

II. RURAL AREAS



RURAL AREAS

CURRENT CONDITIONS

Frederick County's rural areas provide places for agriculture, forestry, protection and preservation of natural resources, and tourism. The rural areas best exhibit the nature, beauty, view sheds, and tranquility for which Frederick County is known. The primary land uses in the rural areas are agricultural and forestal operations. Of the County's 266,000 acres, approximately 243,000 acres are rural and located primarily west of Interstate 81. The remaining acreage comprises the Urban Development Area (UDA) Sewer and Water Service Area (SWSA) where residential, commercial, and industrial development is focused.

Agriculture

In 2017, the Federal Census of Agriculture identified 762 farms in Frederick County, with a total of 109,907 acres or approximately 41 percent of the land in the County. From 2012 to 2017, the total acreage in Frederick County farms grew by over 9,000 acres. This 9% growth in overall acreage may represent a real increase or it may be an effect of more persons reporting on their farm acreage.

Forestry is another important component of the County's agricultural economy. Managed well and logged in a sustainable manner, they provide a renewable source of income to landowners, taxes to the County, and timber products for many other users. Trees and forests provide many natural resource benefits prior to and after harvesting. The Agriculture Census showed the total percentage of land in farms comprised of woodland use as of 2017 to be 25 percent.

Residential Development

The rural areas of the County have traditionally seen about 30% of the County's new residential growth. With the exception of the County's Rural Community Centers, the predominant new residential development pattern has been five (5) acre lots or two (2) acre clustered lots with dedicated preservation tracts (discussed further below). It should also be noted that the band of prime agricultural soil which runs north-southwest of Interstate 81 is the same area where a majority of new rural residential growth has been experienced.

The handling of wastewater is a key differentiating feature for development in the rural areas. Residential uses in the rural areas are served by individual onsite sewage disposal systems and wells. The County encourages residential development in the urban areas where services and utilities are available and where such development will not conflict with agricultural and forestal uses, conservation efforts for natural resources and other objectives for the rural area. It is the County's policy that public infrastructure will be centralized in the urban areas. Minimizing the extension of public water and sewer infrastructure helps avoid more intense development within the rural areas.

RURAL AREAS

Within the rural areas of the County there are several established village-type developments called Rural Community Centers. There are currently twelve identified Rural Community Centers. These are:

GORE	REYNOLDS STORE
GAINESBORO	ROUND HILL
ARMEL	SHAWNEELAND/NORTH MOUNTAIN
STAR TANNERY	WHITACRE/CROSS JUNCTION
ALBIN	CLEARBROOK/BRUCETOWN
STEPHENSON	WHITEHALL

These centers consist of small lot residences and commercial uses typical of a village. Four of the existing centers have been identified as potential receiving areas for the Transfer of Development Rights Program. There are currently no public water and sewer services available in these communities and therefore, the use of private utility systems would need to be investigated to facilitate future growth in these communities. Of the Rural Communities, Round Hill, has a small area plan which incorporates the community village area and commercial uses adjacent to U.S. 50, west of its interchange with the Route 37 By-Pass (see Appendix II – Area Plans).

Land Conservation Tools and Trends

Private property owners and farmers are truly the key land stewards in the County. These landowners have actively participated in voluntary preservation and land management programs through State, County, and non-profit organizations over the years. Approximately 22,800 acres of the County's land is currently in some form of conservation easement or land protection program. Also, the George Washington National Forest comprises over 8,000 acres in Frederick County. Overall, approximately 30,800 acres or 12 percent of the County's area is protected in some fashion.

Some of the management tools and incentives for the preservation of agricultural opportunities, and environmental resources are zoning and subdivision regulations, land use taxation, permanent conservation easements, purchase of development rights, transfer of development rights and Agricultural and Forestal Districts, each of which is discussed below.

