

Historic Preservation Program



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Albemarle County is rich in natural beauty and historical heritage. These qualities combined with a dynamic population make it an attractive place to live, work and visit. However, this combination has also created development pressures which threaten the survival of the quality of life which is so appealing and important to the economic viability of the area.

Because of the steady pace of development, time is of the essence in ensuring that development and its impacts will not interfere with the preservation of the non-renewable natural and historical resources of Albemarle County.

Albemarle County will continue to grow. As additional residential and commercial development takes place, added public facilities and services will be required. Development pressure on the visual quality of the community. The negative impact of growth on the beauty and character of the county can be lessened by good planning.

I. INTRODUCTION

Over 500,000 visitors come to the Albemarle County each year to see Monticello, Ash Lawn, the University, and the Blue Ridge Mountains. Tourism is important to the economic health of the county. Tourists bring money into the county and require a minimum of public facilities and services such as schools.

Strong and clearly stated procedures are needed to protect these resources. Citizens, local officials, educators, developers and other business leaders must work together to preserve the area's quality-of-life. The preservation of Albemarle County's heritage does not mean all development will be halted. Nor does having a Historic Preservation Program imply that a locality is only in the business of tourism. Rather, a Historic Preservation Program is a unified method of identifying resources in need of protection, and implementing the most effective means to achieve that protection. The best program will combine private and public resources towards the common goal of preservation or conservation of resources.

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Albemarle County will continue to grow. As additional residential and commercial development takes place, added public facilities will be needed, putting development pressure on areas which are valuable to the visual quality of the community. The negative impact of growth on the beauty and character of the county can be lessened by good planning.

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HIGHLIGHTS OF ALBEMARLE COUNTY HISTORY

A recent survey completed in 1986 by the Virginia Historic Division of Landmarks of historically significant sites within Albemarle County identified and mapped well over 4,000 sites on USGS topographic quad sheets. Many of the sites identified were private residences, some dating back to the 1730s. A variety of other significant sites were also found in the County including churches, cemeteries, depots, mills, taverns, schools, canals, bridges, public buildings, roads and railroads. Considered as a whole, these sites constitute the historical fabric of Albemarle County. The knowledge and context of these places can be preserved and passed on, or forgotten, altered and destroyed one piece at a time. It is the purpose of this study to identify a program to preserve the heritage of Albemarle County.

These notes highlight some significant dates buildings and events associated with the history of Albemarle County, Virginia and are intended to illustrate the rich historical context of Albemarle County.

<u>DATE</u>	<u>EVENT</u>
1707-1727	First passage and settling of white men into the Shenandoah Valley and Blue Ridge Region. Goochland County formed which contained present boundary of Albemarle. The first settlements in Albemarle established via passage of the James, Rivanna and Hardware Rivers or through Woods Gap from the Shenandoah Valley.
1727	First land patents issued in Albemarle County: <ol style="list-style-type: none">1. George Holmes 3,100 acres on Chestnut Mountain;2. Nicholas Meriwether 13,762 acres including Castle Hill area.
1730	Michie Tavern begun.
1737	Shadwell, the birthplace of Thomas Jefferson built by Peter Jefferson.
1743	Thomas Jefferson born.
1744	Albemarle County formed by legislature.

- 1790 Final land patents issued for Albemarle
- 1746 Original courthouse constructed, prison, stocks and pillory located one mile west of Scottsville, 1/4 mile north of James River. Challenger Creek on the James River.
- 1792
- 1746 Daniel Scott licensed to establish ferry at the James River. Road development activity began.
- 1793
- 1809 Monticello completed in present form.
- 1749 Replacement of courthouse complex.
- 1810
- 1760 First Clover Fields mansion completed.
- 1810
- 1761 Charlottesville platted. James River from Woolen Mills to James River.
- 1762 Division of Albemarle County south of the James River and Louisa County. County seat moved to Charlottesville.
- 1817
- 1764 Castle Hill begun.
- 1769 Monticello begun. the first county seat. incorporated.
- 1777 Albemarle County took its present form by the Division of Fluvanna. 1819
- Burgoyne's surrender at Saratoga, NY (October 17, 1777) (5,000 men) - John Burgoyne, British General, under General Howe. After Saratoga General Washington began the march to Yorktown. 1824
- Feb 1779 - 4,000 prisoners, mostly from Burgoyne's surrender came to Albemarle to be housed in barracks on the north bank of Ivy Creek. Virginia Governor Patrick Henry corresponded with Thomas Jefferson regarding conditions, difficulties. Site of present estate "The Barracks."
- Oct 1780
- 1824
- June 1781 Marquis De Lafayette positioned north of Three Notch'd Road near the Mechunk Creek fought a brief encounter with Colonel Tarleton. Tarleton returned to Cornwallis encampment in Goochland. From Goochland, Cornwallis retreated to Yorktown, where the British surrendered in October, 1781. 1827
- 1781 Jack Jouett rode to Charlottesville to warn Governor Jefferson of the approach of the British General Tarleton. 1828
- 1831

- 1790 Final land patents issued for Albemarle County.
- 1792 Tobacco warehouses established at Milton and at Ballenger Creek on the James River.
- 1799 Ash Lawn completed.
- 1809 Monticello completed in present form.
- 1810 Tallwood completed.
- 1810 Rivanna Navigation Company formed to improve passage of Rivanna River from Woolen Mills to James River.
- 1817 Plans drawn for the University of Virginia, including Rotunda.
- 1818 Keswick completed.
- 1818 Town of Scottsville the first county seat, incorporated.
- 1819 University of Virginia established by the State legislature, Mr. Jefferson was the first rector.
- 1824 Construction of Staunton and James Turnpike commenced to service the traffic generated in Scottsville and the warehouses which were the river terminus for trade and travel from Richmond.
- 1824 Lafayette visited Albemarle. He was escorted to Monticello by a special cavalry unit, the Lafayette Guard.
- 1825 Scholastic duties began at the University.
- 1826 Death of Thomas Jefferson at Monticello.
- 1827 Construction of dams and locks to facilitate freight trade on batteaux boats on the Rivanna River.
- 1828 Uriah P. Levy, U. S. Naval Officer purchased Monticello.
- 1828 Edgehill begun, built by Thomas Mann Randolph, Jr.
- 1831 Hatton Grange completed.

- This report is intended to be a citizen handbook and a resource for local government officials in the protection of historical resources in Albemarle County. Included in this report are proposals for both regulatory and non-regulatory approaches to historic preservation.
- 1837 Cismont begun.
- 1839 Kinloch begun.
- 1846 New Clover Fields begun.
- 1848 Railroad service was extended to Charlottesville by the Virginia Central Railroad (later the Chesapeake & Ohio).
- 1854 Railroad line continued to Staunton. Colonel Claudius Crozet designed a temporary railroad route over the summit of the mountain on a track laid in a zigzag while a tunnel could be constructed.
- 1862 First division of Albemarle County troops dispatched to Richmond. A large military hospital in Charlottesville provided service during the war.
- 1864 Destruction of James and Kanawa Canal.
- 1869 Reconstruction period began as Virginia and Albemarle County were relieved from military rule and all functions of government returned to the people.
- 1879 Southern railroad from Lynchburg to Orange intersected in Charlottesville with C & O.
- 1888 Incorporation of City of Charlottesville first public water system.
- 1895 Burning of Rotunda.
- First electric powered streetcars.

