

AGENDA
KING & QUEEN COUNTY PLANNING COMMISSION
MONDAY, FEBRUARY 3, 2025
6:00 P.M.
COURT ROOM

1. **Call to Order**
2. **Roll Call/Determination of Quorum**
3. **Approval of Minutes**
 - a. December 2, 2024 – Regular Monthly Meeting
4. **Citizens Comment Period – Planning Related Issues Only *(other than items on the agenda)***
5. **New Business**
 - a. **Zoning Text Amendment ZA24-03 – Article 4, Table 4.1 *(public hearing)***
Request for approval of a zoning text amendment to Article 4, Table 4.1, machine and welding shop
6. **Old Business**
 - a. **Zoning Text Amendment ZA24-01 – Article 4, Table 4.1 *(public hearing was held 12.02.2024)***
Request for approval of a zoning text amendment to Article 4, Table 4.1, Aquaculture without processing.
 - b. **Zoning Text Amendment ZA24-02 – Article 4, Table 4.1 *(public hearing)***
Energy Generation Facilities & Computer Data Centers
7. **Staff's Comments**
 - a. **Upcoming Application(s) *(if any)***
 - b. **Other Comments/Updates *(if any)***
8. **Commissioner's Comments**
9. **Meeting Schedule**

The next meeting will be on **Monday, March 3, 2025** at 6:00 p.m. in the Court Room of the Courts & Administrative Building.
10. **Adjournment**

AGENDA: *Monday, February 3, 2025, PC Meeting*

ITEM #1:

Chairman calls the February 3, 2025, Planning Commission meeting to order.

Note: In the absence of the Chairman, the Vice-chair will lead the meeting. In the absence of both the Chairman and Vice-chair, the Secretary will call the meeting to order.

AGENDA: *Monday, February 3, 2025, PC Meeting*

ITEM #2:

Chairman asks the Secretary to call the roll to determine if there is a Quorum.

AGENDA: *Monday, February 3, 2025, PC Meeting*

ITEM #3:

Approval of Minutes:

Chairman will ask for a motion and a second to accept or not accept the December 2, 2024, minutes as presented.

Note: If you did not attend the meeting, when taking a roll call vote, you abstain.

If you have any corrections or additions, this is the time to note such and include in your motion.

**King & Queen County
Planning Commission Minutes
December 2, 2024**

The King & Queen County Planning Commission met on Monday, December 2, 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:

Barry Allen	Edmond Wilson, Jr.
Mac Bradley	Commer Jackson
Robert Coleman, Jr.	David Campbell
Hunter Richardson	Michael Fleming

Also in Attendance:

Vivan Seay, County Administrator/County Attorney
Donna Elliott Sprouse, Director of Community Development
Kelly Evko, Economic Development Director

Call to Order

Chairman, Mr. Richardson, called the meeting to order.

Roll Call/Determination of Quorum

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

Election of Officers for 2025

Mr. Richardson asked if there were any nominations for Clerk. Mr. Fleming nominated Mrs. Sprouse as Clerk, seconded by Mr. Wilson.

Voting For: Wilson, Fleming, Coleman, Jackson, Richardson, Allen, Campbell, Bradley
Voting Against: None
Abstain: None

Mr. Richardson asked if there were any nominations for Secretary. A nomination was made by Mr. Campbell to have Mr. Jackson serve as Secretary, seconded by Mr. Coleman.

Voting For: Wilson, Fleming, Coleman, Jackson, Richardson, Allen, Campbell, Bradley
Voting Against: None
Abstain: None

Mr. Richardson asked if there were any nominations for Vice-Chair. A nomination was made by Mr. Fleming to have Mr. Coleman serve as Vice-Chair, seconded by Mr. Allen.

Voting For: Wilson, Fleming, Coleman, Jackson, Richardson, Allen, Campbell, Bradley
Voting Against: None
Abstain: None

Mr. Richardson asked if there were any nominations for Chair. A nomination was made by Mr. Fleming to have Mr. Richardson serve as Chair, seconded by Mr. Allen.

Voting For: Wilson, Fleming, Coleman, Jackson, Richardson, Allen, Campbell, Bradley
Voting Against: None
Abstain: None

Approval of 2025 Meeting Schedule

Pursuant to Section 15.2-2214 of the Code of Virginia, the King & Queen County Planning Commission has set the following dates for their monthly meetings for the 2025 calendar year:

- January 6, 2025
- February 3, 2025
- March 3, 2025
- April 7, 2025
- May 5, 2025
- June 2, 2025
- July 7, 2025
- August 4, 2025
- September 2, 2025 (*This is a Tuesday Meeting due to the Labor Day Holiday*)
- October 6, 2025
- November 3, 2025
- December 1, 2025

Planning Commission meetings are held at 6:00 p.m. at the King and Queen County Courts and Administrative Building, General District Court Room, 242 Allens Circle, King & Queen CH, VA 23085, unless otherwise noted.

A motion was made by Mr. Colman to approve of the 2025 Planning Commission meeting schedule, seconded by Mr. Bradley.

Voting For: Wilson, Fleming, Coleman, Jackson, Richardson, Allen, Campbell, Bradley
Voting Against: None
Abstain: None

**Approval of Minutes
November 4, 2024**

After review of the November 4, 2024 minutes, a motion was made by Mr. Jackson to accept the minutes as presented, seconded by Mr. Allen.

Voting For: Wilson, Coleman, Jackson, Richardson, Allen, Campbell, Bradley
Voting Against: None
Abstain: Fleming

Citizens Comment Period

Mr. Richardson opened the floor for citizens comment period.

Hearing none, citizens comment period was closed.

New Business

A. Rezoning RZ24-02 – Gary Sange, 2888 Walkerton Landing Road (*public hearing*)

Mr. Richardson stated that he will now open the public hearing for RZ24-02 in the name of Gary Sange, located at 2888 Walkerton Landing Road. The request is to rezone a parcel identified as tax map 1632-52X-134 from Limited Business (LB) to Residential Single Family (RS). Mr. Richardson asked Mrs. Sprouse to please review the request.

Mrs. Sprouse noted that for the record, she wanted to provide proof of publication. She noted that public notice was provided in both the Tidewater Review and Rappahannock Times for two consecutive weeks, in the November 13th and November 20th editions. She also stated that adjoining property owners were notified of the hearing via certified return receipt mail.

Mrs. Sprouse noted that the Planning and Zoning Department received an application on October 10, 2024 from Gary Sange, requesting approval of a rezoning application. The applicant is requesting to rezone an existing 0.57-acre parcel, identified as County Tax Map Parcel No. 1632-52X-134 from Limited Business (LB) to Residential Single-Family (RS).

The subject property is located off of State Route 629, Walkerton Landing Road, in the Newtown Magisterial District, further identified as County Tax Map Parcel No. 1632-52X-134. The property's physical address is 2888 Walkerton Landing Road. The addressable structure currently on the property is a single-family residence. Other surrounding land uses include residential single-family zoning/homes and limited business uses/zoning.

