

# A Guide to Smart Growth and Cultural Resource Planning



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#### COVER PHOTOS

Top Left: Copeland's Service Station (currently known as Sherman Perk), Milwaukee, built 1939.  
*Photo courtesy of the Mayor's office, City of Milwaukee.*

Middle Left: Pottawatomie Lighthouse, Town of Washington, Door County, built 1858.  
*Photo by Tim Sweet, Friends of Rock Island.*

Bottom Left: Whistler Mound Group, Village of Hancock, Waushara County, constructed Woodland period.  
*Photo by Jerry W. Carlton, Clerk, Village of Hancock.*

Top Right: How-Beckman Mill, Town of Newark, Rock County, built 1868.  
*Photo by Kevin Johnson, Friends of Beckman Mill Inc.*

Bottom Right: Stoughton City Hall, Library and Auditorium, Stoughton, Dane County, built 1901.  
*Photo by Art Wendt.*



Photo by Richard A. Bernstein

Barns, southern Dane County

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Edited by  
Richard A. Bernstein



Division of Historic Preservation

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## FOREWORD

When Wisconsin Act 9 was signed into law on October 27, 1999, Wisconsin joined the nation's growing comprehensive planning movement. According to a survey recently undertaken by the American Planning Association, only seven states mandate that every comprehensive plan address cultural resources. This puts Wisconsin in rare company when it comes to cultural resource planning.

This new legislation presents the historic preservation community in Wisconsin with a unique opportunity to integrate cultural resource preservation into the larger comprehensive planning process. Historic preservationists should care about comprehensive planning and the broader planning picture because decisions made about land-use, transportation, zoning, and subdivisions often critically impact efforts to preserve a historic building, an archaeological site or a historic neighborhood or downtown.

When a community plans ahead to preserve a historic property, site or district before other decisions have been reached, there is a greater likelihood of success. Many communities will seize this opportunity to develop an ambitious historic preservation plan. For example, the city of Bayfield and the village of Sussex have done just that, and the Division of Historic Preservation applauds their efforts.

The Division's five-year strategic plan places a priority on assisting communities with integrating cultural resource preservation into their required comprehensive plans. We welcome and urge communities to contact us to discuss why cultural resources are among your community's greatest assets and to discover what specific information the Division may have about cultural resources in your backyard.

Together we can preserve Wisconsin's past and leave a legacy for future generations.

Alicia L. Goehring  
State Historic Preservation Officer  
Administrator, Division of Historic Preservation  
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## PART I: PLANNING

Part I provides an overview of the cultural resource planning process. This process allows communities to survey, evaluate and map those resources they want to protect.

An inventory identifies a community's cultural, architectural, historical and archaeological resources and their location in the community.

Through this planning process, communities will establish goals, priorities and policies to protect, restore and promote their significant cultural resources.



## Chapter 1: Planning for the Future

### Introduction

**R**apid growth is changing the face of Wisconsin. Citizens cite unplanned growth as one of the biggest threats facing historic resources in Wisconsin, and for good reason. It is estimated that Wisconsin will add 450,000 new households between 1995 and 2015. As recently as 1998, only 29% of all Wisconsin communities had developed any land-use plan. Combined with the trend toward “scattered development,” unplanned growth competes with the preservation of Wisconsin’s ancient and historic places.

Only 30% of the buildings in Wisconsin documented during the Great Depression by the federal Historic American Building Survey (HABS) program have survived. Only 25% of Wisconsin’s Native American mounds remain intact. Continuing sprawl threatens our traditional rural landscapes and archaeological sites, and it diverts potential resources away from our historic downtowns and neighborhoods. New development can create jobs and bolster the economy, but, when unplanned, it can create problems. By planning for change, communities can benefit from growth, seizing its opportunities while avoiding its pitfalls.

### What is Smart Growth?

*Smart Growth* is an umbrella term for a set of tools that communities can use to direct growth the way they want. Smart Growth is part of a broad movement embraced by the National Trust for Historic Preservation, the National Realtors Association, the National Home Builders Association and by other private organizations across the country who promote progress through planned growth.

On October 27, 1999, Governor Tommy G. Thompson signed Wisconsin Act 9 into law. The new legislation, referred to as Wisconsin’s Smart Growth legislation, made significant changes to state planning statutes. The new law requires all local governments to make land-use decisions consistent with an adopted comprehensive plan by January 1, 2010. The legislation creates a nine-element definition for a comprehensive plan and requires each community to consider all nine elements (Please see Sidebar).

### What is Sprawl?

The National Trust for Historic Preservation defines *Sprawl* as “dispersed, low-density development that is generally located at the fringe of an existing settlement and over large areas of previously rural landscape. It is characterized by segregated land uses and dominated by the automobile.”

Sprawl is the opposite of Smart Growth. Smart Growth recycles existing buildings and land, conserves historic downtowns and residential neighborhoods, preserves farmland and maintains local community character to promote a sense of community and protect the environment for future generations. By contrast, Sprawl devours open space and wastes public and private investments made in existing communities.

Historic preservationists favor Smart Growth because they understand that regional land-use decisions about transportation, zoning and subdivisions have direct and indirect effects on local efforts to preserve historic buildings, archaeological sites or entire historic downtowns.

### List of Nine Required Plan Elements

Wisconsin’s Comprehensive Planning legislation requires a comprehensive plan to address the following nine elements:

- Issues and opportunities
- Housing
- Transportation
- Utilities and community facilities
- Agricultural, natural and cultural resources
- Economic development
- Intergovernmental cooperation
- Land-use
- Implementation

## Fourteen Planning Goals

The new law provides fourteen goals that state agencies are asked to consider when taking actions and that communities must consider when writing a comprehensive plan with state planning aids:

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
2. Encouragement of neighborhood designs that support a range of transportation choices.
3. Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
4. Protection of economically productive areas, including farmland and forests.
5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
6. Preservation of cultural, historic and archaeological sites.
7. Encouragement of coordination and cooperation among nearby units of government.
8. Building of community identity by revitalizing main streets and enforcing design standards.
9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.
12. Balancing individual property rights with community interests and goals.
13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.
14. Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

## What is a Comprehensive Plan?

A comprehensive plan is a status report of how well a community meets its goals to provide affordable housing, safe and efficient transportation systems, job growth, economic development and a clean environment, among others. In addition, comprehensive plans provide a forum for setting goals the community wants to achieve in the foreseeable future.

State planning legislation gives local government the authority to undertake a comprehensive plan. Comprehensive plans are a declaration of the policy and intent of a local government. Even though comprehensive plans are advisory, courts have generally supported the land-use and zoning decisions that are articulated in them.

Cultural resources are an important “sub-element,” or section, in developing a community’s comprehensive plan. A preservation ethic provides the historical context for future planning and land-use policies, especially as those policies affect urban design in existing neighborhoods. Older neighborhoods and historic buildings can determine the style and scale of future development. Using past architectural styles and historic urban forms as a benchmark, historic preservation provides community residents a connection to the history of their homes, neighborhoods, cities and regions. This “sense of place” fosters civic pride and increases the incentive for people to remain active in the community as citizens, neighbors and property owners.

Communities that have not yet identified cultural resources, should not assume that the cultural resource section of the plan may be overlooked. The lack of known cultural resources may result from a failure to uncover and evaluate the historic and ancient resources that exist.

## What are Cultural Resources?

The term “cultural resources” includes historic buildings and structures as well as ancient and historic archeological sites. The 1999 law specifies that a comprehensive plan shall include a number of components, including *“a compilation of objectives, policies, goals, maps, and programs for the conservation and promotion of the effective management of historic and cultural resources.”*

### Preservation Revitalizes Commercial Areas First National Bank, Chippewa Falls

Romanesque Revival was not a common style for commercial buildings in Wisconsin. Its fortress-like qualities were more commonly used on governmental or institutional buildings. This bank’s designers used the style to convey an image of solidity and security. When the owner, Don Pulver of Chippewa Falls, began his restoration, some of the building’s character was undermined by more recent remodeling where the building had been painted white and the prism glass transoms were boarded over. Mr. Pulver used a chemical cleaner to remove the paint from the rough cut stone and exposed the prism glass. The glass now refracts light back into the far reaches of the high-ceilinged commercial space, which serves as a jewelry store. Historic windows and doors were reproduced using old photographs. This project received a “Best Restoration” award from Wisconsin Main Street Program, Department of Commerce, and the owner received a historic preservation



First National Bank, Chippewa Falls Before



After

Photos by Don Pulver

## What is Historic Preservation?

Historic preservation is the protection, rehabilitation, restoration and reconstruction of cultural resources. Cultural resources include communities, areas, structures, sites and objects having historic, archaeological, architectural, social or cultural significance. The basic intent of preservation is best described more broadly. In the words of John Lawrence, Dean of the School of Architecture at Tulane University, “The basic purpose of preservation is not to arrest time but to mediate sensitively with the forces of change, to understand the present as a product of the past and a modifier of the future.”

## Why Preserve?

Preserving important aspects of our past gives us a sense of continuity and meaning. In addition, historic preservation efforts foster community pride. Because cultural resources provide an important window to the past, many Wisconsin residents preserve and retain culturally significant resources to distinguish their communities.

In addition to maintaining a community’s distinctive character, cultural resource preservation can lead to tangible economic benefits. Cedarburg benefited from increased tourism by retaining and emphasizing its historic heritage. Mineral Point’s preservation efforts attracted tourists and increased real estate values. In urban areas where deterioration of central-city neighborhoods resulted in declining property values, preservation offers positive alternatives to continuing decay. Urban preservation efforts stabilized property values in neighborhoods of Eau Claire, Madison, Racine and Milwaukee. In many cases, overall neighborhood improvement and investment in rehabilitation leads to increased real estate values and municipal tax revenues.

As land prices and construction costs escalate, and people become concerned about the fragility of our natural environment, we cannot maintain the current pace of resource consumption. Recycling buildings and entire neighborhoods makes increasing sense under these conditions. Rehabilitating older structures usually costs less than building a new. Furthermore, labor, a renewable resource, represents the chief cost in rehabilitating older buildings. Good design and imagination emphasizes the distinctive qualities of older buildings—qualities that are expensive to duplicate in new construction.

There are also legal requirements to preserve in addition to aesthetic reasons. State and federal

historic preservation laws pertain primarily to publicly sponsored projects, though less so to private property and private actions. Discussing Wisconsin’s cultural resource protection laws in a comprehensive plan, highlighting those that most pertain, and planning accordingly, is a good way to prevent time-consuming and costly last-minute delays in project design or construction. (Specific laws protecting cultural resources in Wisconsin are discussed in *Chapter 6: Legal Strategies*.)

## Why Plan for Cultural Resources?

A community needs a cultural resource section in its comprehensive plan for several reasons. First, the cultural resource section serves as the community’s historic preservation “road map.” Many comprehensive plans only include a brief description of current conditions and summarize recommendations for future actions. When the

### Questions the Cultural Resources Section Should Address

Another way to develop the comprehensive plan’s cultural resource section is to pose questions that the plan should answer. Below are suggested questions that each community should ask as part of the planning process:

- Which cultural resources are most important to the community?
- What are the current threats to the community’s cultural resources?
- How should the community respond to these threats?
- What has the community done previously to protect and promote its cultural resources?
- What is the community doing currently to protect and promote its cultural resources?
- What future actions should the community take to protect and promote its cultural resources?
- When and how does the community want to implement its priorities?

community decides its appropriate plan, the cultural resource section forms the basis for a more detailed historic preservation plan to be developed at a future date.

Each community will have different reasons to develop the cultural resource section in its comprehensive plan. Smaller communities with few historic resources and tight budgets may not need or be able to address a full range of cultural resource issues. Larger communities with many cultural resources and a professional planning staff may use the plan to address the full range of issues.

Establishing a cultural resource section can provide the basis for developing a preservation program if none exists, and it can strengthen existing preservation programs or serve to resolve existing and future conflicts among competing land-use goals. A thorough cultural resource section will:

- State the goals and objectives of historic preservation in the community;
- Educate and inform the general public;
- Assure consistency or eliminate inconsistency among various local government policies;
- Form a solid legal basis for the adoption of a new historic preservation ordinance or to strengthen an existing historic preservation ordinance;
- Form an agenda for future preservation activities and to create a way to measure progress; and
- Comply with Wisconsin's Comprehensive Planning legislation,

### Integrating Cultural Resources with Other Plan Elements

Comprehensive Planning provides a number of methods that advance preservation values and concerns. All plan elements should consider the preservation of a community's significant archaeological and historic resources. For example, a good housing element will analyze existing housing stock and describe the unmet community housing needs. There are several solutions to housing problems that incorporate accepted preservation approaches and practices. A preservation-focused plan encourages rehabilitation of older community housing stock rather than simply planning new construction to meet shortages. In addition, the plan can also consider conversion of abandoned

facilities, such as factories or schools, into multi-unit housing facilities.

The redevelopment and rehabilitation of the Mineral Point High School (please see sidebar on next page) demonstrates how the issues of housing, economic development and the preservation of a cultural resource can overlap. This inter-relationship between cultural resources and other required plan elements exist in many communities.

Conflicts between historic preservation and possible traffic improvements need consideration during the comprehensive planning process. Questions to ask could include: Will widening a community's main street affect commercial or residential use of a historic district? What actions can a community take before serious conflicts arise?

While historic and natural resources are listed together in the comprehensive planning statute, it is important to coordinate natural resource preservation with issues of cultural significance. In some cases, the preservation of natural resources is compatible with the preservation of cultural resources. For instance, many local communities have preserved ancient mound groups by including them within local public parks. Both the Village of Hancock's Whistler Mounds Park in Waushara County and the City of Sheboygan's Indian Mound Park preserved and interpreted a large group of Native American mounds as part of a broader public open-space.

Conflicts between the preservation of natural and historic resources may occur, but many options exist for conflict resolution. To resolve such conflicts, project participants should examine the available options and the inherent values present in both sets of resources.

### Getting Started

A preservation group, a historic preservation commission or even a single dedicated individual, can provide the needed impetus to "kick-start" the cultural resource planning process. Stimulated by Smart Growth legislation, local government officials or planning authorities can also take the initiative. The next few chapters provide some guidance to implement Wisconsin's new Smart Growth legislation and how planning for cultural resource preservation can be a useful part of a community's comprehensive plan.



## Mineral Point High School

Built as Mineral Point's High School in 1903, and later converted into the middle school, this building served the young people of the area for decades. It was designed by F. S. Small, who designed Appleton's Washington School and Kenosha High School. Small designed all three schools in the Romanesque revival style, but the Mineral Point building is distinctive because builders used native dolomite limestone for its striking exterior.

When the Mineral Point school district abandoned the building, Stone House Development stepped in with a proposal to convert it to 11 apartments. Stone House has developed many successful projects around the state, including school rehabilitations in New Glarus, Janesville and Jefferson. They combine affordable housing tax credits with state and federal preservation tax credits to make the projects feasible.

Stone House Development used Historic Preservation Tax Credits to convert Mineral Point High School into eleven apartments. The firm maintains the historic details so visitors and residents can appreciate the building as a school despite the changes necessary to convert it to a new use. Lockers are often left in place in the original wide corridors and blackboards are kept as interesting and functional wall treatments. Most old schools have had their windows unsympathetically replaced or walled-over to save energy. Stone House replaced the blocked-down windows with new ones, based on the originals documented in a historic photograph. The firm says that their school-house apartments are easy to rent because they retain their historic character.



Mineral Point High School, Mineral Point

Before



After

Photos by Stone House Development

## Chapter 2: The Cultural Resource Plan Development Process

### Introduction

There are many ways communities decide to develop a comprehensive plan and all the elements within it. Much will depend on a community's size, the planning resources at its disposal and, in terms of historic preservation, the number and kinds of cultural resources the community includes.

Although cultural resources are combined with natural and agricultural resources in the comprehensive planning legislation, there is no state requirement to combine all three resources into a single chapter in the final comprehensive plan. Because of its singular importance, some communities, such as the City of La Crosse, have devoted a full chapter to cultural resources. Again, each community will have to decide that for itself.

### Historic Preservation Commission's Role in Comprehensive Planning

Wisconsin has over 160 historic preservation commissions. Each commission, established under local ordinance, should participate in its community's comprehensive planning process. It should assume a lead role in developing the cultural resource section or component of the comprehensive plan based on its familiarity with the community's cultural resources.

Larger cities, such as Milwaukee or Madison, have professional historic preservation planners on staff that they can devote to this issue. More than 160 communities, mostly cities and villages, have historic preservation commissions that a community could designate to take the lead in overseeing this section of the comprehensive plan. In other cases, the local plan commission may take the lead in developing the comprehensive plan with other groups acting as subcommittees, a role the historic preservation commission might assume. In all cases, community members and groups with a significant interest or experience in historic preservation, such as local historians and restoration contractors, should be included in the planning process.

If possible, a local historic preservation commission should contribute in drafting the eight other plan elements to ensure that they each incorporate concerns for the protection and effective use of the community's cultural resources.

At the outset of the planning process, the historic preservation commission and historic preservationists in general, should participate in defining the scope of the comprehensive plan. Particular attention should be paid when the *Issues and Opportunities* element of the comprehensive plan is developed. Not all nine elements receive equal emphasis in every plan; emphases will vary, as will the issues, among communities. Those selected elements that need the most work by consultants, municipal planners and interested citizens will depend on the nature of the community and its priorities.

