MINUTES
King George County Board of Supervisors
March 26, 2025

King George Est. 1720

ZOTAC
Zoning Ordinance Text Amendment Committee
Discussion on Growth Management and Subdivision Ordinance Compliance in King George County

Committee Members Present:
Lisa Biever, Christopher DeLoach, Ed Frank, Julie Gibson, Shawn Palivoda, and Allen West.

Staff Present: Matthew J. Smolnik, County Administrator
Jaclyn Fish, Kelli Le Duc, Lucie Tuthill, and Kenneth Vaughan

CALL TO ORDER
Mr. Smolnik called the meeting to Order at 3:02 PM in the Board Room of the Revercomb Building. A quorum was physically present.

Key Discussions:
- The introduction of microphones to improve sound quality and comply with ADA regulations.
- Review of the agenda, minutes from the initial meeting, and a FAAR report provided by Mr. West.
  - It was agreed that Mr. Smolnik should review future materials distributed at meetings to avoid confusion.
- The discussion on targeted growth rates from the Board of Supervisors indicated no specific goals, but rather an overall management approach to growth without strict targets.
- Discussion points include potential design changes aimed at improving existing conditions around new developments, such as requiring internal street systems for major subdivisions exceeding five lots—a measure previously enforced before recent ordinance updates allowed direct access instead.
- Providing the County with a Cash Proffer Study.
- Addressing concerns over infrastructure impacts due specifically towards road safety issues raised earlier requires further exploration into what practical steps might mitigate these challenges effectively within current frameworks established through planning commissions or boards overseeing development projects throughout our region moving forward together collaboratively toward solutions beneficial for all stakeholders involved including residents themselves who rely upon these vital services daily.
- Acknowledgment that King George County currently lacks limits on the number of times a parent tract can be subdivided when minor subdivisions are involved.
  - You can continue to cut the parent tract up here as long as you're making this major subdivision. It does need to have a cutoff at some point.

What is the targeted growth rate, Matthew J. Smolnik
- Mr. Smolnik heard back from the board members. There is no specific number; instead, it's the overall concept of managing growth. If it comes in at 1.2% or 1.5%, that's not a significant break for the board members. But there is no specific goal that this committee is targeting.

Legacy Subdivision Provisions, Kelli Le Duc:

- Ms. Le Duc had the opportunity to examine a few surrounding localities to see how they address parent tracts and legacy subdivision provisions. Few specifically address legacy subdivision provisions. According to the code, you can create an incentive subdivision ordinance section for specific types of subdivisions, such as large lots, parent tracts, and other designated types of divisions, which are also found in King George.
- In most cases, a parent parcel is defined as the date when the first subdivision ordinance is approved for a locality, which then sets the parent tract date. Here, it is 1987. In contrast, most subdivision ordinances in other localities were passed in the 1970s, 1980s, and some in the 1990s, which is remarkable. Some localities didn't have any ordinances until the nineties. I also searched for parent tracts and how they are treated to see if other localities set a limit on how many times a parent parcel can be divided. I found that in Westmoreland, a parent parcel cannot be split more than three times, plus the remainder lot, and each parcel must be at least one acre in size. Essex County didn't have a parent parcel requirement or parent tract status, such as subdivision, but it did specify which districts allow subdivisions.
- We would be identifying specific types of subdivisions based on the zoning district, which is the approach used in more rural counties. The one I was most familiar with allowed for legacy subdivisions, permitting large lots of 15 or 25 acres with specific load requirements, and also parent tracts for a total of five lots, only in the A1 zoning district. Additionally, I found that in Louisa, you can have two lots for a parent tract, with a minimum size of five acres. This could be an option to consider while studying parent tract status.

Lucie Tuthill reviewed a KGC Data PowerPoint presentation:

- The Weldon Cooper Center estimates that by 2050, King George County's population will increase to 39,000. The current population is approximately 26,000, based on data from five years ago.
- Our goal for this acreage adjustment pertains to all agricultural land, as the majority of the county is used for farming.
- In the county ordinance, major subdivisions are those with more than six new lots. Minor subdivisions typically range from three to five lots, while single lot subdivisions create a single lot. Family subdivisions normally fall under single-lot or minor subdivision categories.
- According to the ordinance from October 1, 1987, it doesn’t specify how many times a parent tract can be subdivided. For minor subdivisions, you can create up to six lots. It doesn't limit the number of significant subdivisions. Since July, only four significant subdivisions have been created.
- Lucy contacted the schools. Schools are on break this week, and will provide information to Lucie on Monday
- The PowerPoint presentation was emailed to all committee members by Ms. Fish on March 26th.

