

**King & Queen County  
Planning Commission Minutes  
May 6, 2024**

The King & Queen County Planning Commission met on Monday, May 6, 2024, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the General District Courtroom for their regular monthly meeting.

**Planning Commission Members Present:**

Ed Wilson, Jr.	Barry Allen
Mac Bradley	David Campbell
Robert Coleman, Jr.	Jonathan Massey

**Also in Attendance:**

Vivian Seay, County Attorney/County Administrator  
Donna Elliott Sprouse, Director of Community Development

**Call to Order**

Vice-Chairman, Mr. Coleman called the meeting to order.

**Roll Call/Determination of Quorum**

Mr. Campbell took roll call and determined that a quorum was present.

**Approval of Minutes  
April 1, 2024**

After review of the minutes, a motion was made by Mr. Allen to accept the minutes as presented, seconded by Mr. Massey.

Voting For: Massey, Campbell, Coleman, Bradley, Allen  
Voting Against: None  
Abstain: Wilson

**Welcome Newly Appointed Commission Member – Ed Wilson, Jr., St. Stephens Church District**

Mr. Coleman welcomed Mr. Wilson to the Commission.

**Citizens Comment Period**

Mr. Coleman opened the floor for citizens comment period.

Hearing none, citizens comment period was closed.

## **New Business**

### **A. ZA24-01, Chapter 5, Erosion and Sediment Control** *(public hearing)*

Mr. Coleman opened the public hearing for ZA24-01, Chapter 5, Erosion and Sediment Control Ordinance. He asked Mrs. Sprouse to please review the proposed text amendment and provide proof of publication.

Mrs. Sprouse noted that public notice ran in both the Tidewater Review and Rappahannock Times for 2 consecutive weeks (April 24<sup>th</sup> and May 1<sup>st</sup> editions). She noted that this text amendment would be a re-write of the current local code per Chapters 68 and 758 of the 2016 Acts of Assembly, referred to as the “Consolidation Bill”, which combines stormwater management and erosion sediment control requirements under the Virginia Erosion and Stormwater Management Act, per §62.1-44.15:24 – §62.1-44.15:50 of the Code of Virginia.

Mrs. Sprouse identified the areas of the model code that were added in the draft ordinance but then excluded because it was not relevant to King & Queen County, such as the definitions for town and city and any reference to the local wetlands board. She also noted areas where additional text was added such as the definition of “Common Plan of Development” and adding requirements for disturbance greater than 1 acre.

Mr. Coleman asked if there was anyone in the audience that wished to speak. Hearing none, public comment was closed and the public hearing was closed. Mr. Coleman asked the Commission if there were any comments or questions for staff. Hearing none, Mr. Coleman asked for a motion. A motion was made by Mr. Allen recommending approval of ZA24-01 as prepared, seconded by Mr. Campbell.

Voting For: Massey, Campbell, Coleman, Bradley, Allen  
Voting Against: None  
Abstain: Wilson

### **B. RZ24-01, CUP24-01 & SP24-01, Virginia Electric & Power Company d/b/a Dominion Energy Virginia** *(public hearing)*

Mr. Coleman opened the public hearing for RZ24-01, CUP24-01 & SP24-01, Virginia Electric & Power Company d/b/a Dominion Energy Virginia. Mr. Coleman asked Mrs. Sprouse to please provide her report and proof of publication.

Mrs. Sprouse noted that public notice ran in both the Tidewater Review and Rappahannock Times for 2 consecutive weeks (April 24<sup>th</sup> and May 1<sup>st</sup> editions). She also noted that all adjacent property owners were notified of the hearing via certified return receipt mail.

Mrs. Sprouse stated that the Planning and Zoning Department received the application on February 9, 2024 from Dewberry on behalf of Virginia Electric & Power Company d/b/a

Dominion Energy Virginia, requesting approval of a Rezoning, Conditional Use Permit, and Level 3 Site Plan approval to construct a permanent electrical substation. The subject property is located at the intersection of Carltons Corner Road (Rt. 617) and The Trail (Rt. 14), in the existing overhead power line easement. Further identified as County Tax Map Parcel No. 1624-53R-1022A2 in the Stevensville Magisterial District. The property owner is Virginia Electric and Power Company. The parcel size is 5.443 ac.

Virginia Electric & Power Company is requesting approval to rezone their 5.443-acre parcel from Agricultural to Industrial. They are also requesting approval of a conditional use permit and level 3 site plan to construct a new permanent electrical substation.