### An Important Recommendations for Historic Preservation Commissions

The historic preservation commission should remain involved throughout the entire planning process by either placing a representative on the planning committee, having a member attend as many meetings as possible, or both. The commission should be sure to maintain its representation on the planning committee throughout the entire process. The development of the Implementation Element, which usually comes towards the end of the planning process, should include the plan's final recommendations. The Implementation Element will also include how these final recommendations will be accomplished and who will be responsible for accomplishing them. The Implementation Element is likely to form the basis for the community's work plan. The historic preservation commission should seek to have its role clearly delineated in this part of the plan.



## Step-by-Step Guide for Developing the Cultural Resource Plan

A useful model that a community can follow is in *Guide to Community Planning in Wisconsin*. The full text can be found on the web at [www.lic.wisc.edu/shapingdane/resources/planning/library/book/other/title](http://www.lic.wisc.edu/shapingdane/resources/planning/library/book/other/title). It has been adapted and summarized below.

### Step 1: Organize the Historic Preservation Team

Participation from many community sectors will yield more ideas and a fuller vision. Participation also increases the community's willingness to accept the plan's ultimate recommendations. To be most effective, the team should be manageable in size. While broad representation is important and there are other critical characteristics for team members. Members need to be knowledgeable about either historic preservation or a community's history. Members might come from key community groups such as a historic preservation commission, local historical society, Native American groups or a community's Main Street program. In addition, team members should be able to commit the time to prepare for and attend meetings, be able to work effectively with others, have a successful track record of completing work and have a broad network of community contacts. Even if the planning team is broadly representative, it should seek ways to include diverse perspectives and input from the general public. The balance of views from those not directly represented on the team can be included through focus groups, special listening sessions, interviews or written testimony.

The planning team should first set up operation ground rules for meetings. Who will chair meetings? Who will keep minutes and other records? Who will send out meeting notices? When will meetings be held? What is the time line for the planning process? Where will meetings occur? Is there a budget to support the effort? If there is a budget, how much is it, who will control it and are there limitations as to how it may be spent? Will more money be needed? If so what are the possible sources?

The team should then clarify its purpose and identify the convening authority. The planning team may be the same group of individuals charged with preparing the entire comprehensive plan, a community's historic preservation commission or a separate group of individuals. These specifics will vary in each community.

To begin, invite team members to share with each other what they already know about the community's cultural resources and their views as to problem areas. Everyone may agree on the problems or there may be several points of view. It is important that the subsequent planning process accommodate the perspectives of team members to establish their stake in the process and so that the process taps the team members' energy and experience.

### Step 2: Visioning

Early in the planning process the team should investigate the concerns and values the community holds about its historic and cultural resources. This can reveal sensitive issues and highlight areas that enjoy a high level of interest and support. Sharing values and concerns builds enthusiasm and commitment to the planning process. Discussion should be non-judgmental and open to expressions of diverse and contradictory viewpoints. The process of collecting this information is often called visioning.

The Village of Lodi presents an important example for a medium-sized community. Lodi's Vision 2025 states the following overarching goal:

*In 2025, Lodi is a community that links the future with the past by recognizing the importance of history in growth and development. The center of our small town is a pedestrian-friendly main street that celebrates historical architecture, while our waterways and surrounding vistas nourish the health and beauty of the valley.*

### Step 3: Taking Stock

What information is available about cultural resources in the community? Check existing records, particularly those at the Wisconsin Historical Society, the local historical society, the community's planning department or historic preservation commission, local college or university, local history section of the library, or similar places where records are available.

After collecting the existing information, the next step is to evaluate its thoroughness and accuracy. Once reviewed, ask the group if they recommend an additional survey of cultural resources. If so, identify the cultural resource survey that the community should undertake (thematic, update of previous dated survey, geographically specific, rural, etc.). **Chapter 4: The Cultural Resource Survey** is devoted to the process of undertaking a cultural resource survey since that is an early and

critical phase in developing an ongoing historic preservation program.

#### Step 4: Setting Goals

Once the team has reviewed the existing information, it should assess how well the existing programs meet the community's need to preserve significant historic and cultural resources. At this stage, the committee should evaluate how well the community's resources are being preserved and protected. Questions might include: How many historic buildings have been lost to demolition and why? Would the community benefit from having a historic preservation ordinance requiring public review of demolitions and alterations to significant historic resources?

The analysis section is important because it identifies the issues that the cultural resources section of the comprehensive will need to address. A formal analysis can also help set community-wide priorities. The results of the planning team's analysis should be included in the *Issues and Opportunities* section of the comprehensive plan.

The cultural resource section should be long-range in scope. In Wisconsin, comprehensive plans and each of their elements are intended to look twenty years into the future and must be updated at least every ten years. There is no boilerplate standard for how the section must look. What is necessary is that the final product states the community's goals and the specific means needed to achieve those goals.

Goals are statements of desired outcomes or achievements. They should be stated specifically so that future measurements can determine whether progress has been made. It may take extensive discussion to reach consensus on which are the most important historic preservation goals. Agreement will come through discussion, negotiation and compromise. It is important that formulation of the team's goals not be left to a small circle of individuals but draw from a broad range of community groups and interests. The vision statement developed earlier may be a good source of goals, or provide a common starting point, because it represents community-wide input.

#### Step 5: Strategy Formation

Strategies are specific actions proposed to achieve goals. A good strategy statement includes not only the action to be taken but also who will be responsible for initiating the action and what the time frame is for taking the action. Strategy formation is part creativity and part research.

#### Step 6: Implementation

After development of the historic preservation objectives, policies and goals, communities must next think about implementation. The comprehensive plan's implementation element requires that the local community develop strategies to carry out the plan's goals and policies.

*Wisconsin Statute 66.1001(2)(i)* specifically requires that the implementation element include:

*A compilation of programs and specific actions to be completed in stated sequence, including proposed changes to any applicable zoning ordinances, official maps, sign regulations, erosion and storm water control ordinances, historic preservation ordinances, site plan regulations, design review ordinances, building codes, mechanical codes, housing codes, sanitary codes or subdivision ordinances, to implement the objectives, policies, plans and programs contained in parts (a) to (h)*

The implementation element also requires that each element of the plan be integrated and made consistent with the other element. For example, implementing the goals and policies of the cultural resource section need to correspond to actions undertaken in other plan elements such as land use, economic development and community facilities. The programs and actions which a community undertakes to implement the cultural resource section can be included as part of the housing element and restated in the implementation element. This approach might make it easier to integrate the various elements of the comprehensive plan.

The goals and policies set forth in the cultural resource section may affect other elements and vice versa. Therefore, it is important that they all be consistent and mutually supportive.

#### Step 7: Evaluation and Updates

Finally the law requires that the implementation element "*include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan.*" To accomplish this, the community needs to establish a process to measure its progress in carrying out the goals, policies and strategies of the cultural resource section in the context of the entire comprehensive plan. The committee may submit periodic progress reports to the governing body that are shared with community residents. Progress can be measured through a number of criteria that a community can develop.

## Chapter 3: Model Outline for the Cultural Resource Section<sup>1</sup>

### Introduction

There are ten steps that each cultural resource section can follow. The Wisconsin Historical Society offers these as one possible outline for the cultural resources section of your plan.

1. State the community's goals and objectives for cultural resource preservation;
2. Define the community's historic character;
3. Summarize past efforts to preserve that community's historic character;
4. Survey the community's historic and archaeological resources to create a comprehensive and up-to-date resource list of or a statement identifying future survey needs;
5. Explain the legal basis for the protection of cultural resources;
6. Discuss the relationship between cultural resources and other local land-use laws and growth management tools;
7. State the public sector's responsibility towards publicly-owned cultural resources;
8. Describe incentives that are or can be available to assist in developing the community's cultural resource preservation plan ;
9. Identify the relationship between cultural resources, the community's educational system and program goals; and
10. Develop an action plan that sets a timetable to accomplish the goals and objectives identified in the plan.

Each of these issues is described in more detail below:

#### **1. State the community's goals and objectives for cultural resource preservation;**

Community goals and objectives are the backbone of the cultural resource section. They provide

direction to the community and help prioritize various aspects of the plan. The goal statement outlines the community work program in the area of preservation. This is a statement of philosophy that guides the other provisions of the cultural resource section.

#### **2. Define the community's historic character;**

The definition of historic character is an essential part of the cultural resource section, because it describes the community's unique character. As the character of a community changes over time, this description will provide context and continuity when the cultural resource section is updated or amended.

Communities can approach defining their character in a number of ways. For some, a simple summary of its history may suffice. Others may go further and identify why their community's heritage is different from neighboring communities. A community that has completed a comprehensive cultural resource survey should list and map the known cultural resources within the community. This approach may also be suitable for smaller communities with few historic resources.

#### **3. Summarize past efforts to preserve that community's historic character;**

A concise and accurate summary of the history of the community's preservation efforts is a critical aspect of the cultural resource section. This will provide a historic context for future preservation efforts.

Business, government and preservation leadership changes over time. Future leaders need a record of how a community's preservation program evolved. Many preservation controversies result in carefully crafted compromises and trade-offs between preservationists, developers, property-owner and local government leaders. such compromises are tacitly understood when they are made, but never formally adopted in writing. The cultural resource section can serve as the public record on such matters

Preservation issues recur time and again in communities with significant historic resources. These include owner consent to designation, protection of districts versus individual landmarks,

1. This chapter is taken from Chapter 2 of Planning Advisory Service Report No. 450, *Preparing a Historic Preservation Plan*, by Brad White and Richard Roddewig (Chicago: American Planning Association, March 1994)

review of alteration or demolition and the handling of cases of economic hardship. If a community has addressed these issues and settled upon an acceptable way of handling them, there is usually no need to address the issue again, unless circumstances have significantly changed. The cultural resource section can provide guidance to future generations on why the preservation program is structured the way it is in a community.

**4. Survey the community’s historic and archaeological resources to create a comprehensive and up-to-date resource list or a statement identifying future survey needs;**

A community’s preservation program should include a designation process to ensure that all potential historic resources and districts are included. This prevents singling out owners of historic structures for designation while owners with equally significant properties escape consideration. Courts may call that a violation of the fundamental legal principles of “due process” and “equal protection of the law.” A comprehensive survey is the method for identifying and gathering data on a community’s cultural resources. (For more information about surveying a community please see *Chapter 4: The Cultural Resource Survey*.)

**5. Explain the legal basis for the protection of cultural resources;**

The cultural resource section of the plan should reference the state statute that enables a community to pass an historic preservation ordinance to protect and promote historic resources. Listed below are the three laws that provide local governments the authority to establish a historic preservation ordinance. Should a local community either have or want to have a historic preservation ordinance then the law that applies should be referenced in the community’s comprehensive plan. (For more detail please see sidebar on next page.)

**6. Discuss the relationship between cultural resources and other local land-use laws and growth management tools, such as zoning ordinances; subdivision ordinances and open-space conservation programs;**

Historic preservation ordinances should be consistent with other land-use controls, such as zoning ordinances, subdivision regulations and

open-space conservation programs. These regulations impact on the preservation of cultural resources, and their administration should be appropriately coordinated. For example, zoning variances or special-use applications granted in historic neighborhoods or districts can have a significant impact on historic character for properties adjacent to historic resources, specially in terms of setting. In a historic residential district where one of the essential qualities is a streetscape of single-story cottages with uniform street setbacks, an application for a setback requirement variance might mar the character of the district. A special exception application to allow commercial use in one of the cottages might also change a historic district’s general character. If local zoning promotes the auto-oriented suburban model (as many ordinances do) a failure to grant variances for historic properties (e.g. parking requirements) may adversely impact the setting of historic properties.

The plan should also address the role played by the historic preservation commission, in land-use, transportation and public works decisions. For example:

- Should the historic preservation commission have clear authority to appear at hearings of the planning commission or zoning board of appeals to raise preservation concerns affected by rezoning, special uses or variances?
- How will the historic preservation commission get notice of these other hearings?
- How much time should the historic preservation commission is given to review the application prior to the hearing before the planning commission, zoning board of appeals, etc.?
- Should the decisions made by the historic preservation commission be advisory or mandatory for other commissions?
- Should all zoning and planning matters concerning or affecting historic resources, including rezoning, special uses, variances, planned unit development applications and subdivisions, or consolidations be reviewed by the historic preservation commission?

There are many ways to integrate land-use management tools with historic preservation goals and plans. The plan should provide the community with the opportunity to review other land-use decisions from a preservation perspective to



## **State Laws Enabling Local Preservation**

The statutory provisions listed below establish the authority for local governments to pass a historic preservation ordinance and to create a local landmarks or historic preservation commission. Should a local community have or want to enact a historic preservation ordinance then the applicable law should be referenced in the cultural resource section of the community's comprehensive plan.

### **Counties**

#### ***59.69 Planning and Zoning Authority***

##### ***(4) Extent of power.***

For the purpose of promoting the public health, safety and general welfare the board may by ordinance effective within the areas within such county outside the limits of incorporated villages and cities establish districts of such number, shape and area, and adopt such regulations for each such district as the board considers best suited to carry out the purposes of this section. The powers granted by this section shall be exercised through an ordinance which may, subject to sub. (4e), determine, establish, regulate and restrict:

- (L) Places, structures or objects with a special character, historic interest, aesthetic interest or other significant value, historic landmarks and historic districts.
- (m) Burial sites, as defined in s. 157.70 (1) (b).
- (4m) Historic preservation.

A county, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance any place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. The county may create a landmarks commission to designate historic landmarks and establish historic districts. The county may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

### **Towns**

#### ***60.64 Historic Preservation***

The town board, in the exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. The town board may create a landmarks commission to designate historic landmarks and establish historic districts. The board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

### **Cities**

#### ***62.23 City Planning.***

##### ***(7)(em) Historic preservation.***

A city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. A city may create a historic preservation commission to designate historic or archaeological landmarks and establish historic districts. The city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

resolve potentially competing objectives. It is also important to review the other sections and elements of the comprehensive plan to integrate possible preservation concerns. (A discussion about the integration of all the various elements of a comprehensive plan appears later in this chapter.)

**7. State the public sector's responsibility towards publicly-owned cultural resources, such as public buildings, parks, mounds, etc., to ensure that public actions do not adversely affect historic resources;**

Local governments often own many important cultural resources in the community, such as a historic city hall, county courthouse, library, school or Native American burial mound group. In addition, local governments are responsible for many infrastructure improvements, including road repair and replacement, sewer upgrading, sidewalk improvements, public transportation and street lighting. Decisions regarding the maintenance and disposition of publicly owned property and infrastructure improvements may have substantial impacts on local cultural resources, especially if that property itself is historic. (Please see *Chapter 6: Legal Strategies* for more information regarding state statutes affecting publicly-owned cultural resources.)

In addition, a local unit government should recognize and understand its role as a steward of a significant cultural resource since it will serve as a model for the rest of the community. A local government will have limited success implementing the objectives of its cultural resource section if it does not take an affirmative responsibility for cultural resources in its ownership.

**8. Describe incentives that are or can be available to assist in developing the community's cultural resource preservation plan;**

A preservation program is not complete without identifying incentives that promote historic resource protection. There are many types of incentives including: reduction or waiver of permit fees, issuance of low-interest loans, direct loans or grants; tax incremental financing; and zoning regulation waivers. Here are a few reasons to include local incentives in a preservation program.

- Incentives help to offset additional expenditures that may be necessary to comply with

a historic preservation ordinance. In some cases, higher costs may be incurred to meet specific design criteria for alterations.

- Rehabilitation of historic properties can be a catalyst for neighborhood revitalization and conservation. Carefully crafted incentives can be a spark for neighborhood revitalization.

Every incentive program should be tailored to fit the community's preservation goals and objectives. While the cultural resource section of the plan will not actually create or implement the incentive, it should summarize how an incentive program works and how to implement an action plan. The implementation element of a plan can also explain the pros and cons of incentive programs and recommend improvements.

Zoning and building code incentives are not direct subsidies. However, they can, have significant impact on the rehabilitation of historic structures. Local communities should analyze zoning, parking and other land-use management tools for their effect on historic properties. Simple allowances for the shifting or sale of density may provide enough incentives to owners of historic structures to undertake rehabilitation. In addition, flexible application of use classifications, variances and special use procedures for historic structures may make rehabilitation more competitive with new construction.

No individual incentive can ensure the preservation of all historic resources. The best preservation programs include a menu of incentives to explain available incentives and how to use them as well as the promotion of new incentives. Flexibility is important. An incentive may help one kind of building but not another. In addition, the implementation element of the plan should provide for periodic review and analysis of incentives to determine which ones property owners use and how to improve underused incentives.

In selecting the right preservation incentives to be included in a historic preservation program and the cultural resource section, ask the following questions: What types of incentives do state or local laws allow? What existing incentive programs could be extended to cultural resources?

**9. Identify the relationship between cultural resources, the community's educational system and program goals;**

Creating an educational program on cultural resource issues creates public interest in the value of a community's historic resources. The cultural

resource section should include a list or outline of public events that tie these resources into a development plan. The plan could highlight events related to historic preservation, such as the nationally celebrated Historic Preservation and Archaeology Week held each May. Annual awards programs provide publicity through recognition of appropriate rehabilitation, recognize individual preservation efforts, garner good press relations and provide opportunities to educate and inform other residents about the benefits of historic preservation. Educational programs that introduce preservation values and policies in the public schools can also establish a strong community foundation for preservation efforts. (These and other ideas are discussed in more detail in *Chapter 5: Promotional and Educational Strategies*.)

**10. Develop an action plan that sets a timetable to accomplish the goals and objectives identified in the plan;**

There are three reasons to include an action plan for cultural resources as part of the plan. First, the action plan provides a specific agenda for implementation of the plan's goals and objectives. Second, the action plan sets priorities for plan implementation. Finally, the action plan allows local government, the historic preservation commission and others to periodically review the progress made in meeting established goals, whether the goals and objectives need redefinition, or whether to reestablish priorities. An action plan provides a means to achieve perspective and gauge progress on accomplishments over time.



