

CHAPTER 8-RURAL LAND USE PLAN

■ INTRODUCTION

The purpose of this chapter is to address land use in the rural areas of the County and to outline the County's policies and plans to protect and preserve farmland, historic sites and open space. Fauquier County has a long history of preserving its rural landscape, and recognizing the importance of its agricultural uses, historic sites and unique open spaces. This Chapter addresses the County's rural areas. The rural areas plan is an integral part of the Comprehensive Plan (discussed in Chapter 6) and the County's nine Service Districts, discussed in Chapter 7 which also outlines the provisions for growth and development of the County's village and settlement areas. Since approval of the County's first Comprehensive Plan in 1967, the County has had the dual goals of directing growth and development into the County's nine Service Districts and preserving the County's rural areas. Today, Fauquier County's 660 square miles have been sparsely developed, and has an estimated population of 51,900.

Chapter 8 was last revised in 1986. At that time, a countywide analysis revealed an acceleration in the platting of rural subdivisions, raising concern about the amount of rural lands being developed. Based on these findings, the Planning Commission initiated a number of measures to help strengthen the County's rural planning efforts. The County instituted the sliding scale to determine the by-right "density" or minor residential development in the rural agricultural and rural conservation zoning districts. The sliding scale establishes the density and is based upon the number of acres in a tract of land as of May 1981. See Exhibit 8-1 for existing sliding scale densities. In addition to this change, a sliding scale for minor residential development, the County instituted a procedure for the landowner to seek an increase in density through the Special Exception (SE) process. However, the standards for the residential Special Exception process that must be met are very restrictive and few landowners have exercised this option.

Between 1980 and 1990, approximately 70-75% of the County's growth occurred in the Service Districts, suggesting that the County's policies have been effective. In 1990, the County adopted the requirement for non-common open space in the rural areas. Simply stated, this requirement mandates that in the RA - Rural Agricultural and RC - Rural Conservation zoning districts, one of the lots must contain at least 85% of the total acreage of the parcel.

Table 8-1

**Agricultural (RA) & Conservation (RC) Land Subdivision
Sliding Scale to Determine By-Right Lots.¹²³**

Acres	Lots
0 - 9.99	1
10 - 19.99	2
20 - 34.99	3
35 - 54.99	4
55 - 79.99	5
80 - 104.99	6
105 - 129.99	7
130 - 154.99	8
155 - 179.99	9
180 - 204.99	10
205 - 254.99	11
255 - 304.99	12
305 - 354.99	13
355 - 404.99	14
405 - 454.99	15
455 - 504.99	16
505 - 554.99	17
555 - 604.99	18
605 - 654.99	19
655 - 704.99	20
705 - 754.99	21
755 - 804.99	22
805 - 854.99	23
855 - 904.99	24
905 - 954.99	25
955 - plus	26 lots, plus one for each additional 50 acres

A major contribution to the preservation of open space has been the voluntary participation of individual rural property owners in Agricultural and Forestal Districts and in the creation of open space easements (refer to Table 8-2). There are now 13 Agricultural and Forestal Districts which cumulatively total 90,780+ acres, and restrict any subdivision to family divisions or large lot subdivisions of 50 acres or more in size. Many property owners have created easements with the Virginia Outdoors Foundation

¹ Clustering of lots may be required to provide the required open space (see 2-406.5(D) of the Zoning Ordinance).
² These by-right lots shall be calculated for each parcel of record as of May 21, 1981. Division thereof created since May 21, 1981, shall be allocated their proportionate share of remaining by-right lots.
³ Density reductions may be necessary if there are areas of steep slopes and floodplain (see 2-3 08 of the Zoning Ordinance).

(VOF) which now holds more than thirty thousand acres in open space easements. The result is that over 30% of the county has more restrictive residential subdivision limitations placed on its land resources by individual property owners than the governing zoning requirements. Refer to the following figures:

■ **FIGURE 8-1** AGRICULTURAL AND FORESTAL DISTRICTS IN FAUQUIER COUNTY

■ **FIGURE 8-2** PARCELS IN NON-COMMON OPEN SPACE EASEMENTS

The latest complete review of the Comprehensive Plan was commenced in 1992 and approved by the Board of Supervisors in September of 1994. However, Chapter 7 dealing with the Villages and Settlements and Chapter 8 dealing with the Rural Land Use Plan were not revised pending further study. Chapter 7 is still under review by the Planning Commission.

Preservation and enhancement of the rural areas and preservation of the agricultural economy in Fauquier County have consistently been major goals of the County. Goal two of the recently adopted Comprehensive Plan (1992-2010) states that “it is the goal of the County to recognize the County’s traditional agricultural and rural character and the need for the preservation of its open space and scenic beauty”. Goal three states that it is the County’s goal “to protect critical environmental resources and maintain renewal of natural resources so that they are not degraded but remain viable for future generations”; and goal four states that “the County is to protect and promote the agricultural industry”.