This report is intended to be a citizen handbook and a resource for local government officials in the protection of historical resources of Albemarle County. Included in this report are proposals for both regulatory and non-regulatory approaches to historic preservation.

As a necessary first step, it is recommended that a Historic Preservation Committee be established by the Board of Supervisors. This Committee shall make recommendations to the Board of Supervisors regarding preservation activities.

Regulatory measures suggested herein are specifically enabled by the Code of Virginia and include a historic district ordinance and/or a historic overlay district.

Non-regulatory activities are important components of a preservation effort. Such activities include a historic element in the Comprehensive Plan, participation in agricultural and forestal districts, taxation and the certified local government status.

An effective preservation program must also include strong citizen participation. A citizen committee should be established to conduct education programs, coordinate and promote conservation easement donations, and provide financial assistance to owners of historic properties.

Given the dispersed settlement of Albemarle County, a majority of its historic sites are located in scattered sites throughout the entire area.

The Albemarle County Zoning Ordinance, adopted in December of 1980, established one primary zone for non-urbanized regions called simply the Rural Area (RA) zone. It was the intent of this RA zone to limit residential development and encourage agricultural activities. This RA zone has no specific element to encourage preservation of historic buildings or their surroundings.

The Albemarle County Zoning Ordinance does contain provisions for protecting significant roadway and river corridors, through the Scenic Overlay Districts. In a rural Program must address the protection of both the buildings and their setting. The protection of roads and rivers essential in determining the character of the county to the character of the county. The protection of roads and rivers programs are important to the countywide protection effort. However, the Scenic Overlay Districts do not provide for the preservation of buildings or historic landscapes.

II. ROLE OF LOCAL GOVERNMENT: REGULATORY

A. VIRGINIA SCENIC HIGHWAYS AND BYWAYS

In 1966 the General Assembly passed the Scenic Highway and Virginia Byways Act. The Act authorized the State Highway and Transportation Board, in cooperation with the Division of Parks and Recreation to designate scenic roads. Scenic roads are corridors with significant aesthetic and cultural values, leading to or lying within an area of historical, natural or recreational significance.

State scenic highways/byways designation DOES:

- Require local citizen initiative.
- Facilitate additional preservation techniques, such as easements.
- Require government agencies to consider the scenic and other values of a road in the planning process.
- Allow adjacent landowners to continue using their land as they did before designation.

State scenic highways/byways designation DOES NOT:

- Impose any land use control or regulation.

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State scenic highways/byways designation DOES NOT:

- Impose any land use control or regulation.

- Impose any federal controls.
- Promote significant increases in the use of the road.

The state designation process requires that interested area residents request designation from the Department of Conservation and Historic Resources and the Department of Transportation. The Departments complete a study of the area and make on-site inspections. With approval from the local governing body, the Department of Transportation Board makes the final decision for designation.

The Albemarle County Zoning Ordinance, through Scenic Areas Overlay Districts (SA), does institute land use controls for County designated scenic roads. Sections 30.5.6.2.1 to 30.5.6.3.1 of the Zoning Ordinance outlines restrictions on construction and off-street parking, and Sections 30.5.7 to 30.5.7.2 outlines the general regulations on signs, including the review process, along scenic roads. Currently, the zoning restrictions apply to sections of U.S. Route 250, and Virginia Routes 20 South and 6. The Scenic Areas Overlay District applies to 150 feet on each side of the right-of-way of the corridor.

The state scenic roads programs provide official recognition of outstanding road segments and heightens community awareness of an important resource. The program would be most effective if coordinated with educational programs for citizens regarding their historic resources. The designation would be facilitated by an advisory group of landowners from the pertinent road corridor.

B. VIRGINIA SCENIC RIVERS

The purpose of the 1970 Scenic Rivers Act is to identify and preserve sections of rivers which possess great natural and pastoral beauty, and to assure their use for their scenic, recreational, geologic, fish and wildlife, historic, cultural, or other values.

State scenic river designation DOES:

- Require government agencies to consider the scenic and other values of a river in the planning process.
- Require authorization by the General Assembly of any project which is subject to state approval that might impede the natural flow of a river.
- Require the Governor to appoint an advisory committee of local people to review proposals affecting the river.

C. HISTORIC PRESERVATION COMMITTEE

- Allow riparian landowners to continue using their land as they did before designation.

State scenic river designation DOES NOT:

- Impose any land use control or regulation.
- Allow any state agency to condemn land for recreational or other purposes.
- Impose any federal controls.
- Promote increases in the recreational use of a river.

The state designation process requires that interested area residents request designation from the Division of Parks and Recreation, who undertake an evaluation of the river to see if it qualifies, taking into consideration canoeability, water quality, visual quality, historic features and fishery. Then, a local study committee prepares a work plan which goes to the General Assembly. With approval from the local government, a bill is introduced before the General Assembly. This process is currently underway for designation of the Moormans, Mechums and Rivanna Rivers.

A list of potential rivers for scenic designation is included in the Albemarle County Comprehensive Plan; however, no implementation program is included. So far, no rivers in Albemarle have been recognized by the state. However, the Albemarle County Zoning Ordinance, through use of the Scenic Areas Overlay District (SA) imposes local land use controls for county designated streams. The County has thus far designated only the Moorman's River as a County scenic river. Section 30.5.5.2 of the ordinance restricts construction and cutting within 15 feet from each edge (mean annual flow level). Section 30.5.6.1 restricts construction and cutting within 65 feet from each edge (mean annual flow level).

As with the scenic roads program, the scenic rivers program serves to heighten community awareness, and should be implemented in conjunction with a citizen educational program.

C. HISTORIC PRESERVATION COMMITTEE

Albemarle County is unique in the wealth of information available regarding its history and development. Extensive surveys have been completed and legal records are largely intact.

The basis for an effective preservation program exists. To aid local government in coordinating these resources, to provide a focus for citizen efforts and to aid local government in implementing a practical and effective preservation effort, it is recommended that a Historic Preservation Committee be created by the Albemarle County Board of Supervisors.

Serving as an advisory committee to the County Planning Commission and the Board of Supervisors, the Committee shall act as an information source for the preservation of historic architecture, archeological sites, and landscapes.

General Activities: The Historic Preservation Committee, appointed by the Board of Supervisors, shall assist in the development of preservation activities in Albemarle County, including preservation of historically significant architecture, archeological sites and landscapes. The Committee shall assist in safeguarding historic resources by advising the County Planning Commission and the Board of Supervisors on historic preservation matters.

In devising an effective preservation plan for the County, the Committee shall encourage community interest in historic preservation, inclusion of historic preservation in the County Comprehensive Plan and Zoning Ordinance, and historic preservation as an integral part of the planning process. By advising property owners and developers on preservation matters, the Committee may encourage private efforts in the preservation and restoration of historic resources.

Inventory: The Committee shall undertake an inventory of the significant historical resources of the County. This should include the identification, documentation and classification. The Committee shall recommend the most significant of these landmarks for nomination to the Virginia Historic Landmarks and the National Register of Historic Places designations. Files and records pertaining to the history and architecture of the County should be maintained. The survey should be prepared for publication.

Information: Other activities include gathering informational materials on historic preservation which could be helpful to individuals involved with historic buildings and sites. These may include: materials conservation

techniques, technical preservation assistance, appropriate paint colors, procedures for selective removal of inappropriate accretions, and other physical aspects of preservation. In addition the Committee may maintain a list of craftsman, architects and historians working in the preservation field in the County.

