

II. The Plan

This plan's Background Study has identified and evaluated the various key viewsheds associated with both Battles of Manassas and other related Civil War activity, it has analyzed the legal and economic context of the various viewsheds, and it has highlighted key threats to viewsheds. This plan section will offer specific recommendations for preserving viewsheds. The final section of the plan will then prioritize viewsheds for subsequent plan implementation efforts. There are three general types of strategies recommended for viewshed preservation: 1) public policy tools, 2) private sector land control tools and funding sources, and 3) physical enhancement approaches. Each of these issue categories is addressed here.

PUBLIC POLICY TOOLS

Public policy tools for viewshed preservation exist at the local, state and Federal levels, although local level policies tend to have the greatest potential to be truly effective given the extraordinary level of control that local governments have over land use and development. A distinction between battlefield preservation and battlefield viewsheds preservation is worth noting here, as the majority of written materials on the topics focus on battlefield preservation. Most battlefield preservation plans do not recommend local land use regulations as the primary tool for land preservation. The reason is that, in most jurisdictions, it is unpopular to zone privately-owned

lands to a low enough density to effectively protect its historic character and integrity. Thus, strategies such as the acquisition of land, both in fee simple terms and through conservation easements, are typically the primary strategies.

However, battlefield viewshed preservation efforts are different. First, assuming that most of the land incorporating the core battlefield is already protected, as in the case of Manassas, the focus is primarily on lands peripheral to the core battlefield. "Core" battlefield lands refer to those areas where combat occurred (see page 5 of this plan for a map of these areas). Such peripheral lands can include hundreds and even thousands of acres of land. Preservation efforts based primarily on controlling privately-owned property through acquisition or easements may be cost prohibitive. Secondly, there tends to be greater flexibility in allowing certain uses and levels of development to occur on battlefield viewshed lands relative to actual battlefield lands. For example, a 100-acre property in which 40 percent of the land is developed with clusters of residential lots may constitute enough of a visual intrusion to substantially impact the character and integrity of battlefield lands in a negative manner. However, when viewed from a distance, that same property and development scenario may be able to peacefully coexist within a battlefield viewshed if the lot pattern is carefully located and designed so as to not be visible. One way to achieve that scenario is to mandate or create incentives for clustered development through regulatory means. In short, while public

policies are often a second tier tool for preserving battlefield lands, they are considered a primary tool for preserving battlefield viewsheds within the context of this plan.

This section on public policy tools for viewshed preservation is organized into three categories: 1) the recommended policy tools and financial incentives; 2) other policy tools that have the potential to come into play in certain instances; and 3) tools considered and sometimes used elsewhere, but not recommended here.

Recommended Policy Tools & Financial Incentives

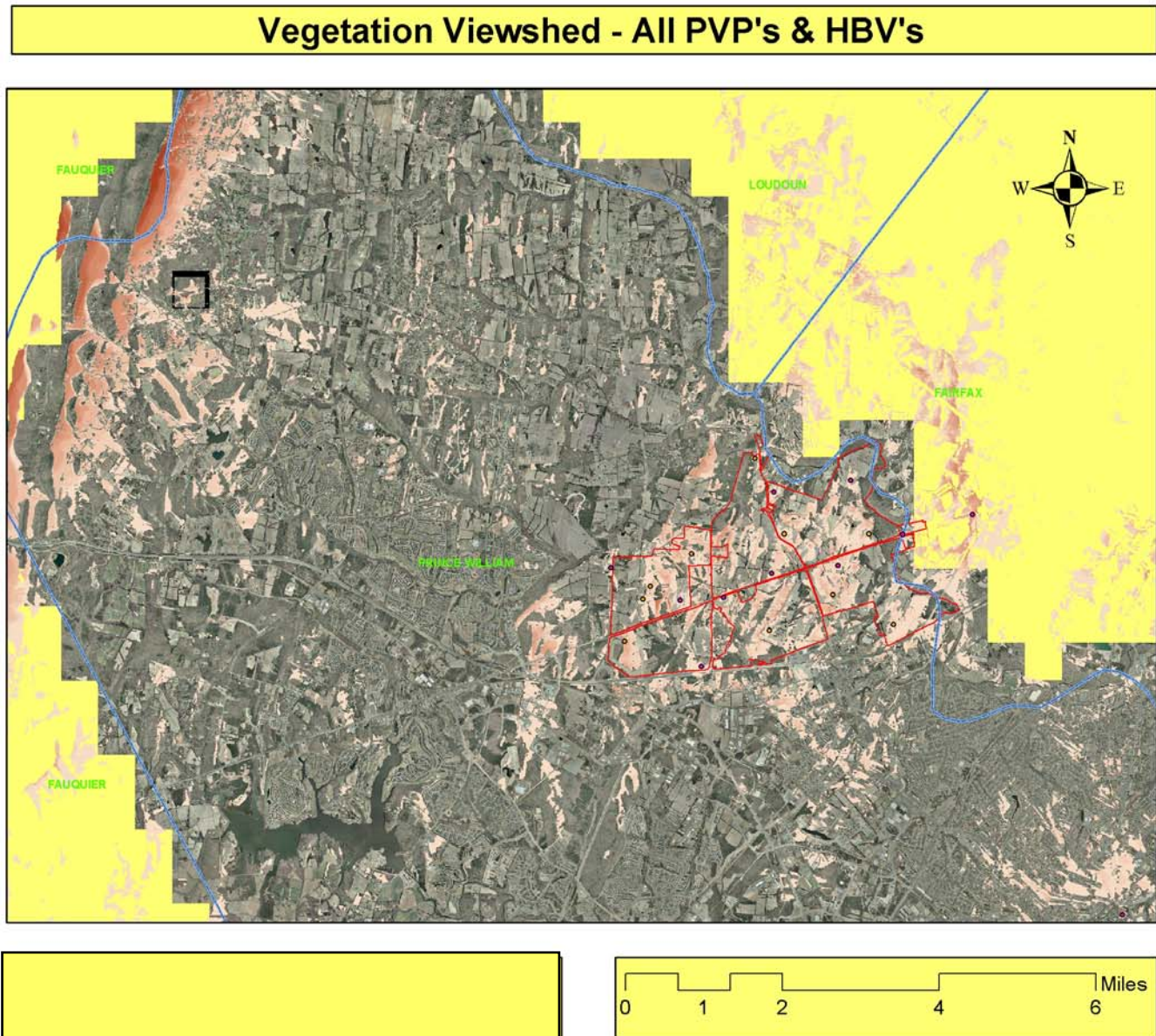
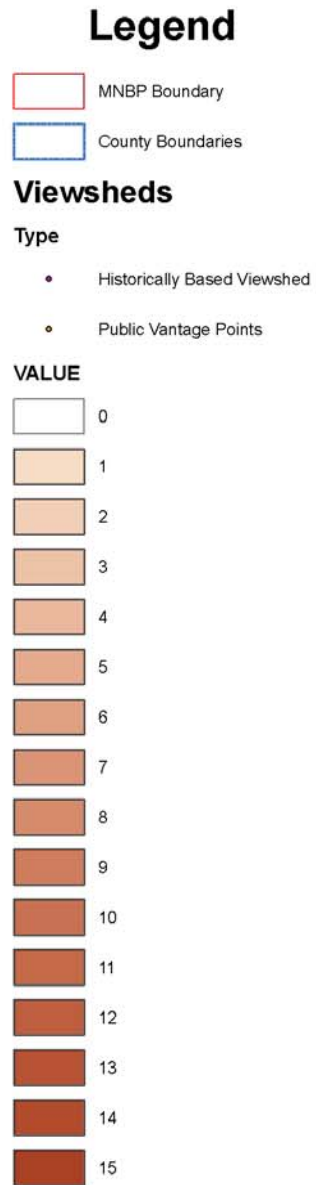
Because the policy tools and financial incentives recommended here would all need to be tied to specific applicable properties, the first step in addressing such approaches is to delineate a Battlefields Viewshed Protection Area (BVPA). Utilizing the map on the following page, one method for delineating the BVPA would be to focus on where the greatest concentration of land visibility exists based upon the various studied viewsheds. Below are the criteria that might be used to delineate the boundaries of the BVPA:

- 1) The BPVA shall include areas having the greatest concentration of lands visible from Public Vantage Points (PVPs) and Historically Based Viewsheds (HBVs). The boundary line shall trace the outer most extent of such areas, and these areas are generally located within two miles of the National Battlefield Park authorized boundaries.