The parcel, though zoned Limited Business, does not appear to have had a business use/structure on the property. According to County tax assessment records, it appears to have always been a residential structure, going back beyond the year 1955.

King & Queen County adopted zoning in 1986. According to the adopted zoning maps, dated May 1988, much of the Walkerton area was zoned Limited Business (LB). The County obtained new zoning maps, which were adopted in July of 1996. Those maps are still used today, however are updated based on zoning requests. The current map also identifies the subject property as being zoned Limited Business (LB), just as it was noted in the 1986 zoning maps. Perhaps it was the vision of the County to have this area developed for commercial use, however all available records have identified this particular parcel as always having a single-family residence.

The current owner is in the process of selling the property. The issue at hand is that the property is zoned Limited Business (LB), with a single-family residence structure on the parcel. This is considered a pre-existing non-conforming use, that is up until the use ceases for a period of 24 months or greater. The home has been vacant for more than 24 months, mostly during the time in which the home was for sale.

King and Queen County Zoning Ordinance, Article 17, Section 3-383 states, *"Whenever a nonconforming use of land or a nonconforming use of a building is discontinued for a period of 24 consecutive months or longer, whether or not equipment or fixtures are removed, any subsequent use of the land or building shall conform with the use regulations of the district in which it is located."*

The new potential owner wishes to utilize the structure as a single-family residence, as it has even prior to the adoption of zoning by the County. If the parcel were to be rezoned to Residential Single-Family (RS), the parcel and structure use would be a more conforming use and a more conforming parcel. The Limited Business zoning district requires a minimum lot size of 1.5 acres. The Residential Single-Family zoning district requires a minimum lot size of 40,000 sq. ft. Though the parcel is just over a half of an acre, it is closer to 40,000 sq. ft. than 1.5 acres in size.

Mrs. Sprouse stated that staff recommended approval of the rezoning request. Mrs. Sprouse also noted that the property owner is present tonight to speak to the request or answer any questions that they may have.

Mr. Richardson stated that he would open the public comment period.

Mr. Gary Sange, property owner of 2888 Walkerton Landing Road, stated that he has lived on the property in the existing home for over 46 years and raised his family. He would like for the new buyer to be able to do the same and continue to utilize the structure as a dwelling and love it as much as he has.

Hearing no other comments from the public, Mr. Richardson closed the public comment period and the public hearing.

Mr. Richardson asked if the Commission had any questions or items to discuss regarding the request. Hearing none, a motion followed by Mr. Fleming to recommend approval of RZ24-02 in the name of Gary Sange to rezone tax map 32-52X-134 from Limited Business to Residential Single Family, seconded by Mr. Campbell.

Voting For: Wilson, Fleming, Coleman, Jackson, Richardson, Allen, Campbell, Bradley
Voting Against: None
Abstain: None

B. Zoning Text Amendment ZA24-01 – Article 4, Table 4.1 (public hearing)

Mr. Richardson stated that he will open the public hearing for zoning text amendment ZA24-01, Article 4, Table 4.1. Mr. Richardson asked Mrs. Sprouse to please review the next item on the agenda for new business.

Mr. Richardson asked Mr. David Fox, applicant, to please review his request. Mr. David Fox of 17565 New Hope Road, the applicant, approached the Commission. Mr. Fox noted that this request is to amend the current ordinance to allow for a smaller scale aquaculture operation with no building setback restrictions. Currently, the code requires 150' setback off of all property lines. It is his hope to allow for a smaller scale aquaculture operation with no setbacks.

Mr. Fox provided printed copies of the presentation to the Commission members and staff.

Note: Presentation print is provided in the PC packet for reference.

Mr. Fox suggested the following text in his proposal:

“Aquaculture may be allowed on a 5-acre parcel or greater with no setback requirements, provided that 1 acre of surface area or less is devoted to aquaculture. Surface area is defined as the square footage of a pond or aquaculture facility. If more than 1 acre of surface area is used for aquaculture, all storage of material/product/equipment and structures must be a minimum of 150 feet from all property lines and must maintain a 100-foot natural vegetative buffer at all times. The required vegetative buffer shall be measured from the property line and outside of the resource protection area.

Packaging of whole organisms via refrigeration, on ice or by other means for transport to market or off site processing shall be permitted. Processing, including the shucking of shellfish, "picking" of crabs, cleaning of fish, etc. shall not be permitted on site. Requires all federal and state agency approvals.”

Mrs. Sprouse noted that for the record, she wanted to provide proof of publication. She noted that public notice was provided in both the Tidewater Review and Rappahannock Times for two consecutive weeks, in the November 13th and November 20th editions. Mrs. Sprouse noted that this was a zoning text amendment request that was submitted by a citizen of the County. David Fox submitted a completed text amendment application to the Planning & Zoning Department on October 15, 2024. The request is to amend Article 4, Table 4.1 as it relates to aquaculture without processing on site.

Currently, Table 4.1 of Article 4 states that, "Aquaculture (includes shipping/transporting onsite. No processing takes place on site) may be permitted by approved conditional use permit in the Agricultural, General Business 1, General Business 2, Light Industrial, and Industrial zoning districts." Also, "All storage of material/product/equipment and structures must be a minimum of 150 feet from all property lines and must maintain a 100-foot natural vegetative buffer at all times. The required vegetative buffer shall be measured from the property line and outside of the resource protection area. Packaging of whole organisms via refrigeration, on ice or by other means for transport to market or off-site processing shall be permitted. Processing, including the shucking of shellfish, "picking" of crabs, cleaning of fish, etc. shall not be permitted on site. Requires all federal and state agency approvals."

15.2-2288 of the State Code of Virginia, Localities may not require a special use permit for certain agricultural activities.

"A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural products as defined in § 3.2-6400, including silviculture products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act. However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. Nothing herein shall require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section."

3.2-6400 of the State Code of Virginia defines agricultural products as "any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops."

Mrs. Sprouse noted that beginning in 2010, when the Commission was in the process of re-writing the zoning ordinance, consideration was given for the raising of animals/livestock by establishing minimum acreage requirements and necessary setbacks from neighboring properties. Consideration was also given to the fact that animals produce waste, attract insects, emits an odor, and make noises. Not to exclude the fact that animals/livestock needs space for grazing and movement.

Per King & Queen County Zoning Ordinance, Article 4, Table 4.1, Animal raising/farm has the following conditions in the Agricultural zoning district:

"Stables and other facilities used for keeping horses or livestock shall be at least 100 feet from all property lines, at least 100 feet from the owner's residence and at least 150 feet from any adjacent land owner's residence.

Stables and other facilities used for keeping horses or livestock must be located on a lot in the agricultural or rural residential zoning district that is at least five acres in size.

On a five-acre lot in the agricultural or rural residential zoning district, there may be up to a total of two of any of the following animals: horses, ponies, cows, or bison, or a total of five of any of the following animals: sheep, goats, swine, llamas or alpacas. For every acre in addition to the first five acres, there may be a total of one additional: horse, pony, cow or bison or a total of three sheep, goats, swine, llamas or alpacas. This limitation does not apply to lots ten acres or larger in an agricultural zoning district.