Initially, the Committee shall study the feasibility of adopting either a historic district ordinance or historic overlay zoning for Albemarle County. In addition, it may advise local property owners on historic preservation matters, encourage inclusion of a historic preservation component in the Comprehensive Plan and devise an effective preservation plan to be adopted.

Suggested design guidelines shall be created and distributed for rehabilitation and new construction on and adjacent to historic buildings, sites and landscapes.

The Committee shall encourage landowners to participate in voluntary preservation efforts. Referrals to other programs or groups may also be a function of this Committee. Various incentive techniques such as the use of tax abatements, proffered zoning, and transferrable development rights to promote historic preservation shall be investigated and recommendations made to the Planning Commission.

Designation: The Committee should also study the designation of a Rural Historic District by the Virginia Division of Historic Landmarks. Such districts are listed on the National Register of Historic Places and receive benefits including: public awareness that the area is one of either historical, architectural or cultural importance to the nation, state or community; considerations in the planning for federal or federally assisted projects; eligibility for federal tax benefits; qualification for federal assistance for historic preservation; and assistance in cultural resource planning. The designation does not have to be initiated or approved by the County.

Committee Membership: The Committee shall be composed of seven members appointed by the Board of Supervisors, all of whom are County residents. One member shall also be a member of the Planning Commission, one must be an architect knowledgeable in historic preservation matters, and two shall be owners of historically significant building or sites. Members shall be appointed for non-consecutive two year terms with not more than three members changing during any given year. A chairman shall be elected by the Committee and staff assistance from the County Planning and Community Development staff may be encouraged.

D. THE HISTORIC DISTRICT ORDINANCE

The concept of the historic district ordinance developed from a recognition that the historic character of an area is fragile and may be irreversibly harmed by inappropriate renovation, rehabilitation, or new construction. Historic district ordinances provide for mandatory review of proposed changes within districts to insure that these changes are compatible with the historic character of the district.

The first historic district ordinance was enacted in Charleston, South Carolina in 1931. Since that time, almost one thousand cities, towns, and counties have enacted historic district legislation. Among these have been many Virginia cities and counties including Richmond, Charlottesville, and Alexandria, as well as Loudoun, Arlington, Fairfax, Fauquier, Chesterfield and Prince William counties.

The statutory authority for historic district legislation is contained in Section 15.1-503.2 of the Code of Virginia. This section provides that a municipality or county may amend its zoning ordinance to delineate historic districts and may provide for an architectural review board to evaluate changes to buildings and structures within these districts.

To have an effective historic preservation program, it is critical that Albemarle County enact a historic district ordinance. The adoption of a Historic District Ordinance provides a standards level of protection within a specified region for historic resources. The implementation of the requirements imposed by the district will be carried out by a review board. This review board should evaluate both historic buildings and settings. This study recommends a Historic Resource Board be charged with the review and implementation of this district.

The recommended ordinance DOES:

- Require mandatory review of any substantial change to a building or structure located within a historic district;
- Require maintenance of buildings and structures within the district;
- Prevent or delay demolition of historically significant buildings and structures with designated districts.

The recommended ordinance DOES NOT:

- Require review of any changes to the interior of buildings within historic districts;
- Prevent demolition of a historic building when a new owner is unable to be found within the time limits specified in the enabling legislation.

Historic district ordinances do place restrictions on the use of property within designated historic districts. However, these restrictions are balanced by the benefits to the property owner and the citizens of the jurisdiction. Benefits may include:

- Protection against unsightly intrusions into the historic district;
- Appreciation of property values due to the preservation of unique, attractive buildings, structures and settings;
- Increased funds for preservation activities as the result of eligibility for a portion of Virginia's federal historic preservation allocation.

The following section contains a sample ordinance which could be enacted by the Board of Supervisors to provide regulatory protection for the historic and architectural character of designated areas within Albemarle County.

Recommended Historic District Ordinance for Albemarle County

Chapter I. Purpose and Objectives

The purpose and the objectives of this Article, which is adopted pursuant to Section 15.1-503.2 of the Code as amended, are the promotion and preservation of the general welfare of the people of Albemarle County, including, but not limited to, the promotion and preservation of its educational, cultural and economic resources, opportunities and advantages through:

- a. The preservation and protection of buildings and structures, places and areas of historic interest;
- b. The preservation, protection, and maintenance of such building, structures, places and areas as landmarks in history, architecture of the colony and Commonwealth of Virginia and the County of Albemarle, and as tangible reminders of the Colony and the Commonwealth of Virginia and the County of Albemarle in the early days of their settlement and development;
- c. The development and maintenance of appropriate settings including the environment of such historic buildings;
- d. The promotion, development and preservation of the economy, commerce and industry of the Commonwealth of Virginia and the County by the preservation, maintenance and protection of such buildings and their environment.

The Historic Resources Board shall elect from its membership a chairman, vice-chairman, and a secretary. In addition, the Historic Resources Board may establish and fill such offices as necessary for the conduct of its business.

5. Meetings, Rules and Procedures

The Historic Resources Board shall conduct a regular meeting monthly, the date of which shall be fixed by the Historic Resources Board. Special meetings of the Historic Resources Board may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all the members of the Historic Resources Board a written notice fixing the time, place and purpose of the meeting at least five days prior to the meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or

Chapter II. Historic Resources Board

1. Creation

For the purpose of this ordinance and specifically for the effectuation of this article, there is created an Historic Resources Board to be composed of seven members, each of whom shall be a resident of the county. Except as provided in the following section, each member shall be appointed by the Board of Supervisors.

2. Membership and Qualifications

Of the seven members so appointed, one shall be licensed architect, one shall be a licensed landscape architect, one shall be a person with demonstrated knowledge of and interest in the preservation of historical architectural or cultural landmarks, one shall be a person having demonstrated knowledge of the values and other characteristics of local real estate and two shall be citizens at large. In addition, one member shall be a member of the Planning Commission.

3. Terms of Office

Members shall be appointed for terms of two years each. Initial appointments shall be for three members for two years and three members for one year. The term of the Planning Commission shall be concurrent with his term of service on the Planning Commission.

4. Officers

The Historic Resources Board shall elect from its membership a chairman, vice-chairman, and a secretary. In addition, the Historic Resources Board may establish and fill such offices as necessary for the conduct of its business.

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if all members are present at the special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Historic Resources Board. The Historic Resources Board may make, alter, or rescind rules for the conduct of its business, consistent with the ordinances of the county and the general laws of the Commonwealth.

6. Action of the Board

The Historic Resources Board shall keep a public record of its proceedings and actions. An affirmative vote of four members shall be necessary for the action of the Historic Resources Board. The Historic Resources Board may, upon affirmative vote of at least four members, reconsider any such action, and upon such reconsideration, render a decision.

7. Provision of Services to Board

Upon the request of the Historic Resources Board, any officer or agency of the County shall furnish to the Historic Resources Board such available information or render to it such services as may be required for the exercise of its powers, if the request has first been approved by the Planning Commission or the Board of Supervisors.

8. Recommendations of the Historic Resources Board

In addition, the Historic Resources Board may upon request of the Planning Commission proposed to the Board of Supervisors amendments it deems appropriate in order to effectuate the purposes of this article, including the establishment of historic districts and revisions to existing historic districts. Upon receipt of any such proposal, the Board of Supervisors shall consider the proposal and may take such action as they deem appropriate. The Historic Resources Board shall prepare and submit to the Planning Commission and Board of Supervisors with any such proposal a report giving reasons in support of the proposal. Such a report shall define the proposed historic district boundaries as well as the historic, architectural, or cultural significance of the building, structures or sites to be protected and shall describe the present trends and conditions of the neighborhood surroundings such as buildings, structures or sites, and the desirable public objective to be served by such a proposal.

