

STATE OF WISCONSIN BUILDING COMMISSION

Policy and Procedure Manual

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IX. HISTORIC PRESERVATION

A. Public Policy on State-Owned Historic Properties:

1. The Legislature has found that the historic, architectural, archaeological, and cultural heritage of the state is among the most important assets of the state and has declared it to be public policy under s. 44.30, Wis. Stats., to engage in a comprehensive program of historic preservation to promote the use and conservation of such property representative of the heritage of the state for the education, inspiration, pleasure and enrichment of the citizens of the state. In addition, s. 13.48(1m) provides that the long-range public building program shall include a program of preservation and restoration of those historic properties under the control of the state, including criteria for determining which historic properties should be preserved and restored.

B. Building Commission Policy:

1. A state-owned property which meets the definition of "historic property" shall be rehabilitated and reused, rather than demolished or replaced, if the following criteria can be met:
 - (a) The property is suitable for use for a state function which is compatible with preserving the historic character of the property, and;
 - (b) The property can be functionally preserved at a cost in relationship to new construction or other acceptable alternatives that are reasonable in light of the significance of the property, or;
 - (c) The cost of preservation exceeds the cost of new construction or other acceptable alternatives, but the additional cost can be borne by non-state funding sources, or;
 - (d) When the repair or replacement of elements or systems of a historic property with original materials will incur initial costs higher than those associated with the use of acceptable lower-cost alternative materials, life-cycle costing shall be used to evaluate alternatives.

C. Definitions:

1. "Historic Property" as defined ins. 13.48(1 m), Wis. Stats., means any building, structure or site which:

(a) Is listed on, or has been nominated by the State Historical Society for listing on, the National Register of Historic Places in Wisconsin or the State Register of Historic Places.

(b) Is included in a district which is listed on, or has been nominated by the State Historical Society for listing on, the National Register of Historic Places in Wisconsin or the State Register of Historic Places, and has been determined by the State Historical Society to contribute to the historic significance of the district; or

(c) Is included on a list of properties which have been determined by the State Historical Society to be eligible for listing on the National Register of Historic Places in Wisconsin or the State Register of Historic Places.

D. Procedure for Compliance with Policy:

1. State agencies shall incorporate in their Six-Year Facilities Plan measures to comply with their long-range planning responsibilities cited in s. 44.41, Wis. Stats., with respect to historic buildings and archaeological sites, as follows:

(a) The State Historical Society shall periodically provide listings of "historic properties" as defined by s. 13.48 (1 m) to the appropriate state agency.

(b) Agencies shall prepare and maintain an inventory of historic properties in their ownership based on listings of "historic properties" as defined by s. 13.48(1m) and provided by the State Historical Society.

(c) Agencies shall include in their plans listings of all historic properties under their ownership and indicate how each property would be affected by recommendations included in the plans.

(d) In preparing recommendations that would affect historic properties, agencies shall conform to the provisions of Subchapter II of Chapter 44, Wis. Stats., and prepare preservation recommendations for such properties that comply with the spirit and intent of this policy and of Subchapter II.

2. Prior to presenting any project affecting a historic property to the Building Commission for approval, state agencies must conform with s. 44.40, Wis. Stats., relating to consideration of impact on historic properties and negotiations to ameliorate adverse effects on historic properties, as follows:

(a) The agency in cooperation with the Division of State Facilities shall determine whether the project will affect a "historic property" as defined in s. 13.48(1 m);

(b) If a historic property is affected, the agency in cooperation with State Facilities will comply with s. 44.40(3) and request a letter from the State Historic Preservation Office certifying that the agency has complied with s. 44.40(3).

(c) If either the agency or the Division of State Facilities is not in agreement with the State Historic Preservation Office, the Commission shall determine what course of action best serves the public interest.

3. In carrying out negotiations relating to historic buildings with the State Historic Preservation Office, in accordance with s. 44.40(3), Wis. Stats., the agency shall make every reasonable effort to:

(a) Use the building for a state function that is compatible with preserving the historic character of the building, and;

(b) Functionally preserve the building consistent with Commission policy as outlined in "B" above. IX-3

4. State-owned historic buildings which are surplus to state needs or cannot be feasibly renovated for state use will be preserved in the following circumstances:

(a) Where such building occupies land which cannot be separated from a state institution, but a compatible non-state use can be found for the building and all preservation and operating costs can be supported by that function; or

(b) Where such building occupies land which is surplus to state needs and the property can be sold or donated to a public or nonprofit body, or sold to a private party, which would agree to deed restrictions preserving the building.