## Chapter 4: The Cultural Resource Survey

### Introduction

A community-wide cultural resource survey should be an early step in developing a successful long-range historic preservation plan or program. The community's comprehensive plan, prepared and adopted by the community and its planners, should provide a basis for integrating cultural resource survey information with other planning data and should be an important part of the community's comprehensive plan. It can help establish priorities for dealing with cultural resources within the larger framework of existing local planning programs and present specific recommendations for meeting those priorities.

### What is a Cultural Resource Survey?

A cultural resource survey can be defined as the process of identifying and gathering data on a community's cultural resources, and can be either archaeological or architectural in nature. The underlying reason for undertaking a cultural resource survey is the growing recognition, by citizens and government alike, that cultural resources have value and should be retained as functional parts of daily modern life.

A survey of this type involves collecting and organizing historical data, including documents, photographs and information from many sources. It usually involves a research and a field component. The cultural resource survey usually results in a final survey report that catalogues a community's cultural resources.

A cultural resource survey report should define the community's historic character. The final survey report helps make a community aware of the value of preserving its past. Moreover, a survey report provides the information essential to plan for the wise use of the community's cultural resources. It should enable a community to identify what is most important to preserve and assist in the development of a long-range historic preservation program to guide future local decision-making.

### What Kind of Cultural Resource Survey is Appropriate?

If a community has not fully surveyed its resources within the past fifteen years, then a com-

munity should strongly consider this step as a primary recommendation in the cultural resource section of the comprehensive plan. If a community has an up-to-date survey, then it is advisable to look to the future and set a timetable for when it should be updated.

Questions the community should ask to determine if an update is appropriate:

- Has the community changed significantly since the time of the last survey?
- Are there important resources from the 1930s, 1940s and 1950s that were overlooked?
- Were important types of resources overlooked, such as industrial buildings, rural farmsteads or workers' housing?

If any of these are true, then an updated survey may be appropriate. To better understand what kind of survey may be appropriate for a community, it may be advisable to consult with the Division of Historic Preservation.

A good and thorough survey of cultural resources, both historic and prehistoric, enables a community to look at itself, take stock and determine what makes it significant. The documentation produced by a cultural resource survey (or surveys) provides the community with complete and accurate information that can be used for a variety of educational, cultural, historical and community purposes. A survey will enable a community to build the foundation for a sustainable historic preservation program.

Depending on a community's goals, a surveyor can gather enough detailed information, to help designate properties as local landmarks or to nominate them to the State Register or National Register of Historic Places. Alternatively, a surveyor can gather less data, supplying only enough information for an accurate identification and location of a particular historic or ancient site. This is a choice that each community should consider as part of its planning process.

If a community has already been surveyed, the comprehensive plan should clearly indicate its completion and whether the survey needs to be updated. If a cultural resource survey has not been undertaken, then the community should consider if such a survey is warranted what kind of survey is best and how that might best be financed and administered.

## Wisconsin Archaeological and Historical Resource Database (WisARHD)

The Division of Historic Preservation of the Wisconsin Historical Society has custodial responsibility for maintaining records on the following:

- buildings and structures
- human burial sites
- land archaeological sites
- underwater archaeological sites

These databases are managed in electronic form by the Division and updated on a regular basis. This suite of databases is known as the Wisconsin Archaeological and Historical Resource Database, or WisAHRD (pronounced Wizard), for short.

WisAHRD provides users with quick and easy access to up-to-date information. This computer application allows users to search the Division's databases based on locational or contextual information or both, as well as view site records and dynamic maps of site locations. WisAHRD will be accessible to qualified consultants, archaeologists, historians, planners and other professionals on the Internet through licensed agreement with the Division.

A public terminal is available at the Division of Historic Preservation offices, located at 816 State Street, Madison, Wisconsin, for the explicit use of WisAHRD. Use of this terminal is free, but a per page fee will be charged for printing. First time users must follow a short on-line tutorial and sign a user agreement. For further information about WisAHRD contact the Division at (608) 264-6500.

## Funding a Survey

To fund a cultural resource survey, communities can approach various local, state, federal and private sources. Efforts should be made to obtain local private or public funds for at least a portion of the costs. They will undoubtedly encounter difficulties if they go to an outside source, hat in hand, without any tangible indication of community support for a project. Many outside sources of assistance require communities to acquire local matching funds. A local fund-raising drive for survey costs can generate public interest in a preservation program, and a survey generally costs less than a specific bricks-and-mortar preservation project.

The local sources that a community might approach include the city or village government, especially its planning department, the regional planning commission, private public-interest groups, individuals interested in local preservation and local banks and businesses. Other federal funding sources should also be explored. For example, the City of Wauwatosa funded a survey with Community Development Block Grant funds. (Please see *Chapter 7: Funding Sources* for more info on funding.)

## Hiring a Cultural Resource Surveyor

Communities can retain a professional consultant to do a cultural resource survey. La Crosse, Watertown and many other cities employed this

### Community Surveys Document Local Heritage

Each year, several Wisconsin communities and organizations use grant money from the Wisconsin Historical Society to conduct surveys. Each survey has its own distinct purpose.

Recently, the city of Port Washington documented information on historic buildings within the city limits.

The Bay Lake Regional Planning Commission surveyed the unincorporated crossroad communities of Oconto County.

The Department of Public Instruction surveyed all the libraries in the State of Wisconsin.

approach to survey local architecture. Professionals usually produce high quality and objective work respected by officials, planners and the community. At some point in the process, most community surveys that attempt to identify sites of historical and architectural significance need professional assistance. The survey plan should provide for professional assistance, from a historian, an architectural historian or an archaeologist, to help direct the survey and to evaluate its findings.

Once the survey plan has been determined and the money for it obtained, a community group can approach the professionals it wishes to conduct the survey. If the community prefers to hire a private firm to execute the project on a contract basis, it should contact several to submit bids. Each firm should submit a cost estimate and information about previous projects that it has completed and the expertise that it can provide. For example, if the project will involve historical research, the firms contacted should provide the credentials of the qualified historians who plan to work on the project. (Please see [www.wisconsinhistory.org/histbuild/grants/qualifications.htm](http://www.wisconsinhistory.org/histbuild/grants/qualifications.htm) on the Society's Web site for more information about the *Secretary of the Interior's Professional Qualification Standards*.)

Communities can often obtain non-financial assistance from preservation faculty and students at the state's universities. Both the University of Wisconsin–Madison and the University of Wisconsin–Milwaukee, for example, have arranged for students to participate in community planning as a part of graduate-level course work. Such arrangements can include a cultural resource survey.

Graduate students can also do fieldwork with professional supervision. Graduate students participated in the initial surveys of Evansville, Algoma and Ashland. This method can produce excellent results and requires less professional time than training volunteers. However, the quality of the results varies with the expertise of the students and if the students must travel any distance to do the work, it can only be accomplished during the summer months. Nevertheless, the relatively low cost of the operation may offset some of the drawbacks.

Volunteers under professional guidance can perform survey fieldwork. This method requires considerable professional time to train and organize the volunteers. However, using volunteers is inexpensive and helps to encourage community involvement in the project.

## Evaluating Cultural Resources

Not all surveyed cultural resources will have the same level of significance. Some may possess historic value on the national or state level, while others may have local significance. Have those familiar with the survey results evaluate surveyed sites with assistance from professionals in archaeology, history or architectural history, depending on the resource. In communities with historic preservation commissions, the commission members may evaluate survey results pertaining to local historic sites. To maintain consistency it is critical that a cultural resource survey use recognized published criteria—such as those for the State and National Register—to evaluate a property's significance. The criteria should address archaeological, historical and architectural significance.

Ask surveyors to evaluate potential historic districts for possible inclusion in the State or National Register. Local governments will need enough information on historic structures to estimate the effect of proposed projects, to make long-range plans and to administer historic districts.

## Archaeological Surveys

In the past, community groups interested in preservation have rarely undertaken archaeological surveys. However, given Wisconsin's newly enacted comprehensive planning legislation, as well as increased public awareness, there is growing interest in the identification and protection of archaeological sites.

People have lived in Wisconsin for at least 12,000 years, and the information we have for much of this past comes from the archaeological record. An archaeological site is any place of past human activity, from mammoth kill sites, to Native American mounds, to abandoned early twentieth century logging camps and farmsteads to burial sites. Currently, the Archaeological Sites Inventory (ASI), maintained by the Division of Historic Preservation, contains records on approximately 30,000 sites.

Given the nature of most archaeological sites, archaeological survey work is considerably different than for buildings, and should always be done by a professional archaeologist. The process of identifying archaeological sites shares at least one step with building surveys. Begin by checking records at the Division of Historic Preservation. The Office of State Archaeologist (OSA) at the

Division of Historic Preservation maintains inventories of previously reported archaeological and burial sites and, of equal importance. OSA also maintain records of what lands have already been surveyed by archaeologists. By collecting this information, communities can learn what is already known about their area and avoid a duplication of work. It is particularly important to know the locations of burial sites, including Native American mounds, because burial sites are protected from disturbance under state law s.157.70.

Archaeological field surveys are labor intensive. Although some types of archaeological sites, like Native American mounds, are readily apparent, typically, archaeological sites are buried and “invisible.” Finding most sites requires the careful examination of exposed ground, or a program of systematic subsurface testing. Only trained archaeologists or students or avocational archaeologists under professional supervision, should conduct archaeological surveys. Amateurs, although well intentioned, may unwittingly destroy or damage fragile archaeological resources. Picking up arrowheads, or worse, digging into sites, can destroy critical evidence needed by archaeologists to understand the past. These activities are illegal under state and federal law on public land.

If a community or group decides to undertake an archaeological survey, contact the Division of Historic Preservation and ask for a list of archaeological consultants. As noted, a professional archaeologist can more readily evaluate the information on the known sites and will also be able to recommend where additional survey work might best be undertaken.

## PART II: IMPLEMENTATION

The following chapters provide information for different types of strategies. These include:

- Educational and Promotional Strategies
- Legal Strategies
- Funding Sources

Each of these chapters provides a menu of possibilities for a community to choose from to devise their own grassroots approach in developing a cultural resource preservation program.



## Chapter 5: Promotional and Educational Strategies

### Introduction

An effective local preservation program should include a promotional and educational component. This chapter describes a number of educational and promotional activities that were used successfully in Wisconsin.

Promotional and educational activities increase the public's awareness and can make a critical difference in the effectiveness of a historic preservation effort. Historic preservation commissions, local historical societies and private preservation organizations all over Wisconsin have used various media to educate their members and the public. The campaigns described in this section targeted the general public and specific audiences to encourage support for historic preservation projects.

In most cases, local government officials and those individuals who develop a community's comprehensive plan are the best audiences to target. The first step is to develop activities to acquaint them with a community's most significant and its threatened historic resources. A long-term educational program will include this information and should be a component in a community's comprehensive plan.

The continuing educational program will help garner public and political support for applying ordinances and other legal tools to encourage historic preservation. It is important to note that communities that are Certified Local Governments (please see sidebar) are eligible for funding from the Wisconsin Historical Society to finance many of the programs and activities mentioned below. Following are some of the programs to consider.

### Walking Tours

A walking tour that highlights significant local architecture combined with interesting local history will provide an overview of the ever-changing dynamic of a community. Walking tours bring history and style together in unique and unexpected ways. Walking tours can serve as educational tools, as well as an excellent means of fundraising. Many preservation groups sponsor an annual walking tour to provide regular funding for preservation projects.

Walking tours can be an "eye-opener" to a community's local history, significant people from the past, architects and architectural styles.

Important smaller groups, such as a common council, town board or comprehensive planning team can be targeted for a special tour as a way of introducing them to the significance of the community's cultural resources and the value of preserving history.

### Workshops

Historic preservation commissions and other preservation groups regularly sponsor programs for the public. The Wausau Historical Society recently gathered about forty realtors for a program on architectural styles. The Madison Trust

#### Stoughton Walking Tours Brochures



The City of Stoughton has been a Certified Local Government since 1988. As a result they were eligible to receive a series of grants from the Wisconsin Historical Society to list many of their historic districts on the State and National Register of Historic Places, and to develop and print a series of walking tour brochures. Each brochure covers a different historic district.

## Hands-On Archaeology

Working with a grant from the Wisconsin Sesquicentennial Commission archaeological excavations were undertaken at Wisconsin's First Capital, Old Belmont. Archaeologists from the Office of the State Archaeologist worked with volunteers to gather important data on the lives of these early Wisconsin pioneers, information that was not available from any other source and significantly changed people's view of this period in history. The information gathered also formed the basis for a Historic Site Management Plan.



Photo by John H. Broihahn

for Historic Preservation has conducted several workshops on the historic preservation tax credits for historic owner-occupied homes.

### Hands-on Archaeology

Hands-on archaeology is involving the general public in an actual archaeological excavation alongside professional archaeologists. This approach introduces the public to professional archaeological practices, and uses their volunteer labor to conduct archaeological investigation. Introducing the uninitiated to the mysterious and distant process of archaeology makes this science tangible and brings history alive to broaden community support for protecting archaeological resources. A good source for information on archaeology is the Division of Historic Preservation in Madison. In addition, the Wisconsin Archaeological Society, headquartered in Milwaukee, has a list of monthly lectures on its web site at [www.uwm.edu/Org/WAS/](http://www.uwm.edu/Org/WAS/).

### Wisconsin's Historical Markers Program

Another way to inform residents and visitors about historic resources is through historical markers. For almost fifty years, Wisconsin's Historical

Markers program has been interpreting both important small incidents and monumental events that form the state's multi-layered past. Whether a marker commemorates Wisconsin's involvement in World War II or celebrates local "inventions" such as the ice cream sundae, the markers program honors Wisconsin's significant historical events. Placed on the very site where significant events occurred, markers evoke an immediacy of the past that no history book could ever provide.

The Society's Division of Historic Preservation administers the Wisconsin Historical Markers Program. Applications are required for all official State of Wisconsin historical markers and plaques. Marker applications are available at available at [www.wisconsinhistory.org/histbuild/markers/apply](http://www.wisconsinhistory.org/histbuild/markers/apply).

### Establishing a Local Plaque Program

Local plaque programs provide one of the most effective and least expensive ways of "bringing history to the streets," identifying local landmarks and recognizing their owners. A plaque program, organized and administered by a local historic preservation commission, promotes local landmarks. Such plaques serve as an incentive for local landmark designation and serve as a way for



## Wisconsin's Historical Markers Program



Photo by Jane Dier-Zimmel

During the presidential campaign of 1856, Frederick Douglass made an appearance in Beaver Dam on October 20 to address a Dodge County audience. During the afternoon, Douglass spoke to a crowd of more than 1000 from a lot just to the east of the former Clark House. That evening he spoke again to an overflow crowd at the Kilbourne House. In a commemorative ceremony on February 8, 2001, the State of Wisconsin, Dodge County, and the City of Beaver Dam erected a state marker in honor of a former slave and one of the nation's great abolitionist orators. From left to right: George Salter, Mayor of Beaver Dam Tom Olson, Kevin Dier-Zimmel, Thom Neumann, State Representative Jeff Fitzgerald, State Representative Leon Young, DeJustice Coleman, State Representative Johnnie Morris-Tatum, and behind her Alder Terry Capelle, Alder Bill Snell, Alder Al Schwantz, and on the far right State Representative Spencer G. Cogs.

the community to recognize the owners for bearing the responsibility for preserving their property in a way that benefits the whole community. Developing a plaque program is also an administratively simple, cost-effective approach to increasing the commission's visibility within the community. Besides enhancing the educational goals of the commission, it also facilitates the meeting of other municipal objectives such as community rehabilitation and heritage tourism.

For more information please see Technical Leaflet no. 168, "Establishing a Plaque Program: Bringing Local History to the Community," by Richard Bamberger and published by the American Association of State and Local History. Copies are available from the AASLH, 1717 Church Street, Nashville, Tennessee 37203-2991, (615) 327-9013.

The pamphlet is also available on the web at <http://erielandmark.com/program.html>.

## Historic Preservation and Archaeology Week

A great way to educate a community about the value of its cultural resources, what they are and what they mean, and how to preserve them is to participate in Historic Preservation and Archaeology Week, a statewide celebration to showcase grassroots preservation activities. Early in May, many local and regional events are planned to promote historic places to instill community pride, promote heritage tourism and publicize the social and economic benefits of historic preservation.

Wisconsin's Historic Preservation and Archaeology Week offers limitless possibilities for celebrating a community's historic landmarks. It also gives you a structure for activities that will increase an organization's visibility to its membership, constituents, or the community at large. A community may already sponsor a regular event that takes place in May, such as an annual awards presentation, a historic marker or plaque dedication or possibly a walking tour of a historic neighborhood. These annual events can be incorporated into an overall Historic Preservation and Archaeology Week celebration in a community, or stand alone as a community's activity. Events can be listed in the

Society's comprehensive Historic Preservation and Archaeology Week calendar and on the Society's website.

## Wisconsin's Main Street Program

The Main Street Program is a comprehensive revitalization program designed to promote the historic and economic redevelopment of traditional business districts in Wisconsin. The Wisconsin Main Street Program was established in 1987 to encourage and support the revitalization of downtowns in Wisconsin communities. Each year, the Department of Commerce selects communities to join the program. These communities receive technical support and training needed to restore their Main Streets to centers of community activity and commerce.

## Suggestions for Wisconsin's Historic Preservation and Archaeology Week

### **Awards**

Sponsor an awards program to honor outstanding historic preservation efforts in a community. Invite the media and local officials to attend the awards ceremony.