Mrs. Sprouse noted that according to Kyle Kennedy, Office of Stormwater Management with Virginia Department of Environmental Quality (DEQ), for projects under an approved Annual Standards and Specification program (AS&S), DEQ is the enforcement authority for both Erosion and Sediment Control (ESC) and Stormwater Management (SWM). The county does not issue a land disturbance permit, does not provide an ESC site plan review, and is not responsible for any land disturbance inspections. Such inspections for ESC and SWM will be performed by DEQ. Under the conditions of the AS&S, Dominion will review and certify that the plans meet all applicable SWM and ESC requirements.

Dominion Energy does have an approved AS&S with DEQ as a public utility. Mrs. Sprouse noted that she included in the packet, a copy of the email received from Mr. Kennedy, dated February 22, 2024, confirming this statement.

She noted that the Fire Marshal/Emergency Services Coordinator, Greg Hunter, also received the site plan for review and provided the following comments:

*"I reviewed it and really didn't have a major issue. We (fire) are not entering a substation until the power company arrives. So general signage and brush management are good, I don't want Knox access into a true substation.*

*Battery storage caught my attention... what are you referring to? They may have batteries on site for their communications and monitoring equipment for power failures. Are you speaking of bulk power battery storage? I think their monitoring items are acceptable, I mean any radio tower with cell has a pretty big bank for backup. Just may need to be clear."*

Mrs. Sprouse noted that comments were received via email from Ronald Chad Brooks on behalf of Robert Butler, P.E. on April 2, 2024. Mr. Butler noted the following:

*"This office has reviewed the referenced site plan (SP24-01) with a license stamp date of March 22, 2024 per the minimum standards as received on March 29, 2024, and we have no comments. Therefore, the Department has no objection to the approval of the site plan. Should you have any questions concerning this plan review, please contact Chad Brooks at (804) 761-2148 to discuss any technical issues."*

Mrs. Sprouse informed the Commission that according to Article 4, Permitted Uses, Table 4.1, Permitted Use Table, Energy Generation Facility is permitted in the Industrial zoning district by approved Conditional Use Permit and Level 3 Site Plan.

The minimum lot size for Industrial zoned property is 5 acres. The subject parcel is a 5.443-acre parcel. Therefore, if the Commission were to recommend approval, the acreage would meet the minimum acreage requirement.

She added that staff had prepared recommended conditions, should the request be considered for approval. Those conditions were sent to the applicant/property owner for review. She noted that Dominion did not have any objections with the proposed conditions.

The staff recommended conditions included were:

1. The property shall be kept free of nonessential combustible material and refuse.
2. Warning signs shall be posted conspicuously around the facility on the outside of the fence.
3. All fencing and gates shall be maintained and upkeep until the time in which the facility has been decommissioned.
4. No battery storage shall be permitted on the parcel, except for batteries that are utilized for communications/monitoring purposes.
5. The mature vegetated buffer as shown on the site plan, dated XXXX, shall be kept and maintained until the time in which the facility has been decommissioned.
6. The area within the fence and a minimum of 15' around the exterior of the fence shall be kept free of tall grass, shrubs and brush.

*\*Note that the date in #5 will be inserted with the date of the approved site plan from the Board's public hearing.*

Mrs. Sprouse noted that she had received a written letter from an adjacent property owner, regarding Dominion Energy's proposal. She asked if she may read it into the record. Mr. Coleman asked her to please read it.

*"To Whom It May Concern,*

*Due to an unforeseen emergency out of the area, I am unable to attend this planned hearing tonight in person but would like to express my concerns as to the placement of the proposed permanent electrical substation which will be literally constructed in my backyard.*

*When attending the previous meeting held at the High School, I was assured that what was to be established on this parcel of land was a "temporary" substation, only being put there to help with the updating of the light line, which runs behind my home. I asked several questions at that time and was assured that it would not be a permanent fixture and would be removed after the project was completed.*

*Why would it be considered a good idea for the placement of a permanent substation in anyone's backyard, not only mine? A place where I find solitude in quietness. A place where I have lived for forty + years in peace. A place where I find myself sitting on a nice day to clear my mind, reading, listening to the birds and inhaling the fresh air around me. This County is sparsely populated with wooded areas in which the light line is established, why not permanently place a substation in one of those areas, away from homes occupied by residents?*

*I have lived in King and Queen County all my life, as well as my forefathers for generations. I grew up here, attended and graduated from this county's public school system. I raised my family here, worked in the county and previously for the county until I retired and planned to stay here for the duration of my days, left on this earth. I am not accustomed to humming noises all day and night, or trucks rolling in & out of the driveway established for ingress and egress beside my property. I hear talking, laughing, and everything else from early morning to night, from my backyard. Wondering if this structure will eventually pose a danger to my health and others near the area is a concern. If something goes wrong at the substation, will that cause me to lose my home and/or life? No one can answer those questions with 100% certainty.*