The County engaged the services of a team comprised of Earth Design Associates, Inc., Coughlin, Keene & Associates, and the Natural Lands Trust to analyze the County’s Rural Areas Land Use Plan and to make recommendations on ways of strengthening the County’s planning efforts in its rural areas. The Rural Areas Plan consultant team findings were summarized in the December 1995 *Rural Areas Land Use Plan Report*. The Rural Plan consultants noted that Fauquier County has been a state and national leader in planning and implementing rural area protection.

TABLE 8-2
AGRICULTURAL/FORESTAL DISTRICTS SUMMARY
FAUQUIER COUNTY

DISTRICT	NUMBER OF PARCELS	ACRES
Cobbler Mountain	15	2,252.78
Fiery Run	30	3,303.45
Marshall/Warrenton	175	13,200.70
Middleburg/Marshall	145	13,091.32
Orlean/Hume	81	7,337.56
Paris Valley	15	3,024.51
Red Oak Hill	4	517.73

Routts Hill	19	1,068.16
Southern Fauquier	263	18,487.80
Springs Valley	75	5,666.19
The Plains	155	15,297.62
Thumb Run	13	746.13
Upperville	80	6,795.64
Total	818	90,789.59

RESTRICTED LAND USE AREAS

LAND USE CATEGORY	TOTAL ACRES
Virginia Outdoors Foundation Easements	30,969.91
Virginia Outdoors Foundation Owned Land	1,009.44
Non-Common Open Space Easements	5,545.22
TOTAL	37,524.57

Note: Fauquier County Totals 660 Square Miles Or 422,400 Acres.

This chapter describes the programs and policies needed to address the following four key plan objectives:

1. Encourage Farming;
2. Direct growth to designated Service Districts;
3. Protect environmental, cultural and visual resources; and
4. Provide strict controls over all new development in rural areas.

The recommended policies and programs are discussed for each of the four areas and are also summarized at the end of this report.

This Chapter, like its precedent version, is grounded in Virginia Code Section 15.2-2283 “Purpose of Zoning Ordinance” which provides for the preservation of agricultural and forestal lands. Much of the background information found in earlier texts of Chapter 8 are found in other chapters of the Comprehensive Plan and are not repeated here. The current plan is based upon the building block recommendations contained in the *Rural Areas Land Use Report*, the deliberations of the Rural Plan Steering Committee and the Planning Commission, as well as Community comments and recommendations presented at public information sessions and hearings.

■ **ENCOURAGE FARMING**

Introduction

If the rural areas in the County are to be maintained, agriculture and the agricultural based economy must be sustained and enhanced. Two major themes for sustaining agriculture are: 1) the agricultural economy

should be economically sound, and 2) agriculture must be anchored in laws and governmental policy that shape the pattern of urban and suburban development to channel new residential, commercial and industrial facilities into those areas that do not conflict with the conduct of agricultural affairs. The County needs to nurture agriculture and help preserve the land resource for future farming opportunities through actions and programs under its control and domain. That is the objective of this plan for the Rural Areas.

Agriculture's positive impacts on a community are significant. It has been demonstrated that the labor force of Virginia's agricultural system is more than four times as great as the number of people actually employed on farms. Therefore, if farming is to continue now and in the future as a serious productive economic activity within the Rural Agricultural (RA) and Rural Conservation (RC) zones, it should be protected from the influx of incompatible farm uses and shielded from growth inducing public infrastructure.

Fauquier County's Agricultural Status

Fauquier County ranked twelfth among Virginia counties in receipts from agriculture in both 1987 and 1992, the last two years these statistics were collected. In 1992, Fauquier County ranked among the top five counties in the Commonwealth of Virginia for the following agricultural categories:

- Cattle
- Corn for silage
- Dairy cows
- Fruit and livestock
- Grapes
- Hay
- Horses and ponies.

Measures to be Taken to Help Preserve Agricultural Lands

Fauquier County has a large relatively stable farm land base of more than 360 square miles or over one-half of the County's total land. In order to promote the County's agricultural economy, the following important steps need to be accomplished:

1. Retain Land Use Taxation where major sectors of agriculture in the County are allowed differential assessment for farm and forestal land in order to preserve these areas. This program is described in detail in Chapter 4 of the Comprehensive Plan, and is critical to ensure that farmers do not find it necessary to sell their land to developers because they can not pay real estate taxes based upon market

rate assessments. The program results in the reduction of taxes for properties directly engaged in agricultural, horticultural or forestal production, and promotes the continuation of these valued land use activities.