Zoning and Subdivision Regulations

The Zoning and Subdivision Ordinance regulates the form of residential development seen in the rural areas today. The regulations are designed to assist in the protection and preservation of the agricultural uses and to mitigate land use conflicts between agricultural uses and appropriately limited residential development. The Zoning Ordinance takes two different approaches for subdividing land for rural development: traditional five acre lots or rural preservation (cluster) subdivisions. Both options have residential density of one house per five acres, but the preservation option allow lots as

small as two acres while the remainder is conserved in a larger tract that could be utilized for agricultural purposes.

Use Value Assessment and Taxation Program

The Use Value Assessment and Taxation Program uses discounts in property tax assessments to promote and preserve agricultural, forestal, horticultural and open space lands. Use Value Assessment (also commonly known as “land use” or “land use assessment”) is a state-guided program that allows localities to tax farmland and open space land at its “use” value rather than its fair market value. This program typically reduces the real estate tax on the land by a significant amount, thus making it easier to continue a farming business. The program is voluntary to the landowner and requires only five acres to qualify under open space classification or 20 acres under the forest use classification. Rollback taxes must be paid when the property is removed from the program.

Conservation Easements and Purchase of Development Rights

A conservation easement is a legal agreement between a landowner and a government and a land trust or government agency that limits the use of the land by recording deed restrictions that prohibit or severely restrict further development to protect the conservation value of the property, such as farmland, watersheds, wildlife habitat, forests and/or historical lands. Each easement is unique in terms of acreage, description, use restrictions and duration. These details are negotiated between the property owner granting the easement, and the organization that will be holding the easement.

Conservation easements are typically established in perpetuity but may be established for shorter periods. The easement allows a property owner to continue to own any underlying interest in the land that is not specifically limited by the easement, to use the land within the terms and restrictions of the easement, and to sell the land or pass it on to heirs (with the easement restrictions conveying with the land). Conservation easements do not permit public access unless specifically provided. Conservation easements may be established through purchase, lease (short term), or through donation. In these easement programs, the easement is established through the voluntary cooperation or initiative of the landowner.

When conservation easements are purchased as part of a broad government program, it is typically called “Purchase of Development Rights” or PDR. Purchasing “development rights” is the same as purchasing conservation easements or that portion of the “bundle of rights” that allows landowners to construct dwellings or non-farm commercial structures on the property. Thus, when a locality purchases a conservation easement from a landowner, it essentially “buys” the right to develop the land and “retires” that right by placing a permanent conservation easement on the property that restricts or prohibits further non-farm development. Typically, these easement restrictions run in perpetuity.

Transfer of Development Rights

In 2010, Frederick County adopted a Transfer of Development Rights (TDR) program which allows for dwelling unit rights to be transferred from qualified parcels located in the rural areas to designated properties within the Urban Development Areas. This tool provides landowners within the rural areas the ability to obtain development value from their land without having to subdivide and sell the land. The density rights from the land can be severed and utilized within the Urban Development Area where community facilities and public services can be provided more efficiently.

Agricultural and Forestal Districts

Frederick County currently has eight districts covering approximately 12,300 acres. Agricultural and Forestal Districts are voluntary rural protection zones that were established by the Commonwealth (Virginia Code § 15.2-4301), to conserve land for the production of agricultural products, timber, and the maintenance of open space as an important economic and environmental resource. By establishing a district and agreeing to continue using the property for qualifying agricultural uses, the locality and State in return agree to protect and enhance the land and not take any actions that would have a negative effect on agriculture or forestry during the term of the District.

FOCUS FOR THE FUTURE

Agriculture, forestry and conservation play an important role in the environment, heritage and economy of Frederick County. While the County's agriculture industry is likely to evolve into operations of a very different scale and intensity than currently seen, the County should continue to support and encourage new land uses in the rural areas, including supportive uses for agriculture. Policies and ordinance changes should be considered to promote the County's preferred uses for the rural areas, including supportive uses for agriculture, historic preservation, tourism, and strengthening land conservation initiatives. The Agribusiness section of the Business Development Chapter further promotes the evolution of agriculture in the County's rural areas.

The Rural Community Centers are focal points for the rural areas and should be examined to accommodate future residential growth. Small area plans for these communities should be studied and created, and approaches for water and sewer needs should be investigated.