Poultry (includes fowl, ducks and other birds kept for the production of eggs for domestic consumption, specifically excluding roosters, geese, guinea fowls, turkeys and peafowl) may be permitted on an agricultural zoned parcel less than five acres in size, having no more than ten birds per parcel as a by-right use.

For parcels greater than five acres in size and zoned agricultural, there is no limit on the number or type of poultry unless it meets the requirements of intensive livestock, see article 23.”

Mrs. Sprouse stated that in other localities, there may or may not be regulations similar to those of King & Queen County as it relates to agricultural uses, setbacks, and acreages. With that being said, it certainly doesn't mean that King and Queen should do away with the setbacks and acreages set forth in the county ordinance today simply because our neighbors may or may not have such requirements for farming/livestock keeping/aquaculture.

Mrs. Sprouse noted that the Commission may recall the time when our surrounding localities were considering adopting land use to help preserve farm land in their communities. In fact, many of our neighbors ultimately decided to adopted land use. King and Queen County decided not to adopt land use. If you were to ask those localities that did adopt land use if they still stand behind their decision, most would tell you that they wished that they had not done so. (Information confirmed by our Commissioner of the Revenue) She noted that her point here is that King & Queen has never been one to follow what others may do. King & Queen has always done what they felt was in the best interest of the County as a whole and not a select few.

Mrs. Sprouse further stated that it is in staff's opinion, being consistent with the current ordinances regarding the keeping of animals/livestock/farming, that setbacks and minimum area should be provided for aquaculture uses as well. Staff agrees that a text amendment is necessary to allow for aquaculture without processing on site, in the agricultural zoning district, as a by-right use rather than by a conditional use permit, as required by state law.

Mr. Fox noted that he realizes that perhaps no setback will not be permissible, however, he believes there could be some happy median other than a 150' setback. He stated that his proposal would be to allow small scale operations or the option to start in a shed structure with tanks.

Mrs. Sprouse asked that if Mr. Fox's proposed text were considered for approval, how would she enforce such a requirement? She asked, if we were going to require survey plot plans, what is an aquaculture facility and how would she measure 1 acre of surface area? Mrs. Sprouse added that having minimum required setbacks really helps to self-police the use. It is not that the County is not allowing aquaculture, it's the setbacks that simply do not

work for Mr. Fox's specific property in which he wishes to conduct aquaculture activities. Had his lot been more square than deep and narrow, he would not need the text amendment.

After more discussion, the Commission decided it may be best to do more research and possibly visit the local fish hatchery.

It was the consensus of the Commission to defer ZA24-01 to their next monthly meeting.

Voting For: Wilson, Fleming, Coleman, Jackson, Richardson, Allen, Campbell, Bradley

Voting Against: None

Abstain: None

Old Business

A. Comprehensive Plan Update (*public hearing*)

Mr. Richardson opened the public hearing for the King and Queen County Comprehensive Plan update. Mr. Richardson opened the floor for public comment period. Hearing no comments, Mr. Richardson closed public comment period. Mr. Richardson asked if the Commission had any comments or questions for staff. Hearing none, Mr. Richardson asked what was the Commission's pleasure. A motion was made by Mr. Fleming to recommend approval of the Comprehensive Plan update as presented, with the inclusion of the EDA's recommendation and staff's recommendation. Mr. Fleming's motion was seconded by Mr. Allen. The vote passed with all present members stating "aye".

Voting For: Wilson, Fleming, Coleman, Jackson, Richardson, Allen, Campbell, Bradley

Voting Against: None

Abstain: None

B. Zoning Text Amendment ZA24-02 – Article 4, Table 4.1 (*public hearing set for 1/6/2025*)

Mrs. Sprouse noted that this is a request to consider amending Article 4, Table 4.1 as it relates to energy generation facilities by natural resources and data centers. She stated that if the Commission recalls, during the time in which the County was reviewing the Walnut Solar development, King & Queen and many of our surrounding localities were getting many inquiries about solar development. It was a new development that many did not know a whole lot about, so to better plan for any future applications, the Board decided to amend the code by removing energy generation facilities by nature resources by approved conditional use permit in the Agricultural zoning district and instead allow it in the Industrial zoning district by approved conditional use permit. Mrs. Sprouse noted that her concerns now are related to the potential of having property rezoned to industrial for forthcoming solar facility applications. She explained that this industry is not really something you can plan for in a designated area, as they must be placed along the power grid where there is capacity. This often means that they could be placed in areas that are rural and would not be best suited for Industrial zoning. She mentioned that the same applies for data centers. Currently, the code allows for data centers to be constructed in the commercial zoning

districts as a by right use, however, again these facilities may not always be located in our economic development corridors, as they too need to be located where there is adequate electricity to power such a development. She asked the Commission to think about both uses and where they may potentially go and we will have more discussion during the public hearing and see what everyone thinks of the current and proposed code.

Staff's Comments

None.

Commissioner's Comments

Mr. Fleming congratulated the newly elected officers.

Mr. Campbell thanked everyone for their confidence in him as secretary for all those years and looks forward to taking a break from it as he continues to serve on the Commission.

Mr. Coleman thanked Mr. Fox for his presentation and noted that it was good discussion. He stated he had learned a lot and has more to yet learn.

Mr. Wilson echoed Mr. Coleman's thoughts.

Mr. Jackson stated that he had learned a lot tonight and thanked Mr. Fox for his presentation. He thanked Donna for her work on the Comprehensive Plan.

Mr. Bradley thanked Mr. Fox and Mrs. Sprouse for their information.

Mr. Richardson thanked Mr. Fox for participating in the process with his proposed text amendment. In fact, we need more citizens like Mr. Fox to participate in the process.

Adjournment

Mr. Richardson noted that the next meeting is set for Monday, January 6, 2025, at 6 p.m.

There being no further business, motion was made by Mr. Coleman to adjourn. The motion was ratified by all present members stating "Aye".

Hunter Richardson, Chairman

AGENDA: *Monday, February 3, 2025, PC Meeting*

ITEM #4:

Citizen Comment Period:

Before opening the floor, advise the public that this is an opportunity to come before the Commission with comments that are not pertaining to the action items listed on the agenda.

Open the floor for citizen comment, ask that citizens state their name, address, the voting district in which they reside. If there's a full agenda, consider asking that they try to limit their time to 3-5 minutes so that everyone has an opportunity to speak.

After hearing all comments or if there are no comments, close citizen comment period.

AGENDA: Monday, February 3, 2025, PC Meeting

ITEM #5:

New Business:

**A. Zoning Text Amendment, ZA24-03 – Article 4. Table 4.1 -
(public hearing)**

Chair will open the public hearing for ZA24-03, a request to amend Article 4, Table 4.1 to allow machine and welding shops as a by right use in the commercial zoning district, rather than by approved Conditional Use permit.

Chair will ask staff to review the request.

Staff will read: Public notice ran in the Tidewater Review and Rappahannock Times for 2 consecutive weeks (January 15th and January 22nd).

