

Meeting Notes
York 2040 Committee

Wednesday, March 2, 2022 – 5:00 p.m.

Senior Center of York

5314 George Washington Memorial Highway, Yorktown, Virginia

Members Present: Mark Bellamy, Gregory “Skip” Brooks, Chad Green, Leigh Houghland, Michel S. King, R. Anderson Moberg, Richard Myer, Sheila Myers, Eugene Seiter, Cowles “Buddy” Spencer

Staff Present: Susan Kassel, Director of Planning and Development Services; Timothy Cross, AICP, Deputy Director of Planning and Development Services; Earl Anderson, AICP, Senior Planner; Amy Parker, Senior Planner; Cathy Tartabini, Planning Assistant; Richard Hill, Deputy County Attorney; Jeanne M. Sgroi, Management Analyst Intern

Others Present: Susan Chamberlain, Thomas Chamberlain, Douglas Holroyd, Melissa L. Sadler, Patrice Sadler, Darci Tucker

Call to Order

Chairman King called the meeting to order at 5:00 p.m.

Opening Remarks

Chairman King welcomed everyone and introduced the two guest speakers listed on the meeting agenda to speak about land conservation, Patrice Sadler and Melissa Sadler. He stated that a third speaker, Darci Tucker, is present to speak on behalf of the Conserve York County Foundation, and he asked that she be added to the agenda. On motion of Mr. Myer, seconded by Mr. Green, the Committee voted unanimously to amend the agenda to include Ms. Tucker as a speaker.

Approval of Meeting Notes

On motion of Mr. Houghland, seconded by Ms. Myers, the February 2, 2022, meeting notes were approved unanimously.

Patrice Sadler, Executive Director, Historic Virginia Land Conservancy

Ms. Sadler stated that the Historic Virginia Land Conservancy is located in James City County and has been in operation for 32 years and that she has been Executive Director since 2018 and resides in York County. She spoke about the value of land in terms of flood preparedness, protection of drinking water, access to trails and outdoor recreation, and access to fresh local foods, wildlife habitat, and the restoration of species. Ms. Sadler added that land supports jobs and the economy, noting that Virginia’s three largest industries are agriculture, forestry, and tourism. She stated that in addition to the federal tax deduction to promote land conservation, the primary tools for land conservation in Virginia are the Land Preservation Tax Credit program, the Food Preservation Fund, the Virginia Farmland Protection Fund, and the Virginia Land Conservation Foundation. She explained how the Land Preservation Tax Credit program works, adding that there was a big change in 2002 when the state allowed the tax credits to be transferrable, which allowed citizens who are land-rich and cash-poor to monetize their land and invest in their family legacy. Since then, she said, more than 800,000 acres have been preserved.

Ms. Sadler stated that the Conservancy’s mission is to protect and preserve significant natural, scenic, agricultural, and historic lands in the lower James, York, and Rappahannock River watersheds and that it currently protects 14,124 acres on the Peninsula, Middle Peninsula, and the Southside. She explained that the Conservancy is a private 501(c)(3) organization led by a volunteer Board of Directors, Advisory Board,

and managed by paid staff. She explained that the Conservancy works with property owners to first determine if their land is eligible for tax benefits and then helps them put together a team of professionals needed to successfully navigate the process of establishing an easement. She stated that once an easement is established, the conservancy becomes a steward of the property.

Ms. Sadler stated that land preservation is vital not only visually but fiscally, stating that land conservation reduces the tax burden, raises property values, attracts business investment, reduces spending on infrastructure, and promotes healthy lifestyles and public health. Citing various studies, she stated that open space enhances the local tax base by increasing property value, and she said that while open space often does not generate revenue, it also does not create a need for public services and infrastructure. In addition, she stated that in recent years there has been a shift of emphasis by employees to quality of life and community attributes. She said research indicates that as a result, there is more global competition for retaining talented workforces, and workers are choosing where they want to live first and then figuring out where they will work. In addition, Ms. Sadler stated that it is often more cost-effective for a community to maintain open space – which can control flooding, filter water runoff, and help to mitigate air pollution – than it is to pay for infrastructure projects that achieve the same purposes. Lastly, she stated that open space can promote healthy lifestyles, and she noted the value of open space for mental, physical, and spiritual health. She stated that physicians are now prescribing park activity in a “Park Rx” program to improve mental and physical health.

