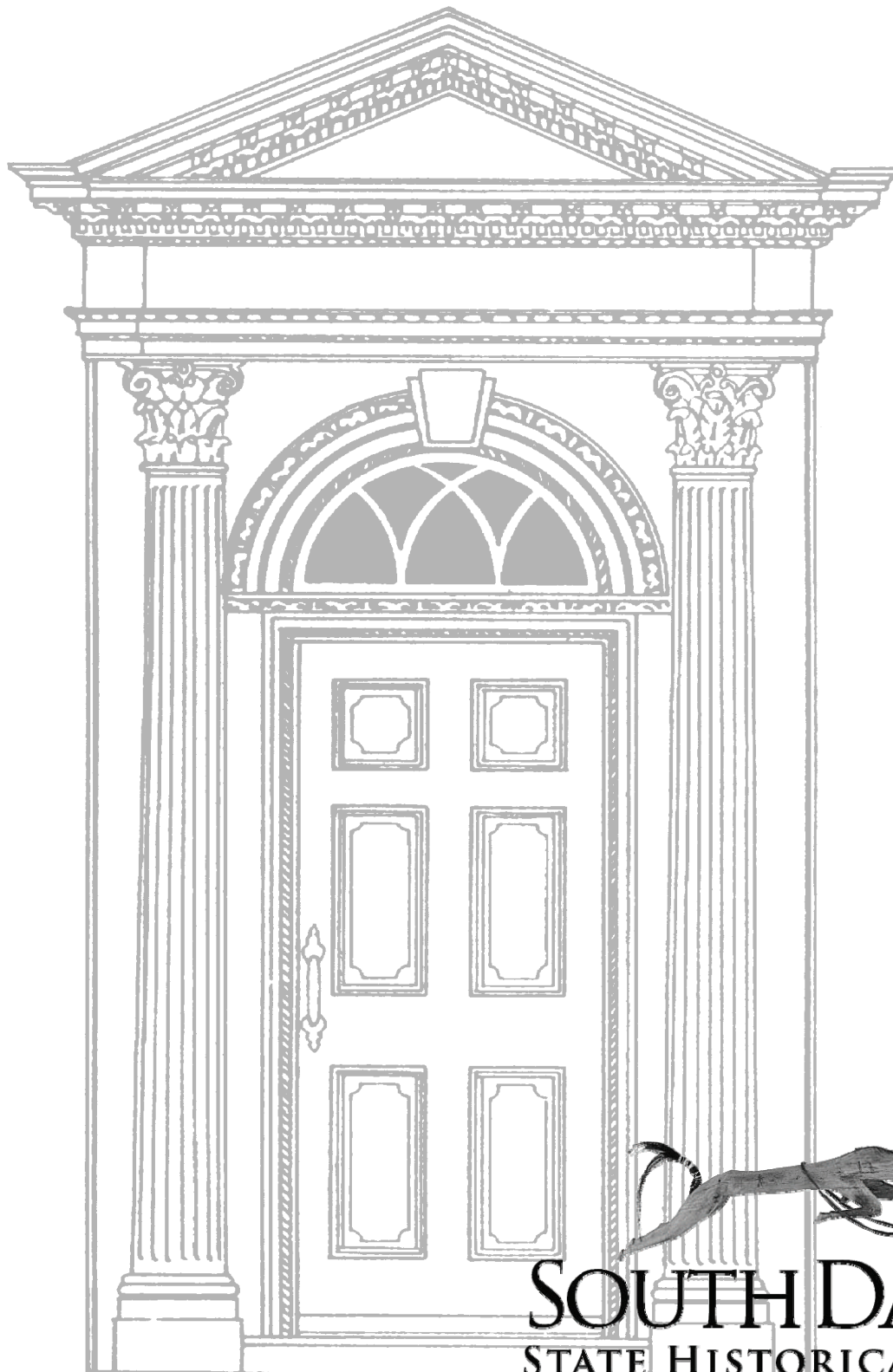


SOUTH DAKOTA LOCAL PRESERVATION HANDBOOK



SOUTH DAKOTA
STATE HISTORICAL SOCIETY

Department of Tourism and State Development

**SOUTH DAKOTA
LOCAL PRESERVATION HANDBOOK**

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South Dakota State Historical Society
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INTRODUCTION

The South Dakota State Historic Preservation Office (SHPO) compiled this handbook to introduce historic preservation commission members, local government staff and officials, and other interested parties to the field of historic preservation. Because most of South Dakota's historic preservation commissions are also Certified Local Governments (CLGs), the handbook contains information on the CLG program and its annual grants. An appendix of reference information appears at the end of the handbook.

Like the places they protect, South Dakota's preservationists are a diverse group. People from all walks of life contribute both directly and indirectly to the daily business of understanding and saving historic places. No technique or method exists to solve every preservation challenge. This handbook supplies information to assist local governments in making decisions about historic places.

All historic sites exist in local communities. Responsibility for preserving these sites is greatest at the local level where the decision to save a site is ultimately made. State and federal preservation programs can help local preservation efforts by offering technical assistance and in some cases financial incentives. It takes local desire and organization, however, to preserve a community's historic resources.

Historic preservation commissions are one way many local governments organize preservation efforts. Preservation commissions are volunteer boards of local residents with interest and experience in historic preservation. Commissions from larger communities usually have a staff member who is a city planning or finance office employee and devotes at least part of their time to the commission. Eighteen South Dakota historic preservation commissions participate in the Certified Local Government program.

HISTORIC PRESERVATION GENERAL INFORMATION

WHAT IS HISTORIC PRESERVATION?

Because human life is so short, a large part of what we understand about our past comes from what people made and left behind. Historic preservation is saving these buildings, structures, sites, and objects that are significant to our past and give us our sense of place. These places and things called “cultural resources” are important for a number of educational, cultural, civic, aesthetic, and economic reasons.

WHAT ARE THE BENEFITS OF HISTORIC PRESERVATION?

Civic Pride and Quality of Life

Historic buildings serve as community landmarks and sources of pride. They define and distinguish our communities and help us build a sense of identity. New construction and modern facilities lack the variety of materials and level of detail found in historic buildings. Strip malls look the same in Aberdeen, Rapid City, or Sioux Falls. Historic buildings are a significant factor in what distinguishes one community from all others and gives it its character and uniqueness.

Many cities and organizations use historic resources as part of their marketing strategies. For example, South Dakota State University uses the Coughlin Campanile, Downtown Aberdeen Association uses the Brown County Courthouse cupola (see Figure 1), and Capital University Center and the City of Pierre both use the State Capitol, all buildings on the National Register of Historic Places.



Figure 1 – The Downtown Aberdeen Association’s logo uses the cupola from the Brown County Courthouse.



Figure 2 – Many quality-of-life activities are often housed in historic buildings. The former Milbank Carnegie Library is now home to the Grant County Historical Society museum.

Historic buildings can also help measure the quality of life in a community. Many quality-of-life activities, such as museums, theaters, libraries, and cultural centers, are often housed in historic buildings. “The quality of historic buildings and the quality of their preservation says much about a community’s self-image. A community’s commitment to itself is a prerequisite for nearly all quality-of-life elements.”¹

Economic Development

Economic impact studies have repeatedly shown that historic preservation is a significant stimulus for economic development. A 2007 study entitled *Preservation at Work for the Nebraska Economy* found that the total economic benefit of historic preservation to Nebraska is \$170 million per year, which includes building rehabilitations, Main Street program activity, heritage tourism, and museum and historic sites operations.² Other studies have shown

that \$1,000,000 in building rehabilitations creates more jobs than \$1,000,000 in manufacturing cars in Michigan, more jobs than \$1,000,000 in mining coal in West Virginia, more jobs than \$1,000,000 in processing

¹ Donovan D. Rypkema, *The Economics of Historic Preservation: A Community Leader’s Guide* (Washington, D.C.: National Trust for Historic Preservation, 1994), 29.

² Nebraska State Historical Society, *Preservation at Work for the Nebraska Economy* (Nebraska State Historical Society, Lincoln, NE, 2007), 3.

steel in Pennsylvania, and even more jobs than \$1,000,000 in growing agricultural products here in South Dakota.³ These studies all reveal that historic preservation makes economic sense.

This is particularly true on Main Streets across the nation, including South Dakota. In 2006, companies employing fewer than twenty people created about 85% of all new jobs. Historic buildings can help sustain small businesses like these because rents in historic commercial buildings are often much cheaper than newer strip malls or office buildings and generally have the right amount of space for smaller firms. The infrastructure for historic buildings is also already in place so efficiently utilizing it will not cost the additional tax dollars that could be necessary with new construction.

Historic rehabilitations often have a snowball effect on the surrounding neighborhood. One successful project can spark similar work from neighbors who notice the improved appearance. Pleasant surroundings increase business for commercial building owners. As a result, historic preservation serves as a tax base building activity that benefits the entire community. As the condition and overall appearance of an historic neighborhood or downtown improves, the value of the homes and buildings and the tax revenue they generate increases.

Tourism

In 2007, visitor spending in South Dakota rose to \$941 million with over 34,000 people employed in the visitor industry.⁴ This industry is a significant element of South Dakota's overall economy and historic sites can be a significant attraction within this industry. A Travel Industry Association study showed that historic and cultural tourists spend more (\$623 vs. \$457) and travel longer (5.2 nights vs. 3.4 nights) than other tourists.⁵ Historic sites are therefore favorite tourist destinations and can play a vital role in increasing visitor spending within South Dakota.

Affordable Housing

On average for the past 30 years, 577 older and historic houses are lost every day nationwide. In the 1990s alone, 772,000 housing units were lost.⁶ Today, many communities face affordable housing shortages yet continue to tear down older and historic houses and buildings. As new businesses move into a community, the new jobs created can put a strain on the available affordable housing market. Older homes, the upper floors of historic downtown commercial buildings, and even vacated schools and churches can help ease the affordable housing crisis. Many grant and tax incentive programs are available for communities and developers to undertake these types of projects, including Community Development Block Grants, the Hope VI Main Street program through the Department of Housing and Urban Development, and federal income tax credits for low-income housing and



Figure 3 – Older homes, the upper floors of historic downtown commercial buildings, and even vacated schools and churches can help ease the affordable housing crisis. In 2004, the former Yankton High School was converted into the Walnut Village Senior Apartments.

historic rehabilitations. In fiscal year 2007, historic rehabilitation tax credit projects created 18,006 housing units nationwide, of which 36 percent were low to moderate-income housing units.

³ Donovan D. Rypkema, *The Economics of Historic Preservation: A Community Leader's Guide* (Washington, D.C.: National Trust for Historic Preservation, 1994), 13.

⁴ South Dakota Department of Tourism and State Development, *Destination 2010: Driving Forward* (South Dakota Office of Tourism, Pierre, SD, January 2008), 22.

⁵ Travel Industry Association of America, *The Historic/Cultural Traveler, 2003 edition* (TIA and Smithsonian)

⁶ Donovan D. Rypkema, "Economics, Sustainability, and Historic Preservation" *Forum Journal* 20.2 (Winter 2006): 36.

Education

Prehistoric and historic sites contain valuable information about a community's past. If they are destroyed, communities lose their ability to use these resources to help educate both children and adults about their past. Preserving these resources and documenting them through a survey program provides us with an important record of our state's history, which can be a valuable source for historical research and planning purposes. Without accurate knowledge of the past, people lack insight into the present and future.

Environment

Historic preservation can also significantly benefit the environment. People are constantly trying to avoid waste by recycling whatever they can. Historic preservation is simply another method of recycling. Tearing down a typical building in downtown America (25 feet wide and 120 feet deep) wipes out the entire environmental benefit from the last 1,344,000 recycled aluminum cans. It took energy to construct that building. Tearing it down wastes the energy and raw materials used in its construction and creates the need for a place to dispose of the material. About one-fourth of the material in solid waste facilities today is construction debris, much of that from the demolition of older and historic buildings.⁷

Donovan D. Rypkema, a South Dakota native and principal of PlaceEconomics, a Washington, D.C.-based real estate consulting firm, noted in regard to the environmental benefit of historic preservation that “[a]t most, perhaps 10 percent of what the environmental movement does advances the cause of historic preservation, but 100 percent of what the preservation movement does advances the cause of the environment.”⁸

Memory

Simply preserving our collective memory may be one of the most important reasons for historic preservation. Memories are often tied to a specific place, such as the house where you grew up, the school or church you attended, or the barn where you had to do chores every day. Without the buildings, structures, and sites from our memories, we lose our tangible connection to the past. In many cases, tearing down a historic building is equivalent to taking one of your family photo albums and tossing it out with the trash. They are both irreplaceable.



Figure 4 – The Yankton County Courthouse was demolished in 2003 following the construction of a new courthouse. When historic buildings like this are destroyed, communities lose their ability to use them to help educate both children and adults about their past.

⁷ Donovan D. Rypkema, “Economics, Sustainability, and Historic Preservation” *Forum Journal* 20.2 (Winter 2006): 30.

⁸ Donovan D. Rypkema, “Historic and Green” *Traditional Building* ... pg. 170

WHAT IS THE LEGAL BASIS FOR PRESERVATION?

At the national, state, and local levels, the constitutionality and legality of historic preservation ordinances has been well tested and well established. Most protection for historic properties occurs at the local level, but federal and state legislation sets the stage for local efforts.

Federal Legislation

Important federal legislation passed in 1966 unified earlier historic preservation laws and broadened their scope. The National Historic Preservation Act of 1966 (NHPA), and amendments passed in 1980, 1992, and 2004, are the framework for current preservation law and programs. The NHPA states that historic preservation serves a valid public purpose and sets up a number of programs aimed at promoting preservation. These include the National Register of Historic Places, the Certified Local Government (CLG) program, the Advisory Council on Historic Preservation (Council) (an independent federal agency that advises other federal agencies, the President, and Congress on preservation issues) and the State Historic Preservation Officer (SHPO). Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. The regulations developed by the Council that govern the Section 106 process define an undertaking as “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.” The regulations also define historic property as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places ... including properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.”

State Legislation

Chapter 1-19A of South Dakota Codified Laws, “Preservation of Historic Sites” (adopted in 1973 and amended in 1987), declares the preservation of cultural resources to be “in the best interest of the state and its citizens.” Section 11.1 of Chapter 1-19A is similar to Section 106 of the National Historic Preservation Act. It requires projects undertaken by the state, counties, or municipalities that will encroach upon, damage, or destroy properties listed on the State or National Register of Historic Places be reviewed by the State Historic Preservation Office.

Chapter 1-19B of South Dakota Codified Laws, “County and Municipal Historic Preservation Activities” (passed in 1974 and amended in 1984 and 1994), acknowledges that historic preservation activities serve a valid public purpose and authorizes local governments to establish historic preservation commissions. The chapter discusses commission powers, outlines a procedure for local designation and protection of historic properties, defines a procedure for design review activities, and defines and discusses conservation easements. Section 1-19B-62 allows communities to create a permit process for regulating activities affecting National and State Register properties.

Local Ordinances

All Certified Local Governments in South Dakota adopt 1-19B as a local ordinance. Federal and State legislation enables local governments to adopt ordinances and organize preservation commissions. Local preservation ordinances have stood up in court as legitimate uses of local government’s power to promote the general welfare of the public. Local ordinances are a proactive tool communities can use to compliment a well-rounded city planning strategy.