2. Retain residential densities and development which are compatible with the agricultural uses allowed in the Rural Agricultural (RA) and Rural Conservation (RC) Zoning Districts. Develop and refine further the overlay district which limits density in specific areas based on the established presence of sensitive environmental and cultural resources.
3. Continue to encourage and direct growth and development into the service districts.
4. Encourage the private assembly of prime agricultural land through private land trusts. These have considerable flexibility in the manner property is acquired, especially in their ability to take risks and to act quickly to purchase land before it is sold for development.
5. Initiate a Comprehensive Development Rights Acquisition Program. Examples of such programs could include:
 - Purchase of Development Rights (PDR). This program differs from Transfer of Development Rights (TDR's), which are not now permitted by the Code of Virginia. PDR's could be beneficial if properly targeted. For example, if the properties to be purchased helped form a green belt around existing Service Districts, it would provide a buffer to the County's rural areas and would permanently fix the service district boundaries. Further study is needed if this program is to be developed in a beneficial manner. Funding could be by a Real Estate Transfer tax or other tax revenues.
 - Consider a Leasing of Development Rights. This program, described in Section 10-1-1703 of the Code of Virginia, allows any public body to acquire easements in gross or such other interests in real estate of not less than five years duration as are designated to maintain the character of such land as open space.
6. Creation of a Fauquier County Agricultural and Forestal Land Trust. This would be a private non-profit organization, which would work closely with the County to offer a vehicle for landowners who want to protect their farm, forestal and open space by putting their land in a private trust.
7. Maintain and support the Fauquier County Agricultural Advisory Committee. In 1996, the Board of Supervisors created this advisory body. The role of this committee is to advise the Board of Supervisors in all matters affecting the agricultural economy.

■ DIRECTING GROWTH TO THE DESIGNATED SERVICE DISTRICTS

The success of the County's efforts to protect and conserve its agricultural lands and other rural resources is closely tied to the perceived desirability of its non-rural areas as places in which to live. Because one of the major policies of the Comprehensive Plan is to guide the majority of Fauquier's new residential development to its designated Service Districts, it is recommended that the County take all necessary steps to ensure that the kind of higher-density development proposed in the Service Districts will be attractive and provide the kind of living environment that homebuyers are seeking. If the County proposes to have strict density development controls in its rural areas, these must be accompanied by a viable plan to direct and accommodate growth within the Service Districts. The programs and policies needed to achieve this goal are contained in Chapter 6.

■ PROTECTING THE ENVIRONMENTAL, CULTURAL AND VISUAL RESOURCES

Introduction.

Environmental resources are the natural systems and features in the landscape such as rivers and streams, hills and valleys and forests. Cultural resources embrace what people have done with and on the land such as agricultural buildings, settlements, villages, roads, highways and utility lines. Visual resources are defined as what are seen, a combination of both natural and cultural features. The combinations of these resources have created the rural ambiance most of the people in Fauquier County consider so special and which resulted from the pre-1940's land use pattern created naturally by the County's agricultural economy. The patterns of growth and development since the 1940's have eroded the integrity of these resources. These changes, while incremental, have been caused by a number of forces. To protect these vital resources, additional measures need to be undertaken by the County. The subtle erosion of these resources and the need to preserve them is best explained by State Delegate Tayloe Murphy, in his explanation of the principle of "the commons" as it pertains to the Chesapeake Bay. Simply stated, the law of the commons decrees that:

If each user of a finite resource follows his natural tendency to maximize his benefit from the resource, the combined effect of these individual and seemingly rational actions will destroy the resource. With this law at work, the public has no choice but to demand a rational system that regulates uses to protect and perpetuate the commons that is theirs...

Environmental Resources

The environmental resources of the County include:

- Topography -- slope, elevation, ridges, valleys, land forms, individual topographic features,
- Hydrology -- rivers, streams, lakes, floodplains, wetlands and groundwater,
- Geology -- minerals, soils, and

- Natural heritage resources -- vegetation, wildlife.

These particular resources are described in detail in Chapter 2 of the Comprehensive Plan.

Recommendations for Preservation of Environmental Resources

Below are listed recommendations for the preservation of these environmental resources. Comprehensive in nature, these actions provide a broad framework for future County actions.

- Adopt appropriate recommendations from the Chesapeake Bay Act Protection Ordinance.
- Designate appropriate Heritage Areas.
- Map the aquifers and aquifer recharge areas and provide Overlay Zoning.
- Place Further Restrictions on Land Disturbing Activities on Steep Slopes.
- Initiate the Designation of Goose Creek and other Waterways as State Scenic Rivers.
- Establish Procedures for Reviewing VDOT Road Improvement Plans for the Rural Areas - Such review would allow the County to comment on the impact of new road projects as they would pertain to rural viewsheds and historical/natural/cultural resources.
- Prepare a visual resource management plan - Such a plan should include a visual resource survey, a visual impact assessment, a review process and final preferred designs.