Ms. Sadler offered two suggestions for ways in which York County can promote conservation. First, she stated that the County can require at least a Phase I archeological study for all development, as James City County does, and she cited an incident where a contractor in James City accidentally discovered an important historic site that had not previously been identified. She mentioned the American Battlefield Trust’s recent acquisition of the Egger tract and stated that perhaps the Conservancy can assist in an effort to turn it into an interpretive site. Second, she said that as part of Virginia’s Coastal Resilience Plan, the state has a Community Flood Preparedness Fund that provides grants to localities with coastal resilience plans for flood prevention projects. Ms. Sadler stated that on a national level, the federal Great American Outdoors Act funds the Land and Water Conservation Fund at \$900 million a year and provides up to \$1.9 billion a year for five years to address a maintenance backlog at America’s national parks. Lastly, she mentioned “Plan 30 by 30,” which is a global initiative that seeks to designate 30% of the Earth’s land and ocean area as protected areas by 2030.

Mr. Green asked if a property owner who wants to sell an easement but does not need the tax credit can sell those tax credits to someone else. Ms. Sadler said that is correct, stating that the tax credits became transferrable in 2002. She said that a landowner can use some of those tax credits that are sold to pay for the fees involved in getting the land conserved. Mr. Green asked Ms. Sadler about the source of her statistics regarding the economic value of conservation to the locality. She responded that the data came from a socioeconomic impact study completed as part of PlanRVA.

Mr. Spencer asked how the value of the tax credits is determined if someone wants to place a conservation easement on a piece of property. Ms. Sadler responded that a conservation appraiser would determine the value based on their opinion of the highest and best use of that property. He asked how the County would tax that property, and she said she did not know. Mr. Spencer commented that this can become a problem as land is passed down to heirs who suddenly find themselves paying taxes on land that they can’t do anything with because of a permanent conservation easement. Ms. Sadler said that is true and that once it is recorded, the conservation easement is attached to the land and will be carried over to future landowners. Mr. Spencer asked if it is possible for future landowners to have the conservation easement removed. Ms. Sadler responded that it is not because that would negate all of the tax benefits and that the law is clear that if one is going to reap the tax benefits, there has to be a conservation easement.

Mr. Brooks asked Ms. Sadler who would be responsible for paying for the archeological studies that she recommended be required. She responded that it would depend on how the ordinance was structured, and Mr. Cross stated that in York County, the developer is currently responsible. Mr. Brooks commented that archaeological studies are expensive, noting that a Phase I study is roughly \$10,000 to \$20,000 and a Phase III study can cost as much as \$100,000. Mr. Cross explained that the County's Zoning Ordinance has a Historic Resources Management overlay district and that the County pays an annual subscription fee for access to the Virginia Department of Historic Resources (VDHR) database of known and possible archeological resources in the County. He stated that if development is proposed on land where the database indicates there might be an archeological resource, the County requires a Phase I study and, depending on the results, might require a Phase II or Phase III study or ultimately a plan for avoidance or recovery of the resource. Chairman King added that developers are not required to perform a Phase III study unless something is found in Phases I or II. Ms. Myers asked for clarification as to whether James City County requires a Phase I study for all development proposals and not just those properties that appear in the VDHR database. Ms. Sadler responded that that is her understanding but that she would double-check on it. Mr. Spencer added that banks often require a Phase I study before agreeing to lend money for a development project.

Chairman King asked where the Conservancy gets the money to help purchase property or easements. Ms. Sadler responded the Conservancy does not seek to purchase or own land but rather works with the landowners.

Mr. Seiter asked Ms. Sadler if she thinks York County has a problem with regard to conservation or is on the right track. She responded that she believe the County can do better, and she referred to her two previous suggestions regarding archeological studies and coastal resilience. He asked if she has had the opportunity to read the draft Comp Plan elements that have been prepared so far. She responded that she has not read it all but has read the meeting materials. He encouraged her to review the information as it becomes available and provide input if she sees anything she thinks should be changed. She responded that she would do that and would follow up with something in writing about the two items previously discussed that can be officially circulated.

Melissa L. Sadler, Director of Events, American Battlefield Trust

Ms. Sadler stated that she has been with the Trust for more than twenty years and focuses mainly on events and giving tours. She added that she lives in York County and works mainly out of her home, and that she is no relation to Patrice Sadler. She stated that the Trust's mission is to preserve America's hallowed battlegrounds and educate the public about what happened there and why it matters. She said the Trust's goal is to preserve, educate, and inspire, and that it preserves battlefield land and works with willing sellers, chiefly through fee-simple transactions and conservation easements.

She spoke about the impacts of land preservation, and specifically battlefield preservation. Starting with the economic impact, she cited a National Park Service report, excerpts of which were included in the agenda package, that found that in 2020, a total of 2.9 million visitors spent an estimated \$301 million in local gateway regions while visiting the Colonial National Historical Park and that these expenditures supported a total of 4,550 jobs, \$114 million in labor income, \$212 million in value added and \$378 million in economic output in local gateway economies. She said heritage tourists stay longer and spend more than the average tourist and that the more history there is to offer, the longer they will stay.

