

# HOUSE BILL REPORT

## SHB 2115

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### As Amended by the Senate

**Title:** An act relating to establishing the Washington state heritage barn preservation program.

**Brief Description:** Creating the heritage barn preservation program.

**Sponsors:** By House Committee on Capital Budget (originally sponsored by Representatives Newhouse, Lantz, B. Sullivan, Hailey, Grant, VanDeWege, Warnick, Kelley, Pedersen, Appleton, Quall, Seaquist, Hunt, Simpson, McDermott and Ormsby).

### Brief History:

#### Committee Activity:

State Government & Tribal Affairs: 2/20/07, 2/21/07 [DP];

Capital Budget: 3/1/07, 3/5/07 [DPS].

#### Floor Activity:

Passed House: 3/10/07, 97-0.

Senate Amended.

Passed Senate: 4/11/07, 46-2.

### Brief Summary of Substitute Bill

- Establishes the Washington State Heritage Barn Preservation Program.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

**Staff:** Colleen Kerr (786-7168).

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### HOUSE COMMITTEE ON CAPITAL BUDGET

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 22 members: Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking

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Minority Member; Blake, Chase, Dunshee, Eickmeyer, Flannigan, Goodman, Hankins, Hasegawa, Kelley, McCune, Orcutt, Pearson, Pedersen, Sells, Skinner, Strow and Upthegrove.

**Staff:** Nona Snell (786-7153).

**Background:**

Numerous states have public or private barn preservation programs, including Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New York, Ohio, North Dakota, South Dakota, Wisconsin, and Wyoming. Barn preservation programs seek both to preserve the historical character of historic barns and to preserve such barns' usefulness by assisting in adapting them to new farming uses. Many barn preservation techniques have proven to be a cost-effective alternative to demolishing an old barn to construct a new one.

**Summary of Substitute Bill:**

The Washington State Heritage Barn Preservation Program (Program) is created in the Department of Archeology and Historic Preservation (Department) to determine the types, qualities, conditions, and needs of Washington's heritage barns and to provide those barns with recognition and opportunities for support. The Director of the Department (Director) will establish a Washington State Heritage Barn Preservation Advisory Board (Advisory Board), representing the geographic diversity of the state, to fulfill the policy goals of the Program. The Program expires December 31, 2010.

The Advisory Board will consist of at least 11 members: a chairperson; two members who are heritage barn owners and who have been nominated by recognized agricultural organizations; a representative of a statewide historic preservation organization; a representative of a county heritage commission; two elected county officials; a representative of a private foundation with an interest in the preservation of barns; a representative of a land trust with easement experience; and at least one at-large member with appropriate expertise in barn architecture, architectural history, construction, engineering, or other related fields. The Director may also invite representatives of federal agencies.

The Advisory Board is charged with conducting a thematic study of Washington's historic barns; and advising the Director on the criteria for designation of heritage barns, criteria for determining eligibility for grants funds, and the criteria for awarding grants for barn rehabilitation. The Advisory Board may also examine relevant regulatory issues and review applicable tax incentives. The Department and the Advisory Board may provide periodic reports to the Legislature to make recommendations of how to improve the program. The Department will produce a final report to the Legislature on the accomplishments of the program with final recommendations by December 1, 2010.

The Department, in consultation with the Advisory Board, will establish a Heritage Barn Recognitions Program. To apply for recognition as a Heritage Barn, the barn owner must provide photographs of the barn, photographs of the farm and surrounding landscape, a brief

history of the farm, and the construction date of the barn. The Governor's Advisory Council on Historic Places will make Heritage Barn Recognition decisions three times per year.

Heritage Barns will be eligible for Heritage Barn Preservation Fund Awards (Awards). Awards will be made for the purposes of stabilizing endangered heritage barns including, repairs to the foundation, sills, windows, walls, structural framework, the repair and replacement of roofs, and preservation of the historic character of the barn. Eligible applicants for Awards may be the barn owner, or a nonprofit organization, or local government. To apply for an Award, the applicant must submit an application to the Department. The Department will determine the form of the application. Applications must show at least 50 percent matching funds for the cost of the proposed project. Matching funds may include in-kind labor or other funding sources.

When making Awards, the Advisory Board must take the following into consideration:

- the relative historical significance of the barn;
- the urgency of the project and need for repair;
- the extent to which the project will preserve the barn's historical character and extend the useful life of the barn;
- visibility of the barn from a state designated scenic byway or other publicly traveled roadway;
- provisions for long-term preservation;
- readiness of the applicant to undertake the project; and
- the overall geographic distribution of Awards.

In awarding funds, special consideration must be given to barns that are:

- still in agricultural use;
- listed on the National Register of Historic Places; or
- outstanding examples of their type or era.

