

HOUSE BILL REPORT

HB 2561

As Reported By House Committee On:
Local Government

Title: An act relating to authorizing the preservation and development of national historic towns outside of urban growth areas.

Brief Description: Authorizing the preservation and development of national historic towns outside of urban growth areas.

Sponsors: Representatives Rockefeller, Woods, Mulliken, Scott, Lantz, Ogden, Constantine and Haigh.

Brief History:

Committee Activity:

Local Government: 1/26/00, 1/31/00 [DP].

Brief Summary of Bill

- Authorizes a Growth Management Act (GMA) county to include an existing national historic town at urban densities outside the urban growth area and to allocate part of its population projection to the national historic town.
- Defines "national historic town" as a town or district designated a national historic landmark by the National Park Service on or before July 1, 1990, that contained on that date a mix of residential, commercial, or industrial uses.
- Requires a county authorizing a national historic town to include certain policies and provisions in its comprehensive plan and development regulations, including uses, boundaries, architectural controls, densities, and consistency with critical areas regulations.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Staff: Caroleen Dineen (786-7156).

Background:

The Growth Management Act (GMA) requires a county and its cities to plan under its requirements if the county meets specified population and growth criteria. Counties not meeting these criteria may choose to plan according to the GMA's requirements.

The GMA requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. The GMA imposes additional requirements on counties and cities planning under RCW 36.70A.040 (GMA jurisdictions), including identification and protection of critical areas; identification and conservation of agricultural, forest, and mineral resource lands; and adoption of county-wide planning policies to allocate projected population growth and to coordinate comprehensive planning among counties and their cities.

GMA jurisdictions must designate urban growth areas (UGA), within which urban growth is encouraged and outside of which urban growth is prohibited. "Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource uses. GMA jurisdictions must also adopt a comprehensive plan which contains planning policies and incorporates these UGA designations. A GMA jurisdiction also must adopt development regulations to implement the comprehensive plan policies.

A GMA jurisdiction's comprehensive plan must include certain elements, including land use, housing, capital facilities plan, utilities, rural, and transportation elements. The rural element must include policies for land development and uses for lands that are not designated for urban growth, agriculture, forest, or mineral resources.

Legislation enacted in 1997 added new standards for the rural element of GMA comprehensive plans. Among other changes, the 1997 legislation defined "rural character" and "rural development" to provide for a variety of densities and uses consistent with rural environments. The 1997 legislation also amended the definition of "urban growth" to provide that a pattern of more intensive rural development is not urban growth. Further, the 1997 legislation included provisions allowing infill, development or redevelopment of existing developed areas within rural areas and for limited "intensification" or rural nonresidential

uses or new development of isolated cottage industries and isolated small scale businesses.

According to the state Office of Archaeology and Historic Preservation, numerous sites, buildings and facilities in Washington are designated as national historic landmarks.

Summary of Bill:

Counties planning under RCW 36.70A.040 (GMA counties) may include existing national historic towns that constitute urban growth outside UGA if specified conditions are satisfied. A GMA county may allocate a portion of its 20-year population projection to the national historic town to correspond to the projected number of permanent town residents.

For purposes of this authority, an "existing national historic town" is defined as a town or district that was designated a national historic landmark by the National Park Service on or before July 1, 1990, and which on that date contained a mix of residential, commercial, or industrial uses.

A GMA county may authorize existing national historic towns to constitute urban growth outside UGAs if the:

- GMA county's comprehensive plan specifically identifies policies to guide the town's preservation, redevelopment, infill, and development;
- GMA county's comprehensive plan and development regulations specify a mix of residential, commercial, industrial, tourism-recreation, waterfront, or other historical uses as well as infrastructure and services to promote the town's historic character and economic sustainability;
- town's boundaries include all areas contained within the national historic landmark designation and limited areas determined by the GMA county as necessary for transitional uses and buffering;
- GMA county's development regulations provide for architectural controls and review procedures applicable to rehabilitation, redevelopment, infill, or new development to promote the town's historic character;
- GMA county finds that the national historic town is consistent with critical areas regulations; and
- on-site and off-site infrastructure impacts are fully considered and mitigated concurrent with development.

The town may include the types of uses existing at times during its history; uses are not limited to those existing at the time of historic designation or on July 1, 1990.

Further, portions of the town may include urban densities if those densities reflect historical patterns.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: GMA includes historical preservation as a planning goal. Port Gamble is a 150-year old mill town designated as a national historic town under federal law in 1967. That designation makes it one of the nation's most important properties. The designation is one step above the national register and one step below a national monument. The mill is now closed, and the town has been in decline for years. The only way to preserve Port Gamble is to redevelop it, and the property owner has worked with the county on a redevelopment plan including small-scale commercial and tourism opportunities while preserving the town's historic integrity. The plan is a chance to extend history into the present in a way that is economically viable. This bill is not a loophole for sprawl. The bill will promote economic development within Kitsap County and clarify what types of development will be allowed in qualifying areas under the GMA.

Historical landmarks are lost every day. Economic vitality is an important part of historical preservation. Comprehensive plans taking historic character and economic vitality into account will be important preservation tools.

(In support with concerns) Bringing densities back to historic levels makes sense. The bill needs to be amended to address surrounding areas and urban/suburban references and to prevent "leapfrogging" urban growth areas. The bill would allow Port Gamble, a unique historic resource, to develop in a financially sustainable manner, but technical amendments are needed to ensure consistency. The concept is good, but the need is questionable as other methods, including tourist centers and fully contained communities, can be used to assist Port Gamble. The bill needs to ensure that this will not be a huge urban growth area with huge infrastructure costs.

(In support with amendments) The concept fits better in the GMA as a new designation than as an urban growth area or master planned resort. The transitional areas language regarding surrounding lands raises concerns.

Testimony Against: None.

Testified: (In support) Representative Phil Rockefeller, prime sponsor; Representative Beverly Woods, sponsor; Stephanie Toothman, National Park Service; Silvia Klatman, Economic Development Council of Kitsap County; Allyson Brooks, Archeology and Historic Preservation Office, Department of Community, Trade, and Economic Development; Dave Williams, Association of Washington Cities; Gary Smith, Independent Business Association; Warren Olson, Economic Development Council of Kitsap County; Roberta Farris, Pope Resource; and Carolyn McClurkan, Kitsap County Historical Society.

(In support with concerns) Steve Stuart, 1000 Friends of Washington; Heather Ballash, Growth Management Program, Department of Community, Trade, and Economic Development; Charlie Burrow, Kitsap Citizens for Rural Preservation; and Tom Donnelly, Kitsap Citizens for Rural Preservation.

(In support with amendments) Mike Ryherd, American Planning Association.