
**Housing, Community Development &
Veterans Committee**

HB 1628

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 Summary of Bill

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

Hearing Date: 2/6/19

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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 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.

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.

Local Government Planning under the GMA 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, GMA planning jurisdictions that contain or are adjacent to certain federal military installations operated by the U.S. 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.

Summary of 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 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 matches of 100 percent in federal funds and 100 percent in local funds. The COM will give priority to local governments whose applications are accompanied by expressed support of partners, including non-profit 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. Department of Defense Base Realignment and Closure Process (BRAC), Joint Land Use Studies, 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.

Appropriation: None.

Fiscal Note: Requested on February 4, 2019.

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