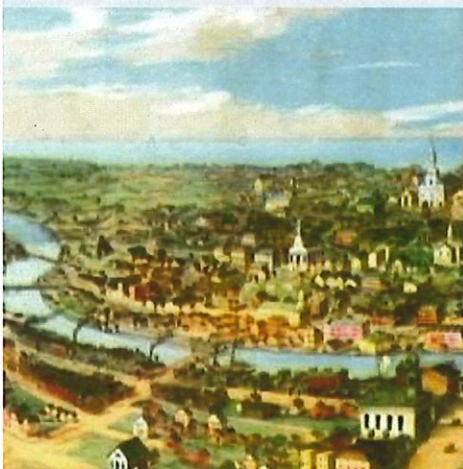


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## Historic Preservation Commissions: State Statutory Changes How They Affect You





# Local Units of Government are Subject to State Control

- Local Units have Broad Authority/Powers to Regulate Themselves
- State May Impose Limitations When Issue is “Statewide”
- When the Issue Serves to Establish Uniformity

# Elements of An Ideal Ordinance

- State a Public Purpose
- Establish a Local Preservation Commission
- Provide a Process for Designating Historic Districts and Landmarks
- Articulate Standards for Design Criteria that Guide Commission Design Review
- Establish a Mechanism for Enforcing Design Review
- Allow for Public Comment
- Establish an Appeal Mechanism

## Two Recent Legislative Initiatives Affecting Local Historic Preservation Commissions

- 2015 Wisconsin Act 176
- 2017 Wisconsin Act 317



# 2015 Wisconsin Act 176

- Public Hearing for Creation of Landmark District
- Owner Notice of Landmark Nomination
- Owner Notice of Hearing
- Owner Appeal Process for Commission Decisions to LUG Governing Body

# Designating a Landmark

“Before the county [City or Town] designates a historic landmark or establishes a historic district, the county shall hold a public hearing. If the county proposes to designate a place, structure, or object as a historic landmark or establish a historic district that includes a place, structure, or object, the county shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.”



# Designating a Landmark

- Schedule Hearing
- Notify Landowner
  - What is the Landmark
  - When is the Hearing
  - Where is the Hearing
- Ensure Sufficient Time to Comment and/or Attend

# Landowner Appeal

“An owner of property that is affected by a decision of a county landmarks commission may appeal the decision to the board. The board may overturn a decision of the commission by a majority vote of the board.”