5. In carrying out this policy, the State Historic Preservation Office shall respond within 30 days of the receipt of a request from a state agency, or notify the state agency in writing that an extension of time, not to exceed 30 additional days, will be required to make a determination and the reasons for requiring the extension.

E. Closing and Maintenance of Unoccupied State Buildings:

If an agency determines that a building is surplus to its program needs and should be closed and "mothballed," the following procedures shall be employed:

1. Any agency proposing to close and mothball a facility shall first consult listings of historic properties prepared by the State Historic Preservation Office to determine whether the facility is historic. If it is historic, the agency shall first obtain from the State Historic Preservation Office a letter indicating that it has complied with s. 44.40 of the state statutes.

2. The agency shall secure the exterior of the facility by locking all doors and windows. Keys for the locks shall be limited to personnel responsible for the facility. Appropriate precautionary measures shall be taken to protect the facility from vandalism and forced entry.
3. The exterior of the building shall be kept weathertight. The area around the building shall be kept clean and the grass mowed.
4. The heat may be turned off unless the building is a historic property, in which case the heat shall be maintained at 45-50 degrees unless otherwise determined by the Commission. All water, sewer and steam lines shall be drained and blown out. If the agency does not have staff to prepare the building, it may request funds from the Building Commission for this purpose.
5. The agency shall annually submit listings of buildings that have been mothballed to the Building Commission for its review. Such listings shall be prepared at the request of the Secretary.

F. Demolition or Transfer of Surplus State Buildings:

If an agency determines that a building should be demolished or transferred, the following procedures shall be employed:

1. Any agency proposing to demolish or transfer a facility shall first consult listings prepared by the State Historic Preservation Office to determine whether the facility is historic. If it is historic, the agency shall request a letter from the Office indicating that it has complied with s. 44.40 of the state statutes.
2. If an agency can demonstrate that it has complied fully with s. 44.40 of the state statutes and, as a result of that process, it has been determined that the facility can no longer serve a useful state purpose, the agency shall submit its findings to the Secretary of the Building Commission and request approval prior to proceeding with transfer or demolition. Such findings shall include:
 - (a) A statement of the results of the negotiation process carried out under s. 44.40;
 - (b) The age, condition, size, and present use of the facility;
 - (c) Whether the agency has transferred the program housed in the facility to another facility, or the program was discontinued;
 - (d) Whether inquiries have been made with other state agencies, other governmental agencies or nonprofit organizations for possible use of the facility;
 - (e) The estimated cost to repair the building envelope to mothball it for a period of up to five years;

- (f) A statement as to whether the building houses unique equipment that would require relocation prior to the demolition;
 - (g) A statement as to whether hazardous materials such as asbestos are present in the building.
3. The Secretary shall review the materials submitted and determine whether demolition or transfer is appropriate or a further inspection is required by Division of State Facilities architects and engineers to assess the condition, possible uses, and cost to mothball or demolish the facility. The Secretary shall submit a request for transfer or demolition for Building Commission approval if any of the following criteria are applicable:
- (a) The estimated cost of demolishing the building exceeds \$100,000;
 - (b) The proposed demolition is to be financed from Building Trust Funds;
 - (c) The current value of the building exceeds \$500,000 based on the Division of State Facilities building inventory;
 - (d) The building is considered to be of historic significance and is included on listings of historic properties prepared by the State Historic Preservation Office.
4. If none of the criteria under (3) above is a factor in the demolition or transfer, the Secretary is delegated authority to grant approval, providing that the agency that owns the facility has first implemented any agreements with the State Historic Preservation Office made under s. 44.40 of the state statutes.
5. The Secretary may delegate demolition authority to agency heads for buildings whose current value is less than \$100,000 and the buildings have been determined not to be "historic properties" under s. 13.48(lm) of the statutes. This delegation shall be on the terms and conditions set forth by the Secretary.

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