Cultural Resources

Cultural resources are defined as the patterns of use, alteration and development on the natural landscape by people. In addition to the County's Service Districts, the County also has a number of villages and settlements which have evolved randomly as outgrowths of an agricultural economy serving as the center for farm services, socialization, mail pickup and the purchase of daily goods. Most of the zoning and subdivision regulations in the County discourage extension of the existing village pattern and design. The standards contained in these ordinances for building setbacks, street widths, and lot dimensions do not allow for compatible infill development to maintain a village environment.

Recommendations for Preserving Cultural Resources

Although Chapter 7 of the Comprehensive Plan deals with villages and settlements, existing rural villages in Fauquier County should be analyzed, studied and planned for infill expansion to allow an infusion of new vitality and to allow them to grow to their optimum size. The County, in concert with local residents, should analyze and develop plans and guidelines for each village which defines boundaries, promotes diversity, provides for pedestrians, provides open space, and retains community scale. Only through such planning methods and flexible zoning implementation can the traditional village pattern be sustained. For very large tracts of land, the "by-right" density allows for a number of lots. The potential exists for these large tracts to create "clustered rural villages". Further study needs to be conducted with

respect to this proposal, as it is not the intent of the County to provide substantial development outside of the County's Service District.

The County also needs to establish Entrance Corridor Overlay Zones to protect its highway corridors from inappropriate development.

■ PROVIDING STRICT CONTROLS OVER NEW DEVELOPMENT IN RURAL AREAS

Introduction

Fauquier County property owners within rural areas want the ability to use their land for agricultural and related activities allowable within existing zoning districts, and have the flexibility to subdivide their properties through a permitting process which is simple, fair and understandable. There is also strong sentiment to continue the preservation of those valuable prime agricultural areas, scenic vistas, historic properties, and other sensitive resource areas which are valued elements of this County's rural and town heritage. This healthy friction indicates the need to continue efforts to assure a more balanced and design focused rural land management program for areas outside the designated service districts.

Already over thirty percent of the county's rural areas are subjected to restricted use due to their voluntary placement in Agricultural and Forestal Districts or the property has been placed within an open space easement. This is an excellent achievement; however, there is a need for better and simpler design guidelines for that development which does occur in our rural community. As a result, major change to current regulations simply is not needed nor recommended; refinements outlined herein are modest, achievable and based upon established experience and results. Yet, development potential and the incremental loss of productive agricultural land will remain an issue needing continued county monitoring and adjustment to its development regulations, conservation tools and incentives.

Fauquier County has a Comprehensive Plan which encourages new or expanded public facilities and services within the nine designated service districts. Here future growth is anticipated, with a more compact development pattern which allows basic public facilities and services to be programmed more efficiently and cost effectively. However, if not carefully managed, rural area development will also significantly impact the future demand for buses and expanded or new schools, fire and rescue services, police protection and associated services.

Our future challenge is that the County's rural areas outside the service districts constitute over 350,000+ acres. Over that total area, approximately 90 percent of the land is zoned either Rural Agriculture (RA) or Rural Conservation (RC), with the RA Zoning District being the principal category. Table 8-3 identifies the number of parcels for specific acreage ranges located in the RA or RC zoning categories. The table also identifies the "by-right" homes and tenant homes which could be constructed pursuant to the Zoning

Ordinance’s existing sliding scale. The result is that the rural areas could accommodate 27,473 residential lots and 3,462 tenant homes under current regulations, which could represent a potential population exceeding 86,000 people.

This type of growth potential and its location will change the agricultural environment and the valued rural nature of our community if it’s not effectively managed through the tools of zoning and subdivision regulations and established voluntary programs and incentives (e.g., Agricultural & Forestal Districts, easements, and private trusts). The problem currently being experienced is that the traditional development patterns of our villages, estates and rural neighborhoods, which have resulted in the visual landscape that the County currently enjoys, are slowly being supplanted by a new pattern of development. That development is showing tendencies to occur within our valued mountain areas and in open fields once productive for agricultural pursuits.

■ TABLE 8-3

Development Potential Within RA & RC Zones Under Existing Sliding Scale						
6/3/98						
	Parcels		Dwelling Units	Tenant Houses		Total
Size (Acres) ^{1,2}	RA/RC	Allowed	DU Lots	Allowed	TH Units	DU’s + TH’s
>=000<10	5778	1	5778	0	0	5778
>=10<20	2655	2	5310	0	0	5310
>=20<35	1063	3	3189	0	0	3189
>=35<55	733	4	2932	0	0	2932
>=55<80	437	5	2185	1	437	2622
>=80<105	235	6	1410	2	470	1880
>=105<130	157	7	1099	2	314	1413
>=130<155	111	8	888	2	222	1110
>=155<180	79	9	711	3	237	948
>=180<205	58	10	580	3	174	754
>=205<255	76	11	836	4	304	1140
>=255<305	61	12	732	5	305	1037
>=305<355	37	13	481	6	222	703
>=355<405	35	14	490	7	245	735
>=405<455	10	15	150	8	80	230
>=455<505	16	16	256	9	144	400
>=505<555	0	17	0	10	0	0
>=555<605	6	18	108	11	66	174
>=605<655	3	19	57	12	36	93

¹ Excludes properties owned by Federal and State governments, nonprofit organizations, properties with open space easements, as well as all parcels located in the County’s designated Service Districts. Parcel information is an estimate of developable land, and was prepared through the Fauquier County GIS Office.