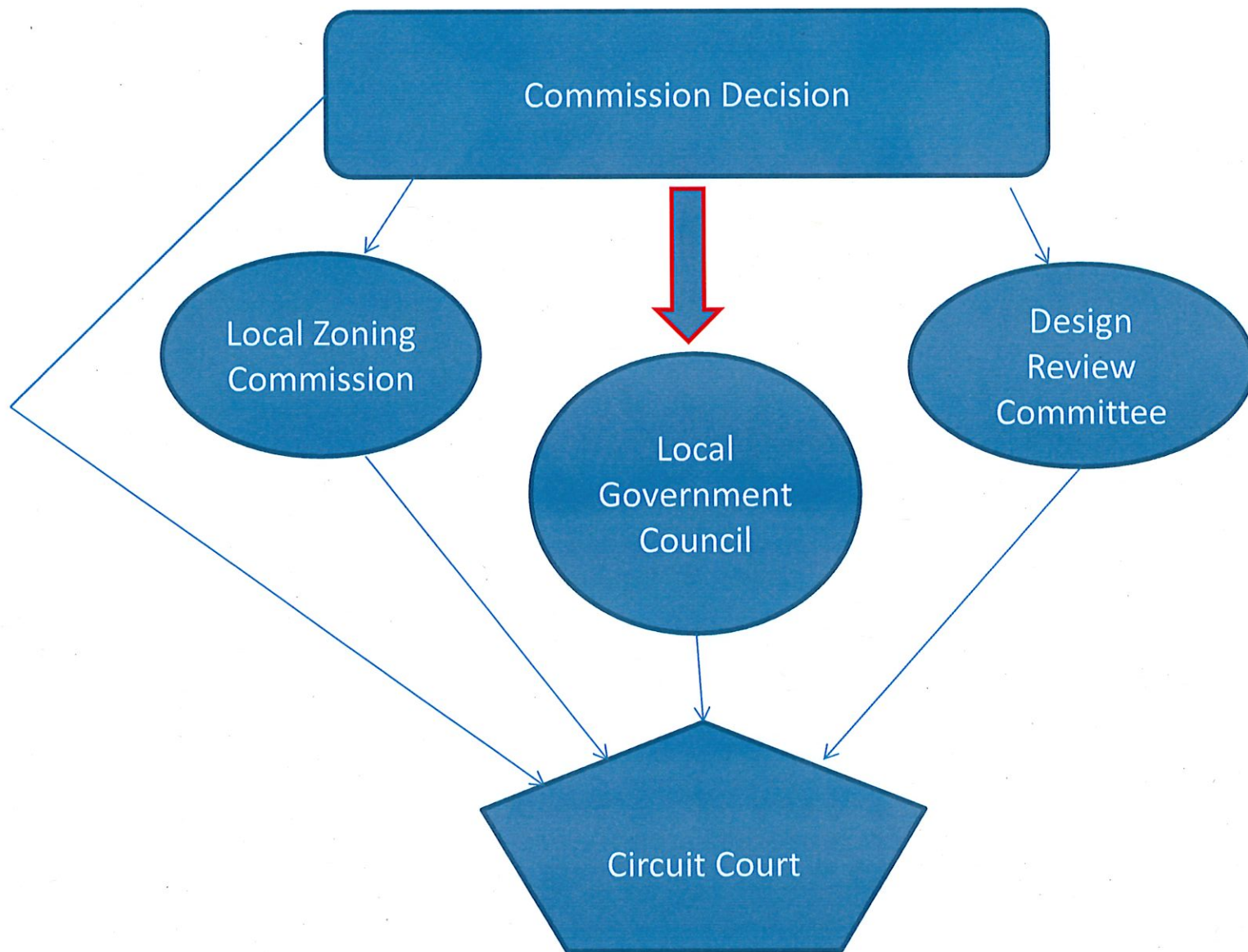
# Landowner Appeal

- Appeal Directly to Local Unit of Government Council
  - Any Decision of Commission Affecting a Landowner
    - Landmark Nomination Decision
    - Certificate of Appropriateness: Denial or Project Modification
    - Penalty for Violating Commission Provisions or Decisions
    - Grant Funding Denial
- Council May Overturn with Simple Majority Vote

# Elements of An Ideal Ordinance

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# When is this Law Effective?

The renumbering and amendment of sections 59.69 (4m), 60.64, and 62.23 (7) (em) of the statutes and the creation of sections 59.69 (4m) (b) and (c), 60.64 (2) and (3), and 62.23 (7) (em) 2. and 3. of the statutes **first apply to a decision of a landmarks commission** made on the effective date of this subsection **and a designation of a historic landmark or an establishment of a historic district** on the effective date of this subsection.

- Effective Date is: **March 2, 2016**



# 2017 Wisconsin Act 317

“In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this section, the county [or City or Town] shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.”

## **2017 Wisconsin Act 317**

### **New Standard for Repair and Replacement of Landmark Property:**

- **Unit of Government Shall Permit Materials**
- **Similar in design, color, scale, architectural appearance, and other visual qualities**





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## Mormon Tabernacle, Provo Utah

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## Reconstructed Mormon Tabernacle, Provo Utah

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# When is this Law Effective?

This act takes effect on the day after publication.

