
# *Wilderness Battlefield Gateway Study*

*Concepts for Preservation and Economic Development*
*Orange County, Virginia*

*April 2012*

Submitted To:

Friends of Wilderness Battlefield
Civil War Trust
National Park Service
National Trust for Historic Preservation
Piedmont Environmental Council
National Parks Conservation Association

Submitted By:

Hill Studio
CLUE Group
Jennings Gap Partnership
VHB

HILL
STUDIO

Project No. GA-2255-09-003

*“The Wilderness Battlefield Gateway Study was commissioned to assess future opportunities for preservation and development surrounding Wilderness Battlefield in eastern Orange County, Virginia.”*


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This material is based upon work assisted by a grant from the Department of the Interior, National Park Service. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior.

This study is also underwritten through generous support from the The National Trust for Historic Preservation, and member groups of the Wilderness Battlefield Coalition. The findings of the study are opinions and conclusions of the consulting team and do not necessarily reflect the views of the coalition, or individual participating stakeholders.

GA-2255-09-003

**Acknowledgements:**

On behalf of the Hill Studio team we would like to acknowledge the tireless efforts of the study's many participants. Your willingness to participate in this dialog has been foundational to advancing shared values and a long-range vision for the study area.

Grantors:

- Friends of Wilderness Battlefield
- Civil War Trust
- National Trust for Historic Preservation
- Fredericksburg and Spotsylvania National Military Park, NPS
- National Parks Conservation Association
- American Battlefield Protection Program, NPS
- Piedmont Environmental Council
- Eastern National

Stakeholders:

- Friends of Wilderness Battlefield
- Civil War Trust
- National Park Service
- Piedmont Environmental Council
- National Trust for Historic Preservation
- National Parks Conservation Association
- Central Virginia Battlefields Trust
- Germanna Foundation
- Preservation Virginia
- Journey through Hallowed Ground
- Representatives of Orange County Planning Commission, Board of Supervisors and staff
- Spotsylvania County Planning Staff
- Key Property Owners (Orange County)
- Lake of the Woods External Affairs Committee, and
- Citizens and local historians (public meeting, web page outreach)

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# Chapter I
# Executive Summary

*What We Heard…*

*“Many see the development of this area as crucial to the economic goals of Orange County. Together we need to demonstrate that you can have development and preservation and it’s a win-win.”*

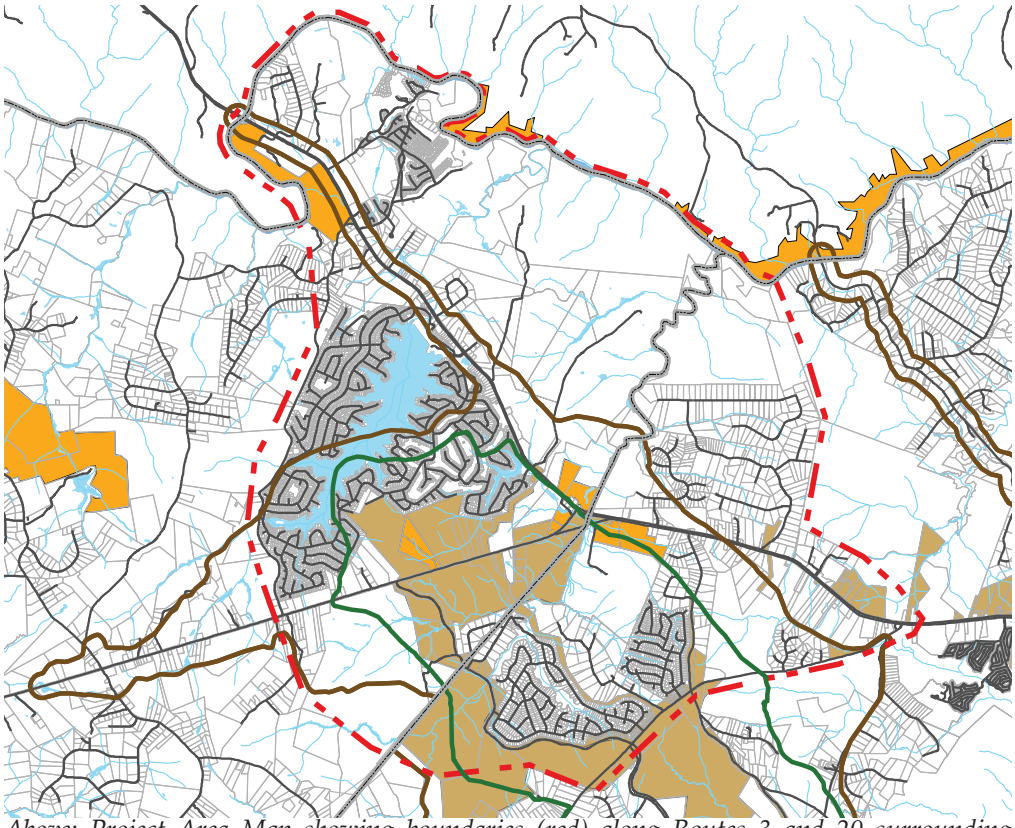
The Wilderness Battlefield Gateway Study was commissioned to assess future opportunities to balance preservation and development surrounding Wilderness Battlefield in eastern Orange County, Virginia. Funded by multiple preservation partners, the study involved discussions with a diverse group of stakeholders, representing both preservation and development interests. The findings of this study and the recommendations presented herein provide:

- An overview of existing conditions (cultural resources, transportation, economic market, and land use);
- Opportunities and constraints for development;
- Evaluation of other successful community benchmarks;
- Potential scenario development patterns that balance preservation and development for the gateway project area; and
- Recommendations and next steps for implementing the desired development patterns.

The consulting team and participating partners hope that this study provides a foundation to achieve a lasting vision for this significant heritage gateway.

## PROJECT AREA AND CHALLENGES

Generally, the study area included lands on either side of Route 3 and Route 20 from Wilderness Battlefield to Germanna. (See Project Area Map below.)
A landscape rich in cultural resources, and situated within one of Orange County's heaviest growth corridors, these lands have come under increased



*Above: Project Area Map showing boundaries (red) along Routes 3 and 20 surrounding Wilderness Battlefield (light brown).*

*View of the Core Area of Wilderness Battlefield*

*Definition: Gateway*

*Villages or communities located at the entrance to dramatic natural landscapes are often referred to as gateway communities.*

*For the purposes of this study, the term gateway is used to describe the potential that exists to plan the Route 3 corridor, and the undeveloped lands surrounding the battlefield as a gateway to the Wilderness.*

*Unless future growth is well-planned, sprawling development patterns along Route 3 will increase infrastructure costs, threaten naturally and culturally valuable resources, and forego the opportunity to strengthen the community address of eastern Orange County.*

development pressure. A comprehensive approach was needed to engage the many voices and stakeholders that recognize this landscape for its historic significance, and its future development potential. With the intent to advance this approach, a diversified team of landscape architects, planners, economists, and transportation engineers, engaged key stakeholders and public representatives in the discussion. Information was assembled and evaluated for the project area regarding economic market conditions; preservation resources; land development constraints and opportunities; and transportation conditions.

Described by the *Orange County Review* as a "conversation starter", this study develops a baseline of research and recommendations to serve as a catalyst for planning the vibrant future of this rich cultural landscape. The record of the study's findings, opinions, and recommendations are presented herein for consideration and further study. While these recommendations were assembled by the consultant team, they include consultation and participation from a wide audience of stakeholders including:

- Friends of Wilderness Battlefield
- Civil War Trust
- Fredericksburg and Spotsylvania National Military Park (NPS)
- American Battlefield Protection Program (a program of the NPS)
- Piedmont Environmental Council
- National Trust for Historic Preservation
- National Parks Conservation Association
- Central Virginia Battlefields Trust
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- Lake of the Woods External Affairs Committee, and
- Citizens and local historians (public meeting, web page outreach)

## PROJECT GOALS

At the initial project kick-off meeting, the assembled stakeholder group discussed their vision for the project area and established the following goals for the gateway study:

- Establish Route 3 and Route 20 corridor experience as a gateway to the natural and cultural resources of Orange County and the Wilderness Battlefield
- Define appropriate development potential for land in project area mitigating natural, cultural and scenic resources

- Define opportunities for continued cultural landscape protection and preservation, based on significance of the resource and proximity to other protected land
- Increase visitation to Wilderness Battlefield and improve appreciation and access
- Encourage development that supports heritage tourism and a destination experience for residents and visitors
- Increase employment opportunities and businesses appropriate for area
- Assess transportation systems and identify alternatives that balance traffic flow, safety and cultural experience of the area

*The vision for the project area should include interpreting, connecting, and leveraging the many cultural resources of this region to further sustain heritage and sense of place for residents, and destination appeal for visitors.*

## RESEARCH AND FINDINGS

The project team assessed the land within the project area identifying opportunities and constraints related to development and preservation. The team conducted thorough analysis mapping including: National Park boundaries, American Battlefield Protection Program boundaries, topography, hydrology, battlefield viewshed and visibility from corridors, natural features, proximity to utilities, access and infrastructure. The following points summarize the findings of land analysis and planning:

- **Natural and cultural features present are valuable resources** that may be leveraged to establish "destination appeal" with proper planning, connectivity, and programming.
- **Future conservation of land should be prioritized** by its significance and proximity to natural and cultural features, including but not limited to the Rapidan River, Germanna and Wilderness Battlefield.
- **Planned infrastructure capacity for water and waste water is critical** to planning for growth. At present, there is no adopted plan for future infrastructure.
- **Unless future growth is well-planned, sprawling development patterns along Route 3 will increase** infrastructure costs, threaten naturally and culturally valuable resources, and forego the opportunity to strengthen the community address of eastern Orange County.

### CULTURAL RESOURCES

The Wilderness Gateway and its surrounding landscape provides a uniquely abundant and pristine grouping of cultural resources near a major metropolitan area that could be leveraged to the benefit of the area's residents and economy. Numerous studies have shown that people, especially those who have economic choices, prefer to live in and visit places that have historic character and that protect and enhance that character. Orange and Spotsylvania counties will benefit from those resources if they avail themselves of the opportunity to do so.

The Wilderness Gateway is surrounded by a landscape rich in natural and


*Gold Mine Chimney, Orange County. Courtesy, Virginia Historical Society*

*While there are many historic sites within the study area, just as there are across much of Virginia's rich cultural landscape, it is a property's significance and the intact, authentic features that help to prioritize preservation*

cultural resources that span a broad range of the historic periods and events of Virginia's history and, consequently, that of the nation. The area's cultural resources begin with the prehistoric and settlement periods and extend through colonial and antebellum years into the Civil War, reconstruction, and beyond. These resources include:

- 26 sites related to Native American habitation;
- 4 sites that date to the eighteenth century;
- 85 sites that predate the Civil War,
- 27 sites that are specifically related to the Civil War period; and
- 29 sites that are mines or otherwise related to the area's gold and iron industries.

### Native American Sites

The Wilderness Gateway and its environs retain substantial resources related to the earliest contacts between Native Americans and the British settlers of the Chesapeake Bay. While on one of the first English expeditions beyond the fall line Captain John Smith encountered Native Americans he called Mannahoaks who occupied two villages, Shackaconia and Stegara, on the south fork of the Rappahannock River, now known as the Rapidan. There are numerous archaeological sites in and around the Wilderness Gateway project area and centered on the Germanna Ford that suggest that one of the Rapidan Native American villages located by Smith was in or near the project area.

The Native American resources found in and around the Wilderness Gateway are exceptional in part because the shores of the Rappahannock and Rapidan rivers above the falls at Fredericksburg appear today substantially as they did when occupied by Native Americans.

### Germanna

Alexander Spotswood, Lieutenant Governor of Virginia from 1710 until 1722, was the first European to substantially impact the area. Spotswood began acquiring land in the area upon assuming office to gain control of iron ore deposits found here. At Spotswood's request, the General Assembly authorized the construction of one of the first roads into Virginia's Piedmont in 1714 along the axis of modern Route 3 from Fredericksburg west to the Rapidan at Germanna Ford.

In the same year Spotswood sponsored 40 German immigrants who established Fort Germanna at the ford in the first English settlement west of the fall line and the settlement furthest west from the Atlantic Ocean in British North America. In the 1730s, he took up residence at Germanna and constructed a massive residence (the Enchanted Castle) at the fort location and established a network of iron mines and smelting furnaces in and around Germanna.

By the time of the American Revolution, iron production had largely ceased in the Wilderness. The legacy of Spotswood and his iron industry still directly affected the region until well after the Civil War, however. The tremendous

need for charcoal to process iron ore resulted in large swaths of eastern Orange County being stripped of its timber. The second growth timber sprouted by the 1860s covered much of the area in virtually impassable thickets.


*Photo of monument, depicting the Wilderness Battlefield's position within context of other significant townships and Civil War sites*

### Antebellum Gold Mining

Virginia was one of the first gold-producing states in the nation. Thomas Jefferson reported on a gold-bearing rock, weighing four pounds, that was found below the Rappahannock River falls in 1782. Gold mining began in 1806 at the Whitehall mine in western Spotsylvania County just south of the Wilderness Gateway.

The most productive and sustained period of gold activity in Virginia was from 1830 thru 1856. During this period, many attempts at prospecting and mining were made in the Wilderness Gateway area north of Route 3 in the area between Wilderness Run and Flat Run. The most important of these were the Vaucluse and Melville mines. Others are the Partridge and Wilderness mines.

### Civil War

The Wilderness battlefields is one of the most significant in the nation, having had "a direct impact on the course of the war, according to the National Park Service (NPS). With 162,920 men engaged over three days the battle sprawled across 16,506 acres. Even though it resulted in 29,800 casualties , the battle was basically fought to a draw.

The Wilderness Gateway is also surrounded by 13 other nationally significant Civil War battlefields. The most important of these (Chancellorsville, Fredericksburg, Salem Church, and Spotsylvania Court House) lie to the east of the Wilderness and are partially protected by the Fredericksburg Spotsylvania National Military Park.

One, Trevilian Station, lies south of Gordonsville in Louisa County. The other eight are west of the Wilderness in Orange, Culpeper, and Fauquier counties. With the possible exception of the area around Richmond, this is likely the largest concentration of significant, unspoiled Civil War battleground anywhere. The Wilderness Gateway lies at the center of these battlefields along the "Rappahannock / Rapidan Line" where General Robert E. Lee's Confederates threw up substantial fortifications behind which they repeatedly retreated to defeat the Federals throughout the first four years of the war.

At the Wilderness, Lee failed to defeat the new Union commander, Lieutenant General Ulysses S. Grant. When Grant's armies turned towards Spotsylvania Courthouse and Richmond at the end of the battle, they marched into the campaign that would end the war.

## TRANSPORTATION

*An expanded turn-lane will address the intersection's most prevalent challenge, the stacking of cars, turning right onto Route 3, and left onto Route 20*

The study team researched and assessed the status of traffic patterns, conflicts, and projections within the project area. Research began with review of previous studies, Virginia DOT statistics, and field observations on site. Analysis has included observation of site-specific areas and broader corridors to define opportunities and constraints. The intersection of Routes 3 and 20 has been identified as contributing to one of the greatest traffic challenges within the gateway project area. Preliminary findings include:

- Existing 2010 traffic counts: Route 20: 10,500 Average Daily Traffic (ADT) with 3% trucks; Route 3 (west of Route 20) :13,000 ADT with 4% trucks; Route 3 (east of Route 20): 24,000 ADT with 4% trucks.
- Turning movements at Route 3 and 20 Intersection: AM and PM peaks demonstrate high volumes of right-turning movements from Route 20 headed east on Route 3, and high volumes of left-turning movements from Route 3 headed west on Route 20.
- The most recent accident statistics available through VDOT 2005-2008, verified that no accidents occurred along the segment of Route 20 running through the battlefield during that four-year time frame.
- If developed, the proposed Walmart project west on Route 3 may create an increase of traffic on Route 601.
- Opportunities to consider improving traffic flow through the Route 3 and Route 20 intersection may include: (a) improvements to the intersection, (b) improvements to the existing feeder roads that divert traffic around the intersection, reducing the overall traffic load on the intersection, or (c) relocation of the intersection.

## ECONOMIC DEVELOPMENT

### Existing Market Conditions

*The current retail sales leakage for Orange County is estimated at $87.3 million.*

The economic market for the project area can be described as follows:

- **Demographics:** Orange County Median Household Income $55, 416; comparable to $51,425 Virginia
- **Business:** 190 businesses within 2 miles of project area; employ 1,030 persons; gross sales 2010 $130 million; average sales per business $225,000
- **Business:** 496 businesses within 9 miles of project area; employ 3,100 persons; gross sales 2010 $373 million; average sales per business $120,000
- **Business Sectors:** Construction (16-21%) and services (14%) are primary business sectors; retail sales represents 9%
- **Retail Sales:** Void (leakage outside of Orange County) is $87,254,000
- **Estimated Future Sales:** Walmart Sales are expected to be $63 Million in retail sales of goods such as electronics/ appliances, furniture/ home furnishings, health/ personal care, food/ beverage, etc.

Thus, there are some important economic trends to consider. Orange County is currently experiencing retail and restaurant sales leakage of approximately

$87.3 million – meaning that County residents are spending $87.3 million more than the County's businesses are capturing. Leakages exist in every major retail category. Approximately $30.4 million of the County's leakage is taking place in categories in which Walmart is typically dominant. We estimate that the proposed new Walmart, if developed, will generate annual sales of approximately $63 million based on comparable gross sales per square footage figures. Walmart will likely absorb a substantial percentage of this $30.4 million, increasing competition among existing businesses for the available market share, and reducing the market demand for new retail businesses.

County and regional residents may provide enough market density to support a small cluster of new niche retail businesses. However, the biggest opportunities available to the County for supporting new retail businesses and restaurants are to (a) capture a larger share of demand generated by people traveling through the Routes 3 and 20 intersection, (b) capture a larger share of demand generated by current battlefield visitors, and (c) grow the number of heritage visitors. All offer room for growth.

*Based on vehicle counts at the wayside on Route 20, Wilderness Battlefield attracts 170,000 visitors per year. These battlefield visitors could spend approximately $1.3 billion annually on retail goods and services and restaurant meals. With a compelling, unique clustered mix of new retail goods and services in the project area, there is an opportunity to capitalize on battlefield visitors to increase retail sales.*

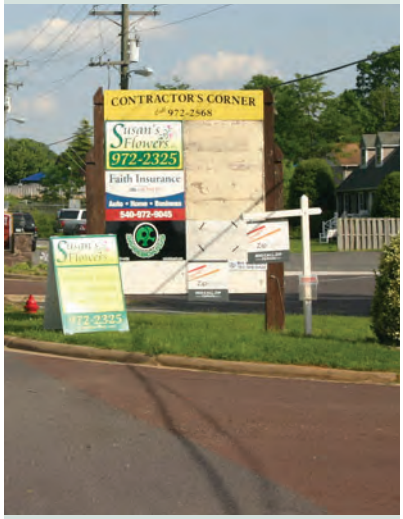
## Community Benchmarks

We examined 21 sites that share one or more common elements with the Wilderness Battlefield gateway area. Among the major lessons from these sites:

- **Mixed-use development** is essential to supporting a commercial core that straddles local and visitor markets;
- **A Dense, Compact Community** provides the most economically successful and stable model for an existing or new community to evolve, meet the needs of visitors, and create jobs and businesses to support its own needs; and
- **Contemporary authenticity** (not reconstructed faux-historic buildings) is an important part of the experience of living in and visiting towns, cities, or landscapes of historic value.

Thus, these benchmarks indicate that the project area can encourage successful, balanced preservation and economic development by considering some of the following basic recommendations:

- **Develop a core, critical mass of businesses** that will appeal primarily to area residents, as well as visitors, by offering authentic Orange County products, services, and experiences, with occasional connections or references to the area's heritage.
- **Use and connect the heritage of the Wilderness Battlefield, gold mines, Native American villages, and other historic sites** to feature business activities and services. For instance, a movie theatre might offer an annual film festival featuring period films or cultural exhibits on Orange County history; a hardware store might include regionally specific architectural supplies and materials; a restaurant might feature local and storied Orange County fare.
- **Enhance job creation by supporting the critical business mass** with small industry, professional services, and corporate/ higher education or healthcare industries.




*Existing commercial signage along Route 3*

*Image of Wilderness Run, within Wilderness Battlefield*

# RECOMMENDATIONS

## CONSERVATION PATTERNS

The cultural landscape including and surrounding the Wilderness is a significant contributing asset for the region and should be planned for active preservation that surrounds and complements the proposed development patterns presented in this study. The proposed conservation strategy holds the opportunity to expand on the existing conservation framework already in place, and open up opportunities for recreation and activation of conserved land for the benefit of residents and visitors alike.

- Battlefield Preservation - The 3,113 acres of unprotected Core Area Battlefield land is of primary importance for conservation.
- Natural Resource Preservation - Additional priorities should expand on the existing conservation framework, namely the continuation of conservation along the tributaries and banks of the Rapidan River.
- Framework - The sum total of preservation efforts should be directed to conserving battlefield resources, natural resources, and connecting existing protected properties. This holds the potential to establish a crescent of conserved battlefield land, open space, and natural areas that envelop the proposed development and create an amenity for residents, visitors, and future businesses.
- Recreation – The activation of future conserved land, not lying within the Core Area of the Wilderness Battlefield should be considered for programmed passive recreation. For-profit partnerships for recreation may include opportunities that merge passive and active recreation including anything from a greenway along the Rapidan, to camping, hiking trails, river access, and picnic grounds.

*Above: Illustration of Wilderness Village with Wilderness Battlefield and Routes 3 and 20 in the distance. The vision as illustrated, includes well defined buffers between development and the core battlefield, while establishing a dense mixed-use village with access to recreation, setback from Route 3.*

## DEVELOPMENT PATTERNS

Each of the preliminary alternatives offered for consideration have a mixture of development "parts" in varying locations and assemblage. This "kit of parts" includes the following:

- **Village** (e.g., mixed-use commercial and residential that is pedestrian oriented using connected street and sidewalk patterns within five minute walk (see Village Pattern graphic below)),
- **Hamlet** residential (e.g., small-lot residential cluster, a crossroads community once village residential is peaked),
- **Planned Business / Campus** (e.g., corporate, institutional, educational or healthcare campus), and
- **Guideline Commercial** (corridor-oriented business developed in accordance with site and signage design standards).

*Scenarios A, B, and C demonstrate various ways to assemble the two most important development patterns - programmed conservation land and strategic placement of a mixed use village. A more detailed map of each scenario is found in Chapter VI.*

Of these development patterns, the critical components for successful economic development are the village center and the conservation and programmed outdoor recreation opportunities. These two components are necessary to create the needed critical mass for business development to achieve the balanced vision for historic preservation and new economic investment. Both of these development pattern components can focus development and infrastructure initiatives so that they are manageable and cost effective. As these components become established, other components can be factored in and blended to achieve the full vision for the project area.

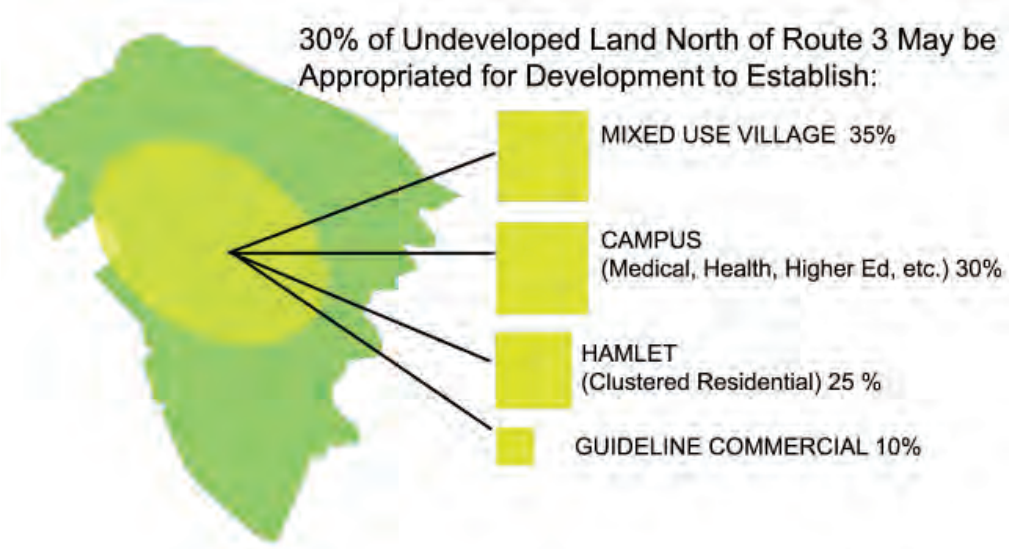
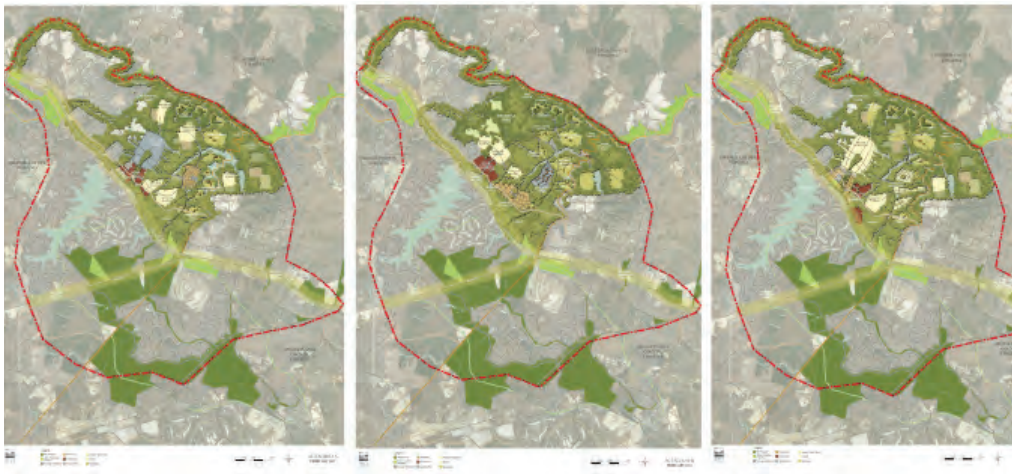



*Illustration of Gross proportion of development (yellow) to conservation/ recreation (green)*

*The detailed market analysis presented in Chapter V, suggests that the maximum level of development that can be absorbed in the project area over the next 20 to 30 years is less than 30% of the gross acreage of undeveloped land, north of Route 3*

## CONSERVATION/ DEVELOPMENT SCENARIOS

Incorporating the economic, cultural resource, and physical findings, the project team developed three potential development scenarios. These scenarios use the complimentary development patterns (a "kit of parts") to create a land use plans that builds a unique sense of place for the project area. Each alternative can be phased for a 20-year and a 50-year build-out depending on business investment and market conditions. The Village and programmed conservation and outdoor recreation should be the first priorities.



*Three Scenario Concepts showing alternative development patterns.*

## IMPLEMENTATION STRATEGIES AND PRIORITIES

### Potential Implementation Strategies

There are both short and long-term strategies for implementing the agreed upon scenarios for the project area to manage growth and development. These strategies are very important to the overall success and implementation of the vision for the gateway project area. They each represent significant pieces of the puzzle which must be crafted carefully to achieve the desired development pattern.

Short-term strategies include:

- **Amending the Orange County Comprehensive Plan to include the project area as a special action area and revising the future land use map** to reflect the land use patterns recommended for the project area;
- **Amending the Orange County Comprehensive Plan to include potential changes in the zoning ordinance** that will further the desired development patterns and standards for the project area and the County as a whole (e.g., new districts, density patterns, revised standards, etc.)
- **Amending the Zoning Ordinance to address improved sign, landscaping, and site development regulations** that will promote

the land use and development recommendations for the project area; add new districts such as a Planned Unit Development (Mixed-Use) District for Village, Hamlet and Campus Development, Corridor Overlay District (for design guidance) and a River Conservation Overlay District (for environmental protection).

- **Updating the cluster provisions of the zoning and subdivision ordinances** to include standards for clustering that will achieve the "hamlet" recommendations of the various scenarios;
- **Evaluating density standards in existing agricultural and residential districts** to promote rural development and conservation.

Long-term strategies include:

- Adding **Historic Preservation provisions** to the Zoning Ordinance;
- Pursuing **Transfer of Development Rights (TDR)** as a tool to manage preservation and development;
- Establishing a **Purchase of Development Rights (PDR)** fund to assist purchase of important properties;
- Adopting an intergovernmental **Joint Memorandum of Agreement** (MOA), An agreement that identifies mutual responsibilities **for coordinating development that may affect historic or cultural properties).** County, state and federal agencies can use the agreement to identify significant properties, minimize potential impact, and streamline development decisions. The agreement holds responsibility to avoid, minimize, of mitigate adverse affects.

Financing and Funding Options may include such tools as **tax increment financing, service districts, public bonds and grant programs** for infrastructure and job creation, and a community development authority.

## NEXT STEPS

A summary matrix of recommended next steps, partners, and potential funding opportunities for implementing the development scenarios is provided in Chapter 7. This matrix can be used as a reference guide and tool for monitoring progress. The intent is to serve in facilitating multiple interests (non-profit, public, private, developers, etc.) in helping to coordinate implementation strategies.

This information is presented as a starting point for continued collaboration, already exhibited by a diverse group of interests. As detailed in Chapter 7, it is recommended that a round-table be established to help implement and advance the findings and recommendations of this study. These recommendations are represented in greater detail in the following chapters.

# Wilderness Battlefield Gateway Study

April 2012

- Project Boundary
- Wilderness NPS Landholdings
- Other Protected Properties
- ABPP Core Area Boundary
- ABPP Study Area Boundary
- Parcels
- Water Bodies
- Hydrology
- Roads
- County Boundary

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GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

Project No. GA 2255-09-003

The American Battlefield Protection Program (ABPP) is a program of the National Park Service. This material is based upon work assisted by a grant from the Department of the Interior, National Park Service. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior.

## Project Area Basemap

# Chapter II
# Project Description & Methodology

*What We Heard…*

*“TheWilderness Battlefield needs additional programs and activities with nearby support services and destinations”*

## PROJECT DESCRIPTION

In the spring of 2011 the Civil War Trust requested proposals from multidisciplinary consulting teams to work with its collaborating partners to undertake a visioning and land planning study for the lands surrounding Wilderness battlefield, a unit of Fredericksburg and Spotsylvania National Military Park. Controversy in recent years regarding proposed commercial development within the Route 3 Corridor on historically significant land associated with the battle brought to the surface the need for a shared vision for the future of the area. The lands surrounding the battlefield serve as a "gateway" to the Wilderness Battlefield and to Orange and Spotsylvania Counties. Consequently, the scenic quality and the heritage of the region is significant to all of these interests. A unified vision with thoughtful land planning was needed to ensure a balanced and vibrant future for the battlefield and the surrounding region.

*Directional sign at the intersection of Routes 3 and 20*

The collaborative consulting team engaged to conduct research, analysis, and facilitate the study included design professionals in planning, landscape architecture, cultural resource management, economic development, and transportation engineering. Hill Studio (landscape architects and planners) led the planning and design effort in association with: The Community Land Use and Economics Group (CLUE), economic specialists; Jennings Gap Partnership, preservation planners; and Vanasse Hangen Brustlin (VHB), traffic engineers and planners.

*Implementing a model process would require research, outreach, planning, and an understanding of the tools available to leverage the unique sense of place of this and other "gateway communities"*

The challenging task assigned to the team was to provide a coordinated vision for the Wilderness Gateway that would envision development and conservation alternatives based on demographic and economic research and proposed future development. Also, the team was to identify practical implementation tools for preserving the gateway to the Wilderness Battlefield, particularly tools that would foster compatible land uses and support both historic preservation and economic development. Finally, the plan was to include recommendations for responsible transportation alternatives that addressed documented transportation safety issues and minimized encroachment on historic resources.

## METHODOLOGY

The project boundaries are visible on the Project Area Plan at the end of this chapter. The boundaries were originally established based on the transportation routes to be studied by the project. As the project progressed, it became apparent that important cultural resources and economics data were already being incorporated by the team outside of the original boundaries, necessitating an enlargement of the project area. Today the boundaries are defined as:

- Northern boundary: Rapidan River
- Western Boundary: Orange County Line, Rapidan River, Route 601
- Southern/ Eastern Boundary: Route 621


*View of strip development along Route 3*

*The largest assemblage of undeveloped land within the gateway study area lies north of Route 3*

The Wilderness Battlefield gateway area straddles the intersection of Virginia Routes 3 and 20, covering land in both Orange and Spotsylvania Counties. It is almost exclusively rural in character, with a small concentration of commercial buildings at the Route 3/Route 20 intersection and additional commercial buildings scattered along several miles of Route 3. Virtually all of the commercial development in the gateway area is single-story, single-use, and auto-oriented, and the overwhelming majority of commercial buildings appear to have been built within the past three decades. Most businesses on Route 3 appear to cater primarily to residents of the immediate vicinity (particularly residents of Lake of the Woods); those at the intersection of Routes 3 and 20 also capitalize heavily on north/south traffic along Route 20. At present there is very little commercial orientation towards battlefield or heritage tourism visitors. There are no commercial centers of significant size or density within 15 miles.

## PARTICIPATION

From the beginning of the project, the team determined that a participatory approach to analysis and programming was required from a diverse group of stakeholders. The team met with the stakeholders three times over the course of the project and made provisions for public meetings. The team was accessible during the project and hosted additional meetings at the request of participating or interested parties including:

- Friends of Wilderness Battlefield
- Civil War Trust
- Fredericksburg and Spotsylvania National Military Park (NPS)
- American Battlefield Protection Program (a program of the NPS)
- Piedmont Environmental Council
- National Trust for Historic Preservation
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- Lake of the Woods External Affairs Committee, and
- Citizens and local historians (public meeting, web page outreach)

*Stakeholder meeting Spring 2011*

## PROJECT GOALS

The following goals were established by the stakeholders early in the project:

- Establish Route 3 and Route 20 corridor experience as a gateway to the natural and cultural resources of Orange County and the Wilderness Battlefield
- Define appropriate development potential for land in project area mitigating natural, cultural and scenic resources
- Define opportunities for continued cultural landscape protection and preservation based on significance of the resource and proximity to other protected land
- Increase visitation to Wilderness Battlefield and improve appreciation and access
- Encourage development that supports heritage tourism and a destination experience for residents and visitors
- Increase employment opportunities and businesses appropriate for area
- Assess transportation systems and identify alternatives that balance traffic flow, safety and cultural experience of the area

*View looking north along Vaucluse Rd*

## ANALYSIS

The project team began its assessment of economics, transportation, cultural features, and due diligence based on the project goals. This information is presented in Chapters 3 through 5 in this report.

As a baseline for study and design, the team assessed the land within the project area, identifying opportunities and constraints related to development and preservation. The team conducted analysis mapping including: National Park boundaries, American Battlefield Protection Program's (ABPP) core and study area boundaries, topography, hydrology, battlefield viewshed and visibility from corridors, natural features, proximity to utilities, access and infrastructure. (See analysis maps at the end of this chapter.)

The following points summarize the findings of land analysis and planning:

- The natural and cultural features present are valuable resources that may be leveraged to establish "destination appeal" with proper planning, connectivity, and programming.
- Future conservation of land should prioritize significance and proximity to natural and cultural features including but not limited to the Rapidan River and Wilderness Battlefield.
- Planned infrastructure capacity for water and waste water is critical to planning for growth, but ill-defined
- Unless future growth is well-planned, sprawling development patterns along Route 3 will increase infrastructure costs, threaten naturally and culturally valuable resources, and forego the opportunity to strengthen the community address of eastern Orange County.