² Floodplain and steep slopes have been deducted.

>=655<705	4	20	80	13	52	132
>=705<755	2	21	42	14	28	70
>=755<805	2	22	44	15	30	74
>=805<855	1	23	23	16	16	39
>=1155	4	23	92	20	80	172
Total DU's	11,563		27,473		3,462	30,935
Total Population Estimate ¹			76,924		9,694	86,618

The different development elements which have been introduced in view of the existing roads often present an incompatible and discordant picture within the County. The two key concepts here are “different” and “in view” because something new in the landscape which is not different or when not seen (in view) will not be discordant. All other things being equal, if a home or structure is constructed in the landscape where it cannot be seen, i.e., in the woods or behind hills, it has no negative visual impact. If it can be seen, however, the degree to which it is different from the surrounding landscape, e.g. the construction and placement of a home results in the clearcutting of trees from a mountain ridge, and how far away it is from the viewer controls the extent of its incompatibility.

The major discordant elements and practices that have contributed to this degradation of the environment are:

- Changes in development patterns,
- Land disturbance,
- Incremental road front development,
- Removal of traditional landscape elements,
- Out of character signs and entrance features,
- Strip commercial development,
- Utility service areas,
- Improvements to rural roads,
- Light pollution by high level landscape lighting, and
- Utility/road corridor maintenance practices.

These findings illustrate an underlying theme. While the county has limited the number of developments in rural areas, and assisted in preserving existing and future agricultural opportunities, the type of development that has occurred has impacted the visual environment. Emphasis should now be placed on the quality of development and how it affects the rural areas of the County, as well as the quantity of

¹ Population estimate derived by multiplying dwelling unit totals times 2.8 persons/household (1990 Census Ratio).

development. The County's success to date in preserving its rural areas has resulted from regulatory actions and the citizens' acceptance of these, and the actions of individuals to preserve their lands by voluntarily placing their properties in Agricultural and Forestal Districts and placing restrictive easements on their own property through such bodies as the Virginia Outdoors Foundation. However, based upon recommendations from citizens and property owners countywide during work sessions and public hearings, several refinements are required.

Rural Agricultural and Rural Conservation Zoning Districts

Two of the major problems with existing rural subdivisions are the inability of the County to influence the resulting location of common open space and the placement of new homes on the property, thereby minimizing their visual intrusion on the rural landscape. While some of the land within each currently undeveloped and unprotected parcel is potentially vulnerable to possible change, conversion, and development, the County presently has few effective means at its disposal to influence the sometimes critical decision as to which parts of the parcel should be designated for open space.

Agricultural and associated activities have continued, while development has been contained. However, it has been determined that, if the County wants to more effectively preserve the open space in the rural areas for existing and future agricultural opportunities, then the RA and RC Zoning District standards and requirements need to be refined as follows:

- *Density.* Since May of 1981, a "sliding scale" has been used in Fauquier County to determine the density in Rural Agricultural (RA) and Rural Conservation (RC) districts. Refer to Table 8-1 and the footnotes for existing calculation details. The recommended change is that floodplain and steep slopes be included in the total property acreage when calculating the sliding scale "by-right" density. This proposed change, for example, results in a 100-acre parcel, containing 25 acres of floodplain and steep slopes, having 6 lots allowed as "by-right", rather than the 5 lots currently allowed and based on the remaining 75 net acres. The final recommendation is that the special exception process for "major residential development" in RA and RC Districts (allowing up to 1 dwelling unit per 10 acres) be eliminated.
- *Open Space.* For residential subdivision, the property owner currently is required to place 85 percent of the original parcel in open space. This standard applies to all parcels greater than 30 acres. For example, a 100 acre parcel can be subdivided into a total of 6 lots; one of which must contain 85% (85 acres) of the original tract, while the other 5 lots must be located in the tract's remaining 15% (15 acres).

This existing standard remains unchanged. However, the following refinements are

recommended:

- a. *Timing of the Non-Common Open Space Easement.* This easement typically has been executed and recorded at the time of the last lot division. It is now recommended to create a process where this non-common open space area be defined earlier in the property owner's development program.

