Building Easement Stewardship

Ross Bradford, Raina Regan, and Wendy Musumeci

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Speakers

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Agenda

• Overview of Stewardship Principles
• Building Easement Stewardship:
  – Non-profit organizations
  – Governmental entities
• Questions?
Why is This Topic Important?

• Creating Programmatic Consistency
• Mitigating Risks
• Building a Record for Litigation
Questions to Consider

• How do you develop policies, procedures, and capacity to operate an easement program sustainably?

• How do you switch from a reactionary program to being proactive and engaged in your stewardship?
Overview of Stewardship Principles

• What is your approach to easement stewardship?

• Land Trust Standards and Practices
  – landtrustalliance.org

Download it now through your GoToWebinar control panel.
Building Easement Stewardship

• Funding
• Property Owner Relationships
• Monitoring
• Recordkeeping
• Approvals
Non-Profit Perspective

National Trust for Historic Preservation Easement Program
National Trust Easement Program
Building Easement Stewardship
Non-Profit: Funding

• Estimating long-term costs

• Funding Sources
  – Endowment, including legal defense fund
  – Operating income

Common endowment methods:
1. Case-by-case calculation
2. Base rate
3. Percentage of Property’s Fair Market Value
Building Easement Stewardship
Non-Profit: Property Owner Relationships

- Regular, systematic contact
- In-person meetings
- Changes in ownership
  - Introduction e-mail or letter
  - Meeting or phone call with new owner

Photo Credit: Tom Crane
Building Easement Stewardship Non-Profit: Monitoring

1. Develop Regular Procedures
2. Pre-Inspection Notification
3. Inspection
4. Monitoring Form/Report
5. E-mail or Letter Follow-Up
Building Easement Stewardship Non-Profit: Recordkeeping

• Standard Procedures
• Develop a system that works for your organization and your easement program
• Archival vs Working Copies
• Paper vs Digital
Building Easement Stewardship
Non-Profit: Approvals

• Approval Procedures
• Owner Capacity
• Permanent Record
Building Easement Stewardship: Governmental Perspective

Easement Program, Virginia Department of Historic Resources
1966: National Historic Preservation Act

1966: VA Department of Historic Resources & VA Historic Landmarks Commission (Board of Historic Resources) established

1969: first easement recorded

625+ perpetual easements protecting over 39,000 acres

27 independent cities & 75 counties throughout Virginia

Over 12,600 acres of Civil War battlefield lands protected

Easements incorporate all regions, styles, and periods of Virginia history, architecture, and culture
The mission of the easement program is to ensure the preservation— in perpetuity— of the historic landmarks that immeasurably enhance the quality of our lives and the character of our Commonwealth.
Effective Mission Statement

Strategic Planning

“If we accomplish ___________ in five years, we would feel good.”

CAPACITY BUILDING
**FUNDING**

- Budget comprised of General Fund & Special Revenue Fund
- Discretionary Funding: @$92,000
- Overall FY'18 EP budget: @$520,000

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**Our Perspective...**

- Budget generally consistent
- Periodic agency-wide state level budget cuts
- Large percentage of legal needs supported through Office of the Attorney General
- Turnover vacancy funds contract employees

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**CAPACITY BUILDING**

- **Virginia Land Preservation Tax Credit (LPTC)**
  - Transfer fee of 2% of the value of the donated interest for LPTC that are sold or transferred
  - 50% of revenues generated by 2% fee are used for implementation of the LPTC program
  - Remainder of fee revenue is distributed to entities responsible for enforcing conservation purposes of donated interests...including DHR

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**Preservation Leadership Forum | 20**
PROJECT REVIEW & APPROVAL
Our Approach to Approvals...