- 2) The BVPA boundaries shall be delineated in a manner that results in as cohesive of an area as is possible. Consequently, there may be areas of low visibility lying within the BVPA in order to achieve a more cohesively shaped BVPA.
- 3) In delineating the boundary, one consideration will be the number of viewshed anchors from which a particular area is visible. Thus, some areas having visibility from a small number of viewshed anchors may be outside of the BVPA, while those visible from more anchors will be within the BVPA.
- 4) The BVPA may include other concentrations of visible land.

The greatest limitation of this approach to delineating the BVPA is that it is not able to identify lands not visible per the viewshed analysis, but that would yield visible buildings if developed. While a computer program is available to test the visibility of various building heights at specific locations on an individual basis, it cannot test numerous sites with varied building heights in a single effort. Until such a computer program can be developed, a solid, fair and defensible BVPA boundary cannot be delineated.

The following regulatory tools are recommended for battlefield viewshed protection:



Designation of a Battlefields Viewshed Protection Area

It is proposed that each relevant local government adopt a Battlefields Viewshed Protection Area (BVPA). Based upon the concepts contained in “CR Policy 7” of the Cultural Resources element of Prince William County’s Comprehensive Plan, this designation would not constitute zoning – neither “base” zoning nor an “overlay” zoning. Instead of applying to all land use and development proposals, including those permitted “by right,” it would only be triggered when a comprehensive plan amendment, rezoning or Special Use Permit (SUP) is sought. In that case, it might be linked to the relevant local government’s proffer system, which would require amended language within the local government’s policies regulating their proffer program.

Overview of CR Policy 7

This policy applies specifically to the Bristoe Station Historical Area, but it could apply equally well to the subject area surrounding Manassas Battlefield Park. This policy’s stated “Action Strategies” include the following:

- Require Phase I archeological/cultural resource studies and, if warranted, require Phase II and III studies.
- Require the submission of plans for comprehensive plan amendment, rezoning or Special Use Permit (SUP) applications incorporating the results of the Phase I study.
- Encourage property owners to dedicate lands or provide protective easements to save historic resources and/or their

interpretation. Such land dedications or easements should not lessen the owner’s development density or intensity otherwise permitted.

- Locate, design and buffer development in accordance with a viewshed analysis of the site to minimize the visual impacts of new development.
- As part of any permit for a rezoning or special use, incorporate provisions relating to densities/intensities at the lower end of the range per the Long-Range Land Use Map, cluster development if beneficial, a development plan, an architectural concept plan, and landscaping and buffering requirements.
- Maintain existing vegetation where appropriate.
- Reserve open space for interpretive settings.

It is recommended that, for the purposes of this proposed BVPA for the Manassas Battlefields, less of an emphasis be placed on architectural character and more of an emphasis be placed on building heights when impacting specific viewsheds. High voltage power lines and cell towers also need more stringent regulations within the BVPA. However, these are regulated, as well as mitigating their adverse effects, through the State Corporation Commission and initiation of federal preservation laws.

Application of the Battlefields Viewshed Protection Area

It is proposed that the boundaries of the proposed BVPA be consistent with the criteria on page 16. However, not every property within the BVPA would be subject to the BVPA’s

provisions. Those properties actually visible within one of the 25 studied viewsheds, as determined by the maps produced in this study, would be subject to the provisions. Likewise, properties not currently visible, but that would become visible once developed, would also be effected. This approach, based upon computer generated GIS and GPS data, would avoid perceptions of subjectivity in determining to which properties the BVPA provisions would apply. However, computer modeling to determine which lands would become visible once developed must still be developed.

Recommended BVPA Provisions

As a supplement to the concepts contained in the previous page regarding “CR Policy 7” of the Cultural Resources element of Prince William County’s Comprehensive Plan, below are more specific recommendations for BVPA provisions. It is proposed that the viewshed visibility map produced as part of this study be applied on a site-specific basis to negotiate development characteristics for those cases in which the BVPA provisions would be triggered. Negotiated characteristics could include building height, orientation, color, screening and or buffering, signage, landscaping, entrance features, etc. It is noteworthy that a uniform set of standards, such as building height limits, would not be effective if applied consistently throughout the proposed BVPA. While a five-story building height limit applied to one particular property may be effective for protecting the integrity of one

particular viewshed, the same standard may not work for another property within the same viewshed or another viewshed.

Buildings & Signage

Both the location and height of buildings and signs should be regulated within the proposed BVPA. In addition to the viewshed visibility map mentioned previously, another tool resulting from this project is a computer program that determines at what height a structure will become visible from a particular PVP (see page 54 in the plan section on implementation for a description of this tool and a sample application). Counties can use this program to determine appropriate height and siting recommendations when reviewing rezoning, special use permits, and variance proposals.

Screening

In addition to regulating the location and height of buildings and signage, provisions for screening undesirable views should also be part of the BVPA provisions. It must be kept in mind that, while screening can be an effective way to hide modern features that negatively impact the historic character of a battlefield, they can also obstruct historically important views. Thus, they should be used thoughtfully. Also, screening should consist of native vegetation that will create a complete and year-round screen, and existing vegetation should be preserved where appropriate. See pages 32-40 for more on screening.

New Utility Lines & Cell Towers

The battlefield park is already negatively impacted by high voltage power lines that traverse its western edge. It is proposed that new high voltage power lines be prohibited altogether within the proposed BVPA. The Park and Prince William County should partner and consult with state and Federal agencies. High voltage power lines tend to range in the 100 to 115 foot height range, while cellular monopoles can go as high as 199 feet (the maximum height permitted per Prince William County regulations). In Prince William County, there are specific provisions regulating cell towers, so that language would need to be revised to accommodate these recommendations. Because new cell towers would not fall under the category of a comprehensive plan amendment or rezoning, such provisions would need to be contained directly within the separate ordinances regulating cell towers. Another approach to new cell towers within the proposed BVPA worth pursuing would be a programmatic agreement between the Federal Communications Commission, the State Historic Preservation Officer (Virginia Department of Historic Resources Director), and telecommunications companies on a cell tower height lower than those typically found as a means of mitigating negative impacts on battlefield viewsheds. See Chapter IV pages 130-133 within this report's Background Study for more information on utility lines and cell towers.

Other Structures

It is difficult to envision other types of structures that might potentially impact battlefield viewsheds that would not fall under the categories just reviewed (buildings, signage, utility lines and cell towers). While bridges having tall structural components are possible, they are highly unlikely here because of the lack of a large body to cross (river, etc.). However, given that Gettysburg recently ridded itself of a huge observation tower that blighted their battlefield viewsheds, such a privately-developed tower is a remote possibility for any major battlefield that draws a lot of tourists.

