

SHB 2115 - S COMM AMD

By Committee on Ways & Means
Offered by Senator Prentice

ADOPTED 4/11/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that historic barns are
4 essential symbols of Washington's heritage representing a pioneering
5 spirit of industriousness. Important for their association with broad
6 patterns of agricultural history and community development and as
7 examples of distinct architectural styles and methods of construction,
8 historic barns serve as highly visible icons for local residents and
9 visitors alike. The legislature acknowledges that factors such as
10 changes in the agricultural economy and farming technologies,
11 prohibitive rehabilitation costs, development pressures, and
12 regulations restricting new uses, collectively work to endanger
13 historic barns statewide and contribute to their falling into decay or
14 being demolished altogether.

15 As historic barns represent irreplaceable resources, and
16 recognizing that barn preservation will work to retain these structures
17 as functional and economically viable elements of working lands, the
18 purpose of this act is to create a system acknowledging heritage barns
19 statewide that provides emergency assistance to heritage barn owners
20 through matching grants, assesses the need for long-term barn
21 preservation, and considers additional incentives and regulatory
22 revisions that work toward the preservation of heritage barns as
23 integral components of Washington's historic landscapes.

24 NEW SECTION. **Sec. 2.** (1) The Washington state heritage barn
25 preservation program is created in the department.

26 (2) The director, in consultation with the heritage barn
27 preservation advisory board, shall conduct a thematic study of
28 Washington state's barns. The study shall include a determination of
29 types, an assessment of the most unique and significant barns in the
30 state, and a condition and needs assessment of historic barns in the
31 state.

32 (3)(a) The department, in consultation with the heritage barn
33 preservation advisory board, shall establish a heritage barn

1 recognition program. To apply for recognition as a heritage barn, the
2 barn owner shall supply to the department photos of the barn, photos of
3 the farm and surrounding landscape, a brief history of the farm, and a
4 construction date for the barn.

5 (b) Three times a year, the governor's advisory council on historic
6 places shall review the list of barns submitted by the department for
7 formal recognition as a heritage barn.

8 (4) Eligible applicants for heritage barn preservation fund awards
9 include property owners, nonprofit organizations, and local
10 governments.

11 (5) To apply for support from the heritage barn preservation fund,
12 an applicant must submit an application to the department in a form
13 prescribed by the department. Applicants must provide at least fifty
14 percent of the cost of the project through in-kind labor, the
15 applicant's own moneys, or other funding sources.

16 (6) The following types of projects are eligible for funding:

17 (a) Stabilization of endangered heritage barns and related
18 agricultural buildings, including but not limited to repairs to
19 foundations, sills, windows, walls, structural framework, and the
20 repair and replacement of roofs; and

21 (b) Work that preserves the historic character, features, and
22 materials of a historic barn.

23 (7) In making awards, the advisory board shall consider the
24 following criteria:

25 (a) Relative historical and cultural significance of the barn;

26 (b) Urgency of the threat and need for repair;

27 (c) Extent to which the project preserves historic character and
28 extends the useful life of the barn or associated agricultural
29 building;

30 (d) Visibility of the barn from a state designated scenic byway or
31 other publicly traveled way;

32 (e) Extent to which the project leverages other sources of
33 financial assistance;

34 (f) Provision for long-term preservation;

35 (g) Readiness of the applicant to initiate and complete the
36 project; and

37 (h) Extent to which the project contributes to the equitable
38 geographic distribution of heritage barn preservation fund awards
39 across the state.

1 (8) In awarding funds, special consideration shall be given to
2 barns that are:

3 (a) Still in agricultural use;

4 (b) Listed on the national register of historic places; or

5 (c) Outstanding examples of their type or era.

6 (9) The conditions in this subsection must be met by recipients of
7 funding in order to satisfy the public benefit requirements of the
8 heritage barn preservation program.

9 (a) Recipients must execute a contract with the department before
10 commencing work. The contract must include a historic preservation
11 easement for between five to fifteen years depending on the amount of
12 the award. The contract must specify public benefit and minimum
13 maintenance requirements.

14 (b) Recipients must proactively maintain their historic barn for a
15 minimum of ten years.

16 (c) Public access to the exterior of properties that are not
17 visible from a public right-of-way must be provided under reasonable
18 terms and circumstances, including the requirement that visits by
19 nonprofit organizations or school groups must be offered at least one
20 day per year.

21 (10) All work must comply with the United States secretary of the
22 interior's standards for the rehabilitation of historic properties;
23 however, exceptions may be made for the retention or installation of
24 metal roofs on a case-by-case basis.

25 (11) The heritage barn preservation fund shall be acknowledged on
26 any materials produced and in publicity for the project. A sign
27 acknowledging the fund shall be posted at the worksite for the duration
28 of the preservation agreement.

29 (12) Projects must be initiated within one year of funding approval
30 and completed within two years, unless an extension is provided by the
31 department in writing.

32 (13) If a recipient of a heritage barn preservation fund award, or
33 subsequent owner of a property that was assisted by the fund, takes any
34 action within ten years of the funding award with respect to the
35 assisted property such as dismantlement, removal, or substantial
36 alteration, which causes it to be no longer eligible for listing in the
37 Washington heritage register, the fund shall be repaid in full within
38 one year.

