
SUBSTITUTE SENATE BILL 6456

State of Washington

65th Legislature

2018 Regular Session

By Senate Local Government (originally sponsored by Senators Conway, Bailey, Hobbs, Zeiger, Palumbo, and Rolfes)

READ FIRST TIME 02/02/18.

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

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

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

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

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

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

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

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

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

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

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

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

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

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