

APPENDIX B Community Guide to Protecting Civil War Battlefield Sites and Features

Any community derives its public image from the cumulative efforts of its members. Spotsylvania has a long tradition of preservation, spearheaded in the past by government. But government can no longer do what it once did to protect open space and to preserve hallowed ground. In the future, individual citizens, developers, and other private groups will lead the effort to preserve. It is hoped these guidelines offer some of the tools needed to do that.

Development outside the boundaries of a National Park can have an immense effect on the quality of a visitor's experience inside the park. That development can also consume ground that is hallowed or, at least, significant in its own right. In Spotsylvania County, the momentous events of 1861-65 were not neatly confined to the lands within Fredericksburg and Spotsylvania National Military Park. Events of huge importance to this nation occurred throughout Spotsylvania County.

Protection of those lands outside National Park Service boundaries is not mandated. All of them will continue to be used, and often developed, by their owners. This is as it should be. But use and development need not be inconsistent with preservation. This Community Guide is intended to offer ideas to landowners and developers for ways to preserve land or to subdivide it in ways that help retain some of its historical value, while still allowing for full-density development. The strategies offered here range from the truly philanthropic, to simple, community-minded, and inexpensive efforts.

Visitors to the battlefields inject more than \$15 million per year into the Fredericksburg region's economy. Those dollars support hundreds of jobs. History and historic preservation are at the heart of the local tourism industry. That industry can only remain viable through both public and private efforts - the efforts of people like you.

This Community Guide is the result of a strong commitment on the part of Spotsylvania County to preserve its heritage and to sustain its burgeoning tourism industry. It is also the result of a strong partnership with the National Park Service, keeper of more than 7,000 acres of hallowed ground in this area. Staff with both the County and NPS stands ready to offer assistance to any landowner or developer who steps forward to join the effort to preserve.

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Major Actions and Their Historical Significance

This land was once a patchwork of farm fields and forests, of tangled undergrowth and inspiring vistas, dotted with farmhouses and crisscrossed by cart paths and major byways. On the land in and around Fredericksburg and Spotsylvania National Military Park raged four major battles and innumerable skirmishes. More than 100,000 men fell - a number of killed and wounded that exceeds the entire population of Spotsylvania County in 1995. The events that occurred here helped shape the course of the Civil War, and the nation.

Battle of Fredericksburg

The armies first clashed here in December 1862, when General Ambrose Burnside's Union troops vainly tried to drive General Robert E. Lee's army from the heights behind Fredericksburg. Burnside's attacks against Stonewall Jackson's mops south of the city made brief progress, but finally withered in a hail of Confederate fire. More Union troops assailed the Confederates defending Marye's Heights, west of the city. Southern artillery on the heights and infantry behind a now-famous stone ravaged the Federals; none reached the Confederate line. At battle's end, thousands of Union soldiers lay scattered across Fredericksburg's landscape - both a human and military disaster for the Union cause.

Figure 1: As suburban development continues to press into the countryside around Fredericksburg, battlefields that were once surrounded by farmland and woods are becoming encroached upon by new subdivisions and roadside businesses. Unless conventional development patterns are modified, most of these historic places will be completely engulfed within a few more decades.

Battle of Chancellorsville

Five months later, in May 1863, the Federals tried again to dislodge Lee from Fredericksburg - this time using maneuver rather than brute force. General Joseph Hooker led 80,000 men northwestward, crossing the Rappahannock and Rapidan Rivers above Lee - hoping to descend on Lee's left flank. The Union plan nearly worked, until Hooker hesitated and Lee responded forcefully. After a day's fighting on the open ground west of Five-Mile Fork along the Orange Turnpike (State Route 3), Hooker withdrew quickly to the country crossroads at Chancellorsville. Lee followed, determined to attack. On May 2, 1863, Jackson's 30,000 men circled around the Union right and launched a crushing flank assault. After three more days of brutal combat around Chancellorsville, Hooker withdrew with his army across the river. This great Confederate victory came at great cost. Stonewall Jackson fell, mistakenly wounded by his own men. He died on May 10 at Guinea Station (Jackson Shrine).

Battles of Wilderness and Spotsylvania Court House

A year later the armies descended on Spotsylvania and Orange again, at the outset of Virginia's decisive final campaign. This time the battles took a different form. Earthworks scarred the landscape for miles; the armies groped through tangled thickets.