Staff will review the request and provide overview of the staff report.

Chair will open the floor for public comment regarding the request. Ask that citizens state their name, address, and the voting district in which they reside. Ask that they limit their time to 3-5 minutes so everyone has a chance to speak.

Chair will close public comment.

Chair will close the public hearing.

Chair will ask the Commission if they have any questions or comments for staff or the County Attorney.

Chair will ask for a motion to recommend approval, denial, table, or amendment of ZA24-03. Ask if there is a second.

Take a roll call vote.

King & Queen County Land Development Application

ZA24-03

Planning & Zoning Department
P.O. Box 177
King & Queen Courthouse, VA 23085
Phone: (804) 785-5975 or (804) 769-5000
Fax: (804) 785-5999 or (804) 769-5070

**Please print in ink or use a typewriter*

Applicant: Ameliet Travis Morris

Applicant's Address: 401 Piedmont Rd Mason VA 23108

Applicant's Phone: 804-316-1372 / 804-815-9222

Agent (Contact Person): —

Agent's Address: —

Current Property Owner: —

Owner's Address: —

Owner's Phone: —

Correspondence to be sent to: Applicant Owner Agent Other

Tax Map Number: — Magisterial District: —

General Project Location: —

Size of Request: —

*Are Proffer's being offered along with this Application: YES or NO . If so please attach.

Check Appropriate Request:

Zoning Administrator

- : Site Plan (Level 1)
- : 1-2 Lot Subdivision Request
- : Family Subdivision Review
- : Boundary Line Adjustment
- : Plat Approval

Planning Commission

- : Site Plan (Level 2)
- : Chesapeake Bay Exception
- : Other
- : Final Plat Review for Minor & Major Subdivision

Planning Commission & Board of Supervisors

- : Rezoning
- : Conditional Use Permit
- : Zoning Ordinance Text Amendment
- : Subdivision Ordinance Text Amendment
- : Site Plan (Level 3)
- : Other
- : Preliminary Plat Review for Minor & Major Subdivision

Board of Zoning Appeals

- : Administrative Appeal
- : Variance
- : Special Exception
- : Other

King & Queen County Land Development Application

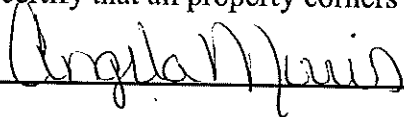
Complete As Applicable:

Name of Subdivision, Development, or Proposal: —

Proposal/Request: Zoning Text Amendment

Reason for Request: Allow machine and welding shop in the General Business zoning district as a by right use.

Applicant: The information provided is accurate to the best of my knowledge. I acknowledge that any percolation tests, topographic studies, or other requirements of the Health Official or the Zoning Administrator will be carried out at my expense. I understand that the County may deny, approve, or conditionally approve that for which I am applying. I certify that all property corners have been clearly staked and flagged.

Applicant's Signature: x  Date: 12/19/21

Owner: I have read this completed application, understand its content, and freely consent to it's filing. If this application is for the purpose of subdivision, further subdivision of this property will require a new application and approval by the Board of Supervisors. Furthermore, I grant permission to the Zoning Administrator and the other County Officials to enter the property and make such investigations and tests as they deem necessary.

Owner's Signature: _____ Date: _____

<u>Abbreviated Description of Uses</u>	<u>A</u>	<u>RS</u>	<u>RR</u>	<u>RG</u>	<u>LB</u>	<u>GB1</u>	<u>GB2</u>	<u>LI</u>	<u>I</u>	<u>Comments / Footnotes</u>
Energy Generation Facility (By Natural Resources Only)									C	NATURAL RESOURCES FOR THE PURPOSE OF THIS SECTION INCLUDE ONLY WIND, WATER AND SUN. "REMOVED AS A PERMITTED USE IN THE AGRICULTURAL ZONING DISTRICT, TO ALLOW TIME TO DRAFT A SEPARATE ENERGY GENERATION FACILITY BY NATURAL RESOURCES ORDINANCE AS WE CONTINUE TO LEARN MORE FROM OTHER LOCALITIES AND AGENCIES. NOTE THIS DOES NOT APPLY TO SINGLE-FAMILY RESIDENTIAL ENERGY GENERATION FACILITIES AS PERMITTED BY LAW."
Energy Generation Facility									C	
Fiberglass Molding & Construction							C	R	R	
Laboratory (testing, medical, scientific, pharmaceutical)								C	C	
Manufacturing									C	
Machine and welding shop							ER	R	R	
Mineral Resource Processing									C	MINERAL RESOURCE PROCESSING IS DEFINED AS ACTION TO CHANGE THE MATERIAL FROM THE FORM FROM WHICH IT WAS EXTRACTED FROM THE EARTH SUCH AS CRUSHING, DYEING, OR IN ANY WAY CHEMICALLY TREATING THE MATERIAL, ALTERING ITS STRUCTURE, CHARACTER OR SIZE, BLENDING MATERIAL FROM

AGENDA: Monday, February 3, 2025, PC Meeting

ITEM #6:

Old Business:

A. ZA24-01 – Article 4, Table 4.1 - (*public hearing was held 12.02.2024*)

A public hearing was held December 2, 2024, the Planning Commission deferred action regarding a proposed text amendment to consider amending setbacks/area/acreage for aquaculture without processing on site.

Chair will ask the Commission if they have any questions or comments for staff.

Ask for a motion to recommend approval, denial, table, or amendments to the proposed text amendment. Ask if there is a second.

Take a roll call vote.

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B. ZA24-02 – Article 4, Table 4.1 (*public hearing*)

Chair will open the public hearing for Zoning Text Amendment ZA24-02, Article 4, Table 4.1, Energy Generation Facilities by Natural Resources & Computer Data Processing Centers

Chair will ask staff to please provide proof of publication and review the request.

Staff will read: As required by state law, 15.2-2204, public notice ran in the Tidewater Review and Rappahannock Times for 2 consecutive weeks (January 15th and January 22nd).

Staff will provide background.

Chair will open the floor for public comment regarding Zoning text amendment ZA24-02. Ask that citizens state their name, address, and the voting district in which they reside. Ask that they limit their time to 3-5 minutes so everyone has a chance to speak.

Chair will close public comment.

Chair will close the public hearing.

Chair will ask the Commission if they have any questions or comments for staff.

Ask for a motion to recommend approval, denial, table, or amendments to ZA24-02. Ask if there is a second.

Take a roll call vote.

King & Queen County Land Development Application

Planning & Zoning Department
P.O. Box 177
King & Queen Courthouse, VA 23085
Phone: (804) 785-5975 or (804) 769-5000
Fax: (804) 785-5999 or (804) 769-5070

**Please print in ink or use a typewriter*

Applicant: David Fox

Applicant's Address: 17565 New Hope Road, Shackelfords, VA, 23156

Applicant's Phone: 760-519-3116

Agent (Contact Person): _____

Agent's Address: _____

Current Property Owner: David Fox

Owner's Address: 17565 New Hope Road, Shackelfords VA, 23156

Owner's Phone: 760-519-3116

Correspondence to be sent to: Applicant Owner Agent Other

Tax Map Number: 1623-137R-1175-38 Magisterial District: Buona Vista

General Project Location: 17565 New Hope Road

Size of Request: ~1 Acre

*Are Proffer's being offered along with this Application: YES _____ or NO _____. If so please attach.

