

# SENATE BILL REPORT

## SB 5799

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As of February 20, 2009

**Title:** An act relating to the state capitol campus special height district.

**Brief Description:** Creating the state capitol campus special height district.

**Sponsors:** Senators Fraser, Swecker, Fairley, Murray and Shin.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/19/09.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Aaron Gutierrez (786-7448)

**Background:** Construction of Washington's State Capitol commenced in 1855 when 12 acres of land was donated to the territorial Legislature. The original capitol was insufficient for the size of the Legislature, and quickly fell into disrepair. The old Thurston County Courthouse (currently home to the Office of the Superintendent of Public Instruction) was purchased by the Legislature in 1901, and the Legislature began meeting there in 1905.

The State Capitol Commission, in 1911, held a design competition for Washington's capitol building. The winning design, by architectural firm Wilder & White, called for a group of buildings on the hill overlooking the City of Olympia and Puget Sound.

The area commonly known as the "Isthmus" or the "Olympia Isthmus" was completed in 1951. The finished project included a dam, spillway, and an earth fill crossing Budd Inlet east to west.

In December of 2008, the Olympia City Council approved an ordinance raising the building height on the isthmus from 35 feet to 42 feet, with certain areas as high as 65 feet and 90 feet.

**Summary of Bill:** The Legislature finds that the broad public vista northward from the historic capitol campus, and the public view of the state capitol from many points to the north of it, constitute a vista of statewide and national historic significance. It is the intent of the Legislature to take steps necessary to protect this vista.

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*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.*

A special height district is created on the Olympia Isthmus. The maximum height for a new or remodeled structure within the district is 35 feet.

The Olympia Isthmus is defined as the area from the centerline of Water Street in Olympia proceeding west to the shoreline of the Deschutes spillway bounded by Capitol Lake shoreline and Budd Inlet shoreline.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There is a common assumption and cultural value to protect the vista across the isthmus. The perspective of the capitol from out in the harbor is important. A great deal of time has been spent working with the north side of the capitol. To block these views would be like asking the Department of Transportation to build a noise wall around a Rembrandt painting. This would codify the ruling of *Sato v. Olympia*, where a six-story building was ruled a violation of the Shoreline Management Act because of the negative impact to views. There are 500 blocks east of this section where high rises can go. If they were just now siting the capitol, would it be acceptable to ask or expect that no development would take place in that area? A proposed substitute will be coming.

CON: The council followed the process under Growth Management Act (GMA), and spent more time with this than any other measure in history. The GMA puts control in the hands of local government. We agreed the state would not be able to trump local policy unless this was appealed under the GMA. Olympia is a community first, and host to the state government second. The council should not have to look over its shoulder to make sure the state will not interfere. The change in the ordinance was a response to broader issues than just the vista. This is about viable development. The state should not interfere with local zoning. The change affects the assessed value of the land, and would add \$150 million per year to the tax rolls, resulting in \$1.5 million generated per year. This would also provide an estimated \$600,000 to local schools, and increases in sales tax. There was never any discussion of a view corridor larger than over the fountain block, and that was reflected in an oral agreement dating back to 1992.

**Persons Testifying:** PRO: Senator Fraser, prime sponsor; Ralph Munro, former Secretary of State; Allen Miller, Michael Hamm, Norman Johnston, citizens; Kit Ford, Beyond the Barge; Jerry Reilly, Olympia Capital Park Foundation.

CON: Joan Machlis, Olympia City Council; David Schaffert, Thurston County Chamber; Connie Lorenz, Olympia Downtown Association; Steve Hall, city of Olympia; Sharon Foster, Maureen Morris, Enid Layes, Peter Stroble, citizens; Jackie Barrett Sharar, Olympia resident.