

SENATE BILL REPORT

SB 5554

As Reported by Senate Committee On:
Local Government, February 6, 2025

Title: An act relating to historic landmark designations.

Brief Description: Concerning historic landmark designations.

Sponsors: Senators Salomon, Bateman, Goehner and Gildon.

Brief History:

Committee Activity: Local Government: 2/03/25, 2/06/25 [DP, w/oRec].

Brief Summary of Bill

- Prohibits a city or code city from designating a property as a historic landmark if the property that would be designated as a historic landmark is less than 40 years old or the designation would restrict the use, alteration, or demolition of the property and written consent of the owner of the property has not been obtained.
- Provides that these limitations do not apply if the historic landmark is within a historic district established through a local preservation ordinance.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Salomon, Chair; Lovelett, Vice Chair; Bateman and Goehner.

Minority Report: That it be referred without recommendation.

Signed by Senator Torres, Ranking Member.

Staff: Karen Epps (786-7424)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. 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.

The GMA directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. When developing their comprehensive plans, counties and cities must consider various goals set forth in statute.

Among its 15 goals, the GMA includes a goal to identify and encourage the preservation of lands, sites, and structures that have historical, cultural, and archaeological significance. Although the GMA does not require the inclusion of a historic preservation or cultural resources element in comprehensive plans, counties and cities planning under the GMA must consider and incorporate the historic preservation goal.

Summary of Bill: No city or code city may designate a property as a historic landmark if:

- the property that would be designated as a historic landmark is less than 40 years old; or
- the designation would restrict the use, alteration, or demolition of the property and written consent of the owner of the property has not been obtained.

A designation made without written consent of the property owner is void unless and until consent is obtained.

Cities and code cities must implement the requirements no later than one year of the bill's effective date. If a city or code city has not adopted or amended ordinances, regulations, or other official controls to implement the requirements, the requirements apply, take effect, and supersede, preempt, and invalidate any conflicting local regulations.

These limitations do not apply if the property that would be designated as a historic landmark is within a historic district established through a local preservation ordinance.

Actions taken to adopt these regulations may not be challenged under the State Environmental Policy Act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: There are some areas where someone can designate someone else's property as a historic landmark and that can cause redevelopment to stop. The property owner should consent to having their property designated as a historic landmark. Historic landmarking can be used to obstruct home building when landmarking is allowed without the consent of the owner. This practice could be a bigger problem as upzoning occurs for middle housing. The bill creates a statewide standard that is aligned with what most Washington cities are currently doing. Sometimes community neighbors file requests for historic landmarking without the consent of the school district and this causes the district to spend money and time in response to these petitions. Nomination of landmark status can take up to a year to resolve. Owners spend time and money fighting petitions that are filed on their property without their consent. The landmark process is being used to block projects and has a chilling impact on development.

CON: This bill is wasting time and budget on 0.5 percent of land parcels in Seattle. Landmark status often protects affordable housing from being demolished and prevents displacement of existing residents. Preservation ordinances are enacted at the local level and the majority of the ordinances require owner consent. Use of preservation ordinances that do not require owner consent are not being used to limit development on a large scale. In Tacoma, the ordinance does not require owner consent, but the final determination rests with the city council. This bill will undo 50 years of precedent in how local communities preserve their history and limit local authority to decide what historic places in their communities should be protected.

OTHER: Designation has been used as a tool to stop infill development in cities. This bill will help to recognize when historic designation is moving beyond its intended purpose. Historic districts can also hinder redevelopment. There is interest in having the age of the property be at least 50 years old. Cities have a variety of different approaches to preserve historic buildings. There could be newer buildings that have historic value to some constituencies.

Persons Testifying: PRO: Senator Jesse Salomon, Prime Sponsor; Dan Bertolet, Sightline Institute; Vivian Song; Benjamin Maritz, Great Expectations LLC; Morgan Irwin, Association of Washington Business.

CON: Colleen Mcaleer, Laurelhurst Community Club Council; Chris Moore, Washington Trust for Historic Preservation; Eugenia Woo, Historic Seattle.

OTHER: Andrea Smiley, Building Industry Association of Washington; Carl Schroeder, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: No one.