HOW IS THE PRESERVATION COMMUNITY ORGANIZED?⁹

PUBLIC SECTOR

National Level

The **National Park Service (NPS)** is the federal agency responsible for preservation activities. The NPS administers National Historic Preservation Fund grants to states and the federal historic preservation tax credit program.

The **Advisory Council on Historic Preservation** advises federal agencies, the President, and Congress on preservation policy.

State Level

Each state appoints a **State Historic Preservation Officer (SHPO)** and appropriates funds to match federal preservation funds. SHPOs and state historic preservation offices (also referred to as SHPOs) are responsible for identifying, protecting, and interpreting cultural resources. State offices administer federal programs such as the National Register of Historic Places, provide technical restoration information, and develop public education programs. The South Dakota State Historic Preservation Office (SHPO) performs these duties in South Dakota.

Local Level

Certified Local Governments (CLGs) are local governments with historic preservation programs that meet federal and state standards. These governments are eligible to apply for grants from the state preservation office. Ten percent of a state's annual federal preservation appropriation is set aside for CLG grants. Eighteen South Dakota communities are CLGs.

Typically appointed by the chief local official, **Historic District Commissions'** powers vary widely according to state and local laws. Commissions may designate local landmarks, conduct surveys, and design reviews.

PRIVATE SECTOR

National Level

The **National Trust for Historic Preservation** is a nonprofit organization chartered by Congress to encourage public participation in preservation. The Trust distributes information, provides professional advice, conducts conferences, maintains historic properties, and administers grant and loan programs.

Preservation Action is a national grassroots lobby for historic preservation.

State Level

Statewide Preservation Organizations are nonprofit groups that serve as a preservation network and represent local preservation groups. Preserve South Dakota is South Dakota's statewide nonprofit preservation organization.

Local Level

Local preservation organizations vary greatly in size, area served, and mission. These groups may serve a particular neighborhood or an entire city, county, or region. Local preservation groups are often all volunteer organizations. **County Historical Societies** are examples of local preservation organizations in South Dakota.

⁹ Chart form and selected text from "Preservation Resources" in Information Series No. 48, 1991: Basic Preservation Procedures, pages 14-16, published by the National Trust for Historic Preservation.

WHAT DEFINES GOOD PRESERVATION?

“Good preservation” can be defined from both a strategic and technical point of view. Nationally accepted technical preservation treatments and standards are discussed here. Hints for developing successful preservation strategies appear in the “Building and Maintaining a Durable Commission” section.

Preservation Treatments

Definitions of four common preservation treatments for historic buildings and sites appear below. Much preservation work in the United States is rehabilitation for the federal historic preservation income tax credits or another financial benefit such as South Dakota’s eight-year property tax moratorium for historic buildings.

Preservation focuses on the maintenance and repair of existing historic materials and retention of a property’s form as it has evolved over time.

Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property’s historic character.

Restoration is undertaken to depict a property at a particular period in its history, while removing evidence of other periods.

Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

The Secretary of the Interior’s *Standards for Rehabilitation*

The *Standards* are nationally accepted guidelines for historic preservation work that define the philosophy behind “good” technical preservation. As stated in the official National Park Service guide to the *Standards*, “The intent of the *Standards* is to assist the long-term preservation of a property’s significance through the preservation of historic materials and features.” National Park Service publications available at the South Dakota State Historic Preservation Office discuss how to apply the ten general standards listed below to a variety of building materials, such as masonry, and building parts, such as storefronts. Following the *Standards* is required by law to receive certain preservation grant and tax incentives.

The following *Standards* are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- 1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.



Figure 5 – This series of photos illustrates how Standard 6 applies to a federal income tax credit project. Photo 1 shows 423 Main in the Mitchell Commercial National Register Historic District before the modern metal façade was removed in 1994. Photo 2 shows the right side of the façade after the modern material was removed. Notice the blocked up area above the center door. Using an historic photo (Photo 3) as evidence, the missing decorative door surround and medallion were replaced. Photo 4 shows the completed rehabilitation. (SHPO photos)

- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

THE COMMUNITY PRESERVATION PROCESS

There is an order to the business of preserving historic places. Ideally, a Commission will publicize its mission, build a reputation through good public relations and public education, produce a preservation plan that focuses its efforts, and then proceed with the inventory, register and protect process.

PUBLIC EDUCATION AND PUBLIC RELATIONS: THE MAIN INGREDIENTS FOR SUCCESS

Along with the tenacity and resources to outlast opponents, accurate information is one of the preservationist's most valuable tools. In a state with relatively few people, and even fewer who are familiar with historic preservation, public education needs to be a major goal of any preservation organization. Because of increasing distrust and intolerance of government regulation in any form and the fact that so many of the properties preservationists try to protect are privately owned, historic property owners need to be repeatedly assured that preservationists are not trying to "tell them what to do". Private property owners have to participate in order for preservation to succeed. As the primary custodians of the majority of this nation's historic sites, individuals supply much of the money and initiative for local preservation.

A preservation organization's **proactive** campaign to educate the public about its purpose and objectives and the truth behind preservation myths is its best defense against having to launch future reactive efforts. Last minute, highly emotional conflicts over the fate of an historic building or site can be avoided if governments, institutions, and the general public know where cultural resources are located and the procedures that must be followed if a proposed project will threaten or destroy them. Community input into decisions affecting cultural resources is essential in creating a sense of collective responsibility for the well-being of a community's cultural resources.

Your commission's image is an important factor in building the confidence and support of your constituency. Be conscious of that image. Consistently show people the value of your efforts through the media and your educational projects. You will need to have a solid background of goodwill to counter the times when you must make a controversial stand. Such a time will eventually come in the life of the commission.

The respect of your jurisdiction's powers-that-be is essential for you to be taken seriously. Appeal to each of these interests on their terms and in their own language. For example, discuss in businesslike terms tax credit information with realtors, bankers, attorneys, investors, the Chamber of Commerce, and the Economic Development Corporation. In general, fostering preservation interest in people will help elected officials support you.

Develop a good working relationship with your fellow commissions, boards, local government staff, and officials. Pay attention to the planning and park commissions and work with them as much as possible. A great deal of advance information passes through city government. Your attention to current events will allow you to guide situations toward compromise rather than placing you in a position of having to oppose something you do not know anything about.

Also, see information on public relations and public education in Appendix D, page 46.

THE PRESERVATION PLAN

Everyone has heard the expression, “Failing to plan is planning to fail.” Many preservation issues develop very quickly and can easily distract a commission from both its current and future projects. Commissioner turnover and spotty attendance can also be distracting. The two biggest problems commissions face when they do not plan is the inability to attract and keep effective members and the inability to prepare and implement programs. Developing a preservation plan can go a long way in helping alleviate these problems.

The Benefits of a Preservation Plan

People are willing to give their time to an organization, but only if the group uses their time efficiently. A plan can help a commission focus itself by determining in advance what projects need to be done, when they need to be done by, and who needs to do them. When a commission has a plan to work from and is committed to that plan, they will likely complete more projects and meet more of their goals in a timely and effective manner.

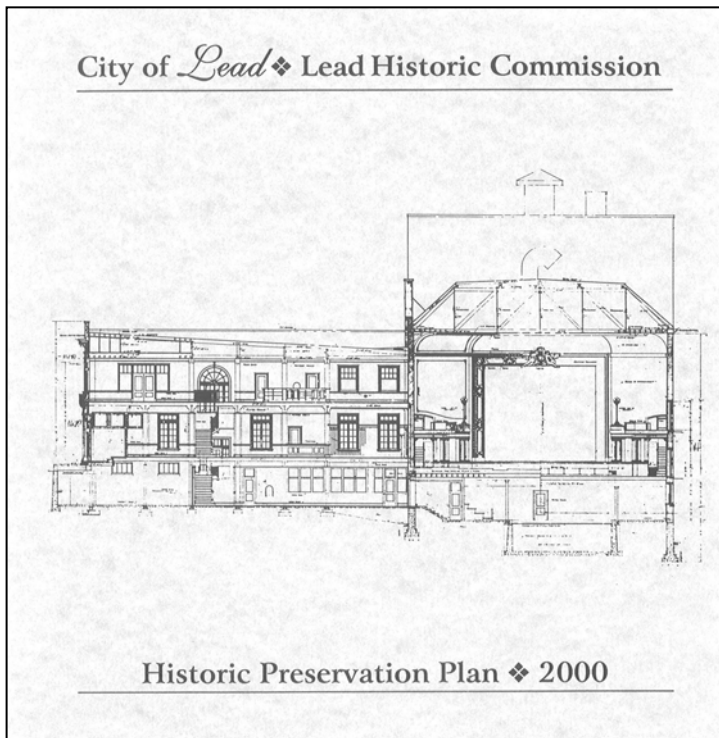


Figure 6 – A historic preservation plan can help a commission focus itself by determining what projects need to be done, when they need to be done by, and who needs to do them.

Plans can also help attract better members. If someone looks at a commission and sees a lack of direction and purpose, they are going to be less willing to serve. Potential members should be able to look at a commission’s preservation plan to see what its mission is and what projects they have completed and are planning to undertake. They can then more easily envision how they can contribute to that mission and will therefore be more willing to participate.

Planning also gives a commission the ability to make critical decisions about how it will invest its limited time and money by prioritizing the preservation issues important in their community. Many grants also look favorably on commissions that have developed and are implementing a preservation plan. The South Dakota State Historic Preservation Office’s annual grants to Certified Local Governments is one such program that gives added weight to projects identified as a priority in a preservation plan. Planning also gives a commission the power to say “no” to a proposed project that will not advance the organization’s mission.

Because a plan packages information about preservation in a concise form, local governments can easily incorporate it into their comprehensive plan, understood by residents, and used for public relations purposes. A plan’s recommendations section lets the community know what the commission’s future agenda is and provides a “yardstick” to measure progress. People will be supportive if they understand where the commission has been, where it is going, and how preservation can benefit the community.

Preparing a Preservation Plan

Preservation plans vary greatly in size, scope, and complexity. Some commissions contract with a preservation professional to help prepare a plan while other commissions develop a plan on their own. The Rhode Island State Historical Preservation Office developed the following questions to guide communities in creating a preservation plan (taken from a March 28, 1989 letter from Ted Sanderson, the Rhode Island Deputy State Historic Preservation Officer, to various members of the preservation community).

- 1) What historical resources exist? Where are they located? In what fashion do they relate to the past and future development of the community?
- 2) Have the identified resources been adequately documented, and evaluated? Are there resources (or entire groups of resources) which have not been identified, documented, or evaluated?
- 3) What preservation activities have already taken place? Are in progress? How effective have they been?
- 4) How and in what way are the community's historic resources threatened?
- 5) What are the community's goals for its historic resources?
- 6) How will the community achieve those goals? Through which specific actions? Who are the actors (private/public; local/state)?
- 7) To what extent is preservation part of the community's overall plan for its development? Does the community intend to integrate preservation into other aspects of its planning (such as housing, taxation, zoning, open space, site plan review, etc.)? Will the community's plans conflict with preserving historic resources?
- 8) Given the identified resources and the present level of preservation activity, which strategies and actions are most important? Which are least important?

Answers to these questions will form the basis for the preservation plan. An excellent guide to developing local historic preservation plans is the National Trust and American Planning Association's publication *Preparing a Historic Preservation Plan*. It lists the following as elements of a good preservation plan:

- statement of goals
- definition of historic character
- summary of past preservation efforts
- historic resources survey
- explanation of the legal basis for historic preservation
- coordinating preservation with zoning, land use, and growth management
- defining public-sector responsibilities
- incentives for preservation
- the relationship between preservation and education
- and an agenda for future action.

Sample plans from South Dakota communities and cities throughout the country are available from the South Dakota State Historic Preservation Office.

For those communities wanting to contract with a preservation professional to help them develop a plan, there are grant programs that can provide matching funds for such an activity. The South Dakota State Historic Preservation Office's annual grants to Certified Local Governments provide matching grants for a wide range of activities, including preparing preservation plans. For more information on the Certified Local Government program in South Dakota, see page 32 or contact the State Historic Preservation Office at 605-773-3458 or shpo@state.sd.us. The National Trust for Historic Preservation also has grant programs that can provide matching funds for various planning activities. For more information on these programs, contact the Mountains/Plains Office of the National Trust at 303-623-1504 or mpro@nthp.org.

The Ideal Preservation Procedure: Inventory, Register and Protect

Theoretically, the ideal procedure for preserving cultural resources is the same for federal, state, and local preservation programs: **inventory, register, and protect**. Preservation efforts, however, rarely occur in this order. For example, significant portions of a community are often listed on the National Register of Historic Places before a thorough inventory is done. Several programs mentioned below are discussed in greater detail later in the handbook.

The goal of an **inventory** is to locate and identify historic sites. Preservationists need to inventory or “survey” their communities to “know what they have”. Surveyors complete a standard form on each site which includes a physical description of the site and historical information such as the site’s architect, former residents, and former uses.

Registering a building means nominating it to a register of historic places, usually the National Register of Historic Places. The National Register is the nation’s official list of sites worthy of preservation. Private owners of National Register listed buildings can qualify for certain preservation tax and grant incentives.

Buildings on the National Register receive a small degree of **protection** under state and federal preservation laws. All federal, state, and local agencies must follow a planning process designed to suggest feasible alternatives when a proposed project will affect National Register properties.

The federal law (Section 106 of the National Historic Preservation Act of 1966) requires federal agencies to consider what effect their “undertakings” will have on properties listed on or determined eligible for listing on the National Register. “Undertaking” is any activity requiring the expenditure of federal funds or requiring a federal license or permit.

The state law (SDCL 1-19A-11.1) requires state agencies and local governments to notify the State Historic Preservation Office (SHPO) of projects that may damage, encroach upon, or destroy cultural resources listed on the National or State Register of Historic Places so the SHPO can investigate and comment on the project. This includes the issuance of building, demolition, or moving permits or projects undertaken on public property. If the SHPO determines that the project would harm historic property, then the state or local government cannot undertake the project or approve the application until they have sent a written determination to the SHPO. This determination is based upon the consideration of all relevant factors, that there are no feasible and prudent alternatives to the project, and that all possible planning to minimize harm to the historic property has been included. Ten days’ notice of the state or local government’s determination must be given to the SHPO by certified mail prior to the approval of the project.

Local preservation laws are the most powerful because they may regulate specific aspects of a site such as use, building size, and architectural details. There are four common types of local ordinances used to protect historic buildings. Each mechanism differs in the level of detail regulated:

- 1) zoning ordinances that restrict land use in areas containing historic buildings (sometimes referred to as downzoning);
- 2) zoning ordinances regulating large scale, major design features in an historic area, such as building setback, roof shape and height, massing, and window to wall surface ratio (sometimes known as conservation districts or overlay districts because they are an addition to the normal zoning requirements);
- 3) historic district ordinances that regulate exterior changes to historic buildings that require a building permit, often referred to as design review and;
- 4) individual historic site registration and protection ordinances modeled after the National Register of Historic Places and federal preservation law.