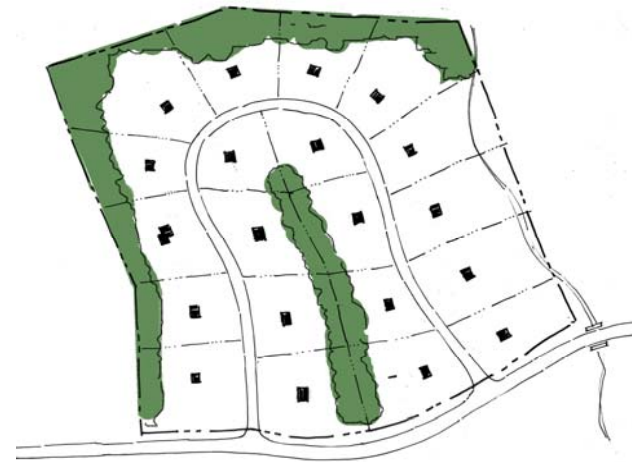
Open Space Development (OSD) Zoning

This approach to residential development, often referred to as "clustering," consists of concentrating smaller parcels, while leaving protected open space rather than the conventional approach of subdividing all land into larger parcels. Some communities mandate OSD zoning where they desire to preserve open space, but most that use this tool make it an option that is encouraged through incentives. An example of how such incentives are used in some communities is to require at least 50% of a site to be deed restricted or similarly preserved in return for a density bonus above the site's base lot yield (i.e., 25%). Such incentive-based regulations typically include specific design standards, such as the requirement that:

- Open spaces be as contiguous as possible within the subject site;
- Open space systems adjoin those of adjacent properties;

- Environmentally and historically sensitive resources be included within the open space; and
- Minimum buffer areas occur along important historic roads, streams and similar features.

It is noteworthy that OSD zoning only applies to residential development, as commercial and mixed use development lacks the characteristics that make clustering of development viable. See the concept plans on the following page that illustrate a pre-development site, a conventional development site, and the OSD option that preserves open space.



Conventional development example site.



Pre-development example site.



Open Space Development (OSD) example site

Existing Policies

Sections 32-300.40-43 and 32-300.50-53 of the Prince William County Zoning Ordinance allow for OSD development within the Rural and Semi-rural areas of the County, respectively. Rural-cluster development is permitted on properties 50 acres or greater in size, and at least 50% of the property must be preserved as open space. It requires a minimum lot size of three acres and a maximum density of one unit per ten acres. The Semi-rural cluster development has similar requirements, but a minimum of only 35% open space is required. For both types of clustering options, there are additional requirements that must be met regarding buffering, lot sizes and related issues, as well as the preservation of historic and cultural resources. Unlike some communities with OSD zoning, there are not density bonuses for the clustering option.

Recommended Policy

It is recommended that local governments adopt new OSD regulations that are either mandated within the Battlefields Viewshed Protection Area (BVPA) or have stronger incentives if they remain an option. It is recommended that a minimum of 50% open space be required, and that open space be designed with battlefield viewshed visibility in mind. Thus, developed lots should be located to have the minimal visual impact within the viewshed. If OSD regulations are not mandated and only incentivized, density bonuses should be considered to make them attractive enough to be a viable option. Also, where public sewer and water exist, developed lot sizes within the strategically-placed housing clusters

should be allowed to be relatively small (less than a half acre in size).

Tree Regulations

Section 32-250.40 of Prince William County's zoning ordinance addresses landscaping requirements. This section's stated goal is "to require the replacement and planting of trees and credit the preservation of trees on sites and in subdivisions to provide a minimum percentage of tree canopy cover in ten years that will contribute to the quality of life." It lists a variety of good reasons for tree preservation and planting. It is recommended that historic preservation and viewshed protection be added to the list of reasons. The requirements apply only to development approvals requiring the submission of site plans and subdivision plans, and they are specifically not required for agricultural properties, protected wetlands, and a wide range of institutional uses. Division 5 of the same ordinance regulates the grading of land and requires a permit for doing so, which typically involves approved development. Section 32-250.53 of the County's ordinance regulates the harvesting or clearing of timber and prohibits tree removal "within 50 feet of any property lines adjoining areas or other properties which are zoned to a different classification than A-1, Agricultural or whose primary use is residential." The other counties within the battlefield area have very similar regulations regarding trees.

As already indicated elsewhere, the regulation of trees is an important consideration with respect to battlefield viewshed

protection. While the battlefield park's General Management Plan features maps depicting the historic landscape and proposed landscape alterations within the national park, similar maps beyond the park are not known to exist. Regardless, the proposed removal or planting of new landscaping can likely be evaluated for their impacts upon battlefield viewsheds on a case-specific basis. In some cases existing vegetation should be preserved and/or additional landscaping provided to screen new development (see pages 32-40), while in other cases the removal of vegetation might open up important views. It is recommended that landscape alterations be among the various factors considered within the proposed Battlefields Viewshed Protection Area (BVPA) for applications for a comprehensive plan amendment, rezoning or Special Use Permit. This approach is consistent with the Cultural Resources Element of the County's Comprehensive Plan (see page 18 of this plan section).

Purchase or Transfer of Development Rights

Purchase of Development Rights (PDR) and Transfer of Development Rights (TDR) was approved in Virginia only a few years ago. The TDR concept involves two defined areas – *sending areas* and *receiving areas*. The sending area is an area for which it has been determined that minimal development (or even no development) is consistent with the public good, so extensive development is prohibited. However, as compensation to the property owner, development rights are credited to that owner which can then be applied in a receiving area or sold on the open market.

The rights are used by those who can apply them to properties within the designated receiving areas, thereby allowing that person to develop at a density greater than the underlying zoning would normally permit. PDR/TDR is most commonly used to protect environmentally sensitive lands, and receiving areas are typically existing or planned urbanized areas. In accordance with Virginia statutes, the implementation of this tool can only be initiated by property owners within the sending and receiving areas. Also, Virginia laws allow residential development rights in the sending area to be converted into non-residential development rights within the receiving area, such as commercial uses. Furthermore, if the designated receiving area is located within another municipality, that municipality must adopt its own PDR/TDR ordinance and designate the same receiving area as proposed by the local government of the sending area.

Recommended Policy

It is recommended that a PDR/TDR program be adopted by the relevant local governments and utilized by willing land owners and developers. The sending areas would be lands within the proposed Battlefields Viewshed Protection Area (BVPA). There are numerous options for the receiving areas so long as they are consistent with the comprehensive plan, have sufficient infrastructure capability (particularly access), and meet other capacity demands.

Although it would not technically be considered PDR/TDR, the idea of shifting density from one part of a site to another part of the same site is certainly a likely scenario in order to preserve battlefield lands. In fact, a similar scenario was recently achieved at the Chancellorsville Battlefield at the Toll Brothers housing development in which 75 acres of land at Lick Run were sold to the Civil War Preservation Trust in return for additional density being allowed by the County to be shifted to the balance of the property. Closer to home, a density shift was allowed in Prince William County for a residential development on the Bristoe Station Battlefield, in addition to the creation of a heritage park. Moreover, the Cultural Resources element of the County's comprehensive plan addresses the mitigation of negative impacts on Bristoe Station caused by future economic development (CR Policy 7 - page CUL-13). On-site density transfers, such as those at Chancellorsville and Bristoe Station, should be approved by the other relevant local governments if that option does not already exist.

Development Proffers

According to the definitions section of the Prince William County zoning ordinance (Article 1. Terms Defined, Part 100. Definitions – adopted 1991 as amended through 2007) “Proffers shall mean a condition voluntarily offered by the applicant, and accepted by the board of county supervisors, for a rezoning that limits or qualifies how the property in question will be used or developed.” Proffers can come in the form of cash or in-kind dedications as part of a

rezoning or Special Use Permit. Based upon State enabling legislation, the purpose is to offset the costs of population increases caused by residential development within designated “high growth communities”. According to Section 32-700.30 (Conditional zoning) of the Prince William County zoning ordinance, “Proffered conditions adopted by the board of county supervisors shall be in addition to the regulations provided for the zoning district by the text of this chapter. Except as standards that are specifically permitted to be modified or waived by the board of county supervisors, as part of a rezoning or special use Permit approval, development shall conform to mandatory standards in effect at the time of final plan approval if such standards exceed proffered conditions accepted at the time of rezoning.”