Chapter III. Establishment of Historic District

The Board of Supervisors may upon recommendation of the Historic Resources Board and the Planning Commission establish and delineate one or more historic districts adjacent to landmarks established by the Virginia Historic Landmarks Commission and any other buildings or structures within the County having an important historical, architectural or cultural interest and encompassing any historic areas within the County as defined by Section 15.1-430(b) of the Code of Virginia. Each such district shall be established in accordance with Article 8, Chapter 11 of Title 15.1 of the Code of Virginia, and the boundaries shall be delineated on the official zoning map. The provisions contained in this ordinance shall be supplementary to the regulations of any other district applicable to any particular parcel.

Chapter IV. Certificate of Appropriateness

Section 1. Actions Requiring a Certificate of Appropriateness.

The Albemarle County Board of Supervisors may authorize the Historic Resources Board to review proposed changes to designated landmarks, buildings, or structures located in a designated historic district. No building or structure, including signs, shall be erected, reconstructed, restored, or substantially altered in exterior appearance within the historic district or on land of a designated historic site unless the change is approved by the Board of Supervisors, who shall consider the written recommendations of the Historic Resources Board.

"Substantial alterations" shall be defined as any and all work to be done on designated landmarks, buildings, or structures other than the following: work to prevent deterioration or to replace parts of a structure in order to correct any deterioration, decay or damage to the structure, or to restore the structure as nearly as practical to its condition prior to such deterioration, decay, damage, or alterations. Examples of work not constituting "substantial alterations" include repainting in the existing color, replacing missing shingles and replacing broken window panes. Examples of work constituting "substantial alterations" include adding or removing from a structure any openings, chimneys, shutters, columns, stairs or porches; changes in the material, type, or style of doors or windows; changes in the size, shape, or location of any structure on a site; addition or removal of trees, shrubs, walls, fences, or walks on the land of a designated historic site; changes in the color, texture, or materials on the exterior of a

building or structure. In any case where there is question as to whether a proposed project may constitute "substantial alterations", the Historic Resources Board may request an opinion from the Zoning Administrator.

Section 2. Standards for Issuance of Certificates

The Historic Board shall not consider interior arrangements and shall not make any requirements except for the purpose of preventing development incongruous to the old and historic aspects of the surroundings. The Board shall develop written standards for design review for designated historic landmarks and structures within historic districts. These standards must be approved by the Board of Supervisors in order to become effective and shall be substantially consistent with the United States Secretary of the Interior's Standards for Historic Preservation Projects in effect at the date of adoption of the ordinance. The Historic Resources Board shall make copies of these standards available to the public.

In developing these standards, the Historic Resources Board shall consider the following:

- a. Exterior architectural features including all signs;
- b. General design, scale, and arrangement of architectural features;
- c. Texture, material, and color;
- d. The relationship of the above elements to similar features or buildings and structures in the immediate surroundings;
- e. The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings;
- f. The extent to which the building or structure will preserve or protect historic sites and areas of historic interest.

Section 3. Application Procedures for Certificate

Applications for certificates of appropriateness shall be submitted in writing to the Historic Resources Board in a form specified by the Board. Applications must be received at least two weeks prior to a meeting of the Board of consideration of that meeting. Applications shall include:

- a. A photograph of the building for which the certificate is sought including, specifically,

those portions of the building which are proposed to be altered;

- b. Photographs of the buildings on contiguous properties, if any;
- c. Plans and specifications showing the proposed architectural features of the building including the general design, arrangement, materials, plantings, and colors proposed to be used and the types of windows, exterior doors, lights, landscaping, signs, and other exterior elements visible from a public road or public place;
- d. Samples to show the nature, texture, and color of materials to be used.

In order for the application to be considered at a meeting of the Historic Resources Board, the property owner or his authorized representative must be present at the Board meeting.

Section 4. Action on Request for Certificate

Within forty-five days following the receipt of the completed application for a certificate of appropriateness, the Historic Resources Board shall review the application and shall request that the Board of Supervisors take one of the following actions:

- a. Grant the certificate of appropriateness without modification;
- b. Grant the certificate of appropriateness subject to delineated conditions;
- c. Deny the certificate.

The applicant may appeal the decision of the Board as provided in Chapter 7 of this ordinance.

Chapter 5. Demolition or Relocation of a Designated Historic Landmark

Section 1. Decision of the Board of Supervisors

Any property owner seeking to raze, demolish or relocate a designated historic landmark must submit an application for demolition to the Historic Resources Board. No designated landmark, building, or structure shall be razed, demolished or relocated until a permit is issued by the Board of Supervisors.

The Board may seek the advice of the Historic Resources Board and shall consider the historical and architectural significance of the landmark, building, or structure in determining whether to grant a petition for demolition, razing, or relocation. Specifically, the Board may consider whether:

- a. The building or structure is of such old, unusual, or uncommon design and/or material that it could only be reproduced with great difficulty or expense;
- b. The retention of the building or structure would help preserve a historic place or an area of historic interest in the County;
- c. The retention of the building or structure would promote the general welfare of the County by encouraging study of American history, architecture, and design or by developing an understanding of the importance and value of the American culture and heritage;
- d. The building or structure which is proposed to be relocated would lose its historic significance if moved from its original location.

Upon receipt of an application for demolition, razing or relocation, the Historic Resources Board shall have sixty days to either approve such an application and request that the Board of Supervisors issue a permit, or find that the public interest will best be served by requiring the owner to postpone such demolition and make a bona fide offer to sell the building or structure and land at a price reasonably related to its fair market value.

Section 2. Demolition by Right

The owner of a designated landmark, building or structure shall, as a matter of right, be entitled to demolish or relocate the landmark, building, or structure provided that:

- a. A written application has been filed to the Historic Resources Board requesting a demolition permit. This application shall identify the property, state the offering price, the date the sales offering is to begin, and the name and address of the real estate agent, if any.

- b. For the period set forth in the time schedule in this ordinance and at a price reasonably related to its fair market value as determined by an independent appraisal, made a bona fide offer has been made to sell the landmark, building or structure, and the land pertaining to it, to any person, firm, corporation, government or agency, or political subdivision or agency which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining to it.
- c. No bona fide contract has been executed for the sale of the landmark, building or structure and the land pertaining to it, prior to the expiration of the applicable time period set forth in the time schedule.

Section 3. Time Schedule for Offers for Sale

The time schedule for offers to sell shall be as follows:

- Three months when the offering price is less than \$25,000;
- Four months when the offering price is \$25,000 or more, but less than \$40,000;
- Five months when the offering price is \$40,000 or more, but less than \$55,000;
- Six months when the offering price is \$55,000 or more, but less than \$75,000;
- Seven months when the offering price is \$75,000 or more, but less than \$90,000;
- Twelve months when the offering price is \$90,000 or more.

Section 4. County Acquisition of Endangered Historic Landmarks, Buildings, Structures, or Areas

The County is authorized to acquire in any legal manner any historic landmark, building, structure or area or any estate or interest therein, which in the opinion of the Board of Supervisors should be preserved and maintained for the use, observation, education, pleasure and welfare of the public. The County shall not use the right of condemnation under this paragraph unless the historic value of such area, landmark, building, or structure or estate or interest therein is about to be destroyed.