IDENTIFICATION OF HISTORIC PROPERTIES

HISTORIC SITES SURVEY

A survey is the traditional first step taken in the historic preservation process. It is essential to conduct an inventory in order to make decisions regarding a specific property or a collection of potential historic sites. The inventory will identify what resources are present in a given area and provide sufficient information to compare these resources on a local, statewide, or national scale.

A statewide survey provides the South Dakota State Historic Preservation Office (SHPO) with a permanent record of the state's historic properties and is a valuable source for historical research. Both the SHPO and local communities use the information gathered by the statewide survey as a planning tool to ensure wise use of the state's cultural resources.

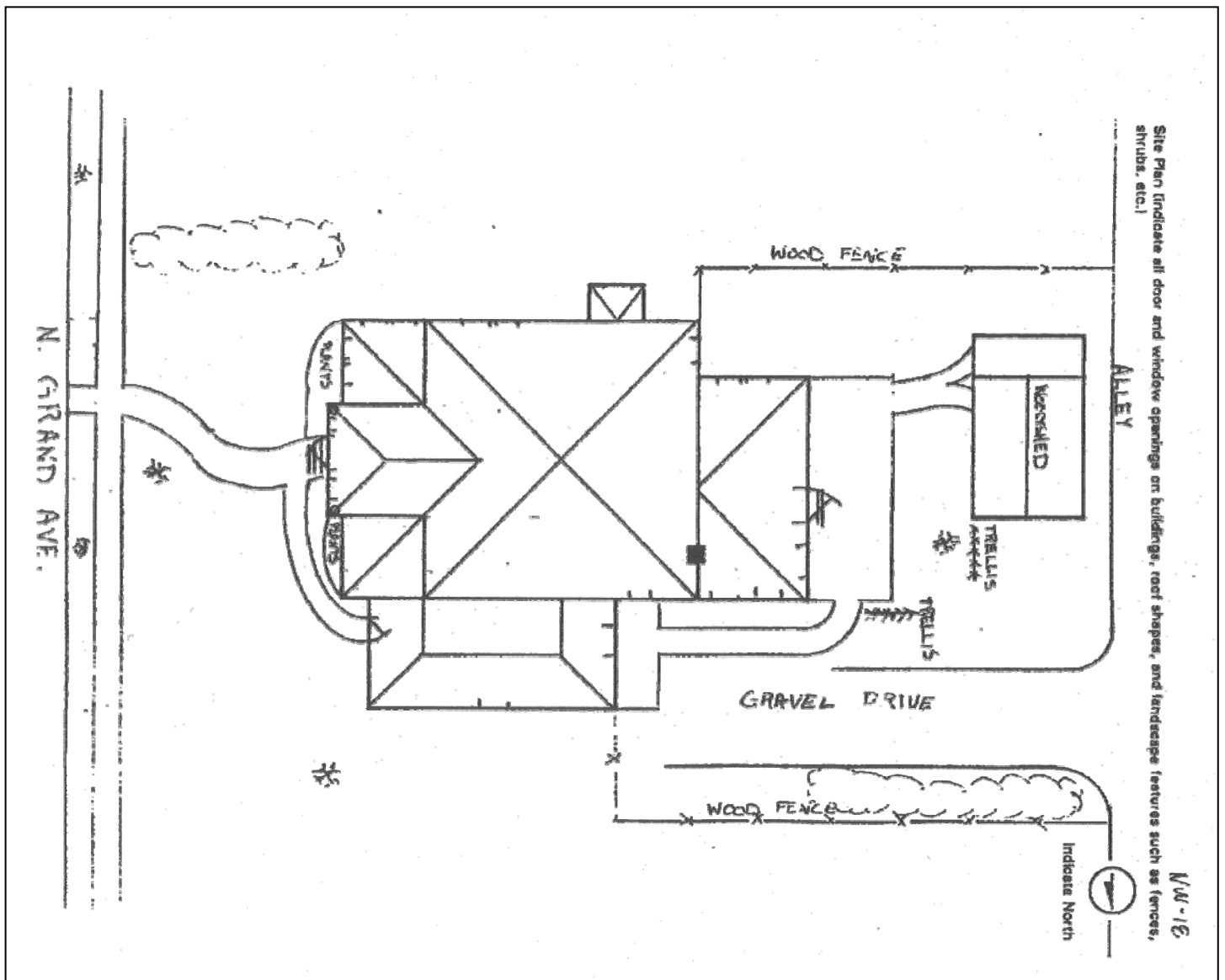


Figure 7 – One component of an intensive level survey form is a site plan such as this one from the Pierre Historic Site Survey.

The survey is used to identify properties eligible for the National Register of Historic Places. Properties eligible for the National Register may, in turn, qualify for federal and state historic preservation grants and tax incentives that the SHPO administers. The survey is also used to facilitate compliance with Section 106 of the

NHPA and SDCL 1-19A-11.1, procedures that help protect South Dakota's cultural resources from potential adverse effects that may occur during the implementation of federal or state projects.

On the local level, the survey provides the information a community needs to preserve, maintain, and enhance its historic resources. Survey data is essential to a community when it is drafting a preservation ordinance, identifying a local landmark, or marking off a conservation district. Such measures will influence future planning, new development, capital improvement, and zoning. Finally, the survey can promote public awareness and public appreciation for a community's historic resources by providing access to information through publications, audiovisual presentations, and curriculum packets, which can strengthen a community's commitment to protect the state's historic resources.

Surveys can be classified as either reconnaissance or intensive. A reconnaissance survey provides a minimal amount of information about a large number of sites. This process is generally used for determining which resources should receive closer scrutiny. An intensive survey is designed to gather all available information about a particular structure. This process addresses specific questions about a limited number of sites.

In general, the data available for South Dakota is organized by county or city. City information is organized by the street address, and county (rural property) information is arranged by township, range, and section number. In addition, the state maintains thematic studies, which typically address vernacular building traditions or specific property types.

Thematic surveys conducted by the South Dakota SHPO include:

Barns	Hutterite Colonies
Bridges	Indian Housing
Churches	Lustron Houses
County Courthouses	Post-World War II Architecture
Czech Folk Architecture	Railroads
Federal Relief Construction	Ranches of Southwestern Custer County
Finnish Architecture	Round and Polygonal Barns and Pavilions
German-Russian Folk Architecture	Schools

Most of this information is organized by location, in the case of a city by address and in the case of a rural property by township, range, and section number. For more information, contact the State Historic Preservation Office at (605)773-3458.

NATIONAL REGISTER OF HISTORIC PLACES

Established under the National Historic Preservation Act (NHPA) of 1966 (as amended), the National Register of Historic Places is the nation's official list of cultural properties worthy of preservation. It is part of a federal policy to coordinate and support public and private efforts to identify, evaluate, and protect our cultural resources. The program recognizes a variety of historic and prehistoric properties that have local, statewide, or national significance. National Register listings include buildings, structures, objects, sites, or districts containing any combination of thematically related types. The National Park Service of the U. S. Department of the Interior administers the program through certified state historic preservation offices (SHPOs), which are charged with overseeing all aspects of the protection of historic places within their jurisdiction. In South Dakota, the State Historic Preservation Office, a program of the South Dakota State Historical Society within the Department of Tourism and State Development, is responsible for this program.

What makes a property eligible for listing in the register?

Properties eligible for the National Register must meet three basic tests: age, significance, and integrity. First, a place should be at least fifty years old. Second, because the law assumes that not everything over fifty years old is worthy of preservation, the second test is for significance. In this regard, a property must meet at least one of four official criteria:

- A) Associated with events that have made a significant contribution to the broad patterns of our history; or
- B) Associated with the lives of persons significant in our past; or
- C) Embody 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, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D) Has yielded, or may be likely to yield, information important to prehistory or history.



Figure 8 – The Marshall County Courthouse was listed on the National Register of Historic Places in 2006. It is significant for its role as the symbolic and functional seat of government for Marshall County during the twentieth century as well as its architecture.

In short, a property must be proven to be historically, architecturally, or archaeologically significant to be listed on the National Register. Under the first criterion, “events” may be interpreted as gradual historical movements. It is not necessary that a place have witnessed an isolated important event from our past to be eligible for the National Register. Rather, a property might derive historical significance because it is a good representation of some general theme within a community's history.

Finally, a property must have integrity of location, design, setting, materials, workmanship, feeling, and association to a sufficient degree that it still accurately represents the history of the place and its context.

Unless special circumstances exist, the following categories are not ordinarily eligible for listing in the Register:

- cemeteries,
- birthplaces or graves of historical figures,

- properties owned by religious institutions or used for religious purposes,
- structures that have been moved from their original locations,
- reconstructed historic buildings,
- properties primarily commemorative in nature,
- and properties that have achieved significance within the past 50 years.

Once a property is listed on the National Register of Historic Places, it is also listed on the State Register of Historic Places.



Figure 9 – The Superintendent residence at the DC Booth National Fish Hatchery was listed on the National Register of Historic Places as part of the Spearfish Fisheries Center historic district. The district is significant under Criterion A in the area of conservation, serving the Black Hills and upper plains regions as a principal fish rearing and management facility since 1898.

How is a property nominated?

Parties who wish to nominate a place to the National Register should contact the SHPO for a Preliminary Assessment Form and instructions. Upon return of a completed form, the SHPO staff will review the forms, arrange a site visit if necessary, and notify the applicant if the property is eligible for the National Register. The State Historical Society Board of Trustees must review each nomination at one of its periodic meetings. If the board approves a nomination, all documentation is sent to the National Park Service for final review. The entire process can take between six months to one year to complete. Some nominations are generated from historic sites surveys conducted under the auspices of the SHPO. These may be for

individual sites, districts, or thematic groups of discontinuous properties. In all cases, at least thirty days in advance of the Board meeting owners of private property are notified of their right to object to and/or comment on the proposed nomination.

What are the benefits of listing on the National Register?

Listing in the National Register does not affect title to the property nor does it limit the owner's ability to use, develop, or sell their historic property. Owners who restore or renovate private properties listed on the National Register may take advantage of certain tax and grant benefits if their work conforms to standards established by the Secretary of the Interior.

Legal Protection

All federal, state, and local agencies are precluded from adversely affecting properties listed in the National Register without first following the Section 106 of NHPA or SDCL 1-19A-11.1 reviews. Private owners, however, do not give up their rights to do as they wish with the property within existing local and state regulations such as building codes, health and safety codes, and planning ordinances.

National Register Listing Does:

- Identify and evaluate significant properties based on the National Register criteria
- Make the public aware of historic resources by documenting them
- Provide information about historic resources so federal, state, local, and private agencies can plan with them in mind

- Make the owners of historic properties eligible for certain grants, such as the Deadwood Fund, or other tax incentives.
- List properties only if they meet the National Register Criteria and the private owner or a majority of private owners in a district agree to the listing.

National Register Listing Does Not:

- Limit or restrict the rights of property owners to use, develop, or sell their historic property
- Require historic properties to be maintained, repaired, or restored. This is encouraged but it is not a requirement for listing
- Require historic properties be open to the public
- Automatically prevent federal, state, local, or private projects from being undertaken
- Automatically provide historic property owners with funding for restoration projects

PRESERVATION'S ECONOMIC AND LEGAL PROTECTION BENEFITS

FEDERAL TAX BENEFITS FOR HISTORIC STRUCTURES

What is the 20% Rehabilitation Tax Credit?

The National Park Service (NPS), the Internal Revenue Service (IRS), and the South Dakota State Historic Preservation Office (SHPO) jointly administer the 20% rehabilitation tax credit program for the rehabilitation of historic buildings in South Dakota. The program offers a 20% tax credit on the qualified expenditures of a substantial rehabilitation of a certified historic structure. The tax credit applies to the building owner's federal income tax for the year in which the project is completed and approved. Unused tax credit may be carried back 1 year or carried forward 20 years.

Example: 20% of a \$50,000 rehabilitation = \$10,000 tax credit



Figure 10 – These photos show the interior of the Brookings Chicago & North Western Railroad depot before and after a 2005 rehabilitation. The project utilized both federal and state tax incentives for historic properties.

What is a “certified historic structure”?

The 20% tax credit is available for buildings that are listed on the National Register of Historic Places, that are used for commercial or residential rental use, and that are rehabilitated in accordance with the *Secretary of the Interior's Standards for Rehabilitation*.

Private, owner-occupied residences are not eligible for this program.

What are “qualified expenditures”?

Rehabilitation work on the interior or exterior of the building is “qualified expenditures.” Purchase price, landscaping, site work, and new additions to the building are not “qualified expenditures.”

How much money must be spent in order to qualify for the 20% tax credit?

To be considered a “substantial rehabilitation,” the rehabilitation expenditures must exceed either the “adjusted basis” of the building or \$5,000, whichever is greater. “Adjusted basis” is calculated as the purchase price minus the value of the land minus any depreciation already taken by the current owner plus any capital improvements already made.

Example (recent purchase):

\$60,000 (purchase price) - \$7,000 (land) = \$53,000 (adjusted basis)

Rehabilitation expenses must exceed \$53,000 to qualify for the program.

Example (long-time ownership):

$\$60,000$ (purchase price) - $\$7,000$ (land) - $\$40,000$ (depreciation) + $\$5,000$ (capital improvement) = $\$18,000$ (adjusted basis)

Rehabilitation expenses must exceed \$18,000 to qualify for the program.

When can a rehabilitated building be sold?

The owner must keep the building at least five years after the rehabilitation is completed in order to avoid any recapture of the tax credit. The recapture amount ranges from 100% of the tax credit if the building is sold within the first year to 20% of the tax credit in the fifth year.

How do I apply?

The rehabilitation must be certified by completing an application and submitting it to the SHPO for review and transmittal to the NPS for final review and approval. It is strongly recommended that owners contact the SHPO and submit an application prior to beginning any work.

For more information, contact:

South Dakota State Historic Preservation Office

900 Governors Dr.

Pierre SD 57501

Phone: 605-773-3458

Website: <http://www.sdhistory.org/>

Additional information on the federal rehabilitation tax credit can be found on the National Park Service's website at: <http://www.nps.gov/history/hps/tps/tax> .

STATE HISTORIC PRESERVATION PROPERTY TAX MORATORIUM

The South Dakota Legislature has provided for certain property tax benefits for the rehabilitation of historic structures in SDCL 1-19A-20. If a historic building qualifies for the tax benefit, an eight-year moratorium is placed on the property tax assessment of certified improvements. Property tax assessments may not be increased due to certified rehabilitation of the building.

The owner of any certified historic structure, including private residences, may utilize the State Property Tax Moratorium. To be eligible for the program, the property must meet the following criteria:

1. Listed on the State or National Register of Historic Places individually or as a contributing resource in a historic district;
2. Rehabilitated according to the Secretary of the Interior's *Standards for Rehabilitation*;
3. Certified for tax exemption by the South Dakota State Historical Society Board of Trustees;
4. Encumbered with a covenant attached to the deed of the property for the life of the moratorium guaranteeing the continued maintenance and protection of the building's historic features for the life of the moratorium.



Figure 11 – The Coulson House in Yankton received the State Property Tax Moratorium in 2004.

Application for certification is made by the property owner, who submits a completed application form and supporting documents to the State Historical Society, State Historic Preservation Office (SHPO) for every year work is undertaken. A Restoration Specialist at the SHPO reviews the application and supporting documentation and any potentially controversial items are discussed with the owner.