- Administered by qualified and trained staff
- Create written policy to support documented procedure for project review requests
  - Consistently review and revise policy
  - Consider having Board adopt policy
  - Draft policy for public distribution
- Policy provides guidance for determining when prior written approval is required
1. Develop project proposal
   ❖ Formal plans or drawings not required for most projects
   ❖ Staff provides technical advice
2. Complete Project Review Request Form
   ❖ Form provides guidance as to what constitutes completed application
3. Submit application
4. Staff reviews application
   ❖ Completed application = commence review
   ❖ Incomplete application = notify owner in writing & itemize information needed
5. Does project involve ground disturbing activities?
   ❖ If yes, does easement requires archaeological review?
   ❖ If archaeological survey required, precedes completion of project review
6. Approval timeline subject to different factors
   ❖ Need for additional information or site visit, consultation regarding project proposal, complexity of request, consistency with easement terms & Standards for Review
7. Issuance of written approval
   ❖ Includes sunset provision & any applicable conditions
8. Issuance of denial
   ❖ Process for appeal of denial
TIPS & TOOLS

Request existing and proposed plans

Review conceptual plans for prospective buyers

"Treatment Committee"

The submittal included exterior photographs of the rear of the house and schematic drawings by Cunningham Quill Architects, PLLC (dated 08-15-17). The proposed scope of work seeks to minimize the impact to the existing historic materials at the property, removes select non-historic components on the site, and presents additions to the main house and the introduction of a separate residential garage to the parcel. Overall, the additions appear subordinate to the historic resource in scale and massing, though the details of the elevations are not yet determined. All of the new construction is carefully sited, such that the visual impact is minimized.

After careful review, our office concluded that, in concept, the proposed rehabilitative scope of work for the Vowell Snowden Black House appears consistent with the easement provisions and the Standards for Rehabilitation, and is, therefore, approved. This approval is valid for a year from the date of this letter. Please submit more developed construction documents as they become available. We look forward to working with you on this project.
Formal plans, specs, or drawings not always necessary

Project review is an opportunity to provide technical assistance and open a dialogue with property owner...

And not just issue an approval...

Photo credit Sandra Stevens
MONITORING
Our Approach to Stewardship...

- Administered by qualified and trained staff
- Professional staff and standard approach supports relationship building
- Create formal written policy to support documented procedures for monitoring and inspection process
  - Consistently review and revise policy
  - Consider having Board adopt policy
  - Draft policy for public distribution
Develop internal procedure and work flow documents for monitoring, site visit, and reporting requirements
TIPS & TOOLS

Utilize Standard Reporting Template

**Written Report**

- **Property:** Harriett Tract, Williamsburg Battlefield
- **County:** York
- **File No.:** DVR:05-010

**Photographs**

- Photographs of the property
  - View of the property boundary along Government Road
  - Aerial view of the property

**Aerial/GIS Map**

- Photopoint Map
  - View of the property
  - View of the property with surrounding context

**Utilize Standard Reporting Template**

- **TIPS & TOOLS**
  - **Written Report**
  - **Photographs**
  - **Aerial/GIS Map**
Set Realistic Goals

TIPS & TOOLS

Target: 30% per fiscal year

# easements held

198 site visits

FY 2017: 211 EASEMENT MONITORING SITE VISITS
Develop Internship Program...

- Employ two paid graduate students for 6 weeks
- Competitive application process
- Accomplish @ 40-50 site visits total
- Training and supervision required
- Opportunity for partnerships

*Extend hiring period to 12 weeks pending budget
Overwhelmed?

Know What You Don’t Know:
❖ Conduct stewardship review of all easement properties
❖ Prioritize properties that have not been visited recently
❖ Current conditions reports can substitute for missing baselines

Don’t Avoid Problem Easements:
❖ Solutions include amendments to tighten restrictions or clarify vague language, corrective deeds, boundary surveys to verify property descriptions
❖ Acknowledge violations
❖ Approach with patience and consistency

Engage every staff member in stewardship site visits, regardless of job position/function

Be Prepared!!
Travel in pairs
Have a plan for landowner resistance
Carry first aid kit
Don’t open the door if peacocks attack your car…
OUTREACH

Stratford Hall, Westmoreland County
Establish Different Forms of Regular Communication…