# Wilderness Battlefield Gateway Study

April 2012

## Legend

**Orange County Zoning**

- Agricultural
- Commercial
- Industrial
- Residential

**Spotsylvania County Zoning**

- Agricultural Residential
- Agriculture
- Commercial
- Planned Commercial

- Project Boundary
- County Lines
- Roads

HILL STUDIO

N W E S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

Project No. GA 2255-09-003

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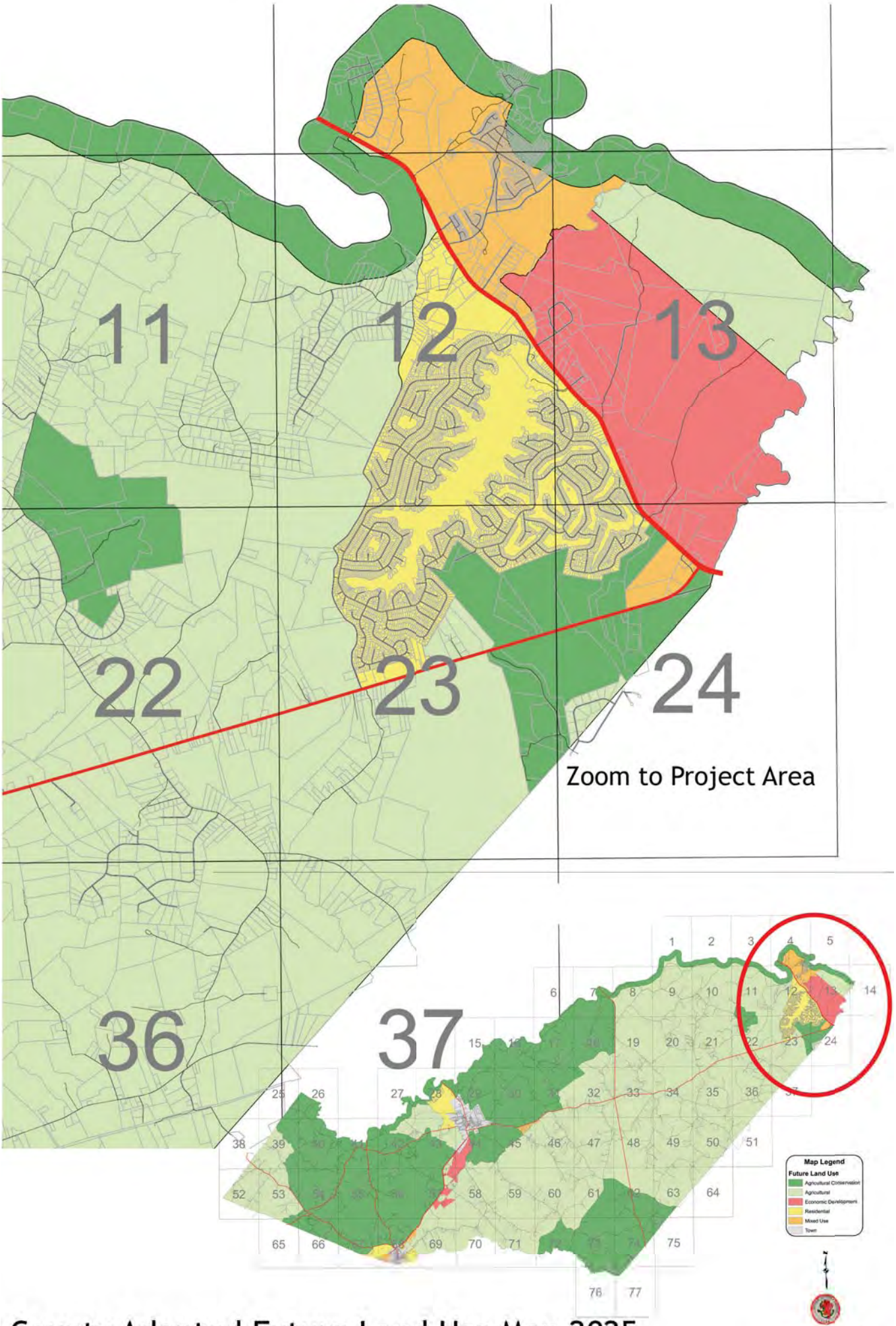
## Existing Zoning




# County Adopted Future Land Use Map 2025

# Wilderness Battlefield Gateway Study

April 2012

## Legend

**Slope**

- 0 - 1
- 1.01 - 2
- 2.01 - 3
- 3.01 - 6
- 6.01 - 10
- 10.01 - 12

- Project Boundary
- ABPP Study Area Boundary
- ABPP Core Area Boundary
- Hydrology
- Roads
- 10ft Contours

HILL STUDIO

N W E S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

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## Slope Analysis

# Wilderness Battlefield Gateway Study

April 2012

## Legend

- Project Boundary
- Wilderness NPS Landholdings
- Other Protected Properties
- ABPP Core Area Boundary
- ABPP Study Area Boundary
- Parcels
- County Boundary
- Water Bodies/ Drainage
- Roads

HILL STUDIO

N
W E
S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

Project No. GA 2255-09-003)

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## Floodplain and Drainage Analysis

# Wilderness Battlefield Gateway Study

April 2012

## Legend

- Project Boundary
- Wilderness Core Study Area
- ABPP Study Area Boundary
- Roads
- Water Bodies
- Other Protected Properties
- Wilderness NPS Landholdings

HILL STUDIO

N
W E
S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS
Soil Data from US Department of Agriculture (August 2011)

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## Soil Analysis

# Wilderness Battlefield Gateway Visioning Plan

April 2012

## Legend

Park Views

Viewshed

High : 6

Low : 0

Project Boundary

Wilderness NPS Landholdings

ABPP Core Area Boundary

ABPP Study Area Boundary

Roads

Hydrology

10ft Contours

HILL STUDIO

N

W E

S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

This viewshed study does not factor in vegetative cover, as future land management considerations by NPS may include rehabilitation of vegetative cover on park land

Project No. GA 2255-09-003

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## Viewshed Analysis
## NPS / Protected Lands

# Wilderness Battlefield Gateway Visioning Plan

April 2012

## Legend

Views along Rt. 3

Viewshed

High : 15

Low : 0

Project Boundary

Wilderness NPS Landholdings

Other Protected Lands

ABPP Core Area Boundary

ABPP Study Area Boundary

Roads

Hydrology

10ft Contours

HILL STUDIO

N W E S

0 1,500 3,000 6,000 Feet

This viewshed study does not factor in vegetative cover, as future land management considerations by NPS may include rehabilitation of vegetative cover on park land

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

Project No. GA 2255-09-003

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## Viewshed Analysis From Route 3

# Wilderness Battlefield Gateway Study

April 2012

## Legend

- Power Line
- 0.25 miles
- 0.5 miles
- Project Boundary
- Wilderness NPS Landholdings
- Other Protected Properties
- ABPP Core Area Boundary
- ABPP Study Area Boundary
- Water Bodies
- Roads

1/4 Mile

1/2 Mile

3

20

3

HILL STUDIO

N W E S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

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## Utility Proximity Analysis

# Wilderness Battlefield Gateway Visioning Plan

April 2012

## Legend

- Proximity to Access
- Project Boundary
- Wilderness NPS Landholdings
- Other Protected Properties
- ABPP Core Area Boundary
- ABPP Study Area Boundary
- Parcels
- Hydrology
- Roads

2 Miles

1 Mile

1/2 Mile

1/4 Mile

3

20

HILL STUDIO

N

W E

S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

Project No. GA 2255-09-003

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## Proximity to Existing Access and Development - Route 3 & 20

# Wilderness Battlefield Gateway Visioning Plan

April 2012

## Legend

- Proximity to Existing Development
- Project Boundary
- Wilderness NPS Landholdings
- Other Protected Properties
- ABPP Study Area Boundary
- ABPP Core Area Boundary
- Parcels
- Roads
- Hydrology

1/4 Mile
1/2 Mile
1 Mile
2 Miles

3
20
3

HILL STUDIO

N
W E
S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

Project No. GA 2255-09-003

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## Proximity to Existing Development/Access - Lake of the Woods

# Wilderness Battlefield Gateway Visioning Plan

April 2012

## Legend

- Proximity to Existing Access / Dev
- Project Boundary
- Wilderness NPS Landholdings
- Other Protected Properties
- ABPP Study Area Boundary
- ABPP Core Area Boundary
- Parcels
- Roads
- Hydrology

HILL STUDIO

N W E S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

(GA 2255-09-003)

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## Proximity to Existing Development/Access - Rt. 3 & Rt. 601

# Chapter III
# Research & Findings: Cultural Resources

*What We Found…*

*The historic resources of eastern Orange County represent significant heritage tourism opportunities*

## OVERVIEW OF CULTURAL RESOURCES

There are 171 cultural resources listed in the Virginia Department of Historic Resources (DHR) Data Sharing System (DSS) that are:

- within the study area of the Wilderness battlefield (as determined by the American Battlefield Protection Program) and/or
- within the Wilderness Gateway Project study area.

### National Register of Historic Places

As shown in the Table below, the vast majority of these sites have not been evaluated for National Register eligibility. Only six resources have been determined eligible for listing on the National Register or listed on the register while another six sites have been recommended eligible by DHR staff or consulting historians and archaeologists.

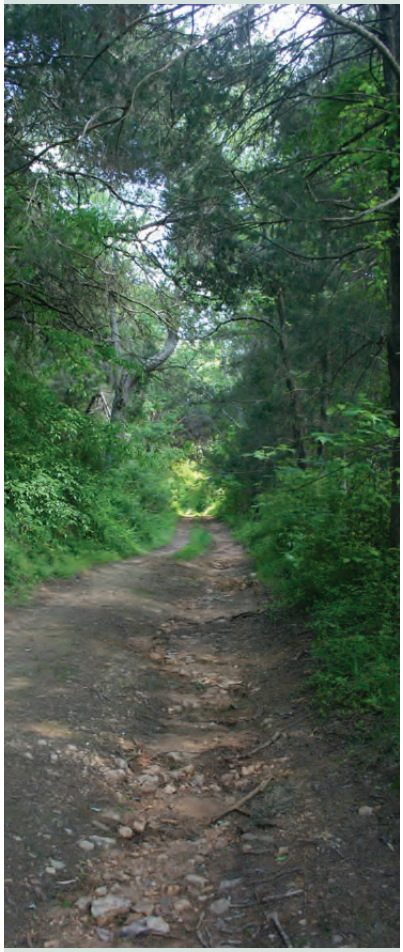
**Wilderness Gateway Table CR-1: Sites Recorded in the VDHR Data Sharing System**

| By National Register Eligibility | |
|---|---|
| Listed | 2 |
| Determined Eligible | 4 |
| Recommended Eligible | 6 |
| Undetermined | 134 |
| Demolished | 10 |
| Recommended Not Eligible | 13 |
| Determined Not Eligible | 2 |
| Total | 171 |

One of the sites listed on the National Register of Historic Places is the portion of the Wilderness Battlefield that is owned by the National Park Service. The other is the Germanna Historic District which includes the remains of Fort Germanna (c. 1714), the Enchanted Castle (c. 1718), the town of Germanna (c. 1720), and the Gordon House (c. 1770s) along with many subsidiary landscape features and other sites. Most of the Germanna site is owned by the University of Mary Washington.

The four sites that have been determined eligible include Ellwood and the Chancellorsville, Mine Run, and Spotsylvania Court House battlefields. Ellwood is, of course, included in the National Register portion of the Wilderness Battlefield but is not listed individually.

The CCC Camp off Route 20; Somerset Ridge earthworks and camp; a gold mine on the Whitehall Tract; two archaic temporary Native American camps that are north of Wilderness junction and west of Wilderness Run, and Civil War trenches off Ely's Ford Road that are thought to be related to the Union Army occupation of the area during the Battle of Chancellorsville in the spring



*View looking east along a remnant Civil War-era road within the Core Area of Wilderness Battlefield*

of 1863 are also recommended eligible for listing. It is important to note that the fact that a site has not been evaluated for National Register eligibility does not mean that it is not historic. For instance seven places where Civil War trenches related to the Wilderness and / or Chancellorsville battlefields are identified in the DHR data. Only two of these have been evaluated and both have been recommended eligible for the register. The other five have not been evaluated for eligibility.

### Native American

Twenty six of the sites are related to Native American habitation and two are sites related to African American history (both churches). The balance are either "Euro-American" or of indeterminate cultural association.

### Civil War

Only 27 of the recorded sites are specifically related to the Civil War period. Four sites date to the eighteenth century. However 85 sites predate the Civil War. Thus a majority of the sites listed (114) existed during the war. These sites are identified on Map III.1, Cultural Resources.

**Wilderness Gateway Table CR2: Sites Recorded in the VDHR Data Sharing System**

| By Time Period | | |
|---|---|---|
| 01 Archaic | (8000 BC to 1000 BC) | 8 |
| 02 Prehistoric | (8000 BC to 1600 AD) | 12 |
| 03 Woodland | (1000 BC to 1600 AD) | 4 |
| 04 Settlement to Society | (1607-1750) | 7 |
| 05 Colony to Nation | (1750-1789) | 5 |
| 06 Early National Period | (1789-1830) | 20 |
| 07 Antebellum Period | (1830-1860) | 29 |
| 08 Civil War | (1861-1865) | 27 |
| 09 Reconstruction and Growth | (1865-1917) | 41 |
| 10 World War I to World War II | (1917-1945) | 13 |
| 11 The New Dominion | (1945-1989) | 3 |
| 12 Multiple | | 2 |
| Total | | 171 |

Note: All time periods are based on those found in DHR's Cultural Resources Survey Manual 2005 Appendix C: Time Periods in Virginia History and Prehistory except "Prehistoric" and "Multiple." Prehistoric is used where the DHR information form did not distinguish between the Archaic and Woodland periods. Multiple was used for sites that span multiple time periods.

### Iron and Gold Mining

The DHR data base identifies 29 sites in and around the battlefield that are mines or otherwise related to the area's gold and iron industries. Of these, 11 are related to the iron industry launched in the 1720s and ended of the end of the 18th century. The other 18 were utilized by the gold industry that had begun by at least 1806 and continued until the 1930s. These sites are listed below and identified on Map III.1, Cultural Resources Map.

*It is important to note that this Cultural Resource review was limited to the study of documented resources across multiple repositories and sources. The nature of this planning study did not include extensive field work, or archaeological investigation, both recommeneded for future study.*

**Wilderness Gateway Table CR3: Sites Related to the Gold and Iron Industries recorded in the VDHR Data Sharing System**

| Name | Mineral | Date Started |
|---|---|---|
| Whitehall Gold Mine | Gold | 1826 |
| Orange Grove Gold Mine | Gold | 1826 |
| Embrey Gold Mine | Gold | 1831 |
| Culpeper Gold Mine | Gold | 1831 |
| Vaucluse Gold Mine | Gold | 1832 |
| Culpeper Gold Mine Canal | Gold | 1836 |
| Melville Gold Mine | Gold | 1840 |
| Wilderness Gold Mine | Gold | 1840 |
| Partridge Gold Mine | Gold | 1850 |
| Woodville Gold Mine | Gold | 1850 |
| Smith Tract Mine | Gold | 1927 |
| Greenwood Gold Mine Prospect | Gold | 1934 |
| Ambler Mine | Gold | 19th Century: 1st half |
| Prospect Pit Gold Mine | Gold | 20th Century |
| Gold Mine | Gold | 20th Century: 1st half |
| H. Gordon's Gold Mine | Gold | 20th Century: 1st half |
| Marsden Gold Mine | Gold | 20th Century: 1st quarter |
| Prospect Pit Gold Mine | Gold | |
| Germanna Historic District | Iron | 1724 |
| Spotswood House | Iron | 1728 |
| Iron Mine | Iron | 1800 |
| Iron Mine Near Furnace (5) | Iron | 1800 |
| Catherine Furnace | Iron | 1836 |
| Germanna | Iron | 18th Century: 3rd quarter |
| Germanna | Iron | Historic |

## NATIVE AMERICAN SITES AND HISTORY

*The Native American resources found in and around the Wilderness Gateway are exceptional in part because the shores of the Rappahannock and Rapidan rivers above the falls at Fredericksburg appear today substantially as they did when occupied by Native Americans.*

The Wilderness Gateway and its environs retain substantial resources related to the earliest contacts between Native Americans and the British settlers of the Chesapeake Bay. The records of Captain John Smith of one of the first English expeditions beyond the fall line in the watershed tell of encounters with Native Americans called Mannahoaks who occupied two villages, Shackaconia and Stegara, on the south fork of the Rappahannock River, now known as the Rapidan. There are numerous archaeological sites in and around the Wilderness Gateway study area and centered on the Germanna Ford that suggest one of the Native American villages located along the Rapidan by Smith was in or near the project area.

- The first of these sites is in Spotsylvania County about two miles upstream of the confluence of the Rapidan with the Rappahannock River. Residents of the area told of a substantial Native American burial mound that occupied the site until it was inundated by a flood in the 1890s.
- The second is in the vicinity of Ely's Ford, just east of the study area in Spotsylvania County. The ford was a link in a Native American trail that preceded English settlement in Virginia.
- Finally, an "extensive Native American settlement" is thought to have occurred at Skinker's Ford, just upstream from Flat Run in Orange County where two fish dams are found in the Rapidan (City of Fredericksburg, 1997, page 11).

At least some prominent scholars of Virginia's Native American history believe that Shackakonia was located near Fox Nest (west of Germanna in Culpeper County) and Indian Town (south of Germanna in Orange County) -- based on the prevalence of documented Late Woodland/ Contact-era sites there, as well as historic interaction. Research on historic encounters in the Upper Rappahannock River Valley indicates that as late as the 1750s, and possibly later, Native peoples were living within two miles of the ancestral sites along the Rapidan River (Nash, 2011).

We recommend future discussions with the Virginia Council on Indians to further substantiate, research, and interpret Native American history in Wilderness.

The Native American resources found in and around the Wilderness Gateway are exceptional in part because the shores of the Rappahannock and Rapidan rivers above the falls at Fredericksburg appear today substantially as they did when occupied by Native Americans.

This is a result of the fact that the City of Fredericksburg owns approximately 4,800 acres of riparian lands along the Rappahannock and Rapidan. These holdings extend from the city, into five upriver counties: Spotsylvania, Stafford, Orange, Culpeper, and Fauquier. The bulk of this land is located west of Interstate-95, reaching toward Kelly's Ford (Route 620) on the Rappahannock and Germanna Ford (Route 3) on the Rapidan. "The natural integrity of this corridor provides exceptional recreational opportunities."

The city purchased the property from the Virginia Electric Power Company (VEPCO) in 1969. In the early 20th century, VEPCO had planned a series of hydroelectric dams along the river and acquired much of the acreage that would have been flooded by these projects. When the city bought the property a federally funded flood control dam was being planned by the US Army Corps of Engineers. The land was to be part of the city's share of the overall project cost.

During the 1960s opposition to the flood control dam rose until Congress terminated studies for a dam in 1974 and cancelled the project entirely in 1989.

In 2006 the city placed 4,232 acres of the property under a perpetual conservation easement held by the Virginia Outdoors Foundation, the Virginia Board of Game and Inland Fisheries, and the Nature Conservancy. The easement goals, also called conservation values, are as follows:

- protect the natural environment;
- protect water quality;
- protect historic and archaeological resources;
- prevent residential and commercial development on protected lands; and
- allow reasonable uses (consistent with these easement goals) (City of Fredericksburg, 2011, page 7).

The property reaches into the Wilderness Gateway project area as shown on the map below.

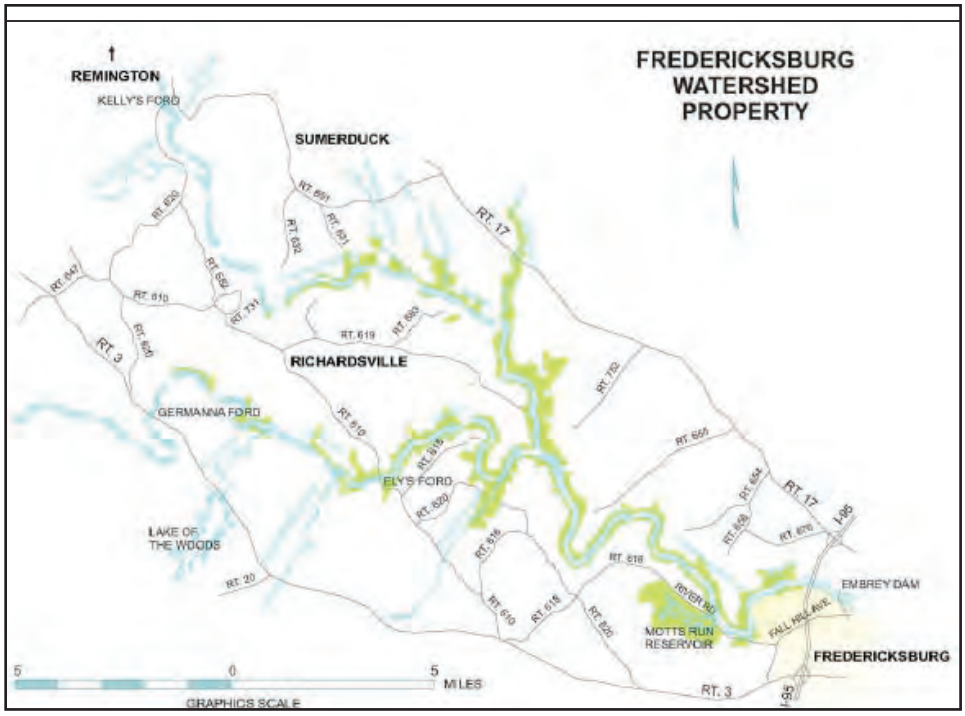



*Image depicts the concentration of conserved land along the banks of the Rapidan River.*

The only parcel of the Fredericksburg conservation land in Orange County (Tax Map Parcel 03-A-1A) measures 21 acres and is adjacent to and west of the King family properties. It is also adjacent to and east of the riparian common area of the Wilderness Shores subdivision.

However, most of the riparian area across the river from the study area on the north bank of the Rapidan in Culpeper County is part of the Fredericksburg property and under conservation easement. This encompasses about 281 acres between Eli's Ford and the Germanna Turnpike (roughly the Wilderness Gateway Study Area) and 779 acres east of Eli's Ford Culpeper, Orange, and Spotsylvania county GIS).

The only substantial section of the northern bank of the river in the Wilderness Gateway study area that does not belong to Fredericksburg is the tract owned by the King family.

## GERMANNA

Alexander Spotswood, Lieutenant Governor of Virginia from 1710 until 1722, spurred the first European Settlement to substantially impact the Wilderness Gateway. Spotswood began acquiring land in the Wilderness area soon after his appointment in large part because of reports that significant iron ore deposits could be found there. At Spotswood's request, the General Assembly authorized the construction of the first road into Virginia's Piedmont in 1714 along the axis of modern Route 3 from Fredericksburg west to cross the Rapidan at what would soon come to be known as Germanna Ford.

In the same year Spotswood funded the establishment of Fort Germanna when he sponsored 12 German families totaling 46 people who settled at the ford in what was the first European settlement in Virginia west of the fall line (Walker, 2004, page 46) and the European settlement furthest west of the Atlantic Ocean in British North America. Most of the Germans had been involved in the iron industry in Germany (Barile, page 55).

After additional groups of German miners settled at the ford in 1717 and 1719 Germanna became a frontier town with a population above 200 people, many of whom were German indentured servants (Barile, page 59). The town also became more diverse as millers, teachers, farmers, blacksmiths, carpenters, and many other crafts people made it their home (Barile, page 61).

In 1720, Spotswood chose Germanna for the seat for new self-titled County of Spotsylvania. According to Barile, Germanna:

> ... was the most advanced and largest community in the new county, all of the roads at that time led there, and Spotswood had also recently developed a ferry to help traverse the Rapidan River at this location. The Virginia government allocated £500 to build a courthouse, church, prison, pillory, and stocks, and others who lived there built homes and other commercial buildings. (Barile, page 63).

The first session of court was held in 1722. One of the first orders of business was to grant a license for a tavern. John Finlason ran the tavern out of his home from 1722 until 1728 where he hosted many court officials during sessions at Germanna (Barile, page 63).

*View of the Germanna Visitor's Center and Library, located toward the western end of the study area on Route 3*

### Iron Mining

In 1619 a bloom furnace was built in Chesterfield County, but the first blast furnace in North America was built in 1714 at Germanna. Spotswood maintained an elaborate establishment for mining and smelting iron ores in and around Germanna utilizing ore that was obtained from The Wilderness (Lansdale, 1927).

In April of 1714, Governor Spotswood wrote:

> I have placed here a number of Prodestant Germans, built them a Fort, and finish'd it with 2 pieces of Cannon and some Ammunition, which will awe the Stragling partys of Northern Indians, and be a good Barrier for all that part of the Country. ... They are generally such as have been employed in their own country as Miners, and say they are satisfyed there are divers kinds of minerals in those upper parts of the Country where they are settled, and even a good appearance of Silver Oar, but that 'tis impossible for any man to know whether those Mines will turn to account without digging some depth in the Earth (Spotswood Letters Volume 2, page 70).

In 1716, the "Knights of the Golden Horseshoe" used Germanna as the launch point from settled areas of Virginia on their journey across the Blue Ridge to "discover" the Shenandoah Valley.

### The Enchanted Castle

In the 1730s when Spotswood took up residence at Germanna, the fort had been replaced by the Enchanted Castle, a massive residence measuring 85 by 35 feet. By the 1750s when Spotswood's residence burned there were as many as six iron furnaces in the area around Wilderness Gateway. In addition to the Germanna furnace; the Washington furnace had been established by George Washington's father, Augustine, in Stafford County; and the Catherine furnace was at work three miles west of Chancellorsville in Spotsylvania County. The Germanna and the Catherine furnaces were supplied with ore mined for the most part from the Wilderness region.

Governor Spotswood died in 1740, leaving his estate to his wife and children. Most of the remaining estate was dispersed in 1761 upon the death of his son, John Spotswood. By that time iron mining and smelting had largely ceased in the Wilderness region (Rainey, 2010). No iron mines or production in the Rappahannock River Valley were reported by Thomas Jefferson when he wrote

his Notes on the State of Virginia in 1782.

The legacy of Spotswood and his iron industry still directly affected the region until well after the Civil War, however. The tremendous need for timber to create charcoal to process the iron ore resulted in large swaths of north eastern Orange County being stripped of its timber. The second and third growth timber that had begun to reclaim the land by the 1860s had covered much of the area with virtually impassable thickets.

### The Germanna Foundation

The Memorial Foundation of the Germanna colonies in Virginia, Inc. is a 501(c)(3) non-profit charitable organization founded in 1956. Its purpose is to preserve and make known the history of the Virginia Germanna Colonies, their operations under the patronage of Alexander Spotswood, his residence and activities at Germanna and in the surrounding area.

The foundation purchased 279 acres of land south of Route 3 at site of the Germanna Ford in 1956. After giving 100 acres of land to the Commonwealth for Germanna Community College in 1969 the foundation now owns 179 acres of land on the Germanna peninsula. The Foundation operates a visitor center built in 2000 on that land and owns a nearby 18th century mansion in Culpeper, Salubria, once the home of Spotswood's widow.

The site of the Enchanted Castle and Fort Germanna was listed on the National Register of Historic Places in 1978 but that did not stop the owner of the site from platting it as a large lot subdivision in the 1980s. Fortunately, Historic Gordonsville, Inc. was able to acquire and protect much of the site. In 1991 the 62-acre property that harbors the eighteenth century settlement and Spotswood's frontier plantation was donated to the University of Mary Washington.

## ANTEBELLUM GOLD MINING

Virginia was one of the first gold-producing states in the nation. In 1782 Thomas Jefferson reported that he "knew a single in instance of gold found in this state. It was interspersed in small specks through a lump of ore, of about four pounds weight, which yielded seventeen pennyweight of gold." It was "found on the north side of the Rappahannock River about four miles below the falls" Jefferson, 1787, page 38).

Gold in place was first discovered in 1806 at the Whitehall mine in western Spotsylvania County. A "Colonel Stockton" operated "the old Wilderness Run Chimney (brick roasting-stack)" by the 1830's (Sweet 1980, page 33).

In the earliest years of gold mining, farming and gold digging often went hand in hand. According to Nitze, "When the crops were laid by, the slaves and farm hands were turned into the creek-bottoms, thus utilizing their time during the dull seasons. Where mining proved more profitable than planting, the former

superseded the latter entirely."
Mining initially consisted of the washing of the stream placers, then gravel deposits lying under soil cover were worked by sinking pits and raising the gravel by hand labor. Some pits were drained by large vertical bucket-wheels driven by water power, or by flume lines with over-shot or under-shot wheels.

The first primitive washing was done with pans. As the workings grew more extensive, pans were superseded rockers (shown in the photograph above), long tom and sluice-box; which remained in use into the late 19th century.

> *Rockers were made of hollowed logs split in half to form a trough and suspended at each end for braces that allowed them to swing to and fro, sifting the heavier gold to the bottom of the trough. The pebbles and boulders are thrown out with the fork, while the fine portions are washed down the bottom. The rocking facilitates the settling and amalgamation of the gold and the discharge of the tailings. Two men work at one rocker or set of rockers, so joined together as to move in harmony. One throws the gravel from the pit into ... the rockers, and the other sits or stands above the rockers moving them with his feet, disintegrating the gravel with a fork and discharging the coarse material (Nitze, pages 29-30).*

*View of gold mining practices similar to those documented within the study area. Source: Virginia Historical Society*

If the miners had adequate amounts of flowing water a sluice box and long tom were used processing larger quantities with less labor. The sluice box was generally 8 to 10 feet long, 20 inches wide and 12 inches deep. Gravel was shoveled into the sluice where water carried off the tailings with the gold sinking into grooves in the bottom.

The most productive and sustained period of gold activity in Virginia was from 1830 thru 1856; the average annual value of gold produced during that period was about $54,975 as valued at the then-current price of $20.67 per troy ounce.

During this period, many attempts at prospecting and mining were made in the Wilderness Gateway area north of Route 3 in the area between Wilderness Run and Flat Run. The most important of these are the Vaucluse and Melville mines. Others are the Partridge and Wilderness mines (Sweet 1971, page 25).

### Vaucluse Mine

The Vaucluse mine was on a 200-acre property about 1.7 miles north of the intersection of Route 3 and Route 20. The site is about 250 yards along a woods road off the west side of State Road 667 (Vaucluse Road) (Sweet 1971, page 26). The mine is today on Tax Map Parcel 13 (A) 20, Trustee et all, and Tax Map Parcel 13 (A) 100 (Orange County Virginia GIS web site).


*Historic print of Vaucluse Goldmine. Source: Virginia Historical Society*

The mine was first worked in 1832 and operated for several years on placers and the decomposed surface parts of the mineralized zones before the lodes were discovered. In 1844 it was purchased by the Liberty Mining Company of London who worked the lodes through two open cuts, each about 60 feet deep, 75 feet wide, and 120 feet long. Since that time it was worked intermittently until 1938.

As early as 1847 this mine maintained an elaborate plant for the separation of gold from quartz and pyrite (Lansdale, page 82). According to the *Plan and Description of the Vaucluse Mine. Orange County Va:*

> The machinery consists of a condensing Cornish mining engine of 120 horsepower; the mill-house contains 6 large Chilean mills; the cast-iron bed-plate of each is 5 feet 6 inches in diameter, and on it are two cast-iron runners of the same diameter, the total weight of the mill being 6,200 pounds. The ores, on arriving at the surface, are divided into two classes: 1. The coarse and hard ore for the stamps; 2. Slate and fine ore for the Chilean mills. This is done by means of a large screen. The very large pieces are first broken by a hammer before they are fed to the stamps. All of the ores are ground with water, each mill being supplied with hot and cold water at pleasure. Twelve inches from the top of the bed-plate there is a wide, open mouth, from which the turbid water escapes to tanks. On the south side of the steam-engine is the stamp house and amalgamation mill, containing 6 batteries of 3 stamps each; these stamps, with the iron head of 125 pounds, weigh 350 to 380 pounds each. Each battery is supplied with water, and at each blow

> of the stamp a portion of the fine ore passes out of the boxes through the grates to the amalgamation room. Here are stationed 18 small amalgamation bowls of cast iron, 30 inches in diameter. The bowls are supplied with runners which move horizontally; in the center of these runners is an eye or opening like that in the runner of a corn mill. The ground or finely-stamped ore, gold and water pass into this eye, and by the rotary motion of the same are brought into contact with the quicksilver deposited in the center, forming amalgam. From the amalgamators the pulp passes through 3 dolly-tubs or catch-alls, acting as mercury and gold tubs. After this the whole mass passes to the strakes or inclined planes where the sulphurets are deposited and the Earthy matter washed away (Nitze, page 34).•

An arrastra was a circular pit or container about two feet deep, and 10 to 20 feet or more in diameter. The sides and bottom were grinding surfaces usually made of crude, cut or dressed stone. A 400 to 500 pound rock was attached to a boom attached to a revolving pole set in the center of the arrastra. A mule at one end of the boom walked around the outside of the arrastra dragging the rock at the other end across the ore and the grinding surface. The Chilean mill developed from the arrastra but differed from it by having grinding wheels, made of stone or iron, in the place of the heavy stone (Sweet 1980, page 31).

By 1854, six shafts had been sunk over a strike length of one-half mile and extensive underground development was done. Liberty Mining installed a 60-ton plant and milled ore reported to average $8.00 per ton, but operation ceased with the Civil War. The mine yielded a large part of Virginia's total production between 1833 and 1860.

The Vaucluse mine was later purchased by Henry Ford to obtain the old mining machinery for his museum at Dearborn, Michigan. Ford sold the mine in 1934 to the Rapidan Gold Corporation, who did a small amount of development work, and in 1935 sold it to the Virginia Mining Corporation (Bass, page 80). This company operated the mine from March 1935 until it closed in December 1938. The mine was developed by a 2-compartment vertical shaft 35 feet deep with levels at 110, 202, and 305 feet, totaling ,475 feet of drifts and 695 feet of crosscuts. Near the southwest end of the mine an inclined air shaft connects the 200-foot level with the surface (Bass, page 82). In December, 1938, the mine was closed and sold at auction (Sweet 1971, page 26).

The mine is located on the same mineralized shear zone as the Melville mine, about one mile to the northeast.


*Historic image of "Old Gold Mine Chimney, Erected 1832, Orange County, VA. A chimney similar to this one is proportedly still extant on lands north of Route 3.*
*Source: Virginia Historical Society*

### Melville Mine

The Melville (Rapidan) mine in Orange County is about 175 yards along a woods road off the west side of State Road 667 (Vaucluse Road) about 2.4 miles north-northeast of its intersection with Route 3. Gold was discovered at this site prior to the Civil War, although little is known about its early operations. By 1922 the gold was being mined and treated by methods including roasting

and cyaniding. A red-brick chimney, 65 feet high and 7.5 feet square at the base, for the roasting of sulfide ore, still stood beside an old stone foundation, about 700 feet northeast of the Melville shaft in 1971 (Lansdale, page 82).

The Rapidan Gold Corporation developed two shafts 125 feet and 240 feet deep at the Melville mine in 1934 when it processed about 75 tons of ore per day. Concentrates shipped during a six-month period in 1934, contained 529 ounces of gold, valued at approximately $18,500. Production from the mine continued through 1935 when the underground work was discontinued. Some surface work continued until the property was abandoned in 1938 (Sweet, page 29).

The gold was said to be enclosed in coarse-grained pyrite in quartz veins and lenses that occur along a mineralized shear zone 60 feet wide in chloritic quartz-biotite schist. By 1971 the main shaft had collapsed but their remains were still visible on the surface in the form of rotting boards and a dump of chlorite schist and quartz. Concrete foundations that supported the power-house equipment and the mill, and piles of timbers were also present, although the equipment had been removed. Numerous collapsed buildings and other caved shafts and pits were visible through the woods. Several large (42 inches in diameter and 14 inches thick) granite, wheel-shaped stones, which were used in Chilean mills to crush the ore, could be seen near an old shaft about 200 feet northwest of the roasting stack. Zinc shavings that were probably used in cyaniding were also found near the roasting stack (Sweet 1971, page 29).

The roasting-stack constructed to smelt the gold ore to eliminate the residual sulfides still stood at the Melville mine in 1980 (Sweet 1980, page 33).

### Wilderness Mine

The Wilderness mine-is located on the east side of State Road 667 (Vaucluse Road) approximately 0.45 mile by road northeast of its intersection with Route 3 (Sweet 1971, page 30). Prior to 1911, a 100-foot deep shaft was sunk and 385-foot long drifts were driven. The Wilderness Mining and Milling Company acquired 101 acres of land together with a mill and resumed operation of the mine 1911. The mill burned later that year.

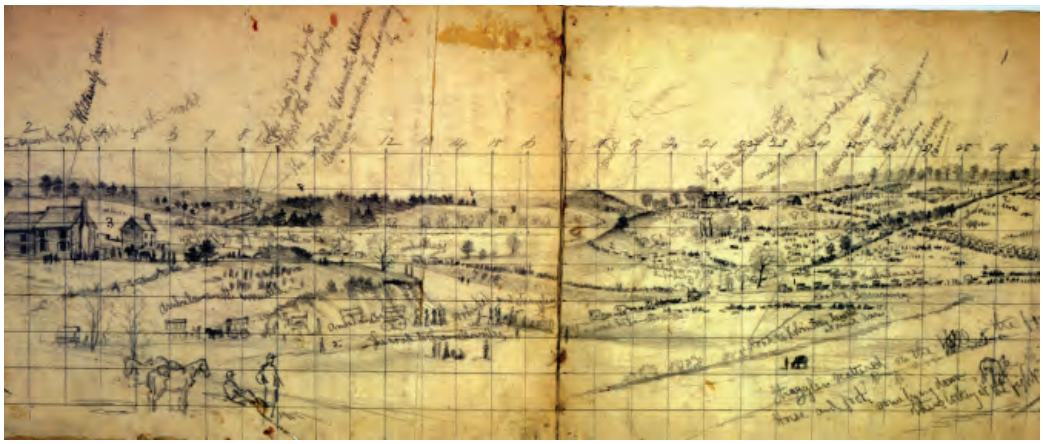
In 1923 a 125-foot deep shaft was sunk, to a drift 190-feet long on the 100-foot level. A second drift was started on the 125-foot level. The equipment on the site in 1923 consisted of a steam hoist and two pumps. Twelve men were employed in two shifts, four of whom worked underground and two at the surface. "All drilling was by hand," according to Landsdale. The water table was at 60 feet below the surface so pumps were used to keep the shaft clear of water (Lansdale, page 83).

According to Sweet, pyrite and gold at the Wilderness mine were found in a quartz vein, which ranged from 4 to 13 feet in width, in a dark-gray, finely foliated, biotite-quartz-orthoclase schist. In 1971 concrete foundations and a large dump were still present. Quartz and dark-gray schist, both containing pyrite crystals, could be found on the dump. A small roofless block house, which may have housed either a pump utilized to remove water from the shaft

or machinery for transporting men and equipment into the mine shaft, was still standing (Sweet 1971, page 30).

Today hobbyists sometimes pan for gold in Wilderness Run and Mine Run near the abandoned Melville, Vaucluse, and Wilderness mines in Orange County (Sweet 1971, page 32).

## CIVIL WAR



*Forbes, Edwin. 1864. General view of the Battle of the Wilderness, from a point north of Route 3, looking south toward Elwood, and the Wilderness Tavern . Source: Washington, DC: Library of Congress Prints and Photographs Division,*

### Battlefield Boundaries

The Civil War Sites Advisory Commission (CWSAC) was created by Congress and appointed by the Secretary of the Interior in 1991 because of national concern over the increasing loss of Civil War sites. The 15-member commission was asked to identify the nation's historically significant Civil War sites; determine their relative importance and their condition; assess threats to their integrity; and recommend alternatives for preserving and interpreting them. The Commission found, "This nation's Civil War heritage is in grave danger. It is disappearing under buildings, parking lots, and highways" (CWSAC Report, 1993, page 3).

The commission identified the sites of 10,500-armed conflicts that occurred during the Civil War and determined the 384 sites nationally that are the most significant in the nation (CWSAC Report, 1993).

Wilderness is one of only nine sites nationally that the CWSAC ranked at I.2 (Class A). Battlefields ranked I.2 (Class A) are those that:

- had a decisive influence on a campaign (Grant's Overland Campaign) and a direct impact on the course of the war;
- retain good or fair integrity,
- face high or moderate threats to that integrity, and
- have more than 20 percent of core area protected.

The boundaries of the battlefield were initially mapped by the National Park

Service (NPS) for the CWSAC at two levels called the study area and the core area. The study and core areas are historical boundaries that describe where the battle took place. They do not indicate the current integrity of the battlefield so they do not, by themselves, tell us where protection and preservation efforts should be targeted.

- The study area includes the historic extent of the battlefield and the resources known to relate to or contribute to the battle as it unfolded across the landscape.
- The core area represents the areas where the most intensive fighting occurred where fire was delivered or received.

The CWSAC noted, "The core area is generally the part that should remain undisturbed, with less stringent and more diverse protection techniques are usually appropriate for the remainder of the study area" (CWSAC Report, page 22). At Wilderness, the core area includes 7,028 acres, while the larger study area (which includes the core) encompasses 16,048 acres.

The Civil War Battlefield Preservation Act of 2002 instructed the NPS American Battlefield Protection Program (ABPP) to update the CWSAC findings and maps. A draft of the ABPP's report to Congress released in July 2009 includes revised maps for the Wilderness battlefield (National Park Service, 2009).

*The Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields* added a third classification called the "potential national register" (PotNR) area. It includes the portion of the core battlefield area and study areas that still retain enough historic integrity to convey the battlefield's sense of place. It also indicates the portion of the battlefield that is likely to be eligible for listing on the National Register of Historic Places and deserving of future preservation efforts. At Wilderness, the PotNR area includes 11,626 acres.

| Wilderness Battlefield Acreage | |
|---|---|
| Core Battlefield Area | 7,028 |
| Potential National Register Area (PotNR) | 11,626 |
| Civil War Sites Advisory Commission Study Area | 16,048 |

The narrative below defines how the boundaries of the study, PotNR, and core areas were defined, largely excerpted from the ABPP's *Battlefield Survey Manual and Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields*, is below (Lowe, page 24).

## The Study Area

> *The study area represents the historic extent of the battle as it unfolded across the landscape. The study area contains resources known to relate to or contribute to the battle event: where troops maneuvered and deployed, immediately before and after combat, and where they fought during combat. Historic accounts, terrain analysis, and feature identification inform the delineation of the study area boundary. The study area indicates the extent to which historic and archeological resources associated with the battle (areas of combat, command, communications, logistics, medical services, etc.) may be found and protected (ABPP 2009, page 14).*

The study area represents the maximum delineation of the historical site. It contains all places related or contributing to the battle event, providing the tactical context and visual setting of the battlefield and includes the following:

- core areas of combat (see core area below)
- approach and withdrawal routes of the armies (these are drawn as corridors along the roads where movement was largely confined to a road such as the corridor along the Germanna Highway (State Route 3) followed by Union troops approaching before the battle);
- locations of any deployed units of the armies on the field, even if these units were not engaged (such as the area north of the intersections of route 3 and 20 that was the site of the tent cluster occupied by Major General George C. Meade and his Provost Guard);
- preliminary skirmishing if it led directly to the battle (such as the earthworks just east of Germanna Ford on the Germanna Highway (State Route 3)) ; and
- logistical areas of the engaged armies, i.e. locations of ammunition trains, hospitals, and supply dumps (such as the areas north of the Germanna Highway (State Route 3), east and west of the site of Wilderness Tavern.