Check Appropriate Request:

Zoning Administrator

- _____ : Site Plan (Level 1)
- _____ : 1-2 Lot Subdivision Request
- _____ : Family Subdivision Review
- _____ : Boundary Line Adjustment
- _____ : Plat Approval

Planning Commission

- _____ : Site Plan (Level 2)
- _____ : Chesapeake Bay Exception
- _____ : Other
- _____ : Final Plat Review for Minor & Major Subdivision

Planning Commission & Board of Supervisors

- _____ : Rezoning
- _____ : Conditional Use Permit
- : Zoning Ordinance Text Amendment
- _____ : Subdivision Ordinance Text Amendment
- _____ : Site Plan (Level 3)
- _____ : Other
- _____ : Preliminary Plat Review for Minor & Major Subdivision

Board of Zoning Appeals

- _____ : Administrative Appeal
- _____ : Variance
- _____ : Special Exception
- _____ : Other

King & Queen County Land Development Application


Complete As Applicable:

Name of Subdivision, Development, or Proposal: Aquaculture Text Amendment

Proposal/Request: change setback requirements for aquaculture

Reason for Request: to allow small scale aquaculture in King and Queen County

Applicant: The information provided is accurate to the best of my knowledge. I acknowledge that any percolation tests, topographic studies, or other requirements of the Health Official or the Zoning Administrator will be carried out at my expense. I understand that the County may deny, approve, or conditionally approve that for which I am applying. I certify that all property corners have been clearly staked and flagged.

Applicant's Signature:  Date: 10/9/24

Owner: I have read this completed application, understand its content, and freely consent to it's filing. If this application is for the purpose of subdivision, further subdivision of this property will require a new application and approval by the Board of Supervisors. Furthermore, I grant permission to the Zoning Administrator and the other County Officials to enter the property and make such investigations and tests as they deem necessary.

Owner's Signature:  Date: 10/9/24

Supplemental Information for Aquaculture Text Amendment

Current King and Queen County Law:

"All storage of material/product/equipment and structures must be a minimum of 150 feet from all property lines and must maintain a 100-foot natural vegetative buffer at all times. The required vegetative buffer shall be measured from the property line and outside of the resource protection area. Packaging of whole organisms via refrigeration, on ice or by other means for transport to market or off site processing shall be permitted. Processing, including the shucking of shellfish, "picking" of crabs, cleaning of fish, etc. shall not be permitted on site. Requires all federal and state agency approvals." (Article 4, Table 4.1, permitted use table)

-All bordering counties to King and Queen have a by right for aquaculture in agriculture zoning with no set backs requirement.

Virginia State Law:

3.2-2600. Definitions.

"Aquaculture" means the propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.

"Aquaculture facility" means any land, structure, or other appurtenance that is used for aquaculture, including any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.

"Aquatic organism" means any species or hybrid of aquatic animal or plant, including fish, shellfish, marine fish, and marine organisms as those terms are defined by § .

55.1-507. Definitions

"Agricultural operation" means any operation devoted to the bona fide production of crops, animals, or fowl, including the production of fruits and vegetables of any kind; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity.

3.2-303. Definitions

"Agricultural products" means crops, livestock, and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, aquaculture, commercially harvested wild fish, commercially harvested wild shellfish, and furs.

3.2-6500. Definitions

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

§ 3.2-301. Right to farm; restrictive ordinances.

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no locality shall adopt any ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. Localities may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification. No locality shall enact zoning ordinances that would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety, and general welfare of its citizens. This section shall become effective on April 1, 1995, and from and after that date all land zoned to an agricultural district or classification shall be in conformity with this section.

Proposed Changes:

Reasoning:

A differentiation in the laws regarding fresh water aquaculture and oyster aquaculture should be addressed, as they are different in nature and scale.

Changes should be made to set back requirements for aquaculture regarding amount of aquaculture done. If aquaculture is done on less than an acre of surface area (a pond less than an acre in surface area, recirculating systems less than an acre in surface area) the resident should be allowed a by right without setback requirements in agriculture zoning.

Proposed Amendment:

"Aquaculture should be allowed on 5 or more acres of land with no setback requirements, provided that less than 1 acre of surface area or less is devoted to aquaculture. Surface area is defined as a square footage of a pond or aquaculture facility. If more than 1 acre or surface area is used for aquaculture, setback requirements are in place"

Proposed Text Amendment ZA24-01 – Article 4, Table 4.1 – Aquaculture without processing

Staff Report

Advertisement ran in both the Tidewater Review and Rappahannock Times in their November 13th and November 20th editions.

David Fox submitted a completed text amendment application to the Planning & Zoning Department on October 15, 2024.

Currently, Table 4.1 of Article 4 states that, “Aquaculture (includes shipping/transporting onsite. No processing takes place on site) may be permitted by approved conditional use permit in the Agricultural, General Business 1, General Business 2, Light Industrial, and Industrial zoning districts.” Also, “All storage of material/product/equipment and structures must be a minimum of 150 feet from all property lines and must maintain a 100-foot natural vegetative buffer at all times. The required vegetative buffer shall be measured from the property line and outside of the resource protection area. Packaging of whole organisms via refrigeration, on ice or by other means for transport to market or off-site processing shall be permitted. Processing, including the shucking of shellfish, “picking” of crabs, cleaning of fish, etc. shall not be permitted on site. Requires all federal and state agency approvals.”

15.2-2288 of the State Code of Virginia, Localities may not require a special use permit for certain agricultural activities.

“A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural products as defined in § 3.2-6400, including silviculture products, but shall not include the processing of agricultural or silviculture products, the above

ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act. However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. Nothing herein shall require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section.”

This means that our current ordinance, which requires a conditional use permit in the agricultural zoning district to conduct aquaculture without processing on site, is not compliant with state code. Such use must be permitted as a by right use, however as noted in 15.2-2288, a locality may adopt setbacks and/or minimum area requirements for such use.

3.2-6400 of the State Code of Virginia defines agricultural products as “any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.”

Beginning in 2010, when the Commission was in the process of re-writing the zoning ordinance, consideration was given for the raising of animals/livestock by establishing minimum acreage requirements and necessary setbacks from neighboring properties. Consideration was also given to the fact that animals produce waste, attract insects, emits an odor, and make noises. Not to exclude the fact that animals/livestock needs space for grazing and movement.

Per King & Queen County Zoning Ordinance, Article 4, Table 4.1, Animal raising/farm has the following conditions in the Agricultural zoning district:

Stables and other facilities used for keeping horses or livestock shall be at least 100 feet from all property lines, at least 100 feet from the owner's residence and at least 150 feet from any adjacent land owner's residence.