Shirley Plantation, Charles City County (2007)

Public events with media coverage for significant or well-known properties

Monumental Church, City of Richmond (2016)

Regionally based seminars and workshops held at easement properties

Electronic Newsletter
Public Presentations at Workshops & Conferences

Archaeology, Stewardship, and Civil War Battlefield Properties

Joanna Wilson Green, Easement and Stewardship Archaeologist
Mike Barber, Virginia State Archaeologist
Department of Historic Resources May 1, 2014

Join Us
Learn More About Historic Districts & Conservation Easements
Thursday, May 12, 2016
6:30pm – 8:30pm
Old School, 40222 Fairfax Street, Waterford, VA 20187
Sponsored by
Waterford Foundation Land Use Committee
Presenters
Loudoun County Historic District Review Committee
Loudoun County Department of Planning and Zoning
Virginia Department of Historic Resources Easement Program
Information Session followed by Questions and Answers
Light Refreshments

Contact Margaret Good with questions:
540.682.2018 mgood@waterfordfoundation.org

Preserving historic places and buildings
Grant Funded Educational Workshops

Virginia’s Civil War Landscape at the Sesquicentennial:
A Symposium on Contemporary Battlefield Conservation & Management Strategies
Program Guide
April 30 & May 1, 2014
Virginia Historical Society | Haxby Family Lecture Hall | Richmond, Virginia

DHR
Department of Historic Resources

Technical Advice

Mayhugh Farm, Culpeper County (2011)
Photo credit Sandra Stevens
Archaeological Field Schools

Camden Farm, Caroline County (2009)

Menokin, Richmond County (2014)

Cemetery Preservation Workshops
Property Owner “Customer Satisfaction” Survey

I. Introductory Questions
1. In what city/county is your property located?
2. Approximately how many acres of your property are subject to a Board-held easement?
3. Are there any easement amendments applicable to your property? If so, please describe.
4. What are the primary historic resource types protected by the easement? (Archaeological site(s), Architectural resources [e.g. dwelling, guest house, smokehouse, school, theater, etc.], Farmstead, Battlefield open space, Other)
5. How long has your property been under easement? (Less than 1 year, 1-5 years, 5-10 years, 10-20 years, More than 20 years, Don’t know)
6. Are you the easement donor or did you purchase/inherit the property with the easement already in place?
7. Do you possess a copy of the easement for your property? If so, when was the last time you read the document?
8. What is your preferred method of communication? (Email, Telephone, Hard copy mail)

II. Customer Satisfaction
1. How would you rate the overall frequency of contact by DHR staff in assisting you with the stewardship of your easement property?
   - Very satisfied ➔ Somewhat satisfied ➔ Neutral ➔ Somewhat dissatisfied ➔ Very dissatisfied
2. How would you rate the overall professionalism of DHR staff regarding the stewardship of your easement property?
   - Very satisfied ➔ Somewhat satisfied ➔ Neutral ➔ Somewhat dissatisfied ➔ Very dissatisfied

3. How would you rate the timeliness of response by DHR staff regarding inquiries about your easement property?
   - Very satisfied ➔ Somewhat satisfied ➔ Neutral ➔ Somewhat dissatisfied ➔ Very dissatisfied

4. How would you rate DHR’s review process for proposed changes on your easement property?
   - Very satisfied ➔ Somewhat satisfied ➔ Neutral ➔ Somewhat dissatisfied ➔ Very dissatisfied

5. How would you rate DHR’s easement monitoring process for your property?
   - Very satisfied ➔ Somewhat satisfied ➔ Neutral ➔ Somewhat dissatisfied ➔ Very dissatisfied

6. Do you retain the owner copy of the monitoring report DHR sends following a stewardship visit?

- Constant Contact platform
- 30% response rate
- Replies varied from “Very Satisfied” to “Somewhat Satisfied”
- Use more free text fields as opportunity for unique owner feedback
Thank You!

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QUESTION AND ANSWER

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