The study area is restricted to the immediate flow of battle after one side or the other has moved to initiate combat. For example, on the morning of 4 May 1864 the Union 5th Army Corps under Major General Gouverneur K. Warren, followed by the 6th Army Corps under Major General John Sedgwick crossed the Rapidan at Germanna Ford. About five miles down river the 2nd Army Corps under Major General Winfield S. Hancock crossed the river at Ely's Ford. The following morning they converged on the Wilderness and proceeded into battle, so the Wilderness study area reaches to Germanna and Ely's fords.

### The Core Battlefield Area

> *The core area represents the areas of fighting on the battlefield. Positions that delivered or received fire, and the intervening space and terrain between them, fall within the core area. Frequently described as "hallowed ground," land within the core area is often the first to be targeted for protection. The core area lies within the study area (ABPP 2009, page 14).*

The core boundary follows natural features and contours. Natural barriers, such as rivers, creeks, swamps, hills, and ridges often restrained the movement of the armies, providing a "natural" boundary for the battlefield.

Where units of either army, including artillery, were engaged in the fighting, their positions are in the core area. Units held in reserve out of range are included in the study area but not in the core area. Minor preliminary skirmishing along the roads is not included in the core area.

### The Potential National Register Area

> *Unlike the study and core areas, which are based only upon the interpretation of historic events, the potential national register (PotNR) boundary represents ABPP's assessment of a study area's current integrity (the surviving landscape and features that convey the site's historic sense of place). The PotNR boundary may include all or some of the study area, and all or some of the core area. Lands within PotNR boundaries should be considered worthy of further attention, although future evaluations may reveal more or less integrity than indicated by the ABPP surveys (ABPP 2009, page 14).*

According to the ABPP, the PotNR boundary is perhaps the most important demarcation of the battlefield because it depicts the portion of the historic battlefield landscape that retains integrity. Parts of the study and core areas that are compromised by modern development or other destructive forces such that they cannot provide a feeling of the historic setting are left out of the PotNR boundary.

"The PotNR boundary indicates to preservationists and planners what remains to save" (ABPP 2000, page 29). It also provides to the Virginia Department of Historic Resources and the NPS a basis for nominating the battlefield to the National Register of Historic Places.

At the Wilderness battlefield, 11,626 acres of the 16,048-acre battlefield are included in the PotNR area. This means that 72 percent of the battlefield retains the historic integrity required to convey to a modern visitor the setting of the battle. Conversely, 28 percent of the battlefield has been lost to incompatible development.

## Protected Battlefield

### Protection Status at the Wilderness Region

The National Park Service and private preservation organizations have preserved almost 3,165 acres on and around the core battlefield through fee simple ownership and conservation easements. The Germanna Foundation and the University of Mary Washington also own 241 acres at Germanna for preservation purposes, all though this land is not under easement or other restrictions that would ensure its preservation.

Fortunately, only about a quarter of the core area has been lost to development, leaving about 5,329 acres of core battlefield that retain historic integrity sufficient to convey the setting of the battle to modern visitors. The greatest loss of core battlefield has occurred with the development of three major subdivisions (Lake of the Woods, Wilderness Shores, and Fawn Lake). About 2,216 acres of core battlefield and 950 acres of study area battlefield have been protected by the National Park Service and other partners.

### Current Disposition of the Wilderness Battlefield Land

| | | | Retaining Integrity | |
|---|---|---|---|---|
| | Historic Extent | Lost | Protected | Unprotected |
| Core Area | 7,028 | 1,700 | 2,216 | 3,113 |
| Study Area (outside core) | 9,020 | 2,722 | 950 | 5,349 |
| Total Battlefield | 16,048 | 4,422 | 3,165 | 8,461 |

This leaves about 3,113 acres of unprotected core area that retains its historic integrity and is consequently available for future conservation and preservation efforts. An additional 5,349 acres of unprotected study area outside the core is retains the integrity needed to justify preservation efforts.

### Other Battlefields in the Wilderness Region

The Wilderness battlefield lies near the geographic center of a great concentration of highly significant Civil War battlefields in the nation. The battlefields surrounding the Wilderness along the Rappahannock, Rapidan Line, generally retain a high degree of integrity, on par with the concentrations of battlefields surrounding Richmond. When the CWSAC was charged by Congress and the President with identifying the nation's most significant battlefields, 14 of 384 were determined to be along an axis reaching from Fredericksburg west to Remington, where US Route 29 intersects with the Rappahannock River in Culpeper County. These include five of the top thirty priorities for preservation identified by the CWSAC.

The most important of these battlefields in terms of historic significance (Chancellorsville, Fredericksburg, Salem Church, and Spotsylvania Court House) lie to the east of The Wilderness and are partially protected by the Fredericksburg Spotsylvania National Military Park. They were ranked 'Class A by the CWSAC because they "had a decisive influence on a campaign and a direct impact on the course of the war."

One, Trevilian Station, lies south of Gordonsville in Louisa County. The other eight are west of the Wilderness in Orange, Culpeper, and Fauquier counties. Seven of these were designated Class B battlefields by the CWSAC because they "had a direct and decisive influence on their campaign" and are characterized by the CWSAC as providing opportunities for comprehensive preservation. The three remaining battlefields in the corridor were somewhat less important historically. With the possible exception of the area around Richmond, this is likely the largest concentration of significant, unspoiled Civil War battleground anywhere.

The battlefields along this axis, which follows the Rappahannock and Rapidan rivers and roughly parallels the US Route 3 (Germanna Highway) corridor, offer a fairly unique combination of battle grounds with:

- a high level of historic significance;
- substantial lands protected by previous preservation efforts; and
- a high degree of historic integrity that offers opportunities for future preservation, conservation, and interpretation.

It has been increasingly acknowledged by historians and the battlefield preservation community that the Rappahannock and Rapidan river valleys played a key role in the geography of the Civil War because of their proximity to the Confederate and Federal capitals. As one prominent historian and preservation advocate put it:

> It is an indisputable fact that more pitched infantry, artillery and cavalry battles were fought along the Rappahannock than any river in this country. No question. Throughout the American Civil War, contending armies massed along the Rappahannock from the Blue Ridge to the Chesapeake (Hall, 2011).

Already, tens of thousands of acres of land have been preserved along the Rappahannock / Rapidan / Route 3 corridor by the National Park Service and private organizations and landowners whose goal is to protect battlefields, as shown in the table below.

## Civil War Battlefields in the Wilderness Region:

### The Rappahannock / Rapidan Line

| Name | Date(s) | CWSAC Rank | Protected Land | Locality(ies) |
|---|---|---|---|---|
| Cedar Mountain (VA022) | 8/9/1862 | II.2 (Class B) | 337 | Culpeper County |
| Rappahannock Station 1 (VA023) | 8/22-25/1862 | II.4 (Class D) | 780 | Culpeper & Fauquier |
| Fredericksburg 1 (VA028) | 12/11-15/1862 | IV.1 (Class A) | 1,960 | Spotsylvania Fredericksburg |
| Kelly's Ford (VA029) | 3/17/1863 | III.3 (Class C) | 414 | Culpeper & Fauquier |
| Chancellorsville (VA032) | 4/30-5/6/1863 | I.2 (Class A) | 2,841 | Spotsylvania County |
| Fredericksburg 2 (VA034) | 3/3/1863 | IV.1 (Class B) | 1,960 | Fredericksburg |
| Salem Church (VA043) | 5/3-4/1863 | IV.1 (Class B) | 166 | Spotsylvania County |
| Brandy Station (VA035) | 6/9/1863 | I.3 (Class B) | 1,042 | Culpeper County |
| Rappahannock Station (VA043) | 11/7/1863 | IV.1 (Class B) | 1,042 | Fauquier & Culpeper |
| Mine Run (Va044) | 11/27-12/2/1863 | I.3 (Class B) | 1,341 | Orange County |
| Morton's Ford (VA045) | 2/6-7/1864 | III.4 (Class D) | 965 | Orange and Culpeper |
| Wilderness (VA046) | 5/5-7/1864 | I.2 (Class A) | 3,165 | Orange & Spotsylvania |
| Spotsylvania Court House (VA048) | 5/8-21/1864 | I.2 (Class A) | 1,405 | Spotsylvania County |
| Trevilian Station (VA099) | 6/11-12/1864 | II.2 (Class B) | 1,799 | Louisa County |

**Source**: All acreage figures except for Wilderness are from the National Park Service American Battlefield Protection Program. 2009. Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields, Commonwealth of Virginia. Washington, DC: US Department of the Interior National Park Service, July.

**Note**: Acreage figures do not add because some battlefields overlap.

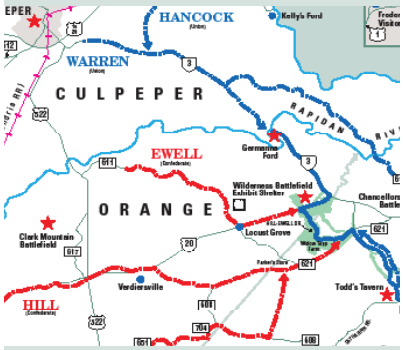



*Image depicting Wilderness battlefield's location among a significant concentration of Civil War sites.*
*Source: J. Hutchinson*

Complimenting battlefield-specific preservation efforts, there are substantial publicly owned conservation lands in the corridor. Principal among these are:

- 5,000 acres of riparian land along the Rappahannock and Rapidan owned by the City of Fredericksburg and under easement to the Virginia Outdoors Foundation and other easement co-holders and
- a 4,539-acre block of land that straddles the Rappahannock in Culpeper and Fauquier and comprises the Phelps Wildlife Management Area.


*Photo of recent investments to interpret life at Elwood, and its role in the Battle fo the Wilderness*

## PRESERVATION - INTERPRETATION EFFORTS

Fortunately, efforts to conserve, interpret, and promote eastern Orange County's historic cultural resources have increased in the last several decades. At the western end of the Wilderness Gateway Study Area, efforts to preserve and interpret the Germanna colony and Fort Germanna began with the creation of the Memorial Foundation of the Germanna Colonies in Virginia in 1956 and its acquisition of the Siegen Forest. The subsequent preservation of the site of the Fort Germanna and the Enchanted Castle, initially by Historic Gordonsville, Inc. then by the University of Mary Washington added to these preservation efforts. The construction of a visitors center and acquisition of Salubria by the Foundation in 2000 has helped lay a solid foundation for heritage tourism on both sides of Germanna Ford.

Beginning in the 1990s, the Virginia Civil War Trails project has substantially increased the interpretation of the war in and around the Wilderness Gateway. These include 10 sites interpreting the Mine Run Campaign and the CWT's Payne's Farm trail and property, 10 signs at Trevilian Station, 28 sites in the Fredericksburg Spotsylvania National Military Park, and one site in the Town of Orange.

Journey Through Hallowed Ground National Heritage Area, a 180-mile long, 75-mile wide area stretching from Gettysburg, Pennsylvania, to Charlottesville, Virginia was created in 2008. The spine of the heritage area is a corridor of connected routes that have also been designated an All American Road within the National Scenic Byways Program. The Byway follows US Route 15 through Culpeper and Orange counties. At Orange, the Byway connects with Virginia Route 20 to Montpelier, and then takes Virginia Route 231 and Virginia Route 22 to Charlottesville, connecting to downtown and Monticello. While all of Orange County and much of the Route 3 corridor in Spotsylvania County are included in the National Heritage Area, the Route 3 corridor is not part of the featured road network.

Perhaps the most important new interpretation has been undertaken by the Friends of the Wilderness Battlefield and the National Park Service at Elwood. Almost $700,000 has been raised to restore the site and turn it into the visitors center for the Wilderness. It now has exhibits regarding Elwood's use as General Warren's headquarters and is staffed daily from June until August and on weekends from April through October.

Major investments have also been made by local and national groups to conserve battlefield land at the Wilderness, the other battlefields of the Fredericksburg Spotsylvania National Military Park, and Mine Run where trails opened in 2011 at a 600-acre property owned by CWT, just west of Lake of the Woods.

## CULTURAL RESOURCES CONCLUSION

The Wilderness Gateway and its environs provide a uniquely abundant grouping of significant cultural resources with high integrity, near a major metropolitan area, that could be leveraged to the benefit of the area's residents and economy. Numerous studies have shown that people, especially those who have economic choices, prefer to live in and visit places that have historic character and that protect and enhance that character. Orange and Spotsylvania counties will benefit from those resources if they avail themselves of the opportunity to do so.

*Greater coordination is needed to organize the marketing and promotion of heritage tourism in the Wilderness region.*

The first step of any plan to promote and make visible historic sites, is the continued and active preservation of those resources. A high priority for this study is the continued protection of this cultural landscape. As identified within this report, priorities for preservation and conservation should be directed to preserve the remaining unprotected Core Area, of Wilderness Battlefield and the resources of the Rapidan River.

In order to take full advantage of their cultural resources, all of the stakeholders of the Wilderness Gateway and the larger Rappahannock / Rapidan / Route 3 corridor, from the National Park Service and the agencies of the Commonwealth of Virginia to the multitude of local and regional organizations and local governments with an interest in conservation, must engage in a sustained effort to maintain and interpret those resources.

The Wilderness Gateway lies within the boundaries of a heritage area known as the Journey Through Hallowed Ground, National Heritage Area (the Journey). The benefit of heritage area is to have a strong central entity, in this case The Journey, that keeps the many parties who have a stake in historic preservation, land conservation, and heritage tourism-based development at the table and focused on defining, conserving, and maintaining an area's resources. While the service region of the Journey's heritage area is large, local partnerships should be forged to coordinate the conservation community, local governments, and tourism interests of the Rappahannock / Rapidan / Route 3 corridor.

The continued preservation of cultural resources, and recommendations for coordinated heritage tourism advocated by the Wilderness Gateway Study will be most successfully implemented by local leadership and coordination. A seed of this study has already been planted through ongoing discussions with local and regional partners, who if coordinated, can continue these efforts long-term to preserve the corridor's resources and promote them for the benefit of its residents. A list and description of potential partners is provided within this report.

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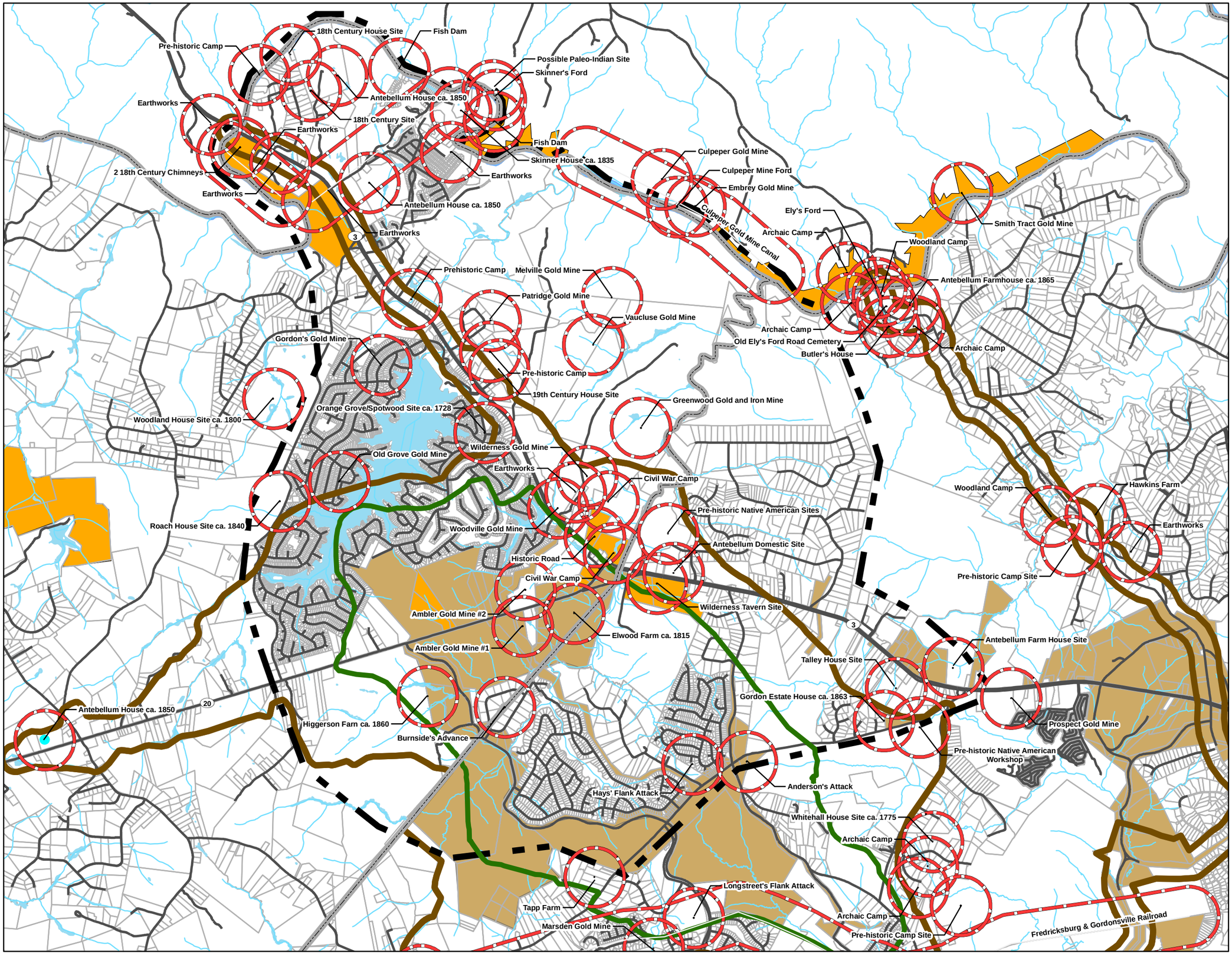
# Wilderness Battlefield Gateway Study

April 2012




- Cultural Sites
- Project Boundary
- Wilderness NPS Landholdings
- Other Protected Properties
- ABPP Core Area Boundary
- ABPP Study Area Boundary
- Parcels
- Water Bodies
- Hydrology
- Roads
- County Boundary

HILL STUDIO

N
W E
S

0 1,500 3,000 6,000 Feet

GIS data courtesy of PEC, CWT, Spotsylvania County, Orange County and the NPS

Project No. GA 2255-09-003

The American Battlefield Protection Program (ABPP) is a program of the National Park Service. This material is based upon work assisted by a grant from the Department of the Interior, National Park Service. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior.

## Cultural Resource Inventory

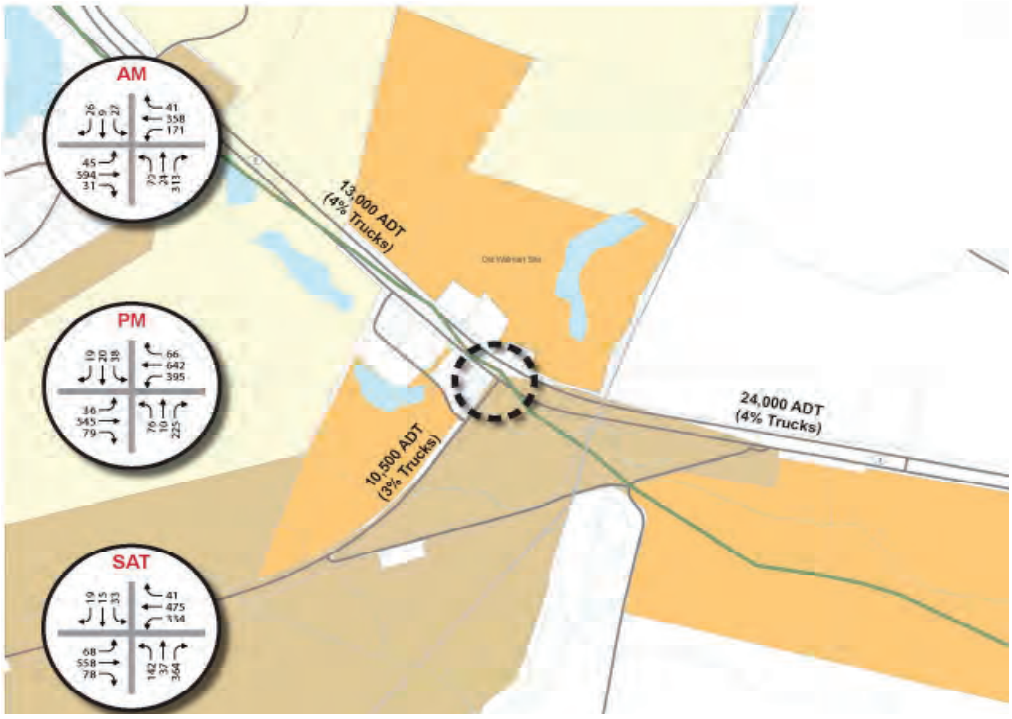
# Chapter IV
# Research & Findings: Transportation

*What We Found…*

*The intersection of Germanna Highway (Route 3) and Constitution Highway (Route 20) has been a regionally significant crossroads since before the Civil War. It continues to be an intersection of culture, and commerce even today.*

## TRANSPORTATION FINDINGS

An evaluation of the transportation infrastructure necessary to support land development begins with an understanding of the existing transportation system within the area. Traffic conditions and safety investigation along the two major facilities was conducted to establish this understanding.

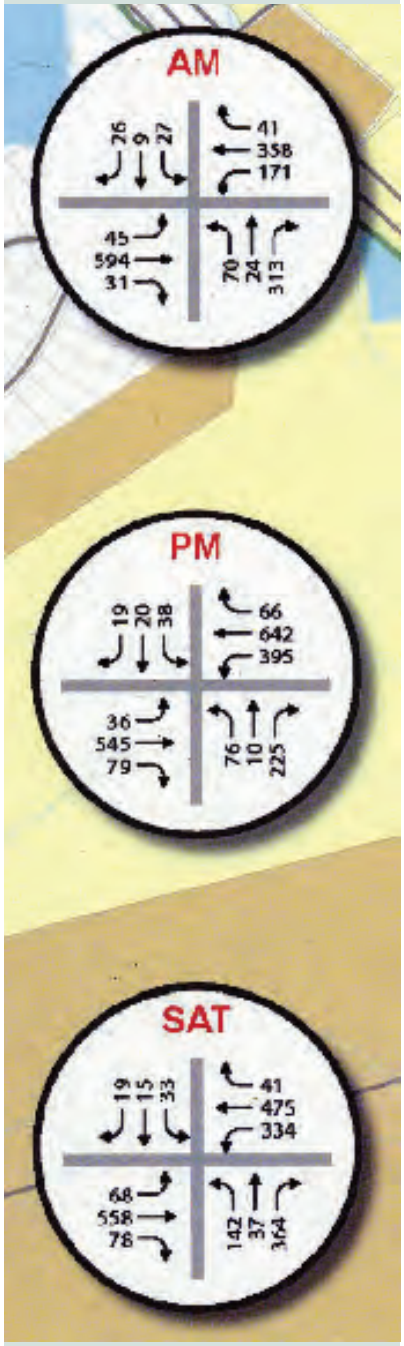



*Analysis diagram identifying traffic counts recorded by VDOT for traffic along each road asthey approach and move away from the intersection at routes 3 and 20.*

Wilderness Battlefield is predominately served by two roadways: Route 3 (Germanna Highway) and Route 20 (Constitution Highway). Their intersection has created a crossroads since before the civil war and continues to support commerce for the region in the northeast corner of Orange County. The Virginia Department of Transportation (VDOT) provided turning movement count data for the intersection, average daily traffic (ADT) on the primary routes, and crash statistics during the research phase of the study. Site investigation was conducted to determine access management and transportation planning techniques that could be applied to improve safety and/or traffic operations.

Route 3, a designated scenic road, is a four-lane, east- northwest divided roadway with a posted speed limit of 45 mph and limited access in the vicinity of the Battlefield. The 2010 average daily traffic east of Route 20 was measured to be 24,000 ADT with 4% of those vehicles being trucks. West of the intersection, 13,000 ADT was counted with 4% trucks. The eastern leg of the intersection serves traffic attracted to the retail land uses in Spotsylvania and provides access to Interstate 95.


*View of traffic at the intersection of routes 3 and 20*




*Diagrams showing counts of turning vehicles during the morning, eveneing and weekends at the Routes 3 and 20 intersection. Route 20 is shown as the verticle line, and Route 3 is shown as the horizontal line.*

Route 20 runs southwest of Route 3 toward Orange as a two-lane roadway with a posted speed limit of 45 mph. It has a rural character it offers its users. It was measured to serve 10,500 ADT with 3% trucks.

## CAPACITY

An evaluation of the traffic for each studied intersection was conducted to determine the existing operational Level-of-Service (LOS). LOS is a qualitative measure that describes the operating conditions within an intersection and the perception of those conditions by the facility's users. There are six levels of service defined for each facility type. Each level is assigned a letter from A to F, with LOS A representing the best operating conditions and LOS F representing the worst. The following is a more detailed description of the levels of service:

- LOS A: Operations with very low delay. This occurs when progression is extremely favorable. Most vehicles do not stop at all.
- LOS B: Operations with stable flow. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.
- LOS C: Operations with stable flow. This generally occurs with fair progression and/or longer cycle lengths. The number of vehicles stopping is significant, although many still pass through the intersection without stopping.
- LOS D: Approaching unstable flow. The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume to capacity (V/C) ratios. Many vehicles stop. Operations below this threshold are typically considered unacceptable.
- LOS E: Unstable flow. This is considered to be the limit for acceptable delay. These high delays generally indicate poor progression, long cycle lengths, and high V/C ratios.
- LOS F: Unacceptable delay. This condition often occurs with over saturation or with high V/C ratios. Poor progression and long cycle lengths may also cause such delay levels.

Table demonstrating turning motions and capacity of Route 3 & 20 Intersection.

| Intersection | Direction | AM | | PM | | Saturday | |
|---|---|---|---|---|---|---|---|
| | | Delay (s) | LOS | Delay (s) | LOS | Delay (s) | LOS |
| Route 20 and Route 3 | EBL | 40.0 | D | 58.5 | E | 49.7 | D |
| | EBT | 24.1 | C | 33.2 | C | 33.7 | C |
| | EBR | 19.0 | B | 26.5 | C | 26.6 | C |
| | WBL | 32.6 | C | 42.2 | D | 42.3 | D |
| | WBTR | 14.6 | B | 14.3 | B | 17.4 | B |
| | NBL | 32.0 | C | 41.1 | D | 41.0 | D |
| | NBT | 30.4 | C | 38.1 | D | 35.4 | D |
| | NBR | 31.1 | C | 38.8 | D | 36.3 | D |
| | SBLTR | 35.6 | D | 45.1 | D | 44.7 | D |
| | **Overall** | **25.2** | **C** | **30.1** | **C** | **32.7** | **C** |

The intersection of these roadways is signalized and supports traffic demand at a level-of-service "C" during morning, evening and Saturday peak hours. Typical design is for level-of-service 'D." This designation indicates that the intersection is functioning well. As development occurs over time, it is prudent to instill access management practices and connectivity between land uses to maintain this level-of -service.

Studies suggest the Route 20 corridor does not experience significant capacity problems. The two-lane character of the road through the battlefield appears to carry current capacities at and above acceptable levels. The level of service rating at the Route 3 and Route 20 intersection suggests that the most significant challenge related to capacity is the stacking of vehicles waiting to turn east onto Route 3, and west onto Route 20. This is not reflective of the character of Route 20, but is reflective of the capacity of the intersection to move traffic through during peak periods.


*The right-turning movement of eastbound traffic on Route 20, and the left turning movements of westbound traffic on Route 3 are the most prominent movements at the intersection.*

*View of traffic headed eastbound on Route 3 awaiting the signal. As with any signaled intersection, vehicles stack in their lanes waiting for the signal changes. Alternative intersection controls, such as ramps, and traffic circles typically exhibit lower levels of stacking than signaled intersections*

*View of traffic along Route 20 passing through the Wilderness Battlefield*

*View looking north along Route 20*

Transportation service from Route 3 and Route 20 has some vital characteristics. The roads support automobile traffic through the area with little to no alternative choices. East of the county line Route 3 follows an alignment with its hilly somewhat rural character as is passes Chancellorsville Battlefield. West through the project area the corridor becomes more congested as a variety of businesses access Route 3 via shared driveways and it provides access to large residential communities such as Lake of the Woods.

## Safety

The Culpeper District of the Virginia Department of Transportation monitors the safety of over 1,599 intersections. From 2006 to 2008, this Route 20 and Route 3 intersection had the second highest crash total of any intersection in Orange County with 19 crashes. There were 4 injury crashes injuring 6 people. US 522 and Route 20 had the highest crash total in Orange County with 21 crashes. The intersection of Route 20 and Route 3 ranked 44th in total crashes in the Culpeper District for total crashes, 74th for severe crashes, and 92nd for the number of people injured. The worst intersection in the Culpeper District was US29 and Hydraulic Road with 150 total crashes, with 47 severe crashes causing 70 injuries during the same time period. This intersection experiences one injury crash and four property damage only crashes on average each year. Therefore, this would not be a high priority intersection for safety improvements due to the low number of severe crashes.

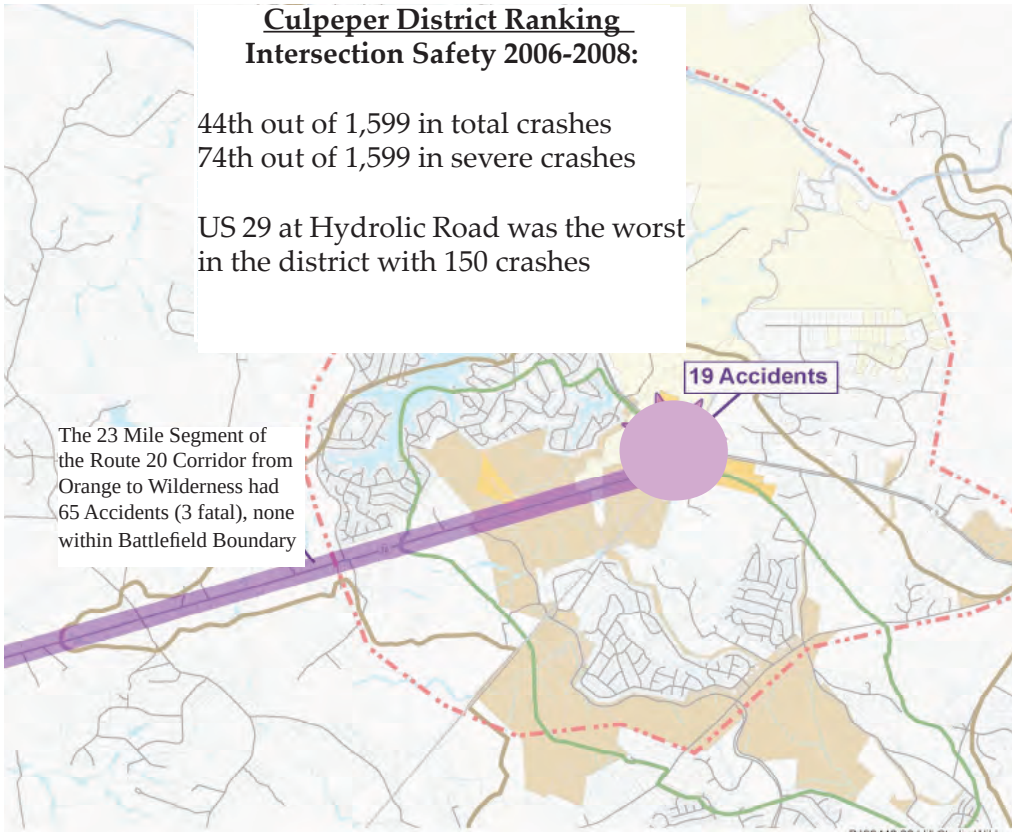



*Diagram presents the safety rankings of Route 20, and the 3 and 20 intersection.*

Crashes have been reported along the entire length of the Route 20 corridor with most taking place further west far beyond battlefield boundaries. The road has been the subject of safety studies and VDOT has implemented several countermeasures to successfully reduce the crash rates in recent years.

## Opportunities and Challenges

From the transportation perspective, the ability to balance land development with preservation, stems from good transportation planning and establishing policies and practices that incorporate good design.

**Historic Character**
The dirt paths of this area forged by travelers in the early years, were later replaced with plank roads, and yet again replaced with asphalt. The roadbed materials changed as the traveler frequency and the weight of their loads increased. These relationships have altered the location and character of this historic crossroads through time and continue today. The evolution and historic character of this intersection and the ground through which it passes is an important factor to be considered in assessing future improvements.

**Roadside Experience**
A distinct character can be created to enhance the traveler's awareness that they are passing through a nationally significant battlefield. Through the preservation of battlefield ground, the treatment of roadside fields, and forests, the composition of small-scale roadside features including fence lines and walls reinforce the historic context of the Wilderness. Sensitively scaled road network north of Route 3 also has the opportunity to strengthen the sense-of place. New roads provide a network of streets that in turn provide interaction among a variety of planned land uses. Well planned access to lands north of Route 3 must support future travel demand and limit physical ad visual impacts on the battlefield.

The roadway environment includes surface texture, edges, and adjacent land use. Texture can influence a driver's awareness of traveling through the battlefield by using an exposed aggregate or similar rough surface. Texture is not recommended near residential land uses however due to the noise generated when driven on. Roads feel more urban when curb and gutter is introduced. The open ditches that exist on the major roads give a rural character; however, some of the side roads within new sections will want to include curb and gutter as the adjacent land use changes.

**Capacity and Safety**
Studies suggest the most significant safety and capacity issue relevant to the Route 3 and 20 intersection is the stacking of vehicles at the signaled intersection. Traffic management along Route 3 includes accommodating traffic increases at the Route 20 intersection and providing new access management for new development to the north. There were three main techniques introduced for addressing the Route 3 and 20 intersection; least intrusive, moderately intrusive and the most elaborate. Each of these is presented in the following figures and deserves further consideration.

## Least Intrusive Improvement Option - Additional Turn-Lane

*Aerial photo, modified to demonstrate additional turn lanes, shown in brown.*

Anticipating traffic increases throughout the project area, the intersection of Routes 3 and 20 will need additional capacity. As demonstrated earlier, the capacity issues relative to Route 3 and Route 20 is the stacking of vehicles while at the light. The least intrusive improvement would be to create a westbound dual left turn lane off of Route 3. This addition requires widening the western edge of Route 20 for about 1000 feet to receive two lanes turning tandemly and to accommodate their merge into a single lane. The Route 3 widening would be into the median without widening the upstream bridge. Additionally, modifications to the traffic signal would be required and reworking the drainage in the existing median. Encroachment on core battlefield for the 1000' feet is a constraint.

ADDITIONAL TURN LANE OPTION

| Opportunities | Challenges |
|---|---|
| Lowest Cost Alternative | Drainage in Median - Walls |
| No Right-of-Way Required | Does not alleviate Pedestrian Crossing within the Battlefield |
| Immediate Solution for Growth in Traffic | |

Estimated Cost $350k - $500k

### Moderately Intrusive Improvement Option- Traffic Circle (Roundabout)

An alternative solution to the intersection may be to install a roundabout. Roundabouts are a proven traffic control option that slows traffic and also facilitates peak volumes of high left turn movements. An added benefit is their ability to reinforce a sense of arrival into the circulation system. Initially, the existing bridges east of the intersection impede this as a viable alternative; however, if the bridges are at an age for replacement, then this option becomes more realistic in this location. A roundabout further west on Route 3 may also be considered as the entry to development on the north side of Route 3.

*Sketches of a roundabout located west of the 3 and 20 intersection as an entrance to lands north of Route 3.*

*Photo of round-a-bout at the intersection of routes 50 and 15 in Loudoun County*

ROUNDABOUT OPTION

| Opportunities | Challenges |
|---|---|
| Addresses Long-range Traffic Volumes | Right-of-Way Requirements |
| Improved Intersection Alignment | Driver Expectation |
| Creates a Sense of Arrival | Access to Businesses |
| | Does not alleviate Pedestrian Crossing within the Battlefield |

Estimated Cost $2.1M - $3.0M

*Photo of stone arched bridge, Blue Ridge Parkway*

## Most Elaborate Improvement Option - Relocation

Relocation of the intersection has been discussed and was conceptually presented as Alternative S6 in the Orange County Route 20 Corridor Study prepared by Parsons Brinkehoff (July 2006). Within this study, the initial assessment of this alignment is that it is not feasible due to cost and encroachment onto historic features. The general design for an interchange at this location would require a bridge that is approximately 22' above the top elevation of the Route 3 surface and include multiple spans approaching 1,000 lineal feet, decending from the high ridge south of Route 3.

REALIGNMENT OF ROUTE 20 / INTERCHANGE OPTION

| Opportunities | Challenges |
|---|---|
| Serves High Traffic Volumes | Cost |
| Gateway Structure - Bridge | Permitting |
| Reduces Regional Traffic within the Battlefield | Right-of-Way Requirements |
| Reduces Pedestrian Conflicts within the Battlefield | Impacts Cultural Resources within the Core |
| | Opposition from Federal Agencies - NPS |

Estimated Cost $9.3M - $15.5M

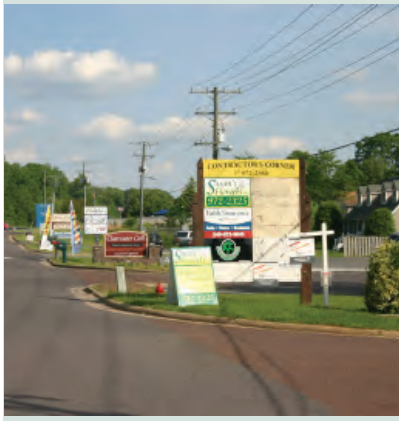
# Chapter V
# Research & Findings: Economics

*What We Heard…*

*“We need to extend the length-of-stay of every visitor... they may stop, but for now, they go east to spend their money”*

## ECONOMICS OVERVIEW

The research and findings of the CLUE Group, an economic analysis firm, are intended to help provide a framework for understanding current retail market dynamics in the gateway area, for identifying potential commercial development opportunities that might meet most or all major goals of the area's stakeholders, and for providing the economic underpinnings for planning policies that will help shape this important area's development in the future.



*View of signage and roadside development along Route 3*

### SITE CHARACTERISTICS

The Wilderness Battlefield gateway area straddles the intersection of Virginia Routes 3 and 20, covering land in both Orange and Spotsylvania Counties. It is almost exclusively rural in character, with a small concentration of commercial buildings at the Route 3 and Route 20 intersection and additional commercial buildings scattered along several miles of Route 3. Virtually all of the commercial development in the gateway area is single-story, single-use, and auto-oriented, and the overwhelming majority of commercial buildings appear to have been built within the past three decades. Most businesses on Route 3 appear to cater primarily to residents of the immediate vicinity (particularly residents of Lake of the Woods); those at the intersection of Routes 3 and 20 also capitalize heavily on north/south traffic along Route 20. There appears to be very little commercial orientation towards battlefield visitors. There are no commercial centers of significant size or density within 15 miles (see Table below).

| Miles | Commercial center |
|---|---|
| 15.3 | Culpeper |
| 15.5 | Fredericksburg |
| 27.0 | Orange |
| 30.8 | Madison |
| 35.7 | Gordonsville |
| 39.6 | Louisa |
| 55.9 | Charlottesville |
| 65.1 | Alexandria |
| 73.1 | Richmond |
| | |

**Table E-1**: Distance from the intersection of Routes. 3 and 20 to various communities with significant concentrations of retail businesses and restaurants (Sources: ESRI, CLUE Group).

The battlefield has a strong sense of context, but has suffered from encroaching development. Most other very historic Civil War battlefields – Gettysburg, Fredericksburg, Franklin, Petersburg, and Vicksburg, for example – are now surrounded by encroaching development (and, in many cases, have been so for decades). The Wilderness Battlefield is one of the few remaining highly significant Civil War battlefields that still offers a strong sense of the physical

context in which the battle took place. This characteristic could offer a significant strategic advantage in marketing the battlefield and surrounding communities, boosting tourism and tourism-related revenues beyond what they might otherwise achieve. In addition, there are other opportunities for undeveloped land adjacent to the battlefield that can boost tourism and the local economy.

