

Historic Resources

Executive Summary

The *Horizon 2020 Historic Preservation Plan Element* provides Lawrence and unincorporated Douglas County with both a broad-based and inclusive preservation model. Its goal is to create opportunities to preserve, enhance and develop, through preservation activities and programs, livable, vital, and sustainable neighborhoods, commercial centers, cultural landscapes, and rural communities. The plan broadly focuses on the city's and county's cultural resources, including its buildings, neighborhoods and streetscapes, historic sites, trails, battlefields, open spaces, and prehistoric and historic archaeological sites. These are the assets that provide a unique "sense of place" in the region.

This historic preservation plan element presents goals, policies, and implementation strategies that integrate historic preservation into the city's and the county's planning and land use policies and processes. By capitalizing on historic preservation's demonstrated strengths, reinforcing current programs, and initiating both short- and long-term new efforts, the city and the county can not only protect valuable resources, they can also coordinate the processes involved in this protection.

PRESERVATION PLAN GOALS

The City of Lawrence and Douglas County possess a unique legacy of built and natural resources that reflect its rich history. This legacy deserves to be protected and preserved. This plan capitalizes on the demonstrated success of historic preservation methodology as a tool for revitalization of older neighborhoods and commercial centers, the popularity of traditional urban environments, the fast-growing heritage and cultural tourism industry, and the strong public support for environmental stewardship and sustainability. It provides strategies that place preservation as an important component in the city and county's planning and development programs. Six goals compose the key elements of the plan.

- Incorporate Historic Preservation as an Important Component of the City and County Planning Processes.
- Conserve the Rural Character of Unincorporated Douglas County in Strategic Areas.
- Incorporate Preservation Incentives into the City and County's Economic Development Policies and Programs.

- Incorporate Heritage Tourism as an Economic Development Program.
- Establish Outreach and Educational Programs.
- Incorporate Historic Preservation into the City and County's sustainability Policies and Programs.

WHY A HISTORIC PRESERVATION PLAN?

Historic preservation offers two distinct benefits. The preservation of historic resources has its own intrinsic value in celebrating the city and the county's diverse cultural heritage, in honoring the craftsmanship of other eras, in instilling the values by which we live, and in understanding the relationships of the past, the present, and the future. Historic preservation also has proven practical value as a tool for economic development and environmental stewardship.

Economic Benefit

The most successful revitalization efforts in the country (cities, towns, or rural communities) utilize historic rehabilitation and preservation as the core of their revitalization strategies. Throughout the nation, there are successful models for preservation programs that demonstrate the positive economic impact that occurs when historic preservation is used as a tool for planned revitalization efforts in older neighborhoods and commercial centers.

Public policy that integrates historic preservation into the planning process and targets it to definable areas provides a level of stability that attracts both short- and long-term investment. Revitalized neighborhoods provide a stable population, a greater tax base, higher job retention, and less drain on city services.

Heritage Tourism Venues

Preserved neighborhoods and commercial centers attract visitors. Heritage tourism is big business. This plan provides initiatives that capitalize on existing historic resources and themes and presents approaches to developing new heritage tourism programs that promote local and regional synergy, allowing the city and county to capitalize on their historic resources. Lawrence and Douglas County can claim a role in the development of cultural, economic, and political forces of local, state, and national significance. Lawrence and Douglas County retain tangible ties to prehistoric and historic indigenous peoples, the era of European exploration and the fur trade, the Santa Fe commercial trade route, the establishment of the Indian Territory, the Oregon and California emigrant trails, the abolitionist movement, the Border War, the Civil War, the evolution

of regional livestock and agricultural industries and an acclaimed State university.

Environmental Stewardship and Sustainability

Historic preservation is an important component in environmental stewardship and sustainable development. The citizens of Lawrence and Douglas County increasingly support environmental conservation efforts. This growing awareness of how local conditions fit into larger environmental issues has led to the recognition of the importance of natural resources and of the embodied energy contained in the built environment. Historic preservation practices are tools for better stewardship of older buildings, neighborhoods, and rural landscapes. The conservation and improvement of our existing built resources, including the re-use and improvement of historic structures, is central to our community's overall plan for environmental stewardship and sustainable development.

The Federal, State, and Local Preservation Partnership

Many of the nation's preservation programs are part of a partnership between federal, state, and local government. The National Historic Preservation Act of 1966 created the framework for the National Register of Historic Places, the Advisory Council on Historic Preservation, and authorized matching grants-in-aid to states. By October of 1966, the Secretary of the Interior asked the governor of each state to appoint an individual to help accomplish the directives of the National Historic Preservation Act including the review and allocation of matching grants-in-aid. In 1980 the National Park Service created the Certified Local Government program to formalize the partnership between the National Park Service, acting on behalf of the Federal Government, the State Historic Preservation Office (SHPO), acting on behalf of the state government, and local governments.

Federal laws affect preservation in a number of ways. They authorize federal support for national, state, and local preservation programs; define procedures for the identification, evaluation, and protection of cultural resources; provide incentives to protect resources; and mandate procedures to review the impact of federal undertakings on significant cultural resources.

Among the most successful preservation incentives are the 20 percent rehabilitation tax credit for income-producing properties listed individually or as contributing to a district in the National Register of Historic Places and the low-income housing credit that can be combined with the rehabilitation credit. Owners of properties that are listed in the National Register can donate a preservation easement to a not-for-profit entity and

receive a charitable contribution deduction. Easements may be donated for buildings, scenic or landscape elements, or for open space.

Each state administers federal preservation programs as well as programs established by the state. The Cultural Resources Division of the Kansas Historical Society provides technical assistance and administers a number of grant and incentive programs, as well as federal programs. The Kansas Legislature passed a 25 percent tax credit for rehabilitation of income-producing and residential properties listed individually or as contributing to a district in the National Register of Historic Places. The program uses the same criteria as the federal rehabilitation tax credit program and is designed to “piggy back” onto the federal tax credits.

By design, the strongest element of the federal, state and local government preservation partnership is at the local level. The City of Lawrence was designated as a Certified Local Government in 1989. This status indicates a partnership in compliance with federal guidelines for local government historic preservation programs. The Lawrence-Douglas County Metropolitan Planning Office administers the program assisted by the Lawrence Historic Resources Commission. The regulatory framework for preservation in the city is in place through the Conservation of Historic Resources (Chapter 22) Code of the City of Lawrence. The City of Lawrence also has an agreement with the State Historic Preservation Officer (SHPO) to conduct reviews required by the State Preservation Law.