A staff recommendation is made to the Board of Trustees, who makes the final determination of certification based on whether the work meets the Secretary of the Interior's *Standards for Rehabilitation*. If the Board issues a certificate of eligibility for the moratorium, the owner must file the covenant with the Register of Deeds in the county in which the property is located **before** the SHPO sends the appropriate paperwork to the Director of Equalization to activate the moratorium. The property tax assessment of certified rehabilitation work is frozen as of January 1 of the year in which the certification is granted and carries forward for a total of eight years.

Although formal application for certification is made after work on the building is completed, **it is strongly suggested that the owner/developer/contractor submit plans and specifications for a proposed project to the SHPO prior to beginning work.** A Restoration Specialist can review the proposed rehabilitation and assist owners to interpret the Secretary's *Standards*. Prior to beginning work, non-conforming portions of a plan can be discussed by the owner and SHPO staff in order to bring about conformance. It can be costly and difficult (sometimes impossible) to correct work that is not in conformance with the *Standards* after work has begun.

Important Points

Certification is granted or denied by the Board of Trustees based on the Secretary of the Interior's *Standards for Rehabilitation*, which have been adopted by the Board.

Any rehabilitation work on the building that is completed after official certification is granted by the Board of Trustees will not receive the moratorium unless a new application is made for the additional

work. If rehabilitation cannot be completed in single year, the owner should develop a plan that divides the work into separate and distinct phases that can be certified as they are undertaken.

All tax certification applications submitted to the SHPO during any calendar year will be formally reviewed in December of the year they are received. Applications should be submitted no later than **November 1** to allow sufficient time for the application to be reviewed prior to the Board meeting. Late applications will not be accepted.

Nominations for listing the property on the State or National Register of Historic Places must also be received no later than October 1.

The State Property Tax Moratorium is independent of and separate from any Federal tax benefits.



Figure 12 – The Milwaukee Depot in Aberdeen has also received the State Property Tax Moratorium.

Owner’s Responsibilities

In order for the property to retain its tax benefits, the owner must guarantee the public some benefit for the loss in tax revenue. This guarantee is in the form of a covenant, which binds the owner to the following:

1. The owner must maintain the property in good order and make alterations in a manner that conforms to restoration and rehabilitation standards, as deemed by the State, for an eight-year period.
2. The owner must allow the public to view those portions of the project approved as tax-exempt work for at least twelve hours a year.
3. The owner must adequately insure the building against fire and, if necessary, flood.

For more information, please contact the SHPO’s Restoration Specialist at:

State Historic Preservation Office
900 Governors Drive
Pierre SD 57501
Phone: (605) 773-3458
Fax: (605) 773-6041
Website: <http://www.sdhistory.org/>

DEADWOOD FUND MATCHING GRANTS

Through the Deadwood Fund grant program, the South Dakota State Historic Preservation Office (SHPO) awards grants ranging from \$1,000 to \$25,000 for projects that retain, restore, or rehabilitate historic buildings, structures, and archaeological sites in South Dakota for residential, commercial, or public purposes. There are two opportunities to apply for funding annually. The first deadline is February 1 and the second is October 1. Projects may not start until after the award is granted.

The Deadwood Fund program is funded by a portion of the gambling revenue generated in Deadwood, SD. By sharing the Deadwood historic preservation monies, the Deadwood Fund program enables applicants from throughout the state to extend their financial resources to preserve important pieces of South Dakota history.

All projects must meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. These standards are neither technical nor prescriptive; instead, they promote responsible preservation practices that help protect our nation's irreplaceable cultural resources.

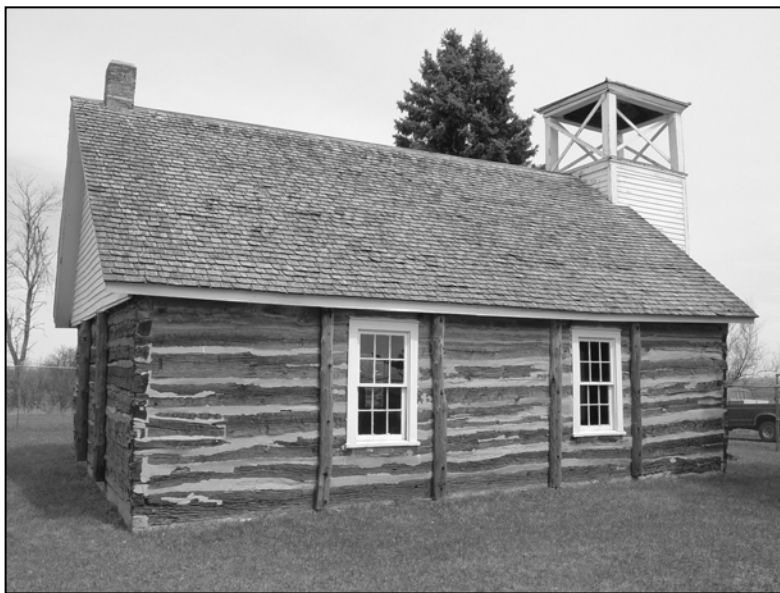


Figure 13 – The Brown Earth Indian Church near Stockholm was awarded a Deadwood Fund grant for steeple repairs.

Grant Information

Grants will be for projects beginning approximately May 1 (following the February deadline) or January 1 (following the October deadline). Projects may not start until after notification of the grant award is received.

Grants will generally be awarded in amounts ranging from \$1,000 to \$25,000. Where determined that an application merits support only in part or at a reduced level, the offer will be less than the amount requested. Larger grant awards may be considered in extreme circumstances.

Generally, the grant amount requires a dollar-for-dollar match from non-federal and non-state sources. The availability of matching funds must be provided with the application. Nonprofit organizations according to state law may

receive grants without match; however, match is highly encouraged.

Payment of the grant award will be made on a reimbursement basis upon receipt of a paid invoice at the completion of the work. The matching funds must be demonstrated at the time of payments. The SHPO staff reserves the right to inspect completed work before payment.

Projects should demonstrate substantial public historic preservation benefits. The fund will not pay for administrative or operating costs. The following categorical exclusions will not generally be funded with Deadwood Funds: security systems, general decorative arts and furnishings, general building or site maintenance, new construction or non-historic site improvements, and work performed only to meet the Americans with Disabilities Act and building codes.

Eligibility Criteria

1. The property must be listed on or eligible for listing on the National Register of Historic Places.
2. The project must meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties: Rehabilitation* (36 CFR 68)

3. The applicant must demonstrate that funds are available to match the grant, and the property will have on-going use at the completion of the project for residential, commercial, or public purposes.
4. The applicant must provide assurances of the ability to maintain the property well into the future.



Figure 14 – The Bonniwell Building (right) and the Lane Hotel (left) both received Deadwood grants in 2007. Both buildings are contributing structures in the Whitewood Commercial Historic District.

5. The applicant must sign an eight-year restrictive covenant running with the property, which states that the property shall be maintained in a manner that preserves the property’s historic integrity. All work performed on the property within the covenant period must meet the Secretary of the Interior’s *Standards for the Treatment of Historic Properties: Rehabilitation*.
6. A sign provided by the South Dakota State Historical Society must be posted at the project site. The sign will state that the project has been funded in part by the State Historical Society through the Deadwood Fund and must remain posted for the duration of the project. All publicity material should include similar recognition.

Evaluation Criteria

The Deadwood Fund grant program provides an opportunity to leverage financial resources for the acquisition, retention, restoration, or rehabilitation of historic buildings, structures, and sites. Awards in this program are made only when there is evident need for additional funds to complete a critical project and to effect significant improvement or prevent losses of historic properties. The applicant must demonstrate a financial investment in the project, the ability to meet the financial obligation, and a commitment to its completion.

Projects will be ranked for priority based on the following criteria:

1. The property is significant to South Dakota history and the project substantially benefits historic preservation and serves as a major public demonstration of historic preservation.
2. The historic building, structure, or site is of public prominence or importance and endangered or threatened.
3. The entire project meets the Secretary of the Interior’s *Standards for the Treatment of Historic Properties: Rehabilitation*.
4. The property is associated with minority or ethnic groups, particularly American Indians.
5. The property is currently listed on the National Register of Historic Places.

6. The project has a preservation plan in place and documented community support.
7. The property receives appropriate on-going maintenance, or its present state of disrepair is not the result of neglect by the current owner.
8. The applicant documents more than the required dollar-for-dollar match; nonprofit organizations providing match.
9. The application is clear, concise, complete, and includes a detailed budget.
10. A historic preservation professional assisted in developing or reviewed the project, the general contractor and subcontractors are professionally qualified and preservation sensitive, and if the work is being completed by someone other than a licensed contractor, the individual or company is capable of performing the prescribed work.
11. The project has not previously received funding through this program.

The applicant is encouraged to be a member of the South Dakota State Historical Society and Preserve South Dakota.

Description of Review Process

Applications are accepted any time, but all eligible applications must be postmarked no later than February 1 or October 1 each year to be considered in the current year cycle. Each application is assigned to a historic preservation specialist, usually based on the geographic location of the project. The specialist reviews the application for completeness and to ensure that the project is eligible for consideration. If the specialist requires additional information to process the application, he or she will call or write the applicant.

An in-house review panel evaluates each application/project based on the criteria listed above. The preservation staff makes formal recommendations to the South Dakota State Historical Society Board of Trustees and other key personnel. The Board makes a final determination on applications in April and December.

The State Historic Preservation Officer will notify each applicant about the disposition of the awards within 90 days of the final review by the Board of Trustees.

PRESERVE SOUTH DAKOTA FINANCIAL INCENTIVE PROGRAMS

(The following information is taken from Preserve South Dakota's website, <http://www.preservesd.org>.)

LOW INTEREST LOAN PROGRAM

Preserve South Dakota operates a statewide revolving loan fund available to members prepared to undertake quality rehabilitation work on their home or commercial building. These loans are offered at a low interest rate in order to encourage preservation. To date, over \$500,000 has been loaned.

How Do I Qualify For A Revolving Loan?

First, the building that you expect to improve with the funds must be "historically significant" (see explanation below). Second, the borrower(s) must demonstrate the financial ability to make regular monthly loan payments. Funds are made available to individuals regardless of race, handicap, age, religion, gender, national origin, or familial status.

How Do I Know If My Property Is Historically Significant?

A property is considered historically significant if 1) it is listed on the National Register of Historic Places, 2) it is listed on a local register of historic or cultural resources, or 3) it is eligible for listing in the National Register of Historic Places or a local register after renovations. In general, this means that a structure, building or site must be at least 50 years old and retain its original architectural integrity.

What Improvements Can I Make Using The Loan Funds?

Loan funds can be used for restoration, rehabilitation and repair, acquisition, and project-related costs. The highest priority for funding is placed on exterior improvements, including windows, doors, foundations, porches, roofs, chimneys, brick, masonry, siding repair, seismic retrofitting, and reconstructing existing additions. Secondary priority is placed on interior systems, including the heating, plumbing, and electrical finishes. For example, a revolving loan application will not be approved for a kitchen or bathroom-remodeling project if the roof and foundation need to be repaired, unless they are part of a more comprehensive renovation plan.

All construction materials and labor costs on renovating existing building aspects are eligible, including costs such as engineering services, architect's fees and permits. Loan funds may not be used for landscaping, new construction, fences, non-historic retaining walls, and concrete pads (patios, parking, etc.). In addition, the funds may not be used for incompatible materials, inappropriate rehabilitation techniques, refinancing existing mortgages or for projects that have already been completed. Funding requests for work in progress will be reviewed on a case-by-case basis.

What Are The Terms Of The Loan?

Loan amounts are limited to \$15,000 per project at a 4.95% interest rate. All loans are amortized for a maximum of seven (7) years. Security is required for collateral, usually in the form of a mortgage on the property or other tangible property.

FAÇADE EASEMENT PROGRAM

Preserve South Dakota also manages a façade easement program allowing for the dedication and donation of a building's exterior facade for the purpose of ensuring preservation and protection. Since 1983, Preserve South Dakota has accepted more than a million dollars worth of façade easements.

How It Works

The owner of an historic building interested in ensuring its preservation, while at the same time continuing to retain basic ownership, possession, and use of the structure, may donate the "façade" of the building to a non-profit organization, such as Preserve South Dakota. The term "façade" refers to that part of a building that can be seen by a person facing it.

The owner in effect relinquishes their right to change the façade of the building without the permission of the holder of the easement. Such a donation allows the building's owner to qualify for tax breaks equal to the appraised value of the easement. For easements on contributing buildings within registered historic districts, the Pension Protection Act of 2006 disallows tax deductions for preservation easements that fail to protect the entire exterior of a property. In other words, façade-only easements for buildings within registered historic districts no longer qualify for tax deductions. For information on other changes related to preservation easements, see: www.preservationnation.org/easements.

In return, Preserve South Dakota agrees to hold the easement and guarantee the preservation of the building until perpetuity. The easement agreement provides a mechanism whereby a property will be protected indefinitely, no matter whom the future owner of the building may be, for as long as the building exists. An easement can also be donated for a special site such as a cemetery, Indian burial mound or archeological site.

For More Information

For more information on Preserve South Dakota's low interest loan or façade easement programs, contact:

Preserve South Dakota
351 Fourth Street
Scotland, SD 57059
(605) 583-4509
preservesd@gwtc.net

FEDERAL & STATE PRESERVATION LAW REVIEWS

Another element of the historic preservation process is the legal review requirements on both the federal and state levels. The purpose of these requirements is to avoid unnecessary harm to historic properties from federal, state, and local projects and actions. The section below describes both the federal “Section 106” and state “11.1” review processes.

SECTION 106: FEDERAL REVIEW PROCESS

What is Section 106 review?

This refers to the federal review process designed to ensure that historic properties are taken into consideration during federal project planning and execution. The review process is administered by the Advisory Council on Historic Preservation (Council). Within each state, the State Historic Preservation Office (SHPO) advises and assists federal agencies in carrying out their Section 106 responsibilities.

Who established Section 106?

Congress did, as part of the National Historic Preservation Act of 1966 (NHPA). NHPA, strengthened and expanded by several subsequent amendments, today has become the cornerstone of this country’s historic preservation policy.

Why was Section 106 created?

The NHPA was enacted because of public concern that so many of our Nation’s historic resources were not receiving adequate attention as the Government sponsored much-needed public works projects. In the 1960’s, federal preservation law applied only to a handful of nationally significant properties. Congress recognized that new legislation was needed to protect the many other historic properties that were being harmed by federal activities.

What does Section 106 of the NHPA say?

Section 106 of NHPA requires that every federal agency “take into account” how its undertakings could affect historic properties. An agency must also afford the SHPO a reasonable opportunity to comment on the agency’s project.

What is a Federal “undertaking”?

An undertaking is “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval.”

What is an historic property?

A historic property is defined as “any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register Criteria.”

Who initiates Section 106 review?

The federal agency involved in the undertaking is responsible for initiating and completing the Section 106 review process. The agency works with the SHPO and the Council to do so. Other participants in Section 106 are Tribal Historic Preservation Offices (THPOs), Indian tribes, representatives of local governments, applicants for federal assistance or approval, and other parties as provided for in 36 CFR 800.2(5).

SDCL 1-19A-11.1: STATE OF SOUTH DAKOTA REVIEW PROCESS

What is the 11.1 review?