## RETAIL MARKET ANALYSIS

### DEMOGRAPHIC CHARACTERISTICS

Our research began with an examination of some of the demographic and psychographic characteristics of Orange County's residents. Demographic characteristics – characteristics like gender, age, household income, and household size – all affect the choices that consumers make about the products and services they buy, the times at which they shop, and the kinds of businesses they patronize. Some demographic characteristics have a more direct impact on consumers' retail choices. For example, someone's income is usually directly related to how much money they are able to spend on retail goods and services. Other demographic characteristics have a more subtle impact on shopping preferences. For example, a household with several small children is likely to prefer dining in a restaurant with larger tables and more tolerant of a little more noise and chaos than an empty-nest household looking for a quiet evening. And grandparents are more likely to buy slightly more expensive clothes and toys for their grandchildren than the children's parents are able to buy, making communities with relatively large numbers of retirees a more lucrative market for businesses selling upscale children's items, often regardless of the numbers of children living in that community.

We found that, overall, Orange County's population is growing at a rate more than three times that of the nation, increasing by 29.8 percent between 2000 and 2009, versus 9.1 percent for the nation as a whole (see Table E-2).

The County's 2009 median household income ($55,416) is also slightly higher than the national average ($51,425), with fewer families and individuals below the poverty level and more owner-occupied housing units. The percentage of County residents in the labor force is slightly below the national average (61.0 percent for the County, versus 65.0 percent for the nation), and the median age of the average County resident is slightly older than that of the average American (41.8 for the County, versus 36.5 for the nation).

**Table E-2**: Various demographic characteristics for Orange and Spotsylvania Counties in 2009 (Sources: US Census Bureau's American Community Survey, CLUE Group).

| Characteristic | Orange Co. | Spotsylvania Co. |
|---|---|---|
| Population: | | |
| 1990 | 21,421 | 57,403 |
| 2000 | 25,881 | 90,395 |
| 2009 | 33,600 | 120,977 |
| Percent change, 2000-2009 (US = 9.1%) | 29.8% | 33.8% |
| Median age (US = 36.5) | 41.8 | 35.0 |
| Average household size (US = 2.60) | 2.49 | 2.88 |
| Population in the labor force | 15,641 | 62,105 |
| Percent of population in labor force (US = 65.0%) | 61.0% | 70.4% |
| | | |
| Mean travel time to work, in minutes | 36.7 | 39.1 |
| Median household income (US = $51,425) | $55,416 | $ 77,225 |
| Families below poverty level (US = 9.9%) | 6.5% | 5.4% |
| Individuals below poverty level (US = 13.5%) | 8.7% | 7.2% |
| Owner-occupied housing units (US = 66.9%) | 78.4% | 80.7% |
| Renter-occupied housing units (US = 33.1%) | 21.6% | 19.3% |

Anecdotal information we have been given by some local stakeholders suggests that the eastern part of Orange County has higher unemployment and poverty rates and lower household income rates than those of the County overall. So, we looked in greater detail at the demographic characteristics of the Census tract in which the Wilderness Battlefield gateway area is located, along with the demographic characteristics of the three adjacent Census tracts (one in Orange County, one in Culpeper, and one in Spotsylvania) (Table E-3).

**Table E-3**: Various demographic characteristics from the 2000 Census of Population of the Census tract in which the Wilderness Battlefield gateway area is located, along with demographic characteristics for the three adjacent Census tracts and for Orange County overall (Sources: US Census Bureau, CLUE Group).

| | | Census tract | | | |
|---|---|---|---|---|---|
| | County | **9901.01** | 9901.02 | 9904 | 201.04 |
| County | Orange | **Orange** | Orange | Culpeper | Spotsylvania |
| Total population | 25,881 | **7,750** | 7,016 | 3,888 | 2,498 |
| Households | 10,142 | **3,148** | 2,590 | 1,400 | 863 |
| Avg. household size | 2.50 | **2.46** | 2.70 | 2.74 | 2.89 |
| Median household income | $ 42,889 | **52,206** | 37,963 | 40,380 | 70,139 |

During the course of this assignment, the US Census Bureau began releasing data from the 2010 Census of Population. Detailed data from the 2010 Census of Population is not yet available for Census tracts in Virginia ; we have therefore used 2000 Census data, recognizing that the overall County population has grown since the 2000 Census , that household income has grown, and that there have invariably been some shifts in household size and other demographic characteristics.

We found that the median household income of the people living in the gateway

*The median household income of people living in the gateway is higher than that of Orange County overall.*

area's Census tract is higher than that of Orange County overall and of two of the three adjacent Census tracts (Table E-4).

| | **9901.01 Orange** | 9901.02 Orange | 9904 Culpeper | 201.04 Spotsylvania |
|---|---|---|---|---|
| Under $10,000 | **2%** | 12% | 4% | 4% |
| $10,000 - $15,000 | **3%** | 5% | 5% | 1% |
| $15,000 - $20,000 | **3%** | 7% | 8% | 3% |
| $20,000 - $30,000 | **13%** | 12% | 17% | 7% |
| $30,000 - $40,000 | **14%** | 16% | 15% | 12% |
| $40,000 - $50,000 | **12%** | 14% | 14% | 5% |
| $50,000 - $70,000 | **23%** | 15% | 15% | 23% |
| $70,000 - $100,000 | **7%** | 5% | 5% | 10% |
| $100,000 - $120,000 | **8%** | 8% | 8% | 16% |
| $120,000 - $150,000 | **6%** | 3% | 3% | 9% |
| $150,000 and above | **4%** | 2% | 1% | 4% |

Table E-4: Percentages of households of various household income levels in the gateway area's Census tract and the three adjacent Census tracts in 2000 (Sources: US Census Bureau, CLUE Group).

This most likely reflects household income characteristics of Lake of the Woods residents. In two of the three adjacent Census tracts – Census tract 9901.02 in Orange County, and Census tract 9904 in Culpeper County – median household income is 11.5 percent below the County's median household income and 5.8 percent below, respectively.

We also examined the numbers of households of various income levels in these four Census tracts and found that, while the median household incomes of Census tract 9901.02 (immediately south of the gateway area's Census tract) and 9904 (northwest of the gateway area's Census tract, in Culpeper County) are not substantially different from those of the gateway area's Census tract, the distribution of household income levels in these two Census tracts is weighted more towards the lower and higher ends of the income spectrum. So, for example, more than one-third of the households in Census tracts 9901.02 and 9904 have annual incomes of $30,000 or less, versus only 21 percent in Census tract 9901.01. At the same time, there are pockets of wealth in all four Census tracts, with 18 percent of the households in Census tract 9901.01 (the gateway area's Census tract) earning $100,000 or more annually; 13 percent in Census tract 9901.02; 12 percent in Census tract 9904; and 29 percent in 201.04. This suggests that there are likely to be opportunities to add product lines and new businesses at a variety of price points to the area's business mix.

## BUSINESS MIX

*The 190 business entities within a 2-mile radius of the intersection of Rts. 3 and 20 employ approximately 1,030 people and generated approximately $130 million in gross revenues in 2010.*

Using data from Polk City Directories, we compiled an inventory of business entities within a two-mile radius of the Route 3/Route 20 intersection and within and nine-mile radius of the proposed new Walmart store at the intersection of Route 3 and Somerset Ridge Road.

We found that there are approximately 190 business entities within a two-mile radius of the Route 3/Route 20 intersection (Table E-5).

Table E-5: Business entities within two miles of the intersection of Routes 3 and 20 and their estimated numbers of employees and 2010 gross sales (Sources: Polk City Directories, CLUE Group).

| NAICS sector | Sector description | % | Jobs | Est. sales |
|---|---|---|---|---|
| 11 | Agriculture, forestry, fishing, hunting | 1% | 10 | $ 1,554,000 |
| 21 | Mining | 0% | 0 | - |
| 22 | Utilities | 0% | 0 | - |
| 23 | Construction | 16% | 110 | 25,621,000 |
| 31-33 | Manufacturing | 1% | 3 | 511,000 |
| 42 | Wholesale trade | 2% | 7 | 5,983,000 |
| 44-45 | Retail trade | 9% | 111 | 25,033,000 |
| 48-49 | Transportation, warehousing | 1% | 13 | - |
| 51 | Information | 4% | 24 | 2,745,000 |
| 52 | Finance and insurance | 5% | 52 | 7,497,000 |
| 53 | Real estate, rental, leasing | 7% | 72 | 9,749,000 |
| 54 | Professional, scientific, technical services | 6% | 58 | 9,506,000 |
| 55 | Management of companies and enterprises | 0% | 0 | - |
| 56 | Admin., support, waste mgmt., remed. svcs. | 7% | 35 | 3,826,000 |
| 61 | Education services | 1% | 4 | 129,000 |
| 62 | Health care, social assistance | 11% | 124 | 16,471,000 |
| 71 | Arts, entertainment, recreation | 2% | 61 | 6,884,000 |
| 72 | Accommodation, food services | 9% | 195 | 8,516,000 |
| 81 | Other services (except public administration) | 14% | 108 | 6,043,000 |
| 92 | Public administration | 2% | 27 | - |
| 99 | Unclassified | 3% | 18 | - |
| | | | 1,032 | $ 130,068,000 |

Cumulatively, they employ around 1,030 people and, in 2010, generated approximately $130 million in gross revenues. Construction-related businesses, retail businesses, health care, and personal and professional services represent the largest number of business entities; the food service sector is the largest employer, followed by health care, retail trade, construction, and personal and professional services.

The retail businesses within this two-mile radius averaged approximately $225,000 in gross annual sales in 2010, slightly below the national average for areas with a comparable mix of locally owned businesses and national retail chains. Restaurants averaged approximately $501,000 in gross sales, roughly on par with the national average for comparable areas.

*Retail businesses within two miles of the Rt. 3/Rt. 20 intersection average approximately $225,000 in gross annual sales in 2010, slightly below the national average.*

**Table E-6**: Business entities within nine miles of the intersection of Routes 3 and Somerset Ridge Road and their estimated numbers of employees and 2010 gross sales (Sources: Polk City Directories, CLUE Group).

| NAICS sector | Sector description | % | Jobs | Est. sales |
|---|---|---|---|---|
| 11 | Agriculture, forestry, fishing, hunting | 2% | 125 | $ 21,386,000 |
| 21 | Mining | - | - | - |
| 22 | Utilities | >1% | 11 | 2,838,000 |
| 23 | Construction | 21% | 390 | 89,311,000 |
| 31-33 | Manufacturing | 1% | 37 | 12,353,000 |
| 42 | Wholesale trade | 3% | 89 | 35,663,000 |
| 44-45 | Retail trade | 9% | 262 | 65,114,000 |
| 48-49 | Transportation, warehousing | 2% | 33 | 1,602,000 |
| 51 | Information | 2% | 34 | 6,405,000 |
| 52 | Finance and insurance | 3% | 61 | 9,777,000 |
| 53 | Real estate, rental, leasing | 6% | 162 | 22,753,000 |
| 54 | Professional, scientific, technical services | 8% | 132 | 22,900,000 |
| 55 | Management of companies and enterprises | - | - | - |
| 56 | Admin., support, waste mgmt., remed. svcs. | 6% | 71 | 7,237,000 |
| 61 | Education services | 3% | 497 | 297,000 |
| 62 | Health care, social assistance | 6% | 324 | 25,429,000 |
| 71 | Arts, entertainment, recreation | 2% | 227 | 20,618,000 |
| 72 | Accommodation, food services | 5% | 314 | 19,893,000 |
| 81 | Other services (except public administration) | 14% | 213 | 9,875,000 |
| 92 | Public administration | 2% | 85 | - |
| 99 | Unclassified | 3% | 39 | - |
| | | | 3,106 | $ 373,451,000 |

There are 496 business entities within the nine-mile radius of the intersection of Route 3 and Somerset Ridge Road, employing approximately 3,100 people and with 2010 gross annual sales totaling approximately $373.5 million (Table E-6). Construction businesses account for the largest percentage of businesses within this radius. Education services, construction, health care/social assistance, and accommodation/food services are the largest employers. Retail trade accounts for only nine percent of all businesses and approximately eight percent of all jobs, and restaurants and hotels account for five percent of all businesses and approximately ten percent of all jobs.

## RETAIL SALES VOIDS

Next, we conducted a retail sales void analysis for Orange County in order to develop a general understanding of the extent to which the County's businesses, as a whole, are attracting retail sales from the County's residents and visitors.

Retail sales void analysis compares the amount of money that the people who live in a given area are likely to spend on retail goods and services over the course of a year, based on their demographic characteristics, with the volume of sales the area's retail businesses and restaurants are actually capturing. If the volume of sales that an area's businesses capture is greater than the amount of money that the area's residents are spending, then it is likely that the area is attracting visitors from outside the area. If, on the other hand, the volume of sales captured is less than the amount the area's residents are spending,

residents are probably shopping outside the area.

*In spite of capturing some visitor and commuter dollars, Orange County is losing around $87.3 million in retail sales annually.*

Retail sales void analysis is not a definitive tool in identifying opportunities for, or obstacles to, possible retail growth. But, combined with other data, it provides a very good overall snapshot of the success (or lack thereof) of the retail businesses and restaurants in the target area.

We obtained data on the approximate sales volume captured by Orange County businesses in 2010 ("supply") and on the approximate amount of money that Orange County's households spent, somewhere, on retail goods and services in 2010 ("demand") from ESRI, a company that provides economic, demographic, and GIS data for a variety of planning applications. We verified ESRI's data with our own estimates of retail sales demand (calculated using data from the US Census Bureau's American Community Survey and from the US Bureau of Labor Statistics' Consumer Expenditure Survey) and with estimates from InfoUSA.

It appears that Orange County is experiencing sales leakages in every retail category – meaning that the County's businesses are capturing fewer retail sales dollars than its residents are likely spending (Table E- 7). Given that the retail sales that County businesses are attracting (and that are therefore included in the "Supply" column in Table E-6) also include goods and services bought by visitors, the sales leakage is even more striking.

**Table E-7**: Retail sales voids: retail supply (actual sales) and demand (consumer buying power) in Orange County, Virginia as of May 2011 (Sources: ESRI, CLUE Group).

| | Supply | Demand | Gap |
|---|---|---|---|
| Motor vehicle + parts dealers | $46,013,000 | 66,090,000 | 20,077,000 |
| Furniture + home furnishings stores | 4,717,000 | 11,172,000 | 6,455,000 |
| Electronics + appliance stores | 474,000 | 6,962,000 | 6,488,000 |
| Bldg materials, garden equip + supply stores | 10,271,000 | 12,433,000 | 2,162,000 |
| Food + beverage stores | 45,648,000 | 48,356,000 | 2,708,000 |
| Health + personal care stores | 7,207,000 | 11,129,000 | 3,922,000 |
| Gasoline stations | 34,734,000 | 48,256,000 | 13,522,000 |
| Sporting goods, hobby, book + music stores | 2,946,000 | 3,243,000 | 297,000 |
| General merchandise stores | 42,026,000 | 46,702,000 | 4,676,000 |
| Misc. store retailers | 3,277,000 | 5,788,000 | 2,511,000 |
| Nonstore retailers | 0 | 1,178,000 | 1,178,000 |
| Food services + drinking places | 18,305,000 | 41,563,000 | 23,258,000 |
| | | | $87,254,000 |

Without conducting detailed consumer surveys, it is impossible to know exactly where Orange County residents are shopping when they shop outside the County. But it is almost certain that significant percentages of residents' shopping takes place in nearby larger towns and cities (particularly

Fredericksburg and Culpeper) and that some amount of shopping takes place online and by mail order. But the bottom line is that, in spite of capturing some visitor and commuter dollars, the County is losing around $87.3 million in retail sales annually.

## RETAIL DEMAND

*The sparse patterns of development along Route 3 makes it difficult for businesses to survive on their own without critical mass and a walkable environment.*

Businesses (both current businesses, as well as businesses that might open in the future) in the vicinity of the Wilderness Battlefield have several potential customer groups close at hand from which to attract shoppers:

- Residents of the area within several miles of the Battlefield
- People driving along Routes 3 and 20
- People who visit the Battlefield

There is, of course, some overlap between these groups. But each of these three groups also contains unique customers – "unique" meaning people who fall only within that group. So, for example, while almost everyone who lives within several miles of the Battlefield also drives along Routes 3 and 20, there are some people who commute along Route 3 and/or Route 20 who do not live nearby. And, while some of the people who visit the Battlefield live within several miles of the Battlefield, most of its visitors do not.

We calculated the amount of money these three customer groups are likely spending annually on retail goods and services. Some of the money they currently spend is, of course, being spent in local businesses – but, as is clear from the retail sales void analysis, much of the money the currently spend on retail goods and services is being spent outside the County.

A. Retail demand generated by Orange County, Culpeper County, and Spotsylvania County residents: Using data from the US Census Bureau, we obtained information on the demographic characteristics of households within the Census tract in which the Wilderness Battlefield gateway area is located, plus demographic data for households within the three adjacent Census tracts (one in Orange County, one in Culpeper County, and one in Spotsylvania County). We used this data to estimate the amount of retail demand generated by the residents of these four Census tracts, representing the households living closest to the Wilderness Battlefield gateway area (Table E-8).

We found that, in all, the households in these four Census tracts spend approximately $163.4 million annually on retail goods and services.

**Table E-8**: Retail demand (consumer buying power) generated by the households living in the Census tract in which the Wilderness Battlefield gateway area is located and in the three adjacent Census tracts, based on 2000 population levels (Sources: 2000 Census of Population, US Bureau of Labor Statistics' Consumer Expenditure Survey, CLUE Group).

| Category | Annual demand |
|---|---|
| Food and beverages consumed at home | $ 28,877,000 |
| Food and beverages consumed in restaurants | 22,799,000 |
| Housekeeping supplies | 3,827,000 |
| Furniture and home furnishings | 12,995,000 |
| Apparel, footwear, and apparel services | 14,468,000 |
| Automotive (vehicles, gasoline, oil, maintenance, repairs) | 50,239,000 |
| Medical products and supplies | 5,056,000 |
| Entertainment (events, hobbies, sports) | 16,554,000 |
| Personal care products and services | 5,001,000 |
| Reading materials | 907,000 |
| Tobacco products and smoking supplies | 2,720,000 |
| | $ 163,443,000 |

B. Retail demand generated by the households represented by Route 3/Route 20 vehicles: We then estimated the amount of retail buying power (or retail demand) of the people who drive through the intersection of Route 3 and Route 20. We used the following vehicular traffic counts, provided by consultant team member Margaret Kubilins of Vanasse Hangen Brustlin, Inc.:

- Route 3, east of Route 20: 24,000 vehicles/day (2010)
- Route 3, west of the Route 20 intersection: 13,000 vehicles/day (2009)
- Route 20, south of Route 3: 10,500 vehicles/day (2010)

Conservatively assuming that the 13,000 of the vehicles counted on Route 3 on the west side of the Route 20 intersection account for 13,000 of the 24,000 vehicles counted on the east side of the intersection (e.g., that an average of 24,000 vehicles travel through the intersection on Route 3 each day, with 11,000 of them turning north on Route 20), we estimate that there are approximately 34,500 vehicles traveling through the intersection on an average day (24,000 on Route 3 and 10,500 on Route 20). Very conservatively assuming that only half of these represent unique vehicles (e.g., that each vehicle makes a round trip through the intersection each day – so, 34,500 vehicles ÷ 2, or 17,250 households), and that each vehicle represents one household, of average household income, we then estimated the retail buying power of the households represented by the people traveling through this intersection on a daily basis to be approximately $348.1 million annually (Table E-9).


*Photo of a Route 3 business that relocated its main shop to Spotsylvania County during the course of this study. Discussions with the owner revealed a desire to relocate to a location that provided walkable retail experience and contiguity with more shops, restaurants, and services. The business continues to cater to the restaurant next door.*

*The retail buying power of the households represented by the people traveling through the Rt. 3/ Rt. 20 intersection is approximately $348 million annually.*

**Table E-9**: Retail demand (consumer buying power) generated by the households represented by vehicles traveling through the Route 3/Route 20 intersection (Sources: US Census Bureau's American Community Survey, US Bureau of Labor Statistics' Consumer Expenditure Survey, CLUE Group).

| Category | Annual demand |
|---|---|
| Food and beverages consumed at home | $ 57,672,000 |
| Food and beverages consumed in restaurants | 46,085,000 |
| Housekeeping supplies | 11,382,000 |
| Furniture and home furnishings | 25,848,000 |
| Apparel, footwear, and apparel services | 29,956,000 |
| Automotive (vehicles, gasoline, oil, maintenance, repairs) | 114,696,000 |
| Medical products and supplies | 12,123,000 |
| Entertainment (events, hobbies, sports) | 32,348,000 |
| Personal care products and services | 10,762,000 |
| Reading materials | 1,463,000 |
| Tobacco products and smoking supplies | 5,796,000 |
| | $ 348,131,000 |

C. Retail demand generated by Wilderness Battlefield visitors: The Wilderness Battlefield attracts an estimated 170,000 visitors per year. Assuming conservatively that, at the national average of 2.60 persons per household, these 170,000 visitors represent 65,384 unique households, and that their household income levels are also at the national average, we estimate that the battlefield's visitors spend approximately $1.3 billion annually on retail goods and services and on restaurant meals (Table E-10).

**Table E-10**: Retail demand (consumer buying power) generated by Wilderness Battlefield visitors (Sources: US Census Bureau's American Community Survey, US Bureau of Labor Statistics' Consumer Expenditure Survey, CLUE Group).

| Category | Annual demand |
|---|---|
| Food and beverages consumed at home | $ 218,595,000 |
| Food and beverages consumed in restaurants | 174,679,000 |
| Housekeeping supplies | 43,142,000 |
| Furniture and home furnishings | 97,965,000 |
| Apparel, footwear, and apparel services | 113,538,000 |
| Automotive (vehicles, gasoline, oil, maintenance, repairs) | 434,739,000 |
| Medical products and supplies | 45,952,000 |
| Entertainment (events, hobbies, sports) | 122,610,000 |
| Personal care products and services | 40,793,000 |
| Reading materials | 5,545,000 |
| Tobacco products and smoking supplies | 21,969,000 |
| | $ 1,319,527,000 |

Many of the goods and services included in this $1.3 billion are rarely purchased by visitors, of course (vehicles, for example). But, it is possible that, with a compelling, unique mix of retail goods and services, new and existing businesses near the battlefield might be able to capture a small percentage of visitor purchases in some other categories. Capturing as little as one-tenth of

one percent of current battlefield visitors' annual purchases would translate into approximately $13.2 million in new gross sales for new and existing area businesses. And, as battlefield visitation grows, retail sales potential will grow proportionately.

*Capturing as little as one-tenth of one percent of current Wilderness Battlefield visitors' annual retail and restaurant purchases would translate into approximately $13.2 million in new gross sales for area businesses.*

As mentioned earlier, there is, of course, considerable overlap between the groups whose retail buying power we have estimated:

- Residents of the four Census tracts closest to the Wilderness Battlefield gateway area;
- People driving through the Route 3/Route 20 intersection
- Battlefield visitors.

Most residents and battlefield visitors are, of course, also included in the group of people driving through the Route 3/Route 20 intersection, for example. But, while there is probably some small degree of overlap, it is likely that residents of the four Census tracts and battlefield visitors are relatively distinct groups, and that some percentage of the people traveling through the Route 3/Route 20 intersection are neither area residents nor battlefield visitors.

*Although it is unlikely that businesses in the Wilderness Battlefield area could attract more than a fraction of a percent of the purchases made annually by Battlefield visitors, the magnitude of their buying power is so large that attracting only a fraction of a percent would amount to a considerable sale volume.*

For the sake of illustration, we have summarized the estimated retail market demand generated by each of the three groups we have examined, then have estimated the percentage of each group's total expenditures that are likely to be unique within the local market (Table E-11) – "unique" meaning that these expenditures are not duplicated in our estimates of any of the buying power of the other two groups. So, for example, 100 percent of local residents fall into the category of "local residents" – but we have estimated that perhaps only 25 percent of the people driving through the Route 3/Route 20 intersection, and the money they spend on retail goods and services, are unique within this retail trade area. And we have estimated that 75 percent of the people who visit the Battlefield come from outside the immediate area and have not been accounted for in either of the other two customer groups.

**Table E-11**: Retail demand summary, with estimates of percentages of unique consumer households for each group analyzed (Sources: US Census Bureau's American Community Survey, Census of Population, US Bureau of Labor Statistics' Consumer Expenditure Survey, CLUE Group).

| | Census tract residents | Rt. 3/Rt. 20 vehicles | Battlefield visitors |
|---|---|---|---|
| Food and beverages (at home) | $ 28,877,000 | 57,672,000 | 218,595,000 |
| Food and beverages (in restaurants) | 22,799,000 | 46,085,000 | 174,679,000 |
| Housekeeping supplies | 3,827,000 | 11,382,000 | 43,142,000 |
| Furniture and home furnishings | 12,995,000 | 25,848,000 | 97,965,000 |
| Apparel, footwear, apparel services | 14,468,000 | 29,956,000 | 113,538,000 |
| Automotive | 50,239,000 | 114,696,000 | 434,739,000 |
| Medical products and supplies | 5,056,000 | 12,123,000 | 45,952,000 |
| Entertainment | 16,554,000 | 32,348,000 | 122,610,000 |
| Personal care products and services | 5,001,000 | 10,762,000 | 40,793,000 |
| Reading materials | 907,000 | 1,463,000 | 5,545,000 |
| Tobacco products, smoking supplies | 2,720,000 | 5,796,000 | 21,969,000 |
| | 163,443,000 | 348,131,000 | 1,319,527,000 |
| Est. unique percentage | 100% | 25% | 75% |
| Est. total unique retail demand | $ 163,443,000 | 87,033,000 | 989,645,000 |

Estimates of retail demand do not, of course, mean that all available consumer dollars within (or passing through) the local market can potentially be captured by current or new businesses there. It is extremely unlikely, for example, that a Battlefield visitor would buy a car or refrigerator while visiting the Battlefield, for example, or that someone who lives near the Battlefield gateway area but works in Culpeper would buy a workday carry-out lunch from a restaurant near her home, or that a long-distance driver stopping for gas at the Route 3/Route 20 intersection would go to a movie or concert while stopping there.

It is reasonable to expect that, with effective marketing, business placement/clusters, adequate capitalization, appropriate operating hours, and solid management, current and future businesses in the Battlefield area could:

- attract a fairly sizeable percentage of the retail market demand generated by area residents,
- a smaller percentage of the unique retail demand generated by people

driving through the Route 3/Route 20 intersection, and

- a very small percentage of the unique retail demand generated by Battlefield visitors.

It is important to note that, although it is unlikely that businesses in the Battlefield area could attract more than a fraction of a percent of the purchases made annually by people visiting the Battlefield, the magnitude of the annual retail buying power of Battlefield visitors is so large that attracting only a fraction of a percent of their annual purchases would amount to a considerable sales volume. So, for example, if businesses in the area were able to attract only an additional one-quarter of one percent of the amount of money that unique visitors to the Battlefield spend annually on retail goods and services, they would increase their sales, collectively, by $2.47 million – enough to support perhaps as many as eight or ten new small retail businesses or restaurants.

*Orange County is expected to add 16,285 new residents by 2025, generating $131.5 million in new retail demand annually (in 2011 dollars).*

## Retail Demand from New Residents

The County has experienced population growth for several decades, and it is almost certain to continue growing over the next few decades. At a three percent annual growth rate , the County's population would be expected to increase from 34,776 in 2010 to 51,061 in 2025.

We estimate that these 16,285 new residents are likely to generate $131.5 million in new market demand for retail goods and services (expressed in 2011 dollars) by 2025 (Table E-12). As with market demand from current County residents, it is not likely that County businesses would be able to capture 100 percent of all the retail and dining purchases likely to be made by its future residents; people will continue to buy things online and to shop in other communities within and outside the region. But, some percentage of this new retail market demand could be captured by current and new businesses.

**Table E-12**: Retail demand (consumer buying power) generated by anticipated new Orange County residents in 2025, if the County grows at an annual rate of three percent between 2010-2025 (Sources: US Census Bureau's American Community Survey, US Bureau of Labor Statistics' Consumer Expenditure Survey, Orange County at the Crossroads – A Road Map to the Future 2025, CLUE Group).

| Category | Annual demand |
|---|---|
| Food and beverages consumed at home | $ 21,778,000 |
| Food and beverages consumed in restaurants | 17,403,000 |
| Housekeeping supplies | 4,297,000 |
| Furniture and home furnishings | 9,758,000 |
| Apparel, footwear, and apparel services | 11,310,000 |
| Automotive (vehicles, gasoline, oil, maintenance, repairs) | 43,312,000 |
| Medical products and supplies | 4,579,000 |
| Entertainment (events, hobbies, sports) | 11,811,000 |
| Personal care products and services | 4,064,000 |
| Reading materials | 553,000 |
| Tobacco products and smoking supplies | 2,189,000 |
| | $ 131,459,000 |

### The Likely Impact of the New Walmart

At first glance, it appears that Orange County is experiencing enough retail sales leakage that it should be able to support a variety of new businesses. However, it is likely that, without a very aggressive and well-coordinated business development strategy supported by the County, business and property owners, and other partners, the proposed new Walmart will actually leave very little room for new retail businesses or for expansion of existing businesses.

The County, overall, is experiencing a retail sales leakage of approximately $87.3 million (see Table 7, earlier). But the bulk of this – around $56.9 million – is in business categories in which Walmart is not typically a strong competitor. This leaves a balance of approximately $30.4 million in retail sales leakage that might be absorbed by the proposed Walmart.

Nationally, for Walmart the gross sales per square foot currently averages approximately $460, which means that the proposed new 138,000 square foot Walmart at the intersection of Route 3 and Somerset Ridge Road might be expected to generate gross sales of around $63 million annually. This would not only absorb the entire $30.4 million in estimated retail sales leakage the County is currently experiencing in categories in which Walmart is dominant but would almost certainly also displace sales from existing County businesses, particularly those close to the new superstore. This means that most existing and new businesses would almost certainly need to:

- Offer products and services not currently available and not likely to be provided by the new Walmart
- Appeal to several different consumer segments simultaneously
- Actively pursue multiple sales distribution channels (such as web-based sales, regional deliveries, wholesale sales to other retail businesses, and cross-merchandising with other retailer within the region)
- Locate in dense clusters with strong storefront and streetscape synergy, with each business helping provide exposure and generate foot traffic for other businesses within the cluster

## SUMMARY OF KEY FINDINGS

Our analysis has provided considerable information on the condition and performance of retail businesses in the western part of Orange County and on the amount of market demand currently generated by residents and visitors, the amount likely to be generated by future residents, and the amount that could likely be captured by area businesses from commuters and visitors with more effective merchandising and more aggressive marketing. Our key findings include:

**1. The County is currently losing a considerable volume of retail sales.** The gap between the retail demand generated by County residents and the sales volume the County's retail businesses and restaurants are currently capturing annually is approximately $87.3 million. Given that some amount of the products and services being bought in the County's businesses are being bought by people who live outside the County (tourists and people traveling through the County on Routes 3 and 20, in particular), the sales leakage is particularly significant.

**2. The County's retail businesses are under-performing.** Average gross annual sales appear to be below those of similar businesses in communities of comparable size and with comparable demographic characteristics. This suggests that the County could increase revenues from retail sales and add jobs in these business sectors by helping businesses improve marketing, merchandising, and management practices and perhaps by helping them access capital for upgrades and expansion.

**3. The physical characteristics of areas zoned for commercial development in the vicinity of the Battlefield are not conducive to maximum commercial performance.** Almost all of the commercial development along Routes 3 and 20 is car-oriented. This works reasonably well for convenience-oriented retail goods and services (such as gasoline, groceries, and fast food), but it lacks the walkability and contiguity needed to support comparison-oriented retail goods and services (such as apparel and home furnishings) and, to an extent, destination businesses.

**4. The proposed Walmart will plug some retail sales gaps and help the County recapture some of the retail purchases that County residents currently make outside the county – but it will also likely have a negative impact on many existing businesses and make it more difficult to establish new businesses.** We estimate that the proposed Walmart will capture a significant percentage of not only the money County residents spend on retail goods and services outside the County but that it will also deflect sales from many existing businesses. This will make it imperative that existing businesses adjust product lines, market their goods and services more aggressively, and strengthen synergy between businesses through cross-merchandising, collaborative marketing, and development of effective business clusters.

**5. No mechanism exists to funnel heritage tourism visitors to area businesses.** Heritage tourism visitors represent an enormous market opportunity for area businesses and for development of future businesses – but these opportunities are almost completely unrealized at the moment, with no central commercial focus to attract visitors, virtually no overnight accommodations, and nothing to direct them to area businesses, recreational resources, and other local historic sites and attractions.

## SOURCE INFORMATION

Our data sources include:

- Population projections from the Virginia Employment Commission
- Population and demographic data from the US Bureau of the Census (2000 Census of Population and 2005-2009 American Community Survey)
- ESRI
- Household expenditure data from the US Bureau of Labor Statistics' Consumer Expenditure Survey
- Data on tourism expenditures from the Virginia Tourism Corporation

In addition, we reviewed a number of other reports and articles, including:

- Orange County Comprehensive Plan, as adopted by the Orange County Board of Supervisors on May 9, 2006 and amended on January 9, 2007 and on September 11, 2007.
- Route 20 Corridor Study, Phase 2, by Vanasse Hangen Brustlin, Inc., June 2007.
- The economic impact of domestic travel expenditures on Virginia Counties, 2009, by the US Travel Association, November 2010
- "Economic impacts of visitors to Gettysburg National Military Park and Eisenhower National Historic Site, 2000", by Daniel J. Stynes, Ya-Yen Sun, and Dennis B. Propst, January 2002.
- "Collecting and using visitor spending data", by James J. Wilton and Norma Polovitz Nickerson, Journal of Travel Research 2006 45: 17.
- "Preserving Hawaii's traditional landscapes", Jennifer Malin, in CRM, Vol. 19, No. 8, 1996.
- "The economics of low-impact development: a literature review", ECONorthwest, November 2007.
- "Goût de terroir: Exploring the boundaries of specialty agricultural landscapes", Duncan Hilchey, Senior Extension Associate, Community and Rural Development Institute, Department of Development Sociology, Cornell University, 2006.
- "Terra firma: Putting historic landscape preservation on solid ground", Massachusetts Department of Conservation and Recreation's Historic Landscape Preservation Initiative, 2005.
- Numerous articles in The Free-Lance Star and The Orange County Review 2007-2001.1

## COMPARABLE SITES

As part of our assignment, we looked for sites comparable to the Wilderness Battlefield gateway. We quickly found that the Wilderness Battlefield gateway is quite unique in several ways. For example, unlike many other very historic Civil War battlefields, it is not adjacent to a nearby historic town that provides retail, food service, and hotel infrastructure to visitors. In fact, there are few visitor services available nearby, and virtually no commercial services specifically related to the Battle of the Wilderness or the many other local historic destinations. Also, the fact that the battlefield gateway and many acres of adjacent land have never been developed provides it with a variety of sensitive development options not usually available to land-constrained historic sites. However, there is relatively little demand for new retail goods and services and, with Walmart planning to open a new 137,000 square foot store within a few miles of the gateway area in the near future, the challenges of generating new economic development activity from retail development will be severely curtailed.

We found that the sites with the greatest relevant similarities or experiences for the Wilderness Battlefield gateway area can be broadly grouped into one of two categories:

- Historically and/or culturally significant large landscapes in the United States or Europe
- New, mixed-use development in the United Stages and abroad with low or no negative environmental impact, located near historically and/or culturally significant landscapes

We examined 21 sites:

- Fort Oglethorpe, Georgia
- Grand Canyon National Park
- Harpers Ferry, West Virginia
- Fairfield, Iowa
- Serenbe, Georgia
- Hawaii Volcanoes National Park and surrounding communities (Hawaii)
- Ewa sugar plantation (Hawaii)
- Several rural battlefield sites in the UK:
    - Towton
    - Bosworth
    - Hastings and Battle
- Jorvik Viking Centre, in the UK
- A dozen New Urban communities in rural areas, including:
    - Poundbury (UK)
    - Lost Rabbit (Madison County, Mississippi)
    - Seaside (Florida)

*Mixed-use development is substantially more economically viable than single-use development.*

    - The Village of Cheshire (Black Mountain, North Carolina)
- One New Urban mixed-use community in an urban area (New Town in Williamsburg, Virginia)
- Great Wolf Resort (Williamsburg, Virginia and nine other locations)
- Several specialized agricultural regions:
    - The Lake Erie Concord Grape Belt
    - New Mexico's Hatch chili pepper region
- Virginia Horse Center (Rockingham County, Virginia)
- Latta Plantation (North Carolina)

Also, we assessed areas near comparable historic battlefield sites outside the United States, as there are countless examples of historically/culturally significant landscapes in Europe that have been successfully preserved for centuries. But, in virtually all instances, we found that their preservation has been made possible primarily because of two driving factors not present in most parts of the United States:

- Stringent zoning and land use regulations prevent development (particularly development of commercial centers) outside established town centers.
- Property tax revenue accrues to a central government, rather than to a local government, removing the municipal revenue motivation for commercial development that exists at the local level in most parts of the United States. Because a central government is able to fold the costs and benefits of significant rural sites into its entire portfolio, it is able to support the theoretical "lost revenues" of an undeveloped site with actual revenues from more densely developed sites.

None of the 21 sites we examined offers a completely replicable solution for the Wilderness Battlefield gateway area. However, each of these examples offers some useful lessons. Among the most important common themes:

- The most economically successful and economically stable models are those in which a compact community (either new or existing) evolves to meet the needs of visitors and, by so doing, creates new jobs and businesses to support its own needs.
- Mixed-use development is substantially more economically sustainable than single-use development. By providing a variety of economic functions (retail, dining, housing, professional services, personal services, small industry, government, entertainment, etc.), and by intentionally attracting and developing a core of businesses with synergistic connections to other businesses within the development and region, communities can generate substantial new economic activity, contain costs by concentrating municipal services, and cultivate a built-in market (in the form of the development's residents and workers) for a significant percentage of the development's goods and services.
- Major attractions (such as amusement parks or recreation centers) are almost always very auto-dependent, creating or exacerbating traffic and environmental problems; require a constantly-growing radius of potential customers; and lack the flexibility to be easily re-programmed

for new uses should the market soften for the original use.

- Dense development works better than dispersed development. Both area residents and heritage visitors prefer opportunities to satisfy a variety of shopping, dining, and recreational needs in one place.
- Make contemporary authenticity part of the experience of visiting a historic site. In addition to enjoying visiting designated historic sites, most heritage travelers seek out authentic experiences when looking for shops, restaurants, lodging, and special events and would therefore prefer to patronize businesses popular with locals.
- With large landscapes (such as a battlefield), site context is a critical part of the site's intrinsic economic value.
- Demand for environmentally friendly products and experiences is growing rapidly, and is likely to continue doing so for several decades – and, as many historic sites date from eras before HVAC systems, cars, global shipment, inorganic pesticides, etc., the programmatic connection between historic sites and environmentally friendly products and experiences is often an easy connection to create.

*Most heritage travelers seek out authentic experiences when looking for shops, restaurants, lodging, and special events and would prefer to patronize businesses popular with local residents.*

The following comparable communities and sites, offered the greatest degree of relevance to this study, and are presented below for further review of their common themes (presented above) relevant to Wilderness.

## PROFILES

### Lexington, Virginia

The Virginia Horse Center, near Lexington, Virginia houses a restaurant, gift shop, three indoor arenas for equestrian events, a cross country/driving course, campgrounds, horse barns (accommodating up to 1200 horses), and Hoofbeats, a therapeutic riding center for people with disabilities, on 600 acres. Over 100 events take place there annually, attracting approximately 400,000 visitors. The site is managed jointly by the Virginia Equine Center Foundation, a public-sector entity, which oversees the Center's operations, and the Virginia Horse Center Foundation, a private-sector entity, which raises money for the Center. According to a report by the University of Virginia's Center for Economic and Policy Studies, the Center had a $53.3 million impact on the state in 2004, representing a 28.6 percent increase over its impact in 2001.

