

STAFF REPORT

- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendment to *The Code of the County of Fairfax, Virginia*, to Add a New Chapter, Chapter 125 (Resident Curator Program Ordinance)

Authorization to Advertise

October 28, 2014

Board of Supervisors Hearing

November 18, 2014, 5:00 p.m.

Prepared by:

Planning Division
Department of Planning and
Zoning
September 30, 2014

A. Issues:

Proposed amendment to *The Code of the County of Fairfax, Virginia*, to add a new chapter, Chapter 125 (Resident Curator Program Ordinance) to establish a resident curator program.

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt proposed Chapter 125 (Resident Curator Program Ordinance).

C. Timing:

Board of Supervisors Authorization to Advertise – October 28, 2014

Board of Supervisors Public Hearing – November 18, 2014, 5:00 p.m.

D. Source:

Department of Planning and Zoning (DPZ)

E. Background:

In January 2011, the General Assembly amended Va. Code Ann. § 15.2-2306 authorizing localities to develop resident curator programs. Va. Code Ann. § 15.2-2306(A)(4) enables localities to create, by ordinance, “a resident curator program such that private entities through lease or other contract may be engaged to manage, preserve, maintain, or operate, including the option to reside in, any such historic area, property, lands, or estate owned or leased by the locality.”

At the direction of the Board, staff in the Department of Planning and Zoning and the Park Authority have worked with the History Commission to evaluate the potential costs and benefits that might result from the implementation of a resident curator program. John Milner Associates prepared a report for the County that examines how states and localities across the country have implemented resident curator programs as a way to foster the maintenance and preservation of publicly owned historic properties. The report also provides recommendations for the establishment of a resident curator program in Fairfax County. The report was provided to the Board and will be presented at the September 30, 2014 meeting of the Board’s Development Process Committee.

Va. Code Ann. § 15.2-2306(A)(4) requires resident curator programs to be established by ordinance.

F. Proposed Amendments

The proposed amendment adds a new chapter, Chapter 125, Resident Curator Program Ordinance, to *The Code of the County of Fairfax, Virginia* and establishes a resident curator program. This program, designed to preserve and maintain historic properties owned or leased by the County, will lease historic properties to individuals or businesses subject to regulations established by the County Executive or his designee. Such regulations will require that resident curators maintain and improve the leased properties according to the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR Part 68 (2013), as amended. Additionally, all leases for historic properties included within the resident curator program will provide for public access consistent with the historic property's nature and use.

G. Regulatory Impact:

None.

H. Fiscal Impact:

The Fairfax County Park Authority has requested \$241,187 be appropriated in the Fiscal Year 2016 budget to fund this program. The cost to administer the program in future years will depend on the number of properties included in the program. Page 65 of the John Milner Associates' report, previously provided to the Board, reviews the estimated costs and benefits to the County of the program. The report provides estimates of initial costs as well as savings that would be realized once maintenance is taken on by a curator.

I. Enclosed Documents:

Attachment: Proposed Chapter 125, Resident Curator Program Ordinance

1 *The proposed amendment adds a new chapter, Chapter 125, Resident Curator Program*
2 *Ordinance, to **The Code of the County of Fairfax, Virginia***

3
4 *The proposed amendment creates a resident curator program, which authorizes the Board of*
5 *Supervisors to enter into contracts or leases with private entities for the purpose of preserving*
6 *and maintaining publicly-owned or leased historic properties.*

7
8 *The new Chapter 125 proposes the following:*

- 9 • *Purpose and Administration*
- 10 • *Definitions of relevant terms;*
- 11 • *Areas of Applicability;*
- 12 • *Provisions of the Ordinance*

13
14 **Amend the code of the County of Fairfax, Virginia by adding new Chapter 125**
15 **Resident Curator Program Ordinance to read as follows:**

16
17 **CHAPTER 125.**
18 **Resident Curator Program Ordinance.**

19
20 **Article 1. General Provisions.**

- 21
- 22 § 125-1-1. Title.
- 23 § 125-1-2. Authority.
- 24 § 125-1-3. Purpose and Administration.
- 25 § 125-1-4. Definitions.
- 26 § 125-1-5. Areas of Applicability.
- 27 § 125-1-6. Provisions of the Ordinance.