Recommendation

As presently written, Prince William County's development proffers policy is unclear as to whether battlefield viewshed preservation efforts can qualify for proffers. It is recommended that the proffer policies of local governments be amended to include battlefield viewshed preservation as an option.

Use Value Taxation

As in the case of other neighboring jurisdictions, Prince William County has a “Use Value Assessments Program” that encourages the preservation of land by providing a tax deferral. Under this program, the assessment of land is based upon its current use

rather than the fair market value. However, if and when the land use changes, the deferred amount of tax payments will be repaid with interest. This provision is in accordance with Virginia “roll-back tax” statutes. The four categories of land use qualifying for this program include agricultural uses, horticultural use, forest use and open space, each of which has very specific qualifying criteria, including a minimum property area of 5 acres for the agricultural category and 20 acres for the open space category. Of the four categories, most of the undeveloped privately-owned lands near the Manassas Battlefield would qualify under the open space category.

Recommendation

Use value taxation programs can be used as both an incentive for private viewshed preservation and as a funding source for the local government. The incentive is that land owners would not be penalized by the taxation system for keeping their land out of development. This incentive should be strongly promoted. The potential funding source, on the other hand, could derive from the rollback assessment that occurs if such lands are eventually developed. Given the clear relationship (“rational nexus” in land use law terminology) between the loss of historic lands and the increased property tax revenue generated by that loss of land, the tax revenue (or a percentage of it) could go towards a funding pool earmarked for the acquisition of endangered historic lands, including battlefield viewshed lands. Such acquisitions

could be either in the form of fee simple purchases or the purchase of conservation easements. Such a program should be explored and pursued by each of the battlefield’s relevant local governments.

Other Public Policy Tools Having Potential

There are a limited number of state-level regulations for protecting historic resources, in part, because of the variety of such regulations at the Federal level. In fact, in some cases, full or partial responsibility for enforcing Federal regulations and implementing associated processes is delegated to the Commonwealth of Virginia. In general, however, most Federal laws currently existing are designed to prevent the Federal government from damaging historic resources, so preservation is an issue integrated into its planning and review processes. There are several existing regulations at the Federal level that could benefit battlefield viewshed preservation efforts at Manassas should certain events occur, such as proposed road expansions or development within environmentally sensitive lands. Below is a summary of the most significant such policies.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) and its various allied laws constitute a wide variety of regulations to protect the natural environment with respect to air, land and water pollution, and the protection of ecologically valuable resources from disturbance. Examples of key environmental laws which might inadvertently protect battlefield viewshed lands are those which prohibit

development within floodplains and/or wetlands. While these laws are not related directly enough to battlefield viewshed protection to serve as a major component of a preservation strategy, it is important that they not be overlooked in those instances when they may be the only means for saving viewshed properties.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires that a process be followed intended to offer protection to any historic resources either listed on, or determined eligible for, the National Register of Historic Places. This process is designed to identify and avoid, or at least mitigate, adverse impacts on historic resources. Unfortunately, "Section 106 Review" is limited to those projects involving Federal funds or licensing, such as Federal transportation funding, Community Development Block Grant (CDBG) funding, or an Army Corps of Engineers permit. In Virginia, the process is carried out by the Virginia Department of Historic Resources (DHR), with the Federal Advisory Council on Historic Preservation having the final word. While it offers little help for private sector activities not involving Federal funding or licensing, Section 106 Review can be a potentially valuable tool with regard to Federally licensed and funded projects. While it cannot always save an historic site or viewshed, Section 106 Review usually, at a minimum, allows for the documentation of the resource for future generations. Examples of conceivable activities that could potentially impact Manassas Battlefield viewsheds and would be required to undergo Section 106 Review include roadway

expansions (Pageland Lane, Route 29, Route 234, etc.), new road expansion, and new cell towers. The fact should never be overlooked that the greatest threat to battlefield viewsheds within the national park is road expansions, while the greatest potential ally against such expansions in Section 106 Review.

Department of Transportation Act of 1966

Section 4(f) of the "DOT Act" stipulates that the Federal Highway Administration (FHWA) and other DOT agencies cannot approve the use of land in publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply: 1) There is no feasible and prudent alternative to the use of the land, and 2) The action includes all possible planning to minimize harm to the property resulting from the use. This law could greatly benefit the battlefield and its associated viewsheds should new roads or the expansion of existing roads be proposed if such actions would trigger the 4(f) provisions.

Cooperative Agreements with Property Owners

Although cooperative agreements would not technically be considered "regulatory tools," because they are a potential public policy vehicle for resource preservation, they have been included in this plan section. Cooperative agreements between the National Park Service (NPS) and private individuals and entities are one of the most cost-effective methods for protecting historic resources and associated viewsheds, but also the least safeguarding. A typical scenario would be a farmer who will agree to preserve open space

on his property and accept technical assistance from the NPS on its preservation in return for limited public access to the property. The greatest limitation is that such written agreements can generally be terminated on relatively short notice.

Public Policy Tools Not Recommended

Since there are some candidate policy tools for viewshed preservation that were contemplated for this plan, but ultimately rejected for various reasons, a brief review is in order.

Low-Density Zoning

Low-density zoning requires large minimum lot sizes that limit the number of housing units a developer can build on a tract of land. Prince William County presently has multiple zoning districts that require large lots for development, as do the other relevant jurisdictions. “Down zoning” is the process of reducing the zoned density of land from its previous density, thereby potentially reducing its value. In theory, the application of low-density zoning or down zoning will reduce development pressures and may help preserve the rural character of an area containing battlefield viewshed lands. However, given the area’s growth pressures, the current designation of lands within their respective comprehensive plans and zoning, and the development expectation levels of area land owners, low-density zoning and down zoning were not considered as viable options.

Overlay Zoning

Overlay zoning is a mechanism that does not impact the underlying “base zoning” that dictates permitted land uses and the density/intensity of development. Instead, it typically regulates design and similar issues. Regulated design issues might include those addressed by base zoning, such as building setbacks and heights, as well as design issues not addressed through base zoning, such as building materials and façade design. Overlay zoning is permitted by Virginia’s state legislation, and Prince William County already has adopted overlay zones.

Although it can be an effective tool for many preservation issues, overlay zoning is not recommended here for battlefield viewshed preservation. Overlay zoning would control any type of development application within the designated overlay zone, which would likely be met with resistance. Also, the area south of I-66 is within the Prince William County development area and is planned Industrial and Regional Employment Center. Instead, a special district has been recommended that would only be triggered by a proposed comprehensive plan amendment, rezoning or Special Use Permit (see pages 18-19 of this plan section).

Special Corridor Zoning

In planning terminology, special corridors are those linear areas along important transportation routes which either lead to a key destination, such as a downtown, or traverse a special area, such as a Civil War battlefield. The quality of a special corridor’s appearance

is important in making an impression upon heritage tourists. It is one of the many factors that shapes visitors' experience, determines the duration of their stay, and influences their desire to return. The character of a corridor can also be critical for historic interpretation. In the case of rural corridors, such as the roads traversing Civil War battlefields, the objective is to retain a pastoral and open landscape. Overlay zoning provisions typically address building setbacks, signage placement and size, and buffering requirements. While corridor zoning can be a useful tool for overall battlefield preservation and interpretation efforts, it was deemed to have limited benefits for viewshed preservation relative to other potential regulatory tools.