*Photo of Virginia Horse Center*

Relevant points for the Wilderness Battlefield gateway:

- Large-scale land preservation
- Substantial direct and indirect regional and statewide economic benefits from sports-related outdoor activity

### Serenbe, Georgia

Serenbe, in Palmetto, Georgia, about 30 miles southwest of Atlanta, is a new community begun about ten years ago and still being developed . Its principal developers, Steve and Marie Nygren, bought a 60-acre farm there after a drive through the countryside with their daughters in 1991. They converted the 1905 farmhouse there into a small inn. When Steve Nygren saw bulldozers nearby one day, he was jolted into realizing that the Chattahoochee Hill Country – the last substantial undeveloped land within commuting distance of Atlanta – might be lost. He bought an additional 900 acres of land and persuaded adjacent land owners to join him in creating a master plan that would preserve 80 percent of the 40,000 acres of undeveloped Chattahoochee Hill Country region. The development includes three specialized "hamlets" – Selborne (arts and culinary focus), Grange (farm, stables), and Mado (health and balance; spa; assisted living; upscale boutique hotel). The Serenbe Institute for Art, Culture and the Environment, a nonprofit organization, organizes classes and special events throughout the year, attracting thousands of visitors, and offers an artist residency program. To date, approximately 900 homes have been built at Serenbe, with many more planned over the next decade.

Relevant points for the Wilderness Battlefield gateway area:

- Land conservation of a scale comparable to that of the Wilderness Battlefield
- Several specialized clusters of economic activity (rather than a single nexus) provide greater economic stability and opportunities for economic growth


*Photos of mixed-use area development in Serenbe, Georgia*

### Jorvik Viking Center

When a candy company in York, England moved its factory to a new location, the York Archaeological Trust, a private-sector organization took advantage of the opportunity to conduct excavations on the site of the former factory. It found the well-preserved remains of the Viking town, Jorvik, on which parts of medieval York were later built. The York Archaeological Trust now operates the Jorvik Viking Center, attracting over 20 million visitors since it opened in 1984. The Center has been unusually successful in development many different product lines to support the maintenance and continued exploration of the 1000-year-old Viking town, including organizing both informal and formal seminars on an astonishing array of historically relevant topics (medicine, horticulture, construction techniques, literature, and much more), hosting weddings, offering medieval banquets, serving as a site for filming movies and commercials, offering tours, staging battle re-enactments, hosting film festivals, offering period dance lessons, and, of course, selling gifts, souvenirs, and meals. It has recently added Skype video options for its live events, making it possible for people from around the world to participate (for a fee) in classes, seminars, and re-enactments and other special events.

Relevant points for the Wilderness Battlefield gateway area:

- Numerous products and services ensure that virtually all visitors will find activities of interest
- Wide range of products and services have created numerous job and business opportunities for community residents
- Diversified revenue streams




*Photos of heritage tourism-based goods and services promoted by the community, and the Yorvik Viking Center.*

### Hawaii Volcanoes National Park

More than two million people visit Hawaii Volcanoes National Park each year. The park itself encompasses approximately 200,000 acres – so, it is considerably larger than the area covered by the Wilderness battlefield. But, when the broader area that includes nearby historically significant battlefields (Fredericksburg, Spotsylvania, Chancellorsville, Brandy Station, etc.) is taken into consideration, the battlefield area is comparable in size to Hawaii Volcanoes National Park. There are virtually no commercial structures in the park itself, other than a historic (and still operational) observatory and a historic lodge/ restaurant (currently closed for renovation). Instead, neighboring communities have collaborated formally and informally over the years to provide a network of commercial services for visitors.

Relevant points for the Wilderness Battlefield gateway area:

- Land conservation of a scale comparable to that of the Wilderness Battlefield
- Property development and management in the immediate vicinity of the historic site is managed by a small consortium of government and private-sector historic preservation and parks partners, with supportive commercial services for visitors (restaurants, hotels, secondary attractions) coordinated on a voluntary basis by a network of nearby communities, property owners, and nonprofit organizations so that available services complement, rather than compete with, one another.

### Fairfield, Iowa

When Fairfield's Parsons College closed in 1973, the campus was purchased by Maharishi International University (now Maharishi University of Management), with an enrollment of approximately 1,200 students. The University offers bachelors, masters, and doctoral degrees in arts, humanities, sciences, and business. The University promotes transcendental meditation as a tool for learning (and for world peace) and attracts visitors from throughout the world for seminars and special events. Its presence in Fairfield has spurred an economic development renaissance, making Fairfield one of the most successful per capita producers of small, entrepreneurial businesses in the nation and earning it the moniker "Silicorn Valley".

Relevant points for the Wilderness Battlefield gateway area:

- Development of a broad-based "soft" industry
- Strong support system for cultivating small businesses
- Multiple clusters of small, specialized industries

Chapter VI

# Conservation & Development Patterns

*What We Found…*

*The next twenty years of growth within the project area must establish development patterns that create a destination and discourage sprawl.*

## DEVELOPMENT PATTERNS

When envisioning a vibrant future for the gateway project area that balances preservation and economic development, a clear set of principles and patterns of development is required. The following narrative defines patterns for conservation development that hold the greatest potential to sustain heritage and establish a vibrant vision for future development. These patterns are visible across the landscape of Virginia, and in particular Orange County. The headings defined below are presented as a "Kit of Parts" that may be assembled in a variety of compositions and development forms as opportunity allows.

*View of Core Area of Wilderness Battlefield*

### CONSERVATION & RECREATION

*Conservation of natural and cultural resources is important to sustaining sense-of-place, affording opportunities for programmed recreation and heritage tourism.*

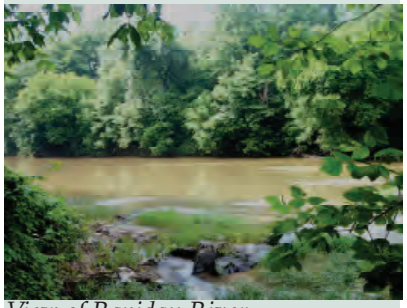
*The vision for the project area should include the interpreting, connecting and leveraging the many cultural resources of this region to further sustain the heritage and sense of place for residents and destination appeal for visitors.*

Cultural Resources: As described in Chapter II of this report, a comprehensive assessment of cultural resources was undertaken to better inform compatible conservation and development patterns. What we found was a rich network of cultural sites and valuable natural resources that, if properly conserved, could be leveraged to provide value to future development. The following opportunities exist:

- Continued protection, preservation, and interpretation of Core Area and Study Area of Wilderness battlefield
- Conservation of unprotected lands associated with the Battle of the Wilderness
- Conservation of lands adjacent to and within the viewshed of the battlefield and other significant cultural resources, including Germanna settlement, and Gold Mining heritage sites

**Natural Resources:** The natural resources within the project area that hold high conservation value are related predominantly to the watershed, and water quality. The existing patterns of conservation along the Rapidan River corridor, should be further established within the project area to make possible a river corridor of significance that may be leveraged for the following opportunities:

- Provide a corridor of recreation along the Rapidan River extending from Germanna to Wilderness Run
- Establish a heritage corridor for the Rapidan of high recreative and interpretive value, highlighting the river's history from colonial history associated with Captain John Smith's explorations, Germanna settlement, and the strategic role of the Rapidan during the Civil War
- Designate the Rapidan as a Scenic River corridor



*View of Rapidan River*

**Recreation:** The project area lies in a region long identified by Virginia's Department of Cultural Resources, Virginia Outdoors Plan, as an area of significance, holding potential for outdoor recreational opportunities along

*Photo of a for-profit canopy tour and ropes course in municipal park in NC. Similar public-private partnerships should be investigated in the study area.*

the Rappahannock or Rapidan Rivers. This state-wide significance should be leveraged to establish a program of public and for-profit recreational activities within the project area. A vibrant program for recreation may align with existing protected open space associated with the battlefield and other protected cultural sites. Providing a vibrant program for recreation within the project area also will reduce the pressure and impact of incompatible recreation taking place on historic sites. Recreational programming that lays gently on the land and further strengthens the branding of the region as a "wilderness" may include:

- Public Parks (National, State, Regional)
- For-Profit Private Recreation
- Public-Private Recreation Venues
- Germanna-Wilderness Greenway
- Rapidan River Greenway
- Primitive Hiking Trails
- Bike & Multi-Use Trails
- Camping
- Boating, Canoeing
- Equestrian
- Disc Golf
- Canopy Tours/ Ropes Course/ Climbing Walls
- Picnic Grounds

## VILLAGE

*Developing a densely-knit mixed-use village is the most viable pattern of development to sustain new retail commercial, and create a destination-quality center of community for east Orange County. It is the best alternative to sprawling corridor development.*

*Artist rendering of proposed Wilderness Village showing relationship to Wilderness battlefield and Route 3 Corridor*

Aside from protecting the irreplaceable natural and cultural resources of the project area, the most significant development pattern for consideration is establishing a village, in contrast to uncontrolled sprawl.

*Photo of the Town of Orange, VA*

### Traditional Village versus Town Center

Many communities across the country are building town centers as the nexus of new community plans. In essence, the commercial and civic core of rural communities have historically been classified as a "village" within Virginia's development vocabulary. Villages in Virginia are by nature mixed-use, walkable, possess a mix of architectural styles, and populated with second-floor residential, local goods-and-services, and boutique shops. In contrast the term "town center" may bring to mind more contemporary images of mixed-use development, with uniform store fronts, chain-stores, and sterile streetscapes surrounded by generous amounts of surface parking. This study advocates a village that embodies the quintessential character of a traditional Virginia village. More specifically, the village could be the center of a gateway community to a national park, surrounded by spectacular outdoor recreative activities and a vibrant walk-able main street that brings together both residents and visitors.

*The study recommends developing a traditional mixed-use village rather than the contemporary town center*


The Wilderness Village pattern should:

- Establish the mixed-use village set back from the Route 3 corridor and close enough to the battlefield to easily provide products and services to battlefield visitors, but not so close that it compromises historic or visual integrity
- Direct vehicular circulation into the village
- Establish a well-designed street and block pattern based on timeless Virginia villages
- Employ a dense development pattern of mixed uses with ground-

floor retail, and upper floor residential

- Prioritize new residential development within the core village before any additional housing is built elsewhere
- Create a compelling central spine of activity and community space
- Afford community gathering spaces and greens for programmed events and informal community use
- Position welcome center within the village that draws battlefield visitors to the Village, and introduces casual village users to the abundance of local cultural sites
- Assemble compatible uses around public spaces including
    - Welcome Center
    - Hotel & Lodging
    - Community Center
    - Farmers Market
    - Local Food & Wine Retail
    - Artisan Products
    - Theatre
    - Recreation Center
    - Local Goods & Services
    - Worship Centers/ Churches
    - Bookstore

*Traditional Hamlet*

## HAMLET RESIDENTIAL

*Once development of residential product within the core village reaches a critical mass, additional medium-density residential clusters within the project area should be considered that include a small amount of community retail, and park space. Such patterns will conserve natural resources and reinforce the community address for residents and visitors.*

The current patterns of residential development within the project area are largely defined by small unconnected residential developments and large-scale private residential communities. The community address of Wilderness could be strengthened by residential development patterns that provide a greater sense of place and unique qualities. As stated in chapter two, the surplus of platted lots within the project area suggests that new residential product is not a high priority for development. In addition, residential development may increase the need for additional public services while offering reduced opportunities revenues and employment. While this study recommends that new residential be channeled toward the village, it recognizes that additional patterns of single family homes will eventually be desired, particularly if they offer a special residential quality that is not offered elsewhere.

The traditional Virginia hamlet is recommended as a desired pattern of development for residential product outside of the village core. Hamlets throughout Virginia have evolved from cross-road clusters of homes, with modest amounts of civic buildings (typically churches or community centers), and local goods and services (often a post-office and community store).

Traditional hamlets cluster development. Due to their rural character, they are enveloped by agricultural lands, open space, or otherwise undeveloped land.

The program for hamlet residential development in the project area includes:

- Small-lot clustering of mostly single-family residences
- Modest amount of civic buildings and community retail
- Include sidewalks, and modest public spaces
- Enveloped by conservation

## CAMPUS

*In addition to the mixed-use program of the core village, provisions should be made for larger-scaled campus development that promotes partnerships with larger public or private tenants.*

When possible, small businesses and incubator programs should be incorporated into the village core, however larger acreage may be required to accommodate larger campus centers. Recent and current opportunities identified in the planning process, suggest the following potential uses or business sectors could be accommodated with adequate infrastructure:

- Higher Education Campus
- Corporate or Government Sector Office Complex
- Medical Facility, Hospital, Assisted Living Campus
- High-Tech Business Campus

Creating a dense, well-buffered campus, positioned near the village holds potential to facilitate larger corporate employers, boosting job creation. This pattern has the added benefit to bring and keep large numbers of users in or near the village during off-peak visitor hours, Workers, students, and staff are within walking distance to restaurants, shops, and other goods and services; a desirable benefit for employers and residents alike. It is recommended that this pattern be placed farther west within the study area, and well-screened from the battlefield and Route 3.

*Image of medical research campus, Roanoke, VA (Above, and left)*

The program for campus development should include:

- Clustering of development, outside of the viewshed and outside the boundaries of historic resources
- Locate campus in or near the village to increase walkability and shared parking
- Include sidewalks, and central civic spaces
- Work with natural topography to limit disturbance, and employ natural drainage in the retention of stormwater
- Encourage timeless, durable materials while limiting impervious area of development
- Employ dark-sky light fixtures that limit light pollution
- Use Low Impact Development Standards, and LEED certification as a benchmark for development

## GUIDELINE COMMERCIAL

*Route 3 is perceived as the gateway to the Wilderness Battlefield and Orange County. While village development is preferred in this plan over new corridor development, it is important that any new development on Route 3 be clustered and undertaken in accordance with adopted development design guidelines that facilitate the desired sense of place for residents and visitors.*

*Existing Route 3 Character*


*Vision for Long Range Character of Route 3*

*Design guidelines would promote clustering new development, and provide guidelines and incentives for existing businesses including landscaping, and signage.*

Establishing design guidelines for the corridor will promote quality new development, and can leverage improvements to signage, landscaping, and roadside features of existing development. Clustering development and implementing design guidelines for new development will strengthen the physical character and image of the region, enhance property values, and establish safe and clear patterns of circulation for business. Guidelines should encourage standards for materials and construction including Low Impact Development Standards (LID) and the following elements:

- **Corridor Vegetative Buffer Setback:** Development along Route 3 should be set back from the corridor such that there is a substantial vegetative buffer between the corridor and building and parking (at least 100 feet). In particular, the buffer should be planted with primarily large canopy trees and should not include signs.
- **Buildings:** Buildings should be constructed of masonry or natural materials that are characteristic of the natural environment of Wilderness, including wood, brick, stone, and other compatible materials.
- **Parking:** Parking lots should be landscaped and oriented so that they complement the building (small areas of parking rather than a large mass). Consider parking to side and rear of buildings, as opposed to all in the front.
- **Circulation and Entrances:** Access points should be jointly coordinated among the multiple businesses and should include pedestrian accommodations. Use connecting roadways.
- **Lighting:** Fixtures should be pedestrian scaled and carefully designed to direct light downward and keep light within the property boundaries. Adhere to dark-sky standards that limit over lighting.
- **Landscaping:** Plantings should include native species and canopy street trees. Small flowering trees and shrubs should be used to create an understory in support of larger native overstory trees.
- **Signs:** Signs should be coordinated and consolidated using low, ground mounted entrance signs. Building signs should be coordinated in size and placement. Use pedestrian scaled signage versus highway corridor signage. Temporary flags and banners should be limited to special occasions and carefully managed to reduce clutter. Digital display signs, backlit signs, and motion signage should not be permitted.
- **Storm water management:** Limit impervious paving, use natural features and landscaping to manage runoff from parking areas, such as rain gardens and landscaped swales.
- **Corridor Wayfinding:** Adopt a palette of signage for cultural sites in accordance with those planned by the Journey Through Hallowed Ground.
- **Historic Resources and Viewsheds:** Development should be sensitive to adjacent historic sites or resources on the property. Special care should be taken to avoid disturbance of artifacts, and important viewsheds.

## DEVELOPMENT SCENARIOS

The project team developed three potential development scenarios incorporating the findings of economics, cultural resources, and site character. These scenarios employ the development patterns or "kit of parts" described above to create concept alternatives that build a unique sense of place for the project area. Central to each concept is the conservation of valuable natural and historic resources. **Based on economic forecasts, the village should be the initial priority in each of the scenarios.** These assemblages represent three examples of numerous build-out development concepts employing the recommended patterns or kit-of-parts integral to conservation and development.

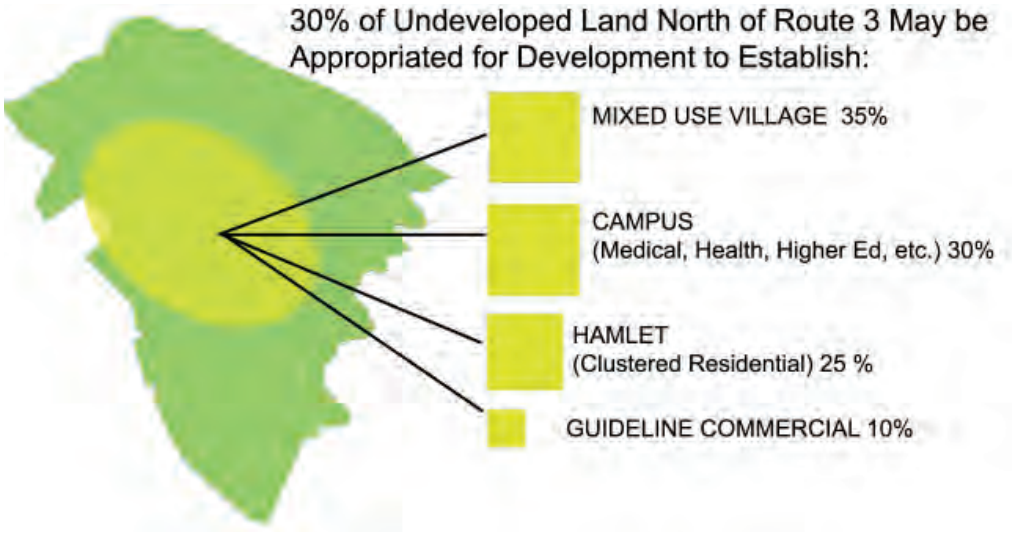
While the development program for each scenario varies, the economic projections provided in Chapter V of this report suggest the maximum footprint for development, should not exceed 30% of the overall undeveloped land north of Route 3. This percentage was determined based on the most aggressive projections for population growth, retail market absorption, and tourism projections. Each alternative may be phased for 20-year and 50-year build-outs depending on market conditions.

The key features of each three development scenarios are summarized on the following pages. More detailed maps are included at the end of this chapter. In general, the scenarios assemble the kits of parts in varying ways to preserve historic features and achieve specific development goals:

- **Scenario A** focuses on a lakeside village with recreational and other complimenting facilities surrounding the lake;
- **Scenario B** focuses on a regional park along the Rapidan River with the village located closer to Route 3 and a research business campus located between the two; and
- **Scenario C** focuses on a village located on Route 3 near Lake of the Woods with a regional park along the river.

*The maximum footprint for development, should not exceed 30% of the overall undeveloped land north of Route 3*

*Below: Relative size of proposed development envelope surrounded by conservation.*




## SCENARIO A " LAKESIDE VILLAGE"

- Lake impoundment on Wilderness Run promoting a lake-side Village, Hotel/Conference facilities and some lakeside residential;
- Village and Hamlets patterned on regional examples (e.g., Town Orange & Gordonsville);
- Conservation Greenbelt and Regional Park that runs along the Rapidan River and links Germanna to Wilderness battlefield;
- Outdoor Recreation opportunities that include greenway trail, boat launch/take-out, camp sites, cabins, equestrian facilities;
- Multiple, small Hamlets carefully sited within the greenbelt with various street connections to Village and to Route 3;
- Parkway entrance to the Village and a new Welcome Center is located on Route 3 just north of the Route 20 intersection
- Guideline Commercial (future, after priority Village full) is just off Route 3 at the entrance to a Planned Business or Learning Campus;
- Transportation access at Route 3 could be in form of new intersection, round-about; additional internal roads provide connectivity within the project area;
- Corridor Overlay District would guide design of any new development along Route 3.

Challenges: Complicated lake permitting process, utilities, regional park commitment, village is significantly set-back from Route 3 corridor.

*Public comments raised concern over impounding Wilderness Run, and the far distance of the village setback from Route 3.*


## SCENARIO B "RAPIDAN REGIONAL PARK"

- Conservation Greenbelt and Regional Park that runs along the Rapidan River and links Germanna to Wilderness battlefield;
- Village closer to Route 3 serving Welcome Center (at edge of Village) and Research Campus with Hotel and Conference Center;
- Parkway links Village, Welcome Center, Planned Research Campus, and Regional Park;
- Outdoor Recreation components including lodge, outdoor adventure center, recreation center, equestrian facilities, cabins, camp sites, boat launch and take-out, greenway trail along river;
- Wooded Hamlet residential clusters modeled on heritage landscapes parallel to Route 3;
- Guideline Commercial (future, after priority Village) at Route 3 corridor entrance to hamlets;
- Transportation access at Route 3 could include a new intersection, round-about or bridge/ramp connections to a realigned Route 20; additional internal roads provide connectivity within the project area;
- Corridor Overlay District would guide design of any development along Route 3

Challenges: Expansion of utilities, regional park commitment

*Public comments largely supported the placement of the village the location proposed in Scenario B.*


## SCENARIO C "ROUTE 3 WILDERNESS VILLAGE"

- Conservation Greenbelt and Regional Park that runs along the Rapidan River and links Germanna to Wilderness battlefield;
- Outdoor Recreation components including lodge, outdoor adventure center, recreation center, equestrian facilities, cabins, camp sites, boat launch and take-out, greenway trail along river
- Small Lake on Wilderness Run with Lodge – low density development
- Village adjacent to Route 3 near Lake of Woods (closest to existing zoning/land use patterns)
- Village Residential north of Village (out of critical view areas, but within walking distance)
- Hamlet residential clusters along parkway
- Parkway entrance to Welcome Center, Lodge, and Regional/State Park
- Transportation access points at Route 3 at improved intersections. Additional internal roads provide connectivity within the project area;

Challenges: Expansion of utilities, regional park commitment, higher concentration of traffic nearest Goodwin Lane

*Public comments raised concern regarding increased traffic associated with this village location, as it places the village closer to Route 3 than the other scenarios.*

*Stakeholders expressed the need for more quality jobs in this area of Orange County:*

## ECONOMIC ANALYSIS OF SCENARIOS

Working with the physical planning and transportation planning team, we converted our estimates of retail market demand and retail development potential into estimates of the amount of square footage of new commercial space that could likely be supported in each of three scenarios.

For each scenario, we looked at the amount of commercial space likely to be supportable within the next 20 years, then within the following 30 years (See Table E13):

- **Scenario A Lakeside Village** - We estimate that approximately 514,000 of new commercial space could be supported within the next 50 years, with approximately 40 percent of it supportable within the next 20 years. This 40 percent – about 206,000 square feet – would consist entirely of a new Village (68,000 square feet of its eventual 80,000 square-foot build out) and the proposed new Walmart on Route 3 (138,000 square feet).
- **Scenario B Rapidan Regional Park** - This scenario somewhat more aggressively projects 579,000 square feet of commercial space, of which 30 percent (approximately 174,000 square feet) would be supportable within the next 20 years, with the remaining 405,000 square feet developed over the following 30 years.
- **Scenario C Route 3 Wilderness Village** – This scenario is the most aggressive of the three, providing for development of up to 665,000 square feet of commercial space, of which 30 percent (approximately 200,000 square feet) would be supportable within the next 20 years, with the balance developed over the following 30 years.

*Establishing a dense mixed-use village provides opportunities for live-work-play for the local workforce, and captures the strong market of heritage tourism visitors, bringing outside investment to Orange County.*

| | | Commercial SF | | | |
|---|---|---|---|---|---|
| **Scenario** | **Residential units** | **Village** | **Hamlet** | **Guideline** | **Total** |
| **Scenario A** | **2,050** | **80,000** | **42,300** | **392,040** | **514,340** |
| 0-20 years | 1,025 | | | | 205,736 |
| 21-50 years | 1,025 | | | | 308,604 |
| **Scenario B** | **2,180** | **160,000** | **27,000** | **392,040** | **579,040** |
| 0-20 years | 1,090 | | | | 173,712 |
| 21-50 years | 1,090 | | | | 405,328 |
| **Scenario C** | **3,012** | **120,000** | **22,860** | **522,720** | **665,580** |
| 0-20 years | 1,506 | | | | 199,674 |
| 21-50 years | 1,506 | | | | 465,906 |

**Table E13:** Retail demand (consumer buying power) generated by anticipated new Orange County residents in 2025, if the County grows at an annual rate of three percent between 2010-2025 (*Sources*: US Census Bureau's *American Community Survey*, US Bureau of Labor Statistics' *Consumer Expenditure Survey*, *Orange County at the Crossroads – A Road Map to the Future 2025,* CLUE Group).

Our estimates are based on the following assumptions:

- Retail growth will come from a combination of sources, including: Population growth (using the County's comprehensive plan's estimate of 16,285 new residents, equaling approximately 6,500 new households at the County's current average household size of 2.5 persons per household)
- More aggressive marketing to regional residents by existing businesses
- Adding and marketing new products and services of interest to Battlefield and other visitors
- Each new housing unit will support 12 square feet of new restaurant and convenience-oriented retail space in the Village and hamlets within the next 20 years if the proposed Walmart is built, or 20 square feet per household if the proposed Walmart is not built. So, for example, the 1,025 new housing units projected within the first 20 years in Alternative A would support 12,300 square feet of restaurants and convenience-oriented retail space.
- Additional retail and restaurant space in the Village and hamlet will consist primarily of destination retail shops and restaurants appealing not only to village and hamlet residents but also to regional residents, Battlefield visitors, and other tourists and visitors.

*Establishing a campus near the village provides opportunities to attract larger work-force employers in emerging fields like healthcare, or higher education.*

| Customer segment | Demand target | Comments + assumptions |
|---|---|---|
| Current residents | $ 12,258,000 | Assumes capturing an additional 7.5 percent of residents' retail + restaurant purchases |
| Rt. 3/20 commuters | 2,176,000 | Assumes capturing an additional 2.5 percent of commuters' retail + restaurant purchases |
| Battlefield visitors | 2,474,000 | Assumes capturing an additional 0.25 percent of Battlefield visitors' retail + restaurant purchases |
| New residents by 2025 | 39,438,000 | Assumes capturing 30 percent of the $131.5 million in retail + restaurant demand (in 2011 dollars) likely to be generated by 6,514 new households (16,285 new residents) |
| **Total demand target** | **$56,346,000** | |
| At gross annual sales of $275/square foot | 204,900 | Supportable square feet in the first 20 years |

**Table E14:** Summary of retail demand targets, given various assumptions, and an estimate of supportable new retail square footage, with gross retail sales averaging $275/square foot annually (*Sources*: US Census Bureau's *American Community Survey*, US Bureau of Labor Statistics' *Consumer Expenditure Survey*, *Orange County at the Crossroads – A Road Map to the Future 2025,* CLUE Group).

*The key to unlocking the economic activity that tourists bring is getting them to spend time shopping and dining here - and therefore doing whatever is possible to get them into the Village will be essential. Placing the visitors center "downtown" is one of the most expedient and effective strategies for achieving this.*

## FACTORS FOR ECONOMIC SUCCESS

- **We recommend developing a compact, mixed-use community near the Wilderness battlefield gateway rather than continuing to develop single-use commercial buildings along Route 3**. This village should be close enough to the battlefield to easily provide products and services to battlefield visitors, but not so close that it compromises the integrity of the battlefield's rural characteristics. Creating a mixed-use community, offering housing, retail shops, restaurants, offices, entertainment, and small industries, will be essential to creating a nexus of new economic activity while also concentrating infrastructure and therefore minimizing infrastructure costs.

- **For this Village, density and mixed uses will be crucial to making the projections of supportable commercial space achievable**. It will be essential that there be not only a mix of ground-floor commercial uses but that there also be a good supply of upper-floor apartments and/or condominiums and offices. The ground-floor commercial uses should emphasize retail businesses and restaurants in the highest-visibility locations, with offices, banks, and other service-related uses in ground-floor spaces on secondary streets within the commercial core or in upper-floor locations over storefronts.

- **Heritage tourists have a strong overall preference for visiting, and patronizing businesses in, authentic communities** rather than communities whose urban and architectural design characteristics and business composition are more generic. It will be essential that the Village and related commercial and residential development near the Battlefield respect local design traditions (e.g., adapting urban and architectural design patterns from historic town centers within Orange County) and maximize visibility of unique locally owned retail, restaurant, office, and knowledge industry businesses.

- **It is essential that a Welcome Center be located within the village, or on the edge of the village**, in order for the Village (and therefore the overall community) to benefit to the maximum extent possible from heritage tourism. Heritage Tourism visitors must, by necessity, visit the commercial center. The key to unlocking the economic activity that tourists bring is getting them to spend time shopping and dining in the village. Therefore, doing whatever is possible to get them into the Village will be essential and placing the Welcome Center " in the center of the "downtown" is an expedient and effective strategy.

- **Develop retail businesses, service businesses, and restaurants that will appeal to both area residents and to visitors**. Immerse the village in the abundant recreational and cultural resources of the area.

- **Create several clusters of related businesses**. Most retail businesses perform better when they are co-located with businesses that offer similar products and services and/or that attract similar types of customers. This provides shoppers with a greater concentration of

products and services likely to be appealing to them; it also helps boost the regional profile of the businesses within each cluster. For example, the Village might include a cluster of recreation-related businesses, such as a gun and tackle shop, a river outfitter, a sports and outdoor clothier, and a saddle and tack shop. Among the clusters that we believe might perform well in a new Village near Wilderness battlefield:

- A small cluster of "sit-down" restaurants, offering a range of dining experiences (family dining; upscale; international; local produce)
- Recreational apparel, equipment, and experiences
- Furniture and home furnishings
- Building crafts (including hardware, specialty building materials, and specialized contractors)
- The County might consider developing a more complete set of regulatory tools and incentives to effectively funnel retail development to the new Village. These might include tax increment finance, revolving funds, private capital pools, property tax abatement, and transfers of development rights – all of which have numerous precedents in Virginia. (See Chapter VII).

HILL
STUDIO

Conservation Buffer and Recreative Park
Land between Village and Battlefield

Wilderness Battlefield

Multi-use
Trail System

Rt. 3

Parkway

Farmer's
Market

Welcome Center/ Theatre

Retail shops/ 2nd Floor Residential

Office Space/ 2nd Floor Residential

Community
Green

Community/ Outdoor Center

Main Street

Hotel/ Restaurant

# Wilderness Gateway Village

*Developing a mixed-use village holds the potential to establish a center for community life, destination appeal to visitors, and is the best alternative to sprawling development along the Route 3 corridor.*

The Wilderness Battlefield Gateway Study is underwritten through generous grants from the National Park Service, American Battlefield Protection Program, The National Trust for Historic Preservation, and member groups of the Wilderness Battlefield Coalition. The findings of this study are opinions and conclusions of the consulting team and do not necessarily reflect the views of the Department of the Interior, or individual participating stakeholders.


HILL STUDIO

Legend

- NPS Property
- Other Protected Property
- Existing Commercial
- Residential
- Commercial
- Business Park
- Meadow/Open Space
- Hamlet
- Recreation

THE WILDERNESS BATTLEFIELD GATEWAY STUDY IS UNDERWRITTEN THROUGH GENEROUS GRANTS FROM THE NATIONAL PARK SERVICE, THE NATIONAL TRUST FOR HISTORIC PRESERVATION, AND MEMBER GROUPS OF THE WILDERNESS BATTLEFIELD COALITION. THE FINDINGS OF THE STUDY ARE OPINIONS AND CONCLUSIONS OF THE CONSULTING TEAM AND DO NOT NECESSARILY REFLECT THE VIEWS OF THE DEPARTMENT OF THE INTERIOR, THE COALITION, OR INDIVIDUAL PARTICIPATING STAKEHOLDERS.

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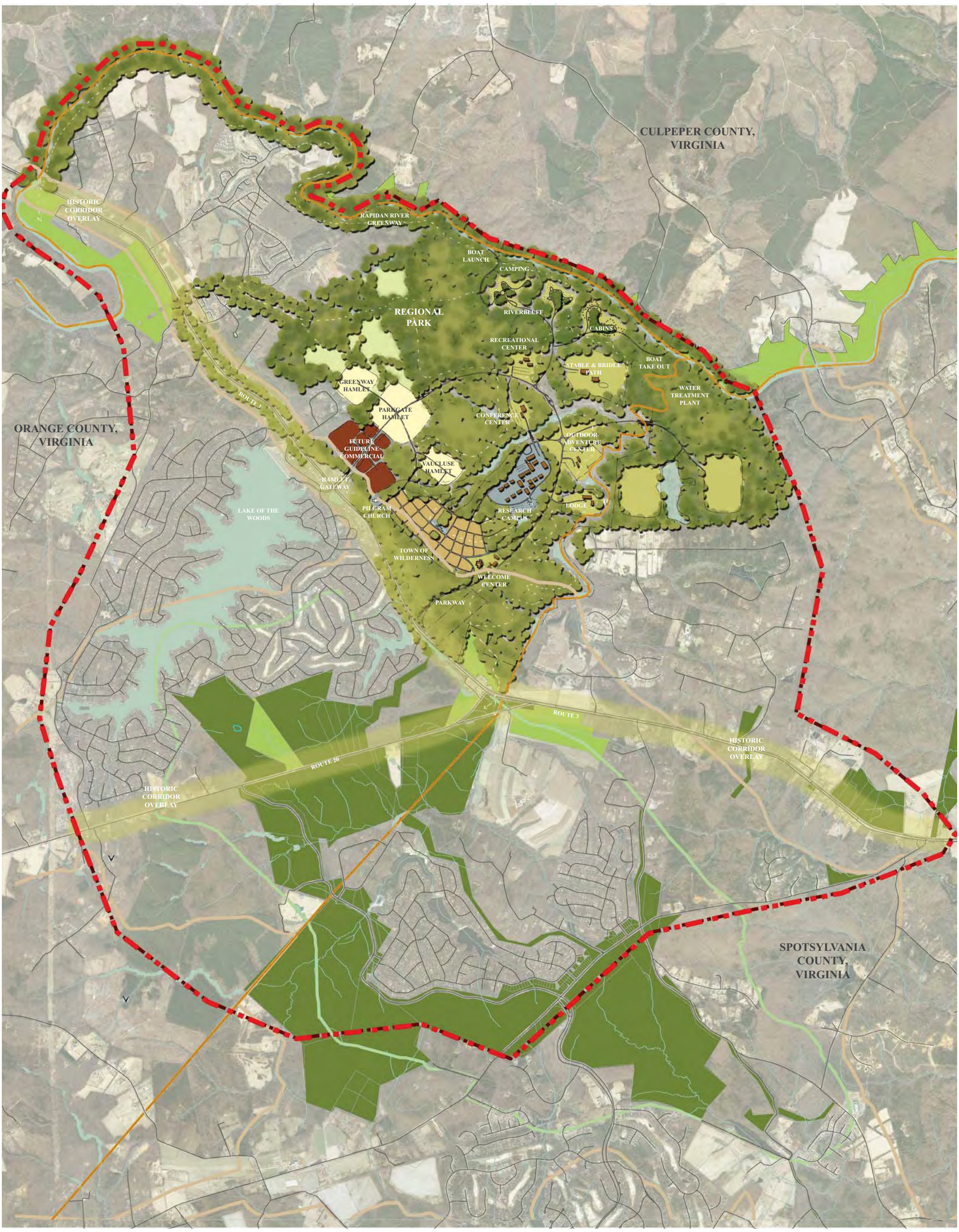
N W E S

# SCENARIO A

**APRIL 2012**




HILL STUDIO

Legend

- NPS Property
- Other Protected Property
- Existing Commercial
- Residential
- Commercial
- Business Park
- Meadow/Open Space
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N W E S

# SCENARIO B

**APRIL 2012**


Legend

- NPS Property
- Other Protected Property
- Existing Commercial
- Residential
- Commercial
- Business Park
- Meadow/Open Space
- Hamlet
- Recreation

HILL STUDIO

THE WILDERNESS BATTLEFIELD GATEWAY STUDY IS UNDERWRITTEN THROUGH GENEROUS GRANTS FROM THE NATIONAL PARK SERVICE, THE NATIONAL TRUST FOR HISTORIC PRESERVATION, AND MEMBER GROUPS OF THE WILDERNESS BATTLEFIELD COALITION. THE FINDINGS OF THE STUDY ARE OPINIONS AND CONCLUSIONS OF THE CONSULTING TEAM AND DO NOT NECESSARILY REFLECT THE VIEWS OF THE DEPARTMENT OF THE INTERIOR, THE COALITION, OR INDIVIDUAL PARTICIPATING STAKEHOLDERS.

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# SCENARIO C

**APRIL 2012**

# Chapter VII
# Implementation

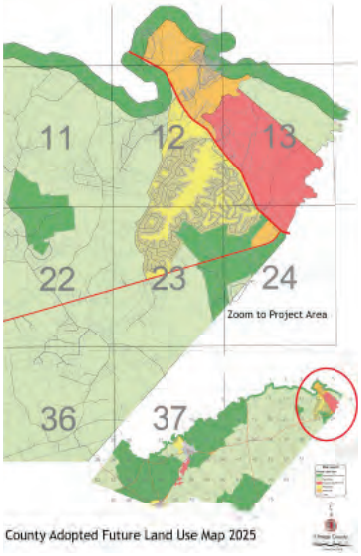
*What We Heard…*

*“We need clearly defined planning tools, keep them simple, encourage good design and development”*

# LAND USE AND IMPLEMENTATION STRATEGIES

## EXISTING CONDITIONS: LAND USE AND ZONING

As of February 2012, Orange County was in the process of updating the County Comprehensive Plan. We reviewed a draft October 2010 plan for recommendations related to future land use in the study area. The draft 2010 plan and the adopted 2025 Comprehensive Plan both show that the Future Land Use in the study area is targeted primarily for planned residential, mixed-use and economic development. In general, the south side of Route 3 is targeted for residential development and agricultural conservation; the north side of Route 3 is targeted for mixed-use (residential and commercial development) and economic development (commercial and commercial/industrial development). The Rapidan River Corridor is targeted for agricultural conservation.



County Adopted Future Land Use Map 2025

Existing zoning in the study area (see map in Chapter II) shows that much of the project study area is zoned for agriculture and residential development.

- In Orange County, agricultural zoning in the project area permits a density of one dwelling unit/two acres; in Spotsylvania County, agricultural zoning permits a density of one dwelling unit/ten acres.
- In Orange County, residential zoning in the project area permits development density that ranges from one to eight dwelling units/acre; in Spotsylvania County, residential zoning permits a density of one unit/three acres.
- Although an existing land use inventory was not completed in conjunction with this study, it appears that approximately thirty percent of the project area is platted for residential lot development. These areas contain both developed and undeveloped properties. We understand from several sources that as of 2011, there were approximately 1,500 platted, undeveloped lots on Route 3.

A good portion of the corridor along Route 3 is zoned for commercial development (includes both developed and undeveloped parcels). An additional 250 acres within the project area is designated for industrial development (undeveloped).