Stables and other facilities used for keeping horses or livestock must be located on a lot in the agricultural or rural residential zoning district that is at least five acres in size.

On a five-acre lot in the agricultural or rural residential zoning district, there may be up to a total of two of any of the following animals: horses, ponies, cows, or bison, or a total of five of any of the following animals: sheep, goats, swine, llamas or alpacas. For every acre in addition to the first five acres, there may be a total of one additional: horse, pony, cow or bison or a total of three sheep, goats, swine, llamas or alpacas. This limitation does not apply to lots ten acres or larger in an agricultural zoning district.

Poultry (includes fowl, ducks and other birds kept for the production of eggs for domestic consumption, specifically excluding roosters, geese, guinea fowls, turkeys and peafowl) may be permitted on an agricultural zoned parcel less than five acres in size, having no more than ten birds per parcel as a by-right use.

For parcels greater than five acres in size and zoned agricultural, there is no limit on the number or type of poultry unless it meets the requirements of intensive livestock, see article 23.

In other localities, there may or may not be regulations similar to those of King & Queen County as it relates to agricultural uses, setbacks, and acreages. With that being said, it certainly doesn't mean that King and Queen should do away with the setbacks and acreages set forth in the county ordinance today simply because our neighbors may or may not have such requirements for farming/livestock keeping/aquaculture.

You may recall the time when our surrounding localities were considering adopting land use, to help preserve farm land in their communities. In fact, many of our neighbors ultimately decided to adopted land use. King and Queen County decided not to adopt land use. If you were to ask those localities that did adopt land use if they still stand behind their decision, most would tell you that they wished that they had not done so. (*Information confirmed by our Commissioner of the Revenue*) The point here is that King & Queen has never been one to follow what others may do. King & Queen has always done what they felt was in the best interest of the County as a whole and not a select few.

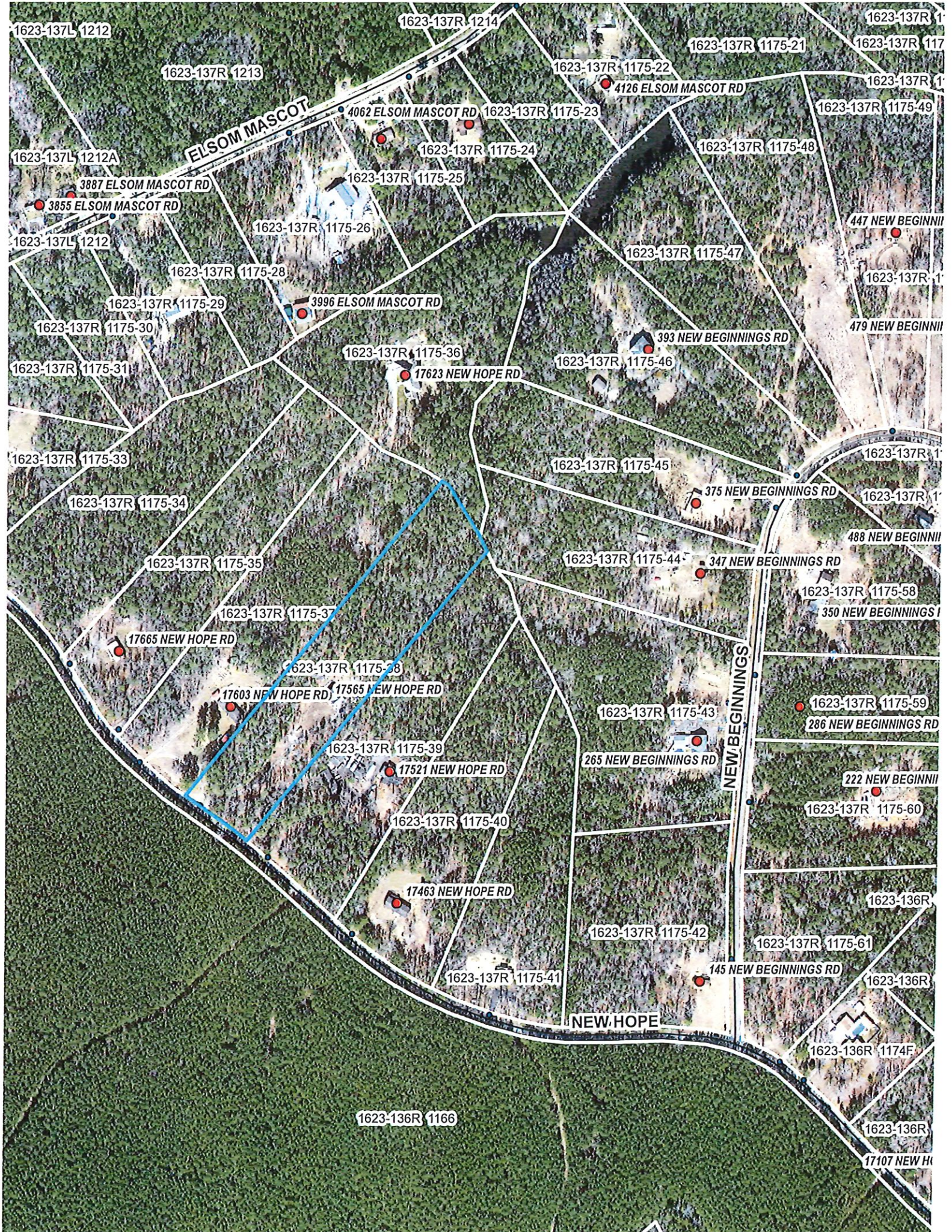
It is of staff's opinion, that being consistent with the current ordinances regarding the keeping of animals/livestock/farming, setbacks and minimum area should be provided for aquaculture uses as well. Staff agrees that a text amendment is necessary to allow for aquaculture without processing on site, in the agricultural zoning district, as a by-right use rather than by a conditional use permit, as required by state law.

Applicants requested text amendment below:

<p>Aquaculture (includes shipping/transporting onsite. No processing takes place on site)</p>	<p>C</p>				<p>C</p>	<p>C</p>	<p>C</p>	<p>C</p>	<p>Aquaculture may be allowed on a 5-acre parcel or greater with no setback requirements, provided that 1 acre of surface area or less is devoted to aquaculture. Surface area is defined as the square footage of a pond or aquaculture facility. If more than 1 acre of surface area is used for aquaculture, All storage of material/product/equipment and structures must be a minimum of 150 feet from all property lines and must maintain a 100-foot natural vegetative buffer at all times. The required vegetative buffer shall be measured from the property line and outside of the resource protection area.</p> <p>Packaging of whole organisms via refrigeration, on ice or by other means for transport to market or off site processing shall be permitted. Processing, including the shucking of shellfish, "picking" of crabs, cleaning of fish, etc. shall not be permitted on site. Requires all federal and state agency approvals.</p>
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Staff's suggested text amendment below:

<p>Aquaculture (includes shipping/transporting onsite. No processing takes place on site)</p>	<p>€ R</p>					<p>C</p>	<p>C</p>	<p>C</p>	<p>C</p>	<p>All storage of material/product/equipment and structures must be a minimum of 150 feet from all property lines and must maintain a 100-foot natural vegetative buffer at all times. The required vegetative buffer shall be measured from the property line and outside of the resource protection area. Packaging of whole organisms via refrigeration, on ice or by other means for transport to market or off site processing shall be permitted. Processing, including the shucking of shellfish, "picking" of crabs, cleaning of fish, etc. shall not be permitted on site. Requires all federal and state agency approvals.</p>
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1623-137L 1212

1623-137R 1214

1623-137R 1175-21

1623-137R 117

1623-137R 1213

1623-137R 1175-22

1623-137R 1175-49

ELSON MASCOT

4062 ELSON MASCOT RD

1623-137R 1175-23

1623-137R 1175-24

1623-137L 1212A

3887 ELSON MASCOT RD

1623-137R 1175-24

1623-137R 1175-48

3855 ELSON MASCOT RD

1623-137R 1175-25

1623-137L 1212

1623-137R 1175-26

1623-137R 1175-47

447 NEW BEGINNINGS RD

1623-137R 1175-28

3996 ELSON MASCOT RD

393 NEW BEGINNINGS RD

479 NEW BEGINNINGS RD

1623-137R 1175-29

1623-137R 1175-36

1623-137R 1175-46

1623-137R 1175-30

1623-137R 1175-30

1623-137R 1175-31

17623 NEW HOPE RD

1623-137R 1175-33

1623-137R 1175-45

1623-137R 1175-45

1623-137R 1175-34

375 NEW BEGINNINGS RD

1623-137R 1175-45

1623-137R 1175-35

1623-137R 1175-44

488 NEW BEGINNINGS RD

17665 NEW HOPE RD

17603 NEW HOPE RD

17565 NEW HOPE RD

1623-137R 1175-58

350 NEW BEGINNINGS RD

1623-137R 1175-38

1623-137R 1175-43

1623-137R 1175-59

286 NEW BEGINNINGS RD

1623-137R 1175-39

265 NEW BEGINNINGS RD

222 NEW BEGINNINGS RD

17521 NEW HOPE RD

1623-137R 1175-40

NEW BEGINNINGS

1623-137R 1175-60

17463 NEW HOPE RD

1623-137R 1175-42

1623-137R 1175-61

1623-136R

1623-137R 1175-41

NEW HOPE

145 NEW BEGINNINGS RD

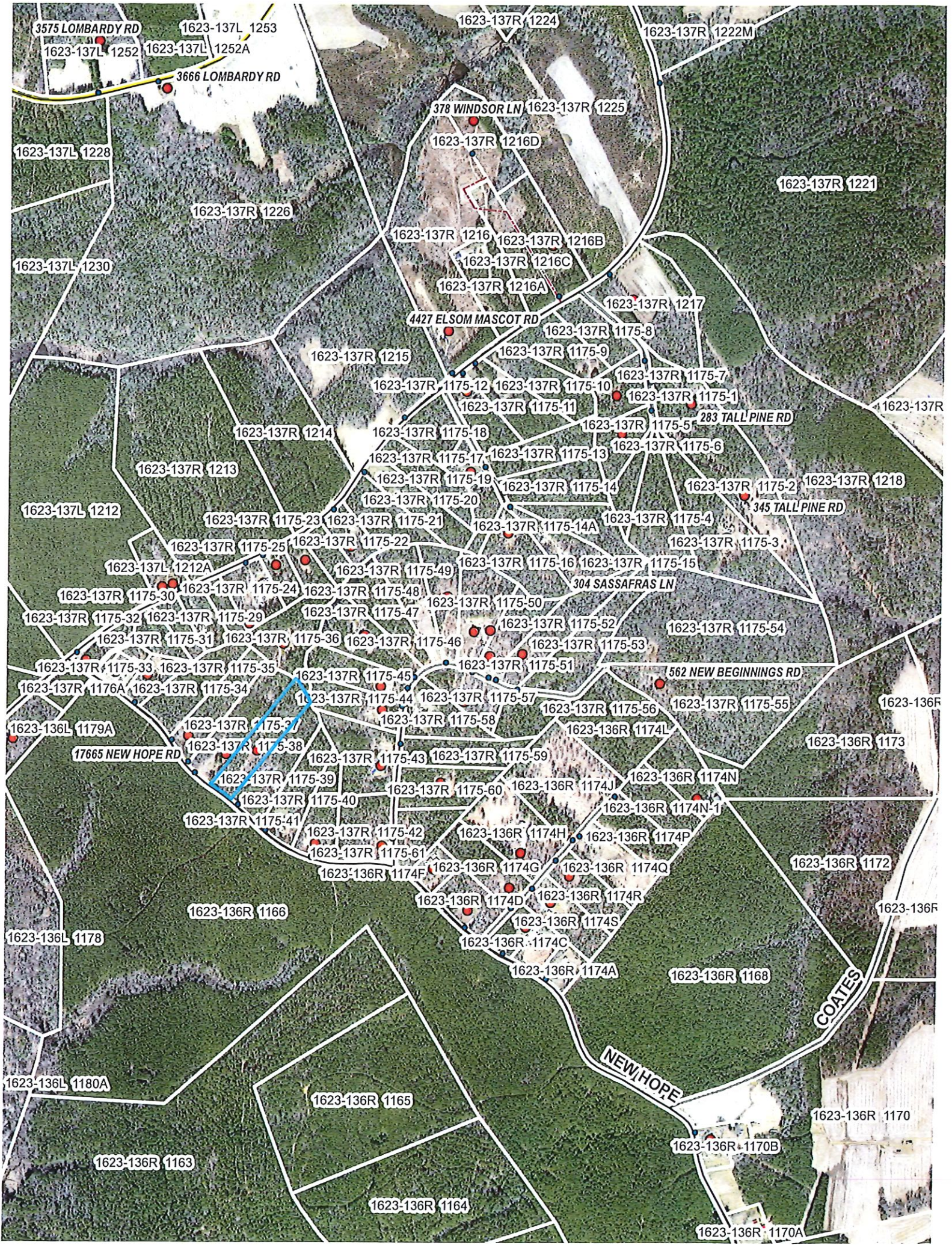
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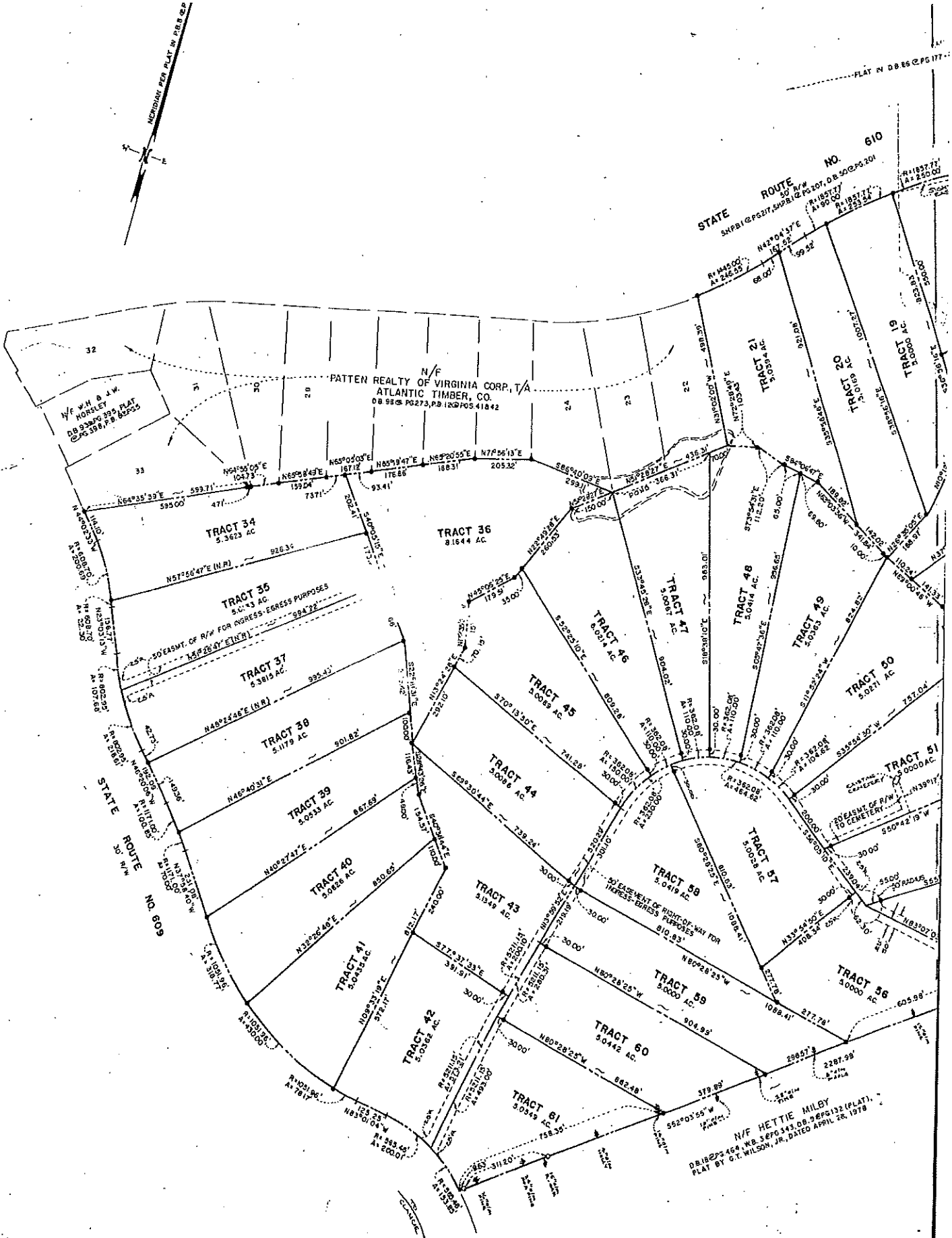
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17107 NEW HOPE RD