Special Taxes

The primary factor impacting tax rate increases lies in public sentiments. The approval of any sort of special tax for battlefield viewshed protection would rely on a favorable preservation climate. Nevertheless, examples of potential taxes include:

- A “*dedicated*” tax for battlefield viewshed preservation would entail an increase in local property taxes in which the increased revenues would be earmarked for purchasing easements or acquiring viewshed lands.
- *Real Estate Transfer Taxes* consist of a tax levied for any real estate transaction based upon a percentage of the purchase price. When used as part of a battlefield viewshed protection program, such tax revenues would go towards the acquisition

of fee simple ownership or conservation easements. Because studies have shown that communities with aggressive open space programs typically experience greater property value increases than communities without such programs, there is a relationship (rational nexus) between the tax and those benefiting from the value of open space. Real estate transfer taxes are most commonly employed by state and local governments for a specific earmarked fund, such as an open space acquisition program. Real estate transfer taxes have fueled the State of Maryland's \$60 million annual Program Open Space (POS), which acquired easements on hundreds of acres of farmland at Antietam. Should real estate transfer taxes ever become a viable tool, they might be applied to some broader program of open space preservation and/or environmental protection (of which battlefield viewshed preservation would be only one component) to build broader public support.

- A *Hotel/Motel Tax*, often referred to as an “occupancy tax,” is frequently used to fund activities related to tourism. Most occupancy taxes range between roughly 4% and 8%, depending upon the community and their tax structure. Because of the heritage tourism aspect of Civil War viewshed protection, local occupancy taxes would be a reasonable way to fund preservation at the local level.

Despite their respective merits, the concept of adopting special taxes for viewshed preservation around Manassas was eliminated from further consideration. The dedicated tax would be unpopular among “the masses” of citizens, while the real estate transfer tax would meet stiff opposition from the highly-organized real estate community, and the hotel/motel tax would meet similar resistance from the hospitality industry.

Condemnation

Condemnation is based upon the concept of “eminent domain,” which asserts that it is acceptable for a government to take private property, or specific property rights, from property owners if: 1) the taking is in the best interest of the public welfare, and 2) the owner is fairly compensated. The most common forms of condemnation are for road building and utility easements. Assuming a funding source is available, it could also be used for acquiring battlefield viewshed lands, although the Federal government would likely be limited to only those lands within the national park’s authorized boundaries. Regardless, whether done at the Federal, state or local level, condemnation is generally very unpopular and is not proposed as part of this plan.

PRIVATE LAND CONTROL TOOLS & FUNDING SOURCES

Within the realm of preserving core battlefield areas, private sector land control tools and land acquisition funding sources are an extremely important subject because such lands are typically

relatively finite and the acquisition of key parcels is often a realistic goal. However, because viewsheds peripheral to the Manassas Battlefield involve thousands of privately-owned acres, making regulatory measures a more fruitful strategy, the subject of private land control tools and funding will only be listed here in summary form. Nevertheless, this plan’s Appendix A section features a much more detailed description of such tools and funding sources.

Private Sector Land Control Tools

- *Fee Simple Purchase*
- *Conservation Easements*
- *Restrictive Covenants & Deed Restrictions*
- *Options / Rights of First Refusal*
- *Land Donations*
- *Other Land Acquisition Tools*
 - Life Estates
 - Purchase and Sell-Back or Lease-Back
 - Property Exchanges

Funding Sources

Private Organizations

- *Civil War Preservation Trust (CWPT)*
- *National Parks Conservation Association (NPCA)*
- *National Trust for Historic Preservation (NTHP)*
- *Preservation Alliance of Virginia (PAV)*

- *Conservation Fund*
- *Richard King Mellon Foundation*
- *Other Relevant Organizations*
 - Association for the Preservation of Virginia Antiquities
 - Virginia's United Land Trusts
 - Land Trust Alliance
 - Land Trust of Virginia
 - Trust for Public Land
 - American Farmland Trust
 - National Park Trust
 - National Forestry Land Trust
 - The Nature Conservancy
 - Scenic Virginia
 - Virginia Outdoors Foundation

Federal Funding & Incentives

- *Federal Appropriations*
- *National Park Service: American Battlefield Protection Program*
- *Federal Transportation Enhancement Funds*

State Funding & Incentives

- *State Historic Preservation Grants*
- *Certified Local Governments Program*
- *Virginia Sesquicentennial of the American Civil War Commission – State appropriation*
- *Easement Tax Credits*

While many of the organizations listed above have been active over the years in battlefield preservation efforts in the Manassas area, one organization in particular warrants mention. The Virginia Outdoors Foundation's stated mission is "to promote the preservation of open space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, open-space and recreational areas of the Commonwealth." According to the Fauquier County comprehensive plan, most of the 31,000 acres protected by conservation easements in that county are protected by easements held by the VOF. Given that this plan has not recommended extending the proposed Battlefield Viewshed Area (BVA) as far west as the Bull Run Mountains, which are located on the eastern edge of Fauquier County, the VOF may have the greatest potential to assist there with viewshed preservation in that particular area.

PHYSICAL ENHANCEMENT APPROACHES

Although most viewshed preservation efforts focus on preserving existing high-quality viewshed lands, the enhancement of existing viewsheds should also be considered. There are two key issues related to the physical enhancement of battlefield viewsheds: 1) the provision of access to the viewshed anchors (locations from which a viewshed is viewed), and 2) the screening of undesirable views. Each is discussed below.

Access to Viewshed Anchors

No matter how aggressive the efforts might be to protect and enhance the quality of viewsheds, unless there is good access to the viewshed anchors from which the viewsheds are observed, the viewsheds will be enjoyed by only a limited number of people. With respect to the ten Primary Vantage Point (PVP) viewsheds studied at the Manassas Battlefield as part of this plan, there are two primary means of access to their anchors – roads and trails. Some also feature a parking area. Below is a three-category listing of the ten PVP viewsheds according to how accessible they are currently, and a map is provided on page 33:

Level 1: Road, Parking & Trail Access

This level of accessibility includes direct access by roads, parking and trails.

- Matthews Hill
- Henry Hill
- Deep Cut

- Sudley
- Brawner House
- Stuart's Hill
- Chinn Ridge

Level 2: Trail Access & Nearby Auto Access

This level of accessibility includes direct access by trails that are linked to roads where parking is viable and located within a comfortable walking distance of the viewshed anchor.

- Portici

Level 3: Trail Access Only

This level of accessibility is limited to access by trails with no link to nearby road access and parking.

- Van Pelt
- S. D. Lee Artillery Position

It is noteworthy that the Brawner House would have fit into Level 3 accessibility in earlier days, as until recently it featured only trail access. However, new road and parking access was recently developed. Thus, of the ten PVP viewsheds, all but three have excellent public access (Level 1). Of the other three, Portici has nearby auto access and requires only a comfortable walk for access, leaving Van Pelt and the S.D. Lee Artillery Position as the only relatively inaccessible PVP anchors. Although the National Park Service's most recent General Management Plan (GMP) does address circulation and site access in all of its alternative scenarios,

there are no specific proposals that would increase the accessibility of the one “Level 2” PVP anchor or the two “Level 3” PVP anchors.

Recommendations

In order to enhance the accessibility to two of the three PVP viewshed anchors that presently lack the highest level of access, the following recommendations are offered:

Van Pelt

This viewshed anchor is a relatively short distance from the narrow lane accessing the NPS Law Enforcement Office. However, there is no formal parking area or trail leading to the site, although a trail connecting to Route 29 does access the site. It is recommended that a modest amount of paved parking and a small vehicular turnaround area be provided, as well as an unpaved walking trail to link to the viewshed anchor with vehicular access.

S.D. Lee Artillery Position

While it should probably not be a high priority recommendation, the NPS should explore the potential to provide a short road and parking area extending east from Pageland Lane to this viewshed anchor.