Section 5. Hazardous Building

Nothing in this chapter shall prevent the demolition of any building or structure without consideration of the Historic Resources Board which is in such an unsafe condition that it would endanger life or property. Such emergency demolition or a designated building shall require the approval of the Zoning Administrator verifying the conditions necessitating such action.

Chapter 6. Maintenance Provision

Section 1. Requirement for Maintenance of Designated Historic Properties

No officially designated landmark, building or structure shall be allowed to deteriorate due to deliberate neglect to circumvent the purposes of this ordinance. Such action shall be termed "demolition by neglect" and shall include one or more of the following:

- a) Deterioration of the exterior of the building to the extent that it creates or permits a hazardous or unsafe condition.
- b) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster or mortar to the extent that it adversely affects the character of the historic district or could lead to irreversible damage to the structure.

If the Zoning Administrator determines that a designated structure is being "demolished by neglect," he shall notify the owner his findings, stating in writing all of the reasons for the conclusion. The owner shall be given fifteen (15) days from the date of the notice in which to begin work to rectify the specific conditions listed in the notice, or to initiate proceedings to demolish the structure as delineated in Chapter 4 above. If appropriate action is not taken within this time period, the Zoning Administrator shall initiate legal action as provided for in Chapter 8 of this ordinance.

Chapter 7. Appeal Procedures

Any applicant denied a certificate of appropriateness or demolition permit may appeal the decision of the Board of Supervisors to the Circuit Court of Albemarle County. The appeal shall be filed within thirty days of a final decision by the Board of Supervisors and set forth the alleged illegality of the action of the Board of Supervisors.

The filing of the appeal shall stay the decision of the Board pending the outcome of the appeal to the Court except that the filing of the petition shall not stay the decision of the Board if such decision denies the right to demolish or raze a historic landmark, building or structure.

Chapter 8. Enforcement

Any person who fails to comply with any of the requirements of this ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each day that a violation continues shall be deemed a separate offense.

In addition to the penalties provided in the preceding paragraph, any aggrieved party, as hereinafter defined, may seek to enforce this ordinance by injunction, or other equitable remedies. For the purpose of this ordinance, an "aggrieved party" is defined as an owner of an adjacent property or a member of a historical society preservation organization.

The Historic Overlay District is a zoning district established by amendment to the County Zoning Ordinance. The Board is empowered to establish the district over any existing zoning district. It establishes additional review criteria when considering projects in and around recognized historic areas, sites and structures.

A zoning district establishes boundaries and permitted uses within those boundaries. This district provides the County with ability to protect historic resources from encroachment by disruptive or incongruous uses. It permits the Board to approve projects based on sensitivity to historic and cultural attributes. It permits the Board to consider approaches and views that are vital to the integrity of an historic area when approving projects.

It does not prevent demolition or alteration of historic structures. It does not prohibit all new uses of properties containing historic areas. It does not establish strict standards for specific architectural review of material and design. It does not prevent alteration of buildings interior.

Because full protection against destruction of historic structures is not afforded under the district it is recommended that it be used in conjunction with a Historic District Ordinance. The ordinance will protect the buildings and the overlay district will permit review of uses in adjacent areas. However, the overlay district can be used by itself and provides the beginnings of full protection.

Recommended Historic Overlay District

E. An Overlay Zoning District For Historic Protection

30.6 Zoning is the regulatory tool to protect and promote the health, safety and welfare of the community. Zoning allows a community to accomplish the objective of orderly and appropriate development of the community.

One of the specific purposes of zoning as specified by the Virginia Code (Section 15.1-489) is to protect against destruction of or encroachment upon a historic area. This plan proposes to use an overlay zone to accomplish this.

The County of Albemarle currently has several overlay districts including provisions for protection of scenic roads and rivers. The Historic Preservation Committee should assess the option of an overlay zoning designation and forward a recommendation to the Planning Commission. The following example of an overlay zone for Albemarle County may be appropriate as an amendment to Section 30.6 of the existing zoning ordinance.

The Historic Overlay District is a zoning district established by amendment to the County Zoning Ordinance. The Board is empowered to establish the district over any existing zoning district. It establishes additional review criteria when considering projects in and around recognized historic areas, sites and structures.

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30.6.2.1 DISTRICT BOUNDARIES
Because full protection against destruction of historic structures is not afforded under the district it is recommended that it be used in conjunction with a Historic District Ordinance. The ordinance will protect the buildings and the overlay district will permit review of uses in adjacent areas. However, the overlay district can be used by itself and provides the beginnings of full protection.

Recommended Historic Overlay District

30.6.1 INTENT

The governing body of any county may classify its territory into zoning districts. Zoning Ordinances are for the general purpose of promoting the health, safety, and general welfare. Section 15.1-489 specifies one of the purposes of zoning is to "protect against destruction of encroachment upon historic areas" which are defined in Virginia Code 15.1-430(b) as "containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation."

Such historically, culturally and architecturally significant buildings, sites, lands, and views contribute greatly to the educational, cultural, and economic welfare of the community and their destruction or desolation is contrary to the public good.

It is the intent of this district to preserve these resources and their vital surroundings from obviously incongruous development and uses of land and to insure that new uses will be in harmony with the existing character of the district.

30.6.2 APPLICATION--GENERALLY

The Historic Overlay District may be applied over any district currently in existence on the official zoning map and may extend over more than one district. Designation of the district shall be made by the Board of Supervisors. Nominations for district designation shall be made by the Planning Commission with the advice of the Historic Preservation Committee.

30.6.2.1 DISTRICT BOUNDARIES

The district shall encompass recognized architecturally and historically significant sites, views, structures and the areas surrounding them within a reasonable geographic distance.

When determining district boundaries, the Board may consider the following criteria:

- a. Whether the structure, site, lands, or view exemplifies or reflects the architectural, cultural, political, economic, social, or military history of the nation, state, or community.
- b. Whether the structure, site, lands, or view is associated with persons of national, state, or local historical or cultural significance.
- c. Whether the structure, site, lands, or view fosters civic pride in Albemarle County's past.
- d. Whether the structure, site, lands, or view enhances Albemarle County's attractiveness to residents and visitors.
- e. Whether the area's within a reasonable distance surrounding these structures, site, land, or views act to protect them from obvious disruption and incongruous uses.

30.6.3 PERMITTED USES

All uses shall be permitted pursuant to the district regulations of the zoning district(s) over which the Historic Overlay District is located except as may be modified or amended as set forth in this section and subject to the requirements of Section 31.2.4.

BY SPECIAL PERMIT

No additional special use permit will be needed in the overlay district. Where a special use permit is required in the underlying district, additional review will be conducted during the technical review and site plan review process.* The Board shall make its determination of the appropriateness of the use based on the development standards of Section 30.6.3.2.

*If the Historic District Ordinance is passed, then it is recommended that a member of the Historic Resources Board be appointed to the technical review committee. If the Historic District Ordinance is not adopted, then a member of the Historic Preservation Committee should be appointed. Section 3.2 of the Zoning Ordinance should be amended accordingly.

30.6.3.2 DEVELOPMENT STANDARDS

- a. The use shall not detract from the enjoyment of the historical nature of the structure, site, area, or view.
- b. The site plan, exterior design, arrangement, texture, and materials of the proposed use shall not be incompatible with the structure or setting of the historical area.
- c. The use shall not infringe unduly on the site in terms of scale. No new use shall draw attention from the primary components of the overlay district.
- d. Other standards of site design such as setback, height, and yard requirements as promulgated by the Board to be amended to this section.