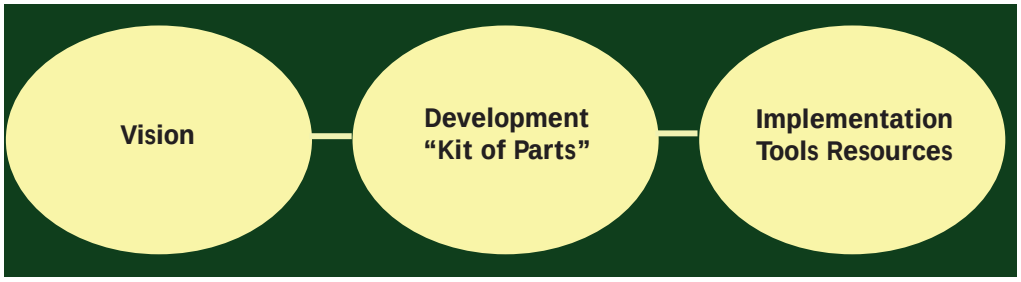
According to 2010 Census figures, the population growth from 2000 to 2010 in Orange County was 29.4 percent. By 2025, this growth rate would equate to approximately 6,500 new households within the County. Thus, how Orange County chooses to manage increased residential growth trends and patterns will be important for both this area and the larger County. Given the existing zoning patterns in the study area and the adopted future land use map, it is our recommendation that both the zoning patterns and the future land use

map be evaluated further in order to take into account the desired vision for this portion of Orange County.

- First, there is vacant land already zoned and available to absorb residential and commercial development, without rezoning additional land.
- Second, there are certain lands of cultural and conservation value in this project area that should be treated with sensitivity for the long-term economic and social benefit of both Orange and Spotsylvania Counties.
- Finally, there should be added focus to the desired future growth patterns and planned infrastructure in this project area so that future land development and conservation responds to the desired development patterns and public infrastructure. The priority should be to channel commercial and residential development into the village core. There should be careful consideration of the existing platted, undeveloped residential lots within the project area, as without resolution and alternative approaches to managing future residential development, there is a potential conflict with the recommendations of this study.

We hope that this study provides the County with continued insight that they will use expanded community engagement to refine future land use and development.

## IMPLEMENTATION TOOLS AND STRATEGIES




To achieve the Vision for the Wilderness Battlefield Gateway Study Area, the project team identified a "Kit of Parts" to guide development. In addition to the understanding the development components necessary to achieve the desired development patterns for the area, there should be further consideration and study of various development tools and strategies to encourage and ensure effective implementation of the development patterns. Some of these tools and strategies should be considered as soon as possible in order to move positively in the right direction for managing growth and development; others are identified for consideration in the long-term, as development in the project area progresses. Regardless of whether short or long-term, it is very important that all of these strategies be pursued in some form, as they are essential for implementation. They each represent a significant piece of the puzzle.

### Short Term Strategy: Comprehensive Plan Update

As Orange County updates the Comprehensive Plan, this study can play an important role in helping to redefine the future land use proposed for this area. In general, our recommended land development patterns for the study area encourage a mixture of conservation, recreation and business development opportunities that will enhance the environmental and cultural features of the area. These land use patterns provide an economic foundation for heritage and recreational tourism, as well as alternative residential development options with accessible business support services in an established village environs. This land development pattern builds upon the existing mixed-use and economic development vision of the existing future land use map, but better clarifies and targets the land uses to achieve the desired development pattern. The following next steps should be considered in the short-term to further the plan for the Wilderness Gateway:

- **Amend the proposed future land use map** for the study area to reflect the recommended land use patterns – For example: agricultural conservation (river and recreational areas), mixed-use village, guideline corridor commercial (cluster on Route 3), and low-density residential (hamlets). In particular, it will be important to prioritize future land development efforts so that the "village" is created as a destination with opportunities for dense development. This will lay the foundation for achieving the vision for the project area.
- Identify the project area as a **"targeted development or special action area" in the Comprehensive Plan** to strengthen the desire to implement these future development patterns and target infrastructure decisions to reflect the key preservation and economic development recommendations of the scenario plans. Also, this will establish the foundation for considering additional long-term implementation and public investment strategies.
- **Identify in the Comprehensive Plan potential changes to the existing zoning patterns and ordinance** that will further desired development patterns and standards. This may include recommendations for such items as new districts, revised standards, changes in district development densities, etc.

*Pilgrim Baptist Church*

### Short Term Strategy: Zoning Ordinance Amendments

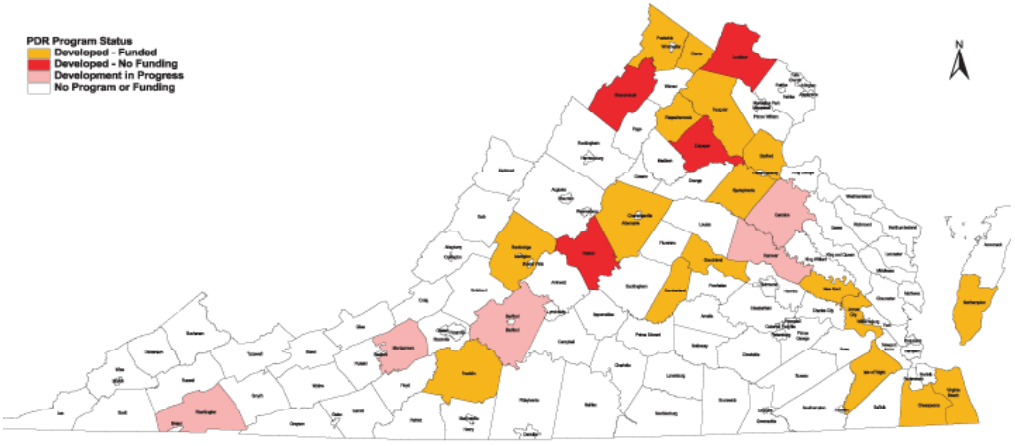
The existing County zoning ordinance was prepared in 1996 and has been revised over the years. Our review of the code found that the current code does not include sufficient district regulations and standards for implementing the recommended planned developments such as village, hamlet or business cluster/campus. In addition, the current code should be revised to improve standards for signage, landscaping and general site development. This is visible in the existing development patterns that already exist along Route 3 – multiple signs, minimal landscaping and open space setback, lack of connectivity and pedestrian access, etc. Therefore, we recommend the following next steps as short-term considerations to further the plan for the Wilderness Gateway:

- Add new districts to the zoning code such as **Planned Unit Development and Mixed-Use Districts** for the Village, Hamlet and Business Campus Development; a Corridor Overlay District (for design guidance on Route 3); and a River Conservation Overlay

District along the Rapidan (for environmental protection). In 2009, an amended ordinance was prepared and discussed by the County Planning Commission; however, it was never finalized or adopted (for whatever reasons). This updated zoning code included provisions for various planned development and mixed-use districts, as well as provisions for agricultural conservation and corridor overlay districts which could be beneficial to implementing development in the project area. While we have not reviewed those draft provisions in detail, we believe that they would be a good starting point for consideration.

- **Amend the sign, landscaping, and site development regulations** to promote the land use and development patterns recommended in the alternative development scenarios. In particular, sign regulations along the Route 3 corridor should be revised to address multiple signs, size and setback (amendments in 2011 dealt with lighting and digital signs). Provisions should be added that will increase the amount of landscaping along the road frontage in order to maintain an inviting, green roadway corridor and screen parking. In addition, site development regulations should be considered that will encourage appropriate building setback; orient most parking to side or rear; and promote the use of building materials that compliment the natural corridor.
- **Update the cluster provisions of the zoning and subdivision ordinances** to include more defined standards for clustering residential development (to achieve the "hamlet" recommended in the scenario plans). For example, in addition to defining the percentage of open space, provide more specific standards on how buildings in the cluster development relate to one another or how it is oriented with connecting pedestrian facilities and streets. This could be an effective alternative to the planned unit development option and may provide the county with another means of encouraging appropriately-scaled residential development that preserves rural character.
- **Evaluate density standards in existing agricultural and residential districts**, particularly as they apply to areas that are rural or needing conservation. The density permitted for similar agricultural and residential lands in Orange County are at least double that permitted in Spotsylvania County. This tends to encourage residential subdivision growth.

STATUS OF LOCAL PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAMS



### Long Term Strategy: Historic Preservation Zoning Tools

At present, the zoning ordinance includes no provisions for protecting individual or grouped historic properties. With the historic and cultural resources present in Orange County and the community interest in protecting these significant resources, there should be local provisions for protecting properties and areas that are listed on or eligible for the National Register of Historic Places. This is usually done in the form of a historic overlay district which allows the property to be used as provided in the underlying zoning district, but gives some oversight in terms of exterior changes to the structure and/or demolition. Implementing a local historic district should be a carefully considered endeavor that involves close discussions with property owners and preservation interests. Many communities have seen extensive economic and community benefits associated with local historic district provisions, particularly in protecting financial investments and encouraging additional economic investment in the historic resources.

### Long Term Strategy: Conservation Easements, Purchase and Transfer of Development Rights

To help preserve important properties, Conservation Easements may be effective in limiting development and encouraging long-term preservation of farmland, habitat or historical properties. Conservation easements can be voluntarily donated by a land owner to a conservation entity; or, they can be purchased as part of a broader governmental or agency program. Typically, whether the easement is a donated or purchased, the landowner is allowed to continue to use the property for certain uses (e.g., dwelling), but future development is restricted.

The Commonwealth of Virginia and many independent communities have established funded programs to purchase development rights. To assist in the farmland conservation effort, Virginia enables localities to establish a local Purchase of Development Rights Ordinance. In addition, Virginia has established a fund that provides matching grants to localities that have adopted a local PDR program. This fund is coordinated by the Virginia Office of Farmland Preservation (Dept. Agriculture and Consumer Services). At present, 22 localities in Virginia have a PDR program. In 2011, $100,000 in grants was awarded to 8 localities, one of which was Spotsylvania County. Given the conservation and farmland preservation interests of the study area and the larger county, a PDR program makes sense for Orange County.

Another growth management tool for future consideration is a Transfer of Development Rights (TDR) program. This tool enables some or all rights to develop a property in a "sending area," where conservation or preservation is desired, to be transferred to another parcel in a "receiving area" where it is more appropriate for development and increased density. Development rights are assigned and there is an established means of selling/trading development rights between districts to build higher density development than normally allowed by existing zoning (sometimes referred to as bonus density). Since 2006, the TDR in Virginia has been a complex tool; while several growing communities have seriously considered adopting a TDR program, only Arlington County

has actually implemented one. There are important issues that will need to be addressed, for example - how sensitive lands (i.e., floodplains) are treated in the total zoned acreage, so that the developable acreage is accurately defined. In January 2010, the Virginia Association of Counties sponsored a TDR work group to develop a Model Transfer of Development Rights Ordinance for Virginia Localities. The work group included legal experts, land development and real estate professionals, and governmental experts, among others. The hope is that the model ordinance will assist localities in effectively implementing a workable TDR program. A copy of the model ordinance is included in the appendix for reference.

While PDRs and TDRs are independent tools used for preserving important properties, they are often used together to facilitate land conservation and historic preservation. Therefore, we recommend the following next steps as long-term strategies for furthering the Wilderness Gateway Study:

- Adopt a Purchase of Development Rights (PDR) Ordinance and Program to establish a program fund to assist purchase of important farmland and open space properties;
- Use the model ordinance and establish a Transfer of Development Rights Program as enabled by Virginia Code 15.2-2316.1-2316.2. Consider appropriate areas within Orange County, including the project area, for transfer and receiving areas (i.e., the village core). Key questions to consider will be: What areas should be protected? Where will development rights be transferred? How should development rights be allocated? How should area be calculated (developable versus zoned)? What type of incentives should be used to encourage participation?

### Long Term Strategy: Joint Memorandum of Agreement for Historic/Cultural Properties

Many federal agencies use mutual agreements to assist decision-making on complex issues such as historic and cultural properties. Often the joint sharing of information and recommendations for treatment for sensitive properties helps to orient projects in a positive direction from the beginning, thereby resulting in a better development scenario. Spotsylvania County has adopted a successful Joint Memorandum of Agreement among governmental interests for dealing with historic and cultural properties. The agreement integrates the review of the county, state and federal agencies for proposed development affecting historic or cultural properties. This approach can be beneficial to Orange County, as well. Having the insight of knowledgeable historic and cultural agencies early in site planning review, rezoning studies, or other public projects can identify significant resources and help the County and developer find workable approaches to preserve resources and minimize any adverse effects. A copy of the Spotsylvania County agreement is included in the appendix for reference.

### Long Term Strategy: Community Development Authority

To implement the needed public infrastructure within the Wilderness Gateway Study Area, Orange County could consider establishing a Community Development Authority. The Virginia Water and Waste Authorities Act (Virginia Code 15.2-5100-5159) authorizes localities to create a community development authority (CDA) to assist private development projects by providing an alternative financing mechanism for public improvements. Localities use a CDA to encourage private business activity, capital investment, and job creation when the cost of the needed public improvements cannot be borne up front by the private developer or the locality. Because it has been the general policy of Orange County for the expansion of infrastructure to be borne by the development community, this option may be a suitable alternative to facilitating the necessary infrastructure. Here are some key points that help explain how a CDA works:

- The local governing body can create a CDA upon petition of at least 51% of the property owners within the proposed project area.
- The local governing body determines how and where the CDA will operate. Project area boundaries are established when the CDA is created. The typical term is for 50 years.
- The CDA operates similar to an economic development authority and is governed by an appointed board (not less than five members).
- The CDA may issue limited obligation tax-exempt bonds (as opposed to general obligation bonds) to finance the development and construction of a broad array of public improvements for private development, including such things as utilities, roads, sidewalks, lighting, park facilities, etc.
- Debt service is supported by tax revenues (real estate, meals, sales, etc.), special assessments and fees resulting from the private development. Debt issued by a CDA is not a debt obligation of the locality and does not count against the locality's debt limit unless the locality chooses to assure repayment of any or all of the CDA bonds

### Long Term Strategy: Tax Service District, Tax Increment Financing

Other options for financing public improvements could include such tools as tax increment financing and service districts. These tools are established by the locality and utilize new development taxes or increased taxes for services to pay for public improvements.

- **Service Districts (or Special Service Districts)** are enabled by Virginia Code 15.2-2400-2405. Any locality may create service districts to generate additional revenue within the district to be used for public improvements such as utilities, sidewalks, parks, landscaping, parking, promotion of business activities (e.g. village organization), or special public events and activities. The district works by applying a higher tax rate to property owners within the district to support the targeted public improvement.
- **Tax Increment Financing** can be used to earmark anticipated business revenues in a project area to help finance public improvements. Since

public improvements can be an incentive for private investment, Virginia Code 58.1-3245–3245.5 authorizes the use of real estate tax increment financing to promote investment. Many communities use this tool to assist in the redevelopment of blighted areas; however it could be used in alternative areas to manage growth and encourage preferred development patterns.

## NEXT STEPS & POTENTIAL FUNDING SOURCES

A summary matrix of recommended next steps, partners, and potential funding opportunities for implementing the development scenarios is provided on the following page. This matrix can be used as a reference guide and tool for monitoring progress. The intent is to serve in facilitating multiple interests (non-profit, public, private, developers, etc.) in helping to coordinate implementation strategies.

**Concepts for Wilderness Battlefield Gateway:**
**A Vision for Preservation and Economic Development**

HILL STUDIO

| Next Steps & Potential Funding Opportunities | Partners | Recommended Timeframe | | | Comments |
|---|---|---|---|---|---|
| | | Priority I | Priority II | Priority III | |
| *Build Partners for Implementation* | | | | | |
| • Establish a Partnership Roundtable to provide leadership and spearhead implementation & coordination | Gateway Steering Committee, Friends of Wilderness Battlefield (FOWB), Germanna, NPS, Orange County, Key Property Owners, Lake of Woods, Others TBD | X | X | X | Gateway Steering Committee includes Friends of Wilderness Battlefield, Civil War Trust, National Park Service, National Trust for Historic Preservation, Piedmont Environmental Council and National Parks Conservation Association |
| • Identify a preferred development and conservation scenario that can be supported by the Partnership Roundtable and key stakeholders; establish a work plan for implementation | Partnership Roundtable | X | X | X | This activity will provide the foundation for effective implementation. It will require a committed partners and collaborative work efforts. Update study as needed. |
| • Champion the preferred scenario and coordinate with Orange County officials and staff to implement recommendations | Partnership Roundtable, Orange County | X | X | X | |
| • Actively recruit potential development partners & facilitate desirable projects | Partnership Roundtable, Orange County Economic Development, Planning and Tourism staff, Others TBD | X | X | X | |
| • Market Wilderness Battlefield Gateway Study to educate interests and solicit implementation partners | Partnership Roundtable, Orange County Tourism, Spotsylvania County Tourism | X | X | | Coordinate with tourism strategies to further plan recommendations. |
| • Celebrate accomplishments and monitor progress | Partnership Roundtable | X | X | X | Consider annual report card, website updates, etc. |
| *Improve Land Use & Development Planning Tools* | | | | | |
| • Update County Comprehensive Plan to reflect vision for battlefield and gateway | County Planning Commission, BOS, Citizens, Partnership | X | | | |
| • Revise County Future Land Use Map to reflect desired development patterns & uses; identify needed changes in development patterns and implementation tools for managing growth and future development | County Planning Commission, BOS, Citizens, Partnership | X | X | | |
| • Identify "special target development or action areas" in the updated Comprehensive Plan that will focus development goals within the gateway project area (e.g., location of village, visitor center, regional park, business campus, etc.) | County Planning Commission, BOS, Citizens, Partnership | X | | | |
| • Revise Zoning Ordinance to add appropriate new districts (e.g. Planned Unit Development and Mixed-Use District for village and business campus, Corridor Overlay District for Route 3, River Corridor Overlay District for Rapidan River, etc.) | County Planning Commission, BOS, Citizens, Partnership | X | | | |
| • Revise Zoning Ordinance to include additional standards for signage, landscaping, and site development that will promote the desired development qualities and conserve sensitive lands | County Planning Commission, BOS, Citizens, Partnership | X | | | |
| • Revise Zoning and Subdivision Ordinances to include updated standards and provisions for clustering residential development to enhance open space and minimize development and infrastructure costs (e.g., percentage of open space, connectivity, public spaces, etc.) | County Planning Commission, BOS, Citizens, Partnership | X | | | |

HILL STUDIO

| Next Steps & Potential Funding Opportunities | Partners | Recommended Timeframe | | | Comments |
|---|---|---|---|---|---|
| | | Priority I | Priority II | Priority III | |
| • Revise Zoning Ordinance to include conservation and historic preservation tools that will help preserve significant properties and areas (e.g., historic overlay, property designation, management of sensitive lands, etc.) | County Planning Commission, BOS, Citizens, Partnership | X | X | | |
| • Review project area zoning for needed amendments to guide future development and density patterns | County Planning Commission, BOS, Citizens, Partnership | X | | | Review 2010 draft Zoning Ordinance for provisions that may be appropriate for implementation (e.g., Agricultural Conservation District). |
| • Develop Purchase of Development Rights Ordinance and Program to assist County and interests in acquiring significant lands for historic and farmland preservation | County Planning Commission, BOS, Citizens, Partnership | X | | | Orange County is losing potential state funding for land conservation. Consult with other communities on established programs; solicit state funding |
| • Develop a Transfer of Development Rights Ordinance and Program to help achieve the preservation of significant lands while encouraging development in targeted areas; consider implementation in project area focusing on village development; work with potential key property owners | County Planning Commission, BOS, Citizens, Partnership, Key Property Owners | | X | | Consult other adopted programs; consider model ordinance |
| • Investigate and pursue the establishment of a Community Development Authority to implement desired development and infrastructure improvements in the gateway project area (e.g., village center development) | County Planning Commission, BOS, EDA, Developers, Citizens, Partnership | | X | | Coordinate with other communities who have successfully used CDA to accomplish development and infrastructure goals (consult VACO, NACO, VML, IMCA, etc.). |
| • Consider tax (special) service districts and/or tax increment financing to assist in funding needed infrastructure improvements. Tax Service Districts are enabled in Virginia (VA Code Title 15.2, Chapter 24) to support improvements to a specific area. These improvements are funded by increased taxes paid by property owners within the district. Tax Increment Financing is a method for financing public improvements by using anticipated future increases in tax revenues. (VA Code Title 58.1, Chapter 32, Section 45.2) | County Planning Commission, BOS, EDA, Citizens, Businesses, Partnership | | X | X | Consider for the Village Center<br>http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC150200000240000000000000<br>http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+58.1-3245.2 |
| *Promote Economic Development* | | | | | |
| *Heritage Tourism:* | | | | | |
| • Develop a Heritage Plan that inventories and defines resources in Orange County; develop a Heritage Tourism Work Plan to increase heritage tourism related to Wilderness Battlefield, Germanna, and other significant County resources (e.g., coordinate media, events, visitor info, etc.) | Partnership, Wilderness Tourism Alliance, County Tourism, NPS, Friends, Germanna, Journey through Hallowed Ground (JTHG), VA Tourism Corporation | X | | | Coordinate with Rappahannock-Rapidan Regional Planning District Commission (PD9) regional tourism committee and regional tourism webpage, http://www.thevirginiapiedmont.org/ |
| • Pursue an official, interactive welcome center in close proximity to Village | Partnership, County, NPS | X | | | Consider joint use by County, NPS and Germanna |
| • Coordinate heritage tourism marketing & signage for all of Orange County | Partnership, County Tourism, NPS, Friends, Germanna, JTHG | | | | Coordinate with Spotsylvania County and other regional partners. |
| • Engage the community and encourage active citizen participation to promote heritage tourism efforts and undertake projects in Orange County; utilize citizens and civic groups to champion heritage tourism projects | Partnership, Wilderness Tourism Alliance, County Tourism, Others TBD | | X | | Engaging grass-roots organizations in heritage tourism efforts can provide important support and leverage for specific work projects. |
| *Village:* | | | | | |
| • Determine preferred Village location & work with developer to implement | Partnership, County, EDA, CDA, Developer | X | X | | Consider tools such as CDA, tax-increment financing, tax service district, etc. |
| • Work with Economic Development Specialists to recruit and assist small business enterprises that can build on heritage of Wilderness Battlefield and Orange County | Partnership, County, State, EDA, Chamber Commerce | | X | | Consider small business incubator, web marketing, theme businesses, farmers market, specialized small business, special events, etc. |
| • Recruit hotel for accommodations | County, EDA, Developer | | X | | |

| Next Steps & Potential Funding Opportunities | Partners | Recommended Timeframe | | | Comments |
|---|---|---|---|---|---|
| | | Priority I | Priority II | Priority III | |
| *Parks, Trails, Recreation:* | | | | | |
| • Approach and coordinate with Virginia Department of Conservation & Recreation the goals of the Wilderness Battlefield gateway and the desired recreational opportunities desired; pursue mutually desired opportunities & facilitate implementation | Partnership, County, DCR, elected state representatives | X | X | | |
| • Work with Economic Development Specialists to recruit suitable outdoor recreation businesses that complement the recreational and preservation vision for the project area | Partnership, County, EDA, | | X | X | Perhaps establish special programs or incentives to assist small business entrepreneurs |
| *Job Creation:* | | | | | |
| • Work with County and EDA to develop strategy for recruiting specialized businesses and quality employers that fit the vision for the WB Gateway project area, especially as it may relate to development of a business research or institutional campus | County, EDA, Partnership | | X | X | |
| *Private Development:* | | | | | |
| • Work with established business organization and/or establish improved relationships with existing businesses along Route 3 Corridor to promote understanding of goals for Wilderness Battlefield gateway project area. | Partnership | | X | | Encourage voluntary participation of property improvements, landscaping, signage, visitor marketing, etc.; establish incentive funding pool for improvements. |
| *Solicit Funding for Implementation* | | | | | |
| *Infrastructure- Public Improvements, Utilities, Roads:* | | | | | |
| • Community Development Block Grant (CDBG) -Funds for community and economic development are available from U. S. Department of Housing and Urban Development (HUD) and the Virginia Department of Housing and Community Development (DHCD). Funds are competitive, unless a locality is a designated "entitlement community" for direct funding. (Orange County is a non-entitlement community.) Funds can be used to make critically needed community improvements to benefit low-moderate income persons, create jobs, or eliminate blighting conditions. Between $700,000 and $1,000,000 are available for projects meeting the required objectives. Projects could include such things as infrastructure, facade improvements, housing, and economic development initiatives. A Planning Grant can provide initial resources for preliminary planning or project planning to advance a CDBG application. Typically, these are available beginning January 1 on a first come, first serve basis. Grants range from $10,000 to $35,000 and are applied for by the locality via a letter of interest. Areas for | | | | | http://www.dhcd.virginia.gov/CommunityDevelopmentRevitalization/Community_Development_Block_Grant_Program.htm<br>http://www.dhcd.virginia.gov/CommunityDevelopmentRevitalization/PDFs/VCDBG_PlanningGrant.pdf |
| • Recreational Access Funds - VDOT provides funds of up to $250,000-$400,000 to state agencies or localities for road access improvements to recreational or historic sites owned by a state agency, locality, or an authority representing multiple localities. Federal facilities are not eligible. Bicycle facilities can be funded for $60-75,000. Projects can receive additional funds if there is a 50 percent match. There are annual allocations and funds are awarded on first come, first serve basis. Safety improvements to existing roads that access recreational/historic facilities may be eligible for funds. Project costs may include engineering, survey, and construction, but not property acquisition, environmental permits, and utility relocation. | | | | | http://www.virginiadot.org/business/local-assistance-access-programs.asp<br>http://www.virginiadot.org/business/resources/local_assistance/RecreationalAccessProgramGuide_2009.pdf |

| Next Steps & Potential Funding Opportunities | Partners | Recommended Timeframe | | | Comments |
|---|---|---|---|---|---|
| | | Priority I | Priority II | Priority III | |
| • Economic Development Access Funds - VDOT administers a fund that assists localities in attracting sustainable businesses that attract jobs and generates tax revenue for the locality. The program provides funding to provide access to new or substantially expanding "qualifying" business. In addition to roads, pedestrian and bicycle facilities are eligible expenditures, as well as project design and survey costs. The maximum unmatched amount available annually to a locality is $500,000 which can be used for one or more qualifying projects. | | | | | http://www.virginiadot.org/business/local-assistance-access-programs.asp<br>http://www.virginiadot.org/business/resources/local_assistance/EDA_Guide.pdf |
| • Virginia Business Incentives and Resources - Virginia provides various programs and funds to localities to assist in securing a business in the Commonwealth. Programs include the Governor's Opportunity Fund, the Virginia Investment Partnership Grant, Major Eligible Employer Grant, Virginia Economic Development Incentive Grant, Virginia Small Business Financing Authority, and more. For more information contact Virginia Economic Development Partnership. For start-up and existing small business programs and assistance, contact the Virginia Department of Business Assistance. | | | | | http://www.yesvirginia.org/whyvirginia/financial_advantages/business_incentives.aspx<br>http://www.yesvirginia.org/pdf/guides/BusinessIncentivesGuide2011.pdf<br>http://www.dba.virginia.gov/index.shtml<br>http://www.dba.virginia.gov/vsbfa.shtml |
| • USDA Farmers Market Promotion Program - Provides up to $100,000 for establishing farmers markets to provide local produce to communities. The mission of the FMPP grant program is to assist eligible entities in promoting the domestic consumption of agricultural commodities by expanding direct producer-to-consumer marketing opportunities. Additionally, all projects should support agricultural marketing enterprises where farmers or vendors sell their own products directly to consumers. | | | | | http://www.ams.usda.gov/AMSv1.0/FMPP<br>http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5082928&acct=fmpp |
| *Trails, Sidewalks, Bicycle Facilities, Pedestrian Enhancements:* | | | | | |
| • Transportation Enhancement Funds - The Virginia Department of Transportation receives annual allocations for multi-modal surface transportation projects from the Federal Highway Administration under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This program is commonly known as TEA21. Projects must relate to surface transportation and are eligible under twelve categories: bicycle and pedestrian facilities, scenic easements, landscaping, historic preservation, tourism/interpretative facilities, control of outdoor advertising, and pollution mitigation, among others. A 20 percent match is required. Funding is competitive. | | | | | http://www.virginiadot.org/business/prenhancegrants.asp |
| • Safe Routes to School - VDOT provides funding for sidewalk and bicycle improvements that encourage improved access to schools for students in grades K-8. The first step in the program is development of a School Travel Plan. | | | | | http://www.virginiadot.org/programs/ted_Rt2_school_pro.asp<br>http://www.vdot.virginia.gov/programs/resources/srts_assets/FINAL_VDOT_SRTS_Guidelines_2011.pdf |
| • Virginia Recreational Trails Program - The Virginia Department of Conservation and Recreation (DCR) receives federal funding from the Federal Highway Administration for trail and greenway projects. The fund is a reimbursement program. Grants are typically between $25,000- $100,000. A 20 percent match is required. | | | | | http://www.dcr.virginia.gov/recreational_planning/trailfnd.shtml<br>http://www.dcr.virginia.gov/forms/DCR199-123.pdf |

| Next Steps & Potential Funding Opportunities | Partners | Recommended Timeframe | | | Comments |
|---|---|---|---|---|---|
| | | Priority I | Priority II | Priority III | |
| • National Park Service, Rivers Trails and Conservation Assistance (RTCA) Program -Staff members of this program provide technical assistance (not financial assistance) to community efforts to conserve rivers, preserve natural areas, and develop trails and greenways. Assistance can include helping to assess resources, building partnerships, developing concept plans, and identifying funding opportunities. This program has been used by Spotsylvania County to develop the Spotsylvania Greenway Initiative, a 100 mile system of County trails and greenways (including connections to area battlefields). | | | | | Assistance applications are due by August 1<br>http://www.nps.gov/ncrc/programs/rtca/whoweare/wwa_who_we_are.htm<br>http://www.nps.gov/ncrc/programs/rtca/contactus/application_guidelines.pdf |
| *Visitor Center, Interpretive Information, Corridor Management Plan* | | | | | |
| • National Scenic Byways Funds - The Federal Highway Administration (FHWA) provides additional funding for pedestrian and bicycle trails, interpretive displays and other facilities on designated scenic byways. In addition, safety improvements are eligible for funding. Funds should benefit the travelers experience by managing the byways intrinsic qualities, enhancing the interpretive experience, or improving visitor facilities. Leveraged funds from other sources are strongly encouraged. Maximum federal share for funding is 80 percent; 20 percent match is required. Most federal funds cannot be used as match (i.e., Transportation Enhancement Funds). Also, federal agency materials and services are not allowed as match. Lands or buildings acquired by funds (such as a visitor center) must be owned by a governmental entity. Also, National Scenic Byways Funds can be used to develop, update or implement a corridor management plan that implements specific activities/projects that maintain or enhance the special scenic, historic, cultural, recreational, natural or archaeological qualities of the byway corridor, while providing increased tourism and additional amenities. | | | | | Route 3 is designated as a scenic road and is part of the Civil War Trail.<br>http://www.bywaysonline.org/program/reports/projects/parameters<br>http://assets.byways.org/asset_files/000/018/851/FY2012_Grant_Information.pdf<br>http://www.virginiadot.org/programs/prog-byways-sites.asp |
| *Recreation and Parks:* | | | | | |
| • Land and Water Conservation Funds - Managed by the National Park Service and administered by the American Battlefield Protection Program (ABPP), these funds are available to help local and state governments acquire and preserve threatened Civil War battlefield land. They require a dollar for dollar match and are competitive. Applications are considered on a first come, first serve basis. | | | | | http://www.nps.gov/hps/abpp/LWCFAcquisitionGrants.htm |
| • Virginia Land and Water Conservation Fund - The Virginia Department of Conservation and Recreation also manages this federal program which provides funding for acquisition and/or development of public outdoor recreation areas. The program operates as a reimbursement program and requires a 50 percent match. | | | | | http://www.dcr.virginia.gov/recreational_planning/lwcf.shtml |

| Next Steps & Potential Funding Opportunities | Partners | Recommended Timeframe | | | Comments |
|---|---|---|---|---|---|
| | | Priority I | Priority II | Priority III | |
| *Environment & Land Conservation:* | | | | | |
| • Virginia Land Conservation Fund - Managed by the Virginia Land Conservation Foundation, this program provides funding for permanent conservation easements and purchase of open spaces and parkland, lands of cultural or historic significance, farmlands, forests, and natural areas. Grants can pay up to 50% of project cost. Scoring criteria determine grant award amounts. | | | | | http://www.dcr.virginia.gov/virginia_land_conservation_foundation/index.shtml<br>http://www.dcr.virginia.gov/recreational_planning/lwcffaq.shtml<br>http://www.dcr.virginia.gov/virginia_land_conservation_foundation/documents/vlcfgrntman11.pdf |
| • Water Quality Improvement Fund - The Virginia Department of Conservation and Recreation provides funding for projects that improve water quality through stream conservation or reduction of non-point source pollution. Projects can include such things as protection for riparian buffers, storm water management/treatment, bio-treatment for impervious surface runoff, and stream restoration. Projects require a 50 percent match. | | | | | http://www.dcr.virginia.gov/stormwater_management/wqia.shtml |
| • Land Preservation Tax Credits - Virginia allows an income tax credit for land donated for a conservation easement. Property owners can receive up to 40% of the value. Unused income tax credits can be sold, thereby allowing those with no tax liability the ability to take advantage of the conservation incentive. | | | | | http://www.dcr.virginia.gov/land_conservation/lpc.shtml<br>http://www.dcr.virginia.gov/land_conservation/documents/1miltxcredfs.pdf |
| • Virginia Department of Historic Resources Survey Grants - VDHR provides funding to local governments for historic inventory planning under the Certified Local Government Program (adopted historic preservation ordinance and architectural review board). Also, this fund can pay for a Heritage Preservation Plan and for drafting architectural design guidelines. | | | | | http://www.dhr.virginia.gov/homepage_general/finance.htm<br>http://www.dhr.virginia.gov/pdf_files/Survey%20Manual-RevOct.2011Final.pdf |
| • Virginia Department of Historic Resources Civil War Battlefield Grants - VDHR provides 50/50 match funding to qualifying private, non-profit, 501c3 organizations for preservation and/or acquisition of significant battlefield sites. Note: This funding was established for 150 year anniversary of Civil War. | | | | | http://www.dhr.virginia.gov/pdf_files/VIRGINIA%20CWSPF%20GRANT%20PROGRAM%20ANNOUNCEMENT%20AND%20AWARD%20CRITERIA%202011.pdf |
| • TKF Foundation, Sacred Places - Private foundation offering grants and incentives for creating special outdoor natural public places in urbanizing areas. Intent is to provide an area for "healing" and appreciation of nature. Foundation offers planning grants and grants for implementing spaces. | | | | | http://www.opensacred.org/grants<br>http://www.opensacred.org/wp-content/uploads/TKF-OSSP-Final-Grant-RFP1.pdf |

# *Appendices*

*Appendix A - Major Battles on the Rappahannock / Rapidan Line*

*Appendix B - Wilderness Gateway Potential Partners*

*Appendix C - Virginia Model Transfer of Development Rights Ordinance*

*Appendix D - Spotsylvania County Memorandum of Understanding Historic Properties*

# APPENDIX A

## MAJOR BATTLES ON THE RAPPAHANNOCK / RAPIDAN LINE[1]

**(1). Cedar Mountain (VA022) August 9, 1862, II.2 (Class B), Culpeper**
Other Names: Slaughter's Mountain, Cedar Run
Campaign: Northern Virginia Campaign (June-September 1862)
Principal Commanders: Major General Nathaniel Banks [US]; Major General Thomas J. Jackson [CS]
Forces Engaged: 24,898 total (US 8,030; CS 16,868)
Estimated Casualties: 2,707 total (US 1,400; CS 1,307)
Results: Confederate victory
Description: Major General John Pope was placed in command of the newly constituted Army of Virginia on June 26. General Robert E. Lee responded to Pope's dispositions by dispatching Major General Thomas J. Jackson with 14,000 men to Gordonsville in July. Jackson was later reinforced by Major General Ambrose P. Hill's division. In early August, Pope marched his forces south into Culpeper County with the objective of capturing the rail junction at Gordonsville. On August 9, Jackson and Major General Nathaniel Banks's corps tangled at Cedar Mountain with the Federals gaining an early advantage. A Confederate counterattack led by Hill repulsed the Federals and won the day. Confederate general Brigadier General Charles S. Winder was killed. This battle shifted fighting in Virginia from the Peninsula to Northern Virginia, giving Lee the initiative.

**(2). Rappahannock Station 1 (VA023), August 22-25, 1862, II.4 (Class D), Culpeper and Fauquier**
Other Names: Waterloo Bridge, White Sulphur Springs, Lee Springs, Freeman's Ford
Campaign: Northern Virginia Campaign (June-September 1862)
Principal Commanders: Major General John Pope [US]; General Robert E. Lee [CS]
Forces Engaged: Brigades
Estimated Casualties: 225 total
Results: Inconclusive
Description: In early August, General Robert E. Lee determined that Major General George B. McClellan's army was being withdrawn from the Peninsula to reinforce Major General John Pope. He sent Major General Longstreet from Richmond to join Major General Thomas J. Jackson's wing of the army near Gordonsville and arrived to take command himself on August 15. On August 20-21, Pope withdrew to the line of the Rappahannock River. On August 23, Major General James E. B. Stuart's cavalry made a daring raid on Pope's headquarters at Catlett Station, showing that the Union right flank was vulnerable to a turning movement. Over the next several days, August 22-25, the two armies fought a series of minor actions along the Rappahannock River, including Waterloo Bridge, Lee Springs, Freeman's Ford, and Sulphur Springs, resulting in a few hundred casualties. Together, these skirmishes primed Pope's army along the river, while Jackson's wing marched via Thoroughfare Gap to

capture Bristoe Station and destroy Federal supplies at Manassas Junction, far in the rear of Pope's army.

**(3). Fredericksburg I (VA028), December 11-15, 1862, IV.1 (Class A), Spotsylvania and Fredericksburg**
Other Names: Marye's Heights
Campaign: Fredericksburg Campaign (November-December 1862)
Principal Commanders: Major General Ambrose E. Burnside [US]; General Robert E. Lee [CS]
Forces Engaged: 172,504 total (US 100,007; CS 72,497)
Estimated Casualties: 17,929 total (US 13,353; CS 4,576)
Results: Confederate victory
National Park Unit: Fredericksburg and Spotsylvania NMP
Description: On November 14, Major General Ambrose E. Burnside, now in command of the Army of the Potomac, sent a corps to occupy the vicinity of Falmouth near Fredericksburg. The rest of the army soon followed. General Robert E. Lee reacted by entrenching his army on the heights behind the town. On December 11, Union engineers laid five pontoon bridges across the Rappahannock under fire. On the 12th, the Federal army crossed over, and on December 13, Burnside mounted a series of futile frontal assaults on Prospect Hill and Marye's Heights that resulted in staggering casualties. Major General George G. Meade's division, on the Union left flank, briefly penetrated Major General Thomas J. Jackson's line but was driven back by a counterattack. Union generals Brigadier General Conrad F. Jackson and Brigadier General George D. Bayard, and Confederate generals Brigadier General Thomas R.R. Cobb and Brigadier General Maxey Gregg were killed. On December 15, Burnside called off the offensive and re-crossed the river, ending the campaign. Burnside initiated a new offensive in January 1863, which quickly bogged down in the winter mud. The abortive "Mud March" and other failures led to Burnside's replacement by Major General Joseph Hooker in January 1863.