Because the Portici viewshed anchor already has access in the form of a trail that extends from a short road off of Vandor Lane, no improvements are recommended.

Screening of Undesirable Views

While many of the key viewsheds associated with both battles of Manassas have retained a relatively high degree of integrity, some have been degraded by visual intrusions, such as modern development, that detract from understanding the battles. One approach commonly employed to reclaim the integrity of viewsheds or to mitigate their damage in the face of new development is to utilize landscape screening. To be effective, such treatment typically needs to provide a year-round screen and include a mix of native trees and shrubs to have a natural appearance. Vegetative variety is also needed to avoid losing an entire buffer area to a species-specific disease, and native evergreens should be part of the mix to provide year-round screening.

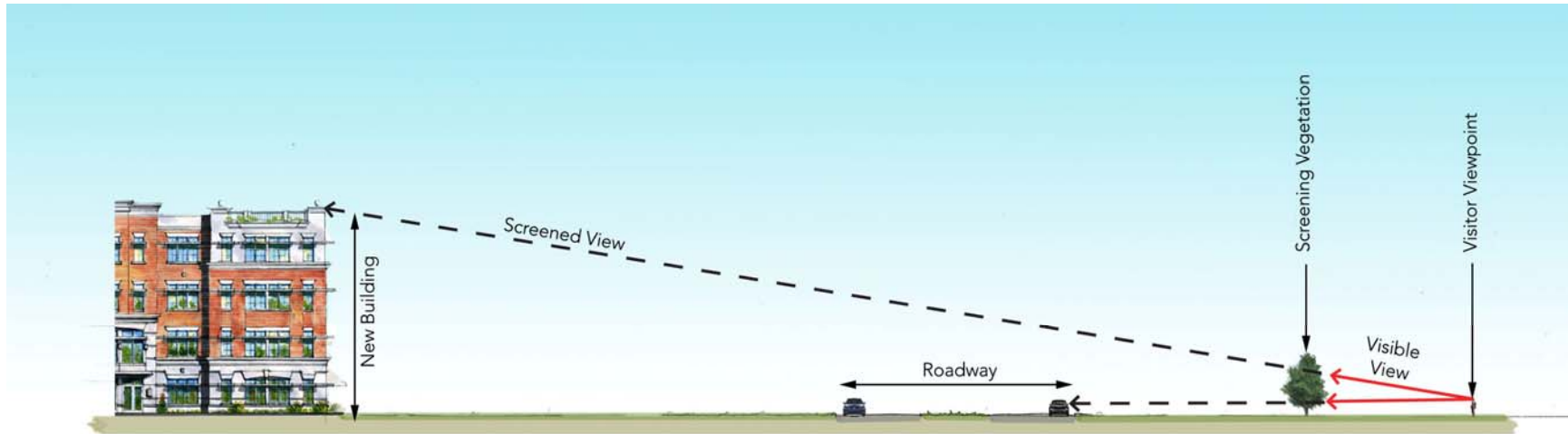
However, it must also be recognized that there can be a negative side to landscape screening. While screening may help to hide modern development, it also further obscures the viewshed being interpreted, which can make it more difficult for visitors to understand the battle. Consequently, this plan recommends a set of very simple screening principles. These principles guide this plan's screening recommendations, and may be used in the future in a more detailed and site-specific manner when viewshed screening needs arise. The following principles should apply:

- 1) **The closer the screening is to the viewer, the smaller it can be to have the desired screening effect.** Conversely, the further away the screening, the larger it must be. This principle has clear cost implications given the higher cost of larger and/or mature landscaping. See the diagrams on the following two pages for an illustration of this principle.
- 2) **The closer the screening is to the viewer, the less visibility within the viewshed.** Although this type of screening can effectively obscure visual intrusions, it can also obscure the viewshed being interpreted.

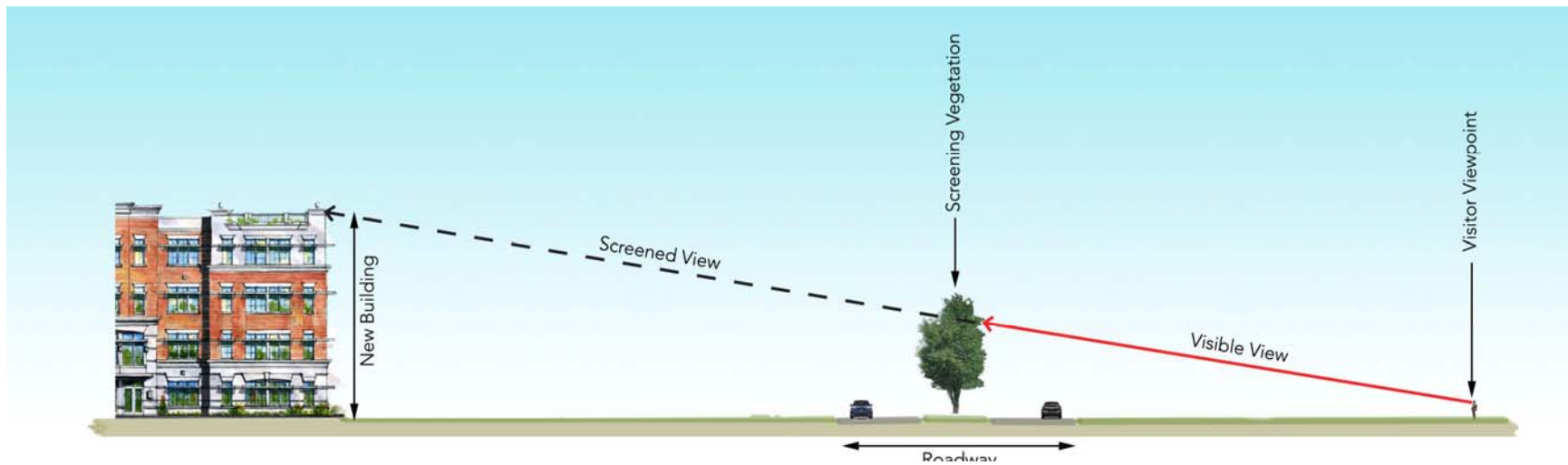
- 3) **A compromise to screening is to provide gaps within the screen** to open up very limited view corridors.



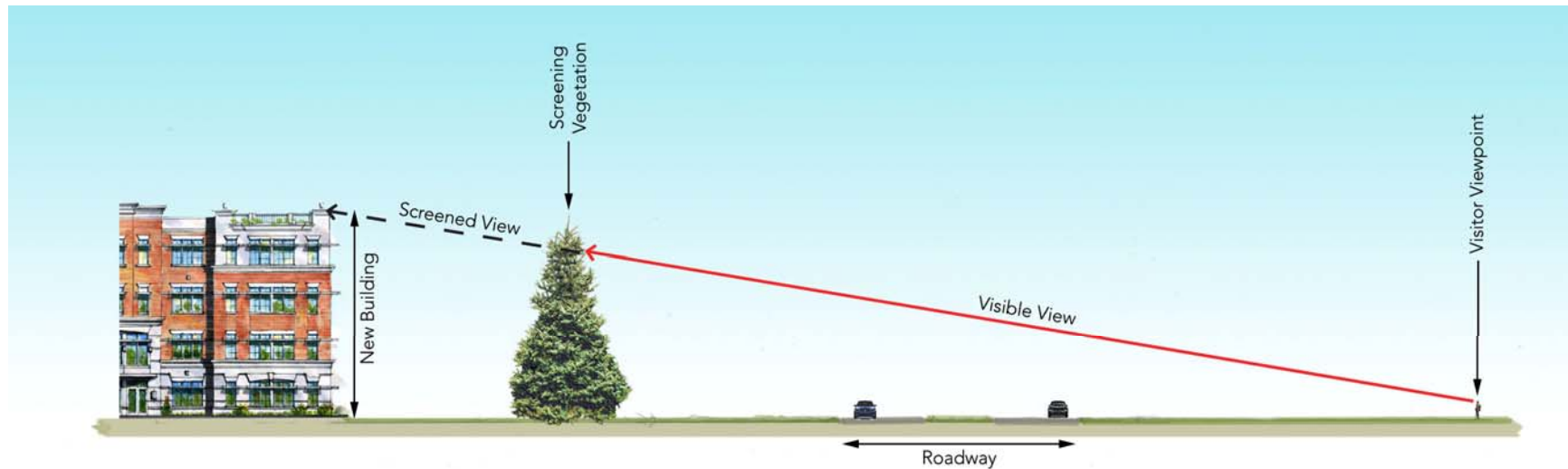
This view south from Portici across I-66 reveals modern development in the distant background. While additional screening along I-66 would obscure the development, it would also interfere with the view that helps to tell the story of the battles.



