

Senate Committee on Ethics, Elections and Local Government  
HB 2118, Kansas Preservation Law and the Environs Review Process  
Kansas State Capitol Room 159-S  
March 12, 2013 9:30 am

Testimony of Kate Watson in opposition to the bill

Chairman Pyle, Vice-Chair Holmes, members of the committee, thank you for the opportunity to testify in regard to this bill. I am Kate Watson. My family owns an historic, sixth generation farmhouse in Geary County and I am testifying in opposition to this bill.

We are not alone in caring about the preservation of historic properties in Kansas. There are 360 registered historic sites just in the 8 districts represented on this committee. In all 40 state senate districts, there are more than 1,280 listed sites; houses, churches, schools, theatres, bed and breakfasts, museums, hotels turned into senior housing, etc. etc. Each property is significant and irreplaceable.

You've heard the old saying, behind every success man... Well, behind each historic site are individuals and groups who care about it. These people, your constituents, support the historic sites by devoting their own time, money, and hard work. They are owners, investors, customers, families living in historic homes, business organizations revitalizing downtowns, rural power-ups, museum volunteers, members of economic development task forces, historical societies, and genealogical groups. Some are heritage tourism workers serving baby boomers from all across the country who study their family history and show up on Kansas door steps not wanting to look at a photo but to touch and feel the history of Kansas. Like our school children, they visit and, as if looking at the pyramids, they wonder how these structures were built before the invention of motorized cranes and modern construction tools. We hear exclamations from "Wow!" "Far-Out!" "Neat!" and "Cool!" to "Awesome!" "Sweet!" and "Sick!" All of which apparently mean the same thing. These children and adults, individuals and groups are a growing population who want to see, touch and care for historic buildings. Many are interested in what you do here today. After we are dead and gone, our treasured buildings will be here for all of our children and grandchildren... or not.

Your job isn't easy, but neither is the job of those who are fighting to save historic properties. Like us, most are just individuals, not corporations or developers. Our resources are limited. Historic buildings are inherently challenging and expensive. Simple maintenance can take twice as long and is usually twice as expensive as in a contemporary home. In our case, for example, in a stone farmhouse built in 1880, each storm window has been custom built to the tune of \$600. Just repairing them takes special materials and skills because, well, "they just don't make them anymore". Hanging a picture on a lath and horsehair plaster wall can be a major surgery. Many times fixing a floor requires that boards be custom sawed because "they don't make them in those dimensions anymore". Back then, a 2X4 was actually 2 inches by 4 inches.

Like the majority of historic property owners, my family has not asked the State for a dime. We have not applied for grants or tax credits. We simply ask for a reasonable due diligence in the protection of our investment but equally important, protecting the history of Kansas.

To protect and maintain our historic house over the years, we have had to sell off 75% of the family's original acreage. We have mortgaged land and leased fields and married well. Somehow we have been able to make ends meet to save our historic home. Even though the standards of the National Register for Historic Places are high, we wanted the house listed on the Register because

of the Kansas Preservation Law. The environs review process of that law ensures that a timely heads-up is given to the preservation officer if something nearby might hurt the historic nature and value of our house. If there is a conflict between old and new, his expertise can help to find a solution. The SHIPO is an advisor to the historic property owner, to the person building near the historic property, to the community, to the local governing body, and to the future children of Kansas. He's not a decision maker, he's an advisor. The current law, as is, ensures that unbiased, educated information is brought to the table and it is the local governing body that makes the final decision.

In studying the objections to the environs review I have heard many horror stories developers have experienced as a result of the environs review but in fact those horror stories have involved zoning, city ordinances, lawsuits, or other issues that have nothing to do with the state environs review. I have also heard that the environs reviews take months and months but in fact most have been completed in a few days. I have heard that most environs reviews have resulted in builders having to spend tens or hundreds of thousands of dollars to resolve but in fact only a handful each year are ruled by SHIPO as affecting the historic properties and those can be resolved by the parties or overruled by local governments who now have the information on how it will affect one of the community's historic properties.

I can understand why developers do not like mandatory state environs review. I can also understand why meatpackers do not like government meat inspections. I can further understand why builders do not like building permits and zoning regulations. I cannot understand, for the life of me why, with the our governor and his predecessor, and HIS predecessor, and HER predecessor, setting as a high priority the highly prized, clean, low impact economic driver of tourism, why we would want to repeal one of the most important parts of the law that protects the our historic properties and this lucrative business.

The SHPO's expertise is essential. My husband, Mike Watson, former Chief of Police in Wichita and Manhattan, is both a history nut and a gun nut. Recently we were watching one of his gun shows on television. A man wanted to sell a gun he inherited. As a novice he had thrown away the deteriorating box the gun originally came in and "cleaned and polished" the gun because it was old, dirty and had a hundred years of grime and tarnish. The gun expert cringed and asked the man why he had not brought the gun in "as is" or at least taken it to a firearms dealer who would have known that he would destroy the value of the gun by his actions. The gun was still intact and still could shoot, but the provenance and value of the gun was basically gone. The same concept is true of historic properties. Destroy the provenance of the historic property and you can totally destroy its value.

Some have said (I have been told) the State should get out of the business of the environs review and allow the local governments to make the decisions regarding the development around State and federal listed historic properties. Zoning boards and local governments rarely have the expertise to make informed decisions regarding how development within the environs of an historic property may affect the nature and value of that historic property. If they are to perform this function appropriately normally they would have to acquire or employ someone with the expertise of the SHIPO to adequately make such decisions. Why, if we really do care about these historic properties and their communities, would we put this unfunded mandate on the communities when the State already has the expertise in the SHIPO and no additional cost would be encumbered by the State or local governments?

I am not asking you to impose additional requirements on builders and developers. I am not asking you to grant more protections to historic property owners. I am only asking you not to

take away my rights and those of other historic property owners simply to save at most a few days and a couple of dollars for builders and developers by eliminating environs review process that protects the history of Kansas.

With Kansas history, like all history, there are no do-overs. With current law, as is, we will not have to discover, AFTER the wrecking ball swings or AFTER the cement sets, that an irreversible mistake could have been avoided. The environs review process ensures that thousands of people, your constituents and your communities will not be blind-sided. The law, as is, works efficiently, effectively, and should not be changed.

Please vote no on HB 2118.

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