Douglas County does not have a formal preservation program. Under federal guidelines, the county could establish a preservation program focusing on the preservation of resources within the unincorporated areas of Douglas County and become a Certified Local Government.

In addition to the various government preservation programs, there are a number of well-established private entities – neighborhood associations, professional groups, historical societies, and preservation organizations – that provide a variety of research, technical, educational, and advocacy roles in promoting the preservation of cultural resources.

HORIZON 2020 PRESERVATION PLAN ELEMENT

This plan for preservation outlines goals, policies, and implementation strategies designed to identify, evaluate, and protect the cultural resources in the City of Lawrence and in the unincorporated areas of Douglas County.

Mechanisms are needed to integrate historic preservation efforts in all city and county planning processes. In addition, new policies and processes need to be developed to protect the visual character of areas that include historic resources and to inaugurate particular preservation and conservation initiatives that:

- encourage appropriate new infill construction in older neighborhoods and commercial centers;
- retain and create appropriate transition areas and buffer zones between historic districts, institutions, downtown, and commercial corridors, such as alleyways, landscape features, etc.;
- establish notification area boundaries and design issues in environs review; and
- encourage property maintenance.

GOAL # 1: INCORPORATE PRESERVATION AS AN IMPORTANT COMPONENT OF THE CITY AND COUNTY PLANNING PROCESSES

POLICY 1.1: EXPAND HISTORIC PRESERVATION IDENTIFICATION, EVALUATION, AND PROTECTION PROGRAMS

The basis of an integrated, community-based preservation plan is an inventory of the City and County's historic assets. Effective preservation planning takes place when there is sufficient knowledge of the number, location, and significance of both above ground and buried resources. An historic resource survey identifies what resources exist, records their condition, and evaluates their level of significance. This knowledge can be used in a variety of ways:

- to develop programs and policies to protect significant resources from destruction or unsympathetic alteration;
- to determine the location and distribution of resources to aid in planning, development and incentive programs; and
- to establish funding priorities for further evaluation and protection efforts.

Implementation Strategies

a. Expand the cultural resource survey process to identify important resources to be considered in all city and county planning processes.

Considerable research and publication, most of which occurred since 1984, documents the City of Lawrence's architectural heritage. While these efforts identified most of the significant themes in local history, much of the research was not systematic or comprehensive — limiting a balanced understanding of the city's history. There are individual properties and neighborhoods not yet identified that could have important roles in defining historic contexts of the city and the surrounding region. Specifically, the multiple property documentation form that establishes the context for historic properties in Lawrence ends at the period identified as "Quiet University Town, 1900-1945." Many properties have achieved historic significance from 1945 to 1961, the fifty year mark established by the National Park Service for historic.¹

Very little survey work has been conducted in the unincorporated areas of Douglas County. Surveys should be conducted on a township-by-township basis. Special care should be taken to work with rural property owners to ensure proper notification is secured prior to conducting a survey.

b. Update the existing National Register of Historic Places Multiple Property Documentation Form for Lawrence to include properties that have achieved historic significance since 1945.

c. Work with the State Historic Preservation Office's interactive online database, the Kansas Historic Resources Inventory (KHRI), to establish an up-to-date survey database. To facilitate analysis of survey information in the planning process, the city needs to bring the cultural resource inventory database up-to-date. KHRI contains all of the SHPO's survey records and is fully searchable and available to the public. All future surveys in Lawrence and Douglas County should require consultants to enter the survey information into the KHRI system.

d. Launch an ongoing effort to create National Register and local historic districts in the city with design guidelines to maximize the potential to stabilize and increase property values while protecting resources. Properties listed in the Lawrence Register of Historic Places represent a small percentage of the city's significant structures, sites, buildings, streetscapes, commercial centers, and cultural landscapes. As of 2011, the Lawrence Register includes only thirty-six individual properties and the Oread historic residential district.

e. In conjunction with property owners, develop and implement a National Register, and State Register nomination plan for significant historic properties within the unincorporated areas of the county. A

Multiple Property Documentation Form should be developed for the County identifying development periods and associated property types. Because of the potential issues with environs review, any property listed in the unincorporated areas of the county should only be listed upon completion of an environs definition that clearly defines the environs boundaries and design considerations. The property owner and adjacent property owners shall be consulted in the development of the environs definition.

- f. Identify and evaluate, during the development review process, properties that are fifty years¹ or older that will be affected by development proposals such as rezoning, platting, development plans, conditional use permits, and use permitted upon review permits.** When properties are identified as "historic", an assessment of historic integrity should be completed. If the identified property is eligible for listing in the Lawrence, Kansas or National registers, protection measures should be evaluated.
- g. Working with property owners, develop a program to list as many eligible properties in the National Register and State Register as possible, enabling property owners to utilize the federal and state rehabilitation tax credits.**
- h. Reevaluate the city's demolition ordinance and investigate streamlining the 30-day waiting period by developing a policy for properties which are potentially eligible for listing.** Currently, city ordinances provide protection of significant resources from demolition only for properties listed individually or as contributing to a designated historic district in the Lawrence Register. Current ordinance provisions require a thirty day arbitrary delay before demolition can occur. However, there is no process to evaluate the significance, work with the property owner, or to seek alternative solutions. As a convenience to property owners and from a preservation perspective, a demolition policy that by ordinance outlines a process for public participation and consideration of all issues affecting a proposed demolition will benefit the city. For example, some cities, due to the large amount of significant historic properties that have not been inventoried or locally designated, have amended their ordinances to provide for demolition review for all properties in the city that are over fifty years in age. In these models, city staff conducts a preliminary review to determine if the property has historical integrity and significance. If not, the demolition permit process proceeds. For properties that are significant or have the potential to be significant, the local historic preservation review commission (i.e. the Lawrence Historic Resources Commission) conducts a review. The review includes consideration of whether the property is economically viable, what will replace the demolished building/structure, and consideration of economic hardship based on a model developed by the American Planning Association.