With regard to environmental impacts, Ms. Sadler stated that preserved battlefields provide a place where diverse people come together to better understand their nation's history and that battlefields are the perfect setting to enjoy outdoor activities that have benefits for physical and mental health. She noted the various benefits of land preservation on the eco-system, such as reduced emissions, cleaner air, cleaner water, and critical species habitat.

Ms. Sadler spoke about ways in which the Trust promotes tourism, such as the Yorktown Tour Guide app, which offers a guided tour of Yorktown, and the Road to Freedom app, which is focused on the African-American experience in Civil War-era Virginia. In addition, she spoke specifically about land the Trust has preserved in York County, including the James Custis Farm, which is also known as the Egger tract and played a vital role in the Battle of Williamsburg. She said that the Trust plans to make these properties open and accessible to the public, although there is no timetable for doing so, and she offered to arrange a tour of the Custis Farm for anyone who is interested.

Mr. Spencer asked Ms. Sadler if the Trust obtains appraisals of property when it negotiates with landowners to acquire property. Ms. Sadler said that is correct and that the Trust always tries to base its offers on the appraised value although there was an unusual instance in the distant past where it may have paid a little more based on the property and its historical value. Mr. Spencer asked if there is money available for purchases such as the Egger Tract, and Ms. Sadler responded that for the Egger tract, the Trust received over \$4 million from the American Battlefield Protection Program, which is part of the Land and Water Conservation Fund, as well as funding from the Navy. She said the Trust is also raising money from private donors.

Mr. Green asked if there is a dollar value for every acre or every tract that the Trust conserves. Ms. Sadler responded that there is a report that is a little outdated that states that battlefield tourism generates \$60.3 million in tax revenues for state and local governments annually. She said an analysis of National Park Service data shows that battlefield visitors to Pennsylvania generated \$1.8 million in hotel room sales statewide in 2019. Mr. Green asked how many visitors come to the Yorktown battlefield. Ms. Sadler responded that it is difficult to track but that 160,000 people have downloaded the Yorktown Tour Guide app. Mr. Green noted that two significant battles occurred in Yorktown, one in the Revolutionary War and one in the Civil War, and he asked which is more important to preserve. Ms. Sadler responded that one of the most popular tours is one that covers both the Civil War and Revolutionary War. She stated that in her opinion, all of the historical aspects of the area should be interpreted. Mr. Green asked if there are any significant American Indian battlegrounds in the area. Ms. Sadler said she does not know and added that the Trust is now looking at French and Indian War battlefield sites. She said many Native Americans chose not to take part in the Civil War. Mr. Seiter commented that there were a number battles between colonists and American Indians in the Jamestown area.

Darci Tucker, Secretary, Conserve York County Foundation

Ms. Tucker stated that the Conserve York County Foundation grew out of a citizen effort to defeat a rezoning application for a development in the upper County known as Fenton Mill. She said today it is a 501(c)(3) organization, has a Facebook page with more than 1,800 followers, and has raised over \$70,000 in private donations to promote the protection of the rural nature of their area. She said the group is not opposed to development and recognizes that growth is inevitable and supports growth that is guided by the Comprehensive Plan, taking into account environmental, traffic, financial, and citizen concerns.

Ms. Tucker said the Foundation has adopted the acronym "C.A.R.E." (Conserve, Accountability, Reuse, and Educate) to explain its mission. Regarding conservation, she opined that the County should create incentives for land conservation and disincentives for developing vacant land. She presented several recommendations for the Comprehensive Plan, including direct purchase of land by the County, a program for purchase of development rights, land tax credit programs for large property owners, and leveraging and promoting various statewide conservation and preservation funds.

Regarding accountability, she said the Comprehensive Plan represents a contract between the citizens and their government, and she accused County leaders of ignoring the guidance of the Comprehensive Plan by approving rezoning applications, which she claimed has resulted in greater population growth than the Comprehensive Plan predicted. She said the Committee has the power to put a stop to this, and

she said the Foundation would hold County officials accountable and continue to be involved in the planning and development process. She said developers should not be able to purchase land with the intent of having it rezoned for more intensive development than the zoning allows.

With regard to reuse and revitalization, Ms. Tucker noted that there are many vacant structures in the County that are eyesores, contributing to blight and reducing surrounding property values. She stated that she hopes the Comprehensive Plan will focus on incentives for adaptive reuse of existing derelict structures as opposed to new construction.