### **Walking tour**

Create a self-guided walking tour brochure for residents and visitors of a community's favorite historic district.

### **Historic building owner workshops**

Sponsor a "how to" workshop on rehabilitating older properties. Team up with local and state preservation experts for training and hands-on techniques.

### **Fund-raising**

Kick off a fund-raising project to benefit a community's favorite historic preservation project.

### **Historic marker & plaque dedication**

Sponsor a dedication ceremony for a new historic marker or plaque.

### **Progressive dinner party**

Plan a progressive buffet dinner party in historic homes or in appropriate historic sites in a community. A progressive dinner party can combine with a historic tour by having a different course of a meal in a separate historic location. Arrange for each host and hostess to offer a different course. To cover costs, sell tickets through civic clubs, in markets and local shops.

### **A night in a historic theatre**

Sponsor vintage films in a local historic theater as a fund-raiser or to highlight the beauty of a rare, historic opera house interior.

### **Pass a historic preservation resolution**

Contact a local government official to sponsor a historic preservation resolution to be adopted by the town or village board or common council. For examples, check the National Trust for Historic Preservation website ([www.nthp.org](http://www.nthp.org)) or call the Wisconsin Historical Society at (608) 264-6493.

### **House genealogy**

Knowing the history of a particular building can give local residents with a strong appreciation for their neighborhood. Organize a workshop to teach people how to research a building's history through available documents and research materials.

### **Write an op-ed piece**

"Op-Ed" is a newspaper's abbreviation for "opposite the editorial page," and it is fast becoming a standard feature of newspapers. The page usually carries columns, letters to the editor, cartoons and locally written opinion articles. Check with the page's editor several weeks in advance about writing an article."

The results in Wisconsin have been impressive. Wisconsin Main Street Programs have brought significant numbers of new businesses and jobs to their respective downtowns. Facade improvements and building rehabilitation projects have upgraded the image of Main Street in many communities. Promotional activities bring the community together in a positive way and showcase the economic benefits of preservation.

The value of Wisconsin Main Street Program's

technical assistance to a community in its first five years of participation is approximately \$135,000. The Wisconsin Main Street Program, the National Main Street Center and private consultants spend more than eighty staff days in each new community during the start-up phase. After the start-up phase, the state continues to provide quarterly volunteer and director training sessions, design assistance, business consultations and town-specific technical assistance.

## Celebrating Stoughton City Hall

This picture was taken May, 1991 to celebrate Historic Preservation and Archaeology Week and was meant to demonstrate how much the community cherished this unique historic resource. This photo was featured in a widely distributed Historic Preservation and Archaeology Week poster.

Built in 1901, Stoughton's City Hall was designed by the Beloit-based architect Frank H. Kemp and is an imposing Romanesque Revival multi-purpose civic structure. Besides the city's offices, the building also housed the city's first library and opera house.

After World War II the building suffered from a severe lack of maintenance and the auditorium was closed. After many years of hard work by a band of dedicated volunteers, a grand re-dedication ceremony was held in 2001 to mark the building's centennial and successful restoration.



Stoughton City Hall, Library and Auditorium

Together, Wisconsin Main Street communities have affected the heart and soul of our communities—the downtowns. A significant number of new jobs have been created; many new businesses have been attracted; and millions of dollars have been privately invested in the communities.

For more information regarding Wisconsin's Main Street program go to [www.commerce.state.wi.us/CD/CD-bdd-overview](http://www.commerce.state.wi.us/CD/CD-bdd-overview) or contact the Bureau of Downtown Development, Division of Community Development, 201 West Washington Ave., P. O. Box 7970, Madison, WI 53707, (608) 266-7531.

## Design Guidelines

Design review creates good streets and good communities, protecting important symbols and ensuring that new development fits in. Design guidelines, when attractively prepared, can be an important tool not only in the operation of a historic preservation commission's efforts to protect designated historic properties, but for the education of the community at large about the appropriate treatment of historic properties. Design guidelines specifically show what will help maintain and what factors damage the character and fabric of historic buildings.

Design guidelines are generally prepared to:

- Provide an overview of the architectural styles and types of buildings found in the district or community.
- Preserve the general integrity of the historic architectural features of buildings and of a historic district as a whole.
- Guide new development that respects and enhances the existing character of the area, particularly as it pertains to encouraging "compatible infill."

For areas protected by historic preservation ordinances, general design guidelines serve two roles: first, they guide property owners in a historic district in planning exterior changes to their properties and second, they assist historic preservation commissions in reviewing the appropriateness of all proposed changes throughout the district. These guidelines ensure that historic preservation commission decisions are consistent and have a clear basis, giving the commission's decisions political and legal credibility.

For "compatible in-fill" projects that constitute most new developments in historic districts, good design cannot be judged solely in terms of the individual building on its site, but must be considered in the context of its surroundings. A new building should fit within the context of its immediate neighbors and the street on which it is located. Therefore, compatible infill design guidelines are intended to direct designers and project reviewers

to look closely at local conditions and produce new buildings that enhance rather than detract from their surroundings.

Design guidelines are usually graphic in format, showing what is appropriate or inappropriate in drawings and photos. Some communities, such as Milwaukee, have very elaborate ones; others such as Jefferson, Janesville, Wauwatosa have very simple booklets. Some communities just use the Secretary of the Interior's Standards for Rehabilitation ([www2.cr.nps.gov/tax/rehabstandards.htm](http://www2.cr.nps.gov/tax/rehabstandards.htm)).

To develop its design guidelines, the City of

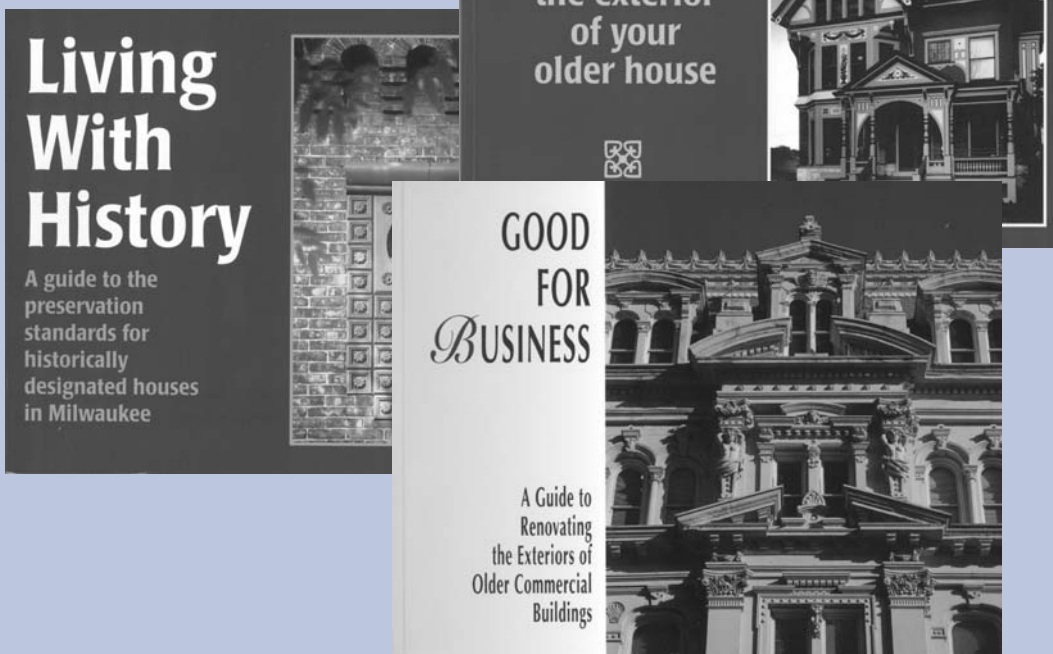
Madison usually convenes a task force from each historic district. The task force usually consists of historic preservation commission members, property owners and city staff to prepare written guidelines in narrative form describing what will and will not be permitted in the district.

Every year, more of Wisconsin's historic preservation commissions use design guidelines to illustrate what is appropriate rehabilitation work on historic buildings. This helps ensure the preservation and integrity of historic architectural features.

### Milwaukee's Design Guidelines

The City of Milwaukee has prepared a series of handsomely illustrated design guidelines: one for commercial properties, one for residential structures and a third for locally designated landmarks. Copies can be ordered for \$15.00 a copy by contacting:

Historic Preservation Office  
Department of City Development  
P.O. Box 324  
Milwaukee, WI 53201  
(414) 286-5705





## Chapter 6: Legal Strategies

### Introduction

There are many different legal tools that communities can employ to help protect historic and archaeological resources. Any of the following may be used to strengthen a community's preservation effort or program. The cultural resource section of a comprehensive plan should state which of these legal tools a community relies upon. Alternatively it should recommend which of these strategies would best advance the local historic preservation effort.

### State Register and National Register of Historic Places

The State Register and National Register of Historic Places programs are important tools for identifying historic properties worthy of preservation through public planning efforts and for educating communities about the significance of their historic and archaeological resources.

The State Register and National Register of Historic Places are designations recognizing the architectural, engineering, archaeological, cultural or historic importance of a property to its community, the state or the nation. The National Register of Historic Places was established by the National Historic Preservation Act of 1966. It is the official listing of the nation's cultural resources worthy of preservation. Established in 1989, Wisconsin's State Register of Historic Places is the state counterpart. The lists include districts, buildings, sites, structures and objects.

A resource listed in the State Register or National Register must meet one of four established criteria. Properties listed under Criterion A are associated with events that have made a significant contribution to the broad patterns of national, state or local history. Criterion B includes properties associated with the lives of persons significant in our past. Criterion C recognizes properties of architectural, engineering or artistic merit. Criterion D deals primarily with properties of archaeological significance; this criterion recognizes properties that have yielded, or are likely to yield, information important in history or prehistory. In addition to the above criteria, listed properties should be at least 50 years old and should not have been significantly altered. Properties listed in the registers are properties that local, state

and federal governments should make efforts to preserve in their planning and project development efforts.

Any person may nominate a property to the State Register and National Register by submitting a completed and documented nomination to the Division of Historic Preservation at the Wisconsin Historical Society. However, because of the technical complexity and the strict requirements of the National Register form and submission, the division recommends that a qualified consultant be hired to complete the application. The preliminary potential eligibility of properties is usually determined through cultural resource surveys or by a National Register questionnaire submitted to the Division of Historic Preservation by the property owners or by an interested party (Please see Appendix E).

After a technical review, the nomination is scheduled for review at a quarterly meeting of the State Historic Preservation Review Board, a 15-member board appointed by the governor. On the day of the meeting, the Review Board votes to place the property in the State Register and will recommend to the National Park Service that it be placed in the National Register. After approval by the National Park Service, the property will be listed in the National Register. The process may take a year from the time of submission to the actual listing because of the various required reviews. The information gathered during the listing process can be used in public education programs, and the listing itself is an important way of highlighting the importance of the property to the community.

### National Historic Landmarks

National Historic Landmark status is the highest level of national designation. NHLs are properties of exceptional value to the nation as a whole. They must retain a high degree of architectural and historic integrity to be eligible. The purpose of the National Historic Landmarks Program is to identify and designate these properties and to encourage their long-range preservation. At present, the nomination process includes completion of a different form and additional submission requirements. Nomination preparers should consult the Division of Historic Preservation and the National Park Service before proceeding with a

## Ten Chimneys Estate

Ten Chimneys is a living monument to theater and the arts. Almost all of the historic furnishings, hand-painted murals, enchantingly personal décor, tender mementos, and diverse collections are intact and unchanged since the Lunts first assembled them. Their beloved Wisconsin estate is a historic property unique among our national treasures. Nestled in the Wisconsin countryside, the estate includes 60 acres of beautiful kettle moraine, the elegant three-story 18-room main house, a quaint 8-room country cottage, an 18th century Swedish log cabin, a unique pool and pool house, a creamery, a greenhouse, as well as several barns, stables and other outbuildings.



Photo by Zane Williams

For decades, the Lunts idyllic retreat beguiled and inspired the country's finest actors, writers, designers, directors and artists. Ten Chimneys is overflowing with memories of these friends: notes from Laurence Olivier, snapshots of the Lunts with the Queen Mother and Charlie Chaplin, mementoes from Helen Hayes and Noel Coward, inscribed first edition books from Edna Ferber and Alexander Woolcott, and remembrances from dozens of other intimates and luminaries. The estate was designated a National Historic Landmark in 2003.

National Historic Landmark nomination. (Please see the sidebar about Ten Chimneys for an example of a National Historic Landmark.).

### Cataloging Burial Sites

People and communities value burial sites for many reasons, from spiritual to historical. Not only are they the resting-places of our ancestors, they can also be home to an abundance of genealogical information and local history. Wisconsin's burial law, *Wisconsin Statute 157.70*, prohibits unauthorized disturbances to these important sites, from platted cemeteries to Native American mounds to abandoned family burials. Once a Native American mound group or any

marked or unmarked burial area is formally catalogued as a burial site under *s.157.70*, that area is exempt from property taxes. This makes the property tax treatment of all human burial sites equal to the property tax treatment given to operating cemeteries. (For more information, please go to [www.wisconsinhistory.org/histbuild/burialsites](http://www.wisconsinhistory.org/histbuild/burialsites)).

To catalog a burial site, the Burial Sites Preservation Office must file a legal description of the site with the county Register of Deeds. Sometimes this work requires hiring a registered land surveyor to survey the area of the burial site, as in the case of a Native American mound group. With most historic cemeteries, the Burial Sites office can refer to an existing deed to catalog the site.



### Forest Hill Cemetery, Madison

Effigy mounds, as pictured here, are protected as burial sites in Wisconsin. This water spirit mound is surrounded by nineteenth-century veteran graves, also protected by the same law.



Robert A. Birmingham

### Protecting Cultural Resources during Public Projects

There are laws, both federal and state, that protect cultural resources from the effects of projects that have federal, state or local government involvement. Which law applies will depend upon which level of government is primarily involved in funding, permitting or licensing the project. The primary historic preservation laws are listed and briefly described below:

Level of Government	Applicable Law
Federal	<i>Section 106 of the National Historic Preservation Act</i>
State	<i>Wisconsin Statute § 44.40</i>
Local	<i>Wisconsin Statute § 66.1111</i>
School	<i>Wisconsin Statute § 120.12 (21)</i>

#### Federal

Section 106 of the National Historic Preservation Act of 1966 (as amended) requires that every federal agency sponsoring, authorizing, permitting, licensing, or funding an undertaking, whether directly or indirectly, take into account

effects the project may have on historic properties. Undertakings may include the reconstruction of a public highway using federal funds, filling in or reestablishment of a wetland, selling or adding onto a post office building, or renovation of a city neighborhood using grant monies from the U.S. Department of Housing and Urban Development. By law, federal agencies are responsible for identifying properties listed in or eligible for listing in the National Register of Historic Places that may exist within the area likely to be affected by the project.

For instance the Federal Highway Administration must consider whether listed or eligible archaeological sites or historic structures or buildings may be affected when it funds a highway project. If there are any cultural resources within the project area that may be adversely affected, then the federal agency must consult with the Wisconsin Historical Society and other local, interested parties to determine whether the adverse effects can be avoided, minimized or mitigated.

For more information about the Section 106 review and how citizens can get involved in the process, please read the pamphlet entitled *A Citizen's Guide to Section 106*. Copies of the guide, as well as other information about the Section 106 process, can be found on the Advisory Council on Historic Preservation's web site at [www.achp.gov](http://www.achp.gov). Additionally, please visit the Wisconsin Historical Society's web site for information describing the Section 106 review process established by the Wisconsin SHPO for federal undertakings carried out in the State of Wisconsin at [www.wisconsinhistory.org/histbuild/protecting/106\\_intro.html](http://www.wisconsinhistory.org/histbuild/protecting/106_intro.html).

#### State

All projects under the jurisdiction of a state agency that do not have any federal involvement are subject to Wisconsin's state historic preservation laws. The primary state agency provision is *Wisconsin Statute § 44.40*. Examples of agency projects covered by this law are financial grants from the Wisconsin Department of Natural Resources, new building construction on a University of Wisconsin campus and power plant and transmission line utility permits from the Public Service Commission.

Each state agency with project jurisdiction is required to:

- Check the Wisconsin Historical Society's inventories to see if there are recorded properties within the project area, and

- Determine whether the project may affect any such property. If an historic property may be affected, then the agency must submit the project proposal to the Society for its review and comments.

### Local Units of Government

Under *Wisconsin Statute § 66.1111*, all municipalities in Wisconsin must consider whether their actions may affect historic properties listed in the State or National Register of Historic Places. Projects subject to review under this law include construction of a new facility that results in the abandonment of a National Register-listed building, or development of a publicly owned park that may affect a listed archeological site. If such a project is being considered, the local unit of government is required to submit a proposal to the Wisconsin Historical Society at the earliest stages

of planning to seek the Society's determination of whether the project may adversely affect the listed property. If there may be an adverse effect, then the Society may require negotiation with the local unit of government to explore alternatives and other project options that may avoid, minimize or mitigate the possible adverse effect.

### School Districts

Under *Wisconsin Statute § 120.12(21)*, at the earliest stages of planning, school districts are required to determine whether their long-range planning for facilities development or proposed demolitions of historic properties may affect properties that are listed in the State or National Registers of Historic Places. If these actions may affect listed properties, then the school district is required to submit a project proposal to the Society for its determination of whether the project may

## Lena Road School Town of Pound, Marinette County

The Wisconsin Historical Society worked closely with the Wisconsin Department of Transportation to avoid any adverse effects to the historic Lena Road Schoolhouse in the Town of Pound, Marinette County. The Lena Road Schoolhouse is a well-preserved one-room schoolhouse built c. 1913. The school was determined eligible for listing in the National Register of Historic Places as part of a Section 106 review.