This diagram illustrates the concept that the closer the screening is to the viewer, the smaller (and less expensive) it can be. Such screening can also obscure intrusions located only a short distance away, such as the depicted roadway.



This diagram illustrates the location of screening in a middleground location roughly midway between the viewer and the modern intrusion. While this screening must be taller (and more expensive) than the example above, it retains more of the viewshed's depth.



This diagram illustrates the location of screening in the distant background and within close proximity to the modern intrusion. Although this approach retains most of the viewshed's depth before reaching the intrusion, the screening must be very tall. The screening would also be very costly and/or take years to reach this level of maturity.

Screening Recommendations

Based upon a review of aerial photograph maps, the panorama photographs of this plan's Background Study, and field observations, the vast majority of the studied viewshed do not need screening. Matthews Hill is a good example. As the panorama photographs of this viewshed reveal on page 24 of the Background Study, there are no significant visual intrusions within any direction of this viewshed. The one exception is the utility poles and overhead lines that parallel Route 234. However, they have a very minimal visual impact and screening them would preclude important views. Consequently, no screening is proposed for this viewshed. Henry Hill is another example where

screening is not recommended. The only significant post-war elements are the NPS Visitor Center and affiliated parking to the southwest. As is discussed later in this plan regarding the surviving integrity of various viewsheds, the Visitor Center was built in 1941 and is listed individually on the National Register of Historic Places. Thus, this building would not be considered a visual intrusion to be screened, although low hedges for the parking area would be advisable. Since the Visitor Center has taken on its own historic significance, and because screening close to it would preclude views from the center, screening is not recommended for this viewshed. Most of the other PVP viewsheds have similar circumstances. However, to the extent that screening is

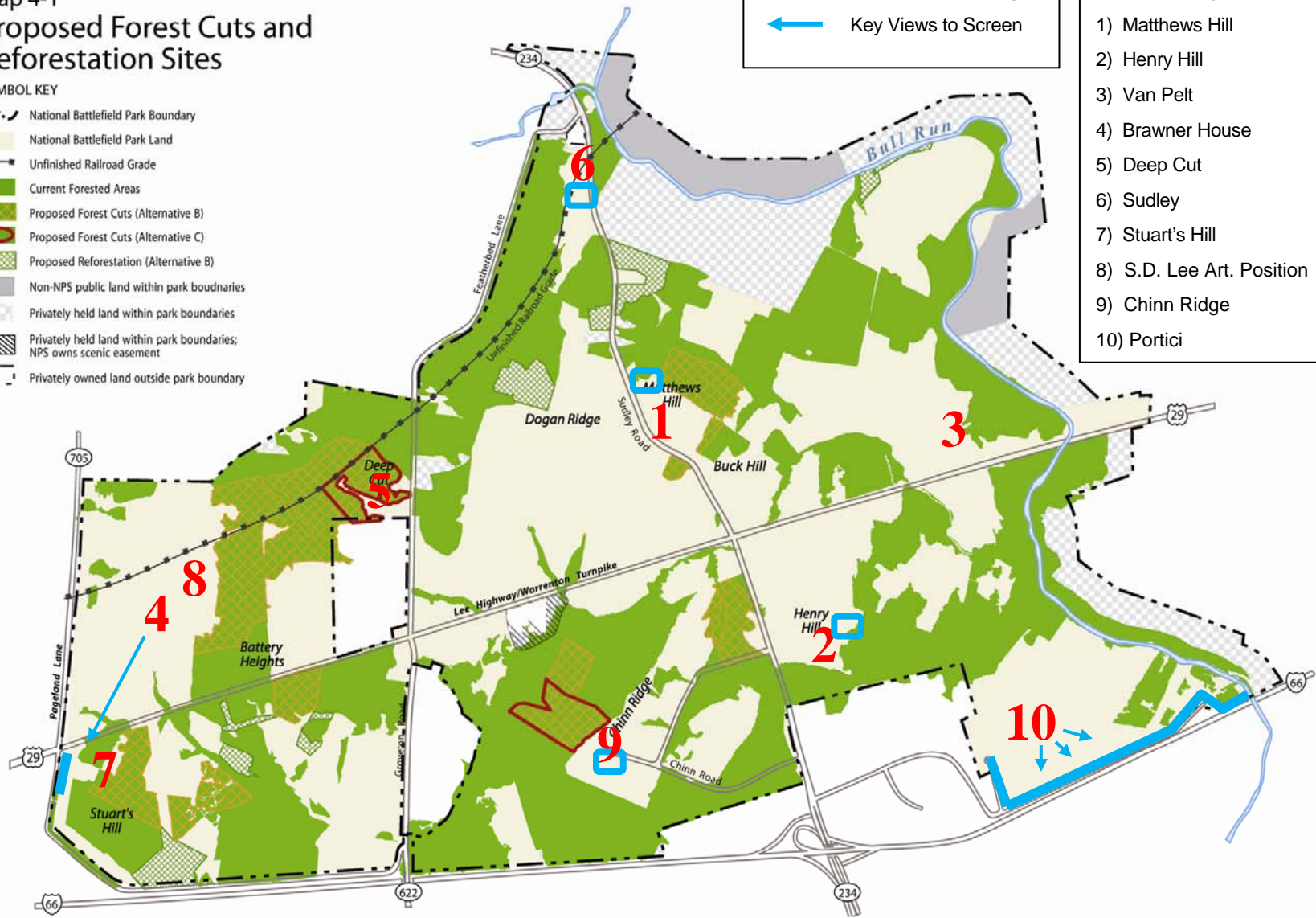
Map 4-1 Proposed Forest Cuts and Reforestation Sites

SYMBOL KEY

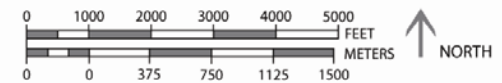
- National Battlefield Park Boundary
- National Battlefield Park Land
- Unfinished Railroad Grade
- Current Forested Areas
- Proposed Forest Cuts (Alternative B)
- Proposed Forest Cuts (Alternative C)
- Proposed Reforestation (Alternative B)
- Non-NPS public land within park boundaries
- Privately held land within park boundaries
- Privately held land within park boundaries; NPS owns scenic easement
- Privately owned land outside park boundary

- Proposed Screening
- Key Views to Screen

- Public Vantage Points**
- 1) Matthews Hill
 - 2) Henry Hill
 - 3) Van Pelt
 - 4) Brawner House
 - 5) Deep Cut
 - 6) Sudley
 - 7) Stuart's Hill
 - 8) S.D. Lee Art. Position
 - 9) Chinn Ridge
 - 10) Portici