On May 5 and 6, 1864, brutal but indecisive fighting in the "Wilderness" extracted huge losses on both sides. Blunted at the Wilderness, General U.S. Grant pushed his army southward, toward the crossroads at Spotsylvania Court House. For thirteen days the armies again locked in a stranglehold - a stalemate punctuated by bloodletting on an unprecedented scale. When the armies moved south toward Richmond on May 22, they left behind more than 50,000 dead and wounded men, the grim product of two of the war's biggest battles. No period in American history, no place in America, saw such sustained, brutal fighting - or so much sacrifice.

Figure 2: Engraving made from a drawing of a cavalry attack. (Detail of an original illustration by Thomas Nast.)

Development of the Park

Established in 1927, the Fredericksburg- Spotsylvania County Memorial National Military Park, later renamed the Fredericksburg and Spotsylvania National Military Park, did not have a defined boundary for its first 47 years. The earliest land acquisitions centered around visible physical features: earthworks, buildings (or their remains), and documented burial grounds. Early acquisitions did not address major troop movements, combat sites, and landscapes - the terrain that shaped the battles that raged here. For its first ten years, the Park's growth was fueled by several voluntary donations from landowner's for whom the events of 1861-65 had deep meaning. That tradition continued, and, over the years, local residents and organizations have donated

about 1,000 acres to the Park - more than one-tenth of the Park's current land base. Most of the Park's remaining lands were acquired on a 'willing seller/ willing buyer" basis. Most of these purchases occurred during the 1970s. The Park's present boundaries, which cannot be altered except through an Act of Congress, encompass an authorized acreage of 8,500 acres. Eighty-three percent of the Park's authorized lands are currently owned by the National Park Service.

The Battlefields' Importance to the Region Today

Beyond the significance of these lands to the people of this nation as a whole, the battlefields are integral to the region's economy and quality of life. Hundreds of thousands of visitors come to the area every year to walk these hallowed grounds. The money spent by visitors on meals, lodging and other items creates jobs; dollars spent on battlefield-related visits are an important component of the area's tourist economy - one of the major industries in the region.

The battlefields (both inside and outside the Park's boundaries) also constitute one of the regions few guaranteed long-term sources of open space. With increasing development in and around Fredericksburg, the battlefields, with their woodlands, streams, and meadows, will become an ever- more important refuge and place of learning for the people of the region.

Figure 3: Each year thousands of people visit the four battlefields around Fredericksburg. Their experiences are becoming increasingly impacted by the suburban sprawl that is occurring around the Parks, and along the roads leading to them.

Figure 4: New homes have sprouted up along the edges of several battlefields in subdivisions where developers recognize the extra value added by the adjoining Parkland open space. Such practices, which are completely legal, are beginning to diminish the special qualities of these hallowed places, as perceived by Park visitors.

FREDERICKSBURG AND SPOTSYLVANIA NATIONAL MILITARY PARK

Battlefield Sites Within the Park's Boundaries

Although roughly 1,500 acres of privately-owned land still lie within the Park's legislated boundary (which defines the area in which federal funds can be spent on land acquisition), additional purchases are expected to proceed slowly due to budgetary restrictions, and then only on a willing seller basis. Battlefield lands owned by the federal government, or lands where permanent conservation easements have been placed on the land by individual property owners, are protected in perpetuity. But lands within the Park's legislated boundary that are privately owned or not protected by easements are subject to change and alteration. Until those lands are donated or sold to the National Park Service, their care lies entirely in the hands of their owners. For this reason, the Park staff makes conscious efforts to become personally acquainted with many such landowners, and encourage them to practice good stewardship so that the historic and cultural resources on their properties may continue to bear testimony to some of the nation's most memorable military events. In general, that stewardship requires very little action that is out of the ordinary; it often means simply leaving things as they are. Historic features or landscapes on private property are not open to public visitation without the express permission of the landowner.