Regarding education, she stated that most County residents do not understand what it means when a ZONING NOTICE sign is posted in their neighborhood. She stated that the average citizen is not familiar with planning jargon and that her organization is working to educate the public about the development process and their role in it.

In closing, Ms. Tucker stated that York County is arguably one of the most historic counties in the nation and that its economy is driven by the tourism that's driven by that fact. She said the County's residents and the nation deserve leadership that values that fact and does what it can to maintain the natural beauty and historical character.

Mr. Myer asked Mr. Cross if there is a glossary in the Comprehensive Plan that defines planning terms, which would help to educate people. Mr. Cross said that is correct. Mr. Myer suggested to Ms. Tucker that her group might find that information helpful. Ms. Tucker responded that it is helpful but that sometimes the terms on the County's website refer to other terms that are also not well-known.

Mr. Seiter stated that his experience has been that if citizens get engaged in civic affairs, the County pays attention. He said York County is more sensitive to what the citizens want than any other place he has lived. Ms. Tucker agreed that when citizens have participated and attended meetings, it has made a difference.

Mr. Green asked if \$70,000 is the Foundation's annual budget. Ms. Tucker explained that \$70,000 is not an annual budget but rather the amount of money the Foundation has received through donations. Mr. Green asked if the group has considered using some of those funds to join with an existing preservation group to purchase conservation easements. Ms. Tucker responded that there have been no specific discussions along those lines but that the Foundation has talked about what it can do to leverage common interests with other groups. Mr. Green asked about the membership of the Foundation. Ms. Tucker responded that most of the members live in the upper County and the greater Williamsburg area, and their goal is to get more lower County residents involved.

Chairman King said he disagrees with the statement that the purpose of the Comprehensive Plan is to control development and said that its purpose is really to manage the physical development and growth of the County. In response to Ms. Tucker's statement about County leaders not following the Comprehensive Plan, he explained that the Plan is a guide for elected officials and that consistency with the Plan is just one of a number of factors that they must take into consideration when evaluating a development proposal. Lastly, he noted that sometimes there are changes in circumstances that might warrant deviating from the Comprehensive Plan. Ms. Tucker responded that she didn't think she used the term "control" but rather had stated that the Plan sets parameters for development. Ms. Melissa Sadler commented that she likes the term "smart growth" and wants the County to grow but to do it the right way. Chairman King responded that the problem with that term is that different people define "smart growth" differently.

Committee Discussion

Ms. Myers asked Mr. Cross about the document titled "Conservation Land in York County" that was included in the agenda package. She noted that the document states that watershed and National Park Service property make up 70% of the conservation land in the County, and she asked what the breakdown is between those two categories. Mr. Cross responded that he did not have the specific numbers but that the majority of it is watershed property. Ms. Myers also noted that the document states that conservation land has increased by a little more than 800 acres, and she asked what categories this land falls into. Mr. Cross responded that it includes the 250-acre Egger tract and other properties that have been acquired by the American Battlefield Trust as well as the 125-acre Darst property, which was recently acquired by the City of Williamsburg, and various private conservation easements that have been recorded over the years. In addition, he said the figure includes common areas within subdivisions that have been developed in the past ten years as well as land acquired by the City of Williamsburg and Newport News Waterworks for reservoir protection. Ms. Myers said it appears the County is doing pretty well given that conservation land has increased in acreage more than residential land. Mr. Cross responded that these figures were included in the agenda package to provide some context for this discussion since the Committee has heard from a number of citizens stating that developers are using up all the vacant land in the County. Chairman King commented that when looking at the map, one can see that there is a lot of green space in the County, including the various military installations

Mr. Spencer noted that 58% of the land in the County is either military or conservation land. He said he supports the right of private property owners to place conservation easements on their land and that the County needs to think wisely about how to grow and utilize the land that is remaining. He said a community that isn't growing is dying. Chairman King agreed that land is a finite resource.

Other Business

There was no other business.

Citizen Comments

Chairman King opened the floor for citizen comments. Douglas Holroyd stated that in the James City County Comprehensive Plan there is a rather detailed list of goals and strategies at the end of each section. He stated that Strategy No. 6 in the Land Use chapter deals with preservation of agricultural and forest land and includes eight bullet points describing how to accomplish that. He said he feels it is an effective way of summarizing the material and should be replicated in York County's Plan. He recommended that everyone go online and read the document.

Adjournment

Chairman King thanked the speakers for their comments, and he asked Mr. Cross about the next meeting. Mr. Cross recommended that the April meeting be canceled to give staff a chance to work on drafting the remaining Comprehensive Plan elements with the goal of having at least one to distribute for discussion at the May meeting. There being no objection, Chairman King stated that the next meeting will be May 4.

The meeting was adjourned at 6:28 p.m.