**(4). Kelly's Ford (VA029) March 17, 1863, III.3 (Class C), Culpeper**
**Other Names: Kellysville**
Campaign: Cavalry Operations along the Rappahannock (March 1863)
Principal Commanders: Brigadier General William W. Averell [US]; Brigadier General Fitzhugh Lee [CS]
Forces Engaged: Divisions (3,000 total)
Estimated Casualties: 200 total
Results: Inconclusive
Description: Kelly's Ford was one of the early larger scale cavalry fights in Virginia that set the stage for Brandy Station and cavalry actions of the Gettysburg campaign. Twenty-one hundred troopers of Brigadier General William W. Averell's cavalry division crossed the Rappahannock River to attack the Confederate cavalry. Brigadier General Fitzhugh Lee counterattacked with a brigade of about 800 men. The "Gallant" Major John Pelham was killed. After achieving a localized success, Union forces withdrew in mid-afternoon.

**(5). Chancellorsville (VA032) April 30-May 6, 1863, I.2 (Class A), Spotsylvania**
Campaign: Chancellorsville Campaign (April-May 1863)
Principal Commanders: Major General Joseph Hooker [US]; General Robert E. Lee and Major General Thomas J. Jackson [CS]
Forces Engaged: 154,734 total (US 97,382; CS 57,352)
Estimated Casualties: 24,000 total (US 14,000; CS 10,000)
Results: Confederate victory
Description: On April 27, Major General Joseph Hooker led the V, XI, and XII Corps on a campaign to turn the Confederate left flank by crossing the Rappahannock and Rapidan Rivers above Fredericksburg. Passing the Rapidan via Germanna and Ely's Fords, the Federals concentrated near Chancellorsville on April 30 and May 1. The III Corps was ordered to join the army via United States Ford. Major General John Sedgwick's VI Corps and Brigadier General John Gibbon's division remained to demonstrate against the Confederates at Fredericksburg. In the meantime, General Robert E. Lee left a covering force under Major General Jubal Early in Fredericksburg and marched with the rest of the army to confront the Federals. As Hooker's army moved toward Fredericksburg on the Orange Turnpike, they encountered increasing Confederate resistance. Hearing reports of overwhelming Confederate force, Hooker ordered his army to suspend the advance and to concentrate again at Chancellorsville. Pressed closely by Lee's advance, Hooker adopted a defensive posture, thus giving Lee the initiative. On the morning of May 2, Lieutenant General Thomas J. Jackson directed his corps on a march against the Federal left flank, which was reported to be "hanging in the air." Fighting was sporadic on other portions of the field throughout the day, as Jackson's column reached its jump-off point. At 5:20 pm, Jackson's line surged forward in an overwhelming attack that crushed the Union XI Corps. Federal troops rallied, resisted the advance, and counterattacked. Disorganization on both sides and darkness ended the fighting. While making a night reconnaissance, Jackson was mortally wounded by his own men and carried from the field. Major General James E. B. Stuart took temporary command of Jackson's Corps. On May 3, the Confederates attacked with both wings of the army and massed their artillery at Hazel Grove. This finally broke the Federal line at Chancellorsville. Hooker withdrew a mile and entrenched in a defensive "U" with his back to the river at United States Ford. Union generals, Major General Hiram G. Berry and Major General Amiel W. Whipple and Confederate Brigadier General Elisha F. Paxton were killed; Stonewall Jackson was mortally wounded. On the night of May 5-6, after Union reverses at Salem Church, Hooker re-crossed to the north bank of the Rappahannock. This battle was considered by many historians to be Lee's greatest victory.

**(6). Fredericksburg II (VA034) May 3, 1863 , IV.1 (Class B), Fredericksburg**
Other Names: Marye's Heights
Campaign: Chancellorsville Campaign (April-May 1863)
Principal Commanders: Major General John Sedgwick [US]; Major General Jubal A. Early [CS]; Brigadier General Cadmus M. Wilcox [CS]
Forces Engaged: Corps
Estimated Casualties: 2,000 total

Results: Union victory
National Park Unit: Fredericksburg and Spotsylvania NMP
Description: On May 1, General Robert E. Lee left Major General Jubal A. Early's division to hold Fredericksburg, while marching with the rest of the army to meet Major General Joseph Hooker's main offensive thrust at Chancellorsville. On May 3, the Union VI Corps under Major General John Sedgwick, reinforced by Brigadier General John Gibbon's II Corps division, having crossed the Rappahannock River, assaulted and carried the Confederate entrenchments on Marye's Heights. The outnumbered Confederates withdrew and regrouped west and southeast of town.

**(7). Salem Church (VA043) May 3-4, 1863, IV.1 (Class B), Spotsylvania**
Other Names: Banks' Ford
Campaign: Chancellorsville Campaign (April-May 1863)
Principal Commanders: Major General John Sedgwick [US]; Major General Lafayette McLaws [CS]; Brigadier General Cadmus M. Wilcox [CS]
Forces Engaged: Corps
Estimated Casualties: 5,000 total
Results: Confederate victory
National Park Unit: Fredericksburg and Spotsylvania NMP
Description: After occupying Marye's Heights on May 3, Major General John Sedgwick's VI Corps marched out on the Plank Road with the objective of reaching Major General Joseph Hooker's force at Chancellorsville. He was delayed by Brigadier General Cadmus M. Wilcox's brigade of Major General Jubal Early's force at Salem Church. During the afternoon and night, Lee detached two of his divisions from the Chancellorsville lines and marched them to Salem Church. Several Union assaults were repulsed the next morning with heavy casualties, and the Confederates counterattacked, gaining some ground. After dark, Sedgwick withdrew across two pontoon bridges at Scott's Dam under a harassing artillery fire. Hearing that Sedgwick had been repulsed, Hooker abandoned the campaign, re-crossing on the night of May 5-6 to the north bank of the Rappahannock.

**(8). Brandy Station (VA035) June 9, 1863, I.3 (Class B), Culpeper**
Other Names: Fleetwood Hill
Campaign: Gettysburg Campaign (June-August 1863)
Principal Commanders: Major General Pleasonton [US]; Major General James E. B. Stuart [CS]
Forces Engaged: Corps (22,000 total)
Estimated Casualties: 1,090 total
Results: Inconclusive
Description: At dawn June 9, the Union cavalry corps under Major General Alfred Pleasonton launched a surprise attack on Major General James E. B. Stuart's cavalry at Brandy Station. After an all-day fight in which fortunes changed repeatedly, the Federals retired without discovering Lee's infantry camped near Culpeper. This battle marked the apogee of the Confederate cavalry in the East. From this point in the war, the Federal cavalry gained strength and confidence. Brandy Station was the largest cavalry battle of the war and the opening engagement of the Gettysburg Campaign.

**(9). Rappahannock Station II (VA043) November 7, 1863, IV.1 (Class B),** Fauquier and Culpeper
Campaign: Bristoe Campaign (October-November 1863)
Principal Commanders: **Rappahannock Station:** 2nd and 3rd Brigades, 1st Division, VI Corps, Army of the Potomac - Brigadier General David A. Russel, Colonel Emory Upton, Colonel Peter C. Ellmaker **Kelly's Ford:** 1st Division, III Corps, Army of the Potomac - Major General David B. Birney, Colonel P. Regis De Trobriand [US] **Rappahannock Station:** Hay's and Hoke's Brigades, Early's Division, II Corps, Army of Northern Virginia - Brigadier General Harry T. Hays, Colonel Archibald C. Godwin **Kelly's Ford:** Rodes's Division, II Corps, Army of Northern Virginia - Major General Robert E. Rodes [CS]
Forces Engaged: Corps
Estimated Casualties: 2,537 total (1,600 Confederate prisoners)
Results: Union victory
Description: On November 7, the Union army forced passage of the Rappahannock River at two places. A dusk attack overran the Confederate bridgehead at Rappahannock Station, capturing more than 1,600 men of Major General Jubal A. Early Division. Fighting at Kelly's Ford was less severe with about 430 casualties, but the Confederates retreated allowing the Federals across in force. On the verge of going into winter quarters around Culpeper, General Robert E. Lee's army retired instead into Orange County south of the Rapidan River. The Army of the Potomac occupied the vicinity of Brandy Station and Culpeper County.

**(10). Mine Run (VA044) November 27-December 2, 1863, I.3 (Class B), Orange**
Other Names: Payne's Farm, New Hope Church
Campaign: Mine Run Campaign (November-December 1863)
Principal Commanders: Major General George G. Meade [US]; General Robert E. Lee [CS]
Forces Engaged: Armies: 114,069 total (US 69,643; CS 44,426)
Estimated Casualties: 1,952 total (US 1,272; CS 680)
Results: Inconclusive
Description: Payne's Farm and New Hope Church were the first and heaviest clashes of the Mine Run Campaign. In late November 1863, Meade attempted to steal a march through the Wilderness and strike the right flank of the Confederate army south of the Rapidan River. Major General Jubal A. Early in command of Ewell's Corps marched east on the Orange Turnpike to meet the advance of Major General William H. French's III Corps near Payne's Farm. Brigadier General Joseph B. Carr's division (US) attacked twice. Major General Edward Johnson's division (CS) counterattacked but was scattered by heavy fire and broken terrain. After dark, Lee withdrew to prepared field fortifications along Mine Run. The next day the Union army closed on the Confederate position. Skirmishing was heavy, but a major attack did not materialize. Meade concluded that the Confederate line was too strong to attack and retired during the night of December 1-2, ending the winter campaign.

**(11). Morton's Ford (VA045) February 6-7, 1864, III.4 (Class D), Orange and Culpeper**
Other Names: Rapidan River
Campaign: Demonstration on the Rapidan River (February 1864)
Principal Commanders: **Morton's Ford:** 3rd Division, II Corps, Army of the Potomac - Brigadier General John C. Caldwell, Brigadier General Alexander Hays **Raccoon Ford:** I Corps, Army of the Potomac - Major General John Newton [US] II Corps, Army of Northern Virginia - Lieutenant General Richard S. Ewell [CS]
Forces Engaged: Divisions
Estimated Casualties: 723 total
Results: Inconclusive
Description: To distract attention from a planned cavalry-infantry raid up the Peninsula on Richmond, the Federal army forced several crossings of the Rapidan River on February 6. A II Corps division crossed at Morton's Ford, the I Corps at Raccoon Ford. Union cavalry crossed at Robertson's Ford. Lieutenant General Richard S. Ewell 's Corps resisted the crossings. Fighting was sporadic but most severe at Morton's Ford. By February 7, the attacks had stalled, and the Federals withdrew during the night.

**(12). Wilderness (VA046), May 5-7, 1864, I.2 (Class A), Orange and Spotsylvania County**
Other Names: Combats at Parker's Store, Craig's Meeting House, Todd's Tavern, Brock Road, the Furnaces
Campaign: Grant's Overland Campaign (May-June 1864)
Principal Commanders: Lieutenant General Ulysses S. Grant and Major General George G. Meade [US]; General Robert E. Lee [CS]
Forces Engaged: 162,920 total (US 101,895; CS 61,025)
Estimated Casualties: 29,800 total (US 18,400; CS 11,400)
Results: Inconclusive (Grant continued his offensive.)
National Park Unit: Fredericksburg and Spotsylvania NMP
Description: The opening battle of Lieutenant General Ulysses S. Grant's sustained offensive against the Confederate Army of Northern Virginia, known as the Overland Campaign, was fought at the Wilderness, May 5-7. On the morning of May 5, 1864, the Union V Corps attacked Lieutenant General Richard S. Ewell's Corps on the Orange Turnpike, while Lieutenant General Ambrose P. Hill's corps during the afternoon encountered Brigadier General George W. Getty's Division (VI Corps) and Major General Winfield Scott Hancock's II Corps on the Plank Road. Fighting was fierce but inconclusive as both sides attempted to maneuver in the dense woods. Darkness halted the fighting, and both sides rushed forward reinforcements. At dawn on May 6, Hancock attacked along the Plank Road, driving Hill's Corps back in confusion. Lieutenant General James Longstreet's Corps arrived in time to prevent the collapse of the Confederate right flank. At noon, a devastating Confederate flank attack in Hamilton's Thicket sputtered out when Lt. Gen. James Longstreet was wounded by his own men. The IX Corps (Major General Ambrose E. Burnside) moved against the Confederate center, but was repulsed. Union generals, Major General James S. Wadsworth and Major General Alexander Hays were killed. Confederate generals Brigadier General

John M. Jones, Brigadier General Micah Jenkins and Brigadier General Leroy A. Stafford were killed. The battle was a tactical draw. Grant, however, did not retreat as had the other Union generals before him. On May 7, the Federals advanced by the left flank toward the crossroads of Spotsylvania Courthouse.

**(13). Spotsylvania Court House (VA048) , May 8-21, 1864 I.2 (Class A), Spotsylvania County**

Other Names: Combats at Laurel Hill and Corbin's Bridge (May 8); Ni River (May 9); Laurel Hill, Po River, and Bloody Angle (May 10); Salient or Bloody Angle (May 12-13); Piney Branch Church (May 15); Harrison House (May 18); Harris Farm (May 19)
Campaign: Grant's Overland Campaign (May-June 1864)
Principal Commanders: Lieutenant General Ulysses S. Grant and Major General George G. Meade [US]; General Robert E. Lee [CS]
Forces Engaged: 152,000 total (US 100,000; CS 52,000)
Estimated Casualties: 30,000 total (US 18,000; CS 12,000)
Results: Inconclusive (Grant continued his offensive.)
National Park Unit: Fredericksburg and Spotsylvania NMP
Description: After the Wilderness, Lieutenant General Ulysses S. Grant's and Major General George G. Meade's advance on Richmond by the left flank was stalled at Spotsylvania Court House on May 8. This two-week battle was a series of combats along the Spotsylvania front. The Union attack against the Bloody Angle at dawn, May 12-13, captured nearly a division of General Robert E. Lee's army and came near to cutting the Confederate army in half. Confederate counterattacks plugged the gap, and fighting continued unabated for nearly 20 hours in what may well have been the most ferociously sustained combat of the Civil War. On May 19, a Confederate attempt to turn the Union right flank at Harris Farm was beaten back with severe casualties. Union generals, Major General John Sedgwick (VI Corps commander) and Brigadier General James C. Rice were killed. Confederate generals, Major General Edward Johnson, and Brigadier General George H. Steuart were captured, Brigadier General Junius Danial, and Brigadier General Abner M. Perrin were mortally wounded. On May 21, Grant disengaged and continued his advance on Richmond.

**(14). Trevilian Station (VA099) June 11-12, 1864, II.2 (Class B), Louisa County**

Other Names: Trevilians
Campaign: Grant's Overland Campaign (May-June 1864)
Principal Commanders: Major General Philip Sheridan [US]; Major General Wade Hampton [CS]
Forces Engaged: Divisions
Estimated Casualties: 1,600 total
Results: Confederate victory
Description: To draw off the Confederate cavalry and open the door for a general movement to the James River, Major General Philip Sheridan mounted a large-scale cavalry raid into Louisa County, threatening to cut the Virginia Central Railroad. On June 11, Sheridan with Brigadier General David M. Gregg's, Brigadier General Alfred T.A. Torbert's divisions attacked Major General Wade Hampton's and Major General Fitzhugh Lee's cavalry divisions

at Trevilian Station. Sheridan drove a wedge between the Confederate divisions, throwing them into confusion. On the 12th, fortunes were reversed. Hampton and Lee dismounted their troopers and drew a defensive line across the railroad and the road to Gordonsville. From this advantageous position, they beat back several determined dismounted assaults. Sheridan withdrew after destroying about six miles of the Virginia Central Railroad. Confederate victory at Trevilian prevented Sheridan from reaching Charlottesville and cooperating with Hunter's army in the Valley. This was one of the bloodiest cavalry battles of the war.

[1]The battlefield summaries are excerpted from National Park Service American Battlefield Protection Program. 2007. Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields Technical Volume II: Battle Summaries. Washington, DC: US Department of the Interior National Park Service, July, www2.cr.nps.gov/ abpp/battles/tvii.htm#sums, (updated 1997).

# APPENDIX B

## WILDERNESS GATEWAY POTENTIAL PARTNERS

As defined earlier in this report, the heritage tourism initiatives of this visioning study will be best implemented through collaborative work. The following is a partial and preliminary list of organizations and initiatives that may be a resource for heritage tourism efforts.

**Brandy Station Foundation** is a 501(c)3 non-profit organization dedicated to preserving the natural and historic resources of the Brandy Station area of Culpeper County, Virginia. While its focus is toward the Civil War history of the Brandy Station vicinity, its efforts are not limited to that time period or by any geographic boundaries. We have been instrumental in the preservation of significant tracts of land related to the Battle of Brandy Station (June 9, 1863) and Kelly's Ford (March 17, 1863). We operate the Graffiti House, which serves as our visitor center and museum. Its goal is to ensure the history and heritage of the area is not "paved over" in our rush to progress. Toward that end, Brandy Station Foundation has strong working partnerships in the community and with like-minded organizations.

**Central Virginia Battlefields Trust** (CVBT) is a nonprofit organization established in 1996 with a two-fold mission: to purchase significant Civil War battlefields and landmarks, both in fee and in easement, and to preserve them in perpetuity and to serve as a facilitator and advocate for battlefield preservation on a local, state and federal level. CVBT has been instrumental in saving historically significant battlefield property. CVBT has systematically acquired land on all four of the Fredericksburg area's battlefields totaling 893 acres.

**Civil War Round Table of Fredericksburg** whose purpose is to further and stimulate interest in the military history of the United States, particularly with reference to the Civil War. Founded in 1957, it is one of the oldest Civil War Round Tables in the nation. The group of about 100 members meets once each month for a presentation of a Civil War topic by a guest speaker, frequently a nationally-known author.

**Civil War Trust** (CWT) is America's largest non-profit, 501(c)3 organization devoted to the preservation of our nation's endangered Civil War battlefields. The Trust also promotes educational programs and heritage tourism initiatives to inform the public of the war's history and the fundamental conflicts that sparked it. CWT The Civil War Trust has worked to save and preserve more than 30,000 acres of battlefield land at 110 battlefields in 20 different states. In addition to preserving Civil War battlefield land, the CWT conducts programs designed to inform the public about the events and consequences of the Civil War, foster an understanding of the need for preservation, and create a personal connection to the past.

**Culpeper Visitors Center**, located in the historic Train Depot welcomes local and out-of-town visitors with a wealth of community, regional and state information and is a wonderful resource for maps, brochures, and other guides to help make your visit enjoyable.

**Fredericksburg Area Museum and Cultural Center** whose mission is to collect, interpret, and present the history and culture of the Fredericksburg area in order to share with the residents and visitors alike the stories of those who shaped the region and its role in the nation's development.

**Fredericksburg & Spotsylvania National Military Park.** The purpose of the park is to preserve, maintain, protect, and provide access to the cultural and natural resources of the Civil War battlefields of Fredericksburg, Chancellorsville, Wilderness, and Spotsylvania Court House and associated sites and to interpret and commemorate them in the larger context of the Civil War and American history for the benefit and education of visitors and the general public.

**Friends of Cedar Mountain Battlefield** Inc. is a community-based, nonprofit corporation dedicated to working cooperatively with landowners and local citizens to protect, restore, maintain, manage, interpret, and promote public awareness of the Cedar Mountain Civil War Battlefield and vicinity in Culpeper County, Virginia.

**Friends of the Rappahannock** (FOR) was formed in 1985 as a non-profit, grassroots conservation organization. Its goal is to maintain the water quality and scenic beauty of the Rappahannock River and its tributaries. It works with a wide variety of stakeholders, from local governments to elementary students, to educate about the river and to advocate for actions and policies that will protect and restore the river. FOR promotes environmentally responsible planning through active participation in the civic process and provides technical support to local governments, developers, and teachers in areas of special expertise, including low impact development codes and ordinances, watershed planning, water quality monitoring, invasive species control, and stream bank restoration.

**Friends of the Wilderness Battlefield** assists the Fredericksburg and Spotsylvania National Military Park (FRSP) in its efforts to preserve the Wilderness Battlefield in Spotsylvania and Orange Counties. The Friends provide advocacy, educational programs, and service projects for the battlefield and Elwood.

**George Washington Foundation** whose mission is to enhance the public understanding and appreciation of the lives, values, and legacies of George Washington, Fielding and Betty Washington Lewis, and their families. It is a privately held, 501(c)3 non-profit organization, headquartered in historic Fredericksburg. In 1922, it purchased Kenmore, the Fredericksburg house completed in 1775 by George Washington's sister Betty and her husband, Colonel Fielding Lewis. In 1996 acquired Ferry Farm, along the Rappahannock

River in Stafford County where young George. Also during this time, the Foundation acquired Augustine Washington's ironworks at Accokeek Furnace in Stafford County.

**George Washington & Rappahannock Regional Commission** is the "planning district commission" established by the General Assembly for the region comprising the City of Fredericksburg and the counties of Caroline, King George, Spotsylvania and Stafford. It is the fourth-largest and fastest-growing of the Commonwealth's 21 planning districts. It provides a broad array of services for the benefit of the 320,000 residents of Planning District 16, including regional environmental, energy-conservation, hazard mitigation and rural transportation planning programs.

**Germanna Community College** is one of the twenty-three community colleges in Virginia that comprise the Virginia Community College System. It is a two-year public institution of higher education established in 1970. The College serves the residents of Caroline, Culpeper, King George, Madison, Orange, Spotsylvania, and Stafford counties and the City of Fredericksburg. In 1969, the Memorial Foundation of Germanna Colonies donated 100 acres of property along the Rapidan River to the Commonwealth of Virginia for the location of the college, now one of four campuses.

**Historic Fredericksburg Foundation Inc.** (HFFI) owns, restores, and protects properties in Fredericksburg. The foundation owns the recently restored 1748 Lewis store. HFFI has contributed to the preservation of such Fredericksburg landmarks as the Old Stone Warehouse, Old City Hall (now the Fredericksburg Museum), the Gravatt House, an historic kitchen dependency, Chimneys, the Silversmith Shop, and the Doggett House. The Foundation maintains protective easements on 39 sites in the city.

**Historic Gordonsville, Inc.** acquired and restored the Exchange Hotel in 1971. It was recognized and placed on the National Register of Historic Places on August 14, 1973 and acknowledged as an African-American Memorial Site in June of 2002. The Civil War Museum at the Exchange Hotel contains exhibitions on the history of Gordonsville as a railroad town, the elegance of the Exchange Hotel, and its history as the Gordonsville Receiving Hospital during the Civil War.

**Journey Through Hallowed Ground Partnership** is the managing partner of the is Journey Through Hallowed Ground National Heritage Area, a 180-mile long, 75-mile wide area stretching from Gettysburg, Pennsylvania, to Charlottesville, Virginia. The 180-mile long route follows US Route 15, and Virginia's State Route 231, State Route 20, and State Route 53 passing through Orange County, the Town of Orange and Culpeper County, the Town of Culpeper. The spine of the heritage area is corridor of connected routes that have also been designated an All American Road within the National Scenic Byways Program. In Virginia, the Byway follows US Route 15 south through Lucketts to US Route 15 Business into downtown Leesburg. It then continues along US. Route 15 to Haymarket, Buckland, Warrenton, Culpeper,

and Orange, following the business routes into each of those towns as well as through historic Brandy Station. At Orange, the Byway connects with Virginia Route 20 to Montpelier, and then takes Virginia Route 231 and Virginia Route 22 to Charlottesville, connecting to downtown and Monticello.

**Louisa County Historical Society** whose purpose is to promote the preservation of historical records, collect existing materials, writings and artifacts of life in Louisa County and to make these collections available to the public. It operates a museum, located in the old jail building beside the Louisa County Courthouse in Louisa, that is open on Friday and Saturday, 10:00 AM until 2:00 PM April through October.

**Memorial Foundation of the Germanna Colonies in Virginia, Inc.** is a 501(c)3 non-profit charitable organization founded in 1956. Its purpose is to preserve and make known the history of the Virginia Germanna Colonies, their operations under the patronage of Alexander Spotswood, his residence and activities at Germanna and in the surrounding area. The Germanna Foundation owns 179 acres of land on the original Germanna peninsula, south of Route 3, near the site of the original Fort Germanna. The Foundation operates a visitor center built in 2000 on that land and owns a nearby 18th century mansion, Salubria, once the home of Governor Spotswood's widow.

Montpellier the 2,650-acre estate in Orange County was the lifelong home of James Madison. Its history begins with settlement by James Madison's grandfather in the 1720s, and includes slaves who worked and lived on the plantation, Civil War soldiers who encamped on the property, and a freedman's family who lived and farmed here after Emancipation. It is owned by the National Trust for Historic Preservation.

**Museum of Culpeper History** whose purpose is primarily to collect, preserve and exhibit significant artifacts and memorabilia reflecting the people, places and events that shaped the character of Culpeper and the surrounding area. Collaterally, the Museum serves both as a resource for students of all ages to research and explore history, geography, math and economics, as well as, and provides an interactive resource and program oriented organization boosting tourism and the local economy.

**National Parks Conservation Association** (NPCA) is an independent, nonpartisan voice working to address major threats facing the National Park System. NPCA was established in 1919, just three years after the National Park Service. Stephen Mather, the first director of the Park Service, was one of our founders. He felt very strongly that the national parks would need an independent voice—outside the political system—to ensure these places remained unimpaired for future generations. Now, nearly one hundred years later, NPCA has more than 600,000 members and supporters. In addition to its national headquarters in Washington, D.C., NPCA has 25 regional and field offices around the country.

**National Trust for Historic Preservation** is a private, nonprofit membership organization dedicated to saving historic places and revitalizing America's communities. It was founded in 1949 and provides leadership, education, advocacy, and resources to protect the irreplaceable places that tell America's story. Staff at the Washington, DC, headquarters, six regional offices, and 29 historic sites work with the Trust's 200,000 members and thousands of preservation groups in all 50 states. James Madison's Montpelier, a National Trust Property, is also located in Orange County.

**Orange County Tourism and Visitors Bureau** is responsible for Orange County's Tourism promotion efforts; raising the awareness of Orange County as a tourism destination, serving the needs of its visitors, enhancing its image and promoting its interest and name recognition. A marketing and promotion-driven operation, it oversees all County tourism related print and electronic media materials, volunteer staff for the Orange County Visitors Centers, and tourism outreach. In addition to one full time director and three part time employees, the department operates with the generous support of over 45 volunteers.

**Orange County Historical Society** is a research, archival, and educational organization dedicated to the discovery, preservation, and dissemination of the history of Orange County, Virginia, of its people, and the surrounding area.

Orange Downtown Alliance is a nonprofit association established to enhance the economic environment of the Town of Orange as a center of commerce while maintaining the character and integrity of the town's central business district as an attractive place to live, work, and visit. It is a member of the Virginia Main Street Program and the National Main Street Center. It follows the Four-Point Approach developed by the National Main Street Center. Activities are focused on: marketing the downtown's unique qualities; strengthening the downtown district's existing economic base; promoting the enhanced physical appearance of the district by capitalizing on its assets, rehabilitating historic buildings, encouraging supportive new construction, and beautifying the streetscape; building cooperation and consensus between all stakeholders to strengthen the Main Street program, and to improve the quality of life for the people who live, work, and visit in downtown Orange.

**Orange Downtown Alliance** is a nonprofit association established to enhance the economic environment of the town of Orange, VA as a center of commerce while maintaining the character and integrity of the town's central business district as an attractive place to live, work, and visit. Leadership of ODA is provided by a volunteer Board of Directors and an active committee system. The ODA is a member of the Virginia Main Street Program and the National Main Street Center.

**Piedmont Crossroads Visitors Center** is located off the lobby of the new Best Western Hotel at Zion Crossroad. It is jointly operated by Louisa, Fluvanna, and Orange counties.

**Piedmont Environmental Council** (PEC) mission is to safeguard the landscapes, communities, and heritage of the Piedmont by involving citizens in public policy and land conservation. PEC focuses on nine counties and one city in the northern Piedmont of Virginia: Albemarle, Charlottesville, Culpeper, Clarke, Fauquier, Greene, Loudoun, Orange, Madison, and Rappahannock.

**Preservation Virginia**, a private non-profit organization and statewide historic preservation leader founded in 1889, is dedicated to perpetuating and revitalizing Virginia's cultural, architectural and historic heritage thereby ensuring that historic places are integral parts of the lives of present and future generations. Its mission is directly consistent with and supportive of Article XI of the Constitution of Virginia, benefiting both the Commonwealth and the nation. Preservation Virginia provides leadership, experience, influence, and services to the public and special audiences by saving, managing, and protecting historic places, and developing preservation policy, programs, and strategies with individuals, organizations, and local, state, and national partners.

**Rappahannock River Basin Commission** mission and purpose are stated in Section 62.1-69.27 of the Code of Virginia. To provide guidance for the stewardship and enhancement of the water quality and natural resources of the Rappahannock River Basin. The Commission shall be a forum in which local governments and citizens can discuss issues affecting the Basin's water quality and quantity and other natural resources. Through promoting communication, coordination and education, and suggesting appropriate solutions to identified problems, the Commission shall promote activities by local, state and federal governments, and by individuals, that foster resource stewardship for the environmental and economic health of the basin. The commission may undertake studies and prepare, publish, and disseminate information in reports and in other forms related to the water quality and natural resources of the basin and to further its purposes and mission; enter into contracts; establish a nonprofit corporation as an instrument to administer its affairs and in raise funds; seek, apply for, accept and expend gifts, grants and donations, services and other aids, from public or private sources.

**Rappahannock-Rapidan Regional Commission** serves the counties of Culpeper, Fauquier, Madison, Orange and Rappahannock, and the towns of Culpeper, Gordonsville, Madison, Orange, Remington, The Plains, Warrenton, and Washington. One of 21 regional commissions chartered by the Commonwealth of Virginia, it provides professional planning and technical resources, a concerted approach to regional cooperation, planning assistance with program delivery, and a forum for the interaction of appointed and elected local government officials and citizen members.

**Rappahannock Valley Civil War Round Table** was founded as an organization open to all people interested in learning about the Civil War and in preserving the hallowed ground where the soldiers fought.

**Society for the Preservation of Culpeper History** is a non-profit literary, educational and charitable organization with the purpose "to support projects and publications which research, record, and disseminate the history of Culpeper County, Virginia and subjects related thereto."
**Spotsylvania County Tourism** The Visitor Center for Spotsylvania County Tourism is located just off of Interstate 95 in Massaponax, at 4704 Southpoint Parkway. The center is staffed with counselors who provide visitors and residents with an overview of Spotsylvania County, history and information on attractions, shopping opportunities, restaurants, and other items of interest.

**Spotsylvania Greenways Initiative** (SGI) was founded by local citizens, to locate, preserve and create greenways in Spotsylvania County. Spotsylvania's rich history and unique landscape are being connected through greenways that provide lessons in history, allow people to be part of nature, and offer recreational activities through extended hiking and biking trails – all while linking to other communities throughout the region.

**Town of Culpeper Department of Tourism** is responsible for the marketing and promotion of Culpeper as a tourist destination through advertising, internet marketing, developing tourism related brochures and publications, and social networking. Department also serves as the point of contact for media projects related to Culpeper as a destination as well as being the local liaison for the Virginia Film Office. The Tourism Department's purpose is to increase the revenue generated in Culpeper by the tourism industry, encouraging more visitors to come to Culpeper, to stay longer, and to spend more money. The Department also works with other organizations to help coordinate efforts in the Culpeper community to further develop and promote tourism as a major industry.

**Trail to Freedom** was initiated in 2009 by the Fredericksburg-Stafford-Spotsylvania Sesquicentennial Committee in an effort to commemorate and interpret the experiences of more than 10,000 slaves who passed through this region between April and September 1862. Presently, the Trail to Freedom encompasses sites in the City of Fredericksburg and Stafford County, Virginia.

**Trevilian Station Battlefield Foundation** (TSBF) is a 501(c)3 Virginia Corporation dedicated to the preservation of the Battlefield of Trevilian Station, site of the largest all cavalry action of the Civil War, and to the acquisition of Battlefield land, preservation of artifacts for posterity, and education to the public. With the Civil War Trust the TSBF has preserved over 2,000 acres of the battlefield.

**Twenty-third Infantry Regiment, United States Colored Troops** The formation of men of color into military organizations under State designations commenced as early as May, 1862; it was officially commenced by the War Department, May 22, 1863. The regiments ordered then to be formed were to be designated "(such) regiment of United States Colored Troops," and there were

formed regiments of cavalry, of light and heavy artillery and of infantry. Today state and regional organizations commemorate the service of these men.

**University of Mary Washington** is a coeducational, public institution that offers graduate and undergraduate degrees. In addition to its primary location in the heart of historic Fredericksburg, UMW has two other campuses – one in Stafford, which caters to working professionals, and another in Dahlgren, which offers graduate science and engineering programs. There are three colleges – arts and sciences, business, and education – all of which produce graduates who are critical thinkers prepared to succeed. UMW also recently developed a Center for Economic Development, which connects faculty and students with regional initiatives and businesses seeking their assistance.
Virginia Civil War Trails program has installed more than 1,000 interpretive markers at Civil War sites in Virginia, Maryland, Tennessee, West Virginia and North Carolina. Driving tours following major campaigns have been created, and a series of regional brochures is available.

## APPENDIX C

### VIRGINIA MODEL - TRANSFER OF DEVELOPMENT RIGHTS ORDINANCE

## APPENDIX D

### SPOTSYLVANIA COUNTY MODEL - MEMORANDUM OF UNDERSTANDING REGARDING EFFECTS ON HISTORIC PROPERTIES

# A Model Transfer of Development Rights Ordinance for Virginia Localities


**January 2010**

# INDEX

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**PREFACE TO VIRGINIA MODEL ORDINANCE**
**PERMITTING THE TRANSFER OF DEVELOPMENT RIGHTS**

The Virginia General Assembly first adopted statewide enabling legislation for local zoning ordinances permitting transfers of development rights ("TDRs") in 2006. (Ch. 573, 2006 Va. Acts of Assembly). That legislation was amended in the 2007 legislative session to allow TDRs across county-city boundaries with the permission of the local governing bodies and circuit court approval. (Chs. 363 and 410, 2007 Va. Acts).

Although the original legislation resulted from a negotiated agreement between local government organizations and the development community, neither side moved forward quickly after adoption of the enabling legislation to implement TDR provisions in any Virginia locality. One identified obstacle was the requirement in the original legislation that the severance of development rights from one parcel and attachment of those rights to another parcel occur at the same time.

In an effort to remove that obstacle and make the TDR legislation more attractive to localities and developers, their representatives had intermittent discussions over the ensuing two years, eventually including representatives of realtors, environmental preservation groups and others.

Those talks led to the introduction and eventual adoption in the 2009 session of further amendments to the enabling Code sections. (Ch. 413, 2009 Va. Acts) In addition to allowing severance of development rights without their immediate reattachment to another property, the 2009 amendments provide for local taxation of the severed rights as a separate property interest during the time they are unattached to a specific land parcel, clarify the procedures for the TDR to occur, and generally attempt to make the enabling statutes easier to use.

In the course of negotiating the 2009 legislative changes, the negotiators recognized that development of a usable model ordinance might also help to spur localities' adoption of TDR provisions. Accordingly, during the late summer and autumn of 2009, a group of representatives of the various stakeholders has held a series of meetings and produced the model ordinance provisions here being offered.

The work group that produced the model ordinance includes attorneys and lobbyists, planners, developers, appraisers and other real estate

professionals. Collectively the work group has hundreds of years of experience dealing with land use and real property development issues. Special acknowledgement is due to our chairman and facilitator, John G. "Chip" Dicks, of FutureLaw, LLC, who participated as representative of the Virginia Association of Realtors, to Mr. Dicks' partner Barrie Bowers, who served as our scrivener-in-chief, and to Ted McCormack of the Virginia Association of Counties, who coordinated the local government participation, handled scheduling and logistics, and served as host of our meetings. A full list of the participants and their organizations is attached.

Most members of the work group are generally comfortable with the model ordinance and hope others will find it useful. We encourage Virginia local governments to consider adoption of a TDR ordinance based on the model and the adjoining commentary, but local conditions and concerns obviously may require modifications before adoption. A list of general TDR resources in also included in this document.

*We emphasize, however, that the model ordinance is the product of a group effort, that it has not been officially reviewed or endorsed by any of the work group participants or their employers or clients, and that it does not represent the official position or policy of any organization. We have tried to make the model ordinance consistent with the enabling Virginia statutes (Va. Code §§ 15.2 2316.1 and 15.2-2316.2) as they became effective on July 1, 2009, but we make no warranties of the model ordinance's legality or enforceability, and disclaim liability for any deviations from the statutory authority, real or perceived.*

Richmond, Virginia
November 2009

# SELECTED TDR RESOURCES

Report: The Feasibility of Successful TDR Programs for Maryland's Eastern Shore, prepared by the Eastern Shore Land Conservancy, Inc. (January 2007) http://agroecol.umd.edu/files/Dehart%20Full%20Report%20HRHCAE%20Pub-2007-01.pdf

Beyond Takings and Givings: Saving Natural Areas, Farmland, and Historic Landmarks with Transfer of Development Rights and Density Transfer Charges, by Rick Pruetz, FAICP http://www.beyondtakingsandgivings.com/

TDR Case Studies by Rick Pruetz,
http://www.beyondtakingsandgivings.com/updates.htm
Beyond Takings and Givings contains case studies of 142 TDR programs in 134 communities around the nation. Since that book went to press in January 2003, TDR programs have been adopted, discovered or updated in the following communities. Rick Pruetz, who prepares these profiles, runs a consulting practice specializing in TDR workshops, studies and ordinances. Please contact him at arje@attglobal.net with corrections, updates or information on additional programs.

American Planning Association, Model Transfer of
Development Rights Ordinance
http://www.planning.org/growingsmart/guidebook/nine02.htm#9401

Preserving property: Transfer of development rights saves natural and historic sites, (Commercial Investment Real Estate, Mar./Apr. 2006).
http://www.ciremagazine.com/article.php?article_id=915

Transfer of development rights, (1000 Friends of Minnesota Fact Sheet #5, June 12, 2003).
http://www.1000fom.org/library/fact-sheets/5

Transfer of development rights: Fact sheet, (American Farmland Trust - Farmland Information Center, Jan. 2001). http://www.farmlandinfo.org/ (Go to Farmland Information Center web page and there is an abundance of information including sample regulations.)

Making markets for development rights work: what determines demand?, (Resources for the Future, Oct. 2005). http://www.rff.org/documents/RFF-DP-05-45.pdf

Transfer of Development Rights in U.S. Communities: Evaluating Program Design, Implementation, and Outcomes (Resources for the Future, 2007)
http://www.rff.org/Publications/Pages/PublicationDetails.aspx?PublicationID=9578

Transfer of Development Rights, Capitol Region Council of Governments Best Practices Manual, Chapter 3
http://www.crcog.org/publications/CommDevDocs/TCSP/Ch03_FactSheet_TDR.pdf

# Model TDR Ordinance Work Group

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# Transfer of Development Rights (TDR)
# Model Ordinance

**[COMMENT: This is a model ordinance based upon the TDR enabling legislation (Virginia Code §§ 15.2-2316.1 and 2316.2), and should be adopted as part of the locality's zoning ordinance. The statutes include both mandatory and permissive provisions. This model ordinance specifies which provisions are permissive. It also includes bracketed cross-references to specific provisions within the enabling statutes. Note, however, that the model ordinance does not include all permissive provisions, so localities should refer to the underlying statute to determine the full scope of their authority.]**

Section 1 **Short Title**

This ordinance is to be known and may be cited as the "Transfer of Development Rights ("TDR") Program" or the "TDR Program."

Section 2 **Purpose [§ 15.2-2316.2(A)]**

The purposes of this ordinance include, but are not limited to:

A. Preserve open space, scenic views, and critical and sensitive areas.

B. Conserve agricultural and forestal uses of land.

C. Protect lands, resources and structures of aesthetic, architectural, and historic significance.

D. Conserve and protect water resources and environmentally sensitive lands, waters, and other natural resources.

E. Assist in shaping the character and direction of the development of the community.

F. Establish a procedure enabling the [county/city/town] and its landowners to voluntarily sever development rights from a sending property.