Sites Outside the Park's Boundaries

Many rural properties outside the Park's official boundaries were the scene of fighting, troop movements, or encampments, or they contain the eroding remains of trenches and gun batteries. In some instances, sites outside Park boundaries were witness to decisive events - events critical to the course of the war. Because they lie beyond the acquisition line established by Congress,

the federal government cannot purchase or even accept such parcels as gifts. Private conservation organizations may, however, work with landowners to protect those properties. Depending on each landowner's circumstances and feelings about his or her property, a variety of practical approaches are available to help ensure continued good stewardship, while meeting each owner's financial needs. Park staff are familiar with some of these approaches, and can help landowners get in touch with conservation groups that can assist them in exploring the options more thoroughly.

The Park's Working Relationship with Others

Since 1990, the staff at the Park has become increasingly attuned to the needs of individual landowners, and sensitive to the issues of a large federal agency working to conserve land of historic significance in one of the fastest-growing regions of the Commonwealth. The Park has expanded its outreach efforts to landowners to let them know how staff could provide technical assistance in determining which (if any) parts of their properties have historic value, and how future development patterns could be shaped to minimize impacts upon those lands. At the same time a stronger working relationship has evolved with local government officials, so that Park concerns and comments are now integrated into the land-use planning and development review processes while proposals are at the earliest discussion stage.

DOCUMENTING BATTLEFIELD SITES

An Ongoing Process

The Park's Database A Summary

In order to help individual landowners in Spotsylvania County determine where, on their properties, troops fought, camped, maneuvered, or gathered, Park staff have combed historic eyewitness accounts and more modern research documents for information about military activities that occurred on the farms and in the woodlands surrounding the four battlefields. This archival data has been supplemented by limited fieldwork to verify and corroborate the documentary record. From these efforts, Park staff has gained a relatively high degree of understanding concerning where and how the various generals and their forces spent their time immediately before and after the four major battles that the Park was established to commemorate and interpret. The [Related Areas Database](#), a four-volume work, contains both eyewitness descriptions and modern interpretations of troop actions on properties adjoining or near each of the principal battlefields, with schematic plans drawn on standard topographical survey sheets. More cartographic detail is contained on the electronic database stored in the Park's "Geographic Information System." From this system, multi-color maps can be provided at a variety of scales.

Ongoing Research and Mapping

The Geographic Information System (GIS) Database is an innovation that will become a valuable management tool for the Park and the County. With access to a range of historic and modern map layers, resource managers can identify sensitive archeological sites, track the amount and condition of surviving resources, plan for conserving wildlife, predict development pressures, and assist the Park's neighbors with understanding the value of cultural resources on their properties. The computer map will display the County's resources on a broad scale, enabling planners to compare alternative development scenarios and select one that has more economic benefit and does less damage to surviving resources. Park staff actually can put what they find in the field directly into the computer, using Global Positioning Systems (GPS) - a hand-held satellite mapping technology. Whether it's walking along an old road bed or trench line, working with

archaeologists on a “dig,” or counting trees downed in the last ice storm, resource managers can store locations and descriptions of resources in the computer for others to use and to expand. Documents and digital photos can be stored with on-the-ground evidence, helping researchers compare what happened in the past with what survives today. The *GIS Database* will help Park and County resource managers evaluate preservation alternatives for a specific set of resources or on a countywide basis

Figure 6: Conventionally-platted subdivisions typically cut across lines of historic military earthworks, miles of which traverse the woodlands and meadows of Spotsylvania County, as shown in this map prepared with GPS satellite technology.

Evaluating the Historical Values of Individual Sites

When landowners ask the Park for information about whether their properties include any areas of historical significance, staff members are assigned to review the database material with them and to visit the lands in question to help them identify particular features that may still be visible on the ground. The *Related Lands Database*, moreover, includes preliminary assessments of significance of all properties it describes. Staff trained in historic resource interpretation also describe the significance of those features, or of other aspects of the property, and are prepared to suggest ways in which those resources could be conserved, while still meeting the financial objectives of those owners. In most cases, individual properties are part of a much larger picture of events that transpired over broader areas, with earthworks or old road “traces” crossing multiple parcels, testimony to the sweeping nature of military campaigns (as shown in Figure 7). The other side of this coin is that such historic resources typically cover only a fraction of any individual parcel, and that with a creative and flexible approach to development, new streets and buildings can be located sensitively to minimize site disturbance and physical or visual impacts on these surviving features. Such approaches are described in subsequent sections of this guidebook

Figure 7 - Many farms around the Parks four battlefields contain special features relating to military events during the Civil War. Very few of these features are currently protected, but most could be preserved through sensitive site planning techniques