Effective date is: April 18, 2018

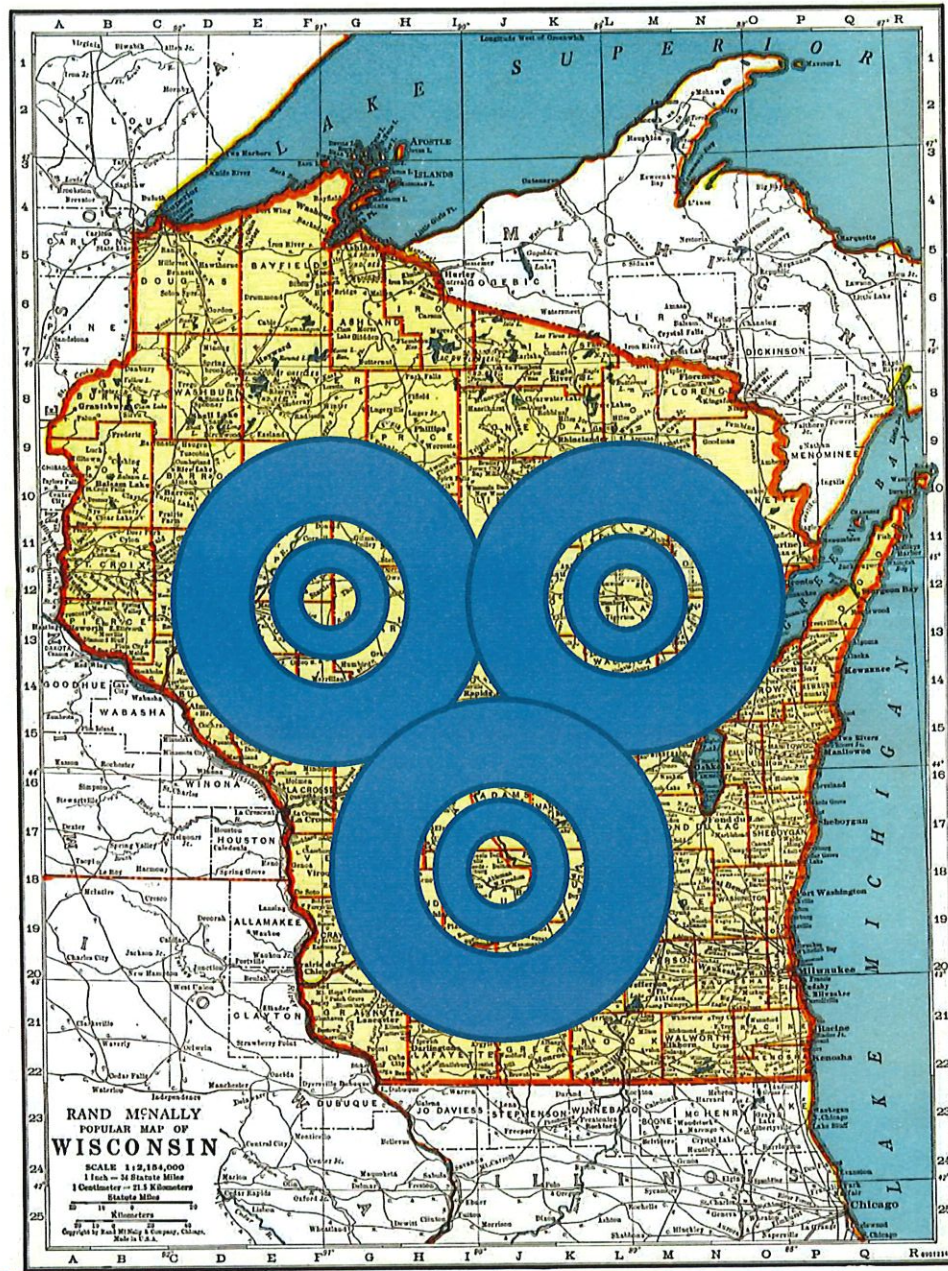
# What Does All of This Mean for You?

- Must Modify Your Ordinance
- Decide on Language Suitable for your Ordinance
- Work with Corporation Counsel or Local Unit of Government Council or Board
- Produce Accessible Guidelines for Landowners
- Be Transparent in All You Do!!



# What's Ahead

- Preservation Opponents Will be Back
- Legislature Will Review Local Units of Government for Compliance, to Assess Opponents Concerns
- Legislature Could Again Draft New Legislation to “Address those Concerns”



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# Local Landmark Commissions Under Scrutiny

- Landmark Designation Processes
- Application of Review and COA Standards
- Appeals and Appellate Outcomes
- Landowner Satisfaction
- Transparency of Commission Decision-making

# State Historic Preservation Office

## Assistance and Support:

- New and Updated Web Materials for Commissions
- Drafting Model Ordinance Satisfying Statutes
- HP Staff Meetings with and Trainings for Commissions
- Conferences with Commission Tracks
  - Annual Conference in Elkhart Lake in October 2018
- More Webinars and Other Public Presentations

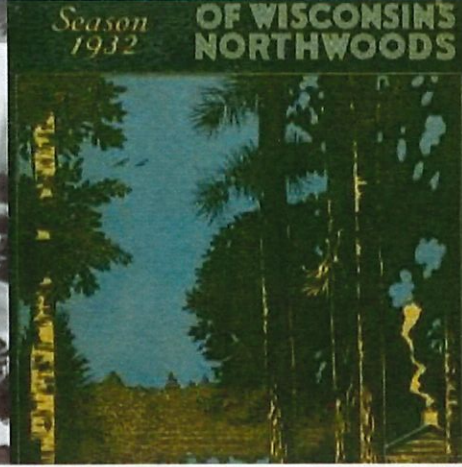
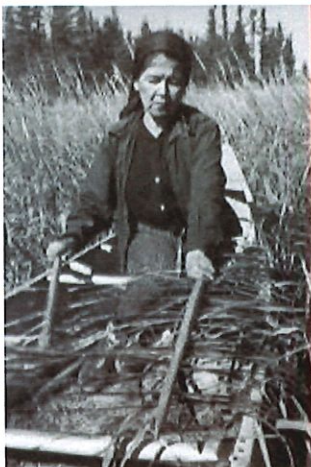


# Major Preservation Commission Study Project

## Funded by a Jeffris Grant

- Study Local Preservation Commissions: Decision-making Outcomes, Landowner Satisfaction, Case Studies
- Next Four Months – Contact SHPO Jim Draeger to Participate if You have a Project to Share
- Outcomes of Study will Generate Targeted Training
- Preservation Commission Training may Include Travel Stipends for Attendees
- Listserv for Commission Member Communication





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# THANK YOU

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