1 NEW SECTION. **Sec. 3.** (1) The director shall establish a
2 Washington state heritage barn preservation advisory board that
3 includes:

4 (a) Two members representing owners of heritage barns nominated by
5 recognized agricultural organizations;

6 (b) The chair of the advisory council, or the chair's designee;

7 (c) A representative of a statewide historic preservation
8 organization;

9 (d) A representative of a county heritage commission that is
10 recognized by the department as a certified local government;

11 (e) Two elected county officials, one appointed by the Washington
12 state association of counties and one appointed by the Washington
13 association of county officials;

14 (f) A representative of a private foundation with an interest in
15 the preservation of barns;

16 (g) A representative of a land trust that is experienced with
17 easements; and

18 (h) At least one at-large member with appropriate expertise in barn
19 architecture, architectural history, construction, engineering, or a
20 related field.

21 (2) The director may invite representatives of federal agencies
22 that have barn preservation programs or expertise to participate on the
23 advisory board, who shall serve as ex-officio members.

24 (3) The director shall work to assure that the advisory board
25 members are from diverse geographic regions of the state. The director
26 may serve as chair, or appoint a person to serve as chair.

27 (4) The advisory board shall provide advice to the director
28 regarding:

29 (a) The criteria for designation of heritage barns;

30 (b) The criteria for determining eligibility for grant funds
31 including contracting provisions between the department and grant
32 recipients. In developing this criteria, the department and the
33 advisory board shall consult with the state attorney general; and

34 (c) The criteria for awarding grants for barn rehabilitation.

35 (5) The advisory board shall examine regulatory issues that impose
36 constraints on the ability to use heritage barns for contemporary
37 economically productive purposes including building and land use codes.

38 (6) By December 1, 2010, the department shall provide a final
39 report to appropriate committees of the legislature that summarizes the

1 accomplishments of the program, addresses regulatory issues examined
2 under subsection (5) of this section, and makes final recommendations.

3 (7) This section expires December 31, 2010.

4 NEW SECTION. **Sec. 4.** (1) The heritage barn preservation fund is
5 created as an account in the state treasury. All receipts from
6 appropriations and private sources must be deposited into the account.
7 Moneys in the account may be spent only after appropriation.
8 Expenditures from the account may be used only to provide assistance to
9 owners of heritage barns in Washington state in the stabilization and
10 restoration of their barns so that these historic properties may
11 continue to serve the community.

12 (2) The department shall minimize the amount of funds that are used
13 for program administration, which shall include consultation with the
14 department of general administration's barrier-free facilities program
15 for input regarding accessibility for people with disabilities where
16 public access to historic barns is permitted.

17 (3) The primary public benefit of funding through the heritage barn
18 preservation program is the preservation and enhancement of significant
19 historic properties that provide economic benefit to the state's
20 citizens and enrich communities throughout the state.

21 **Sec. 5.** RCW 27.34.020 and 2005 c 333 s 13 are each amended to read
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter:

25 (1) "Advisory council" means the advisory council on historic
26 preservation.

27 (2) "Department" means the department of archaeology and historic
28 preservation.

29 (3) "Director" means the director of the department of archaeology
30 and historic preservation.

31 (4) "Federal act" means the national historic preservation act of
32 1966 (Public Law 89-655; 80 Stat. 915).

33 (5) "Heritage barn" means any large agricultural outbuilding used
34 to house animals, crops, or farm equipment, that is over fifty years
35 old and has been determined by the department to: (a) Be eligible for
36 listing on the Washington heritage register or the national register of
37 historic places; or (b) have been listed on a local historic register

1 and approved by the advisory council. In addition to barns, "heritage
2 barn" includes agricultural resources such as milk houses, sheds,
3 silos, or other outbuildings, that are historically associated with the
4 working life of the farm or ranch, if these outbuildings are on the
5 same property as a heritage barn.

6 (6) "Heritage council" means the Washington state heritage council.

7 ~~((6))~~ (7) "Historic preservation" includes the protection,
8 rehabilitation, restoration, identification, scientific excavation, and
9 reconstruction of districts, sites, buildings, structures, and objects
10 significant in American and Washington state history, architecture,
11 archaeology, or culture.

12 ~~((7))~~ (8) "Preservation officer" means the state historic
13 preservation officer as provided for in RCW 43.334.020.

14 ~~((8))~~ (9) "Project" means programs leading to the preservation
15 for public benefit of historical properties, whether by state and local
16 governments or other public bodies, or private organizations or
17 individuals, including the acquisition of title or interests in, and
18 the development of, any district, site, building, structure, or object
19 that is significant in American and Washington state history,
20 architecture, archaeology, or culture, and property used in connection
21 therewith, or for its development.

22 ~~((9))~~ (10) "State historical agencies" means the state historical
23 societies and the department.

24 ~~((10))~~ (11) "State historical societies" means the Washington
25 state historical society and the eastern Washington state historical
26 society.

27 ~~((11))~~ (12) "Cultural resource management plan" means a
28 comprehensive plan which identifies and organizes information on the
29 state of Washington's historic, archaeological, and architectural
30 resources into a set of management criteria, and which is to be used
31 for producing reliable decisions, recommendations, and advice relative
32 to the identification, evaluation, and protection of these resources.

33 NEW SECTION. Sec. 6. If specific funding for the purposes of this
34 act, referencing this act by bill or chapter number, is not provided by
35 June 30, 2007, in the omnibus appropriations act, this act is null and
36 void.

1 NEW SECTION. **Sec. 7.** Sections 2 through 4 of this act are each
2 added to chapter 27.34 RCW."

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EFFECT: Removes the provisions requiring a review of tax
incentives and a report on such incentives to the Legislature.