The natural landscape should be used as the background of development with a greater emphasis placed on conservation design for growth within the rural areas. The inclusion of new recreational opportunities and the growth of existing ones within the rural areas are also encouraged.

COMMUNITY BENEFITS

The rural areas of the County provide benefits to the community in many ways. These areas not only contribute to the identity of Frederick County, they also provide jobs, recreation, and a way of life. Preserving and protecting the rural areas of Frederick County is important not only to ensure the economic viability of agricultural and forestal operations but to also guarantee that those lands are present for the use and enjoyment of future generations.

GOALS/STRATEGIES

GOAL 1: DIRECT NEW RESIDENTIAL GROWTH AWAY FROM THE RURAL AREAS, AND CLUSTER RESIDENTIAL DEVELOPMENT THAT DOES OCCUR TO PRESERVE AGRICULTURAL LAND.

STRATEGIES:

- New residential development should continue to be directed into the urban areas.
- Preserve the desired physical characteristics of the rural areas. Avoid prime soils, minimize land disturbance and grading, and minimize drainage changes.
- Maintain transition areas between different uses, most importantly, between the rural and urban areas.
- Avoid, as applicable, Sensitive Natural Areas, Historic Districts, TDR sending areas, and Forestal Districts.
- Continue helping property owners find ways to keep properties intact rather than subdividing.

GOAL 2: SUPPORT THE GROWTH OF THE COUNTY'S RURAL COMMUNITIES.

STRATEGIES:

- Further define the boundaries for each Rural Community Center and small area land use plans for each center. These centers should remain the focal point of the rural community and their character and scale should be preserved.
- Plan for improved services within the neighborhood centers (wastewater treatment, package treatment, fire and rescue, and satellite County offices, library).
- Encourage appropriate mixes of residential, commercial and business uses within the Rural Community Centers.

GOAL 3: SUPPORT VOLUNTARY LAND PRESERVATION TOOLS AND THE LAND USE TAX DEFERRAL PROGRAM

STRATEGIES:












- Support the Conservation Easement Authority (CEA) and the Purchase of Development Rights (PDR) program.
- Support the Transfer of Development Rights (TDR) Program, the Land Use Tax Deferral Program, and encourage growth of the County’s Agricultural and Forestal Districts.
- Promote the use of conservation easements and support the Conservation Easement Authority through the County’s Purchase of Development Rights Program.
- Participate in state grant programs to the greatest extent possible.
- Follow changes to state code that would enable new land preservation tools.
- Continue to support the work of conservation organizations in establishing and holding conservation easements and extinguishing residential development potential.