Using federal funds, WisDOT reconstructed US 141 from its former configuration as a two-lane road into a four-lane divided highway. To ensure the historic school preserved its highway access, Society staff met on site with WisDOT staff and the owners of the historic property, Wayne and Kerry Maedke, in July, 2000. The Maedkes grew up in the area and are preserving the school as a matter of local pride and as a venue for local thresherees.

As a result of the negotiations, WisDOT agreed to widen the driveway to 24 feet to improve its turning radius and nominated the property to the National Register of Historic Places. WisDOT also agreed to install a historic marker on the property.



Photo by Beth Miller

adversely affect a listed property. If there may be an adverse effect, then the Society may require negotiation with the school district to explore alternatives that avoid, minimize or mitigate the adverse effect.

## Historic Preservation Ordinances

Depending on the wording of a local historic preservation ordinance, landmark designation can be simply honorific or a powerful regulatory tool. Ideally, landmark designation should recognize places significant for their relation to prehistory or history, attachment to historic people or to events, their architecture or their architect, designer or builder. Places should be designated so they can be protected for the present time and the future. Local designation is essential for properties listed in the State and National Register of Historic Places, since the State and National Registers confer distinction but offer only limited protection.

By enacting a historic preservation ordinance, communities can create a historic preservation commission that is empowered to designate local landmarks. Local commissions protect the designated historic properties by regulating new construction, alterations or demolitions that affect these properties. In addition, they prepare programs for public education, draw up preservation plans and promote historic preservation in general at the local level.

The Division of Historic Preservation has a model historic preservation ordinance (Please see Appendix A) that communities may consult when drafting their own ordinances. A historic preservation ordinance generally contains the following:

- a statement of purpose;
- definitions of terms used in the ordinance;
- description of the make-up and length of office of commission members;
- the powers and duties of the commission;
- criteria and procedures for designating historic properties or landmarks;
- procedures and guidelines for regulating alterations to designated properties;
- procedures for regulating demolitions of designated historic properties;
- summary of other powers and duties; and
- methods of enforcement; and
- provisions for recognizing and marking historic properties and landmarks.

After a community enacts an ordinance, the community's chief elected official usually appoints members to the historic preservation commission. The ordinance may specify the types of expertise needed on the commission, but in general, commission membership should represent the various community groups concerned with preservation. Ideally, the commission will include community members with expertise in fields such as history, archaeology, architectural history, architecture, planning, or preservation law. Historic preservation commissions increase their effectiveness when members have professional expertise in various historical fields of interest. It is also helpful to have a commission member or two skilled in forging agreements and whose opinions are widely respected in the community. Most importantly, however, commission members should be genuinely interested in historic preservation and willing to devote the time and effort required for success.

Designating local historic properties and districts constitutes one of the chief tasks of historic preservation commissions. Commissions should consult their ordinances to determine the procedures to follow and the criteria to consider when designating local properties. Designations based on objective evaluations of local cultural resources are less subject to legal challenge and can help develop strong public support.

Local historic preservation ordinances define who may officially designate properties and districts. In some communities, the commission has the power to designate historic properties directly. In others, the commission makes recommendations to the city council, village or town board, which officially designates properties.

Reviewing applications to alter or demolish designated properties constitutes another important task. Local commissions should consult their ordinances to determine the guidelines they must follow when deciding whether or not to approve proposed alterations or demolitions. If the local ordinance does not include design guidelines for altering historic properties, the commission should develop its own. In addition to general design guidelines, local commissions can develop design guidelines specific to each historic district they designate.

Besides designating properties and districts and reviewing modification requests, local commissions should arrange for a thorough survey of local historic resources. Commissions will find the

## Certified Local Government Program

Local units of government that have enacted historic preservation ordinances may consider being certified to participate in the state and federal Certified Local Government (CLG) program. The CLG program provides special grants to fund planning and educational activities. The Division of Historic Preservation at the Wisconsin Historical Society administers the CLG program. Wisconsin has 40 Certified Local Governments. For more information about the Certified Local Government please visit the Society's Web site at [www.wisconsinhistory.org/histbuild/clgs/index.html](http://www.wisconsinhistory.org/histbuild/clgs/index.html) or the National Park Service's Web site at [www2.cr.nps.gov/clg](http://www2.cr.nps.gov/clg).





survey information invaluable when they make decisions about the historical significance of local properties. Please see *Chapter 4: The Cultural Resource Survey* for more information about conducting a survey in a community.

Commission members, as part of the local governmental structure, should work closely with elected officials and with various local departments and agencies. For example, commissions should seek annual budget appropriations to be used for brochures, markers, educational programs and training for commission members. Being included in local budgets represents an important way of gaining acceptance and support from local governments.

To be effective, landmark commissions need to be connected to the preservation effort state- and nationwide. It is advisable for commissions to join the *Wisconsin Association of Historic Preservation Commissions* (WAHPC) which links landmark commissions (also known as historic preservation commissions) throughout Wisconsin. WAHPC members share information, provide technical assistance to each other and address common problems. Commissions should also make use of the opportunities for information exchange and training offered by conferences and other programs provided by the WAHPC and the Division of Historic Preservation. To find out more about the WAHPC, contact the Division at (608) 264-6500.

Commissions should also consider joining the *National Alliance of Preservation Commissions* (NAPC), which provides similar opportunities for networking and mutual assistance nationwide. NAPC also has a nationally renowned training program for historic preservation commissions and representatives can either travel to a community or develop a curriculum tailored to a community. For more information about NAPC, they can be contacted at:

National Alliance of Preservation Commissions  
P. O. Box 1605  
Athens, GA 30603  
(706) 542-4731  
fax (706) 583-0320  
napc@uga.edu  
[www.arches.uga.edu/~napc/](http://www.arches.uga.edu/~napc/)

## Towns and Historic Preservation Ordinances

Towns, like other local governments in Wisconsin, have the legal authority to protect the

historic heritage that provides them with their special identity and unique character. Towns—just like cities, villages and counties—are enabled by state law to adopt historic preservation ordinances of their own. *Wisconsin Statute § 60.64* states, “the town board, in the exercise of its zoning and police powers . . . may regulate any place, structure, or object with a special character, historic interest, esthetic interest, or significant value, for the purpose of preserving the place, structure, or object and its significant characteristics.” The statute also gives town boards the authority to “create a historic preservation commission to designate historic landmarks and establish historic districts.”

Although many cities and villages in Wisconsin have had historic preservation ordinances since 1967, relatively few towns have enacted such an ordinance. Examples of towns that have enacted ordinances include the towns of Porter in Rock County, Washburn in Bayfield County, Eagle in Waukesha County and Westport (see [www.townofwestport.org/ordinances/Title%2010%20Chapter%207.pdf](http://www.townofwestport.org/ordinances/Title%2010%20Chapter%207.pdf)) and Perry in Dane County.

One reason a town may hesitate to enact an ordinance is a town’s relationship to the county government’s authority concerning zoning. Some town governments expect the county to take the lead, or they feel that towns need zoning authority to act and towns cannot proceed with historic preservation ordinances without taking a number of complicated steps including approval by the county government.

Towns have the authority to enact preservation ordinances based solely on their “police powers,” separate and independent from “zoning powers,” thereby avoiding the complications of using zoning authority. The ability of towns to enact ordinances based on their police powers becomes especially important for towns under county zoning. In other words, a town could enact a “stand-alone” or independent ordinance for historic preservation purposes.

## Demolition Controls

In many communities, historic preservation commissions usually have the authority to deny or delay demolitions. However, local governments can use other means to delay the destruction of historic resources.

In some communities, local planning commissions review all applications for demolitions and decide whether or not to approve them based on



## Urban Archaeology in La Crosse

The La Crosse area, on the terraces above the confluence of the Mississippi, Black and La Crosse Rivers, has long been a desirable place to live and the remains of earlier settlements are frequently encountered during modern construction. The City of La Crosse, recognizing the importance of its rich archaeological heritage, recently enacted an ordinance to protect its archaeological sites. This ordinance, the first of its kind in the state, requires consideration of archaeological resources prior to city-permitted projects involving substantial ground disturbance. Specifically, the ordinance requires that persons who need a permit for “demolition, excavating, building or developing” must notify the City Inspection Department at least two full working days before beginning work that will require ground disturbance. If this work is to occur within the boundaries of one of La Crosse’s significant archaeological districts (on file with the City), the person must either provide an archaeological survey of the area to be affected, or provide unlimited access to a qualified archaeologist during the excavation work. If significant archaeological resources are discovered, the archaeologist has up to four full working days to investigate and document the site. This ordinance ensures that the record of those who lived here before will not be thoughtlessly destroyed.



Photo by Dick Riniker; Courtesy of the La Crosse Tribune

the new uses intended for sites as well as the historical significance of the structures in question. The plan commission’s decision can often be appealed to the governing body and ultimately to the courts.

### Archaeological Ordinances

Although historic preservation ordinances can be used to designate archaeological sites, some communities choose to pass specific archaeological ordinances. An archaeological ordinance is very similar to a historic preservation ordinance, only its focus is to protect and preserve archaeological sites and resources.

The City of La Crosse has an ordinance that provides an important model for other urban areas in the state. The district encompasses a large area of significant archaeological resources that are regularly encountered in the course of development projects. The La Crosse ordinance designates a sixteen-block area as a local historic district that

encompasses several prehistoric Oneota villages. (A copy of the La Crosse ordinance can be found in Appendix B.)

### Coordinating Zoning and Historic Preservation

Zoning is one of the keys to implementing the cultural resource section of a comprehensive plan. It is also the primary legal tool used by almost all local governments to control land use. Since historic properties occupy land area, they are all subject to zoning regulations. When properly applied, zoning regulations represent one of the best ways to protect historic properties. To be effective, zoning and community historic preservation objectives must be coordinated. Preservationists need to become knowledgeable about local zoning and determine how they currently affect historic properties and how they might better protect such resources.

Those preparing the cultural resource section

need to analyze the texts of zoning ordinances that apply to historic districts or potential historic districts in their communities; they should determine whether or not the zoning regulations support or conflict with preservation goals. In many cases, traditional zoning works against preserving or revitalizing historic areas. For instance, many problems arise in areas not zoned according to their traditional, historical uses. A historic residential neighborhood may be zoned for retail, office, or industrial purposes. Pressure to rezone to such uses can result in the demolition or inappropriate remodeling of historic residences.

If conflicts exist between current zoning and the community objective of preserving historic neighborhoods, consider ways to modify local zoning regulations. If in a historic district, the actual density or the height is significantly lower than that permitted by zoning, the potential for greater economic return may create pressure to demolish and replace despite the historic preservation ordinance. A revised zoning ordinance could reduce the permitted height or bulk of buildings, reducing certain redevelopment pressures.

For more information about this topic, please see the National Park Service's Cultural Resources Partnership Notes pamphlet entitled "*Zoning and Historic Preservation*." The pamphlet can be found on the web at [www2.cr.nps.gov/pad/partnership/Zoning699](http://www2.cr.nps.gov/pad/partnership/Zoning699).

## Coordinating Protection of Cultural and Natural Resources

Important archaeological, ecological, scenic and architectural resources often occur together. Much can be gained through cooperation among those who are concerned about environmental conservation, protecting archaeological resources and preserving historic buildings. Protecting archaeological resources, in particular, requires creativity, cooperation and planning. A host of opportunities exist to borrow from strategies developed to preserve historic structures, protect environmentally sensitive lands and encourage economic development.

Those concerned with architectural preservation and natural resource conservation need to recognize the ancient past as another related value with an important constituency working to preserve the resource. Architectural preservationists are increasingly aware of the importance of preserving the whole—the setting and district as well

as the key buildings, the later additions as well as the original structures and houses of workers as well as those of the wealthy. Archaeological remains are part of that whole complex, enhancing understanding and enjoyment of the historic and natural resources of an area. Archaeological remains provide evidence of how the other resources came to be the way they are and how they were used by previous generations. Legal protection of historic resources does not stop at the ground level.

Many methods used to preserve land, natural resources and historic resources can and should be used to preserve archaeological sites. The minor role these legal tools have thus far played in archaeology is evidence of the emphasis on salvage at the expense of the conservation ethic in American archaeology. Whenever a conflict arises between an archaeological site and a development project, generally project sponsors will turn to archaeological salvage excavations on the theory that this will relocate the important values from the site to a repository. Of course, nothing of the sort really happens and a community frequently suffers a great loss of historical materials and information. Additionally, such site removal without consideration of the site's traditional cultural values can disrupt a community's sense of identity and may affect a community's ability to continue traditional practices. The solution to the problem of an archaeological site being threatened with destruction should not automatically be to dig it up. The preferred preservation approach should always be to take the initiative rather than to react to crisis, in order to protect a site in place and establish long-term management strategies for it. The strategies in this chapter offer viable alternatives to the "digging the site up and the project can proceed" approach, which will provide long-term benefits to the community.

All of the strategies described here have a place in the preservation "tool kit" and they will be most effective when used in combination. The most effective approach will depend on the specific nature of each community, including site characteristics, population density, development trends, economic climate, legal authorities and the needs and wishes of the community. There is much to be gained through cooperative projects that will preserve all the irreplaceable resources of an area, including the archaeological resources. Archaeological protection must be incorporated into every aspect of planning and administration

at all levels of government. The protection of our archaeological heritage deserves to be part of a broader vision of what we want our communities to be and our nation to be.

## Open Space and Archaeological Site Preservation

Open space preservation programs provide one of the most valuable means of preserving archaeological sites in place, in concert with the protection of other resources and values. Open space is generally land free from development. It may be defined as including farms, forest, wildlife habitats, natural resources and waterways, as well as recreational resources and opportunities, such as parks and hiking trails. Open spaces provide many benefits to local communities. Open space protection often requires a combination of various techniques, including planning, land-use regulation, public acquisition, tax incentives and capital spending programs.

Since undeveloped open space is an ideal solution for archaeological site protection, techniques being implemented to protect open space can also benefit archaeological sites. For example, the Skare Site, which encompasses a 10,000-year-old habitation site and several other archaeological sites near Mud Lake in Dane County, was acquired as part of a public land purchase designed to provide for recreation and protection of natural resources.

However, applying open-space protection techniques, to areas containing archaeological sites does not necessarily protect all sites. Agricultural, forestry and recreational uses may continue and threaten the sites. Archaeological protection in open spaces is incidental unless open space protection techniques specifically address archaeological protection and management issues. At the Skare site, management of the parcel began with a systematic archaeological survey to identify the nature and location of the important resources to be protected.

## Greenways

Open spaces are often protected in the form of greenways that are comprehensively planned, regulated and managed for public use. These coherent resource areas may include rivers, streams, wildlife refuges and migration corridors, scenic roads, hiking and biking trails, public parks, floodplains, farms, pastures and hillsides.

## Land Trusts

A land trust is a private non-profit community-based organization that typically accepts donations of or purchases property with significant natural resources. The mission of many land trusts often includes the preservation of cultural, as well as, natural resources. The property can be managed for preservation or conservation purposes, some of which may be resold with covenants restricting future development. Sometimes a large parcel will be subdivided, but retain the portion containing the extant significant resources, either natural or cultural or both. The remainder can be sold for development in a responsible manner to recover some or all of the costs of purchasing the property. Land trusts also hold conservation easements on property kept in private ownership. These easements prevent inappropriate land use or development, which might damage the natural or cultural resources found on the property. To find out more about land trusts in Wisconsin please contact:

Gathering Waters Conservancy  
211 S. Paterson Street, Suite 180  
Madison, WI 53703  
(608) 251-9131  
[www.gatheringwaters.org](http://www.gatheringwaters.org)

## Cluster Subdivisions and Planned Unit Developments

Cluster subdivisions and planned unit developments (PUD) could be very useful means of protecting archaeological sites and historic properties, such as farmsteads, if developers were either willing or required to consider these resources. Clustering cuts infrastructure costs by allowing the developer to create lots smaller than those normally specified in zoning and subdivision regulations. This technique concentrates new buildings in one part of the subdivision, leaving the remainder of the tract undeveloped. The undeveloped portion could be permanently reserved for common public use, such as a recreational open space under the responsibility of a homeowner's association, or it could be dedicated for a local park, set aside as a nature preserve or leased for farming operations. In jurisdictions that allow cluster subdivisions, developers can take advantage of it by shifting development to portions of the tract of land where there are no historic or archaeological resources. To be effective as a preservation tool, some basic level of archaeological survey may be

necessary before the site plan of the development is designed or officially approved.

### Bonus or Incentive Zoning

Bonus or incentive zoning has also been used to encourage historic preservation in communities around the country. As described by Stephen Morris in *Zoning and Historic Preservation*, the bonus refers to the additional density (beyond what would otherwise be permitted) granted to developers in exchange for providing specified public amenities, such as open space or affordable housing. The plan may propose that density bonuses be granted for the preservation of locally designated historic structures and archaeological sites and that the community's zoning code be written to include standards to define the requirements.

### Mandatory Dedication

In the subdivision process, mandatory dedication of some part of the land for public use, such as a park, can be useful in protecting archaeological and burial sites. As part of the mandatory dedication requirement, many subdivision ordinances require developers to set aside a certain percentage of the land in their subdivision for public rights-of-way, open space, conservation areas and recreational use to ensure that adequate public facilities will serve the development. If this open space or conservation area can be located where there are archaeological sites, for example, the sites will be protected while passive recreation facilities such as nature and exercise trails (carefully sited to avoid damaging archaeological sites) can still be accommodated.