An 11.1 review (SDCL 1-19A-11.1) at the state level parallels Section 106 at the federal level. The 11.1 review process is the state review process designed to ensure that historic properties are considered during state and local project planning and execution. The SHPO administers the review process.

Why was 11.1 created?

Like Section 106, 11.1 was created to protect historic places in state and local projects.

What does 11.1 say?

The law stipulates that projects undertaken by the state, counties, or municipalities must be reviewed by the SHPO prior to the removal or alteration of properties listed on the National or State Register of Historic Places. Public hearings may be called to air issues associated with threatened historic properties and government agencies must explore alternatives which may protect sites.

What is considered an historic property in 11.1 review?

For 11.1 purposes, any property listed on the State or National Registers of Historic Places is considered a "historic property". Note the difference here between Section 106 and 11.1. Section 106 applies to both those properties listed on the National Register of Historic Places as well as those eligible for listing. The 11.1 process applies only to those properties that are listed.

Who initiates 11.1 review?

The state, county, or local agency involved in the proposed project or activity is responsible for initiating and completing the 11.1 review process.

LOCAL PRESERVATION PROTECTION FOR HISTORIC BUILDINGS

SDCL 1-19B County and Municipal Historic Preservation Activities

This state “enabling” legislation authorizes the creation of local historic preservation commissions and discusses their powers and responsibilities. Local governments adopt this ordinance in order to become a Certified Local Government (CLG). SDCL (South Dakota Codified Law) 1-19B explains five methods for local designation and protection of historic properties.

1) Section 1-19B-20 states a local governing body may adopt an ordinance designating an **individual** property as historic if it meets certain criteria including the requirements for a property to be listed on the State Register of Historic Places. The criteria for the State Register are essentially the same as the National Register criteria. The procedures for designating a property pursuant to section 1-19B-20 are described in sections 1-19B-21 through 1-19B-24. As section 1-19B-27 explains, properties so designated may be demolished, altered, moved, or put to a different use only after 180 days written notice has been provided to the local preservation commission. This method only provides the Commission with the legal power to delay rather than stop changes to historic properties.

2) Sections 1-19B-32 through 1-19B-41 explain the procedures that must be followed to establish an **historic district commission** with design review powers. While an historic district commission is different from an historic preservation commission, in some communities the historic preservation commission also serves as an historic district commission. The historic district commission determines whether proposed changes to the exterior of an historic building will threaten the building’s historic character. A building owner must obtain the approval of the historic district commission (called a Certificate of Appropriateness) before a building permit can be issued. Proposed changes in use (zoning) must also receive a Certificate prior to any zoning classification change. The historic district commission must make consistent decisions based on a predetermined set of design guidelines. Its jurisdiction is limited to the boundaries of the historic district it oversees. The historic district commission’s decisions are legally binding, just like the decisions of a planning commission. This method provides a way to legally control which changes can be made to the exterior of an historic building. Courts throughout the United States have upheld design review as a legitimate use of a municipality’s powers.

Procedure for Establishing an Historic District Commission with Design Review Powers

- A) City Council appoints study committee consisting of three to seven people.
- B) Committee makes investigation of historic significance of structures within proposed district. Investigation and recommendations shall comply with criteria adopted by the State Historical Society Board of Trustees.
- C) Committee reports findings to local planning board, local preservation commission, and State Historical Society Board of Trustees for their recommendations.
- D) Sixty days after submitting the report, the committee holds a public meeting on report after providing due notice to all property owners in proposed district.
- E) Committee submits final report including recommendations and a draft of the proposed ordinance to the City Council.

If the Council establishes, by ordinance, an historic district, an historic district commission of three to seven people must be appointed by the Council. Notification procedures must be set up with the City so the Historic District Commission receives notice of proposed alterations within the district.

Historic District Commission hearings on Certificates of Appropriateness must be open to the public, well publicized, and specific notice must be given to the applicants with sufficient notice for preparation. Meetings must be conducted in an orderly fashion according to a set agenda.

The Historic District Commission must establish design guidelines that will guide its decisions. Design guidelines based on the Secretary of the Interior's *Standards for the Treatment of Historic Properties* prevent arbitrary and capricious decisions and make it clear to property owners what changes are allowed.

The Historic District Commission must be consistent in its decision making. Decisions must be explained according to adopted design guidelines. Proposed alterations may not be rejected solely because they are judged "ugly" by the Historic District Commission.

3) Section 1-19B-53 states a local governing body may create regulations to protect historic properties, including ordinances controlling the use and appearance of sites adjacent to historic properties. The powers given by this section are very broad. No procedures are given for creating regulations authorized by this section. Section 1-19B-53 gives the Historic Preservation Commission, with the approval of the City Council, the power to create any sort of local register it wants. Obviously, any regulations created under this section cannot violate other parts of 1-19B and must follow accepted owner notification and public hearing practices.

4) Section 1-19B-54 empowers the governing body of any county or municipality to exempt historic properties from provisions of local health and building codes that would "otherwise prevent or seriously hinder the preservation or restoration of said historic property."

5) Section 1-19B-62 says South Dakota counties and municipalities may pass an ordinance requiring their historic preservation commissions to review any undertaking, either publicly or privately funded, which will encroach upon, damage, or destroy (note: same language as state preservation law SDCL 1-19A-11.1) any historic property listed on either the State or National Register. The ordinance may require the Commission to issue a special permit before the project may proceed. The Secretary of the Interior's *Standards for the Treatment of Historic Properties* shall be used to approve or deny a permit. State owned properties are exempt from this review.

See Appendix F, page 54 for a copy of the South Dakota draft model historic preservation ordinance. Copies of other historic preservation ordinances from South Dakota communities are also available by contacting the State Historic Preservation Office.

CERTIFIED LOCAL GOVERNMENT (CLG) GENERAL INFORMATION

CLG FREQUENTLY ASKED QUESTIONS

What is the Certified Local Government (CLG) program?

The CLG program is a federal historic preservation program administered through State Historic Preservation Offices (SHPOs). The goal of the CLG program is to increase the participation of local governments in historic preservation activities and tie local governments into the nationwide historic preservation network made up of a variety of federal, state, and local organizations.

CLGs can be towns, cities, or counties. If a local government meets certain federal and state requirements and is granted CLG status, it is eligible to apply for yearly grants from the SHPO that may be used for a variety of preservation projects.

How does a local government become a CLG?

The local government must incorporate SDCL 1-19B "County and Municipal Historic Preservation Activities" into a local historic preservation ordinance. A historic preservation commission of between five and ten members must be appointed. If possible, at least two members of the commission should be from a preservation-related field such as architecture, archeology, or planning. The local government notifies the SHPO that it adopted the ordinance and appointed a commission. The SHPO then seeks final approval for CLG status from the National Park Service.

What is the primary job of the CLG?

Public education is the primary goal of the CLG. In order to maintain CLG status, a local government must conduct a public education project, conduct a public workshop, and send at least one of its commission members to a preservation workshop each year. CLG grants are used for a variety of activities to promote preservation education.

What can CLG money be used for?

CLG money must be used for projects that produce a tangible, quality product that is associated with the identification, understanding, or protection of historic and archeological sites. Walking/driving tour brochures, National Register of Historic Places nominations and plaques, historic site surveys, preservation planning activities, workshops on topics ranging from paint color selection for historic homes to how to apply for preservation tax benefits, Historic Preservation Month activities, and video productions can all be funded with CLG money. CLG money cannot be used for construction work, including restoration, or entertainment.

What are the benefits of being a CLG?

Besides being eligible for grants, CLGs receive technical assistance from the SHPO and provide local expertise to the SHPO about community preservation issues.

CLG MINIMUM REQUIREMENTS

Once a Certified Local Government (CLG) is certified, it does not need to apply for an annual grant each year in order to keep its CLG status. However, the CLG needs to fulfill the following requirements in order to maintain its status and continue to be eligible to apply for grants in subsequent years.

Commission Make-up

The CLG must maintain a commission of between five and ten members. Vacancies will be filled by the governing body within 75 days. Terms of office for commission members shall be at least one year in length, not to exceed three years. Eligibility for re-appointment of members will be determined by the governing body.

Commission Meetings

All Commissions must meet at regular intervals at least four times each year. All meetings must be publicly announced, open to the public and have a previously advertised agenda. Minutes of each meeting shall be kept and submitted to the SHPO within 30 days of the meeting.

Public Education

The primary purpose of the CLG is to educate the local citizens about historic preservation. Each CLG must sponsor at least one historic preservation workshop or education program for the public annually. At least one member of the Commission must attend one workshop per year.

Annual Report

Each CLG must submit an Annual Report to the SHPO. This report should include minutes, revised Commission member resumes, attendance records, appointments to the Commission, press coverage and summaries of projects reviewed under state/federal preservation law. Annual Reports are due at the end of March and report on the previous calendar year.

Preservation Laws

The Commission should be aware of federal, state, and local projects which may impact prehistoric or historic sites in its jurisdiction. The Commission should notify the SHPO of these projects and provide comment on the proposed impact.

Survey

CLGs are required to “maintain a system and inventory of historic properties.” Many South Dakota communities have been surveyed, but these surveys need to be updated periodically. The CLG should be aware of the status of its historic sites survey and make it a priority to keep the survey updated and accessible to the public. The SHPO will assist CLGs in this activity.

CLG GRANT PROGRAM

Grant Amounts

Each year the State Historical Preservation Office (SHPO) awards 10% of its federal grant to Certified Local Governments (CLGs) for local preservation projects. This amount has to be divided among all South Dakota’s CLGs. CLG grants are intended to augment rather than replace local commitment to historic preservation activities.

Eligible Projects

CLGs use their money for a variety of projects such as National Register nominations and plaques, historic sites survey, preservation planning, workshops, walking/driving tours, Historic Preservation Month activities, video productions, and historic structures reports. CLG grants may not be used for construction projects. All CLG grant projects must result in a completed, tangible product or result; and all grant activities must be completed in



Figure 15 – Education workshops on topics like repairing historic wood windows are eligible CLG grant projects.

accordance with the applicable Secretary of the Interior's *Standards for Archeology and Historic Preservation*, which are nationally accepted guidelines for all types of preservation work. Professional consultants must meet the federal standards.

Match

CLGs are required to match their grants. Unless determined otherwise by the SHPO, CLGs must match the grants dollar for dollar. Match can be in the form of cash or in-kind services. Cash appropriations, volunteer or donated services, donated personal property, or donated indirect costs are some match examples.

Grant Timetable

Applications are usually made available in late February or early March, and the deadline varies based on when the applications are sent out. Projects extend from June 1 through May 31 every year. CLGs must request deadline extensions in writing. The new deadline will be decided upon in consultation with SHPO staff.

Grant Management

The SHPO staff welcomes any grant questions from the CLGs. The quickest way to become an efficient grants manager is to read the Grants Manual and ask questions. Grant administration requirements generally stay the same from year to year. Key points for efficient grant administration include knowing what expenses are allowable, making sure consultants meet federal standards for preservation professionals, following the correct procedures for obtaining price quotes and sealed bids, keeping records for match documentation on a regular basis, and meeting grant deadlines. If you have suggestions on how to make the grant process more efficient, please share this information with the SHPO staff.

CLG ROLES IN VARIOUS PRESERVATION FIELDS

Survey

CLGs are required to "maintain a system for the survey and inventory of historic properties." Most CLG communities have been surveyed. CLG communities without surveys should discuss pursuing a survey project with the SHPO. CLG communities with surveys should discuss a method for keeping them updated with the SHPO. When a survey project is completed, the CLG should review the final report to determine the consultant's recommendations for future preservation work. CLGs need to keep their survey information accessible to the public.

National Register

CLGs need to educate their constituents about the National Register's benefits and dispel myths regarding the controls it puts on private owners. CLGs should contact the SHPO for National Register Preliminary Assessment Forms to distribute to interested residents. CLGs should forward their comments on pending nominations in their communities to the SHPO. If qualified to do so, a CLG must review National Register nominations following the steps in the CLG Procedures.

Federal and State Preservation Protection Laws

CLGs need to keep their eyes and ears open for projects that may trigger these laws and inform the Review and Compliance Coordinator at the SHPO. CLGs should educate and work with local officials to help them fulfill their legal responsibilities. CLGs need to provide comment on these matters when requested to do so.

Tax Benefits and Technical Assistance

The primary responsibility of CLGs in relation to these areas is education. Information is available from the SHPO for the CLGs to distribute in their communities.

CLG OPERATIONS

BUILDING AND MAINTAINING A DURABLE HISTORIC PRESERVATION COMMISSION

No handbook can tell you everything there is to know about historic preservation. The commission's accomplishments will come from the creative application of its unique collection of information and skills to difficult situations. A variety of suggestions for successful operation follows.

It is Cyclical

Every commission goes through ups and downs in terms of preservation battles won or lost; maintaining a committed, interested, and creative membership; successfully obtaining preservation grants for community projects; and a wide range of other items. It is important to remember this when things are not going all that well.

Share the Responsibility

Very often one person on a volunteer commission ends up doing everything. This may initially make for efficient operation, but it has its drawbacks. If this one person loses interest, the continued existence of the commission is put in jeopardy. If the commission comes under fire, the person doing all the work will feel the greatest burden. Sharing duties and responsibilities makes for a healthy commission.

Plan, Plan, Plan

Most often, the successful commissions are the ones that put the time and effort into planning their preservation efforts. As stated before, the two biggest problems commissions face when they do not plan is the inability to attract and keep effective members and the inability to prepare and implement programs. Developing a preservation plan can go a long way in helping alleviate these problems and give your commission the focus it needs to be successful.

Know your Projects

Know exactly what you are getting into before the commission takes on a new responsibility or project. Use of advanced preservation tools such as design review requires at least part-time staff support and a big time commitment from commission members.

The Long Haul

Longevity goes a long way toward achieving legitimacy. People need to know the commission is part of the institution of local government. Because political situations can change quickly, you may be able to win some preservation battles by still being around after your opponents have left the political arena.

Show and Tell

Nothing sells preservation better than a successfully rehabilitated building. Take before and after pictures of rehabilitation projects to show to potential investors. Walk interested people through the successfully rehabilitated buildings in your community.

Use the Network

Even though your commission is probably the only preservation group in the community, do not feel isolated. There are eighteen CLGs in South Dakota, many of which have probably encountered the same challenges and problems as you have. Contact them and organizations such as Preserve South Dakota, the State Historic Preservation Office, and the National Trust for Historic Preservation for advice, ideas, and support.

SAVING A THREATENED HISTORIC PROPERTY

No matter how effective a commission is, you cannot expect to save everything. When a site is threatened, much of what needs to be done concerns obtaining information. The more extensive the commission's communication network is, the more prepared it is for a crisis. This section outlines a possible sequence of events when a site is threatened.

The Best Defense is a Good Offense

Keep in mind that the best defense against demolition is a good offense. Identify and address potential problems early. Take note when a building becomes vacant or starts to deteriorate. Regularly encourage property owners to undertake routine maintenance of their buildings. Deferring maintenance can eventually result in prohibitively high rehabilitation costs and forces some owners to consider demolition. Stay informed by contacting interested parties and find out how the commission can help with rehabilitating or finding a new use for the building.