When subdividing tracts greater than 30 acres in size, for the RA or RC Districts, (any parcel/lot of record as of May 21, 1981), it is recommended that the platting and recordation of deeds for non-common open space easements shall take place with the: (1) platting and recordation of all allowable lots; or (2) platting and recordation of the fourth lot if additional divisional lots remain, whichever occurs first. It is also recommended that administrative subdivisions 30 acres or greater in size must include a general delineation of the area to be reserved in open space and notes with the recorded plat reflecting that 85% of the parent tract must remain in open space.

- b. *Open Space Guidelines.* The quality and location of the open space for future agricultural or associated uses is important, and the following guidelines are recommended:
 1. *Site Analysis.* The property owner should assess primary site resources and conditions which affect future agricultural operations and development, such as topography, floodplain, wetlands, soils suitable for septic systems, vegetative patterns (meadows, fields, ordinary woodlands, mature woodlands) large trees, and prime agricultural lands. Because of the significance of the farm economy, the County would be encouraging the farmer or property owner to preserve core operating farms, and that area should be a main component of the 85% common open space area along with key primary resources.

The County offers a Type I Soils Analysis Program and Report which provides the property owner with much of the preliminary information referenced previously, with special emphasis on the site soil conditions, drainfield potential, areas with unique development problems, floodplain and general wetland information. This service, if requested by the property owner, includes onsite review and analysis, along with the GIS mapping which will provide the property owner with significant information and resources to assist their individual decision of identifying areas for non-common open space easements.

The County recommends that the prime agricultural soils, undevelopable wetlands, floodplains, and steep slopes become primary elements of the conservation areas and included within the non-common open space easement. Included in this easement could also be outstanding tree stands, stone walls, open fields or meadows within the public viewshed, ridge lines or hill tops, historic sites including location of troop movement encampments or military action, and associated activities.

The common open space also needs to be organized in such a way that the subdivision lots and road(s) do not divide, segregate and restrict the parcel(s) existing or future agricultural or related uses and activities.

2. *Open Space Deduction.* The final step in the process is to delineate the surveyed common open space lot lines for inclusion in a final plat and recordation procedures. The process is illustrated in [Figure 8-3](#) & [Figure 8-3 Continued](#): Open Space Planning for the Subdivision Process.

- *Lot Size.* There are no changes to lot sizes recommended. Lot size will be more of a function of the subdivision acreage, setbacks, and location of approved drainfield and well sites, and the Zoning Ordinance.
- *Reduction Rule.* It is recommended that the special exception provision for reducing the 85% open space requirement for properties greater than 30 acres and less than 50 acres in size when a lesser amount is determined to accomplish the purposes of Article 2-406.5 of the Zoning Ordinance to be deleted.
- *Drainfields.* Prohibit in rural areas septic system/drainfields which are classified by the Health Department as experimental. This prohibition can be removed for site conditions where the Health Department has determined that the only method to correct an existing home's septic/drainfield system failure is its replacement with an experimental system through their permitting process.
- *7-Lot Threshold.* The Subdivision Ordinance currently requires divisions of 7 lots or more to complete a hydrogeological study to substantiate adequate groundwater is available for drinking water purposes. It is recommended that this requirement be expanded to include the drilling of potable wells completion of their pump tests and other basic requirements. Permitted well

locations and number must be located on the final plat of subdivision before it can be County approved for recordation.

Large Lot Divisions

The County's Subdivision Ordinance currently defines a large lot division as any division where all the parcels are fifty (50) acres or larger. Large lot divisions can be subdivided through more informal means than regular subdivisions, and large lot divisions are approved by the subdivision agent, are exempt from a number of subdivision requirements and are not subject to the non-common open space requirement associated with lots greater than 30 acres. It is recommended that in a new large lot division, any lot less than 100 acres, will surrender any additional by-right divisions which might be available through the proportionate share methodology of the sliding scale. For example, 8 parcels, each of which is 50 acres in size and divided from a 400 acre tract, could not be subdivided any further. While 2 parcels, 200 acres in size and divided from a 400 acre tract, could each be further subdivided into a total of 7 lots, or a cumulative total of 14 lots.

Additional Tenant Units (Second Dwelling)

The County zoning regulations allow for one dwelling unit per parcel and one tenant house for each fifty acres of land. It is recommended that additional houses be allowed to be constructed without the need for land divisions. While these dwellings would utilize a parcel's "by-right" density, it would keep the parcel from being further divided and thereby achieve the goal of preserving parcels intact. In addition, these homes need to be sited to meet all zoning requirements for the applicable RA or RC district should the dwellings be subject to future subdivision.

Future Considerations

This plan does not present the final solution to the potential adverse impacts which residential development can have on future agricultural uses and operations. The Chapter does represent the County's continuing efforts to refine or add to its land development regulations and management tools essential for the protection of farmland. It is acknowledged here that there will also be a need for periodic review of the effectiveness of these land management tools, with future refinements and additions expected.