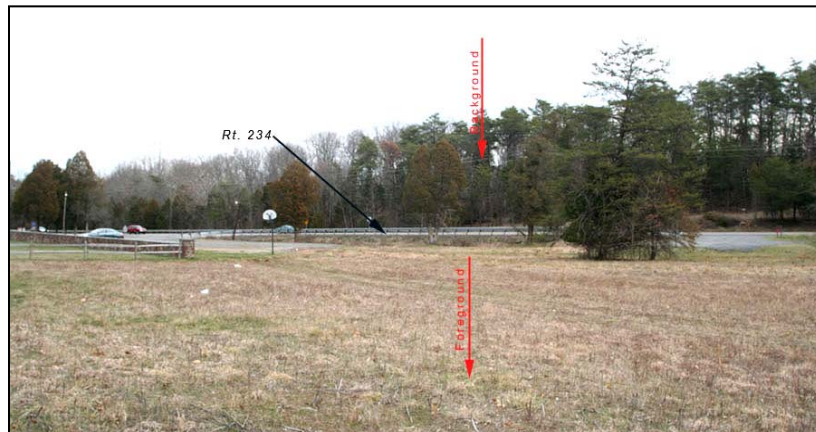
Base map source: Manassas National Battlefield Park Draft General Management Plan: Map 4-1 (2005)



recommended for specific viewsheds, the following suggestions are offered (see the map on the previous page for an illustration of locations):

Driving Tour Parking Lots

Because of existing trees flanking both sides of Route 234 along most of its segment through the Sudley viewshed, the utility poles and wires are not a significant issue. However, the parking lot for this driving tour stop is a slight intrusion for which modest screening is recommended. To avoid obscuring views, it is recommended that tall grass be allowed to grow around the perimeter of the parking lot. This same concept applies to parking lots associated with other tour stops at PVP viewsheds, including Henry Hill, Matthews Hill, and Chinn Ridge. Parking lot screening should be considered a low-priority objective



Although it should not be a particularly high priority, it is recommended that the perimeter of the parking lot at Sudley be screened somewhat by allowing the grass around it to grow tall.

relative to screening out modern development peripheral to the battlefield park, such as commercial development south of I-66.

Portici






As the panoramic photographs on page 78 of this plan’s Background Study reveal, views to the south are degraded by commercial development on the other side of I-66. Although this development is in the distant background, it will inevitably increase over time with additional growth. It is recommended that a linear shaped screening be planted along the north side of the interstate approximately as depicted on the map on the previous page. As with other recommended screening, it should include enough evergreens to provide a year-round screen, it should feature native species, and the species should be diverse enough to avoid losing the screening to species-specific diseases.

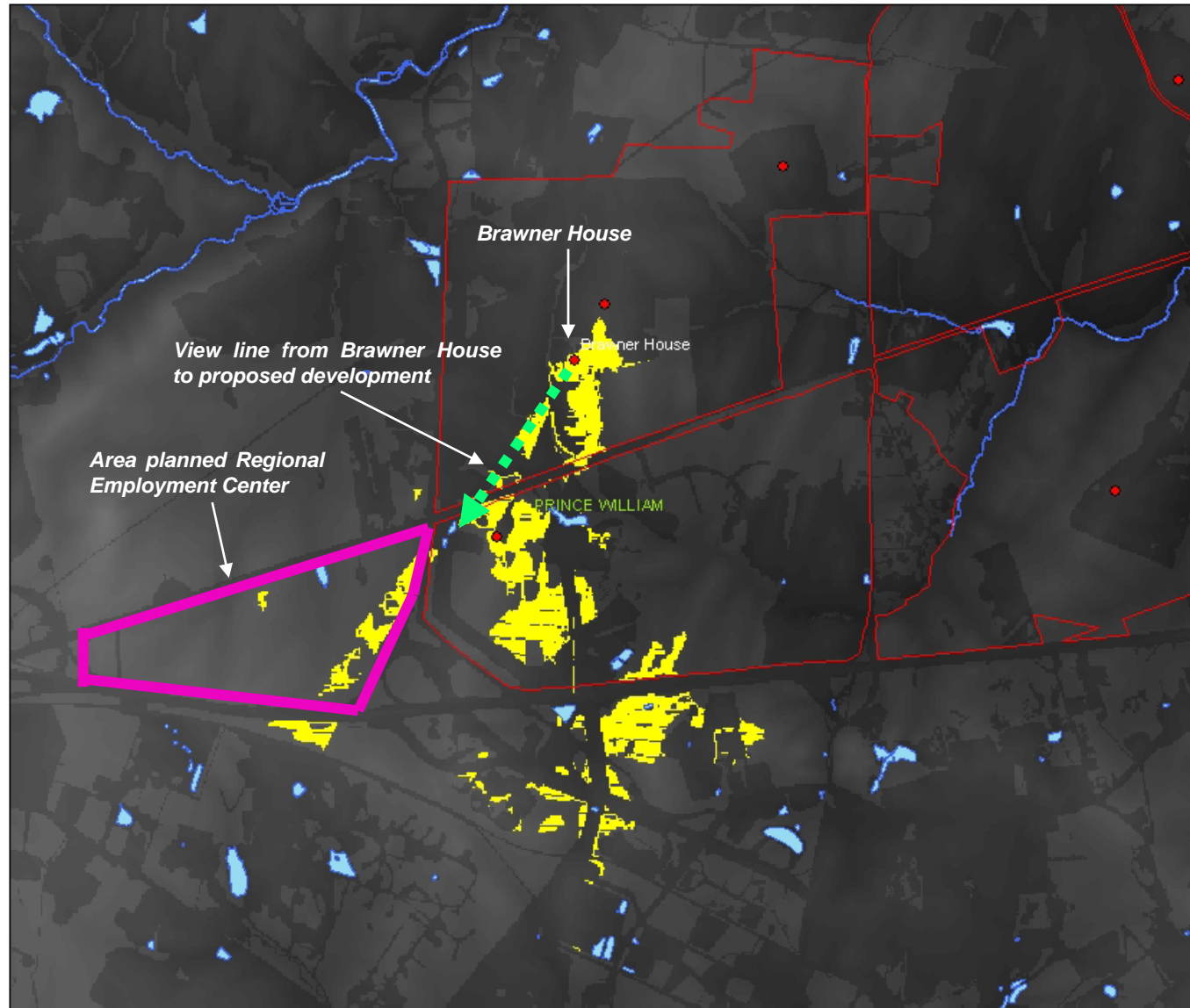
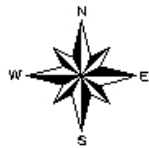
Brawner House

Although the Brawner House viewshed currently has a relatively high level of integrity, the viewshed visibility map on page 40 reveals that parcels planned for Regional Employment Center (REC) immediately southwest and outside of the national park, if built, may alter that viewshed. An REC allows for buildings in excess of 75-100 feet in height. To mitigate the visual impacts of the REC, it is proposed that a dense landscape buffer be installed somewhere on the east side of Pageland Lane. However, the existence of the Dominion Virginia Power high-voltage lines and easement corridor along the western

boundary of the national park will require working around these obstacles since plantings cannot occur within the easement area. The map on the following page highlights areas of visibility from the Brawner House viewshed anchor relative to the potential new development. It must be kept in mind that the visibility map refers to the visibility of the current topography while factoring in variables such as the average height of a man (5 foot, 10 inches) and an average tree height of 40 feet where trees are relevant. The map does not address, however, the potential visibility of the potential REC development, which could be approximately ten stories in height within the western half of the site.

Legend

-  MNBP Boundary
-  County Boundaries
-  Lakes and Rivers
- Brawner House Viewshed**
-  Visible
- 40' Vegetation DEM**
- Value**
-  High : 428.279
Low : 34.3394



Map by TM Danninger, May 31, 2008

