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SENATE BILL 6456

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State of Washington

65th Legislature

2018 Regular Session

By Senators Conway, Bailey, Hobbs, and Zeiger

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

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

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

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

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

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

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

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

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

19 (2) Comprehensive plans, amendments to comprehensive plans,  
20 development regulations, or amendments to development regulations  
21 adopted under this section shall be adopted or amended concurrent  
22 with the scheduled update provided in RCW 36.70A.130, except that  
23 counties and cities identified in RCW 36.70A.130(4)(a) shall comply  
24 with this section on or before December 1, 2005, and shall thereafter  
25 comply with this section on a schedule consistent with RCW  
26 36.70A.130(4).

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

35 (4)(a) As part of the requirements of RCW 36.70A.070(1) each  
36 county and city planning under RCW 36.70A.040 that has a federal  
37 military installation, other than a reserve center or a recruiting  
38 center, that ~~((employs one hundred or more personnel and))~~ is  
39 operated by the United States ~~((department of defense))~~ armed

1 services within or adjacent to its border, shall notify the commander  
2 of ~~((the military installation of the county's or city's intent))~~  
3 proposals by the county or city to amend ~~((its))~~ a comprehensive plan  
4 or amend or adopt development regulations ~~((to address lands adjacent~~  
5 ~~to military installations to ensure those lands are protected from~~  
6 ~~incompatible development))~~ if the proposal applies to lands where  
7 development may interfere with the installation's ability to carry  
8 out its current or future mission requirements. The notice provided  
9 to the commander must fully inform the commander of the county's or  
10 city's proposal.

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

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

35 ~~((b) When a county or city intends to amend its development~~  
36 ~~regulations to be consistent with the comprehensive plan elements~~  
37 ~~addressed in (a) of this subsection, notice shall be provided to the~~  
38 ~~commander of the military installation consistent with subsection (4)~~  
39 ~~of this section. The notice shall request from the commander of the~~  
40 ~~military installation a written recommendation and supporting facts~~

1 ~~relating to the use of land being considered in the amendment to the~~  
2 ~~development regulations. The notice shall provide sixty days for a~~  
3 ~~response from the commander to the requesting government. If the~~  
4 ~~commander does not submit a response to such request within sixty~~  
5 ~~days, the local government may presume that implementation of the~~  
6 ~~proposed development regulation or amendment will not have any~~  
7 ~~adverse effect on the operation of the installation.)~~)

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

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

18 NEW SECTION. Sec. 3. A new section is added to chapter 43.330  
19 RCW to read as follows:

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

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

27 (a) The department of commerce must conduct a statewide  
28 solicitation of project applications from local governments,  
29 nonprofit organizations, and other entities that the department of  
30 commerce determines has the potential to be viable proponents of  
31 eligible projects. The department of commerce must evaluate and rank  
32 applications in consultation with a citizen advisory committee using  
33 objective criteria. At a minimum, applicants must demonstrate that  
34 the requested assistance will increase the viability of military  
35 bases for current or future missions. The evaluation and ranking  
36 process must also include an examination of existing assets that  
37 applicants propose to apply to projects. Grant assistance under this  
38 section may not exceed twenty-five percent of the total cost of the  
39 project. The nonstate portion of the total project cost may include

1 cash, the value of real property when acquired solely for the purpose  
2 of the project, and in-kind contributions.

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

13 (c) Where one or more counties or cities and a military base have  
14 jointly developed plans or studies, such as a joint land use study,  
15 to identify potentially incompatible uses and necessary mitigation  
16 and avoidance measures, a county or city must adopt comprehensive  
17 plan and development regulation amendments consistent with RCW  
18 36.70A.530(6) in order to be eligible to submit requests for funding.

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

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

34 (f) In contracts for grants authorized under this section the  
35 department of commerce must include provisions that require that  
36 capital improvements be held by the grantee for a specified period of  
37 time appropriate to the amount of the grant and that facilities be  
38 used for the express purpose of the grant. If the grantee is found to  
39 be out of compliance with provisions of the contract, the grantee  
40 must repay to the state general fund the principal amount of the

1 grant plus interest calculated at the rate of interest on state of  
2 Washington general obligation bonds issued most closely to the date  
3 of authorization of the grant.

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

6 **Sec. 4.** RCW 47.80.030 and 2005 c 328 s 2 are each amended to  
7 read as follows:

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

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

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

24 (i) Crosses member county lines;

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

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

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

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

36 (vi) Provides for system continuity;

37 (c) Establishes level of service standards for state highways and  
38 state ferry routes, with the exception of transportation facilities  
39 of statewide significance as defined in RCW 47.06.140. These

1 regionally established level of service standards for state highways  
2 and state ferries shall be developed jointly with the department of  
3 transportation, to encourage consistency across jurisdictions. In  
4 establishing level of service standards for state highways and state  
5 ferries, consideration shall be given for the necessary balance  
6 between providing for the free interjurisdictional movement of people  
7 and goods and the needs of local commuters using state facilities;

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

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

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

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

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

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

38 (2) The organization may designate a military installation as a  
39 regional growth center when the civilian and military workforce of

1 the military installation is comparable in size to the workforce of  
2 the other regional growth centers.

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

7 ~~((3))~~ (4) All transportation projects, programs, and  
8 transportation demand management measures within the region that have  
9 an impact upon regional facilities or services must be consistent  
10 with the plan and with the adopted regional growth and transportation  
11 strategies.

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