The Future of Battlefield Sites in a Developing Region

Recent Trends

Located midway between Washington, D.C. and Richmond, the Fredericksburg area is one of the fastest growing regions in the Commonwealth. In fact, Spotsylvania County, location of three of the four battlefields, has been the fastest growing county in Virginia for more than a decade. Developers have discovered they can deliver new homes less expensively here than they can in areas closer to the two capital regions to which many new area residents commute. The completion of Interstate 95 during the mid 1960s opened this area to suburban expansion in a major way. As a result, Spotsylvania County's population more than quadrupled between 1960 and 1990, jumping from under 14,000 to over 57,000. During the 1980s alone the County's population rose by more than 25,000 persons, an increase of 79 percent. The bulk of this growth has been scattered across the County's northern and central sections, in rural areas convenient to the Route 3 corridor that connects with 1-95.

Figure 8: Most of the battle-related features outside Park boundaries lie within private lands that are zoned for conventional residential development. The problem is not development per se, but rather its standard “checkerboard” pattern that typically erases all the historic resources within each subdivision.

Vulnerability of Battlefield Sites

Because these growth areas coincide with those parts of the County where most of the battle-related resources are located, literally miles of earthworms and military road traces, and scores of sites relating to encampments, battles, skirmishes, and maneuvers lie quietly at risk. They survive today in farm fields, pastures, meadows and woodlands zoned for future residential, commercial or industrial development. The Park recognizes the property rights of individual landowners and understands that its battlefields will eventually be surrounded by suburban development. The Park also sees, however, an opportunity to help landowners and developers design developments in a way that can accommodate all or part of each site's historic features.

Figure 9: Typical of the conventional pattern that has eradicated historic resources in this part of Virginia is this 1960's development of a site that had witnessed troop movements and encampments around a farmhouse that had served as a field hospital.

The Region's Future Growth

All trends indicate that home construction in Spotsylvania County will continue at the annual rate of 1,000 homes in the foreseeable future. At the average household size of 3.01 persons/dwelling, this pace of building will add another 3,000 persons every year, and will bring the County's population to about 92,000 by the end of this decade. Whether or not national economic factors temper or hasten this growth rate, there is no question that the number of County residents will continue to rise and that the schools, shopping centers, and office parks that will be built to serve them will cover thousands of more acres of land that is now rural.

Concepts for regional Growth Management

The County's new Comprehensive Plan and its Water and Sewer Master Plan seek to channel most of this growth into the eastern half of the County, where infrastructure can be provided most efficiently. Despite this overall planning strategy, however, continued suburban development - albeit at lower building densities - is expected to continue throughout the western sections, where most of the battle-related resources are found. The concept of shaping growth patterns so they avoid affecting wetlands and water resources (such as reservoirs and aquifers) is well established in Virginia, and this same general approach can be modified to protect historic resources as well, in a way that respects the property rights of individual landowners.

PROTECTION OPTIONS FOR BATTLEFIELD SITES

An Overview

Many options are available to landowners weighing possible alternatives for their properties. Described below, they cover a wide range of design alternatives for laying out new development at various density levels, a variety of options involving different degrees of charitable donations, and sale at full-market value to conservation organizations.

Option 1

Design Modification of Conventional Development Plans

The two most basic development alternatives are illustrated below. One does not consider preservation. The other may generate some benefits in the form of partially preserved resources

Figure 10 shows a *standard layout*, shaped more by basic geometry than by anything else. This is the simplest and most frequent response to the County's minimum zoning requirements; it is also

potentially the most destructive. Although it would erase any historic features on the site, this layout is included to demonstrate the property's maximum lot-yield.

Figure 10 Current zoning ordinances in most counties allow land to be subdivided, in this checkerboard fashion in which historic or cultural resources are completely unprotected. This plan sketches 54 lots.

Figure 11 Allowing developers some flexibility to modify their lots so they average two acres in size enables some historic features to be spared, at least during, initial construction (although, they remain at risk within individual backyards). This plan also contains 54 lots.