PDR Program, Lisa Biever

- Ms. Biever researched how localities are funding the purchase of development rights programs, and they're utilizing a combination of local funding, external funding, matching funds, and private funding. However, I didn't find any examples of that in Virginia. Therefore, regional financing was the primary

method of financing. The counties from which I obtained information were Stafford, Fauquier, and a small portion of Loudoun. There are five counties currently in Virginia, e.g., Clarke County and Chesapeake. Stafford County uses a rollback tax, and Fauquier initially started with one as well, but they no longer use it. Fauquier has a tax levy. They have a conservation easement district tax.

- Three components contribute to a real estate tax, including this conservation easement district tax, which the locality receives at a rate of 0.004 per one hundred assessed valuations. And then Loudoun has some of its funding mixture come from the transient occupancy tax. So, they're taxing hotels, guest campgrounds, or places that have guest rooms. Bonds are a method that localities use to fund these projects, and the costs are then covered from the general budget. Through external funding, the Virginia Land Conservation Foundation offers a stewardship fund program, which benefits my organization. Every entity in Virginia that establishes protected land has a pool of funds each year, which it allocates based on the number of acres protected in the previous year. They look at the 12-quarter rolling average. It's a bit complicated, but there is a certain amount that's hard to predict, along with a guaranteed level of funds when you undertake this type of project. Additionally, VLCF offers competitive grants.
- Additionally, localities are also utilizing the NRCS. We call it ALEP. It's the Agricultural Land Easement Program, which involves Agricultural Land Easements, and they pay up to 50% of the purchase cost. Foundations will support this. Land trusts are contributing to – which, as my organization is a land trust, we are also a tiny rural land trust. We would be implementing the same strategies if we were trying to bring funding to the King George picture. However, the Piedmont Environmental Council is the largest land trust in Virginia, serving the Fauquier, Orange, and Charlottesville areas. They have contributed to – and co-hold easements with Fauquier, Clarke, and Loudoun – and have established endowed funds at different localities, funded by private donors, for land conservation. And then landowners and other individuals will contribute. The landowners also have economic incentives from the Land Preservation Tax Credit Program, including federal deductions.
- Additionally, the Department of Forestry, specifically the Office of Working Lands Preservation, has a program called the Local Purchase of Development Rights Program Matching Fund. Therefore, they allocate funds for localities to implement this type of program, and they maintain an annual pool to which you can apply. And just two more notes from things I looked into this week. I had numerous back-and-forth conversations with Rachel Raquel Kynes. She's an administrative manager for the Fauquier County Agricultural Development Office. Farmers want to do it because they consider it beneficial. The county also finds it beneficial. However, the process involves the farmer or landowner applying for this, and then the Board of Supervisors is presented with the request. Like, these are the ones – these are the projects that are asking to be part of this. The Board of Supervisors has the right to approve or reject, even if this project scores highly on a scoring sheet or similar evaluation.
- There's a nonprofit organization called SustainableCityCode.org. They have a mission to help all local governments build more resilient, environmentally conscious, economically secure, and socially equitable communities. They have a wealth of resources available on their website.
- Mr. Smolnik stated one locality reported using transient occupancy fees. Locally, areas can increase transient occupancy by up to 5%, of which we are aware. So, these are your overnight stays after the

holiday at the Express. However, the first 2% of transient occupancy revenue has to be allocated to the general fund. The remaining 3%, if increased to 5%, can only be used for expenditures that encourage overnight stays within your community. There is a provision in the state code.

- (Mr. Smolnik) As a county administrator, I've worked in the locality – James City County had a pretty robust PDR program when I was there. I know you can't have your funds with proffers because it's always in the CIP. But when I left, it was $90,000. Mr. Smolnik stated you'll have to use general funds to enact this unless there are other ways that I'm not aware of.

Committee Discussion:

- The committee reviewed and discussed major and minor subdivisions referencing: DIVISION 2. - TYPES OF SUBDIVISIONS
  - Section 10-2-1. - Major Subdivisions.
  - Section 10-2-2. - Minor Subdivisions.
  - Section 10-2-3. - Single Lot Subdivisions.
  - Section 10-2-4. - Family Subdivisions.
- The Committee reviewed and discussed Blocks, Streets, and Access, referring to:
  - Section 10-3-6. - Access.
  - **Section 10-3-7. - Blocks.**
  - Section 10-3-8. - Streets.

Next Steps

- Continue collaboration towards solutions beneficial for all stakeholders regarding land division and development regulations in King George's County.
- Prepare for further discussions around design changes aimed at improving conditions around new developments.
- The breakdown reveals significant agricultural zoning across most of King George County, with residential areas primarily limited to areas along Route 301 and James Madison Highway.
- Review the subdivision design changes that could prevent issues.

Adjournment

The adjournment of the ZOTAC was at 4:12 PM.