30.6.4 BONUS FACTORS (REFERENCE 2.2, 2.4, 19.1)

The use of clustered development, bonus provisions, and PRD's may be permitted in those areas of an historic overlay district where their use will not detract from the historic character of the district and where such provisions will have the effect of ensuring protection of the historic, cultural, economic, and scenic values of the district.

Bonuses will not be granted if the district over which overlay district is applied already contains bonus provisions.

The local government has the legislative authority to contribute to the historic preservation effort through a variety of non-regulatory programs. Many of these tools are already in place in Albemarle County but are not fully implemented with respect to conserving historic resources. The County Comprehensive Plan provides policy guidelines for all land use issues.

The county's coordination of regulatory and non-regulatory means to achieve preservation is important. It is equally important for the county to adopt ordinances which include elements required by state and federal support programs.

A. THE COMPREHENSIVE PLAN

A historic preservation plan should be part of the County's Comprehensive Plan so that preservation goals and policies will be integrated with the overall quality of life presently enjoyed. A Comprehensive Plan generally contains broad goal statement with objectives to attain these goals.

III. ROLE OF LOCAL GOVERNMENT: NON-REGULATORY

• Goal

Support the effort to identify, document and keep a local register of significant buildings, sites and landscape features.

An ongoing committee should be formed consisting of a variety of knowledgeable members to document, research and study the local history. This committee should receive planning staff support. It should function as a research, evaluation and information group and encourage the listing of properties on the State and National Register of Historic Places in order to receive the benefits of such listings. This committee should make regular recommendations to the governing body regarding items of historic significance.

• Goal

To encourage active citizen participation in a comprehensive preservation program.

A citizen's organization should be formed to promote and coordinate educational resources, carry out special projects and encourage participation awareness foster public preservation practices.

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A historic preservation plan should be part of the County's Comprehensive Plan so that preservation goals and policies will be integrated with existing and proposed county goals and policies which have as their end the protection of the environmental quality of life presently enjoyed. A Comprehensive Plan generally contains broad goal statement with objectives to attain these goals.

- Goal

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- Goal

To encourage active citizen participation in a comprehensive preservation program.

A citizen's organization should be formed to promote and coordinate educational resources, carry out special projects and encourage participation awareness foster public preservation practices.

- Goal

Strengthen the programs to preserve the visual and aesthetic quality of the county which is important to our overall economic welfare.

Preservation practices should be encouraged through a regulatory zoning ordinance, participation in historic overlay district and conservation of open space, agriculture and forested areas. Upon adoption of an ordinance, the county may seek to gain a certified local government status which provides qualification for funds from special historic preservation grants made possible from the National Historic Preservation Act of 1966. Proposed preservation objectives should be integrated with those of the scenic roads and rivers and the agricultural/forestal district designation programs already active in the area.

- Goal

Encourage participation in non-regulatory programs which foster sound economic preservation practices.

A private, non-profit organization should be created, comprised of citizens with business expertise who will work to encourage private individual and business participation in preservation financial assistance programs such as loan guarantees and revolving funds for historic properties. This group may consider such possibilities and land banking, easement brokering, and the purchase of sites for resale after protective easements are applied.

B. VIRGINIA CERTIFIED LOCAL GOVERNMENT PROGRAM

One of the most significant tools available to the county for an effective historic preservation program is Certified Local Government (CLG) status. The program was created by the National Historic Preservation Amendments Act of 1980. The county may be certified for formal participation in the National Historic Preservation Program if certain elements of a preservation program are in place.

The Certified Local Government Program is intended to promote the preservation of historic buildings, structures, objects and areas. The establishment of a working relationship between local governments and the State Historic Preservation Office through the CLG program provides a resource base for expanding local involvement in preservation planning.

C. FEDERAL TAX CREDITS FOR REHABILITATION
The minimum requirements to be eligible for CLG status are:

- 1) The locality must adopt an historic preservation ordinance which includes a statement of purpose, establishes a review board, includes criteria for establishment of historic zoning districts, establishes a procedure for designation of historic zoning districts, clearly delineates boundaries for historic zoning districts, defines actions subject to review by the review board, sets forth standards to which the review board adheres or provides that the review board adopt the standards subject to local government approval, provides the review board with authority to appeal, and specifies methods of enforcement and penalties.
- 2) The local government must establish an adequate and qualified review board meeting the following criteria: members are appointed by local governing body, members shall show interest, competence or knowledge in historic preservation, membership minimum of five, one member must be an architect or architectural historian, two members must have professional training in architecture, history, architectural history, archeology, or planning, three year term of office staggered, and other duties.
- 3) The local government must have a system for survey and inventory of historic properties recorded and accessible to the public, updated periodically and provided to the SHPO for inclusion in statewide inventory.
- 4) The local government must provide for adequate public participation. Review board meetings must be announced and open to the public.

The benefits of CLG status to the County of Albemarle include eligibility to receive grants from a 10% share of Virginia's federal appropriation specifically for CLGs. At present, Albemarle County could receive a maximum of \$45,000 if the county provides matching funds dollar-for-dollar. The funds awarded may be used for: survey of historical and archeological resources, preparation of National register nominations, developing design review guidelines, amending preservation ordinances, preparing preservation plans, testing archeological sites to determine their significance, and public education programs in historic preservation. With CLG status the county could receive technical assistance from the Division of Historic Landmarks and the National Park Service. The county would be able to exchange information with other CLGs thus improving the scope and depth of knowledge and practice of historic preservation.

C. FEDERAL TAX CREDITS FOR REHABILITATION

Upon the adoption of a local historic district ordinance and the creation of one or more such districts, owners of income producing buildings which are deemed significant to the district can qualify for federal tax credits. Without the designation of a local historic district, only those income producing buildings listed in the National Register of Historic Districts are eligible for tax credits. The federal tax credit could be as much as 20% of the rehabilitative expenditures where IRS restrictions and standards are met. The county has the opportunity to lay a path for its citizens to be eligible for federal tax relief. The county should promote private efforts toward historic preservation.

D. LOCAL TAX INCENTIVES

Real property tax can be a significant expense for property owners. The county can create incentives for preservation and renovation through the power of property assessment and taxation. Although tax incentives alone cannot prevent development or destruction of historic buildings, alternative methods of taxation are available and can work in a preservation program to reduce quick and thoughtless destruction of historic properties.

The Code of Virginia provides localities with the option of adopting ordinances for special classification and tax assessment for agricultural, horticultural, forestal and open space lands. (Code of Virginia, Sections 58.1-3229 through 58.1-3224). The purposes are to encourage preservation, conservation and to provide a tax relief to counteract pressures of development.

The county already has a tax incentive program already in place which attempts to deal with the taxing inequalities between actual land use value for qualifying land and high market value due to market pressure in a growth area. Specific to historic preservation is the open space classification. Real estate of at least five acres used to preserve or provide for historic purposes may qualify for the open space classification and special tax assessment.

However, "farm" house or home or any other structure not related to such special use are excluded (Section 58.1-3286, B and C) from the total area calculations and lower tax assessment. Thus, the historic buildings of the site are not protected from demolition nor subject to any maintenance requirements. The program is only voluntary if the landowner wants to withdraw from the program, there is a roll-back tax penalty with interest as provided by Virginia Code 58.1-3237.