In contrast to this "Yield Plan", the layout in Figure 11 illustrates how the same number of lots could be accommodated by modifying street alignments and lot lines so they follow - rather than cut across - the site's historic features. This approach is known as "lot averaging". This alternative design does not guarantee that these features will be respected and not removed or altered by subsequent lot owners, and it does not provide any opportunity for residents or others to view or appreciate these features as a whole. It does, however, assure that historic resources will not be immediately erased, as would undoubtedly occur under the "Yield Plan", shown in Figure 10.

Option 2 *Conservation Subdivisions*

The term "conservation subdivision" describes a variety of layouts that protect various natural or historic resources by locating them in open space areas protected by permanent easements that restrict future uses of those parts of the property. Such subdivisions can be designed either at full density or with a smaller number of house lots, depending on the landowner's wishes and on market opportunities. [Figure 12](#) illustrates how the maximum yield could be achieved through a more compact, neighborly layout, with homes enjoying long views over meadows or greens in the adjoining open space.

Residents of this kind of subdivision live in park-like settings that retain more of the site's original rural character. This type of development also provides opportunities for walking on informal trails alongside streams and earthworks. In addition, visual buffers can be more easily created to screen new development from adjoining battlefields (parklands), also providing more privacy for residents from Park visitors. This kind of layout has sometimes been referred to as a "golf course development without the golf course".

Several other conservation development options, involving fewer house lots, are illustrated in the section entitled "The Landowner's Perspective," on pages 13 - 16,

Figure 12 - Full density can also be achieved by designing ¼ acre lots, with historic elements protected within individual conservation areas managed by homeowner associations. Individual septic systems may also be located in meadows or greens within the open space. This plan contains 54 lots plus a 17-acre gentleman's farm, with an antebellum farmhouse and barn, as a substantial "bonus".

Option 3 *Public/Nonprofit Ownership of Priority Sites*

In situations where the resources are so significant that the alternatives described above offer insufficient protection or buffering, or where the land ownership pattern is already so fragmented that sensitive site planning is no longer feasible, consideration should be given to solutions that involve acquisition by a conservation organization or by local governmental bodies. Funding for site acquisition is sometimes available from charitable foundations. For example, land along

Jackson's Trail has been acquired by the Conservation Fund with generous financial assistance from the R.K. Mellon Foundation, and dedicated to Spotsylvania County for use as permanent open space. The proposed houses on those properties, which would have been accessed directly from the Trail, would have been highly visible because of their close proximity to that highly significant road. Moreover, the road itself would have had to be widened and modernized to accommodate the additional residential traffic.

The Hagerstown-based Association for the Preservation of Civil War Sites has accepted five donations of title (three of them easements) on area battlefield sites, and presumably would be willing to accept further interests of the sort. These preservation achievements have resulted from varied circumstances: two have been random corporate donations; the other three have been the result of proffers to mitigate development on adjacent or related lands.

It is also possible that sufficient interest will arise in the County to pass an open space bond issue, part of which could be used to acquire and protect sites around the Battlefields that possess special environmental or historic features. Another possibility is that a local or regional land trust might be established to accept donations of money or land to supplement the role of the Virginia Outdoors Foundation (which accepts easements but does not own or manage land).

[FIGURE 13](#) ~ Sites such as this one along Jackson's Trail are extremely important for preserving historic values and enhancing the visitor experience

Conclusion

From the viewpoint of ensuring maximum protection for the historic resources and enabling them to be seen as a whole and appreciated in their context, the "conservation subdivision" alternatives illustrated in Figures 12, 17, and 18 provide the best solution — when development is inevitable. When protection of the entire parcel is possible, however, either through donation or sale to a conservation organization or a branch of local government, that donation or sale would offer the greatest protection and opportunity for interpretation and commemoration

A. Note on "Compliance"

Whenever a development project involves a federal permit, license, or funding, and that project has the potential to affect resources listed or eligible to be listed on the National Register of Historic Places, the federal National Historic Preservation Act requires that the project be reviewed to mitigate or eliminate adverse affect on those historic resources. Since many Spotsylvania County development projects do require federal permits, landowners/developers should be prepared to "comply" with this review. It may be that one of the design solutions described above may be required to mitigate damage to the County's significant historic resources.

[Figure 14](#): The developer of this subdivision near Chancellorsville installed several signs like this one, commemorating certain historic features which he designed around and saved through simple lot averaging techniques.