As reflected previously within this Chapter, Fauquier County has experienced in its voluntary Agricultural and Forestal District and Open Space Easement programs as summarized in Table 8-2 and Figures 8-1 and 8-2.

The County should continue to develop and refine zoning and subdivision ordinance requirements, and improve other management options which are established with the following basic objectives.

To promote:

- open, rural areas for the growing of crops pasturage, horticulture, dairying and the raising of poultry and livestock; and
- low density residential uses.

To protect:

- water courses, stream valleys, marshes, forest cover in upland areas of watersheds;
- significant archeological/historic sites and areas;
- rare ecological or geographical areas; and
- areas of natural scenic vistas.

The reason for the development and refinement of more flexible and creative zoning and subdivision tools will be to preserve and protect farmland and to, allow the community to better manage its valued scenic, natural and historic resources. These tools need attention due to:

- The highly erodible soils found in the foothills of the Blue Ridge Mountains (refer to Map 2.8. p. 2-20, in the Comprehensive Plan), and mountainous terrain with slopes between 14 and 25 percent (Map 2.10, p. 2-23) and greater than 25 percent (Map 2.11, p. 2-24).

[Figure 8-4: Proposed Impoundment Locations](#)

- The importance of Fauquier County's drainage basins which drain either toward the Rappahannock River or the Occoquan Watershed. The result is that the County has identified several potential reservoir locations for the future through established studies, and those sites are identified in Figure 8-4. These potential sites, along with the Rappahannock River, should be provided special protection measures to ensure their future viability for such a public use.
- The location of sites of historical significance throughout the county (refer to Figure 8-5). For example, the John Singleton Mosby Heritage Area, which includes both portions of Loudoun and Fauquier Counties, was designated in 1995 for the purpose of increasing the knowledge and appreciation of the rich historic and natural qualities which distinguish this region. It has been established to provide a sense of place in the United States history including Native American camp grounds and activities, as well as sites and buildings significant in both the Revolutionary War and Civil War. That designation demonstrates the strong community interest from both a tourism and historic perspective to assure these

valuable historic resources are afforded continued and proper protection.

Examples of the zoning tools which should be developed to manage these valued resources in the future are:

1. *Overlay District.* As a supplement to the Rural Agricultural (RA) and Rural Conservation (RC) Districts, consider the development of Special Agricultural, Environmental, Historic, and Riparian Buffer Districts. Such a flexible and creative tool can be used to manage unique agricultural, environmental or historic attributes that specific land areas might hold individually or in combination. Those attributes could include, for example, specific agricultural/forestry district areas, or any combination of prime agricultural soils, woodlands, historic buildings or land, valuable views, unique vegetation or habitats, water supply/resources (e.g., potential reservoir areas), sensitive wetland and associated resources, and mountainside resources.

An example of one recommended alternative is the creation of a Riparian Buffer or Watershed Overlay District, wherein owners of streamside property would voluntarily implement forested riparian buffers based upon specifications developed through the John Marshall Soil and Water Conservation District and the Virginia Division of Forestry. Refer to [Figure 8-5: \(Sites of Historical Significance in Fauquier County\)](#). For incentives, the County would need to explore the applicability of land use tax program status available to agricultural/forestry districts, as well as dedicated easements to the Virginia Outdoor Foundation, and/or seek enabling legislation partially exempting such parcels from local taxation. This management option could provide another effective method to manage future open space along waterways and maintaining water quality of County water resources.

In sum, these zoning tools create an additional set of requirements to be met, especially when valued resources protected by an overlay would be impacted by proposed development or change. Historic districts and special districts along scenic roads and by-ways are the most common overlay district categories. Any overlay district to be developed in the future should consider:

- Identify a minimum acreage size for the initial parcel (e.g. 50-100 acres), and then allow smaller contiguous tracts to be added, or tracts within a specified distance.
- Establish the specific purpose of the district, preferred location(s) and the resources being preserved.
- Establish necessary restriction.
- Provide incentives. The County needs to develop incentives for the use of this option, and consistent with the Code of Virginia [e.g., properties with an overlay district classification could

become primary areas for a purchase of development right program (PDR)].

2. *Rural Preservation District (RPD)*. This would represent a new zoning district which would establish a density of 1 dwelling unit per 50 acres, with a maximum allowable lot size of 2 acres. The objective of this district would be to preserve future farmland. The density would be based on the gross acreage of the property, and does not exclude floodplain or steep slopes. This district would be allowed in rural areas, not within designated service districts. The district would need to provide a listing of permitted, special exception and special permit uses, as well as the associated yard setback, building height restrictions, and other requirements common to a zoning ordinance.
3. *Other Management Incentives*. The County should to continue provision of information to property owners regarding existing or new programs, which result in preserving open space, and are available within the enabling legislation of the Virginia Code. There are existing tools which encourage the voluntary preservation of open space, and also provide the land owner a financial incentive. An example are open space easements, created pursuant to the Open Space Land Act (Section 10.-1700 et seq.) and which are conveyed to a public body, the Virginia Outdoors Foundation, or similarly established organization which can accept easements (Article 1, section 58.1-3205 of the Virginia Code). The incentive offered through this legislation is that the assessments for local taxation on that property will be changed to reflect any change in its market value resulting from the interest held by the public body. In sum, the value of the interest held by the public body will be exempt from property taxation to the same extent as other property owned by government or other public bodies. These and similar programs may not be dramatic, but they can accomplish positive results as reflected in [Figure 8-2](#).