The county may add to its tax incentive program. Title 58.1, Chapter 32, Section 58.1-3220 and Section 48.1-3221 of the Virginia Code provides localities with taxing flexibility to exempt rehabilitated residential and commercial real estate. The tax exemption is subject to certain criteria including requiring the structure to be older than 25 years of age, and the assessed value to increase 40% or more.

OTHER FUNDS

The Commonwealth of Virginia also provides historic preservation grants. The property must be included in or determined eligible for inclusion in the Virginia Landmarks Register to be awarded funds from this program. Recipients must put up 25% of the project cost and the property must be open to the public for a minimum of 100 days per year. The award amount, if any, is subject to the availability of funds and competing projects.

E. AGRICULTURAL AND FORESTAL DISTRICTS

In 1977 the Virginia General Assembly passed legislation to allow local governments to establish agricultural and forestal districts. The purpose of these voluntary districts are to protect and enhance the viability of the states agricultural and forestal lands. The AG/forest districts do not offer any benefit or protection to historic buildings, except the indirect benefit of protection of the surrounding rural character.

Since the enactment of the program in Virginia, the legislation has been substantially modified. The regulations established by the state have become more flexible in terms of size requirements and broader in purpose with the 1987 recognition of environmental benefits as factors for consideration of a district. The 1981 amendments to legislation stated that local governments may restrict subdivision and land development area. Additional benefits of the AG/forest districts is the eligibility of use-value taxation and protection from eminent domain proceedings.

The local government should continue to encourage private landowners to form AG/forestal districts. These districts contribute to the preservation of historic areas by protecting them from incompatible land uses. The presence of AG/forestal districts are considered in an environmental impact studies and other major projects involving federal or state funds. The protection available through these districts is indirect to the efforts of conserving historic sites.

The effectiveness of a preservation program depends on the active participation of citizens of the county. It is recommended that a citizens group be formed whose purpose is to develop a program of historic preservation activities, to foster coordinated efforts and participation by all sectors of the community. Its activities should include promotion of and publicity for preservation activities in Albemarle County, and organization of civic events celebrating the architectural and historical heritage of the County. Other sponsored activities may include provision of historical markers for significant buildings and awards for noteworthy preservation projects undertaken in the County. In addition, the group should provide educational opportunities about historic preservation for the County community, provide financial assistance for Historic Preservation activities.

IV. CITIZEN PARTICIPATION

Membership should be open to the general public for a fee to be used for administration, activities, and an endowment fund to support historic preservation activities.

For the purposes of this plan such an organization will be referred to as CHP. The general membership of the Citizens for Historic Preservation should support the overall goals of the organization. The activities of the Committee may include the items described below.

A. EDUCATION FOR AWARENESS

For the goals of a preservation program to be realized, citizens must be made aware of the importance of preserving their cultural and architectural heritage. Education, including courses, lectures, conferences, workshops, publications, tours, and publicity, should be the crux of any preservation program.

An education committee may be organized as a part of the Citizen's Group whose purpose is to coordinate preservation education throughout Albemarle County. The committee would identify current preservation education programs, both for children and the general public, and would assist in the development of future programming.

The following organizations provide preservation education programs in Albemarle County:

Thomas Jefferson Memorial Foundation/Monticello - Robin Gabriel, Director of Education, 785-3588. Thomas Jefferson Memorial Foundation, Inc. is a private non-profit organization that owns and operates Monticello. The foundation also sponsors courses taught through UVA continuing education, annual conferences on topics related to Jefferson and Monticello, and a summer seminar for teachers on Revolutionary America. The Foundation operates

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the Western Virginia Visitor's Center which is the home of a permanent exhibit on Jefferson and Monticello and a planned learning center. The education director is concentrating on development of a more extensive program for school-children which will include pre-visit, post-visit, and special unit materials.

Albemarle County Historical Society - Melinda Frierson, Director, 296-1492. The Historical Society is a resource on Albemarle County History. The recently staffed society is developing its museum program to include exhibits. The society hopes to expand its library space to include new materials and increase accessibility. The Society provides architectural and historical walking tours of Downtown Charlottesville and would like to increase their tour activity in the future.

Association for the Preservation of Virginia Antiquities - Jefferson Area - Michael May, Director, 703-886-3808. A major objective of this four-county chapter of the APVA, chartered in October, 1986, is to "encourage and promote a knowledge and understanding of Virginia history and culture through publications, exhibits, lectures, tours and other education activities, with particular reference to and emphasis on all aspects of historic preservation." The chapter plans for its June, 1987 meeting a walk-through tour of a historic structure undergoing restoration in Albemarle County.

Preservation Alliance of Virginia - Suzanne Schell, Education Consultant, 703-476-9757 - The Alliance is a loose confederation of preservation organizations all over Virginia. It is completing a survey of existing preservation education programs in the state and is developing a curriculum workbook geared towards fourth graders to eventually be made available statewide.

There also exist numerous related organizations in Albemarle County with interest in preservation education. The Virginia Discovery Museum, a hands on experimental museum for children, sponsored a summer exhibit in 1984 entitled "Hands-On, Please Touch, Discovering Architecture." Ashlawn provides several cultural and historical programs, and Montpelier, now open to the public, will soon provide a variety of related activities. In addition, the garden clubs conduct annual home and garden tours.

B. FINANCIAL ASSISTANCE AND PROPERTY ACQUISITION

Financial assistance to achieve the purpose of historical preservation is an important incentive in encouraging private citizen participation. A private non-profit organization dedicated to historic preservation

may provide some financial resources for the rehabilitation and restoration of historic properties. This tool could be very important in Albemarle County where historic properties are dispersed throughout the rural area and are composed largely of residential structures.

One technique often used is a revolving fund. A reserve fund is obtained through fundraising events, private donations and bank credit. Many foundations, such as those in Fredericksburg, Petersburg, and Winchester prefer to buy, restore then sell the house subject to restrictive deed covenants designed to preserve the historic structure. The foundation may or may not restore the property depending on the scope of its purpose and manpower. The main objective in many cases is to place the deed restrictions on the property and increase public awareness.

A more direct but less used technique for historic preservation involves a loan guarantee program through a private foundation. This technique is commonly used in other housing programs such as the Charlottesville Housing Foundation. A cooperative relationship is possible in conjunction with the revolving loan program to encourage restoration of historic properties, particularly if restrictive covenants can be imposed as a condition of the funding.

Property acquisition may also be undertaken by private foundations. In addition to the revolving loan program, the foundation may purchase sites or buildings which have historical significance rehabilitate them, leave them to private entities or retain them for foundation activities.

C. CONSERVATION EASEMENT PROGRAM

There exist several considerations in the organization of an easement program which can contribute to its effectiveness. Under current Virginia regulations, conservation easements may be held only by two permanent organizations: local governments and the Virginia Outdoor Foundation. Many local governments do not accept conservation easements, due largely to the concern for liability for political reasons, easements held by localities may not be as stable or permanent as those held by the foundation. An important activity of the citizen group could be to encourage the locality to accept easements as allowed by Section 10-158 of the Code of Virginia.

The Virginia Outdoor Foundation (VOF) uses the following criteria to evaluate easement requests:

1. General location with respect to critical areas specified in the Virginia Outdoor Plan,
2. Adjacency to state designated scenic byways,
3. Adjacency to state designated scenic rivers,
4. Adjacency to an agricultural/forestal district,
5. Adjacency to an existing easement, or
6. Determination that the easement serves another public purpose.