¹ The National Park Service's criteria for evaluation of historical significance exclude properties that achieved significance within the last fifty years unless they are of exceptional importance. Fifty years is the general estimate of time needed to develop the necessary historical perspective to evaluate significance.

- i. **Explore alternative protection mechanisms used in other communities for protection programs for identified significant rural resources.** Lawrence and Douglas County should initiate successful programs for evaluation, prioritization, and preservation of selected significant rural resources. The county and the city should work directly with property owners to determine the most appropriate protection mechanisms.

POLICY 1.2: DEVELOP OR MODIFY APPROPRIATE ZONING, BUILDING CODE, AND FIRE CODE REGULATIONS TO FACILITATE THE PRESERVATION AND REHABILITATION OF HISTORIC PROPERTIES.

Zoning regulations are a key preservation tool as they contribute to patterns of neighborhood change and investment as well as disinvestment. Neighborhood preservation and revitalization efforts benefit from compatible land use regulations, including the existing zoning ordinances.

Implementation Strategies

- a. **Investigate the possibility of creating additional conservation districts as an alternative protection mechanism and standard for environs review.** Conservation Districts established by overlay zoning can be a successful tool to creating buffer zones for historic districts. In particular, they can encompass and define the design issues related to environs review. They can strategically address design issues for new construction in areas that have a “sense of place” but do not meet the criteria for Local, State or National Register designation. Conservation Districts can also be implemented to protect potentially significant resources that are not yet fifty years of age and therefore ineligible for local, State or national designation. They can also be used to protect and stabilize areas that, with the use of incentive programs, may be upgraded to meet National Register, State Register, and local historic district designation criteria.

Design guidelines for Conservation Districts can be specifically tailored to promote the desired visual character and allowable special land uses of specific geographical areas. For example, in a Conservation District created to serve as a buffer to a historic district or as a transition zone between an older residential streetscape and a commercial area, limited design review of major changes – such as new construction and demolition – limits adverse changes to the character of the district. At the same time, it encourages property owners to make positive changes to their buildings or to erect new buildings that are compatible to the streetscape. Usually the scope of the review helps to maintain the appropriate size, scale, massing, materials, and building setbacks within the designated area.

In a Conservation District for properties that might in the future be eligible for local or National Register designation, guidelines might address avoiding irreversible loss of specific character-defining architectural elements as well as retention of the appropriate zoning.

The City of Lawrence established the Urban Conservation Overlay District to allow for the creation of conservation districts. One of the key elements in the creation of an Urban Conservation Overlay District is the development of design guidelines and the identification of contributing and non-contributing structures.

b. Review and update existing city zoning to be compatible with existing or desired land use that promotes preservation of intact residential neighborhoods and commercial centers that have historical, architectural, and physical integrity. Among the issues to be considered are:

1. consistency between overlay zoning and base land use zoning among contiguous properties;
2. flexible provisions for developing compatible new "infill" construction on vacant lots;
3. allowance of innovative preservation alternatives, such as additional or specialty uses including "bed and breakfast," studios, and other professional uses;
4. appropriate design guidelines and site development controls to encourage quality rehabilitation and compatible new construction worthy of preservation in the future; and
5. effective procedures to discourage demolition of significant buildings and structures.

c. Require new development in established areas of the city to use designs complementary to the adjacent streetscape.

d. Create transition zones and flexible links within Lawrence by using setbacks, alleys, parks, and open space in a way that is consistent with established patterns.

e. Adopt a rehabilitation code to address building code and fire code requirements in historic structures for the City of Lawrence and Douglas County.

POLICY 1.3: DEVELOP AND IMPLEMENT FORMALIZED PROCEDURES TO COORDINATE PRESERVATION EFFORTS AMONG CITY AND COUNTY DEPARTMENTS AND AGENCIES

Economic development, land use and property management issues are the purview of a number of different county and city departments and quasi-public agencies to which government bodies have delegated certain programmatic responsibilities. To integrate preservation methodologies in a manner that assures they become part of the day-to-day program administration, it is necessary to develop formalized policies and procedures. The result should guarantee that the public receives information on related

preservation policies, procedures, and ordinances when undergoing compliance with any department or public agency's processes.

Implementation Strategies

- a. Establish formalized procedures for the Lawrence Historic Resources Commission (HRC) or the Historic Resources Administrator to review and comment on City planning activities.**
- b. Facilitate the integration of the development review process and the building permitting process with the design review process. Consider alternative processes for project review.**
- c. Require historic preservation elements as part of comprehensive, watershed or sub-basin, sector, neighborhood, and special area plans.**
- d. Implement consistent and systematic building and maintenance code enforcement.**
- e. Enforce environmental code.**
- f. Explore a demolition by neglect ordinance.**
- g. Adopt a rehabilitation building and fire code for the city and the county.**
- h. When possible, historic preservation issues should be represented in appointed positions. Representatives of these entities should also be considered as appointed members on the HRC.**
- i. Working with property owners, target significant cultural landscapes for park/green space designation on the National, State or Local Register.**
- j. Working with property owners, target open space designation to areas with probability for the presence of a high level of archaeological artifacts.** Given the limited amount of resources for archaeological investigations, consideration should be given to those sites which have been documented by credible historical research.
- k. Include a preservation element in the City of Lawrence's Parks and Recreation Master Plan.**
- l. Require review of new ordinances for their impact on historic resources and historic preservation efforts.**

POLICY 1.4: IMPROVE EXISTING LOCAL AND STATE LAW DESIGN REVIEW PROCESS

Successful and proactive design review must be “user friendly.” Review standards and processes must be clear, concise, and consistently administered.

Implementation Strategies

- a. Conduct ongoing inspection of work after HRC review.**
- b. Develop review process that promotes more consistent and objective interpretation of environs law.**
- c. Provide legal enforcement of HRC decisions.**
- d. Reconcile the differences between state law environs review and City of Lawrence’s environs review standards.²**
- e. Establish a recording process with the Register of Deeds to record National Register, State Register, and Local Register properties.**
- f. Investigate ways to simplify the design review and the state law review process through the integration of building permit applications, design review applications, and development review applications.**

POLICY 1.5: ESTABLISH CLEAR, WORKING DEVELOPMENT AND DESIGN REVIEW PROCESSES WITH FEDERAL, STATE, COUNTY, PUBLIC, AND PRIVATE INSTITUTIONS LOCATED NEAR HISTORIC RESOURCES.