Award recipients enter into a contract with the Department. The terms of the contract must include a historic preservation easement for between five and 15 years. The duration of the easement is dependant on the amount of the Award. The contract must also specify the public benefit and minimum maintenance requirements. All Award recipients must maintain their Heritage Barn for a minimum of 10 years and allow for reasonable public access, in particular allowing nonprofit organizations and school groups access at least one day per year. If the Award recipient, the heritage barn owner, or a subsequent owner violates the terms of the contract then the amount must be repaid to the Preservation Fund within one year.

All project work must comply with the United States Department of the Interior's standards for the rehabilitation of historic properties, with case-by-case exceptions for metal roofs. The Preservation Fund must be acknowledged on any materials produced for the project and in any publicity. A sign acknowledging the Preservation Fund must be posted at the heritage barn for the duration of the restoration project. Projects must be initiated within one year of funding and completed within two years, unless the Department authorizes an extension. Any extensions must be in writing.

The Heritage Barn Preservation Fund (Preservation Fund) is created as an account in the State Treasury. All receipts from any appropriations or private sources must be deposited in the Preservation Fund. Monies in the Preservation Fund may only be spent after an appropriation. Any expenditures may be used only to provide assistance to owners of heritage barns in the state for the stabilization and restoration of those barns. No more than 2 percent of expenditures from the Preservation Fund may be used for administrative purposes.

A "heritage barn" is any large agricultural outbuilding used to house animals, crops, or farm equipment that is over 50 years old and has been determined by the Department to:

- be eligible for listing on the Washington Heritage Register or the National Register of Historic Places; or
- have been listed on a local historic register and approved by the Advisory Council on Historic Preservation.

A "heritage barn" may also be a milk house, shed, silo, or other outbuilding historically associated with the working life of the farm or ranch, if these outbuildings are on the same property as a heritage barn.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment requires the Advisory Board to examine regulatory issues, including building and land use codes, that impose constraints on the ability to use heritage barns for contemporary economically productive purposes, this was discretionary in the original bill. The amendment also removes the discretionary review of state tax incentives that would serve the objectives of heritage barn rehabilitation and preservation as well as any periodic reports to the Legislature.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

#### **Staff Summary of Public Testimony:** (State Government & Tribal Affairs)

(In support) Barns are an important part of Washington's culture, history, and commerce. Historic barns are extraordinarily architecturally unique compared to the barns of today and many are still working barns on working farms. These barns are literally a living history. Barns are an essential part of any working farm, and farming is very much a part of the fabric of this state. For many communities barns were the center of a family's livelihood, but also provided a social center for community events like barn dances. Time is beginning to take its toll on Washington's barns; it is time to act to preserve this piece of the state's history before it literally crumbles. This program provides a way for the state to support and save its heritage barns from a variety of threats to their continued existence: innovations in farming technology necessitating innovations in barns; weather; development; and cost. Barn preservation would serve as a compliment to other community programs that seek to serve an economic

development goal. This program would also provide an opportunity for formal recognition of barns. It is an issue for many groups of people to come together.

(Neutral) The recognition program can be incorporated into the Department of Archeology and Historic Preservation's (Department) existing work. The Department is already in the process of doing a pilot project analyzing barns in Island, Skagit, and Northern Snohomish Counties.

(Opposed) None.

**Staff Summary of Public Testimony:** (Capital Budget)

(In support) Barns are an important part of our heritage and culture because barns were the center of work and leisure activity, and they represent the pioneer spirit of the nation.

Newer barns are mainly functional, but historic barns are representative of an architectural era. These types of barns are no longer built, and this bill creates a way to preserve our culture.

The bill addresses preservation of working barns that are historic and are examples of an era of architecture. The bill builds on an existing effort to preserve working barns that will benefit working farms and rural communities. The barns represent the homestead era through reclamation, and are being lost to demolition, neglect, development, the cost of renovation, and weather.

Last year the list of the most endangered historic places included a thematic listing of historic barns throughout the state. The bill would allow for emergency stabilization for the barns.

(Opposed) None.

**Persons Testifying:** (State Government & Tribal Affairs) (In support) Representative Newhouse, prime sponsor; Representative Lantz; Lita Dawn Stanton, City of Gig Harbor; Chris Moore and Jennifer Meisner, Department of Archeology and Historic Preservation; Holly Taylor, Vashon Maury Island Heritage Association; and Jerri Honeyford.

(Neutral) Allyson Brooks, Department of Archeology and Historic Preservation.

**Persons Testifying:** (Capital Budget) Representative Newhouse, prime sponsor; Jerri Honeyford, Reuben McKnight, and Holly Taylor, Washington Trust for Historic Preservation; and Ian Morrison, City of Gig Harbor.

**Persons Signed In To Testify But Not Testifying:** (State Government & Tribal Affairs) None.

**Persons Signed In To Testify But Not Testifying:** (Capital Budget) None.