It is evident from these criteria that an effective program of dedicated easements can be obtained if each of the program criteria components are coordinated and targeted towards critical areas. In the past Albemarle County efforts to obtain these protection measures have been implemented largely through citizen groups such as the Piedmont Environmental Council. Future efforts may be more efficient if supported by direct local government participation and encouragement in the process.

Several methods of assisting in the promotion of easements have been used in various localities. The CHP could assume the role of an easement broker to assist in the acceptance or placement of an easement to an appropriate agency. If legislation is passed in the 1988 General Assembly, other private, non-profit groups may also accept conservation easements.

Another activity of the citizen organization would include working with landowners to dedicate conservation easements. Some property owners may be more willing to reserve a portion of their property if the net effect is to involve a significant amount of acreage. An effective citizen group could organize adjacent land owners to offer conservation easements on multiple properties as a coordinated application.

The citizen organization should encourage the local government to acquire agricultural, or scenic easements by public acquisition historical properties adjudged to be for public benefit.

CONCLUSION

The preservation of the natural and historic resources of Albemarle County is vital to the general welfare of the county. The preservation of these resources can provide both material economic benefits and more intangible aesthetic benefits to the county. Preservation goals and policies, if included in the Comprehensive Plan, can be integrated with existing programs in the county and can help guide future programming. These goals can be realized through more effective use of existing county preservation programs. In addition, there is a need for additional regulatory programs, such as historic district and overlay zone designations.

A centralized study committee can encourage preservation activities through research and documentation, and can make a recommendation regarding the organization that involves the whole county community can encourage awareness of and interest in historic preservation through education and public relations. It can serve as a funding source for historic preservation activities.

V. CONCLUSION AND RECOMMENDATIONS

Through the effective implementation of these proposed measures, the county can assure that its non-renewable historic and natural resources will be preserved.

CONCLUSION

The following are recommended activities for Albemarle County:

The preservation of the natural and historic resources of Albemarle County is vital to the general welfare of the county. The preservation of these resources can provide both material economic benefits and more intangible aesthetic benefits to the county. Preservation goals and policies, if included in the Comprehensive Plan, can be integrated with existing programs in the county and can help guide future programming. These goals can be realized through more effective use of existing county preservation programs. In addition, there is a need for additional regulatory programs, such as historic district and overlay zone designations.

A centralized study committee can encourage preservation activities through research and documentation, and can make recommendations to the Planning Commission regarding preservation policies. A citizens organization that involves the whole county community can encourage awareness of and interest in historic preservation through education and coordination. In addition, it can serve as a funding foundation that provides financial assistance for historic preservation activities.

Through the effective implementation of these proposed measures, the county can assure that its non-renewable historic and natural resources will be preserved.

RECOMMENDATIONS

The following are recommended activities for Albemarle County to undertake for preservation of historic resources.

- Establish a Historic Preservation Committee to advise the Board of Supervisors as preservation.
- Adopt a Historic District Ordinance.
- Adopt a Historic Overlay Zoning District.
- Include preservation goals in the Comprehensive Plan.
- Apply for Certified Local Government Status.
- Encourage citizen participation in preservation activities.
- Encourage the use of federal, state and local tax incentives.

APPENDIX

QUALIFICATIONS FOR FEDERAL TAX BENEFITS FOR EASEMENT DONATIONS

The following are guidelines for qualifying for federal tax benefits for easement donation. Provisions of such technical assistance could be a primary purpose of the CUP.

PERPETUAL CONSERVATION RESTRICTION

"A perpetual conservation restriction" is a real qualified property interest. A "perpetual conservation restriction" is a restriction granted in perpetuity on the use which may be made of real property—including an easement or other interest in real property that under state law has attributes of real property.

APPENDIX

A deduction for a contribution of a qualified conservation restriction is allowed for a charitable contribution if the donor is the property that generates or owns the conservation interest other than a qualified conservation restriction. A qualified conservation contribution is the contribution of a qualified real property interest to a qualified organization exclusively for conservation purposes. To be eligible for a deduction under this section, the conservation purpose must be protected in perpetuity.

QUALIFIED ORGANIZATION

Eligible Donee. To be considered an organization must be considered a qualified organization, have commitment to protect the conservation purposes of the donation, and have the resources to enforce the restrictions. A conservation group organized or operated primarily or substantially for one of the conservation purposes specified in Section 170A-13(d)(2) will be considered to have the commitment required by the preceding sentence. A qualified organization need not set aside funds to enforce the restrictions that are the subject of the contribution. For the purposes of this section the term "qualified organization" means:

- (i) A governmental unit described in Section 170(b)(a)(V); (ii) An organization described in Section 170(b)(1)(vi); (iii) a charitable organization that meets the public support test of 508(a)(3); (iv) a charitable organization described in Section 501(c)(3) that meets the requirements of Section 508(a)(3) and is controlled by an organization described in paragraphs (c)(1)(i), (ii), or (iii) of this section.

Virginia Code Section 19-158
Acquisition

APPENDIX

QUALIFICATIONS FOR FEDERAL TAX BENEFITS FOR EASEMENT DONATIONS

The following are guidelines for qualifying for federal tax benefits for easement donation. Provision of such technical assistance could be a primary purpose of the CHP.

PERPETUAL CONSERVATION RESTRICTION

"A perpetual conservation restriction" is a real qualified property interest. A "perpetual conservation restriction" is a restriction granted in perpetuity on the use which may be made of real property--including an easement or other interest in real property that under state law has attributes similar to an easement.

QUALIFIED CONSERVATION CONTRIBUTION

A deduction under Section 170 is generally not allowed for a charitable contribution of any interest in the property that consists of less than the donor's entire interest other than certain transfer in trust. A qualified conservation contribution is the contribution of a qualified real property interest to a qualified organization exclusively for conservation purposes. To be eligible for a deduction under this section, the conservation purpose must be protected in perpetuity.

QUALIFIED ORGANIZATION

Eligible Donee. To be considered an organization must be considered a qualified organization, have commitment to protect the conservation purposes of the donation, and have the resources to enforce the restrictions. A conservation group organized or operated primarily or substantially for one of the conservation purposes specified in Section 170A-13(d)(2) will be considered to have the commitment required by the preceding sentence. A qualified organization need not set aside funds to enforce the restrictions that are the subject of the contribution. For the purposes of this section the term "qualified organization" means:

- (i) A governmental unit described in Section 170(b)(a)(V);
- (ii) An organization described in Section 170(b)(1)(vi);
- (iii) a charitable organization that meets the public support test of 508(a)(2);
- (iv) a charitable organization described in Section 501(c)(3) that meets the requirements of Section 508(a)(3) and is controlled by an organization described in paragraphs (c)(1)(i), (ii), or (iii) of this section.

Virginia Code Section 10-158
Easement Acquisition

"Any public body is hereby expressly authorized to without limiting the authority of the public body to acquire unrestricted fee simple title to tracts, to acquire by gift or purchase.

(1) Fee simple title to acquire such land subject to reservation of rights to use such land for farming or to the reservation of timber rights thereon, or (2) easements in gross or other such interests in real estate of not less than five years' duration as are designed to be maintained in the character of such land as open space land. Any such interest may also be perpetual. Whenever practical in the judgement of such public body, real property acquired pursuant to this chapter shall be made available for agricultural and timbering uses which are compatible with the purposes of this chapter.