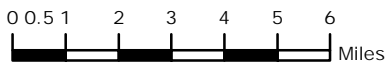
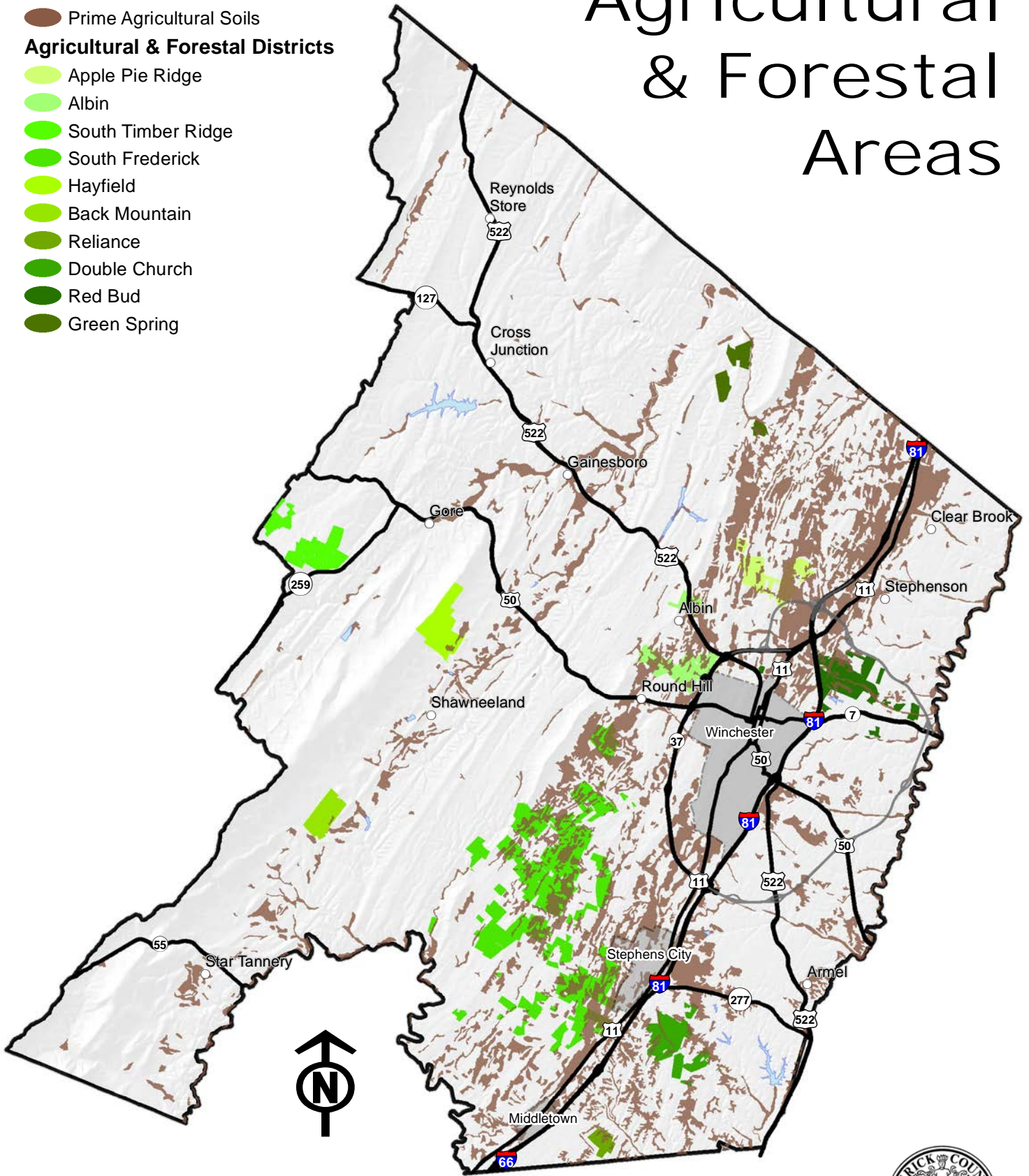
GOAL 4: SUPPORT AGRICULTURAL OPERATIONS AND RURAL RECREATION

STRATEGIES:

- Support the agricultural economy in Frederick County and adapt to evolving practices and new agricultural opportunities such as value added activities and uses on farms that are a logical extension of the agricultural use.
- Encourage conservation options that retain continuous land areas for agricultural uses; focus should be placed on areas with prime agricultural soils.
- Identify and support local, regional, and national rural recreation opportunities within the County’s rural areas.

Agricultural & Forestal Areas

-  Prime Agricultural Soils
- Agricultural & Forestal Districts**
-  Apple Pie Ridge
-  Albin
-  South Timber Ridge
-  South Frederick
-  Hayfield
-  Back Mountain
-  Reliance
-  Double Church
-  Red Bud
-  Green Spring



Transfer of Development Rights

Sending Areas & Receiving Areas

-  **Sending Area #1**
Designated Agricultural Districts
Density Transfer
1 TDR Density Right = 2 Dwelling Units in the Receiving Area
-  **Sending Area #2**
Limestone/Carbonate Bedrock Areas
Density Transfer
1 TDR Density Right = 1.5 Dwelling Units in the Receiving Area
-  **Sending Area #3**
Shale/Sandstone Area
Density Transfer
1 TDR Density Right = 1 Dwelling Units in the Receiving Area
-  **Receiving Areas**
 - Urban Development Area
 - Per §165-302.02
 - Rural Community Centers
-  **Areas Not Qualified**
for the TDR Program