Figure 16 – The Brookings Historic Preservation Commission helped fund a structure report for the Pioneer Park Bandshell, which was listed on the National Register of Historic Places in November 2007. Historic structure reports are an important part of preservation planning and are helpful when making decisions about a threatened historic property.

Declare Your Interest in the Situation Appropriately

Follow governmental procedures and regulations to become officially involved. Explore developing written procedures with relevant local and state governmental entities and organizations.

Determine the Facts of the Situation

Who are the key players in the plans to impact the site? Who owns the site? Who wants the site and for what purpose? Are federal or state funds, permits, or licenses involved that will trigger either the federal or the state preservation review procedures? What is the project time schedule? Are there a series of procedures required of the project? Is the project feasible? What set of special interests are at stake? Who is for and against the project? How can the commission work with these groups in a productive manner?

Determine the Nature of the Site Involved

What type of structure, land, or feature is threatened? What is the current use of the site? Has an historic structures report been completed for the site? What are the assessments of its condition? Are assessments of deterioration overblown? Are there conflicting opinions about its condition? Who provided the assessment? Is the person qualified to evaluate historic sites? Is it a National or State Register site?

Determine the Project Impacts

Will the project damage the site and/or its environs directly or indirectly? Does it involve demolition or alteration? Are any of the changes reversible?

Determine the Relative Values Involved

How important is the project to the community? How significant is the historic property? Does the importance of one override the other? If a site is neglected or abandoned, how much effort is it worth?

Consider the Project Alternatives

Can or should the project be moved away from the site? Should the site be moved away from the project or from its original location? Is there an appropriate alternative location? Is recording prior to demolition or further decay a justifiable preservation treatment? Can the site accommodate the project? Are there other uses for the site? Can the project be delayed to buy time for the site? Are legal steps justified?

Search for Other Uses

Who in the community needs a site of this kind? What community needs could the site meet? Is a public investment in the site realistic and justified? Are there other funds available for the site? Is there time to pursue other funding? Should the building be stabilized? What are the appropriate preservation treatments?

Once the questions are asked, take action.

Reassess Questionable Alternatives

Have a preservation architect, engineer, or other expert examine the site and prepare a report. Work with project directors to discover overlooked alternatives. Discuss preservation options with owners.

State the Position of the Commission at the Appropriate Time

Reacting too soon may give others involved the impression the commission is not willing to negotiate. If the commission responds too late, there is no time to negotiate.

Keep in Touch with Those Involved

Losing touch with others working on the situation deprives you of information and the opportunity to remain influential with them. Listen to and discuss their problems. It is the best way of demonstrating you are reasonable.

Despite Difference Remain on Good Terms with Others Involved

Your actions as commissioners is important. Facts are more influential than emotions.

Persist

Many situations threatening sites are just not well thought through. Often they can be reconsidered in the site's favor; but it takes time for the people involved to realize, admit, or approve of the alternatives.

Record a Site if it Cannot Be Protected

Important sites can be preserved to a certain degree through recording. Cameras, site forms, or funds for professional recording may be available for such situations. Keep in mind the opportunity to use a deteriorated or threatened building as the subject of a display or publication.

Win and Lose Gracefully

There is always a next time, and you will probably be working with the same people.

APPENDICES

APPENDIX A

PRESERVATION BRIEFS

Preservation Briefs are leaflets published by the National Park Service to provide information regarding appropriate preservation practices as described in the Secretary of the Interior's Standards for Rehabilitation. The following titles are available from the State Historical Preservation Office or online at: <http://www.nps.gov/history/hps/tps/briefs/presbhom.htm> .

1. The Cleaning and Waterproof Coating of Masonry Buildings
2. Repointing Mortar Joints in Historic Brick Buildings
3. Conserving Energy in Historic Buildings
4. Roofing for Historic Buildings
5. Preservation of Historic Adobe Buildings
6. Dangers of Abrasive Cleaning to Historic Buildings
7. The Preservation of Historic Glazed Architectural Terra-Cotta
8. Aluminum and Vinyl Siding on Historic Buildings
9. The Repair of Historic Wood Windows
10. Exterior Paint Problems on Historic Woodwork
11. Rehabilitating Historic Storefronts
12. The Preservation of Historic Pigmented Structural Glass
13. The Repair and Thermal Upgrading of Historic Steel Windows
14. New Exterior Additions to Historic Buildings: Preservation Concerns
15. Preservation of Historic Concrete: Problems and General Approaches
16. The Use of Substitute Materials on Historic Building Exteriors
17. Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character
18. Rehabilitating Interiors in Historic Buildings
19. The Repair and Replacement of Historic Wooden Shingle Roofs
20. The Preservation of Historic Barns
21. Repairing Historic Flat Plaster - Walls and Ceilings
22. The Preservation and Repair of Historic Stucco
23. Preserving Historic Ornamental Plaster
24. Heating, Ventilating and Cooling Historic Buildings: Problems and Recommended Approaches
25. The Preservation of Historic Signs
26. The Preservation and Repair of Historic Log Buildings
27. The Maintenance and Repair of Architectural Cast Iron
28. Painting Historic Interiors
29. The Repair, Replacement, and Maintenance of Historic Slate Roofs
30. The Preservation and Repair of Historic Clay Tile Roofs
31. Mothballing Historic Buildings
32. Making Historic Properties Accessible
33. The Preservation and Repair of Historic Stained and Leaded Glass
34. Applied Decoration for Historic Interiors - Preserving Composition Ornament
35. Understanding Old Buildings: The Process of Architectural Investigation
36. Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes
37. Appropriate Methods of Reducing Lead-Paint Hazards in Historic Housing
38. Removing Graffiti from Historic Masonry
39. Holding the Line: Controlling Unwanted Moisture in Historic Buildings
40. Preserving Historic Ceramic Tile Floors
41. The Seismic Retrofit of Historic Buildings: Keeping Preservation in the Forefront
42. The Maintenance, Repair and Replacement of Historic Cast Stone
43. The Preparation and Use of Historic Structure Reports
44. The Use of Awnings on Historic Buildings: Repair, Replacement and New Design
45. Preserving Historic Wood Porches
46. The Preservation and Reuse of Historic Gas Stations
47. Maintaining the Exterior of Small and Medium Size Historic Buildings

APPENDIX B

DIRECTORY OF FEDERAL, STATE AND LOCAL ORGANIZATIONS AND PROGRAMS

The following is a list of organizations, agencies, and programs that lobby state and local representatives on preservation laws, provide educational and technical assistance to homeowners and businesses, publish and disseminate preservation-related literature, and act as advisors to lawmakers. This network of alliances, non-profits, and state and federal agencies work together at all levels.

NATIONAL

National Park Service

The National Park Service, within the U.S. Department of the Interior, administers federal preservation laws and activities. It maintains the National Register of Historic Places and National Historic Landmarks program, and oversees the program of federal tax incentives for the rehabilitation of qualified historic structures. The State Historic Preservation Office (SHPO) oversees National Park Service guidelines for survey, documentation, and registration of historic sites within South Dakota.

For more information:

National Register of Historic Places

National Park Service

1201 Eye St., NW

8th Floor (MS 2280)

Washington, DC 20005

(202) 354-2213

<http://www.nps.gov/history/nr/index.htm>

Midwest Regional Office

The Midwest Regional Office provides technical service and administers the HABS/HAER and National Historic Landmark programs within thirteen states, including South Dakota.

For more information:

National Park Service

Midwest Region

601 Riverfront Drive

Omaha, NE 68102-4226

(402) 661-1736

The National Trust for Historic Preservation

The National Trust was chartered in 1949 to promote a national policy on preservation and to increase public awareness of preservation issues. A private non-profit organization, the Trust is the nation's major non-federal source of information and assistance concerning historic preservation. The Trust maintains six regional offices as well as a national headquarters in Washington, D.C. Regional offices provide preservation expertise to state and local organizations and individuals including conferences, field visits, and advice on special projects. The Trust maintains twenty-eight historic sites, administers grant and loan programs, and publishes a variety of publications on historic preservation.

For more information:

National Trust for Historic Preservation,

1785 Massachusetts Avenue, NW

Washington, DC 20036

(202) 588-6000

<http://www.nationaltrust.org/>

Mountain/Plains Regional Office

The Mountain/Plains Regional Office for the National Trust for Historic Preservation provides preservation assistance in South Dakota and seven other states.

For more information:
Mountain/Plains Office
535 16th Street, Suite 750
Denver, CO 80202
(303) 623-1504
email – mpro@nthp.org

STATE

South Dakota State Historic Preservation Office (SHPO)

As a program of the South Dakota State Historical Society, the State Historic Preservation Office (SHPO) administers the National and State Registers of Historic Places, provides technical preservation information, administers grant and tax incentives for preservation, administers the Certified Local Governments (CLGs) program, conducts surveys of state historic resources, reviews certain federal and state projects, and conducts public education programs.

For more information:
South Dakota State Historic Preservation Office
900 Governors Drive
Pierre, SD 57501
(605) 773-3458
<http://www.sdhistory.org/HP/histpres.htm>
email – shpo@state.sd.us

Preserve South Dakota

Preserve South Dakota is a statewide non-profit organization that provides preservation incentives, administers a statewide revolving loan fund, maintains the South Dakota Places in Peril list, disseminates preservation information, and publishes a quarterly newsletter. Preserve South Dakota also has a façade easement program.

For more information:
Preserve South Dakota
351 Fourth Street
Scotland, SD 57059
(605) 583-4509
<http://www.preservesd.org/>
email – preservesd@gwtc.net

South Dakota State Archives

The South Dakota State Archives collects and preserves permanently valuable government and organizational records, personal papers, publications, photographs, maps, and sound and video recordings that document the history of South Dakota, and makes them available to the public.

For more information:
South Dakota State Archives
900 Governors Drive
Pierre, SD 57501
(605) 773-3804
<http://www.sdhistory.org/arc/archives.htm>
email – archref@state.sd.us

South Dakota Archeological Research Center

The South Dakota Archaeological Research Center is the state agency that manages the public archeology program. They conduct a statewide archaeological survey, protect South Dakota's archaeological resources, maintain records of archaeological sites in South Dakota, and promote awareness of South Dakota's prehistoric and historic heritage.

For more information:

South Dakota Archeological Research Center
2425 East Saint Charles
P.O. Box 1257
Rapid City, SD 57709-1257
(605) 394-1936
<http://www.sdsmt.edu/wwwsarc/index.html>
email – archaeology@state.sd.us

LOCAL

Certified Local Governments (CLGs)

The South Dakota SHPO and the National Park Service certify local governments to undertake a preservation program within their communities. These organizations, known as CLGs, set up their own historic preservation commissions of qualified professionals and citizens, maintain a system of surveying historic sites, and ensure public participation in the process of nomination to the National Register of Historic Places. CLGs, once certified, are eligible to apply for specially earmarked grants from the SHPO. Presently there are eighteen CLGs in South Dakota.

South Dakota's Certified Local Governments

Aberdeen/Brown County Landmarks Commission
City of Aberdeen
123 S. Lincoln St
Aberdeen SD 57401-4215
(605) 626-7017

Clay County Historic Preservation Commission
Clay County Courthouse
211 W Main St. Ste 102
Vermillion SD 57069-2056
(605) 677-7120

Belle Fourche Historic Preservation Commission
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717-1407
(605) 892-2494

Codington County Historic Preservation
Commission
Codington County Historical Society
27 1st Ave SE
Watertown SD 57201-3612
(605) 886-7335

Brookings Historic Preservation Commission
City of Brookings
PO Box 270
Brookings SD 57006-0270
(605) 692-6281

Elk Point Historic Preservation Commission
City of Elk Point
PO Box 280
Elk Point SD 57025-0280
(605) 356-2141

Canton Historic Preservation Commission
City of Canton
210 N. Dakota St.
Canton, SD 57013-1834
(605) 987-2881

Gettysburg Historic Preservation Commission
City of Gettysburg
109 E. Commercial Ave
Gettysburg SD 57442-1101
(605) 765-2264

Hot Springs Historic Preservation Commission
City of Hot Springs
303 N. River St
Hot Springs SD 57747-1626
(605) 745-3135

Lead Historic Preservation Commission
City of Lead
801 W. Main St
Lead SD 57754-1533
(605) 584-1401

Minnehaha County Board of Preservation
County Administration Building
415 N. Dakota Ave.
Sioux Falls SD 57105-2412
(605) 367-4204

Mitchell Historic Preservation Commission
Mitchell Public Library
221 N. Duff St
Mitchell SD 57301-2525
(605) 995-8480

Pierre Historic Preservation Commission
City of Pierre
222 Dakota Ave
Pierre SD 57501-3158
(605) 773-7407

Rapid City Historic Preservation Commission
City of Rapid City
300 6th St
Rapid City SD 57701-2728
(605) 394-4120

Scotland Historic Preservation Commission
City of Scotland
PO Box 316
Scotland SD 57059-0316
(605) 583-2320

Sioux Falls Board of Preservation
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402
(605) 367-8670

Sisseton Historic Preservation Commission
City of Sisseton
513 Veterans Ave
Sisseton SD 57262-1415
(605) 698-3391

Spearfish Historic Preservation Commission
City of Spearfish
625 5th St
Spearfish SD 57783-2311
(605) 642-1325

APPENDIX C

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE PROGRAMS

Survey

The South Dakota Historic Sites Survey locates and identifies historic sites in the state. The purpose of this program is to establish “what’s out there.” Historic sites can be buildings, structures, and objects. A survey form includes a physical description of the site and historical information on topics such as the site’s architect, former residents, and former uses.

National Register of Historic Places

The National Register of Historic Places is the nation’s official list of sites worthy of preservation. A site is eligible for the National Register if it meets three tests: age, significance and integrity. A site must: 1) generally, be 50 years or older, 2) have historical, architectural or archeological significance at a local, state or national level, and 3) retain a majority of its original materials, design, workmanship, location, setting, feeling and association.

Benefits of Register Listing

Owners of National Register buildings who restore or rehabilitate their buildings according to accepted preservation guidelines may qualify for federal and state tax benefits, which are described below. All federal, state, and local agencies are prevented by law from adversely affecting National Register properties without following a planning process designed to suggest feasible preservation alternatives. These federal and state preservation laws are described below.

Preservation Laws: Federal and State

The federal law protecting prehistoric and historic properties is referred to as Section 106. Section 106 is a part of the National Historic Preservation Act of 1966, as amended. Section 106 ensures that federal agencies consider what effect their “undertakings” will have on historic properties.

The South Dakota law protecting prehistoric and historic cultural resources is SDCL 1-19A-11.1. The law requires that state and local governments notify the State Historic Preservation Office (SHPO) of projects that may damage or destroy cultural resources that are listed on the National or State Registers of Historic Places so that the SHPO can investigate and comment on the project. If the SHPO determines that the project will harm historic property, the project may not proceed until the state or local government has explored all feasible alternatives to reduce harm to the resource.

Tax Benefits: Federal and State

Federal investment tax credits and state historic property improvement tax moratoriums are available to owners who rehabilitate their historic buildings. Qualifications for the 20% federal income tax credit are: 1) the building must be eligible for or listed on the National Register of Historic Places, 2) the value of the rehabilitation work must exceed the adjusted basis of the building or \$5,000, whichever is greater, 3) the building must be an income-producing property and 4) the rehabilitation work must conform to the Secretary of the Interior’s *Standards for Rehabilitation*, guidelines for historic buildings that are accepted throughout the historic preservation community. A 10% income tax credit is available for nonresidential industrial and commercial buildings built before 1936 that are not on the National Register and are used for income producing purposes.