This approach is not new. In the early part of the twentieth century, more than 100 Native American mounds were preserved in small public parks as new subdivisions in the city of Madison and new buildings on the University of Wisconsin campus were erected around them. Today effigy mounds are clearly visible. It is probably the nation's most successful case of conscious preservation of archaeological resources in a city.

### Subdivision Controls

Cities and villages have the power to regulate subdivisions within and adjacent to their corporate jurisdictions. Local governments can use this power to promote historic preservation. This power can be an important means of protecting

individual landmarks, archaeological sites and historic districts. If the subdivision regulations are currently silent on historic and archaeological resources preservation, they can be reviewed to incorporate preservation considerations by issuing a conditional use permit (CUP) requiring an cultural resource survey to identify significant sites.

Subdivision regulations can be specifically rewritten to require that developers give the same care in protecting historic resources, cemeteries, archaeological sites and Native American mounds as they do to sensitive environmental features, such as wetlands, floodplains and steep slopes. Requirements relating to historic preservation and archaeological site protection are sometimes included in the design requirements of the subdivision ordinance. In *Subdivision Regulations and Historic Preservation*, Stephen Morris provides lists of factors to consider and sample language for subdivision regulations. For example, communities need to require that a preliminary plat or sketch plat show topography, vegetation, layout of lots, siting of buildings, alignment of streets, historic features including archaeological sites and cemeteries.

For more information about this topic please see the National Park Service's Cultural Resources Partnership Notes pamphlet *Subdivision Regulations and Historic Preservation* a copy of which can be found at [www2.cr.nps.gov/pad/partnership/ConsDist699.pdf](http://www2.cr.nps.gov/pad/partnership/ConsDist699.pdf).

Many of the ideas presented above have been incorporated into Wisconsin's *Ordinance for a Conservation Subdivision*, required under the "Smart Growth" law. A copy of the ordinance can be found at: [www.dos.state.wi.us/dhir/documents/conserv\\_subdiv\\_Model\\_ordinance\\_Feb2001.pdf](http://www.dos.state.wi.us/dhir/documents/conserv_subdiv_Model_ordinance_Feb2001.pdf).

### Transfer of Development Rights (TDR)

The transferring of development rights is another zoning technique that has been used in some cities and rural areas across the country to preserve historic and natural resources. The TDR technique separates the rights to develop a parcel of land from other rights associated with the parcel. The development rights of agricultural land, low-density historic buildings or the air space above a historic building, for example are transferred or sold for use in another location where higher density development is permitted or encouraged. The second parcel of land may be developed to a higher density than would otherwise be permitted. Subsequent development of the



land from which these rights have been transferred can be limited to a very low density or precluded altogether, depending on the community's regulations. The cost and expertise required to administer a full-scale TDR program have presented difficulties, especially for smaller communities, which lack full-time planning staff. But some towns have used TDRs very successfully.

## Historic Building Code

Wisconsin has enforced a state-written Building Code for the design and construction of buildings since 1914. On July 1, 2002 the State adopted the International Building Code, the International Energy Conservation Code, the International Mechanical Code and the International Fuel Gas Code, which are referred to as the "Wisconsin Commercial Building Code" or simply the "prevailing code." This prevailing code is designed to provide minimum standards of public safety, energy efficiency and accessibility. When planning new construction, the code offers owners a great deal of flexibility. Unfortunately, owners of older and historic buildings are oftentimes faced with limited code compliance options and may be forced to destroy the historical significance of their buildings in order to meet the prevailing code.

Owners of qualified historic buildings may elect to use Wisconsin's Historic Building Code, chapter Comm 70 in lieu of any of the prevailing codes provided the matter is dealt within the Historic Building Code. This code allows retention of some historic features not permitted by the prevailing code as long as the historic building is shown to be safe through a formalized rating system. Furthermore, the code allows certain exemptions from energy conservation requirements and provides alternatives for accessibility for people with disabilities.

To qualify, a building must be verified by the Wisconsin Historical Society as: listed in the State or National Register, contributing to a State or National Register-listed historic district, or eligible for listing in the State or National Register. Alternatively, if a property is designated as a local landmark pursuant to an ordinance that is certified under Wisconsin Statute § 44.44, it then the landmarked building may be verified historic by an authorized municipal official, such as the mayor, the village president or the chairperson of the landmark commission.

Questions concerning the use and application

of the Historic Building Code can be directed to Safety and Buildings Division and Department of Commerce at any one of the following three locations:

4003 N. Kinney Coulee Road  
La Crosse, WI 54601  
(608) 785-9344

2331 San Luis Pl, #150  
Green Bay, WI 54304  
(920) 492-5601

PO Box 7162,  
201 W. Washington Ave  
Madison, WI 53703  
(608) 266-0669

## Minimum Maintenance Standards

In addition to building codes, many communities have enacted minimum maintenance standards by local ordinance. These standards are usually administered by local building inspectors or building inspector departments. Should these standards be in place in a community, they can be enforced to prevent the gradual destruction of a landmark. Such an action may be necessary to thwart "demolition by neglect". In many cases, contacting a building inspector or building inspection department can trigger a site visit and possibly the issuance of an official notice or a building repair order to prevent the physical neglect and perhaps loss of a local landmark.

## Local Taxation Policies

Because Wisconsin's Constitution prohibits local governments from instituting unequal taxation policies, they cannot establish favorable property tax rates to aid historic preservation. However, local governments can work with the local property tax assessor to lower the assessment of designated local landmarks, if appropriate.

Even though local governments have little leeway to provide historic property owners with tax relief, state and federal programs offer income tax credits to those who rehabilitate their historic structures. A discussion of state and federal income tax credit programs follows later in this chapter.

## Covenants and Easements

Covenants and easements are a way of providing for more durable and stronger protections that



can be tailored to a specific property than generally is possible through local ordinances or state and federal preservation laws. Covenants and easements typically are drafted to be binding on future property owners, can be perpetual and may be designed to protect certain significant features of particular historic structures or archaeological sites. In practice, conservation easements and historic preservation covenants are identical in legal effect. The terms are used interchangeably in this guide.

## Easements and Tax Incentives

Local property tax reduction can be a major financial incentive to donate an easement, particularly in cases of open-space easements on land with good development potential. The owner can enjoy the open space and a lower tax bill, while both the owner and community can know that a significant archaeological site or other scenic, historic or open-space value is being preserved for future generations.

There are also federal and state income tax incentives for the donation of easements or land, particularly in areas under development pressure. The value of a donated easement may be taken as a state and federal income tax deduction as the covenant is viewed as a charitable contribution. Particularly important in areas of rising land values, when property is sold, capital gains tax may be reduced through the donation of an easement.

A major threat to large land holdings can be estate taxes. Estate taxes, based on the “highest and best use” of the land may force the heirs to give up farming and other open-space uses and sell to developers. The donation of an easement may provide some relief from development pressure and is often a major selling point in acquiring easements. These are broad concepts. Tax law is complex, in flux and requires consultation with a tax specialist in each case.

## Establishing an Easement Program

An easement program offers one way to provide substantial, flexible protection for a community’s resources. Easements may be acquired by purchase, exchange, will or eminent domain but usually they are acquired by gift. Preservationists consider an easement’s ability to protect cultural resources. In cases where easements must be purchased, buying an easement obviously costs less than purchasing an entire property, and the responsibility for maintenance falls upon the property owner.

A conservation or preservation easement is a legal agreement that grants an interest in a historic or archaeological property, usually to a qualified nonprofit organization or government to accomplish preservation or conservation objectives. The importance of easements rests in their protective provisions. By donating an easement to a qualified nonprofit organization, a property owner transfers to the organization the responsibility to protect the property from changes that would compromise its historical, architectural, archaeological or natural character. Although a preservation easement places restrictions on a property, the owner retains title to the property and is free to use, lease, sell or give the property away at any time. However, because the easement is permanently attached to the property title and granted in perpetuity, it is binding on all future owners.

As a legal instrument, the preservation easement is quite flexible. An easement can be designed to suit the interests and needs of the owner and the holder of the easement, with the owner participating in defining the easement. The easement may be written to protect specific archaeological sites, certain interior features of a historic building, ensure proper maintenance or prohibit subdivision of the land, and it may include other provisions tailored to the owner’s wishes or the particular circumstances of the property. Protection of historic, archaeological and natural features of a property may be combined in a single easement.

Easements are a valuable tool for protecting archaeological sites, particularly when combined with other available legal tools. Easements may be used to protect important scenic values and may cover large areas. For example, the state of Wisconsin holds scenic easements on 17,000 acres beside the Great River Road, along the Mississippi River.

Easements must be enforced, which for some individual organizations, can be a problem. Large national and state organizations may have the financial resources to enforce an easement in court, but often lack the means to make frequent visits to discover violations. Smaller local organizations, whose members visit the property regularly, may be better suited to quickly discover violations, but may not have the financial resources to pursue lengthy; legal action. Management costs should not be overlooked, though they may be far less than the costs of full ownership.

The Wisconsin Historical Society occasionally accepts historic preservation covenants for proper-

## The Archaeology Conservancy in Wisconsin



The Archaeology Conservancy has been very active in Wisconsin and has purchased and protected many of the state's most significant archaeological sites. These include: the Chesrow Site, yielding mastodon remains in Kenosha County; the Tollackson Effigy Mound Group, La Crosse County; the Bell Coulee Rock Shelter, La Crosse county; the ancient villages and mound groups of the Mero Archaeological District, Pierce Count; and the ancient quarries of Silver Mound, Jackson County. For many of these properties the Conservancy has given the Wisconsin Historical Society archaeological preservation covenants and in return received a property tax exemption.

ties that are either eligible or listed in the State Register and National Register that are being transferred from public to private ownership. Private persons also may initiate donations of preservation covenants to the Wisconsin Historical Society. The model covenant used by the Society may serve as one model for local governments and private organizations to adapt for their own needs. (Contact the Division of Historic Preservation for a copy of the Society's Model Historic Preservation Covenant.)

To learn about establishing an easement program please refer to *Establishing an Easement Program to Protect Historic, Scenic, and Natural Resources* by the National Trust for Historic Preservation (Information Series No. 25, 1991). Copies are available from the National Trust ([www.nthp.org](http://www.nthp.org)) or by contacting the Division of Historic Preservation, Wisconsin Historical Society at (608) 264-6500.

## Acquisition

One of the best ways to preserve a cultural resource is through outright acquisition. Unfortunately few communities or local preservation groups can afford that on their own. There are, however, a few organizations that might be able to help make that option viable.

The Archaeological Conservancy ([www.americanarchaeology.com/aaabout.html](http://www.americanarchaeology.com/aaabout.html)), a national non-profit organization devoted to long-term archaeological site protection, is dedicated to acquiring and preserving the nation's best remaining archaeological sites. The Conservancy has preserved through acquisition more than 230 sites across the country. Established in 1980, the Conservancy is based in Albuquerque, New Mexico, but operates regional offices in Georgia, Virginia, California and Ohio. The contact for Wisconsin is:

Dr. Paul Gardner  
3620 N. High Street #207  
Columbus, Ohio 43214  
(614) 267-1100  
Fax: (614) 267-1901  
[gardnerpaul@msn.com](mailto:gardnerpaul@msn.com)

Another organization that acquires property containing important archaeological sites is the Wisconsin Department of Natural Resources. The State Natural Area Program in the Bureau of Endangered Resources ([www.dnr.state.wi.us/org/land/er](http://www.dnr.state.wi.us/org/land/er)) identifies, protects and manages native

plant and animal species, natural communities and other natural features, to enhance and restore populations and habitats of rare and endangered species. Much of the Bureau's funding comes from license plate sales and a state income tax check-off.

Often environmentally sensitive land parcels encompass a significant archaeological site, the presence of which will furnish an additional rationale for acquisition. Local governments and non-profit groups are eligible to receive grants from the DNR to acquire private property with significant archaeological sites to protect them for the enjoyment and appreciation of future generations.

For more information contact:

Natural Areas Specialist  
Bureau of Endangered Resources  
Wisconsin Department of Natural Areas  
101 S. Webster Street, Box 7921  
Madison, WI 53707-7921

## Life Estates

By bequeathing their properties to a preservation organization, owners can continue to occupy them during their lifetimes and have the satisfaction of knowing that their work of preserving their houses will continue after their death. Those interested in donating life estates should consult an accountant or an attorney.

## Chapter 7: Funding Sources

### Introduction

**H**istoric preservation pays for itself. Throughout the nation, study after study has shown that property values increase faster in historic districts than in non-historic areas, thus providing a cost-effective way to increase the local tax base, along with the quality of life. For example, a real estate statistical firm determined that, in Maryland, property values increased 29% faster in locally designated historic districts than in comparable areas. Studies using different methods in Virginia, Texas, South Carolina and Indiana have all produced similar results. No doubt historic preservation provides similar economic benefits in Wisconsin.

Historic preservation has been proven to create new jobs in construction and other businesses, create new businesses, boost tourism and by extension increase tax revenue. For Wisconsin, the best available statistics are those of the state's Main Street Program. Between 1988 and 2000, the program assisted in the creation of more than 1,775 new businesses, the creation of more than 9,500 new jobs and stimulated a total private investment of more than \$257 million. (For more about the Main Street Program please see *Chapter 5: Promotional and Educational Tools*.) While historic preservation is proven as a way of generating financial dividends, the initial investment often requires use of federal and state income tax credits, or national, state and local grant and loan programs.

### Local Sources

Locally based financial incentives are a key component of a local historic preservation program. Throughout Wisconsin, local communities are building capacity to financially assist local preservation projects. For example, in Wausau, Central Wausau Progress, in cooperation with a consortium of local banks, is offering low interest loans for façade renovations, second floor housing and structural repairs. In Fond du Lac, money from pre-1982 Community Development Block Grant (CDBG) loans that are being repaid to the city is being set aside to establish a loan program for locally designated historic properties. These low interest loans fund exterior work and interior structural work. For more than a decade, Eau Claire has targeted locally-designated historic

residences using Community Development Block Grant funds to offer owners very low interest loans for exterior repairs and heating. To encourage local businesses and to strengthen neighborhoods surrounding traditional business districts, Madison offers small commercial property owners and tenants loans for façade rehabilitation.

#### Waukesha's Façade Improvement Program

Façade improvement programs can be tailored to specific local needs. For example, the historic "Spa City" of Waukesha offers four programs including a unique grant program to support restoration of the community's signature springs. In addition the city provides matching grants for façade restoration designs; small paint and repair matching grants for the exteriors of historic residential and commercial structures, whether formally designated or not; and, a Landmark Rehabilitation Assistance Program offering loans. All these programs are funded using CDBG monies. These programs are run in a highly cost effective manner, the benefits are highly visible and spread across much of the city, and they ensure that historic properties will be there to be occupied by succeeding generations.

Local financial assistance programs are not limited to the mid-sized cities of Wisconsin. In Neillsville, Clark County, a county seat town with 2,600 inhabitants and four banks, the banks have agreed to offer reduced interest rates on projects in the downtown area. Such programs are standard practice for Wisconsin's more than thirty-four Main Street program communities, at least half of which offer façade improvement grants, and many have low interest loan programs. The low interest loan programs financed by local banks and credit unions offer loans at below the prime interest. These programs and projects can be replicated to provide a financial infrastructure for historic preservation at the local level.

## Business Improvement Districts

Wisconsin Act 184, signed into law in 1984, gives Wisconsin municipalities (i.e., cities, villages and towns) the power to establish one or more Business Improvement Districts (BID) within their community. The law established an assessment methodology that allows business properties within that area to contribute to programs aimed at promotion, management, maintenance and development. The BID assessments are restricted to commercial and industrial properties subject to real estate tax. Tax-exempt properties (i.e., religious, public utility or government properties) or those used exclusively as private residences cannot be assessed.

Some communities, such as Waupun, have Business Improvement Districts that are used to provide small grants for façade rehabilitation, helping to revitalize a downtown business district and preserve its historic assets. Many communities, such as West Allis, Marshfield, Rice Lake and Eagle River, use BIDs to finance their Main Street programs (Please see *Chapter 5: Promotional and Educational Strategies*).

More information about Business Improvement Districts can be found on the web at [www.uwex.edu/lgc/cp&d/bidpage/bid](http://www.uwex.edu/lgc/cp&d/bidpage/bid).

## Private Revolving Funds

Preservation organizations have effectively employed revolving funds to preserve and rehabilitate significant buildings. They use the money in the revolving funds to buy and renovate properties. Afterwards, they resell the properties and use the sale proceeds to replenish their funds. If an organization has a large revolving fund or if the fund grows through profits on projects, the organization may rent its renovated properties rather than sell them. Thus, they can collect rent, retain control over the properties and continue to restore additional properties.

Archaeological and natural conservation organizations have used the revolving funds technique to purchase endangered archaeological sites. They recover their funds by reselling the property to public agencies for permanent preservation when the agency is able to budget funds for purchase.

Revolving funds have many advantages. They tend to focus a preservation organization's attention and resources by spending the fund monies on a specific area or on a specific project.

Revolving funds also attract donors, because contributors like to see their money actively put to use. Donors can see exactly what their contributions supported after a successful renovation. The funds give the cause of preservation and preservation groups a powerful boost because the completed projects reflect support for preservation and provide proof that preservation organizations accomplish what they set out to do. The funds provide a way to start a local preservation project with very little money.