Interpretation and Commemoration

The opportunity to interpret the historic resources that are affected by development exists regardless of the design approach or preservation alternative selected. A wide range of options is available that will help convey the significance of the site: site signage or exhibits, brochures, walking trails, photo documentation of the site before development, and even archeological excavations. Staff of the Fredericksburg and Spotsylvania National Military Park will, upon

request, gladly provide technical assistance in the development of any site- related interpretation or documentation. The Park can also serve as a repository for information gleaned from investigations on the site.

Some examples of specific uses of interpretive media or on-site investigations might include the use of the battle-related site features in marketing lots within conservation subdivisions, perhaps even erecting historic site markers as was done in the Mineral Springs Plantation development near Chancellorsville. Where the features have been protected by including them in permanent open space rather than along lot lines, trail brochures could be printed for distribution to prospective home buyers and subdivision residents - making them aware of both the historic nature of the ground and alerting them to walking and other forms of passive recreation available in this special kind of neighborhood. Developers who have had experience with this approach have found that lots which abut or enjoy views across the protected open space sell faster - and at premium prices - compared with standard lots surrounded on all sides by other homes.

THE LANDOWNER'S PERSPECTIVE

The Landowner's Circumstances and Interests

Each individual property owner's personal circumstances are unique, as are his or her feelings about the land. In general, however, most rural landowners would probably prefer not to see their woodlands, fields, or pastures changed completely through the suburban development process. But to meet both the needs of their families and their instincts to preserve land, landowners need alternatives. The following paragraphs explore a number of possibilities from the landowner's perspective.

[FIGURE 15](#) ~ *This site analysts map shows all the special features that make this property a special place. If conserved through sensitive sight design, they will add value to the resulting house lots.*

[FIGURE 16](#) ~ *A Yield Plan" is a useful tool to help landowners, developers, and county officials understand the property's full development potential, and to see how its special features would be lost if that approach were followed.*

Understanding Site Conditions, Zoning & the Real Estate Market

When examining the available alternatives, a good place to begin is by looking closely at the land itself: Each property's opportunities and constraints are determined by the presence and location of certain kinds of features, such as wetlands, floodplains, steep slopes, wildlife areas, historic resources, rural vistas, and scenic character (as shown in Figure 15). Added to that are the range of options offered by County zoning and subdivision ordinances (which encourage sensitive site design and conservation of special features), and an understanding of what rural home buyers are really looking for (a large lawn to mow every Saturday, versus a view over protected land).

Evaluating the Alternatives

Obtaining sound advice is essential, and landowners should discuss their options with people who have had broad experience, including knowledge of creative approaches to financial and land development issues. Those familiar only with conventional solutions are likely to offer more limited perspectives.

Conventional Approaches

In terms of preservation, the primary usefulness of a standard approach to laying out subdivisions is to establish fair market value for the land. This figure is helpful even if the property is to be donated or sold at a bargain price, so that the landowner may calculate tax benefits — for his or her use or, potentially, the heirs. The landowner's net income from a conventional layout (as shown in Figure 16, the "Yield Plan"), might be larger or about the same as from a "limited development" (shown in Figures 17 and 18) which would typically cost the developer much less to subdivide, due to reduced investments in road building. Similar comparisons could be drawn with full-density conservation subdivisions in an "open space" layout (Figure 12) where the extra value of a 16-acre mini-farm (with antebellum farmhouse) would offset the costs of the slightly longer street system. If a conventional approach is taken, the "lot averaging" method (Figure 11) would allow many of the site features to be designed around in a minimal manner, wherein these features would be located along or close to lot lines where they would have the greatest chance of remaining relatively undisturbed.

Conservation Approaches

Unless they happen to see a handbook like this one, most landowners have no way of knowing that their options are more varied than simply selling to a conventional developer, giving away their land, or hoping that some governmental agency or conservation group will have the funds to buy them out and keep the property as it is. The following sections describe several of these options, all of which involve a significant conservation component, but which range in density from the maximum yield, down through various degrees of "limited development", to total preservation.

Conservation Design

Simply put, the concept of conservation design is to lay out new development so that each site's most special features are carefully designed around and permanently protected, while achieving each landowner's financial objectives.