An eight-year moratorium on property tax assessment for improvements to historic buildings listed on the State Register of Historic Places is available under South Dakota law. Buildings listed on the National Register of Historic Places are considered to be listed on the State Register. The property tax assessment may not be increased due to certified improvements made on the historic building. Rehabilitation work done to qualify for the moratorium must meet accepted preservation standards.

Certified Local Governments (CLG)

Certified Local Governments are local governments with historic preservation programs that meet certain federal and state standards. These governments are eligible to apply for grants from the State Historic Preservation Office to fund preservation projects such as surveys and National Register nominations. Certified Local Governments may comment on projects that are reviewed under federal and state preservation law. There are eighteen Certified Local Governments in South Dakota.

Technical Assistance

The SHPO staff is available to answer specific technical questions about building restoration. The SHPO maintains a library of technical preservation publications and catalogs of historic building material suppliers.

APPENDIX D

PUBLIC EDUCATION AND PUBLIC RELATIONS HINTS

This section is taken from Linda B. McTeague, editor. *Preserving New Jersey: A Handbook for Municipal Historic Preservation Commissions*. Belle Mead, NJ: Preservation New Jersey, August 1986.

A positive image is an important factor in the commission's achieving the confidence and support of the municipal government and the community at large. Commission members should always keep this in mind and strive for professionalism by being well informed on local issues, including planning and development, and by operating in a fair and consistent manner. It is also essential to illustrate continuously the value of the commission's work through media coverage and educational projects. In view of the need for frequent contact with local officials, as well as the public and the press, the commission chair should be someone who relates well to a variety of people. The establishment of good will cannot only make the commission's job easier, but it will create a broad base of support that will be invaluable when controversial issues arise.

Relationship with City Government

Once appointed to a commission, it should be a commissioner's objective to familiarize himself with the operation of the municipal government. Commissioners work directly with the planning board and the building code official; and they also interact with the mayor, council, zoning board of adjustment, and the members of other boards and departments. Unlike commission members, many of these officials are not committed to preservation goals; and some may actually be opposed to preservation, or at least to a regulatory ordinance. Therefore, the commission will have to educate these officials by making them aware of their operating procedure and the benefits of historic preservation.

One commission task may be the preparation of a preservation element for the municipal master plan. As it is prepared, it will be necessary to review other plan elements. Of course, one reason for the review is to avoid conflict, whether by modifying the proposed preservation element, or by recommending amendments to existing elements. However, another reason for the review should be to familiarize the commission with other community priorities.

Master plans are just a guide and, as such, are subject to change. Therefore, it is advisable to meet regularly with local officials to discuss preservation goals relative to other community goals. These periodic conferences will help establish a good working relationship with fellow public servants, one that will facilitate the smooth operation of the commission. In addition to the officials mentioned above, it is also desirable to meet with the fire chief, community development staff, the housing authority, and health department staff. The larger the municipality, the more agencies there are that will be involved with or affected by the work of the commission. As soon as they are available, copies of the preservation plan element, the ordinance, the commission meeting schedule and rules of procedure, and any brochures prepared by the commission should be given to all officials.

In all conferences and meetings with officials, the commission should be open about possible problems that may affect the governing body and other boards and have suggestions about how they might be resolved. There is nothing worse for a politician than to be surprised by a situation. Officials must be kept abreast of commission decisions and potential problems.

Commission members should be aware of areas of possible conflict between various municipal ordinances and should work with officials in order to resolve them. One problem might arise when elements of an existing zoning ordinance are adverse to preservation. An example might be an ordinance that allows buildings that are larger than the average historic property, thus contributing to inconsistency or an incentive to demolish and rebuild. Another might be an incompatible setback requirement for new construction, one that allows parking in the front of a building.

Apart from official meetings and conferences, it is beneficial to establish a friendly relationship with public officials. This can be accomplished by as small an act as taking the building inspector or a planning board

member out for a cup of coffee when there is absolutely nothing you want from him. A good relationship is also engendered by being genuinely interested in his department or sphere of influence, problems, function, etc., and by giving him support whenever possible. This kind of outreach is worth the effort and it will contribute to making the commission and its operation an integral part of the local government.

Part of the initial thrust of establishing good relations should be to show public officials examples of how preservation efforts and controls have contributed to the revitalization and stability of other similar communities. This can be accomplished with newspaper clippings, reports, testimonial letters from municipal officials, and field trips (Seeing is believing!).

Finally, it is always good politics to involve local officials in the “glory” of preservation, even if they have made little or no contribution to the success. For example, if a property or district has been designated, invite the district council representative and the mayor to participate in a plaque placing ceremony and make sure that their pictures get into the newspaper. It is a fact that if the work of the commission brings good publicity to a politician, he is likely to give the commission his support.

State Government

State legislators can also be a source of help for preservationists. In order to make a case for preservation, one should be able to inform the legislator concisely of the value of historic architectural resources to the community and to other communities throughout the district. Of course, the protection of cultural values is important, but preservation can also enhance economic development, increase the local tax base, and provide jobs. It is always in a commission’s best interest to keep the legislator informed of both progress and problems in the area of preservation and to establish a relationship that includes concern regarding the legislator’s own areas of interest as well.

The Media

The newspaper is an important medium of communication that should not be overlooked. It can provide coverage of commission successes, progress in designation and administration that will contribute to the credibility of the commission. It can also be used to educate the public and alert them to possible threats to specific properties or to the historic character of the community as a whole. It can also be used to provide notice and results of hearings and meetings and to publicize special events such as workshops and tours.

Because of the service a newspaper can provide, a historic preservation commission should cultivate a good relationship with the press. If a commission can supply a reporter with accurate, timely material, they will be helping him as well as gaining valuable publicity. Reporters are usually receptive to stories about preservation since they are always looking for fresh material that deals with a subject of interest to a large segment of the population. The combination of real estate, government regulation, and historic landmarks makes headlines and, generally, reporters like preservation-related stories.

Encouraging Press Coverage

The responsibility to arrange for press attendance at commission meetings belongs to the chair, who is also the commission spokesman. However, one commission member can be appointed liaison to the press for all but major matters. This person should be someone who is articulate, writes well, and can be counted on to think before he speaks. In general, the commission should make sure that reporters have easy access to commission records and that the chair and liaison to the press are available to answer the questions of reporters, who usually want information quickly.

Press inquiries come suddenly, and a commission spokesman often does not have much time to consider his answer. It is usually possible to ask the reporter if his call can be returned in fifteen minutes. The brief delay will allow time to think about a reply. When a reply is made, only factual information should be given and at no time should applications that are currently under consideration be discussed. At times, a commissioner may wish to make comments or explanations that he does not wish to see in print. A reporter will usually honor such a request if a commissioner asks to speak off the record or not to be quoted. If a reporter will be quoting, the

commissioner can ask him to read the quote so that it can be corrected if necessary. If the commission has established a good relationship with the reporters who cover their stories, and if the reporters really appreciate a willingness to cooperate, they will be willing to oblige. There are some occasions when a commission spokesman may not wish to comment on a particular question. If so, the spokesman should be straightforward with the reporter and tell him so. Whenever possible or appropriate to the situation, the reporter should be supplied with written background information.

The Press Release

Press releases should become a regular product of a historic preservation commission. Most will be short announcements of commission actions or scheduled hearings. However, some will be articles meant to educate the public on policy or procedure. Others will publicize a district designation or a workshop, and a few will attempt to arouse public opinion in response to a threat. The release itself should be no longer than two pages, typed double spaced on white paper. It should look like news copy and have the name and phone number of a contact person at the top. In addition, it should give a date for the release or simply specify "For Immediate Release" at the top. A press release can include quotations from key people and should have documentation where necessary. If it is to publicize a program, it is advisable to attach a schedule of events or a brochure. If a photo is appropriate, ask the newspaper if they prefer a particular format for the photo and include a photo that meets their preferences.

District Property Owners and the General Public

Good public relations rest primarily on such things as public participation, education, fairness, and a genuine concern for the individual. Public participation should continue throughout the process of enacting the ordinance and designating local districts and landmarks.

At all times, it should be remembered that there are many who do not value preservation goals. Members of lower income groups have often been forced to live in older housing that is substandard and in need of repair and modernization. They, and many others, equate "new" and "better". Therefore, the commission will have to prove that they can benefit from historic preservation and that it is no more expensive to repair and replace the original fabric of a building than it is to apply a synthetic material. In working with those who do have limited financial resources, it is essential to be understanding and sympathetic without being condescending. Commissions must avoid the image of being servants to upper middle class goals and values, since they have been charged with the responsibility of protecting the historic resources for the enhancement and benefit of the entire community.

Education and the personal touch are valuable tools for making friends of the members of varied interest groups. Letters and brochures explaining the ordinance and design standards should be mailed to all property owners as a matter of course. However, other educational programs, such as talks and workshops on historic architecture, maintenance and repair techniques, and appropriate paint colors can generate compliance and support. Most valuable is the availability of a staff person or a commission member for one-on-one contact with the public on a daily basis. The staff person, in addition to giving advice and helping to solve problems, can keep in touch with neighborhood and community concerns.

Some suggestions for educating the public and promoting preservation follow:

Educational Tools

Notification letter: A letter mailed to owners of property in designated or potential districts that gives information on the ordinance, the commission and its operation, and the district; letter may also outline the benefits of preservation to the municipality and property owners.

Summary sheet: A sheet, available at the public library and other public buildings, that summarizes the ordinance, the commission's function, and the benefits of preservation.

Design and Rehabilitation Brochure: A free brochure, mailed to owners of historic properties and available to the general public, that outlines and illustrates the design and rehabilitation guidelines for historic districts and the permit application procedure.

Historic signs and markers: Signs and plaques that identify districts and buildings and generate recognition and pride; sometimes sold by local historical society or civic group.

Preservation workshops: Workshops sponsored by the commission, historical society, or neighborhood association that address topics such as:

- 1) the local ordinance, the commission, and the review procedure,
- 2) architectural styles,
- 3) rehabilitation techniques,
- 4) available financial incentives.

APPENDIX E

GLOSSARY OF ARCHITECTURAL ELEMENTS AND MOTIFS

arcade	a porch supported by a series of arches or arched columns
axial façade	the side of a building which is parallel with the ridge line of the roof, often the long side
balustrade	a decorative railing on the main façade of a building which is supported by short posts or pillars called balusters
banister	the handrail on a staircase which is supported by posts
bargeboard	decorative wooden trim which fills the peak of a gable
bay	a visually defined unit of space in a structure; on the exterior wall, the division is made vertically, while in plan, the division is most often determined by a wall or function
bay window	a projecting window, which often has three sides; when located on the upper story, this window is called an oriel window
belfry	the section of a tower or steeple which holds the bell; often the belfry is open
belt course	a decorative device on the outside wall of a building used to demarcate the floors on the interior, usually wider than a string course
blind arch	an arched opening which is filled with the surface building material
board and batten	exterior wood siding laid vertically which has narrow wooden strips placed over the seams
bracket	a brace which structurally or visually supports a projecting eave, hood or canopy
bullseye molding	the corner block of a door or window molding or surround which has a bullseye pattern of concentric circles
buttress	an exterior wall support used originally in churches which rests on the ground or sill and acts in compression
cartouche	a decorative device which is generally round or elliptical in shape and resembles a scroll or sheet of paper with curling edges; it may be bare or inscribed
corbel	a small section of masonry supporting a cornice or other features and composed of recessed layers of brick or stone
cornice	the uppermost continuous molding on a building or pediment
course	a continuous band of masonry on a building, laid in parallel, horizontal rows
crenellation	a design derived from fortresses and castles and resembling battlements along the roof line; also called castellation
cupola	a small round, square or polygonal dome, crowning a roof or tower, often with windows
dormer	a projecting window bay in the roof of a structure

eave	the underside of a roof projecting out over a wall
egg and dart	a pattern of molding used in classical designs comprised of an alternating row of egg shaped and dart shaped units; the ovolo on a classical column
ell	an addition to the main block of the building which projects out from the rear wall
entablature	the uppermost part of a classical order
facade	the complete side or wall of a building
faceted window	a window composed of glass which has been cut on an angle along the edges
fanlight	an elliptical or semi-circular section of glass over a window or door and broken into radiating or decorative panels
finial	a spire-like decorative ornament placed on the peak of a gable or pinnacle
gable	two sloping roof sections which meet in a ridge
gable-end façade	the side of a structure which is perpendicular to the ridge line of the roof
gazebo	a lawn or garden structure which is circular or polygonal in shape, and has a roof and open sides
half-timbering	the exposed wooden structural system on the building's surface (stick bracing) which is infilled with plaster or stucco, in South Dakota purely decorative; stick bracing is an ornamental allusion to half-timbering but is used on all-wooden buildings
Herm figure	a decorative figure located at the base of a pillar
hood mold	a projecting cover over a window or door (window mold)
keystone	the large, wedge-shaped center section of an arch
label molds	a hood mold which has a rectangular shape
lintel	the horizontal beam along the top of the window or wall
mullion	a vertical bar dividing a window into two or more lights; also called muntin
Neo-Grec	ornamental feature in Italianate architecture; the incised design on a flat window or hood mold based on Greek Revival pattern book designs
newel	upright post at the bottom of a stair rail
oculus	small circular window
oriel	a bay window hung on an upper story
overlight	a section of glass over a door or window; the movable version is called a transom
ovolo	molding on a classical column, used separately in classical revival trim and called egg and dart

Palladian window	three-part window, the center tall window has a semi-circular arch and the lower, side windows are rectangular; named for the architect, Palladio, and used in classical revival buildings
parapet	a section of a wall which rises above the roof as in a false front building
pavilion	the projecting subdivision of a larger building, most often square in shape and covered with a dome; also an ornamental building used in a garden
pediment	the top triangular section of a classical order
pergola	a covered walk found in gardens and parks of the 1910-1940 era derived from Roman architecture and composed of a double row of posts or pillars with joists above
pilaster	a flat decoration applied to corners and around doors and alluding to columns
pillar	A column or post supporting an arch or other superimposed load.
portal	the principal entry of a large building, most often used in ceremonial structures
portico	a covered porch or entranceway supported on columns and often topped with a pediment
purlin	a horizontal timber, below and parallel to the ridge pole and underlying the roof
quoin	decorative feature on the corner of a building made of slightly projecting blocks of stone, wood, cement or brick and coursed to suggest bonding
ridge	the horizontal edge of a roof joining two slopes; the ridge pole supports the ridge
sash	a framed section of window capable of vertical movement
shake	thick, hand-split shingle
shed	an addition to the main block of the building, which has a sloping, single plane roof and which is abutted to the wall of the main block
shingle	A roofing unit of wood, asphalt, slate, tile, concrete, asbestos, or other material that is cut to stock dimensions and thickness and used as an overlapping covering over sloping roofs and side walls
sidelight	the panel of window on either side of a door, most often found with a transom or overlight
sill	the bottom supporting member on the window or door; a sill plate is the horizontal support for the structure
soffit	the underside of an architectural element
spire	the pointed roof rising from a tower or steeple
steeple	the tower or spire of a church
string course	a decorative device on the outside wall of a building used to demarcate the floors on the interior, narrower than a belt course

surround	An encircling border or decorative frame around a door, window, or other opening
swag	a decorative detail resembling a drapery of cloth or flowers, also called a festoon and found in classical revival style architecture
tie rod	a metal rod running between walls and anchored on the outside wall, usually with a decorative metal anchor plate; used to stabilize the structure
tracery	decorative patterned work on the exterior of a building or within an arch or window, forming an intersecting grill; dates from Gothic architecture
transom	movable pane of glass over a door
vault	an arched covering over a space
vousoir	one of the radiating components of an arch
water table	a projecting, often sloped molding or course on a building located between the basement foundation and the first floor, designed to throw off water
window cap	The upper termination of a window; such as a hood or pediment; also called a window crown
window casing	The finished frame surrounding a window; the visible frame; usually consists of wood, metal, or stone

APPENDIX F

SOUTH DAKOTA MODEL HISTORIC PRESERVATION ORDINANCE

Authorizing the designation of local historic districts and the review of changes to property in the historic districts

AN ORDINANCE PERTAINING TO HISTORIC PRESERVATION IN THE CITY OF _____, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____, SOUTH DAKOTA AS FOLLOWS:

Section 1. Purpose.