■ SUMMARY

Fauquier County has undertaken an extensive review of its rural planning policies and procedures and a number of refinements are recommended. This chapter has organized the changes around four objectives which are to: 1) Encourage farming; 2) Direct growth to the Service Districts; 3) Protect environmental, cultural and visual resources, and 4) Provide strict controls over all new development in rural areas. While some of the recommendations of this chapter have already been implemented, most of the recommendations will require amending the County's Zoning and Subdivision Ordinances and some will need further study.

This plan does not present the final solution to the potential adverse impacts which residential development can have on future agricultural uses and operations. This Chapter does represent the County's continuing efforts to refine or add to its land development regulations and management tools

essential for the protection of farmland. It is acknowledged here that there will also be a need for periodic review of the effectiveness of these land management tools, with future refinement and additions expected.

Below is a summary of the recommendations that form the basis of a revised Chapter 8. As part of the Comprehensive Plan, this Chapter will serve as the building block foundation for the County's policies and programs to strengthen its rural areas planning.

Proposed Recommendations of the Rural Areas Land Use Plan

Measures to Help Preserve Agricultural Land (Refer to Page 5)

1. Retain Land Use Taxation.
2. Retain residential densities and development which are compatible with the agricultural uses allowed in the Rural Agriculture (RA) and Rural Conservation (RC) Zoning Districts.
3. Encourage the private assembly of prime agricultural land through private land trusts.
4. Initiate a comprehensive development rights acquisition program.
5. Creation of a Fauquier County agricultural and forestal land trust.
6. Maintain the Fauquier County Agricultural Advisory Committee.
7. Establish the 10 year term as the standard for Agricultural & Forestal Districts.

Measures for Preservation of Environmental Resources (Refer to Page 7)

1. Adopt appropriate recommendations from the Chesapeake Bay Act Protection Ordinance.
2. Designate appropriate heritage areas.
3. Map the aquifers and aquifer recharge areas and provide overlay zoning.
4. Place further restrictions on land disturbing activities on steep slopes.
5. Initiate the designation of Goose Creek and other waterways as State Scenic Rivers.
6. Establish procedures for reviewing VDOT road improvements plans for the rural areas.
7. Prepare a Visual Resource Management Plan.

Measures for Preserving Cultural Resources (Refer to Page 8)

1. Analyze and develop plans and guidelines for each village.
2. Establish entrance corridor overlay zones.

Establish Strict Controls Over New Development in Rural Areas (Refer to Page 9)

1. Density will be based on existing sliding scale zoning and a parcel's gross acreage, which includes floodplain and steep slopes. Deductions for steep slopes and floodplain will no longer be taken. Gross densities established for the Rural Conservation (RC) and Rural Agricultural (RA) zoning districts and the major residential development special exception must be removed from the Zoning Ordinance, and would no longer apply.
2. 85% open space requirement will remain for tracts greater than 30 acres in size coupled with the sliding scale.
3. The open space easement, when subdividing tracts greater than 30 acres in size, shall take place with either the recordation of all the allowable lots or the platting and recordation of the fourth lot if additional lots remain, whichever occurs first.
4. Common open space easements should include prime agricultural soils, wetlands, floodplain and steep slopes as the principal elements. The common open space easement also needs to be organized in such a way that subdivision lots and roads do not divide, segregate and restrict the parcel(s) existing or future agricultural or related uses and activities.
5. The special exception provision be removed for reducing the 85% open space requirement for properties greater than 30 acres and less than 50 acres in size.
6. Prohibit septic system/drainfields which are classified by the Health Department as experimental in rural areas, unless it is the only method to correct an existing and failing system.
7. Require divisions of 7 lots or greater to have potable well permits from the Health Department, as well as the permitted well locations and number identified on the final plat of subdivision before it can be County approved for recordation.
8. When utilizing the large lot division process, the applicant, for any lot less than 100 acres, will surrender any additional by-right divisions which might be available through the proportionate share methodology.

9. Allow additional tenant houses without the need for land subdivision, subject to the “by-right” divisions established through the sliding scale.
10. Establish other added tools for inclusion in the Zoning Ordinance, for example:
 - Rural Residential Preservation Zoning District; or
 - Overlay Districts.