

CHATHAM COUNTY HISTORIC PRESERVATION COMMISSION

**REGULAR MEETING
110 EAST STATE STREET**

ARTHUR A. MENDONSA HEARING ROOM

April 2, 2008

2:00 P.M.

MINUTES

CCHPC Members Present:

**Daves Rossell, Chairman
George Cohen, Vice-Chairman
Jane A. Feiler
Vaughnette Goode-Walker
William Haynes
Stephen T. Lindell
Pamela G. Lossing
Christian Sottile
Lisa L. White**

CCHPC/MPC Staff Members Present:

**Ellen Harris, Historic Preservation Planner
Janine N. Person, Administrative Assistant**

I. WELCOME

The meeting was called to order at 2:00 p.m.

II. INTRODUCTIONS

Dr. Rossell asked everyone to introduce themselves.

III. GUEST SPEAKER - Frank McIntosh, Director of Land Protection, East Georgia, Georgia Land Trust

Ms. Harris introduced Mr. Frank McIntosh and stated that they serve together on the MPC Natural Resources Protection Committee. She said that on April 11th the Resources Protection Ordinance will be going to the County Commission for public comment and adoption.

She said that Ms. Bethany Jewell invited the Commission to the next Resources Protection Committee meeting on April 10 at 9:00 a.m. at the MPC office. Mr. David Carter and Mr. Thomas Farmer of the Georgia Trust for Public Land and TNC will be giving a presentation.

Mr. McIntosh stated that he is a native Savannahian and his family goes all the way back to Lockland-McIntosh. He said that his wife, Mrs. Patty McIntosh, is with the Georgia Conservancy and is working on a Pin Point Blue Prints. They did a lot of work to help Sandfly with Target a few years back.

He said that the Georgia Land Trust is a 501(c)3 charitable organization with a Board of Directors who also direct the Alabama Land Trust. They work with the Chattahoochee Valley Land Trust and the Loyola Lake Land Trust with ten full-time employees and receive funding from different sources. The mission of the Georgia Land Trust

is to protect land for present and future generations, and they are involved with water quality protection, storm water mitigation, recreational opportunities, and view sheds. People who donate conservation easements are usually willing to accept more stringent limitations on the use of the land than what is mandated by governmental entities.

He said that Georgia is one of the worse states in the union for gobbling up land for current uses and that Atlanta added almost 900,000 people between 2000 and 2006, approximately a 20 percent increase. Metro-Atlanta consumes approximately 55-acres of raw land a day and the remainder of the state consumes approximately 55-acres of land a day. Chatham County uses approximately 3-acres a day.

He said that they help protect certain types of development, locations, and densities, work with landowners to prevent abuses, and try to keep productive land uses. The primary way they protect land is through conservation easements with a voluntary restriction on the use of the land. It is a negotiated set of terms regarding uses and restrictions between the landowner and a conservation organization and does not have to be a land trust, but could also be a local government with an agreement stating what would be surrendered and what would be preserved. Anything that is agreed to and recorded in the agreement runs with the land and is permanent, meaning that no matter who the subsequent owners are, they are bound by the agreement.

Some conservation easements are donated, development rights can be purchased, and land can be protected through unique programs like the Army Compatible Use Buffer Program that tries to keep a minimally-developed perimeter around Fort Stewart and Hunter Army Airfield. When the base realignment closure process is done they look at the local level of noise from citizens near forts, and if the citizens are kept off the edge of the fort the noise is minimized. It is important because Fort Stewart and Hunter Army Airfield's combined economic impact is about three billion dollars a year. An approximate 800-acre tract was protected in 2007.

There are code sections, references, and plenty of ways to track different easements. One type of easement that is empowered under the code of Georgia is historical easements. It is not their specialty but something they are aware of, work with, and try to make sure that resources are available and that it's done right. To have a valid easement there has to be a qualified holder like a 501(C)3 organization or a governmental body. A deed of a conservation easement is the upshot of all of the negotiations and once the deal is consummated, it is recorded in the Register of Deeds in a title search, is permanent, should be found, noted, and enforced. Within the deed a grantor is defined, there has to be an absolute fee owner, and if there is debt on the property to be protected it has to be subordinated to the conservation easement. If it is not wholly owned it cannot be given away and the grantee has to be tax exempt. It should have a valid legal description or a good survey and the conservation values should be defined.

