incompatible development~~)) if the proposal applies to lands where development may interfere with the installation's ability to carry out its current or future mission requirements. The notice provided to the commander must fully inform the commander of the county's or city's proposal.

(b) In order to determine which types and locations of development may interfere with the installation's current or future mission activities and which therefore require notification under (a) of this subsection, the city or county must periodically solicit feedback from the commander regarding the types and locations of development activities that the commander deems potentially incompatible with the activities of the military installation. It is necessary and sufficient for a city or county to consider this feedback when determining whether to notify the commander of a proposed comprehensive plan change or a new or amended development regulation.

(5)((~~(a)~~)) The notice provided under subsection (4) of this section shall request from the commander ((~~of the military installation~~)) a written ((~~recommendation and supporting facts~~)) response with comments relating to the ((~~use of land being considered in the adoption of a comprehensive plan or an amendment to a plan~~)) county's or city's proposal and providing recommendations to ensure the military installation is protected from incompatible development. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan ((~~or~~)), plan amendment, development regulation, or amended development regulation will not have any adverse effect on the operation of the installation.

((~~(b) When a county or city intends to amend its development regulations to be consistent with the comprehensive plan elements addressed in (a) of this subsection, notice shall be provided to the commander of the military installation consistent with subsection (4) of this section. The notice shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the amendment to the development regulations. The notice shall provide sixty days for a response from the commander to the requesting government. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation.~~))

(6) Where one or more counties or cities and a military base have jointly developed plans or studies, such as a joint land use study, to identify potentially incompatible uses and necessary mitigation and avoidance measures, each county or city must adopt comprehensive plan and development regulation amendments that are consistent with and implement the recommendations of the plans or studies on or before the next periodic update specified in RCW 36.70A.130(5).

(7) For purposes of this section, "commander" means the commander of a military installation operated by the United States armed services, or the commander's designee.

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

(1) The department of commerce must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to increase the compatibility of surrounding land uses with current or future missions at military bases within Washington.

(2) The department of commerce must establish a competitive process to prioritize applications for the assistance as follows:

(a) The department of commerce must conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities that the department of commerce determines has the potential to be viable proponents of eligible projects. The department of commerce must evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the viability of military bases for current or future missions. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) Eligible projects may include: Acquisition of real property or real property interests to eliminate an existing incompatible use; projects to jointly assist in the recovery or protection of endangered species dependent on military base property for habitat; local infrastructure or facilities necessary to help a community accommodate an expanded military presence in their community; projects or programs to increase the availability of housing affordable to enlisted military personnel; and projects to retrofit existing uses to increase their compatibility with existing military operations.

(c) Where one or more counties or cities and a military base have jointly developed plans or studies, such as a joint land use study, to identify potentially incompatible uses and necessary mitigation and avoidance measures, a county or city must adopt comprehensive plan and development regulation amendments consistent with RCW 36.70A.530(6) in order to be eligible to submit requests for funding.

(d) The department of commerce must submit a prioritized list of recommended projects to the governor and the legislature in the department of commerce's biennial capital budget request beginning with the 2019-2021 biennium and every two years thereafter. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list must not exceed twenty-five million dollars. The department of commerce may not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(e) In contracts for grants authorized under this section that include the purchase of real property or real property interests, the department of commerce must include provisions that require that any subsequent reuse or disposal does not allow an incompatible land use.

(f) In contracts for grants authorized under this section the department of commerce must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(3) The department of commerce may adopt rules to implement this section.

**Sec.**  RCW 47.80.030 and 2005 c 328 s 2 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) The organization may designate a military installation as a regional growth center when the civilian and military workforce of the military installation is comparable in size to the workforce of the other regional growth centers.

(3) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

((~~(3)~~)) (4) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

**--- END ---**