G. Establish a procedure for ownership of development rights that have been severed from a sending property and not yet attached to a receiving property.

H. Establish a procedure for attaching severed development rights to a receiving property in receiving areas that have adequate community facilities, including transportation, to accommodate additional development.

I. Establish a procedure for identifying sending areas and receiving areas.

J. Establish certain incentives, such as bonus density, for attaching development rights to receiving properties.

K. Establish certain mechanisms for the purchase of severed development rights and conversion of residential development rights into commercial density, and otherwise assist the [county/city/town] in the implementation of its comprehensive plan.

L. Protect and enhance private property rights by enabling the transfer of development rights.

M. Improve the quality of life for the citizens of the [county/city/town].

N. Conserve and promote the public health, safety, and general welfare of the [county/city/town] by establishing procedures, methods, and standards for the transfer of development rights within its jurisdiction.

**[COMMENT: Note that this is a voluntary program, and a locality may not require a landowner to sever or accept a transfer of any development rights.]**

Section 3 **Definitions [§ 15.2-2316.1]**

As used in this article, the term:

A. "Development rights" means the permitted uses and density of development that are allowed on the sending property under the zoning ordinance on [date prescribed by the ordinance]. "Development rights" includes "transferable development rights." Permitted uses and densities that are allowed on a sending property are based on the permitted uses and densities allowable by right on [date prescribed by the ordinance].

**[COMMENT: This text addresses the simple issue of development rights based solely on what the zoning ordinance permits by right. Localities may want to address whether they base a sending property's available development rights on the**

**property's gross (or "theoretical") development rights or its net (or "provable") development rights. In addition, some localities might wish to allow the transfer of rights based on special legislative approvals existing as of the prescribed date, such as a special permit or special exception. For example, a property might have an approved special exception permitting a 50-unit subdivision that has not been developed, and the locality might now prefer that the property not be developed so intensely. The TDR program could allow the locality to determine, on a case-by-case basis, whether a particular property was suitable as a sending or receiving property. The enabling authority offers no guidance, however, in how to account for conditions—whether proffered as part of a rezoning or imposed as part of a special exception or special permit—attached to the zoning of a particular sending property. If the sending property has already been subdivided in accordance with the rights now sought to be severed, the locality would need to vacate the subdivision, or at least the portion representing the severed density. In addition to the TDR program, localities have a number of different ways to accomplish similar objectives: for example, an upzoning of the sending area, coupled with the right of the sending properties' landowners to transfer bonus density, as long as the transferred density is measured as of the date prescribed in the ordinance. In accordance with subsection 9(K), a transfer of development rights to a receiving property does not alter or waive the development standards otherwise applicable to the receiving property in a particular zoning district.]**

B. "Receiving area" means one or more areas identified by an ordinance and designated by the comprehensive plan as an area authorized to receive development rights transferred from a sending area.

C. "Receiving property" means a lot or parcel within a receiving area and within which development rights are increased pursuant to a transfer of development rights affixed to the property. A receiving property must be appropriate and suitable for development and must be sufficient, or made to be sufficient, to accommodate the transferable development rights of the sending property. Development rights may not be transferred between receiving properties, except as otherwise approved by the governing body.

D. "Sending area" means one or more areas identified by an ordinance and designated by the comprehensive plan as an area from which development rights are authorized to be severed and transferred to a receiving area.

E. "Sending property" means a lot or parcel within a sending area from which development rights are authorized to be severed.

**[COMMENT: The model ordinance, like the enabling statutes, contains definitions both for receiving areas and properties and for sending areas and properties. The locality establishes the boundaries of the sending and receiving areas. The enabling authority does not directly address whether a single property—a large farm, for example—might be a sending or receiving area in and of itself. A locality would do well, therefore, to include multiple properties in any sending or receiving area. At a minimum, if a locality designates a sending property as such, it must also designate that sending property as part of a sending area. There can be one or more sending or receiving areas. Also, a landowner can request that his property be added as a sending or receiving property within a sending or receiving area.]**

F. "Severance of development rights" means the process by which development rights from a sending property are severed pursuant to this ordinance.

G. "Transfer of development rights" means the process by which development rights from a sending property are affixed to one or more receiving properties.

H. "Transferable development rights" means all or that portion of development rights that are transferred or are transferable.

Section 4 **Authority**

This ordinance is enacted pursuant to the authority granted by Virginia Code §§ 15.2-2316.1 and 2316.2.

Section 5 **Sending Areas and Sending Properties**

A. The following areas are sending areas:

[*Identify designated areas as sending areas, either by GPIN, tax parcel identification number or map.*] **[§ 15.2-2316.2(B)(6), § 15.2-2316.2(D)]**

**[COMMENT: The enabling authority does not specifically require that a locality include sending and receiving areas (or properties) on its zoning map. Given the legal and practical mandates to monitor TDRs, however, it seems advisable to include such information on the zoning map. (§ 15.2-2316.2(B)(5)) The enabling**

**authority does require a locality to include sending and receiving areas on a "map or other description of such areas." (§ 15.2-2316.2(B)(6))]**

B. A map of the sending areas identified in subsection 5(A) are shown in a map that is part of the comprehensive plan. **[§ 15.2-2316.2(K)]**

**[COMMENT: The enabling statutes require that the map be incorporated into the comprehensive plan more or less concurrently with the designation or amendment of sending and receiving areas. As a practical matter, a locality should undertake both actions at the same time.]**

C. A sending property must contain at least _____ acres, and the minimum reduction in density of the sending property that may be conveyed in a severance or transfer of development rights is _____ (units per acre). **[§ 15.2-2316.2(B)(9)]**

D. After the severance of development rights, a sending property may be used to generate one or more forms of renewable energy, as defined in Virginia Code § 56-576, subject to the provisions of the zoning ordinance. **[§ 15.2-2316.2(C)(7) (permissive)]**

E. After the severance of development rights, a sending property may be used to produce agricultural or forestal products, as defined in Virginia Code § 15.2-4302. **[§ 15.2-2316.2(C)(8) (permissive)]**

F. Any landowner may request that the [governing body] designate the owner's property as a sending property, within a sending area as otherwise provided in this ordinance. **[§ 15.2-2316.2(C)(12) (permissive)]**

**[COMMENT: Although the enabling authority does not prescribe any process (or even the approving body) for such a request, a locality might wish to do so in its ordinance. The ordinance might establish certain minimum submission requirements for a request to be accepted and considered. And despite the silence of the enabling authority on this point, the local governing body should be the approving body for such a request since it has the ultimate authority to designate sending and receiving areas or sending and receiving properties, which must be in a sending or receiving area as otherwise provided in this ordinance. The governing body makes the ultimate decision on this issue for the reasons stated, and for the**

**additional reason that it will have the final say on adopting the map that is incorporated into the comprehensive plan under Virginia Code § 15.2-2316.2(K).]**

G. The development rights severed from the sending areas must be equal to the development rights permitted to be attached in the receiving areas. To ensure such equality, the receiving areas and properties, as a whole, must be sufficient to accommodate all of the development rights permitted to be transferred from the sending areas and properties. **[§ 15.2-2316.2(B)(10)]**

**[COMMENT: Note that the receiving area must have enough capacity to accept at least all of the development rights to be transferred from the sending area. Although Virginia Code § 15.2-2316.2(B)(10) requires equality of rights, a locality may implement the permissive enabling authority in Virginia Code § 15.2-2316.2(C)(5), which allows for an increase in residential density or in the square feet of commercial, industrial, or other permitted uses in the receiving areas. The implementation of Virginia Code § 15.2-2316.2(C)(5) allows the locality to assign relative values to development rights as they exist in a sending area and a receiving area (*e.g.*, 1 dwelling unit in a sending area equals 1.25 dwelling units in a receiving area), as reflected in subsections 6(H) and (I) of this model ordinance. (§ 15.2-2316.2(C)(5)) (permissive)]**

Section 6 **Receiving Areas and Receiving Properties**

A. The following areas are receiving areas:

[*Identify designated areas as receiving areas, either by GPIN, tax parcel identification number or map.*] **[§ 15.2-2316.2(B)(6), § 15.2-2316.2(D)]**

**[COMMENT: A [county/city/town] is required to complete an assessment of the infrastructure in the receiving areas that identifies the ability of those areas to accept increases in density or floor area ratio and the plans to provide necessary utility services within any designated receiving area (§ 15.2-2316.2(B)(11)). The enabling authority specifically permits, but does not require, that the receiving areas include any urban development areas established pursuant to Virginia Code § 15.2-2223.1.] [§ 15.2-2316.2(C)(6) (permissive)]**

B. The following properties are specifically excluded from the receiving areas, even though they are otherwise located within the boundaries of a receiving area:

[*List names of specific properties designated as properties that are not receiving properties.*] **[§ 15.2-2316.2(B)(7)]**

**[<u>COMMENT</u>: This designation may be by specific property, such as GPIN or tax identification number, or by category, such as federal/state-owned lands or religious and educational institutions.]**

C. A map of the receiving areas identified in subsection 6(A), as well as those properties specifically excluded from receiving areas, are shown in a map that is part of the comprehensive plan.

D. Any landowner may request that the [governing body] designate the owner's property as a receiving property, within a receiving area as otherwise provided in this ordinance. **[§ 15.2-2316.2(C)(4) (permissive)]**

E. Whenever the governing body designates new receiving areas or amends its designations of receiving areas, the development rights permitted to be attached in the receiving areas will be equal to the development rights permitted to be severed in the sending areas.

F. A receiving property may only use the development rights permitted in accordance with the zoning regulations applicable to the receiving property.

**[<u>COMMENT</u>: A locality should be careful to conform its zoning ordinance to its expectations for the implementation of the TDR program. For example, a locality wants to ensure that the permissible uses (as compared to density) from a sending property are not inadvertently transferred to a receiving property.]**

G. The maximum increase in residential density on a receiving property is [s*amples below are hypothetical*]:

| Zoning District of Receiving Property | Maximum Density in Dwelling Units Per Net Acre | Maximum Density with TDR |
|---|---|---|
| R-1 | 4 | 8 |
| R-2 | 8 | 16 |
| R-3 | 16 | 32 |

**[<u>COMMENT</u>: This chart is for illustration purposes only. Each locality will need to determine the appropriate maximum increase in each category.] [§ 15.2-2316.2(B)(8)]**

H. The maximum increases in the square feet of commercial, industrial, or other uses in the receiving areas and on receiving properties are as follows [s*amples below are hypothetical*]:

| Zoning District of Receiving Property | Maximum Floor Area Ratio | Maximum Floor Area Ratio with TDR |
|---|---|---|
| C-1 | 0.2 | 0.4 |
| C-2 | 1.0 | 2.0 |
| C-3 | 2.0 | 4.0 |
| C-4 | 4.0 | 8.0 |
| I-1 | 0.75 | 1.5 |

**[COMMENT: This chart is for illustration purposes only. Each locality will need to determine the appropriate maximum increase in each category.] [§ 15.2-2316.2(B)(8)]**

I. Transferred residential density may be converted to bonus density on the receiving property by (i) an increase in the residential density on the receiving property or (ii) an increase in the square feet of commercial, industrial, or other uses on the receiving property, based on the conversion factors below [s*amples below are hypothetical*]:

| Type of Use on Receiving Property | Each Transferred Dwelling Unit May Be Converted to This Bonus Density |
|---|---|
| Residential: Single-family and townhouse | 1.25 dwelling units |
| Residential: Multifamily | 1.5 dwelling units |
| Commercial | 15,000 square feet |
| Industrial | 10,000 square feet |
| Institutional | 10,500 square feet |

**[COMMENT: This chart is for illustration purposes only. Each locality will need to determine the appropriate maximum increase in each category.]**

Bonus density remains subject to the maximum density provisions in subsections 6(G) and (H). Any development rights converted to such bonus density are automatically retired upon their conversion on the receiving property. **[§ 15.2-2316.2(C)(5) (permissive)]**

**[COMMENT: In an effort to protect transferred development rights, the enabling authority contains this restriction:**

> **No amendment to the zoning map, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or materially restrict, reduce, or downzone the uses, or the density of uses permitted in the zoning district applicable to any property to which development rights have been transferred, shall be effective with respect to such property unless there has been mistake, fraud, or a material change in circumstances substantially affecting the public health, safety, or welfare.**

**(§ 15.2-2316.2(L))]**

Section 7 **Determination of Development Rights**

A. The [county/city/town] will establish and maintain a system for monitoring the severance, ownership, assignment, and transfer of transferable development rights.

B. The [agent of the planning commission or other agent designated by the governing body] is responsible for determining compliance with this ordinance when a party makes a written request for such a determination. **[§ 15.2-2316.2(C)(9) (permissive)]**

C. An application for a determination of compliance concerning the number of residential development rights available to be severed from a sending property must include:

1. A completed application form.

2. A tax map, plat or site plan outlining the boundaries of the property for each lot, tract or parcel as described in the deed.

3. A zoning map of the property.

4. A title policy or other title documentation for the sending property including a legal description of the sending parcel.

5. A copy of a survey plat of the proposed sending property prepared by surveyor licensed in the Commonwealth of Virginia.

6. A statement of the number of residential development rights proposed to be transferred from the sending property, and calculations upon which the number is based.

7. All applicable fees.

8. Any additional information required by the [county/city/town] as necessary to determine the number of residential development rights that qualify for severance.

**[COMMENT: The enabling statute does not specify what should be included in an application for TDR compliance. This list, and those included in later subsections in this ordinance, are sample recommendations. A locality may have other items it would like to include or remove on its checklists for compliance with the TDR Program. These determinations would also be administrative determinations under Virginia Code § 15.2-2311, and would not be appealable after 30 days.]**

D. All development rights shall be calculated to the nearest whole number. For example, any fractional calculation as to development rights must be converted upward, if one-half or more of a whole unit, or downward, if less than one-half of a whole unit, rounded to the nearest whole unit.

**[COMMENT: This subsection provides one possible alternative for addressing fractional units of development rights. A locality may choose some other method of calculating fractional units.]**

E. After receiving and considering a complete application for a determination of compliance, the [agent of the planning commission or other agent designated by the governing body] will provide a written determination stating the number of residential development rights available for severance from the sending property. **[§ 15.2-2316.2(B)(12)]**

**[COMMENT: The enabling statute allows localities to authorize their planning commissions to determine compliance.] [§ 15.2-2316.2(C)(9) (permissive)]**

Section 8 **Severance of Development Rights**

A. Any proposed severance of development rights may be initiated only upon application by the property owners of the sending properties or development rights. **[§ 15.2-2316.2(E)]**

B. The [county/city/town] may not require property owners to sever development rights as a condition of the development of any property. **[§ 15.2-2316.2(F)]**

C. A severance of development rights occurs when the owner of the sending property records a deed of severance, in the land records of the office of the circuit court clerk for the [county/city]. The deed must convey development rights to one or more parties, which may include the grantor, and may, but is not required to, affix development rights to one or more receiving properties. **[§ 15.2-2316.2(B)(1)]**

D. The deed of severance must be executed by the property owners of the development rights being severed, and by any lien holders of such property owners. The instruments must identify the development rights being severed, and the sending properties or the receiving properties, as applicable. **[§ 15.2-2316.2(B)(1)]**

E. No deed of severance may be recorded among the land records of the office of the circuit court for the [county/city] under this ordinance unless the deed of severance contains a copy of the written determination of compliance by the [agent of the planning commission or other agent designated by the governing body] indicating the number of residential development rights being severed.

F. The deed of severance must contain assurance that the prohibitions against the use and development of the sending property will bind the landowner and every successor in interest to the landowner. **[§ 15.2-2316.2(B)(2)]**

**[COMMENT: The work group debated whether the enabling authority permits a locality to upzone a sending property at some point in the future, thus creating new development rights (albeit rights that are limited by a prior severance). Members discussed a range of possible ordinance provisions addressing this point, including requirements for: (1) mandatory conservation easements, permanently restricting development of sending properties; (2) covenants, enforceable by the local governing body, that restrict development either permanently or for a specified period; or (3)**

**covenants or other restrictions that focus on the permanent severance of development rights, with no stated restriction on the locality's power to upzone the sending property. Rather than choose among these alternatives, the work group simply borrowed language directly from the enabling statutes. A locality should consider adopting language that specifies the manner in which the required "prohibitions against the use and development of the sending property" will be implemented.]**

G. Upon recordation of the deed of severance, the transferable development rights are severed from the sending property. **[§ 15.2-2316.2(B)(3)]**

H. The deed of severance must be substantially in accord with the deed of severance attached as an exhibit to this ordinance and must otherwise comply with the requirements of this ordinance, and any changes to the deed attached as an exhibit in a particular case shall be in a form that is approved by the [county/city/town] attorney.

[**<u>COMMENT</u>: A locality may adopt a provision that provides that development rights may be retired as a result of the purchase of those development rights. A sample quitclaim deed is attached to the ordinance for this purpose.] [§ 15.2-2316.2 (C)(1) (permissive)]**

Section 9 **Transfer of Development Rights to Receiving Properties**

A. Any proposed transfer of development rights may be initiated only upon application by the property owners of the sending properties, of the severed development rights, or of the receiving properties. **[§ 15.2-2316.2(E)]**

B. The [county/city/town] may not require property owners to transfer, or receive a transfer of development rights as a condition of the development of any property.

C. An application for a determination of compliance to determine the number of residential development rights available to be transferred and affixed to one or more receiving properties and/or the square feet of commercial, industrial, or other uses to be transferred and affixed to one or more receiving properties in compliance with this ordinance must include:

1. A completed application form.

2. A tax map, plat or site plan outlining the boundaries of the property for each lot, tract or parcel as described in the deed.

3. A zoning map of the property.

4. A title policy or other title documentation for the receiving property including a legal description of the receiving property.

5. A copy of a survey plat of the proposed receiving parcel prepared by surveyor licensed in the Commonwealth of Virginia.

6. A statement of the number of residential development rights proposed to transferred and affixed as residential development rights to one or more receiving properties, and calculations upon which the number is based.

7. A statement of the number of residential development rights proposed to transferred and converted into square feet of commercial, industrial, or other uses and affixed to one or more receiving properties, and calculations upon which the number is based.

8. All applicable fees.

9. Any additional information required by the [county/city/town] as necessary to determine the number of residential development rights that qualify for transfer.

D. The [agent of the planning commission or other agent designated by the governing body] will provide a written determination of compliance stating the number of residential development rights available to be either (1) transferred and affixed to one or more receiving properties or (2) transferred and converted into square feet of commercial, industrial, or other uses and affixed to one or more receiving properties. **[§ 15.2-2316.2(B)(12)]**

**[<u>COMMENT</u>: The enabling statutes allow localities to authorize their planning commissions to determine compliance.] [§15.2-2316.2(C)(9) (permissive)]**

E. A transfer of development rights occurs when the owner of the development rights records a deed of transfer in the land records of the office of the circuit court clerk

for the [county/city]. The deed must convey development rights to one or more parties and may affix development rights to one or more receiving properties.

F. The deed must be executed by the property owners of the development rights being transferred, and any lien holders of such property owners, and must identify the development rights being severed, and the sending properties or the receiving properties, as applicable.

G. No deed of transfer may be recorded among the land records of the office of the circuit court for the [county/city] under this ordinance unless the deed of transfer contains a copy of the written determination of compliance by the [agent of the planning commission or other agent designated by the governing body] indicating the number of residential development rights being transferred and affixed to one or more receiving properties and/or the square feet of commercial, industrial, or other uses to one or more receiving properties.

H. Upon recordation of the deed of transfer, the transferable development rights are conveyed to one or more parties or are affixed to one or more receiving properties stated in the deed of transfer.

I. The deed of transfer must be substantially in accord with the deed of transfer attached as an exhibit to this ordinance and must otherwise comply with the requirements of this ordinance.

J. Nothing in this ordinance may be construed to preclude a combination of a deed of severance and deed of transfer, in the event a transfer of development rights transaction includes the severance, transfer and affixation of the development rights. The deed of severance and transfer must be substantially in accord with the deed of severance and transfer attached as an exhibit to this ordinance and must comply otherwise with the requirements of this ordinance.

K. Any transfer of development rights to a receiving property pursuant to this ordinance only authorizes an increase in maximum residential density or maximum floor area ratio and does not alter or waive the regulations otherwise applicable to the receiving property in a particular zoning district.

**[<u>COMMENT</u>: The language below is recommended to be added to the locality's tax ordinance regarding assessments.]**

Section 10 **Real Estate Tax Assessment**

A. The owner of a sending property from which development rights are severed must provide a copy of the applicable deed, showing the consideration, and the deed book and page number, or instrument number or GPIN, to the [local assessing officer] for the [county/city/town]. **[§ 15.2-2316.2(J)]**

B. Development rights severed pursuant to this ordinance are interests in real property and must be considered as such for purposes of conveyance and taxation. Once a deed for transferable development rights, created pursuant to this ordinance, has been recorded in the land records of the office of the circuit court clerk for the [county/city] to reflect the transferable development rights sold, conveyed, or otherwise transferred by the owner of the sending property, the development rights vest in the grantee and may be transferred by the grantee to a successor in interest. Nothing in this ordinance may be construed to prevent the owner of the sending property from recording a deed covenant against the sending property severing the development rights on said property, with the owner of the sending property retaining ownership of the severed development rights. Any transfer of the development rights to a property in a receiving area must be in accordance with the provisions of this ordinance.**[§ 15.2-2316.2(H)]**

**[<u>COMMENT</u>: The designation of a property as a sending or receiving property might result in a change in the tax assessment for that tax parcel, using the Uniform Standards of Appraisal which assessors use to determine the fair market value of real property.]**

C. For the purposes of ad valorem real property taxation, the value of a transferable development right is deemed appurtenant to the sending property until the transferable development right is severed from and recorded as a distinct interest in real property, or the transferable development right is affixed to a receiving property and becomes appurtenant thereto. Once a transferable development right is severed from the sending property, the assessment of the fee interest in the sending property must reflect any change in the fair market value at the time of the next assessment that results from the inability of the owner of the fee interest to use such property for such uses terminated by the severance of the transferable development right. Upon severance from the sending property and recordation as a distinct interest in real property, the transferable development right must be

assessed at its fair market value at the time of the next assessment on a separate real estate tax bill sent to the owner of said development right as taxable real estate in accordance with Article 1 (§§ 58.1-3200 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia. The development right must be taxed as taxable real estate by the county, city, or town where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it must be taxed as taxable real estate by the county, city, or town where the receiving property is located at the time of the next assessment. **[§ 15.2-2316.2(I)]**

**[COMMENT: Virginia Code § 15.2-2316.2(M) allows a county and town to cooperate to create all or part of a receiving area of a TDR program in the town. Subsection (N) allows a city and county to do the same. In general, a community – consisting of the town and county it is in or the city and the surrounding county – will be well-served in the long run if the governing bodies work together to encourage development in the city or town. Doing that is entirely consistent with the purposes of a TDR program – to move growth from areas where the rural qualities should be preserved to areas of the community where growth is most natural. In most cases, the city or town will have in place much of the public facilities needed to support higher density growth and commercial development.**

**As stated, two subsections of the enabling legislation make cooperative agreements possible. Those subsections should be consulted for the specifics of setting up a cooperative agreement. See § 15.2-2316.2(M) & (N).**

**One technical issue that a city and county may need to address is the tax assessment cycle. If the two have different cycles, the interjurisdictional agreement would need to address that.]**

# MODEL TDR DEEDS

The TDR Work Group has prepared the following form deeds, to be used in TDR transactions in accordance with the enabling legislation, and the proposed Model TDR Ordinance:

Deed of Severance
Deed of Transfer
Deed of Severance and Transfer
Quitclaim Deed

As referenced in the commentary to section 8(F) of the Model Ordinance, the Work Group was unable to reach a consensus on the type of legal instrument that would best provide the required "assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner." (Virginia Code Section 15.2-2316(B)(2)). We have attempted to capture that requirement somewhat generally in the attached sample deeds. However, a locality may prefer that any specific restrictions on the use or development of the sending property that result from the severance be specifically mentioned in the relevant deeds. Alternatively, a locality may determine that some other type of legal instrument (e.g., a conservation easement) is more appropriate, in which case the language for the deed may need to be amended to reference and incorporate that instrument.

This page is intentionally left blank.

Prepared by:
_____
_____
_____

Tax Parcel ID#: _____
Consideration: $_____

# DEED OF SEVERANCE

THIS DEED OF SEVERANCE is made as of _____, ____, by and between _____, as Grantor; and _____, as Grantee.

W I T N E S S E T H:

That for and in consideration of the sum of $_____, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby quitclaim, release, and convey to the Grantee, all right, title, and interest of the Grantor in _____ development rights (the "Development Rights"), which prior to this conveyance were attached to the following described property located in the **[**County/City Town**]** of _____, Virginia (the "Property"):

[*Insert Legal Description.*]

Grantor has received a written determination of compliance of the Development Rights from the _____ of the [County/City/Town] of _____, indicating the number of residential development rights being severed, a copy of which is attached hereto as Exhibit A, and made a part hereof.

This conveyance hereby severs the Development Rights from the Property, and Grantor acknowledges that it has no further use or right of use of the Property with respect to the severed Development Rights. This severance and the resulting prohibitions and restrictions against the use and development of the Property shall bind Grantor, its successors in interest, and its assigns.

Grantor has received a written determination of compliance of the Development Rights, indicating the number of residential development rights being eligible to be severed from the Sending Property, a copy of which is attached hereto as Exhibit A, and made a part hereof.

[This instrument is exempt from taxation pursuant to section § _____ of the Code of Virginia.]

WITNESS the following signatures and seals:

GRANTOR

_____(SEAL)

COMMONWEALTH OF VIRGINIA
**[**CITY**]** **[**COUNTY**]** OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, ____, by _____.

_____
NOTARY PUBLIC

My Commission Expires: _____

Virginia Notary Registration Number: _____

[AFFIX SEAL]

GRANTEE

_____(SEAL)

COMMONWEALTH OF VIRGINIA
**[**CITY**]** **[**COUNTY**]** OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, ____, by _____.

_____

NOTARY PUBLIC

My Commission Expires: _____

Virginia Notary Registration Number: _____

[AFFIX SEAL]

Prepared by:
_____
_____
_____

Tax Parcel ID#: _____
Consideration: $_____

# DEED OF TRANSFER

THIS DEED OF TRANSFER is made as of _____, ____, by and between _____, as Grantor; and _____, as Grantee.

W I T N E S S E T H:

That for and in consideration of the sum of $_____, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby quitclaim, release, and convey and transfer to the Grantee, all right, title, and interest of the Grantor in _____ development rights (the "Development Rights"), which Grantor acquired pursuant to that certain Deed of Severance by and between _____ as grantor, and Grantor as grantee, dated _____, and recorded in the Clerk's Office of the County/City/Town of _____, at instrument number _____.

Grantor acknowledges that it has no further use or right of use with respect to the Development Rights. This transfer shall bind Grantor, and its successors and assigns.

Grantor hereby transfers the Development Rights unto Grantee, which shall hereafter be affixed to the following described property located in the **[**County/City Town**]** of _____, Virginia (the "Property"):

[*Insert Legal Description*.]

Grantor has received a written determination of compliance of the Development Rights, indicating the number of residential development rights being eligible to be transferred to the Property, a copy of which is attached hereto as Exhibit A, and made a part hereof.

[This instrument is exempt from taxation pursuant to section § _____ of the Code of Virginia.]

WITNESS the following signatures and seals:

GRANTOR

_____(SEAL)

COMMONWEALTH OF VIRGINIA
**[**CITY**] [**COUNTY**]** OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, ____, by _____.

_____
NOTARY PUBLIC

My Commission Expires: _____

Virginia Notary Registration Number: _____

[AFFIX SEAL]

GRANTEE

_____(SEAL)

COMMONWEALTH OF VIRGINIA
**[**CITY**]** **[**COUNTY**]** OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, ____, by _____.

_____
NOTARY PUBLIC

My Commission Expires: _____

Virginia Notary Registration Number: _____

[AFFIX SEAL]

Prepared by:
_____
_____
_____

Tax Parcel ID#: _____
Consideration: $_____

DEED OF SEVERANCE
AND TRANSFER

THIS DEED OF SEVERANCE AND TRANSFER is made as of _____, ____, by and between _____, as Grantor; and _____, as Grantee.

W I T N E S S E T H:

That for and in consideration of the sum of $_____, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby quitclaim, release, and convey and transfer to the Grantee, all right, title, and interest of the Grantor in _____ development rights (the "Development Rights"), which prior to this conveyance were attached to the following described property located in the **[**County/City Town**]** of _____, Virginia (the "Sending Property"):

[*Insert Legal Description*.]

This conveyance hereby severs the Development Rights from the Sending Property, and Grantor acknowledges that it has no further use or right of use of the Sending Property with respect to the severed Development Rights. This severance and the resulting prohibitions and restrictions against the use and development of the Sending Property shall bind Grantor, its successors in interest, and its assigns.

The Development Rights are hereby transferred unto Grantee, and shall hereafter be affixed to the following described property located in the **[**County/City Town**]** of _____, Virginia (the "Receiving Property"):

[*Insert Legal Description*.]

Grantor and Grantee have received a written determination of compliance of the Development Rights, indicating the number of residential development rights being eligible to be severed from the Sending Property and to be transferred to the Receiving Property, a copy of which is attached hereto as Exhibit A, and made a part hereof.

[This instrument is exempt from taxation pursuant to section § _____ of the Code of Virginia.]

WITNESS the following signatures and seals:

GRANTOR

_____(SEAL)

COMMONWEALTH OF VIRGINIA
**[**CITY**]** **[**COUNTY**]** OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, ____, by _____.

_____
NOTARY PUBLIC

My Commission Expires: _____

Virginia Notary Registration Number: _____

[AFFIX SEAL]

GRANTEE

_____(SEAL)

COMMONWEALTH OF VIRGINIA
**[**CITY**]** **[**COUNTY**]** OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, ____, by _____.

_____
NOTARY PUBLIC

My Commission Expires: _____

Virginia Notary Registration Number: _____

[AFFIX SEAL]

Prepared by:
_____
_____
_____

Tax Parcel ID#: _____
Consideration: $_____

QUITCLAIM DEED AND
EXTINGUISHMENT OF DEVELOPMENT RIGHTS

THIS QUITCLAIM DEED is made as of _____, ____, by and between _____, as Grantor; and the [County/City/Town] of _____, as Grantee.

W I T N E S S E T H:

That for and in consideration of the sum of $_____, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby quitclaim, release, and convey to the Grantee, all right, title, and interest of the Grantor in _____ development rights (the "Development Rights"), which prior to this conveyance were attached to the following described property located in the **[**City**]** **[**County**]** of _____, Virginia (the "Property"):

[*Insert Legal Description*.]

Grantor has received a written determination of compliance of the Development Rights from the _____ of the [County/City/Town] of _____, indicating the number of residential development rights being severed, a copy of which is attached hereto as Exhibit A, and made a part hereof.

This conveyance hereby severs the Development Rights from the Property, and Grantor acknowledges that it has no further use or right of use of the Property with respect to the severed

Development Rights. This severance and the resulting prohibitions and restrictions against the use and development of the Property shall bind Grantor, its successors in interest, and its assigns.

Grantee hereby accepts this conveyance, and agrees that the Development Rights are hereby extinguished, and may not be sold, transferred, or otherwise conveyed to any other party hereafter.

This instrument is exempt from taxation pursuant to section § 58.1-811(A)(3) of the Code of Virginia.

WITNESS the following signatures and seals:

GRANTOR

_____(SEAL)

COMMONWEALTH OF VIRGINIA
**[**CITY**]** **[**COUNTY**]** OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, ____, by _____.

_____
NOTARY PUBLIC

My Commission Expires: _____

Virginia Notary Registration Number: _____

[AFFIX SEAL]

GRANTEE

_____(SEAL)

COMMONWEALTH OF VIRGINIA
**[**CITY**]** **[**COUNTY**]** OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, ____, by _____.

_____
NOTARY PUBLIC

My Commission Expires: _____

Virginia Notary Registration Number: _____

[AFFIX SEAL]

# Spotsylvania County
## Board of Supervisors Agenda
## Executive Summary

**Meeting Date:** August 8, 2006

**Title:** Execute Memorandum of Understanding Regarding Procedures for Consideration of Permit Effects on Historic Properties

*(Check Mark)*

| | | | |
|---|---|---|---|
| x | Consent | ____ | Closed Session |
| x | Action | ____ | Public Hearing |
| ____ | No Action (Information Only) | ____ | Ordinance |
| ____ | Resolution | ____ | Power Point Presentation |

**Recommendation:** Staff recommends that the Board of Supervisors execute the Memorandum of Understanding.

**Summary:** The Memorandum of Understanding (MOU) is an update to a 1998 Memorandum of Agreement under which the County currently operates. The purpose of the new MOU and the existing MOA is to establish a procedure for coordination between the County, National Park Service, US Army Corps of Engineers, and Virginia Department of Historic Resources when historic or cultural resources exist (or may exist) on property proposed for development. The new MOU maintains the intent of the original agreement in terms of coordination between the County and agencies, but commits to further coordination in terms of long range planning.

The Spotsylvania Preservation Foundation has signed the agreement as a consulting party. The Spotsylvania County Historic Preservation Commission reviewed the agreement and recommends that the Board execute it.

**Board Committee/Other Committees:** Historic Preservation Commission

**Review Date:** April 20, 2006 **Status:** Recommend execution of the agreement

**Financial Impact:** N/A

**Attachments:** MOU, HPC Minutes, Existing MOA

**Staff Contacts:** Wanda Parrish

**Additional Background/Other Considerations:** The County Attorney's office has reviewed the document.

**Consequence of Denial/Inaction:** The County, National Park Service, US Army Corps of Engineers and Virginia Department of Historic Resources will continue to coordinate under the existing agreement.

MEMORANDUM OF UNDERSTANDING
AMONG
THE NORFOLK DISTRICT, CORPS OF ENGINEERS,
THE FREDERICKSBURG/SPOTSYLVANIA NATIONAL MILITARY PARK,
THE VIRGINIA STATE PRESERVATION OFFICE, AND
THE COUNTY OF SPOTSYLVANIA
REGARDING
PROCEDURES FOR CONSIDERATION OF PERMIT EFFECTS
ON HISTORIC PROPERTIES IN
SPOTSYLVANIA COUNTY, VIRGINIA

WHEREAS, the Norfolk District, Corps of Engineers (Corps) is responsible for administering Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act which require a permit for proposed construction, dredging, or filling in waters of the United States (including wetlands) within the Commonwealth of Virginia; and

WHEREAS, the Corps of Engineers is required pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) to take into account the effects of Corps undertakings on historic properties included in or eligible for inclusion in the National Register of Historic Places and to consult with the Virginia State Historic Preservation Officer (SHPO) and allow the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking; and

WHEREAS, Spotsylvania County, Virginia, is one of the fastest growing counties in the country and was the scene of numerous battles and fighting during the Civil War. The National Park Service (NPS) has called the Spotsylvania- Fredericksburg area "the *bloodiest landscape in North America. No place more vividly reflects the Civil War's tragic cost*"; and

WHEREAS, the Corps, the ACHP, and the SHPO already operate within a 1995 Programmatic Agreement, amended 2005, 2005 Appendix A) that guides the implementation of the Corps' permit application review process in satisfaction of that agency's responsibilities under Section 106; and

WHEREAS, the Corps, in consultation with the SHPO, the Fredericksburg/Spotsylvania National Military Park (NPS), and the County of Spotsylvania (County) (henceforth, Signatories) have developed and agreed to implement these coordination procedures to facilitate project planning and the Corps' preapplication process with regard to activities in Spotsylvania County, Virginia; and

WHEREAS, the Signatories are aware of the historical, archaeological, and cultural resources within the County of Spotsylvania and are committed to the conservation and preservation of these resources, and

WHEREAS, the Signatories agree to work together to integrate historic resources information from existing sources (including but not limited to the SHPO's Data Sharing System (DSS) database, the NPS Related and Adjacent Lands Database (NPS RALD), the County's Database,

and the NRHP) along with predictive modelling to consider the effects on historic properties and acknowledge that such searches do not preclude the need for additional survey if the Corps, in consultation with the SHPO, directs an applicant to continue identification efforts; and

WHERAS, the Signatories recognize that in its permit program, the Corps issues and verifies permits for actions that often occur on private property, and while this circumscribes the influence the Corps may exert in preservation of historic properties, it does not absolve the Corps from meeting its responsibilities under Section 106; and

WHEREAS, the Spotsylvania Historical Association has been invited to consult in this agreement and has declined to sign as a concurring party; and

WHERAS, the Virginia Council on Indian has been invited to consult in this agreement and has declined to sign as a concurring party; and

WHERAS, the Rappahannock Tribe has been invited to consult in this agreement and has declined to sign as a concurring party; and

NOW THEREFORE, all Signatories acknowledge the importance of implementing the following process to facilitate the project review process, minimizing delays, and addressing potential effects to historic properties early in the project development stage. All Signatories to this Memorandum of Understanding (MOU) pledge to work together to make this data available and review proposed projects in accordance with the following:

STIPULATIONS

1. County Planning Efforts:

    A. The County agrees to coordinate its planning efforts with the Signatories to this MOU. These planning efforts shall include, but not be limited to, revisions of the Comprehensive Plan, Sector Plan, Neighborhood Plan, Redevelopment Plan, or other plans which adopt goals, objectives and policies implemented through Zoning and Subdivision regulations.

    B. Specific projects as proposed rezonings, subdivisions and site plans will be reviewed within the County's Technical Review Committee (TRC) or other informal meetings in advance of these meetings and then invite the Corps to participate.

2. Corps Review and Coordination Efforts:

    A. The Corps agrees to provide comments to the County on specific projects as requested. In developing its comments, the Corps will consult the SHPO's DSS, the NPS RALD, and the County's database to ensure that all known historic resources will be considered in these meetings.

B. The Corps will advise the project proponent identified through the County Planning Efforts of the need for a Corps permit and preliminary measures to avoid and/or minimize impacts to both aquatic and historic resources.

C. In those cases where the project proponents contact the Corps before the County, the Corps will consult the SHPO's DSS, the NPS RALD, and the County's database to ensure that the project proponent is aware of all known historic resources early in the project/plan design process. Depending on the scale of the potential project, the Corps, at its discretion, will notify the County, the SHPO, and the NPS of this potential undertaking during the reapplication stage.

3. County, SHPO and NPS Efforts:

A. The County, the SHPO, and NPS agree to work together to integrate the County's data and the NPS' RALD into the SHPO's DSS through a cost share agreement or other means.

4. Duration of Agreement

A. This MOU shall continue in full force and effect ~~until~~ for five (5) years after the date of the last signature. At any time during the six-month period prior to such date, the Corps may request the Signatories to consider an extension or modification of this MOU. No extension or modification will be effective unless all Signatories have agreed to it in writing.

5. Termination

A. Any Signatory to this MOU may terminate it by providing thirty (30) days notice to the other Signatories. The Signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the Corps will comply with 36 CFR 800.4 through 800.6 with respect to all individual action under the MOU.

Execution and implementation of this Memorandum of Understanding is evidence that the Corps is seeking to meet its Section 106 responsibilities by taking into account the effects of its permits on historic properties in the early stages of planning in partnership with the County of Spotsylvania.

Sgnatories

U.S. ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT

By:_____ Date:_____
J. Robert Hume, III Chief, Regulatory Branch

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By:_____ Date:_____
Kathleen Kilpatrick, Director

FREDERICKSBURG/SPOTSYLVANIA NATIONAL MILITARY PARK

By:_____ Date:_____
Russell Smith, Superintedent

COUNTY OF SPOTSYLVANIA

By:_____ Date: 8/8/06
Henry "Hap" Connors, Board Chairman

Concurring Parties

SPOTSYLVANIA PRESERVATION FOUNDATION, INC.

BY:_____ Date: 3/13/06
Edward K. Dalrymple, President