

SHB 2115 - S COMM AMD

By Committee on Agriculture & Rural Economic Development

OUT OF ORDER 04/11/2007

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

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

1 types, an assessment of the most unique and significant barns in the  
2 state, and a condition and needs assessment of historic barns in the  
3 state.

4 (3)(a) The department, in consultation with the heritage barn  
5 preservation advisory board, shall establish a heritage barn  
6 recognition program. To apply for recognition as a heritage barn, the  
7 barn owner shall supply to the department photos of the barn, photos of  
8 the farm and surrounding landscape, a brief history of the farm, and a  
9 construction date for the barn.

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

13 (4) Eligible applicants for heritage barn preservation fund awards  
14 include property owners, nonprofit organizations, and local  
15 governments.

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

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

22 (a) Stabilization of endangered heritage barns and related  
23 agricultural buildings, including but not limited to repairs to  
24 foundations, sills, windows, walls, structural framework, and the  
25 repair and replacement of roofs; and

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

28 (7) In making awards, the advisory board shall consider the  
29 following criteria:

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

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

32 (c) Extent to which the project preserves historic character and  
33 extends the useful life of the barn or associated agricultural  
34 building;

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

37 (e) Extent to which the project leverages other sources of  
38 financial assistance;

1 (f) Provision for long-term preservation;

2 (g) Readiness of the applicant to initiate and complete the  
3 project; and

4 (h) Extent to which the project contributes to the equitable  
5 geographic distribution of heritage barn preservation fund awards  
6 across the state.

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

9 (a) Still in agricultural use;

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

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

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

15 (a) Recipients must execute a contract with the department before  
16 commencing work. The contract must include a historic preservation  
17 easement for between five to fifteen years depending on the amount of  
18 the award. The contract must specify public benefit and minimum  
19 maintenance requirements.

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

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

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

31 (11) The heritage barn preservation fund shall be acknowledged on  
32 any materials produced and in publicity for the project. A sign  
33 acknowledging the fund shall be posted at the worksite for the duration  
34 of the preservation agreement.

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

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

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

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

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

14 (c) A representative of a statewide historic preservation  
15 organization;

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

18 (e) Two elected county officials, one appointed by the Washington  
19 state association of counties and one appointed by the Washington  
20 association of county officials;

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

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

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

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

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

34 (4) The advisory board shall provide advice to the director  
35 regarding:

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

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

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

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

9 (6)(a) In consultation with the department of revenue, the advisory  
10 board shall review state tax incentives that would serve to provide  
11 incentives for rehabilitation and maintenance of heritage barns.

12 (b) Based on the recommendations of the advisory board, the  
13 department shall report to appropriate committees of the legislature,  
14 by December 1, 2007, regarding recommendations to adapt existing state  
15 tax incentives available to heritage barns under chapter 84.26 RCW.

16 (7) By December 1, 2010, the department shall provide a final  
17 report to appropriate committees of the legislature that summarizes the  
18 accomplishments of the program, addresses regulatory issues examined  
19 under subsection (5) of this section, and makes final recommendations.

20 (8) This section expires December 31, 2010.

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

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

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

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

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter:

5       (1) "Advisory council" means the advisory council on historic  
6 preservation.

7       (2) "Department" means the department of archaeology and historic  
8 preservation.

9       (3) "Director" means the director of the department of archaeology  
10 and historic preservation.

11       (4) "Federal act" means the national historic preservation act of  
12 1966 (Public Law 89-655; 80 Stat. 915).

13       (5) "Heritage barn" means any large agricultural outbuilding used  
14 to house animals, crops, or farm equipment, that is over fifty years  
15 old and has been determined by the department to: (a) Be eligible for  
16 listing on the Washington heritage register or the national register of  
17 historic places; or (b) have been listed on a local historic register  
18 and approved by the advisory council. In addition to barns, "heritage  
19 barn" includes agricultural resources such as milk houses, sheds,  
20 silos, or other outbuildings, that are historically associated with the  
21 working life of the farm or ranch, if these outbuildings are on the  
22 same property as a heritage barn.

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

24       ~~((6))~~ (7) "Historic preservation" includes the protection,  
25 rehabilitation, restoration, identification, scientific excavation, and  
26 reconstruction of districts, sites, buildings, structures, and objects  
27 significant in American and Washington state history, architecture,  
28 archaeology, or culture.

29       ~~((7))~~ (8) "Preservation officer" means the state historic  
30 preservation officer as provided for in RCW 43.334.020.

31       ~~((8))~~ (9) "Project" means programs leading to the preservation  
32 for public benefit of historical properties, whether by state and local  
33 governments or other public bodies, or private organizations or  
34 individuals, including the acquisition of title or interests in, and  
35 the development of, any district, site, building, structure, or object  
36 that is significant in American and Washington state history,  
37 architecture, archaeology, or culture, and property used in connection  
38 therewith, or for its development.

