

HOUSE BILL REPORT

HB 1628

As Reported by House Committee On:
Housing, Community Development & Veterans

Title: An act relating to creating an account to be used for purposes of supporting community efforts to reduce development conflicts with nearby military installations.

Brief Description: Creating an account to be used for purposes of supporting community efforts to reduce development conflicts with nearby military installations.

Sponsors: Representatives Reeves, Kilduff and Leavitt.

Brief History:

Committee Activity:

Housing, Community Development & Veterans: 2/6/19, 2/13/19 [DPS].

Brief Summary of Substitute Bill

- Establishes a grant program to reduce development conflicts with nearby military installations.

HOUSE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT & VETERANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Ryu, Chair; Morgan, Vice Chair; Gildon, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Corry, Entenman, Frame, Leavitt and Reeves.

Staff: Serena Dolly (786-7150).

Background:

The Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA (GMA planning jurisdictions).

The GMA directs jurisdictions that fully plan under the GMA to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are implemented through locally adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must include seven mandatory elements consisting of a plan, scheme, or design, including a land use element.

Local Government Planning under the Growth Management Act near Military Facilities.

Under the GMA, local government comprehensive plans and development regulations are discouraged, but not prohibited, from allowing development in the vicinity of a military installation that is incompatible with the installation's mission requirements.

As part of the land use element, the GMA planning jurisdictions that contain or are adjacent to certain federal military installations operated by the United States Department of Defense (DOD) must notify the commander of the military installation of an intent to amend comprehensive plans or development regulations to address lands adjacent to the military installation. This requirement does not apply to reserve centers or facilities that employ fewer than 100 personnel. The purpose of this notification is to protect the land from incompatible development.

Joint Land Use Studies.

The DOD implements a program to ensure that community development and economic growth do not interfere with the military's ability to test and train. One facet of this program may include targeting a military installation for a Joint Land Use Study (JLUS), in coordination with state or local governments. A JLUS includes a strategic plan to ensure civilian growth and development are compatible with training, testing, and other military missions. State or local governments must apply to the DOD to receive assistance in carrying out a JLUS.

In the Fiscal Year 2016 Supplemental Operating Budget, the Department of Commerce (COM) was directed to complete a study addressing best practices for avoiding incompatible development near military installations. The DOD also provided financial support for this study.

Readiness and Environmental Protection Integration Program.

The United States Department of Defense's Readiness and Environmental Protection Integration (REPI) Program seeks to protect the military's ability to accomplish its training, testing, and operational missions by helping remove or avoid land-use conflicts near installations and addressing regulatory restrictions that inhibit military activities. The REPI Program funds cost-sharing partnerships between the military, private conservation organizations, and state and local governments to preserve natural habitats and compatible land uses near military installations.

Summary of Substitute Bill:

The Defense Community Compatibility Account is created in the State Treasury. Subject to the availability of funding, the COM may award grants to local governments or entities with a REPI Program agreement for:

- the 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 installation 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.

Grants may only be awarded for projects prioritized by the COM with committed funding from the applicant and the federal government. The COM will give priority to applications accompanied by expressed support of partners, including nonprofit community or neighborhood-based organizations, public development authorities, or federally recognized Indian tribes.

The COM must produce a report with a prioritized list of projects to address incompatible developments near military installations by January 1, 2020, and every two years thereafter. Projects must be prioritized with consideration to:

- recommendations of the U.S. DOD Base Realignment and Closure Process (BRAC), JLUS, or other federally-initiated land use processes; and
- whether a branch of the U.S. Armed Forces has identified the project as increasing the viability of military installations.

Substitute Bill Compared to Original Bill:

In addition to local governments, the substitute bill allows entities with a REPI Program agreement to apply for grant funding.

The substitute bill removes the word "matching" from local, state, and federal funding requirements and provides that grants may only be awarded for projects with committed funds from the applicant and the federal government.

Appropriation: None.

Fiscal Note: Requested on February 4, 2019.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is good public policy. Washington has more than 10 military installations, and the military is the second largest employer in the state. This bill is about strengthening communities and thinking strategically. This bill is not about expanding military bases but asking what the impact is to local communities and putting together a list of priorities for Washington to fund.

There is currently no mechanism other than a capital budget request to access state funding for incompatible uses. Washington does not have designated funds for the REPI Program like 19 other states. Tens of millions of federal dollars may be available through the DOD. If the state does not have a prioritized project list and funding mechanism, it will miss out on federal funds to address development conflicts. This provides a proactive account to address development conflicts. Last year the state made a \$2 million capital budget investment in clear zones at Joint Base Lewis-McChord, and the federal government responded with an additional \$1.5 million.

Grant eligibility should be expanded to other organizations, not just local governments.

(Opposed) Washington needs to balance priorities between military bases and neighboring communities. This bill proposes to provide funding for projects that expand military installations. There are communities in this state that are completely reliant on the military, which has the smallest economic multiplier of any industry. Shopping is done on the military base instead of at local stores. Military-dependent communities are not healthy. Government data shows military bases negatively impact property values, school funding, and the health of local residents.

The military wants to insert itself into local land use planning under the guise of incompatible uses. The military wants communities to pay for base expansion. Too much Washington land is already devoted to the DOD. Lawmakers should not hand the military more authority and more of the state's finite natural resources.

This bill can be fixed by eliminating any state funding, allowing communities to rank projects, and requiring public hearings on funding decisions.

Persons Testifying: (In support) Representative Reeves, prime sponsor; Bill Clarke, Trust for Public Land; and Bill Adamson, South Sound Military and Communities Partnership.

(Opposed) Maryon Attwood, Sound Defense Alliance; and Larry Morrell, Sustainable Economy Collaborative.

Persons Signed In To Testify But Not Testifying: None.