Revolving funds often have advantages over banks in financing preservation efforts. They usually have a lower-cost source of money than a financial institution, in the form of donations and grants. Thus, loans can be offered for longer terms

### Preserving Yesterday's Heritage Today

In 1996, the Cedarburg Historic Preservation Commission wanted to preserve some of the community's history on videotape. With the assistance of a \$5,862 grant from the Wisconsin Historical Society, \$3,000 from the Cedarburg Cultural Center and lots of donated volunteer time and expertise, a 15-minute videotape was produced. The video chronicles the successful development of Cedarburg's historic preservation effort. The video has been reproduced several times and has resulted in a revenue source for the Cultural Center.





at a lower interest rate, and frequently to lower-income borrowers who might not ordinarily qualify for bank loans.

Organizations that operate revolving funds also incur administrative costs and experience occasional losses. Every transaction involves some risk. Insurance policies and consultation with local banks can help minimize the risks involved.

### Historic Buildings Tax Exemption

Under *Wisconsin Statute § 70.11*, certain historic buildings may be exempt from general property taxes. In order to qualify, the law requires that a building meet all of the following requirements:

- The property is listed in either the State Register or the National Register of Historic Places.
- Is a public building as defined in *s. 101.01(12)*
- Is owned or leased by a tax-exempt organization under Section 501 of the Internal Revenue Service as amended December 31, 1986.

#### Al Ringling Theater, Baraboo, Sauk County

The Ringling Theater, designed by the well-known Chicago firm of Rapp and Rapp, was one of the first movie palaces in America. Built in 1916, it still survives today as a movie theater. It is one of two historic buildings in Wisconsin, whose owners have taken advantage of the property tax exemption offered by *Wisconsin Statute § 70.11*.



Mark Fay-Faystrom Photo

- Is used for civic, governmental, cultural or educational purposes.
- Is subject to an easement, covenant or similar restriction, running with the land that is held by the Wisconsin Historical Society or by an entity approved by the Wisconsin Historical Society that protects the historic features of the property and that will remain effective for at least 20 years after January 1, 1989.

Despite what may seem like a lot of requirements, two important historic properties in Wisconsin have taken advantage of this property tax exemption; the Ringling Theater in Baraboo and the Pix Theater in Waukesha.

### Archaeological Tax Exemption

*Wisconsin Statute § 70.11(13m)* offers an economic incentive to private landowners that wish to preserve archaeological sites on their property. If an archaeological site is listed in the State or National Register of Historic Places, and if the owner signs a protective covenant, the land included under the covenant is exempt from general property taxes. Depending on the size of the site and local tax rate, signing a covenant can provide substantial savings for the owner.

Through this program owners have the opportunity to receive a tax exemption for the archaeological site area and help the State of Wisconsin preserve its archaeological heritage. The tax exemption program makes the landowner a steward of Wisconsin's past. It does not discourage all uses of the site. Instead, it encourages land-use planning to avoid disturbing the site area. The covenant contains a legal description of the area that is to be exempted from property taxes and defines landowner and Wisconsin Historical Society obligations in the protection of that area.

Interested individuals who own archaeological sites that are listed on the State Register or National Register, or believe that an archaeological site on their property may be eligible for the State Register or National Register, are urged to contact the Division of Historic Preservation.

### Architectural Conservancy Districts

Under *Wisconsin Statute § 66.1007*, any municipality with a historic district can establish an Architectural Conservancy District. Conservancy districts operate in a fashion similar to Business Improvement Districts in that an operating plan is

developed and approved by the local municipality. The operating plan specifies how much money will be assessed to tax parcels in the district. It also details how the money raised will be spent. A board appointed by the “chief executive officer,” such as mayor, city manager, village president or town chairperson administer the approved plan. The board can use monies collected by the municipality to fund improvements in the Conservancy District.

The development of an Architectural Conservancy District is a good way for an historic district to collect funds from tax-paying individuals to spread out the cost of specific improvements across the entire historic district. Improvements funded in this way can include anything from the purchase of a preservation easement of an endangered property to the construction of historic streetlights or decorative street signs.

## Federal and State Investment Tax Credits

Owners of historic buildings in Wisconsin are eligible to participate in federal and state income tax incentive programs for the rehabilitation of historic properties. To qualify for the investment tax credit (ITC) programs, an owner must have a building listed, or eligible for listing, on the State Register and National Registers of Historic Places.

Wisconsin currently has ITC programs for income-producing properties and for owner-occupied residences. While the programs are summarized below, they are subject to change, and those interested in applying for any of the programs should consult the Division of Historic Preservation for assistance.

The three ITC programs in Wisconsin currently offer the following tax credits for owners who rehabilitate their historic properties. In each case, the credit is a percentage of the rehabilitation costs:

- A 20 percent federal investment tax credit for rehabilitating income-producing historic buildings ([www2.cr.nps.gov/tps/tax/](http://www2.cr.nps.gov/tps/tax/)).
- An additional five percent Wisconsin investment tax credit for persons who qualify for the 20 percent tax credit; and
- A 25 percent Wisconsin investment tax credit for persons who rehabilitate private owner-occupied homes.

Even though the rules for applying for the ITC programs vary, all three programs require that owners meet the following criteria:

- Formally apply and obtain approval to

receive the credits. Pre-approval is required for both State tax credit programs. Pre-approval for the 20% Federal tax credits is not required, but is strongly recommended;

- Spend a specified, minimum amount of money on rehabilitation work; and
- Carry out work according to the *Secretary of the Interior's Standards for Rehabilitation* ([www2.cr.nps.gov/tps/tax/rhb/](http://www2.cr.nps.gov/tps/tax/rhb/)).

Each investment tax credit program has its own requirements. Property owners should contact the Division of Historic Preservation in the earliest stages of their planning if they are considering the use of any of the ITCs. More information about historic preservation tax credits can be found on the Society's website at [www.wisconsinhistory.org/histbuild/architecture](http://www.wisconsinhistory.org/histbuild/architecture).

## Wisconsin Department of Transportation/ Local Transportation Enhancements

The Wisconsin Department of Transportation (WisDOT) receives federal funds to provide a variety of improvement programs, including the Local Transportation Enhancements (TE) Program. Applicants are limited to local units of government and state agencies. Non-profit organizations and other private parties will not be directly eligible, although they can work through local government to develop an application. Enhancements funding has traditionally paid up to 80% of the project costs, leaving local sponsors to come up with a 20% match. It is important to note that funding recipients will have to pay the project costs upfront and submit requests for reimbursement to the Wisconsin Department of Transportation.

In terms of historic preservation, most of this funding has gone towards the rehabilitation of historic transportation facilities, such as historic train depots and boathouses. Other transportation related facilities could include historic canals, lighthouses, historic ships and locomotives. For more information, contact the appropriate Wisconsin Department of Transportation district .

## Jeffris Family Foundation

The Jeffris Family Foundation is dedicated to Wisconsin cultural history and heritage through preserving regionally and nationally significant historic buildings and decorative arts projects. Founded in Janesville, Wisconsin, in 1979, the Foundation currently has more than \$20 million in assets, about \$1 million of which it grants annually

to projects approved by the Foundation board. Because of its focus on preservation, the Jeffris Family Foundation provides challenge grants for preliminary studies, full restorations and follow-up projects such as publications. For example, the foundation funded an historic structures analysis, long-range planning and preservation studies grants provided to the Mineral Point Historical Society. These studies were used to formulate a professional restoration and operational plan for the Joseph Gundry House Museum in Mineral Point, Wisconsin.

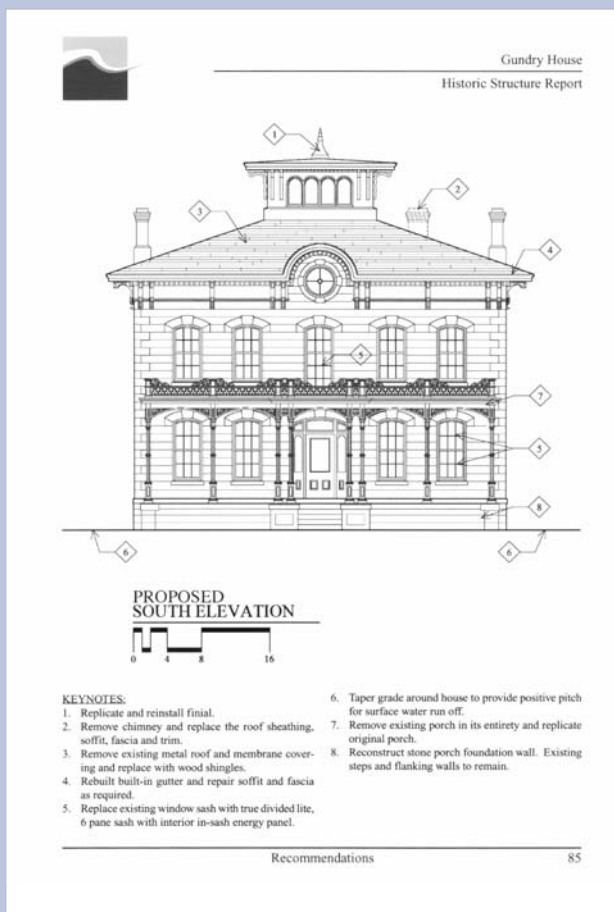
The Jeffris Family Foundation funds private nonprofit organizations and governments. Foundation support should act as a catalyst. Foundation support typically ranges from 25% to 50% of the total project cost with a significant portion of the matching funds originating from the community. The primary focus is on projects in communities under 100,000 in population. For additional information and a grant application, contact the Jeffris Family Foundation, P.O. Box 650, Janesville, Wisconsin 53547-0650

### Historic Structures Reports

Historic buildings benefit from careful study prior to extensive restoration or rehabilitation work. This is especially true when impending work will require wholesale alterations, such as when a building must be adapted to a new use. A useful type of study is the “Historic Structure Report”, or HSR. An HSR has the goal of better understanding a building, its evolution and its present condition.

An HSR documents and analyzes a building’s original construction and any later changes through historical, physical and pictorial evidence. It ascertains which features are historically significant in order to guide future work. It documents the current condition of the building’s materials and structure. It determines the most appropriate architectural treatments to meet the owner’s needs while protecting the building’s historic character and materials. It establishes work priorities and estimates project costs. When completed, an HSR serves as a planning document, which is the basis for developing working drawings and specifications prior to the commencement of project work.

This line drawing was taken from a Historic Structures Report of the Gundry House in Mineral Point, Iowa County, which was funded with a grant from the Jeffris Family Foundation.



Drawing by River Architects

## National Trust for Historic Preservation/ Jeffris Preservation Services Fund

The Jeffris Family Foundation Preservation Services Fund (PSF) was established in 1998 by a gift from Jeffris Family Foundation to the National Trust. This gift, made under the leadership of Tom Jeffris, demonstrates the family's commitment to preserving Wisconsin's special architectural history and character. The purpose of the Jeffris PSF is to provide seed grants to preservation organizations and local governments in small Wisconsin towns and villages. The fund is especially targeted towards communities with a population under 10,000 that are faraway from metropolitan areas.

The PSF provides financial assistance to small towns in the planning stages of preservation projects by providing "seed grants" (up to \$5,000) that serve as a catalyst to move a project forward.

Grants can be used to assist with the costs of obtaining professional consultants or providing support for preservation-based educational activities.

Recipients must match grants at least dollar-for-dollar and the funds cannot be used for "bricks and mortar" activities.

Typical uses for the Fund include feasibility studies for endangered buildings or sites, architectural planning, landscape research and planning, development of heritage education and co-sponsorship of workshops and conferences.

For additional information contact:

Jeanne Lambin  
Wisconsin Field Office  
National Trust for Historic Preservation  
319 High Street  
Mineral Point, WI 53565  
(608) 987-1502  
[jeanne\\_lambin@nthp.org](mailto:jeanne_lambin@nthp.org)

## Wisconsin Humanities Council/ Historic Preservation Program Grants

The Wisconsin Humanities Council and the Jeffris Family Foundation have formed a partnership to support Historic Preservation Program Grants. The Wisconsin Humanities Council (WHC) will award grants with funds from both the Jeffris Family Foundation and the Wisconsin Humanities Council.

The Wisconsin Humanities Council accepts proposals for projects that enhance appreciation of the importance of particular historic buildings or

that increase public awareness of the importance of particular historic buildings or decorative art works in Wisconsin. Preference will be given to significant preservation projects in small towns and rural communities with populations under 30,000. Deadlines for Wisconsin Humanities Council Historic Preservation program grants are: January 1, March 1, May 1, July 1, September 1 and November 1 for mini-grants (up to \$2,000), and April 15, August 15 and December 15 for major grants (up to \$10,000). Applicants for major grants should also submit a draft proposal six weeks before the deadline.

Grant proposals should conform to the WHC Grant *Guidelines*, which may be viewed at [www.danenet.org/whc](http://www.danenet.org/whc), or obtained along with other application materials, from the Wisconsin Humanities Council, 222 South Bedford Street, Suite F, Madison, WI 53703-3688.

The Wisconsin Humanities Council does not fund the preservation of "bricks and mortar" projects or decorative arts. Inquiries about grants for such purposes should be addressed directly to the Jeffris Family Foundation (see above).

## Small Business Administration (SBA) Certified Development Company (504) Loan Program

The 504 Certified Development Company (CDC) provides growing businesses with long-term, fixed-rate financing for major fixed assets, such as land and buildings. A Certified Development Corporation is a nonprofit corporation set up to contribute to the economic development of its community or region. CDCs work with the SBA and private-lenders to provide financing to small businesses. There are about 290 CDCs nationwide. Each CDC covers a specific region.

Typically, a Section 504 project includes a loan secured with a senior lien from a private-sector lender covering up to 50% of the project cost; a loan secured with a junior lien from the CDC (a 100 percent SBA-guaranteed debenture) covering up to 40% of the cost, and a contribution of at least 10% equity from the small business being helped. The maximum SBA debenture generally is \$750,000 (up to \$1 million in some cases). The program is designed to enable small businesses to create and retain jobs: the CDCs portfolio must create or retain one job for every \$35,000 provided by the SBA. In Madison, the rescue of the Orpheum Theater and the rehabilitation of the



Wilson Hotel into a Bed and Breakfast and restaurant directly benefited from SBA loans. For information about the Small Business Administration and the grants they offer please see [www.sba.gov/wi](http://www.sba.gov/wi).

### Wisconsin Coastal Zone Management/ Public Access—Low-Cost Construction Grants

The Coastal Management Program provides grants to encourage the protection and wise use of Wisconsin's coastal resources and to increase public access to the water of the Great Lakes. Four types of matching grants are available, but only one (Public Access) applies to historic buildings.

Public Access—Low-Cost Construction Grants seek to stimulate the renovation of underutilized or deteriorated waterfronts (lake-front/river front) along the Great Lakes, to help boost the local economy and to make waterfronts more accessible and enjoyable to the public. Eligible public access projects include construction or improvement of walkways, fishing piers, viewing decks and waterfront public access using these grants. Public access project applications receive higher priority if they include an educational or environmental protection component.

Examples of historic preservation projects the program has funded include the rehabilitation of the Potawattemie Light House on Rock Island, the Port Washington Lighthouse in Port Washington and the Bayfield Lakeside Pavilion in Bayfield. For more information about this grant program please refer to [www.doa.state.wi.us/pagesubtext\\_detail.asp?linksubcatid=250](http://www.doa.state.wi.us/pagesubtext_detail.asp?linksubcatid=250).

### Wisconsin Department of Commerce

The Wisconsin Department of Commerce offers businesses an array of grants and loans targeting everything from small business owners to "brownfields" reuse. The type of assistance that

### Sherman Perk, Milwaukee

Bob Olin took an older gas station, closed in 1990 because of environmental contamination, and turned it into the newest coffee shop and kosher delicatessen in the Milwaukee neighborhood of Sherman Park. The Department of Commerce provided a \$100,000 grant to finance the cost of removing the old gas tanks and provide ongoing environmental testing. The property was listed in the National Register of Historic Places, making it eligible for federal and state historic preservation tax credits. The City of Milwaukee also provided a \$30,000 grant. The property was locally landmarked in 1996 and received a 2001 Mayor's Design Award.



Photo Courtesy of the Milwaukee Mayor's Office

may be useful, even critical, depends on the particular project. In Milwaukee, a historic and important Streamline Moderne style gas station with soil contamination was saved and reused as a community-oriented kosher Jewish delicatessen thanks to the help of a "brownfields" clean-up grant. For more information about the various funding programs available at the Department of Commerce please see their website at [www.commerce.state.wi.us](http://www.commerce.state.wi.us).



## Wisconsin Department of Natural Resources

Like the Department of Commerce the Department of Natural Resources has a myriad of funding programs. The best place to start is with the Bureau of Community Financial Assistance (CFA). Their website can be found at [www.dnr.state.wi.us/org/caer/cfa/cfindex.html](http://www.dnr.state.wi.us/org/caer/cfa/cfindex.html). The Bureau works directly with local governments and private non-profits in administering the Department's grant and loan programs. Although the programs are specifically targeted to protect the environment, promote public health and provide recreational, these same programs can simultaneously promote the protection and restoration of cultural resources.

### Pottawatomie Lighthouse, Rock Island

With the help of a Stewardship grant from the Department of Natural Resources, the Friends of Rock Island (FORI) reconstructed the missing lantern room to the Pottawatomie Lighthouse. Built in 1858 it is the oldest public lighthouse on Lake Michigan. The State Stewardship grant was matched one-to-one by individual and corporate donations. (For more about the Friends and their restoration of the lantern room please see [uniontel.net/~cmarlspc/PnE/lighthouse\\_photos.html](http://uniontel.net/~cmarlspc/PnE/lighthouse_photos.html)).



