

# HOUSE BILL REPORT

## EHB 2561

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### As Amended by the Senate

**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].

#### Floor Activity:

Passed House: 2/9/00, 97-0.

Senate Amended.

Passed Senate: 2/29/00, 46-1.

### Brief Summary of Engrossed Bill

- Authorizes Growth Management Act (GMA) counties to authorize and designate national historic towns at urban densities outside the urban growth area and to allocate part of their population projections to national historic towns.
- Defines "national historic town" as a town or district designated a national historic landmark by the United States Secretary of the Interior under federal law based on significant historic urban features and which historically contained a mix of residential and 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.

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### 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. 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 adoption of county-wide planning policies, designation of urban growth areas (UGAs), and adoption of comprehensive plans and implementing development regulations. "Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource uses.

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

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**Summary of Bill:**

Counties planning under RCW 36.70A.040 (GMA counties) may authorize and designate national historic towns that constitute urban growth outside urban growth areas (UGAs) 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 has been designated a national historic landmark by the United States Secretary of the Interior based on its significant historic urban features and which contained a mix of residential, commercial, or industrial uses.

A GMA county may designate a national historic town to constitute urban growth outside UGAs only 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 comprehensive plan and development regulations preclude new urban or suburban land uses in the town's vicinity in areas other than designated UGA's;
  - 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. Further, portions of the town may include urban densities if those densities reflect historical patterns.

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**EFFECT OF SENATE AMENDMENT(S):** The Senate amendment requires provisions regarding additional limited areas for transitional uses and buffering to be: (1) compatible with the town's historic character; and (2) protect existing natural and built environments under Growth Management Act (GMA) requirements, including visual compatibility, within and beyond these areas. The Senate amendment also specifies the requirement to preclude new urban or suburban land uses in the town's vicinity applies to these additional limited areas for transitional uses and buffering.

**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's designation as a national historic town under federal law 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.