

HOUSE BILL REPORT

HB 2082

As Reported by House Committee On:
Local Government & Housing

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

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

Sponsors: Representatives Hunt, Kessler, Wallace, McCoy, Carlyle, Ormsby, Chase and Kenney.

Brief History:

Committee Activity:

Local Government & Housing: 1/28/10, 2/1/10 [DPS].

Brief Summary of Substitute Bill

- Creates a state capitol campus height district in an area north of Capitol Lake in Olympia.
- Establishes a maximum allowable height of 35 feet for a new or remodeled building or structure within the district.
- Specifies that nothing in the provisions establishing the district is intended to affect any project in the district that has vested prior to the effective date of the act.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan, Miloscia, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 2 members: Representatives Short and Springer.

Staff: Ethan Moreno (786-7386).

Background:

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.

In 1967 the Legislature established the optional municipal code as an alternative form of classification of city government. Cities that operate under the optional municipal code (*i.e.*, code cities) have broad statutory home rule authority in matters of local concern. Of the 281 Washington cities, 187 operate under the optional municipal code.

Among numerous provisions in the optional municipal code, code cities were granted express authority to adopt a comprehensive plan for anticipating and influencing the orderly and coordinated development of land and building uses within the city. After adopting a comprehensive plan, code cities may implement all or part of the plan through ordinances that provide for certain regulatory provisions, including:

- the adoption of an official map and regulations relating to locations and requirements for streets, parks, public buildings, and other public facilities;
- dividing the city into land use zones with specific standards, requirements, and conditions for regulating land and buildings; and
- the adoption of design standards, requirements, regulations, and procedures for the subdivision of land.

The City of Olympia (Olympia) operates under the optional municipal code.

Summary of Substitute Bill:

Provisions governing planning and zoning actions in code cities are modified to create the state capitol campus height district (district). The district's stated purpose is to protect the scenic beauty of the state capitol campus for citizens of the state and out-of-state visitors. The district is located as follows: the Olympia Isthmus -- from the western boundary of Capitol Waterway in Olympia, proceeding west to the shoreline of the Deschutes spillway bounded by Capitol Lake shoreline and Budd Inlet shoreline.

The maximum allowable height for a new or remodeled building or structure within the district is 35 feet. Nothing in the provisions establishing the district is intended to affect any project in the district that has vested prior to the effective date of the act.

Substitute Bill Compared to Original Bill:

The substitute bill modifies the boundary of the proposed district. The substitute bill also includes an express pronouncement specifying that nothing in the provisions establishing the district is intended to affect any project in the district that has vested prior to the effective date of the act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was considered last year. At that time, Olympia and the Legislature had differing views on the proposed height district, but the composition of the city council has changed and it now supports the bill. This bill will save the beautiful scenic view corridor of the Olympia Isthmus. The bill represents an important collaboration between the Legislature and Olympia, it supports downtown prosperity, and preserves special areas on Olympia's waterfront.

The Law Enforcement Memorial overlooks Capitol Lake and Heritage Park, and incorporates the best of what the state has to offer. The memorial is a place of solitude that honors law enforcement officers that were killed in the line of duty. The view from this site should be preserved.

(Opposed) This bill, and its legislative establishment of separate height limits within a city's boundaries, sets a dangerous precedent for the Legislature. This bill was introduced a year ago when a different set of facts existed. A vested permit right exists in the affected area. This bill does not establish a height limit on the capitol campus: it only affects private property. The bill is a usurpation of city powers and it violates the density objectives of the Growth Management Act. This bill violates basic lawmaking principles: the Legislature should not pass laws to nullify vested permits. Capitol Lake is being contemplated as an estuary, so the state is considering deviations from the original design plans of the capitol campus.

Persons Testifying: (In support) Representative Hunt, prime sponsor; Stephen Buxbaum, City of Olympia; and Kit Ford, Behind the Badge Foundation.

(Opposed) Scott Greenberg, American Planning Association; Mike Ryherd, Olympia 2012; and Maureen Morris.

Persons Signed In To Testify But Not Testifying: None.