In addition to the local city design review process for designated properties, there are a number of federal and State programs that require review to determine the impact of proposed work on significant cultural resources. Conflict over private and public institutional development needs and surrounding commercial and/or residential neighborhood needs, is most successfully addressed by establishment of processes that include a defined public participation component that establishes when, where, and what type of city or county jurisdiction is applicable. The city or county can play an important role in initiating establishment of such processes, particularly in the context of development of neighborhood, sector, or special area plans.

² There are a number of differences between the State law requirements and the local ordinance requirements. One of the main issues is that the standard of review required under the local ordinance places the burden of proof on the Historic Resources Commission in reviewing environs review cases while the state law places the burden of proof on the applicant. In cases that involve both local ordinance and state law review there is an inherent conflict.

Implementation Strategies

- a. Develop and continue agreements regarding development policies for federal, state, public and private institutions such as the University of Kansas, Baker University, Haskell University, Lawrence Memorial Hospital, Lawrence School District, Townships, and Rural Water Districts, which are located near historic areas. Such agreements should include community expectations, a public participation process, and development requirements, including development of expansion boundaries.**
- b. Formulate Neighborhood, sector, and special area plans that establish clear boundaries for commercial areas as well as institutions.**
- c. Form stronger partnerships between the Campus Historic Preservation Board and the Lawrence Historic Preservation Commission.**

POLICY 1.6: DEVELOP A PUBLIC RESOURCES POLICY THAT VALUES HISTORIC PUBLIC IMPROVEMENTS.

Participants in neighborhood planning processes and in the Preservation Plan workshops as well as cultural resource surveys identified streetscape infrastructure elements such as alleys, curbs, sidewalks, brick streets, bridges, etc. as important elements that define historic neighborhoods. Residents in historic neighborhoods note that choice of arterial and collector streets have a profound impact on residential neighborhoods. In rural areas, the selection of major new routes encourages development. Thus, the city and county should consider historic resources and their defining elements when implementing infrastructure projects.

Implementation Strategies

- a. Create a comprehensive approach to infrastructure improvements on a neighborhood-by-neighborhood basis.**
- b. Protect and maintain existing brick streets, brick sidewalks, and hitching posts in the City of Lawrence.**
- c. Restore brick streets and sidewalks in the City of Lawrence.**
- d. Implement appropriate traffic calming measures in residential neighborhoods in the City of Lawrence.** Traffic calming measures should be compatible with the character of the residential neighborhood.
- e. Investigate and implement initiatives to improve parking in Downtown with minimal impact of older buildings.**
- f. Improve bicycle and pedestrian routes and rural trails.**

- g. Target Parks and Recreation tax revenues when appropriate for cultural resource projects on public lands.**
- h. Improve flood control to protect historic properties.**
- i. Develop a formal review process for all public improvements to determine the effects on historic preservation and/or historic preservation planning efforts.**

Historic resources in the unincorporated areas of Douglas County are integral in defining the character of the county and the region. The ongoing preservation of significant resources and cultural landscapes can yield an improved quality of life and a sense of place for future generations. Specific preservation programs and processes are needed to assist in providing considerations of these resources in land use decisions to protect significant resources and to allow a balance between commercial, residential, institutional, agricultural, industrial, and natural land uses.

GOAL # 2: CONSERVE THE RURAL CHARACTER OF UNINCORPORATED DOUGLAS COUNTY IN STRATEGIC AREAS

POLICY 2.1: DEVELOP A PRESERVATION PROGRAM FOR THE IDENTIFICATION AND EVALUATION OF CULTURAL RESOURCES IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY

The basis of an integrated preservation plan is an inventory and analysis of the county's historic assets. Effective preservation planning takes place only when there is sufficient knowledge of the number, location, and significance of both above ground and buried resources. A historic resource survey identifies what resources exist, collects information about each resource, analyzes its continuity and change, assesses its integrity, determines its significance, and places it within the historic context of similar resources. This knowledge can be used in a variety of ways:

- to develop programs and policies to protect significant resources from destruction or unsympathetic alteration;
- to determine the location and distribution of resources to aid in planning, development, and incentive programs; and
- to establish funding priorities for further evaluation and protection efforts.

Implementation Strategies

- a. Develop and implement a rural survey plan to identify and evaluate rural resources based on a systematic approach by township areas,**

giving priority to areas with the highest rate of development. In 1997, preservation consultants noted that the rapid pace of development outward from the municipalities threatened rural and early suburban properties that may have potential significance. Available information suggests that rural residences, barns, and other agricultural outbuildings are increasingly rare significant property types, as well as rural churches, schools, and commercial buildings. To date, only limited survey of the historic architectural and cultural resources has occurred in rural Douglas County and includes:

1. A reconnaissance survey of Palmyra Township (1989) identified a number of properties in the community of Vinland and 207 properties with associated structures, and six rural cemeteries in rural Palmyra Township that appeared to be more than fifty years old. The farmstead is the most common rural property type in this township. However, examples with a complete intact set of early outbuildings are uncommon.
2. "Commons on the Prairie," (1990), an unpublished master's thesis by Dennis Domer, discussed the historic architecture and cultural landscape of Willow Springs Township; and
3. "Map of Historic Douglas County, Kansas," published by Adam Waits and the Douglas County Historical Society (1985) identifies individual buildings and sites of historic significance.

b. Working with rural property owners, develop a cultural landscape component for the identification and evaluation of cultural resources.

Rural Douglas County is a landscape that evolved through human activities, which, in turn, shaped its appearance. Like historic buildings and districts, cultural landscapes "reveal aspects of our country's origins and development through their form and features and the ways they were used."³ Therefore, a significant cultural landscape is a geographical area, ". . . including both cultural and natural resources, and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." There are four recognized types of cultural landscapes: historic sites that include man-made and natural features, historic designed landscapes, historic vernacular landscapes that include man-made and natural features and ethnographic landscapes that reflect specific cultural and racial groups.⁴

Vinland, for example, is a rural village situated in the Coal Creek Valley, Palmyra Township. It has a cultural landscape that includes buildings, structures, cultivated and uncultivated fields, and natural features. Farther west in Marion Township, the churches and farms of the Church of the Brethren community on Washington Creek represent a potentially significant cultural landscape. The Brethren community moved to Hickory Point, Douglas County, in 1856. They established two churches, Pleasant Grove in Willow Springs Township and Washington Creek Church to the west in Marion Township.

