

8.0 Planning Recommendations

Spotsylvania County Historic District Boundaries - Expand boundaries of the Spotsylvania Courthouse [Historic District](#) (local) to include the entire area included in the Historic Planning Area, with the exception of the National Military Park, which is already a locally designated district.

Designation of Properties in the Courthouse Planning Area - Review lists of properties *located* in the Village and Transitional Planning Areas identified in *Section 2.0* that have been designated with “Landmark Status” for potential local designation as historic overlay districts.

Certified Local Government Status - Become a Certified Local Government (CLG).

The Certified Local Government (CLG) program establishes a partnership between local governments and the Virginia Department of Historic Resources (DHR) through which local heritage stewardship programs can be expanded and strengthened. Designation as a CLG gives local governments a way to participate more formally in the national historic preservation program. The five general requirements for certification, as required by federal law, are listed below:

- ◆ historic district ordinance;
- ◆ review board;
- ◆ identification and survey of local heritage resources;
- ◆ public participation; and
- ◆ satisfactory performance of the responsibilities associated with carrying out the above requirements.

The Virginia DHR has established specific requirements related to each of these general requirements.

It appears that Spotsylvania County has in place what is necessary to receive CLG status, with perhaps a few exceptions. It is recommended that the county contact Ann Andrus, State Grants! CLG Coordinator, with DHR and begin the necessary procedures to receive certification.

Historic Corridor Overlay Districts - Establish a historic corridor overlay district pursuant to section 15.1-503.2. Code of Virginia. 1950. as amended along Highway 208/Courthouse Road from the edge of the local district extending northeast to its intersection with Smith Station Road.

Also review Brock Road, Courthouse Road heading south out of the district, and Massaponax Church Road for possible designation.

Section 15.1-503.2 of the Virginia Code discusses the provisions for the “preservation of historical sites and areas in counties and municipalities” by local governments. In this section it is allowed that a local government may designate “parcels of land contiguous to arterial streets or highways found by the governing body to be significant routes of tourist access to the county or municipality or to designated historic landmarks, buildings, structures or districts therein...”

The guidelines contained in this document could potentially serve as guidelines for such a district. If not, the county should consider adopting guidelines specific to these corridors, which concentrate on preserving views and rural character/landscapes. buffering new development, and protecting and preserving historic architectural properties and Civil War-related resources.

Farmland and Open Space Protection

Farmland and open space occupy a significant portion of the landscape. According to the 1994 Spotsylvania County Comprehensive Plan, over 75 % of county land are agricultural, forested or open space/woodland.

One of the first steps to protecting farmland and open space is defining the preservation purpose. Is the purpose (1) aesthetic, i.e. to protect the visual qualities/rural characteristics of the landscapes, or (2) preservation of active farmland and the protection of agricultural practices? True farmland protection requires a somewhat more aggressive program than mere open space protection. Both farmland and open space protection are economically beneficial to local governments as these land uses demand less in public services than standard residential or commercial development. Most techniques that require private property owner involvement also provide economic incentives to the property owner.

Following is a list of steps to follow and a discussion of some of the tools used to protect farmland and open space.

[Note that the 1994 Spotsylvania County Comprehensive Plan offers some excellent strategies and recommendations for farmland and open space protection and should be reviewed for further ideas.]

Steps for Developing a Strategy for Protecting Open Space and Farmland

[It is recommended that the county take the lead in implementing this strategy]

- Step 1 Identify the Resource

Use existing land use map and field checks to identify applicable parcels:

- ◆ land currently being farmed—identify general types of activities such as row crops, pasture land, livestock, industrial agricultural (e.g. poultry houses), equestrian, nurseries, other;
- ◆ silviculture; and
- ◆ non-farmed open space.

- Step 2 Prioritize Parcels

Make an initial effort to prioritize parcels recognizing that these priorities may change after the planning process is completed.

Priority #1 - sensitive areas (such as those threatened by development) and areas visible from public rights of way

Priority #2 - parcels with sympathetic property owners

- Step 3 Formulate a Farmland and Open Space Protection Plan in Coordination with Local Property Owners of Identified Lands

Begin a series of educational meetings with landowners and undertake the following tasks.

(1) Assess the views and long-term plans of the property owners. Ask questions such as how many would like to continue farming if the political/social environment was friendly and the

practice was profitable: do they operate a family farm; is there a desire to keep their land in agriculture! open space?

(2) Determine if landowners feel threatened? If so, why? Possibilities include development pressures, taxes/increased land values:unprofitability etc.

(3) Begin to discuss various options for protecting farmland and open space and formulate approaches. Coordinate local planning and legislation and find out what's being done elsewhere in Virginia.

(4) Formulate a farmland and open space protection plan.

- Step 4 Institute Protection Measures and Stabilize Land Use

Tools for Protecting Farmland and Open Space Currently Available in Spotsylvania County

- Cluster Development

If a developer of open space pursues a cluster approach, county may provide water and sewer.

- Open Space Easement Program

An open space or conservation easement is a legal agreement between a landowner and a public body or conservation group. The parties agree to protect the open space and natural resource values of the land. The easement runs with the land and is recorded in the local courthouse. Each easement is tailored to reflect the conservation values of the property and the individual goals of the landowner.

Easements can be donated to the Virginia Outdoors Foundation.

Open space (conservation) easements are permanent restrictions on subdivision and development of rural land. They may qualify as a non-cash charitable gift.

Counties have the option under Virginia law to guarantee use value' taxation for easement-protected properties. In Spotsylvania County property is assessed at a lower value via the utilization of the County's Land Use Taxation Program.

Easements reduce Federal estate taxes.

Easements can allow for some limited development (e.g., 1 house per 25 acres).

- Land Use Taxation Program

Spotsylvania County adopted Land Use Taxation in 1978. There are four categories of eligible land use: agriculture, forest, horticulture, and open space. Under the Land Use Taxation Program, land is assessed at a value — much lower than market — based on use values provided by the state. The purpose of this program is to provide economic incentives to property owners for preserving land in an undeveloped state.

Program is county administered.

Each type of land use has specific requirements, information on which can be obtained from the county. For example, to qualify for the program under the agricultural use classification, a property has to have a five-year history of farming five acres or more, excluding the house site.

Because land enrolled in the program is assessed at less than market value, the property owner pays less in property taxes.

Anyone who subdivides land currently enrolled in the program must pay back taxes and a penalty. There is a five-year roll back period.

- **Overlay Corridors**

Overlay corridors, as mentioned previously in this section, can be used to protect aesthetics/visual qualities along designated corridors. Overlay districts/design review is an appropriate approach in such areas that represent rural landscapes rather than actively farmed lands.

Tools for Protecting Farmland and Open Space Currently Unavailable in Spotsylvania County

- **Agricultural Zoning**

Spotsylvania County does not currently have true agricultural zoning in place whereby only farms and other agricultural uses are allowed by right and/or by-right subdivisions (2-3 acre lots) are disallowed except for family exemptions. The County should assess whether this type of zoning is warranted.

- **Transfer of Development Rights (TDRs)**

Virginia does not currently have enabling legislation authorizing TDRs. Spotsylvania County should consider initiating an effort to pursue enabling legislation through local representatives. Because of the development patterns and pressures within the county (proximity of Fredericksburg to rural undeveloped area) and the presence of the battlefields, the county is a good candidate for using such an approach.

Historic Farmsteads Multiple Property Nomination - Pursue a Multiple Property Nomination to the National Register of Historic Places for historic farmsteads located throughout the county. Seek funding from Virginia Department of Historic Resources. [Note: If the county obtains Certified Local Government status it will become eligible for certain funds not otherwise available.]