Whereas the Legislature of the state of South Dakota has determined that the historical, architectural, archaeological, paleontological, and cultural heritage of this state is among its most important assets, it is hereby declared to be the purpose of this ordinance to enable the City of _____ to engage in a comprehensive program of historic preservation, to promote the use and conservation of historic properties and to help in the development of these properties for the education, inspiration, pleasure and enrichment of the citizens of this city and this state.

Section 2. Historic Preservation Commission Created.

(a) Pursuant to the authority granted by SDCL 1-19B-2, there is created for the city a historic preservation commission to be known as the _____ Historic Preservation Commission. The Commission shall consist of ten members, who shall be appointed by the City Council with due regard to proper representation of such fields as history, architecture, urban planning, archaeology, paleontology, and law.

(b) All members of the Commission shall reside within the City of and shall serve for terms of three years and shall be eligible for reappointment. The terms of the original members shall be varied in order to assure that no more than one-third of the appointments shall be for a full three year term with the remaining appointments divided between one and two year terms. Persons appointed to fill an unexpired term shall serve for the remainder of the term. Any member who fails to attend three consecutive meetings without presenting an explanation accepted by the Commission may be deemed to have abandoned the office and may be replaced as provided herein.

Section 3. Procedures of the Commission.

(a) The Commission shall elect annually a chairman and vice-chairman from its own membership. In addition to other duties, the chairman shall be the spokesman for the Commission and shall represent the Commission in its work with other City departments. The Commission shall meet monthly at a regular time and place to be established by the Commission. A quorum shall consist of a majority of the commissioners in office and shall be required in order for the Commission to take action. In addition, a simple majority of the current membership shall be required for decisions involving buildings and structures and property in historic districts.

(b) The Commission shall prepare an annual report for the City Council, and it shall include information about any historic property that is threatened. The Commission may, subject to appropriation by the City, employ clerical assistants or consultants to help in carrying out its responsibilities under this ordinance. Other persons

on the City staff may be asked to assist the Commission. The Commission may adopt rules and regulations not inconsistent with the provisions of this ordinance and state laws.

(c) No member of the Commission shall participate in the discussion about any matter or vote on any matter that may affect the property, income, or business interests of that member.

Section 4. Powers and Duties of the Commission.

In addition to the powers and duties stated elsewhere in this ordinance, the Commission shall take actions necessary and appropriate in order to accomplish the purposes of this ordinance. These actions may include, but are not limited to, the following:

1. To conduct surveys of local historic properties;
2. To participate in planning and land-use processes undertaken by the City;
3. To cooperate with the federal, state and county governments in the pursuance of the objectives of historic preservation;
4. To contract, with the approval of the City Council, with the state or the federal governments;
5. To promote and conduct an educational and interpretive program on historic properties and issues within the city;
6. To recommend ordinances and provide information for the purposes of historic preservation to the City Council;
7. To notify the Director of Equalization of the designation of any historic property by the City or by the U.S. Department of the Interior;
8. To adopt written guidelines for making exterior changes to historic property;
9. To negotiate with owners of historic property and other interested persons when the historic property may be demolished, materially altered, remodeled, relocated or put to a different use;
10. To assist the Historic District Study Committee when it investigates and reports on proposed historic districts;
11. To assist owners of historic property and buildings and structures in historic districts in preserving their buildings;
12. To assist in the review of projects on which review by the State Historic Preservation Office is required under SDCL 1-19A-11.1; and
13. To attend informational and educational programs covering the duties of the Commission and current developments in historic preservation.

Section 5. Coordination with Other City Departments.

(a) City departments shall give timely notice to the Commission of matters that will affect property on the National Register of Historic Places and the State Register of Historic Places and property within historic districts that have been designated by the City Council. The Commission shall be given this notice about proposed work as soon as the proposal is received by the other city department or a study is begun on work that would be done by the other city department.

(b) The Commission shall promptly prepare its comments on the proposed work so that its comments will be received prior to a decision by the other city department. The Commission shall obtain the comments of the Historic District Commission and transmit them to the city department in a single report. The coordination and comments under this section are separate from the reviews, negotiations, and approvals that are provided for, when owners and applicants submit proposed work directly to the Historic District Commission.

Section 6. Survey of Local Historic Properties.

In conducting a survey of local historic properties, the Commission shall comply with all applicable standards and criteria of the statewide survey undertaken by the South Dakota State Historical Society. The members of

the Commission, its employees and its agents shall be authorized to enter upon private property for examination and survey solely in the performance of its official duties and only at reasonable times. No member, employee or agent of the Commission may enter any private property or building or structure without the express consent of the owner or occupant.

Section 7. Establishment of a Historic District Study Committee.

(a) The City Council may establish a Historic District Study Committee for the purpose of making an investigation of a proposed historic district. The Committee shall consist of seven members appointed by the City Council with due regard to proper representation of fields such as history, architecture, architectural history, urban planning, archaeology, paleontology and law. Where possible, the members shall be selected from residents of the proposed district. Members of the Historic Preservation Commission may comprise all or part of the Historic District Study Committee. Nominations of a proposed district shall be made to the City Council and may be made by a member of the Commission, an owner of property in the proposed district, a member of the City Council, a neighborhood organization, or any other person or organization.

(b) The Study Committee shall make an investigation of the historical, architectural, archaeological, paleontological and cultural significance of the buildings, structures, sites or surroundings included in the proposed historic district. The Committee's investigation and recommendations shall comply with the criteria adopted by the State Historical Society Board of Trustees. The Committee shall report its findings to the Planning Commission, the Historic Preservation Commission, and the State Historical Society Board of Trustees for their consideration and recommendations.

(c) Sixty days after transmittal of its findings, the Study Committee shall hold a public hearing on the proposed district. Due notice of the hearing shall be given including notice by publication and conspicuous posting in and around the proposed district. Written notice, postage prepaid, shall be given at least fourteen days before the hearing to the owners of all properties to be included in the proposed district. After the public hearing, the Committee shall submit to the City Council a final report with its recommendations and a draft of a proposed ordinance, where applicable.

Section 8. Establishment of a Historic District and Creation of a Historic District Commission.

(a) The City Council may establish by ordinance one or more historic districts. The City Council shall give written notification of the designation to the owners and occupants of the property in the historic district. The City Council shall file a copy of the designation ordinance in the office of the Register of Deeds for the county and shall notify the Director of Equalization of the county. An ordinance establishing a historic district may be amended by following the procedures of this ordinance and by having the Historic District Commission study and report on the proposed amendment.

(b) Whenever a historic district is established, the City Council shall also establish a Historic District Commission. The Historic District Commission shall consist of seven members appointed by the City Council with due regard to proper representation of fields such as history, architecture, architectural history, urban planning, archaeology, paleontology, and law. Where possible, the members shall be selected from residents of the proposed district. Members of the Historic Preservation Commission may comprise all or part of the Historic District Commission. The appointments to membership on the Historic District Commission shall be arranged so that the term of at least one member will expire each year, and their successors shall be appointed in like manner for terms of three years. Persons appointed to fill an unexpired term shall serve for the remainder of the term. Any member who fails to attend three consecutive meetings without presenting an explanation accepted by the Historic District Commission may be deemed to have abandoned the office and may be replaced as provided herein.

(c) The Historic District Commission shall elect annually a chairman and vice-chairman from its own membership. In addition to other duties, the chairman shall be the spokesman for this Commission and shall represent this Commission in its work with other City departments. The Historic District Commission shall meet

monthly at a regular time and place to be established by the Commission. The chairman may cancel a scheduled meeting when there is no business to transact. A quorum shall consist of a majority of the commissioners in office and shall be required in order for the Historic District Commission to take action. In addition, a simple majority of the current membership shall be required for decisions involving property in the historic district.

(d) The Historic District Commission shall prepare an annual report for the City Council, and it shall include information about any property in the historic district that is threatened. The Historic District Commission may, subject to appropriation by the City, employ consultants to help in carrying out its responsibilities under this ordinance. Persons on the City staff may be asked to assist the Historic District Commission including through the provision of clerical help that is needed. The Historic District Commission may adopt rules and regulations not inconsistent with the provisions of this ordinance and state law.

(e) No member of the Historic District Commission shall participate in the discussion about any matter or vote on any matter that may affect the property, income, or business interest of that member.

Section 9. Certificate of Appropriateness Required for Exterior Alterations in Historic Districts.

(a) After the designation of an historic district, no exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within the district until after the Historic District Commission has received and approved an application for a certificate of appropriateness for the proposed work on exterior features of the building or structure.

(b) The owner or applicant shall submit an application that provides information about the proposed work on exterior features of the building or structure. The application shall include the material that is requested by the Historic District Commission. The owner or applicant shall be required to post signs on the property describing the proposed work.

(c) The City shall require a certificate of appropriateness to be issued by the Historic District Commission prior to the issuance of a building permit or other permit granted for the purposes of demolishing, constructing, or altering a building or structure. A certificate of appropriateness shall be required whether or not a building permit is required.

(d) For purposes of this ordinance, "exterior features" shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Changes in the exterior features of a building or structure shall include proposed new construction or demolition.

(e) The Historic District Commission shall not review plans that involve changes to the interior of a building or structure. As to exterior features, the Historic District Commission shall only act for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, or outdoor advertising signs in the historic district which would be incongruous with the historical, architectural, archaeological or cultural aspects of the district.

(f) The Historic District Commission shall adopt guidelines to help in its review of proposed work. The guidelines shall include the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and they may include other guidelines appropriate for historic buildings and structures in the city. The Historic District Commission may expand or amend the guidelines it has adopted.

(g) Prior to the review of an application for a certificate of appropriateness, the Historic District Commission shall inform the owners of property likely to be materially affected by the application and shall give the

applicant and such owners an opportunity to be heard. In cases where the Historic District Commission deems it necessary, it may hold a public hearing concerning the application.

(h) If the Historic District Commission determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, it shall promptly approve the application and shall issue a certificate of appropriateness. If the Historic District Commission determines that a certificate of appropriateness should not be issued, it shall place in its records the reasons for this determination and shall promptly notify the applicant, furnishing the applicant an attested copy of its reasons and its recommendations, if any. The Historic District Commission shall act on the application within forty-five days, or it shall be deemed to have approved the application.

Section 10. Certificate of Appropriateness Issued in Case of Extreme Hardship.

The Historic District Commission shall approve an application for a certificate of appropriateness in any case where the owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness were issued promptly.

Section 11. Appeal to Circuit Court.

Any applicant aggrieved by a determination of the Historic District Commission may appeal to the Circuit Court.

Section 12. Ordinary Maintenance and Repairs. Correction of Unsafe Conditions.

Nothing in this ordinance shall be interpreted to prevent the ordinary maintenance or repair of any exterior feature of a designated property which does not involve a change in its design, material, or outer appearance. In any case where the building inspector determines that there are emergency conditions dangerous to life, health, or property involving a designated property, the building inspector shall order the remedying of these conditions without the approval of the Historic Preservation Commission or Historic District Commission. The building inspector shall promptly notify the chairman of the commission affected by the emergency action.

Section 13. Prevention of Demolition by Neglect.

Any owner of a property within a designated historic district shall be guilty of a Class 2 misdemeanor when the owner permits the deterioration of the property by intentional neglect and a building on the property is threatened with demolition because of this deterioration. Where appropriate, the Historic District Commission may request a meeting with the owner in order to discuss the condition of the property. Each day that a violation continues to exist shall constitute a separate offense.

Section 14. Conformity with the Approvals Given.

All work performed pursuant to an approval given under this ordinance shall conform to the provisions of the approval. It shall be the responsibility of the Historic District Commission to inspect, from time to time, any work being performed in order to ensure compliance with its approval. The City staff shall help with the inspections, and the City staff will take additional action that is needed, when work is being performed that is not in accordance with the approval given.

Section 15. Penalties.

Any person who performs work without following the provisions of this ordinance shall be guilty of a violation of this ordinance and shall be subject to a fine not exceeding one hundred dollars. Each day that a violation continues to exist shall constitute a separate offense.

Section 16. Definitions.

As used in this ordinance, the following terms shall mean:

1. "Alteration". Any construction on or change to the exterior of a building, structure, or site including, but not limited to, the changing of siding or roofing materials and the changing, eliminating or adding of doors, windows, steps, fences, railings, porches, balconies, signs or other ornamentation. Ordinary maintenance and repairs shall not be considered an alteration.
2. "Certificate of Appropriateness". The document, issued by the Historic District Commission, that gives its approval for work to be done on property within the historic district.
3. "Commission". The city's Historic Preservation Commission. The city's Historic District Commission is referred to by its full name.
4. "Committee" and "Study Committee". The city's Historic District Study Committee.
5. "Demolition". Any act that destroys in whole or in part a building or structure.
6. "Exterior features". The architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features. In the case of outdoor advertising signs, exterior features shall be construed to mean the style, material, size, and location of all such signs. Changes in the exterior features of a building or structure shall include proposed new construction or demolition.
7. "Extreme hardship". The inability of owners of a historic property to make reasonable use of their property. Extreme hardship occurs when a historic property cannot be used by the owner or a tenant because of its condition and the historic property cannot be rehabilitated for an amount of money that it would be reasonable for an owner to invest in a property.
8. "New construction". The act of making an addition to an existing building or structure or the erection of a principal or accessory building or structure.
9. "Ordinary maintenance and repairs". Work that corrects any deterioration or damage to a building or structure in order to restore it to its condition prior to the deterioration or damage. The work does not involve a change in the design, material, or outer appearance of the building or structure.

Section 17. Separability.

The provisions of this ordinance are declared to be separable. If any section of this ordinance shall, for any reason, be declared invalid or unconstitutional, the remaining provisions shall continue to have full force and effect.

Section 18. Effective Date.

This ordinance shall take effect immediately upon its passage and adoption by the City.

STATE HISTORIC PRESERVATION OFFICE



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