³ Charles A. Birnbaum, *Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes Preservation Brief 36*. (Washington, DC: U.S. Department of the Interior, National Park Service, September 1994), 1-2.

⁴ Ibid.

c. Develop an archaeological survey plan for the County that:

1. includes an archaeological predictive model for Douglas County that identifies areas of high medium and low probability and
2. prioritizes archaeological survey to focus on areas in which development is ongoing and in which resources would most likely be expected.

The extent of potentially significant archaeological sites in Douglas County is not fully known. However, research and investigations indicate the potential for the presence of important sites throughout the county. In Douglas County, archaeological survey usually occurred only when triggered by federal law. As a result, little historical archaeological investigation has been conducted in the county.

In addition to the more obvious benefits of preserving information about past cultures, knowledge about the location of archaeological sites is crucial to facilitating both public and private development projects. Knowledge of the location or even the ability to predict the possible occurrence of archaeological sites provides developers and government agencies with the ability to investigate during project planning and avoid expensive last minute delays in project development.

Section 106 of the National Historic Preservation Act requires any public or private entity utilizing federal funds, loans, or permits to identify, evaluate, and mitigate damage to archaeological resources affected by the project. This affects agencies such as the General Services Administration, the Army Corps of Engineers, the Kansas Highway and Transportation Department, and County programs receiving federal funding.

One of the key issues to creating a successful archeological survey plan for the County is working with rural property owners. Only by creating partnerships with existing land owners can sites be identified and evaluated. Successful examples such as the Blanton's Crossing project should be used as models. No survey or evaluation should take place on private property without the consent of the property owner.

- d. Work with the State Historic Preservation Office's interactive online database, the Kansas Historic Resources Inventory (KHRI), to establish an up-to-date survey database.** To facilitate analysis of survey information in the planning process, the county needs to bring the cultural resource inventory database up-to-date. KHRI contains all of the SHPO's survey records and is fully searchable and available to the public. All future surveys in Douglas County should require consultants to enter the survey information into the KHRI system.

POLICY 2.2: DEVELOP A PRESERVATION PROGRAM FOR THE PROTECTION OF CULTURAL RESOURCES IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY TO BE INTEGRATED INTO COUNTY PLANNING POLICIES AND PROCESSES.

Only after the identification, evaluation, and subsequent “mapping” of significant cultural resources through survey, can the county begin to target and prioritize preservation of significant resources. Rural preservation presents different challenges to integrating preservation strategies into the land use and development decision- making policies and processes. To be effective, preservation issues need to be considered early in the planning stages and in the context of other development and land use issues. Because of the many changes in agribusiness occurring as a result of international, national and local economic forces, farming and livestock enterprises that reflect nineteenth and twentieth century practices are vanishing. Preserving the physical reminders of these eras will require the cooperative, proactive efforts of property owners, private preservation and conservation organizations, and county planners. To assure a successful rural preservation program, the county should only initiate a detailed rural preservation plan, after the successful identification of significant resources. A detailed rural preservation plan must create a number of strategies or tools to be used in combination with other county, state, and federal programs to target the preservation of specific resources that have been identified as significant.

Implementation Strategies

- a. Develop and establish by ordinance a rural preservation program for the unincorporated areas of the county.** Given all issues in developing such a program, the development will take the cooperation of property owners, county administrators, and preservationists. Public meetings must be held in all parts of the county and adequate time should be allowed for all parties to voice their opinions.
- b. Explore the benefits and liabilities of establishing Douglas County as a separate Local Certified Government (CLG).** Establishing Douglas County as a separate CLG will allow the local community to conduct state law reviews at the local level. This will ensure that reviews are conducted in a timely manner and allow for greater community control. The CLG program will also allow the county to apply for the 10% pass through Historic Preservation Fund grants.
- c. Investigate successful protection strategies used in other areas of the nation and develop a plan to implement those that are applicable to Douglas County, such as conservation easements and incentives to encourage private stewardship.** Because of growth, Lawrence and Douglas County should initiate successful programs for evaluation, prioritization, and preservation of selected significant rural resources.
- d. Develop and implement a National Register and State Register nomination plan for significant historic properties within the unincorporated area of the County.** Only twelve properties in the unincorporated area that are listed in the National Register and one on the Kansas Register. The lack of listed properties can be contributed partly to the

lack of surveyed properties and the environs require requirements. To resolve these issues, a process should be developed to identify environs review issues prior to the listing of properties. Property owners shall provide permission for listing and shall help develop and environs definition for their property.

- e. Target and prioritize sites such as the natural areas – unplowed prairie and woodlands – identified in Horizon 2020⁵ for preservation.**
- f. Target significant cultural landscapes for park/green space designation.**
- g. Target open space to areas with a predictive model for the presence of a high level of archaeological artifacts.**
- h. Investigate the use of funding mechanisms to retain open space around historic sites.**

POLICY 2.3: ELIMINATE DISINCENTIVES TO ORDERLY PLANNED DEVELOPMENT

Zoning is a key strategy for protecting cultural resources. Current zoning and land use policies act as a disincentive for orderly planned development that incorporates preservation planning strategies.

Implementation Strategies

- a. Require annex plans and urban growth boundaries from all municipalities within Douglas County.** This will help to eliminate some of the development pressures for undeveloped land and maintain the rural character of unincorporated areas.
- b. Develop policies that encourage development in the urban growth boundaries of associated municipalities.**

POLICY 2.4: CONSERVE THE VISUAL DISTINCTION BETWEEN CITY AND RURAL AREAS

As a matter of policy and practicality, the preservation of cultural landscapes requires an approach that first distinguishes and promotes distinction between developed land and farmland/natural terrain. The city and county currently have defined projected growth areas that allow orderly perimeter development outward from the City of Lawrence and other communities. Such a plan for orderly growth allows preservation of scattered significant historic resources and cultural landscapes to occur as part of planned orderly growth. In areas with significant resources or landscapes, it is important that the distinction between rural and city be maintained in the future.

⁵ “Horizon 2020”.