Protected under a permanent easement, conservation land may be retained and used by the original landowner (typically for farming or forestry), or it may be transferred to homeowners' association, to a land trust or conservancy group, or to the County or state. Lots are sized for individual homes and yard space is adequate for normal residential needs, and with careful siting most of the homes can be positioned to enjoy long views over the protected open space. In wooded areas, individual lots typically abut large woodland preserves, through which informal footpaths or walking trails are often provided for neighborhood use. The park-like settings achievable through this approach have proven more popular than standard suburban lots in various parts of the state.

Conservation subdivisions can be designed at full density as shown in Figure 12, or at lesser densities, as shown in Figures 17 and 18, as described below.

Limited Development Several Choices

Any development layout containing fewer building lots than the conventional "Yield Plan" is, by definition, a "limited development" plan (though it should be noted that this term is generally applied to developments with less than one-third of the maximum number of lots). This approach, which is illustrated in [Figure 17](#), is typically geared for those buyers who are seeking an "estate" lifestyle, perhaps with a barn or stable and several animals. In certain parts of the County, where a market exists for such low-density approaches, the new yield to the landowner can be comparable to that achievable with the maximum number of lots. In cases where the return is less, and where the open space is permanently protected through conservation easements, tile

difference in value can be used as a charitable contribution to offset federal income and inheritance taxes.

“Limited development” plans do not necessarily contain any dedicated, common open space; rather, they sometimes conserve the nature of the site by limiting density alone. Under such an arrangement, the majority of their acreage is restricted to development of one principal residence on each lot (with an accessory dwelling unit sometimes permitted as well). In parts of the County where large farms and/or country estates define the rural character, there may be a market for upscale developments with lots large enough to accommodate stables, barns, and pastures for horses or other hobby livestock. County where large farms and/or country estates define the rural character, there may be a market for upscale developments with lots large enough to accommodate stables, barns, and pastures for horses or other hobby livestock.

Another form of “limited development” is illustrated in Figure 18, involving one-third the maximum number of homes that would be legally permitted on the site. This alternative could be helpful in areas where there is deemed to be no market for extra-large “estate” lots.

[FIGURE~ 17](#) *Limited development often takes the form of large “estate” lots served by gravel-surfaced “country lanes” meeting reduced standards for low-density situations*

[FIGURE 18](#) ~ *In areas with a small market for expensive “estate” lots, landowners can still limit the overall density by creating one—third as many lots as shown on the “Yield Plan, and locating them in a single neighborhood in one corner of their property*

[FIGURE 19](#) - *Landowners who voluntarily restrict future development on their property are often eligible for reduced federal income taxes when they place a permanent conservation easement on all or part of their land The military earthwork shown here is part of a farm where its conservation-minded owner decided to preserve this piece of the nation’s heritage through the easement process*

Conservation Easements and Other Deed Restrictions

Conservation easements are legal instrument well established under Virginia law. They limit future uses (including development) of property to activities specified in the original easement documents. Easements, which run with the title and are recorded in the County Registry of Deeds, may be amended only if all the original parties to the agreement (or their successors) concur. The original parties are also empowered to enforce the terms of an easement, if future violations occur. Deed restrictions are similar to easements in nature but are weaker in practice; they are enforced only by the individual who originally placed those restrictions on the deed, or by his or her successors in title. Therefore, they may be changed unilaterally.

Sale, Bargain Sale, or Gift of the Property to a Nonprofit or Local Government

For landowners interested in preserving their properties in entirety, three alternatives exist sale to a conservation organization or to a governmental agency at full market value, sale at a reduced price, and outright donation. A limited quantity of acquisition money is available from the Commonwealth, and conservation groups are potentially able to raise funds from foundations for sites of particular historic or ecological importance. When preservation is extremely important to the landowner, donation or sales at a reduced price are possible. The difference between full market value and the amount received in this transaction can usually be deducted from the landowner’s income or capital gains taxes, and can also reduce inheritance taxes by lowering the estate’s assessed value.

Community Stewardship

An Approach to Protecting the Region's Heritage

The Concept

The idea of "community land stewardship" is a simple one, involving concerted and mutually supportive actions taken by individuals, local conservation organizations, county government, and state and federal agencies. When the community as a whole shares broad conservation goals, individual landowners will more clearly see how their efforts benefit the entire region; his or her individual decision can be made in the context of a broad vision for a greener future. Through a combination of creative planning for new development, creative approaches to selling all or parts of individual parcels at full or reduced price, and donations of property when feasible, the people of Spotsylvania can work together to save historic lands - and consequently open space - in their community, while still meeting the needs of specific landowners.