He stated that a Deed of Conservation Easement needs to define its purpose and state why it is valuable to the commonwealth. They are required to enter the property at least once a year to monitor it and make sure that the terms and conditions of the easement are being met. They have the right to prevent inconsistent activity and to require restoration where people have done things that contradict the terms of the easement.

All surface mining rights have to be extinguished in all cases. There is some ability to shop for natural gas because it remediates easily, has a small footprint, and there are ways to come at it from underneath without disturbing the surface property. They don't allow for the soil or the water to be wrecked, outdoor advertising, and commercial antennas. If there are water resources on the property they can be used for items like agricultural but not set up a water bottling plant. The relationship between what you retain and what you surrender determines how much value has been given away and the part that remains on the tax rolls is what is retained. The county could continue to tax some of the values and a portion of the property's economic value would remain on the books.

The right to place some roads and utilities to serve the houses is typically retained though they encourage people to place them underground or keep all of the improvements within existing footprints. They are encouraged to use pervious surfacing. Forestry is a commonly reserved right, and between the Alabama and Georgia Land Trust there are approximately 100,000-acres under easement with approximately 50,000-acres in each state with half of that land having some kind of timber use on it. They try to make sure that people don't make large area clear cuts, encourage sustainable forestry practices, and have a written plan to refer to before the initiation of any forestry activities.

Agricultural activities have to have a written agricultural management plan because agriculture can be totally devastating to the conservation values of a property if they overuse fertilizers, fertilize too close to creeks, and have livestock too close to creeks. If there is a livestock operation then the number of animals on the property must be clearly stated. They have to fence out water courses and the crossings of creeks have to be hardened to keep from degrading the creek bed and base monitoring on the property. They don't allow industrial-scale animal operations, sod farms, and golf courses.

He said that Forever Wild is the most stringent category of the conservation easement which means that all of the rights of the property have been deeded off except some hunting, the ability to keep the place from being destroyed by exotic invasives, to cut out damaged and diseased trees where appropriate, and to control burn. Except for a small home site, the rights have been extinguished.

When a conservation easement is put in place there is a list of people that get involved like the forester who helps with the plan and an accountant to help with the tax issues. They can draft a conservation easement but they want them to get an independent legal review from an appraiser, an architect, or an engineer. They provide stewardship to the properties and do a baseline documentation report that gives something to base the annual monitoring on for the property in the future. The property is visited and if the terms have been violated, the property must be defended on the terms of the easement even if it means going to court. A map is created that shows the route of the property that consists of purple dots which are GPS way points keyed to photographs within the report. He said that the document placed on the GPS allow others to follow his tracks.

He stated that one of the economic advantages of doing an easement in Georgia is that you can get a conservation donation income tax credit with a dollar-for-dollar reduction. He said if the donation is done by a partnership, they now allow the partnership to take up to a million dollar tax credit. The land in Camden County was donated by an LLC and included 500-acres of upland associated with the 2,000-acres of bottom land, and the people that bought lots in the upland became members of the LLC. There are 50 members that are deriving the tax donation benefit of the 2,000-acres and have ownership rights and responsibilities and full run of the property. These kinds of donations are so big it is almost impossible for an individual to absorb all of the benefit.

Ms. White asked if Mr. McIntosh worked with Mr. Hans Neuhauser at the Land Trust Service Center and if it was connected with the Georgia Land Trust.

Mr. McIntosh stated that Mr. Neuhauser was trying to get land trust capacity state-wide and works with helping land trust get organized with their standards and practices. He said the Land Trust Alliance is a national organization that is in the process of becoming certified. His group is the second pilot group of land trust that will be going through the certification and is an off shoot of the Coastal Georgia Land Trust. The Alabama and northwest Georgia offices are out of another organization that has been around approximately 15 years.