Photo by Tim Sweet; Courtesy of the Friends of Rock Island

## Conclusion

Wisconsin has joined the ranks of other forward-looking states in enacting statewide comprehensive planning legislation. Wisconsin's is one of only a handful that includes cultural resources as a mandatory part of a community's comprehensive plan.

Including cultural resources as an element of comprehensive planning presents a unique opportunity for those working to preserve a community's history to cooperate with community leaders and government officials to develop a unified vision. The ultimate goal should be to describe a vision of what the community should look like in

the foreseeable future. It is equally important that the community agree up-front on how to achieve that vision.

Preservationists should take every opportunity to get involved in the local planning process—to lay the groundwork necessary today to save significant cultural resources. The Wisconsin Historical Society can be an important resource in developing a comprehensive plan, particularly the cultural resource section. For more information please phone us at (608) 264-6500 or contact us by email at [rabernstein@whs.wisc.edu](mailto:rabernstein@whs.wisc.edu).

# APPENDICES

## Appendix A

### A Model Historic Preservation Ordinance for Small Communities

#### I. Purpose and Intent

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archaeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

- A. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the [city's] cultural, social, economic, political and architectural history.
- B. Safeguard the [city's] historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- C. Stabilize and improve property values, and enhance the visual and aesthetic character of the [city].
- D. Protect and enhance the [city's] attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

#### II. Definitions

The definitions shall be as follows:

- A. Certificate of Appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- B. Commission means the Landmarks Commission created under this section.
- C. Historic district is an area designated by the [Common Council] on recommendation of the commission that contains two or more historic improvements or sites.
- D. Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
- E. Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the [city], state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- F. Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

#### III. Landmarks Commission Composition

A Landmarks Commission is hereby created, consisting of seven (7) members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be [an alderman] and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The [Mayor] shall appoint the commissioners subject to confirmation by [Common Council].

#### IV. Historic Structure, Historic Site and Historic District Designation Criteria

- A. For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archaeological or cultural

significance to the [city] such as historic structures, sites, or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  2. Are identified with historic personages or with important events in national, state or local history; or
  3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
  4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
  5. Have yielded, or may be likely to yield, information important to prehistory or history.
- B. The commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

## V. Powers and Duties

### A. Designation

The commission shall have the power, subject to Section VI, to designate historic structures and historic sites and to recommend designation of historic districts within the [city] limits. Such designations shall be made based on Section IV. Historic districts shall be approved by the [Common Council]. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this ordinance.

### B. Regulation of Construction, Reconstruction, Alteration and Demolition

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement. Upon such designated property or properties or cause or permit any such work to be performed upon such property to demolish such property unless a Certificate of Appropriateness (C of A) has been granted by the Landmarks Commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
2. Upon filing of any application for a Certificate of Appropriateness with the commission, the commission shall approve the application unless:
  - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
  - b. In the case of the construction of a new improvement upon a historic site, or within a historic district the exterior of such improvement would adversely affect or not harmonize with the external appearance other neighboring improvements on such site or within the district;
  - c. In the case of any property located in a historic district, the proposed construction, reconstruction exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
  - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the [city] and state;
  - c. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair,



3. If the commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The commission shall make this decision within forty-five (45) days of the filing of the application.
4. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the [city]. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
5. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

#### C. Appeals

Should the commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the [Common Council] within thirty (30) days. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

#### D. Recognition of Historic Structures, Sites and Districts

At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner, may cause to be prepared and erected on such property at [city] expense, a suitable plaque declaring that such property is a historic structure, site or district.

## VI. Procedures

### A. Designation of Historic Structures and Historic Sites

1. The commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section IV above. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the [city] assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
2. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the [City Clerk, Building Inspection Division, Plan Commission, and the City Assessor.] The commission shall cause the designation or rescission to be recorded, at [city] expense, in the County Register of Deed office.

### B. Creation of Historic District

1. For preservation purposes, the Landmarks Commission shall select geographically defined areas within the [city] to be designated as Historic Districts and shall prepare a historic preservation plan for each. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the [city], after application of the criteria in Section IV above. Each historic preservation plan prepared for or by the Landmarks Commission shall include a cultural and architectural analysis: supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

## 2. Review and Adoption Procedure

- a. Landmarks Commission. The Landmarks Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of the public hearing shall be sent by the [City Clerk] to the [Alderman of the Aldermanic District or Districts] in which Historic District is located, and the owners of record, as listed in the office of the [City Assessor], who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing the Landmarks Commission shall vote to recommend, reject or withhold action on the plan.
- b. The [Common Council]. The [Common Council], upon receipt of the recommendations from the Landmarks Commission shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall following the public hearing either designate or reject the Historic District Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct implementation of said plan.

## VII. Interim Control

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meet of the Landmarks Commission at which a nomination form is first presented until the final disposition of nomination by the Landmarks Commission or the [City Council] unless such alteration, removal or demolition authorized by formal resolution of the [City Council] as necessary for public health, welfare or safety. In no event shall delay be for more than one hundred eighty (180) days.

## VIII. Penalties for Violations

Any person or persons violating any provision of this section shall be fined fifty dollars (\$50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

## IX. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

## Appendix B

### City of La Crosse's Archaeological Preservation Ordinance

#### Municipal Ordinance 7.07

##### A. Purpose and Definition of Archaeological Significant Resources .

1. The purpose of this ordinance is to preserve the archaeological resources within the City of La Crosse and to insure that such resources will be properly considered during development and construction activities occurring within districts or areas considered to be archaeologically significant.
2. Archaeological significant resources are defined as follows:
  - a. Association with events that have made a significant contribution to the broad patterns of history.
  - b. Association with the lives of persons significant in the past.
  - c. Embodiment of the distinctive characteristics of a type, period, or method of construction or that represent the work of a master or that possess high artistic values.
  - d. Representation of a significant and distinguishable entity whose components may lack individual distinction.
  - e. Yielding or likely to yield, information important in history or pre-history.

##### B. Boundaries.

The boundaries of an Archaeological District are as defined by the Common Council or as how they are described in the latest Determination of Eligibility Form for nomination to the National Register of Historic Places. Copies of a map of the boundaries of Archaeological Districts are on file with the Wisconsin State Historical Society, the City Planning Department, and the City Inspection Department.

##### C. Regional Qualified Archaeologist.

The Regional Qualified Archaeologist shall mean any individual who meets all of the following requirements:

1. Has a graduate degree in archaeology, anthropology, or a close related field.
2. Has at least one year of full-time professional experience or equivalent specialized training in archaeological or physical anthropological research, administration or management.
3. Has at least four months of supervised field and analytic experience in the region.

The Mississippi Valley Archaeological Center may provide a regional qualified archaeologist, at no cost, subject to discretion of the landowner.

##### D. Demolition, Excavating, Building & Development

Any person performing demolition, excavating, building, or development requiring a permit from the City of La Crosse within an Archaeological District shall notify the City of La Crosse Inspection Department or its designee not less than two full working days prior to commencing activities disturbing more than 20 square feet of soil to a depth of two feet or greater except in the case of emergency excavations as approved by the Director of Public Works or the Director of Building and Inspections. Such notice shall be in writing and shall include a description and location of the proposed work, the depth and area of the proposed soil disruption, and the proposed date and time of commencement of such work.

##### E. Regulations

Any person, persons or entity receiving a permit for demolition, excavating, building or development to be done in an Archaeological District that includes soil disturbance of more than 20 square feet to a depth of two feet or greater shall as a condition of such permit:

1. Provide an Archaeological Survey by a regional qualified archaeologist of the site affected by the permit or provide unlimited and uninhibited access by the Regional Qualified

Archaeologist to the site of any such demolition, excavating, building or development that includes disturbing more than twenty square feet of soil to a depth of two feet or greater during any period when excavation or soil disruption is taking place, and after archaeological artifacts are found, subject to reasonable safety requirements and

2. The Permittee and any agents of permittee shall stop work immediately and notify the City Inspection Department or the Regional Qualified Archaeologist if any artifacts, human remains, or other clear evidence of historic or prehistoric activity are discovered during excavation or earthwork activities. The Regional Qualified Archaeologist shall evaluate the site by the end of the next weekday excluding holidays following such notification. If significant archaeological resources are found, the Regional Qualified Archaeologist shall have up to three additional consecutive week days excluding holidays after the initial notification as described above to continue investigation of the site. No additional work may be done by the permittee or permittee's agents during this period that would interfere with the archaeological investigation.

If no significant archaeological resources are found by the Regional Archaeologist, work on demolition, excavating, building or development that includes disturbing more than twenty square feet of soil to a depth of two feet or greater may resume immediately and the parcel may be removed from the boundaries of the Archaeological District, if such removal is approved by the Historic Preservation Commission. If the Regional Archaeologist does not investigate the site by the end of the next week day excluding holidays following notification of the City Inspection Department of the presence of archaeological artifacts, human remains, or other clear evidence of historic or prehistoric activity, work may be resumed on the second day following such notification. If an Archaeological Survey performed by a Regional Qualified Archaeologist finds no archaeological significant remains the parcel may be removed from the boundaries of the Archaeological District upon approval of the Historic Preservation Commission.

3. The permittee and any agents of permittee shall agree that any archaeological artifacts discovered will remain the property of the land owner upon whose land the artifacts were found. No artifacts may be removed from the property of the land owner without the landowner's written permission unless an itemized inventory report of all artifacts removed is provided to the land owner signed by the Regional Qualified Archaeologist. Such artifacts may be held by the Regional Archaeologist for a reasonable period, not to exceed 12 months, for study and identification, but shall be returned to the land owner at the end of such period. Any human remains discovered shall be dealt with in accordance with applicable State and Federal law and
4. The requirements listed for permittees in an Archaeological District in paragraphs 1, 2 and 3 shall also apply to all City of La Crosse Departments, Utilities, contractors, and agents regardless of whether a permit is required for any proposed work in an Archaeological District, if the work will result in disrupting more than 20 square feet of soil to a depth of two feet or greater. (Ord. #3979 created 7/12/01)

## Appendix C

### State Register and National Register of Historic Places Questionnaire



WISCONSIN HISTORICAL SOCIETY

816 State Street • Madison, Wisconsin 53706 • (608) 264-6500

Division of Historic Preservation

# *Preservation Information*

## State Register and National Register of Historic Places Questionnaire

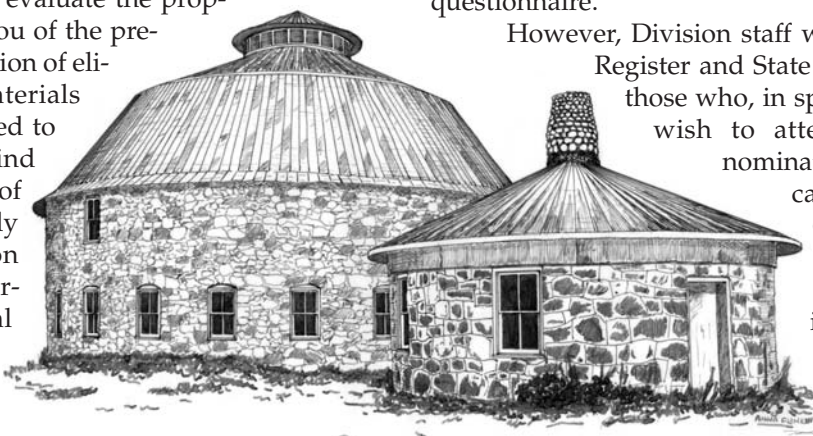
The State Register and the National Register give recognition to properties significant in American history, architecture, archeology, engineering, and culture. A property becomes “listed” in the State and National registers after a nomination form documenting the historic significance of the property is approved by the Wisconsin Historic Preservation Review Board and the State Historic Preservation Officer, who is the administrator of the Wisconsin Historical Society’s Division of Historic Preservation. In addition, National Register nominees require approval of the National Park Service.

Before you decide to invest the substantial time and energy in the preparation of a nomination form, you may wish to consider our preliminary opinion regarding the property’s eligibility. After you have submitted the completed “Nomination Questionnaire” with recent photographs, to the Division of Historic Preservation, Division staff will evaluate the property and inform you of the preliminary staff opinion of eligibility. Your materials will not be returned to you. Keep in mind that the opinion of eligibility is merely a staff opinion based on a familiarity with National Register and State Register criteria and with

the state and federal review procedures, but on limited information. Therefore, Division staff cannot always evaluate correctly. You may decide to have a nomination prepared even though the Division’s staff feels that the property is not eligible.

It is the responsibility of the sponsors of nominations to submit to the Division the necessary forms, photographs, and maps. Because nominations are complex technical documents, requiring extensive research, the Division recommends that you hire an experienced nomination preparer to complete a nomination to state and federal standards. Nomination preparation requires the ability to describe architectural features, prepare an historical analysis, and closely adhere to rigorous technical instructions; skills which most first time preparers find very difficult to master. A list of nomination preparers is available upon request and will be enclosed with our response to this questionnaire.

However, Division staff will send National Register and State Register forms to those who, in spite of this advice, wish to attempt to prepare nominations. The publication, *How to Complete the National Register Registration Form* is a necessary reference for the accurate completion of a





nomination. Upon request, the Division of Historic Preservation will provide a complimentary copy of Wisconsin's Supplementary Manual, which explains the format and materials required for nominations in Wisconsin.

**Important Financial Information.** Owners of income-producing National Register properties may apply for a 20% federal investment tax credit, plus a 5% state "piggyback" credit, for certified rehabilitation expenses. Owner-occupants of historic houses listed in the National Register or the State Register may apply for a 25% State investment tax credit for certified rehabilitation

expenses. If you are considering nominating your home in order to claim a state tax credit, please contact Jim Sewell; otherwise, if your goal is to nominate an income-producing building so that you can receive federal and state tax credits, contact Brian McCormick. If you plan to apply for the tax credits, the "Part I: Evaluation of Significance" should be completed instead of this questionnaire. Questions and inquiries about the tax certification process should be directed to Jim or Brian.

Questions about the National Register or State Register Questionnaire or nomination procedure should be directed to Marie North.



## NOMINATION QUESTIONNAIRE

What is the historic name of this property? \_\_\_\_\_

What is the current name of this property? \_\_\_\_\_

**I wish to nominate this property because (check one or more boxes):**

- National Register and State Register listing is an honor
- I seek financial assistance (see p. 60) in maintaining or rehabilitating the property
  - This building is my primary residence
  - This is an income producing property (commercial or residential rental)
- I wish to protect this property
- This property is threatened with demolition or destruction

**Where is the property located?**

If a city or village please provide:

street and number \_\_\_\_\_

village or city \_\_\_\_\_ county \_\_\_\_\_

**OR**

**If an unincorporated or rural area please provide**

road or nearest road \_\_\_\_\_

name of civil town/township \_\_\_\_\_

nearest village or city \_\_\_\_\_ county \_\_\_\_\_

section \_\_\_\_\_, town \_\_\_\_\_ north, range \_\_\_\_\_

**Do you know any of the following information:**

The architect's name was \_\_\_\_\_

The builder's name was \_\_\_\_\_

The date of construction was \_\_\_\_\_

List sources of information or attach photocopies (remember the more information that is provided the better our staff is able to evaluate the property):

\_\_\_\_\_ page: \_\_\_\_\_

**What alterations or additions were made since the building was built?**

Please check one or more boxes where applicable.

- |  |  |
|--|--|
| <input type="checkbox"/> additions   | <input type="checkbox"/> replacement siding or re-siding |
| <input type="checkbox"/> removal of porches  | <input type="checkbox"/> removal of decorative details   |
| <input type="checkbox"/> replacement doors and windows   | <input type="checkbox"/> interior remodeling or updating |
| <input type="checkbox"/> moved from its original location<br>(if moved, why, from where and when?) |  |

The dates of major alterations or additions were \_\_\_\_\_

**Briefly describe any changes checked above:**

**What do you know about the history of the property?** For statements of historical fact, please indicate your sources of information (keep in mind that our evaluation may depend solely on the information that you submit, therefore, your sources should be reliable).

**List sources of information (or attach photocopies):**

\_\_\_\_\_ page: \_\_\_\_\_

\_\_\_\_\_ page: \_\_\_\_\_

**Significance of the property**

Why do you think that this property should be listed in the National Register and the State Register?  
Please check one or more box below and briefly explain why the property is important.

The property illustrates an important aspect of local history through its:

- ethnic history
- agricultural history
- social or political history
- transportation history
- industrial or commercial history
- other

It is directly associated with a person or people who made important individual contributions to  
(check one or more):

- social or political history
- agricultural history
- industrial or commercial history
- other

It is architecturally or artistically distinctive because it:

- is an important example of an architectural style
- is an important example of vernacular (commonplace) architecture
- is an unusual or important kind of building or structure
- has an unusual method of construction
- is an important work of art
- is the work of a master architect or builder

This property is important because:

**List sources of information (or attach photocopies):**

\_\_\_\_\_ page: \_\_\_\_\_

\_\_\_\_\_ page: \_\_\_\_\_

**\*Photographs**

Please submit clear, recent photographs that show all sides of the exterior of the structure, views of the interior of the structure, and all associated outbuildings. The **photographs cannot be returned**, but will become a permanent part of our site records.

**\*Map**

Please draw a simple sketch map of the lot on which the property is located. Include all structures, adjoining streets, and other major features. Photographs of the buildings should be keyed to this sketch. If the property is rural, please submit a plat map, county map or other detailed map and precisely mark the location.

**Person completing questionnaire:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ telephone: (\_\_\_\_) \_\_\_\_\_

Owner (if different than above)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ telephone: (\_\_\_\_) \_\_\_\_\_

**RETURN FORM AND RECENT PHOTOGRAPHS TO:**

Division of Historic Preservation  
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816 State Street  
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