Figure 20: The countryside around the park is fragmented into hundreds of separate parcels owned by different individuals and families. A typical situation is illustrated above, where military earthworks and "traces" of nineteenth century roads, along which troops marched between battles and skirmishes, cross multiple ownership. In such cases, development site planning must be coordinated to ensure that these elements are protected within an interconnected network of conservation areas.

Implementation Issues

The ideas presented in this Guide must be implemented one property at a time, with property owners and the County government working together in the best interests of both the landowner and the community at large. Updated land-use regulations at the County level will do much to encourage creative site layouts for new subdivisions, making it easier for landowners and developers to conserve natural and historic features by designing house lots and streets around them. The staffs at the Fredericksburg and Spotsylvania National Military Park and at the Spotsylvania County Planning Department are ready to provide technical assistance whenever and wherever needed - from identifying significant resources and landscapes, to outlining options for preservation, to aiding in the development of materials for residents and visitors.

Establishing a Public- Private Partnership

Although the phrase 'public-private partnership' has been overused, it accurately describes the kind of cooperative relationship the Park is trying to foster among landowners, developers, and County officials. These partnerships are indispensable to the preservation of Spotsylvania's battlefields. Not only are vast tracts of nationally significant lands in the hands of private landowners, but thousands more acres of designated parklands can be adversely affected by uncontrolled development on adjacent or nearby lands. These partnerships will require flexibility and agreement on a common purpose - a desire by all parties to pass on to those who follow the unique features, landscapes, and open space that make this part of Virginia such a special place. Change is inevitable, but insensitive development that blindly erases our common heritage and consumes precious open space is not.

Figure 21: Park staff meet informally with neighboring landowners to better understand their goals and concerns, and to introduce new planning concepts that could produce more "win-win" situations for all parties.

The Challenge; The Legacy

The fate of virtually all of Spotsylvania's historic lands will be decided within the next two decades. The current generation of Spotsylvanians will oversee the County's most intense period of development. Without careful planning and a common purpose, this generation could also superintend the destruction of irreplaceable historic resources and open space on an unprecedented scale. The challenge is clear; the solutions are at hand. Will the Spotsylvanians of the 1990s and 2000s diminish the bequest of those who preceded us? Or will they pass along intact to following generations one of the County's - one of the Nation's - most precious legacies?

Sources of Assistance and Information

Federal

National Park Service
American Battlefield Protection Program
P.O. Box 37127
Washington, DC 20013-7127

National Park Service
Stewardship and Partnerships Team
Chesapeake-Allegheny System
Support Office
200 Chestnut Street
Philadelphia, PA 19106
(215) 597-1581

Fredericksburg and Spotsylvania National
Military Park
120 Chatham Lane
Fredericksburg, VA 22405-2508
(540) 373-4510

State

Council on the Environment
202 North Ninth Street, Suite 900
Richmond, Virginia 23219
(804) 786-1712

Institute for Environmental Negotiation
University of Virginia
Charlottesville, Virginia 22903

Virginia Department of Conservation
and Recreation
203 Governor Street
Richmond, Virginia 23219
(804) 786-3143

Virginia Department of Historic Resources
221 Governor Street
Richmond, Virginia 23219
(804) 786-5539

Virginia Outdoors Foundation
203 Governor Street, Suite 302
Richmond, Virginia 23219
(804) 786-5539
Virginia Tech Community Design
Assistance Center
108 Dietrick Hall
Blacksburg, Virginia 24061
(703) 231-5644

County

Spotsylvania County Planning Department
P.O. Box 876
Spotsylvania, VA 22553
(540) 582-7146

Nonprofit Organizations
Association for the Preservation of
Civil War Sites
11 Public Square, Suite 200
Hagerstown, MD 21740

Civil War Trust
1225 1 Street, NW, Suite 401
Washington, DC 20005
(202) 326-8420

The Conservation Fund
1800 North Kent Street, Suite
1120 Arlington, VA 22209
(203) 525-6300

Historic Fredericksburg Foundation, Inc
P.O. Box 8327
Fredericksburg, VA 22404

Land Trust Alliance
1319 F Street, NW
Washington, DC 20004-1100