Implementation Strategies

- a. **Create transition zones between rural areas and the city using wetlands, open spaces, parks, golf courses, "rails to trails," small farm transition areas, and commercial/rural transition areas, i.e., businesses that require open space.** Maintaining the distinction between urban and rural areas through the establishment of greenhouses and other agricultural related uses maintains the distinction while allowing for orderly growth.
- b. **Continue to investigate and create limits on development outside the urban growth areas or boundaries.**
- c. **Promote retention of agricultural land use through programs such as the transfer of development rights and conservation easements.**

The city and county need to capitalize on the use of incentive programs to facilitate retention of past investment in infrastructure and built environment and to reap the benefits of historic preservation. The city has not actively implemented or funded economic incentives for preservation. Public incentives should reward and utilize preservation as a tool for economic revitalization. Priority should be given to areas with significant historic resources, capitalizing on existing assets and previous public investment.

GOAL # 3: INCORPORATE PRESERVATION INCENTIVES INTO THE CITY AND COUNTY'S ECONOMIC DEVELOPMENT POLICIES AND PROGRAMS

To fully utilize and promote the economic advantages of historic preservation, Lawrence and Douglas County must develop programs that assist property owners in the use of preservation incentive programs. In addition, the city and county need to reprioritize how they use existing incentive programs. These programs encourage a range of activities targeted to create certain types of results. Some, such as publicly supported transportation and parking incentives, seek to spur development on a broad level; others, such as tax abatement or tax credits, both by legal constraints and/or habit, address specific types of projects and activities. All must be seen as tools to be used in various combinations to encourage revitalization in older commercial and residential neighborhoods or in selected rural areas.

POLICY 3.1: ENCOURAGE THE UTILIZATION AND LINKAGE OF EXISTING INCENTIVES

In addition to the federal and state rehabilitation tax credits, many available incentive programs have "blight" or related conditions as criteria for participation. Others focus on development of businesses. None specifically address the reuse of older buildings; they are usually targeted to new construction and attracting new residents and businesses. The following public incentive programs, are among available programs that, when targeted individually or in combinations, have a demonstrated track record in

stimulating stabilization and revitalization of blighted or declining neighborhoods.

- Property Tax Exemptions
- Heritage Trust Fund (State Grant Program)
- Kansas Neighborhood Revitalization Act
- Low Income Housing Tax Credit Program
- Kansas Main Street Program
- Federal Charitable Deduction Easements
- KSA 12-1740 Revenue Bonds
- Kansas Technology Enterprise Programs

Implementation Strategies

- a. **Develop a program to list as many eligible properties in the National and State Registers as possible, enabling property owners to utilize the federal and state rehabilitation tax credits.** Properties listed in the National Register of Historic Places are eligible for significant tax credits. The 20 percent federal rehabilitation tax credit applies to owners and some renters of income-producing National Register properties. The law also permits depreciation of such improvements over 27½ years for a rental residential property and over 31½ years for a nonresidential property. The rehabilitated building must be subject to depreciation.

All of the state's National Register properties (commercial and residential) are eligible for a 25 percent rehabilitation tax credit. The federal and state tax credits can be used together.

The state tax credits can be sold, and while federal tax credits cannot be sold directly, a project can involve an equity partner, such as a bank, who participates in the project by contributing funds toward the rehabilitation in exchange for some or all of the tax credits.

Certain types of buildings that contribute to the significance of a historic district may also be eligible for rehabilitation tax credits. Within a district contributing buildings that are income-producing properties are eligible for both credits; non-income-producing residential properties are eligible for the state rehabilitation tax credit.

- b. **Maximize the use of incentives by combining them into preservation "tool kits" – different combinations of incentives targeted for specific areas and tailored to certain needs – to provide flexible and lasting strategies to address stabilization and revitalization of older residential and commercial centers.**
- c. **Target public incentives to projects in areas with existing public infrastructure and significant historic resources.**

- d. Notify owners of eligible properties and assist them in providing access to applicable rehabilitation incentives and grants.**
- e. Investigate the use of Community Development Block Grant funds to foster historic preservation efforts.**
- f. Establish and fund the Historic Preservation Fund as described in city's Conservation of Historic Resources Code.**

POLICY 3.2: DEVELOP INCENTIVES TO ENCOURAGE THE REHABILITATION AND OCCUPANCY OF HISTORIC PROPERTIES

In addition to existing preservation incentives, many communities develop specific incentive programs to encourage rehabilitation and occupancy of historic properties in specific locations, both rural and urban. For example, many communities encourage façade improvements using preservation guidelines through funding grants and/or technical assistance.

Implementation Strategies

- a. Attach appropriate design guidelines to incentive programs.**
- b. Create taxing incentives by using such tools as the Neighborhood Revitalization Act.**
- c. Create incentives to increase critical mass development in Downtown.**
- d. Create and target incentives to historic commercial areas such as façade improvement grants and economic incentives to owners or businesses that occupy or lease space in historic buildings.**
- e. Develop and implement policies and programs that eliminate parking issues as a disincentive to rehabilitation of buildings, including review of use permits and accompanying parking requirements and implementation of public/private shared use of parking structures.**
- f. Create incentives to maintain and preserve historically significant farming areas.**
- g. Provide design and/or technical assistance to property owners undertaking preservation projects, such as schematic architectural design assistance for renovation/restoration of residences, businesses, and rural structures.**
- h. Develop incentives to retain and strengthen small neighborhood commercial areas.**

- i. **Utilize or create incentive programs for abatement of environmental hazards in significant historic buildings.**
- j. **Provide incentives to reduce the number of multi-family units in houses originally designed as single-family residences that are located in historic and conservation districts.**

POLICY 3.3: ELIMINATE DISINCENTIVES TO PRESERVATION EFFORTS

While incentives play an important role in promoting preservation, it is important to review current city and county policies that may discourage preservation. Removal of these obstacles may be as effective as implementation of incentives.

Implementation Strategies

- a. **Tax properties that are listed in the National Register, State Register or Local Register at a lower rate.**
- b. **Abolish or develop a lower fee schedule for rehabilitation building permits.**

The city and county need to develop a significant historic destination that establishes Lawrence and Douglas County as a gateway entity to the interpretation of regional history, linking historic preservation to a significant economic growth industry.