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29 **Section 125-1-1. Title.**

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31 This Chapter shall hereafter be known, cited, and referred to as the “Resident Curator
32 Program Ordinance” of Fairfax County.

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34 **Section 125-1-2. Authority.**

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36 This ordinance to establish a resident curator program is enacted pursuant to Virginia
37 Code Ann.§ 15.2-2306(A)(4) (2012) and as amended.

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40 **Section 125-1-3. Purpose and Administration.**

41
42 The purpose and intent of this Chapter is to ensure the general health, safety, and welfare
43 of the citizens of Fairfax County and to preserve and maintain for their use, observation,
44 education, pleasure, and welfare historic properties by establishing a resident curator program
45 whereby private entities are utilized to accomplish the management, preservation, maintenance,
46 and operation of historic properties or structures within Fairfax County in accordance with

1 established Treatment Standards. The Treatment Standards will promote historic preservation
2 best practices that will help to protect historic properties.

3
4 **Section 125-1-4. Definitions.**

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6 The following words and terms used in this Chapter have the following meanings unless the
7 context clearly indicates otherwise.

8
9 "Board" means the Fairfax County Board of Supervisors.

10
11 "Historic property" means an area containing one or more buildings or places in which
12 historic events occurred or having special public value because of notable architectural,
13 archaeological or other features relating to the cultural or artistic heritage of the community, of
14 such significance as to warrant conservation and preservation and as such is listed in or
15 determined eligible for listing in *The Fairfax County Inventory of Historic Sites*.

16
17 "History Commission" means the Fairfax County History Commission appointed by the
18 Board to help identify, document, record, and preserve the County's historic past.

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20 "Inventory of Historic Sites" means Fairfax County's list of properties that meet certain
21 eligibility criteria and are officially designated by the County's History Commission.

22
23 "Resident curator" means a person, firm, or corporation that leases or otherwise contracts to
24 manage, preserve, maintain, operate, or reside in a historic property in accordance with the
25 provisions of this Ordinance.

26
27 "Resident curator program" means a program in which private entities or persons are engaged
28 to accomplish the preservation and maintenance of historic properties owned or leased by Fairfax
29 County.

30
31 "Treatment standards" mean the Secretary of the Interior's Standards for the Treatment of
32 Historic Properties, 36 CFR Part 68 (2013), as amended.

33
34 **Section 125-1-5. Areas of Applicability.**

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36 This Chapter and all provisions adopted hereunder are applicable to all historic properties
37 located within Fairfax County, Virginia, and owned or leased by the Board.

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39 **Section 125-1-6. Provisions of the Ordinance.**

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41 This Chapter establishes the provisions of the Resident Curator Program in accordance with
42 the provisions of Va. Code Ann. § [15.2-2306](#) and other applicable statutes.

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- 1) There is hereby established within Fairfax County a Resident Curator Program, which shall be subject to the terms of this Ordinance.
- 2) The determination of whether any historic property is eligible for the Resident Curator Program shall be made by the County Executive or his designee subject to standards and criteria to be developed by the County Executive or his designee(s), and which shall be subject to the terms of this Ordinance.
- 3) The determination of whether any person or entity is eligible to serve as a Resident Curator shall be made by the County Executive or his designee subject to standards and criteria to be developed by the County Executive or his designee(s), and which shall be subject to the terms of this Ordinance.
- 4) In the event that the County Executive determines that an historic property may benefit from the engagement of a Resident Curator, then the County Executive shall develop a lease or other such contract with such Resident Curator that implements the terms of this Ordinance. Any such contract shall be upon a form reviewed and approved by the Office of the County Attorney.
- 5) The County Executive or his designee shall develop and implement regulations governing the Resident Curator Program and any lease or contract entered into with a Resident Curator shall require that the Resident Curator comply with all such regulations.
- 6) Any such lease or contract entered into with a Resident Curator shall require that all maintenance and improvement to the historic property shall be conducted in accordance with the Treatment Standards and the lease shall be conditioned on such compliance and on the preservation and maintenance of the historic character of the property at all times during the lease.
- 7) Any such leases or contracts entered into that preserve historic property shall provide for reasonable public access consistent with the historic property's nature and use.

This ordinance shall take effect upon adoption.

GIVEN under my hand this ____ day of _____, 2014.

Catherine A. Chianese
Clerk to the Board of Supervisors

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