*With all of this being said, I am asking the Planning Commission of King and Queen County to reject the rezoning of parcel: 1624-53R-1022A-2 from Agricultural to Industrial by Virginia Electric & Power Company d/b/a Dominion Energy Virginia at the above-mentioned location and to hopefully establish a permanent substation on another parcel of land on the electric light line nowhere near residential housing.*

*With Sincere Thanks for your Time,  
Vanessa D. Porter, owner of parcel 1624-53R-1025A"*

Mrs. Sprouse noted that a member with Dominion and their team were present tonight to speak more to their request.

Mr. Coleman asked if there was anyone that wished to speak regarding Dominion's proposal.

Mr. Stefan Brooks with Dominion Energy and partner with Dewberry approached the Commission. He noted that he would be more than glad to answer any questions that the Commission may have regarding the proposal. He also stated that he can answer any of their questions regarding the Annual Standards and Specification, if necessary.

Mr. Brooks also asked if he may provide the Commission with a revised plan sheet, identifying an increase in the limits of disturbance at the end of the proposed level spreader up to the property line between Dominion Energy and the Gibson property. *(copy has been provided for the PC packet file)* Mr. Brooks noted that the vegetation at the end of the level spreader needed to be cleared, but no other areas would be impacted and this area is at the rear left corner of the property.

Mr. Allen asked how far will this project be from Ms. Porter's residence.

Mr. Brooks noted that the site plan doesn't provide a measurement from her home to the proposed substation, but did note that the fencing around the substation will be 100' from the property line between Ms. Porter and Dominion's property. Mr. Brooks also noted that they have no intentions of clearing any vegetation that is shown outside of the limits of disturbance as shown on the plan set.

Mr. Massey asked about lighting of the site. Mr. Brooks noted that a light plan was included in the plan set and that there will be 3 lights in total for security and safety purposes. He noted that those lights will be shielded and directed down into the fenced area.

Mr. Coleman asked about the stone in the ditch around much of the perimeter around the substation. Mr. Brooks noted that the stone was part of the stormwater/E&S plan which lines the ditches to each level spreader.

Mr. Coleman asked what would the benefit of the substation be to the citizens here in King & Queen County. Mr. Brooks noted that it would provide a more consistent and reliable power source to the citizens in the area, including the Courthouse complex.

Hearing no further comments, public comment and the public hearing was closed.

Mr. Coleman asked what was the Commission's pleasure. A motion was made by Allen to recommend approval of RZ24-01, CUP24-01, and SP24-01 with staff recommended conditions. Mr. Allen's motion was properly seconded by Mr. Massey. Hearing no further discussion, Mr. Coleman asked for a roll call vote.

Voting For: Massey, Campbell, Coleman, Bradley, Allen  
Voting Against: None  
Abstain: Wilson

### **Old Business**

None

### **Staff's Comments**

Mrs. Sprouse provided a brief recap of the meeting she attended with DEQ at the Middle Peninsula Planning District Commission Local Planners Meeting regarding the upcoming changes to the Chesapeake Bay Act Ordinance.

Ms. Seay noted that the Board of Supervisors adopted the budget and that there was a 2-cent increase on the real estate, now the rate will be \$.50.

Mr. Coleman asked Ms. Seay if she would please inform the Board of Supervisors that there is a lack of representation from the Newtown district. Though Ms. Alsop has appointed herself to the Commission while she is looking for someone to fill the vacancy, she has not attended a meeting. He noted that he wanted to help and would not mind reaching out to other citizens in the Newtown district to see if they would be interested in serving.

### **Commissioner's Comments**

Mr. Coleman welcomed Mr. Wilson and said that Mr. Watkins will certainly be missed, that he had served on the Commission prior to him being appointed.

Mr. Campbell welcomed Mr. Wilson to the Commission.

Mr. Allen welcomed Mr. Wilson to the Commission.

Mr. Massey welcomed Mr. Wilson, from one new member to another.

Mr. Wilson stated that he has recently retired and was looking to give back to the community in some fashion. He also noted that he will not be present during the July 1 meeting, as he will be out of town.

### **Adjournment**

Mr. Coleman noted that the next meeting is set for Monday, June 3, 2024, at 6 p.m., unless the meeting is canceled and the Commission is notified otherwise.

There being no further business, the meeting was adjourned by all present members stating "Aye".

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Robert Coleman, Jr., Vice-Chairman