GOAL # 4: INCORPORATE HERITAGE TOURISM AS AN ECONOMIC DEVELOPMENT PROGRAM

POLICY 4.1: DEVELOP A COMPREHENSIVE HERITAGE TOURISM PROGRAM THAT INTEGRATES HISTORIC RESOURCES AND VENDORS INTO PROGRAM PLANNING AND IMPLEMENTATION

Tourism is big business and Heritage Tourism is a significant component of the tourism industry. Lawrence and Douglas County have a rich legacy of historic landmarks, sites, cultural landscapes, neighborhoods, buildings, structures, and archaeological resources that can bring knowledge and understanding of past cultures and events. These are assets that can be capitalized upon.

These assets have associations with national, state, and local events. They are tangible ties to prehistoric and historic native peoples, the era of European exploration, the Santa Fe, California and Oregon trails, the Border and Civil Wars, the development of regional agricultural industries, and the founding and development of a major state educational institution and multi-national Native American educational institution.

To capitalize on this legacy, Lawrence and Douglas County need to develop and

implement strategies to provide for the quality interpretation of the past, to preserve and protect historic and cultural resources, and to encourage collaboration and linkages within the city and county and throughout the region in developing a unified approach to capitalize on the Heritage Tourism market.

Implementation Strategies

- a. Support the Freedom's Frontier National Heritage Area** A National Heritage Area is an area or corridor designated by the United States Congress " . . . where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them." National Heritage Areas are local partnerships with the National Park Service that:
1. protect historic, environmental, scenic, and cultural resources;
 2. increase sustainable tourism and economic development;
 3. educate residents and visitors about community history, traditions, and the environment;
 4. create new outdoor recreation opportunities, and
 5. build partnerships among federal, State, and local governments.
- b. Encourage and enter into cooperative regional efforts in programming and networking in public relations and marketing efforts.**
- c. Revitalize the Watkins Community Museum.**
- d. Through the National Trust for Historic Preservation Heritage Tourism Program, the city/county should enlist the participation of all communities in Douglas County, sites, and museums to conduct a comprehensive management and interpretive assessment and to develop cooperative interpretive, marketing and programming plans.**
1. Inventory of current and potential attractions.
 2. Assess current attractions, visitor services, organizational capabilities, preservation resources, and marketing programs.
 3. Establish priorities and measurable goals through organizing human and financial resources.
 4. Prepare for visitors through development of long-term management goals that protect historic resources.
 5. Market for success through development of a multi-year, multiple-tier targeted marketing plan involving local, regional, State, and national partners.
 6. Develop cooperative efforts between the Lawrence/Douglas County Chamber of Commerce and local preservation groups.

POLICY 4.2: ENCOURAGE THE DEVELOPMENT OF BLACK JACK BATTLEFIELD AS A SIGNIFICANT SITE IN THE HISTORY OF THE UNITED STATES.

As part of the public participation in the adoption of this plan, the Lawrence-Douglas County Planning Commission identified Black Jack Battlefield as a resource worthy of specific identification, evaluation, documentation and preservation. The majority of the battle site is listed in the National Register of Historic Places and the structure known as the Pearson House is listed in the Register of Historic Kansas Places. The national importance of this site should be recognized and celebrated.

Implementation Strategies

- a. **Support the efforts of the Black Jack Battlefield & Nature Park to document the history of this site.**
- b. **Support the efforts of the Black Jack Battlefield & Nature Park to encourage the development of this site as part of the Freedom's Frontier National Heritage Area.**
- c. **Encourage and enter into cooperative regional efforts in programming and networking in public relations and marketing efforts that promote this significant historic site.**

Public awareness of historic resources is needed to develop public/private partnerships in promoting and implementing historic preservation.

GOAL # 5: ESTABLISH OUTREACH AND EDUCATIONAL PROGRAMS

POLICY 5.1: DEVELOP A GOVERNMENT SPONSORED PUBLIC INFORMATION OUTREACH PROGRAM

The city and county have a number of vehicles that could be used to disseminate information about historic preservation to the larger community. Among the most effective of these tools are the use of the city/county website to provide information about city/county efforts and links to other governmental and private entities in the federal, state, and local preservation network. Another important governmental tool is the publication and/or distribution of information brochures.

Implementation Strategies

- a. **Make public aware of available funding sources.**
- b. **Develop or provide hands-on materials that provide information on how to repair and preserve historic buildings according to the *Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings*.**

- c. **Provide information on historic neighborhoods (i.e. promote walking tours).**
- d. **Provide notification each spring, prior to the construction season, to property owners in local districts, National Register properties, and State Register properties of the design guidelines and procedures to obtain a Certificate of Appropriateness and/or State Law Review.**
- e. **Develop in-house materials for other city/county department staff about preservation processes and issues in order to assist in building consensus in applying preservation procedures.**
- f. **Provide on-going preservation education sessions for members of appointed bodies including the Historic Resources Commission, City Commission, and Planning Commission.**
- g. **Expand the city's webpage to include additional information regarding National Register listing, survey information, how-to materials, etc.**
- h. **Work with existing hardware and home improvement stores to provide hands on materials regarding historic preservation issues.**

POLICY 5.2: IN PARTNERSHIP WITH AN APPROPRIATE LOCAL ORGANIZATION, ASSIST IN DEVELOPING AND CONDUCTING A SERIES OF PUBLIC WORKSHOPS TO EDUCATE THE PUBLIC ABOUT PRESERVATION

The city and the county can play a crucial role in convening and initial coordination of educational efforts. Although both governmental entities should develop in-house and public programs that communicate information about city and county preservation programs, the larger role of education and advocacy must be undertaken by private organizations.

Implementation Strategies:

- a. **Establish forums for realtors, rural lenders, developers, contractors, preservationists, business community leaders, and neighborhood groups to acquaint them with preservation benefits, issues and procedures.**

POLICY 5.3: DEVELOP MEDIA RELATIONS TO BE AN ADVOCATE FOR PRESERVATION

A crucial component of public education is the support of the media in coverage of events and issues. This involves both the city and county as well as private organizations. The city can play a role in assembling information and preparing press releases about its programs and related activities. However, a private organization should be designated to coordinate media relations and to respond to preservation issues related to advocacy of a particular course of action that the city/county cannot address.