Dr. Rossell thanked Mr. McIntosh for coming and helping the Commission to understand the importance of land conservation in Georgia.

IV. OTHER BUSINESS

A. Contact with Communities/Individuals Interested in District or Property Nominations

Ms. Harris stated that she had a good meeting with Sandfly on Thursday night and she gave an overview of what it means to become a historic district. The boundaries have been defined in the Sandfly Historic District and they are working on collecting signatures of more than 50 percent of property owners within the boundaries. This particular district will be a little complicated because a portion of the district is within city limits, and they are working with the city and county attorneys to determine how to handle it. It could be two simultaneous processes that could happen with City Council designating it as a historic district along with the county.

She stated that she met with Pin Point on Sunday night and they went through the last stage of the design standards. She will be giving a final presentation on April 27 which is the next neighborhood association meeting date, and then it will come to the Commission in the form of an ordinance.

B. Note on Next Meetings

Ms. Harris stated that she will not be present for the May 7 and June 4 meetings. Ms. Beth Reiter would be the staff person for the meetings and that the speakers are Ms. Jeanne Cyriaque, the African-American coordinator for the Department of Natural Resources, and Mr. Chuck Mobley. She said that she has been invited to participate in a professional development exchange program through the Rotary Club and will be in France for five weeks.

C. Channel 16 Program

Ms. Harris stated that she has been working with Mr. Pete Nichols on the Channel 16 program. She said they were conducting an interview with the Chairman at the Isle of Hope, and he was going through some of the nine advantages of historic designation. It was suggested that the nine Commission members could talk about each of the advantages and asked the Commission members to stay after the meeting to talk and be filmed by Mr. Nichols.

Dr. Rossell stated that the suggestion of individual Commission members presenting was his and it would show the diversity of the Commission - both a value and a strength.

V. COMMISSIONERS' ITEMS

Mr. Cohen asked if Ms. Harris had heard from Isle of Hope.

Ms. Harris stated that the historic district is currently on hold but they are going forward with the neighborhood association.

Ms. Feiler asked how Sandfly would balance the commercial properties with the historic and residential.

Ms. Harris stated that they have not begin working on the design standards yet but she is anticipating a similar set up to what is done in the Landmark Historic District with general guidelines that apply to all of the buildings. There would be more specific standards for the commercial areas and residential areas. There would be designated commercial corridors defined on the map and if you are in the area you would have to apply with one or the other. She said that they will be looking closely at the existing zoning as the standards are developed to see how they apply.

Ms. Feiler stated that the commercial development of Wal-Mart and others was a problem that occurred with MPC. She said they did get rezoned and asked if the residential zoning would be protected for the future.

Ms. Harris stated that anyone could petition at any time to have their zoning changed, even if it is a historic district, but it did not mean it would get approved. She said it could make a stronger case if you were in a historic residential neighborhood and there was a petition to have it rezoned commercial, but everyone has a right to petition it. It would not come before this Commission but go before the MPC and then to the County Commission or City Council as appropriate.

Ms. White stated that hopefully Mr. Mobley would write an article in the paper about encouraging more people to come forward with their neighborhoods or historic buildings.

Dr. Rossell stated that Mr. Hugh Golson would be a good speaker for the Commission. He said that any suggestions for the Commission and the public to be educated about the Commission that could come before them would be very valuable.

Ms. Harris stated that Ms. Patty Deveaux would be at the July meeting.

Dr. Rossell stated that he would not be present at the next meeting on May 7.

VI. MEETING MINUTES - March 5, 2008

Ms. Feiler asked that the March 5, 2008, minutes be corrected to reflect that she left the meeting at 2:30 and not 2:15.

CCHPC ACTION: Mr. Cohen made a motion that the Chatham County Historic Preservation Commission approve the minutes as corrected. Mr. Lindell seconded the motion and it passed unanimously.

VII. ADJOURNMENT

There being no further business to come before the Chatham County Historic Preservation Commission, the meeting was adjourned at approximately 2:50 p.m.

Respectfully Submitted,

Ellen Harris,
Preservation Planner

EH/jnp