Implementation Strategy

- a. Promote preservation news in local press through press releases during National Preservation Week that focus on the economic impact of preservation, as well as local newsworthy events, and recent local, state or national designations, etc.**

POLICY 5.4: DEVELOP PROACTIVE RECOGNITION PROGRAMS

Existing and new programs that recognize preservation efforts (particularly when timed to coincide with National Preservation Week) can have a positive and on-going impact on public awareness. Such programs should be part of larger media and promotions strategy promoting and understanding and support for historic preservation.

Implementation Strategy

- a. Develop a county-wide Heritage Farm honorific program.**
- b. Develop historic signage.**
- c. Encourage the nomination of projects for local, state and national awards programs.**

POLICY 5.5: COORDINATE PRESERVATION PROGRAMS IN THE COUNTY AND CITY WITH OTHER LOCAL, STATE, AND FEDERAL GOVERNMENTS AND ORGANIZATIONS

Coordinating preservation activities and programs with other local municipalities, state, and federal government organizations is a very difficult task. Preservation efforts will be more successful by facilitating cooperation between the various entities. Both the city and the county can play an important convening and facilitating role in coordinating private and public preservation efforts.

Implementation Strategy

- a. Establish a countywide coordinating entity that includes private and public organizations and agencies. Primary goals should be:**
 - 1. development of an outreach program to unincorporated areas of the county to involve property owners in historic preservation initiatives; and
 - 2. joining rural and city constituencies in cooperative efforts.

Historic preservation is an important component in environmental stewardship and sustainable development. Sustainable development includes environmental sustainability, economic sustainability and cultural sustainability.

GOAL # 6: INCORPORATE SUSTAINABLE PRESERVATION INTO THE CITY AND COUNTY'S SUSTAINABILITY POLICIES AND PROGRAMS

The citizens of Lawrence and Douglas County increasingly support environmental conservation efforts. This growing awareness of how local conditions fit into larger environmental issues has led to the recognition of the importance of natural resources and of the embodied energy contained in the built environment. Historic preservation practices are tools for better stewardship of older buildings, neighborhoods, and rural landscapes. The conservation and improvement of our existing built resources, including the re-use and improvement of historic structures, is central to our community's overall plan for environmental stewardship and sustainable development.

POLICY 6.1: ENCOURAGE AND INCORPORATE HISTORIC PRESERVATION IN SUSTAINABLE PLANNING AND BUILDING PRACTICES

To maximize the inherent sustainable qualities of historic preservation, long range planning and building practices should encourage the reuse of the existing built environment.

Implementation Strategies:

- a. Foster a culture of reuse of existing structures by maximizing the life cycle of existing buildings.**
- b. Encourage reinvestment in the existing built environment.**
 1. Explore and adopt building codes that give a discount on the overall permit fee for the reuse of historic structures.
 2. Identify and promote programs that identify historic building materials, like first growth wood and historic lath and plaster, and the values they bring to structures.
- c. Explore the use of outcome-based codes.**

Building energy codes that focus on energy saving and consumption give existing structures proper credit for embodied energy and discourage teardowns.
- d. Explore the adoption of building codes that create sustainable communities.** Building codes can address issues associated with
 1. Optimizing site potential
 2. Minimizing energy consumption
 3. Protecting and preserving water
 4. Use of environmentally sound products
 5. Enhancing indoor environmental quality
 6. Optimizing operational and maintenance practices

e. Explore the adoption of demolition codes that require sustainable practices like

1. A percentage of demolition debris to be recycled and reused
2. Demolition permit fees that reflect the values of historic resources.

POLICY 6.2: DEVELOP PROGRAMS THAT ENCOURAGE PRESERVATION AS PART OF CREATING A SUSTAINABLE COMMUNITY.

The City and County have taken the lead in beginning to identify goals and programs that will help create a sustainable community. New goals and programs are needed to incorporate the maintenance, reuse/repurpose, and recycling of our significant historic resources.

Implementation Strategy

- a. Develop and adopt sustainability design guidelines for historic districts.**
- b. Develop and implement programs for City and County buildings that maintain historic fabric and reduce natural resource consumption.**
- c. Encourage and support the development of energy strategies.** Energy strategies for energy conservation and generation should include
 1. Energy audits
 2. Evaluations of existing systems
 3. Establishing goals for energy savings.
- d. Encourage and support the development of sustainable energy systems that can provide energy for multiple historic properties that cannot achieve sustainable energy goals individually.** Many historic structures do not have the land or roof capacity to install sustainable energy systems such as solar, geothermal, and wind for the individual structure. Energy districts can combine areas to create sustainable systems for multiple historic properties that do not have the requirements necessary to achieve this goal individually.
- e. Capitalize on the potential of the Green Economy and develop programs to encourage the manufacture and use of local products that are environmentally sound.**
- f. Utilize increased permit fees for the demolition of historic structures to fund a preservation fund to create low interest loans or grants that facilitate the rehabilitation of historic structures.**

POLICY 6.3: DEVELOP AN EDUCATION PROGRAM TO INCORPORATE SUSTAINABLE PRESERVATION INTO PUBLIC INFORMATION OUTREACH PROGRAMS ON SUSTAINABILITY

Historic preservation is an important component of any effort to promote sustainable development. The conservation and improvement of our existing built resources, including re-use of historic and older buildings, greening the existing building stock, and reinvestment in older and historic communities, is crucial to lowering our carbon footprint and reducing energy leakage.

Implementation Strategies

- a. Develop City and County Sponsored Public Information Outreach Programs that promote sustainability through preservation and rehabilitation of historic structures.**
 1. Establish forums for realtors, developers, contractors, and preservationists to inform them about sustainable preservation benefits, issues and procedures.

- b. Align Historic Preservation Policies with sustainability policies.**
 1. Assist the Sustainability Advisory Board with the development of goals and priorities for future cultural resource conservation efforts.
 2. Work with the Sustainability Coordinator to identify practical methods and programs to reach the City's goals for sustainability.
 3. Identify and encourage the adoption of Preservation goals, policies, and programs that incorporate sustainable community ideals.

- c. Work with the Sustainability Coordinator to identify education programs and opportunities to promote preservation and sustainability.**

- d. Promote educational programs that identify sustainable development and how it differs from sustainable design.**
 1. Sustainable Development is not limited to environmental sustainability.
 2. Sustainable Development is also economic sustainability and cultural sustainability.