Book 12 Page 44

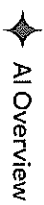


I CERTIFY THAT THIS PERIMETER SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUBJECT TO EASEMENTS, SERVITUDES, AND COVENANTS OF RECORD.

CERTIFIED LAND SURVEYOR

GENERAL NOTES:

1. * - IRON ROD FOUND
 ○ - IRON PIPE FOUND
 # - IRON PIPE OR ROD SET
 N/F - NOW OR FORMERLY
 O/M - OLD MARK
2. THE LAND DELINEATED HEREON IS LOCATED ON COUNTY TAX MAP NO. 178-175L AS PARCEL NO. 1175 & 1176
3. PROPERTY REF: DB 98PG 273, PB 12C, PGS 41 & 42.
4. NOT ALL STRUCTURES & UTILITIES LOCATED AS PART OF THIS SURVEY.
5. TOTAL NO. OF TRACTS: 31
 TOTAL AREA: 314,051 ACRES.
6. THERE IS A 30' UTILITY EASEMENT ALONG THE ADJOINING STATE ROAD.
7. PROPERTY LINE IS CENTER LINE OF 30' UTILITY EASEMENT ALONG SIDE & REAR LOT LINES.
8. THERE IS A 15' ALL RIGHTS OF EGRESS.

[AI Overview](#)[Learn more](#)

Yes, aquaculture operations can smell: [↗](#)

Fishy odor

Fish farms can smell fishy due to a combination of volatile compounds that are released when aquatic animals die. [↗](#)

Earthy, musty, or moldy odor

This odor can come from geosmin, a metabolite produced by blue-green algae or actinomycetes. [↗](#)

Rotten fish odor

This odor can come from 2-methylisoborneol (MIB), another metabolite produced by microorganisms in aquaculture ponds. [↗](#)

Muddy soil odor

This odor can occur in land-based fish farms due to high concentrations of bacteria. [↗](#)

The smell of aquaculture operations can have a negative impact on consumers, who may be less likely to buy fish that tastes or smells bad. [↗](#)

To reduce odor in aquaculture operations, you can try:

Water changes

Periodically replace some of the water with fresh, dechlorinated water to dilute nutrients and remove excess organic matter.

Aeration

During water changes, ensure there is adequate aeration to minimize stress on fish and promote microbial activity. [↗](#)

Poor odour and taste in salmon is a challenge for the farming industry

Mar 1, 2024 — The smell of a rainy day in the forest where the ground is soaked. Now imagine that the same odour is in the...

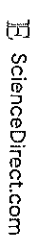


Nordforsk

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Review Research progress of fishy odor in aquatic products

For example, fishy odor occurs in the muscle tissue of aquaculture animals, which seriously affects the acceptability ...

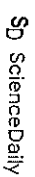


ScienceDirect.com

:

A good nose in service of science: When fish smells 'fishy'

Dec 15, 2016 — Disadvantages of fish farms However, there is one clear disadvantage to farm-raised fish from the consumer...



ScienceDaily

:

[Show all](#)

Generative AI is experimental.



It's described as the smell of "muddy soil". This is because there is a high concentration of bacteria in land-based fish farms, which can cause an unwanted odour that settles in the fish and is difficult to get rid of.

Mar 1, 2024



NordForsk

<https://www.nordforsk.org> › news › poor-odour-and-tast... :

Poor odour and taste in salmon is a challenge for the farming ...



About featured snippets · Feedback

People also ask :

What does an operation smell like?

What are the downsides of aquaculture?

What are the environmental risks of aquaculture?

What are the pros and cons of offshore aquaculture?

Feedback



Reddit · r/PacificNorthwest
20+ comments · 2 years ago :

Fish farms - they smell bad, spread disease and water ...


Fish farms - they smell bad, spread disease and water around it seemed murky . I read Alexandra Morton's "Not On My Watch" after i finished ...

do fish aquariums give off a slight smell even if it and ... - Reddit Mar 6, 2019

Issue with tank **smelling** bad after feeding? : r/Aquariums

May 9, 2019

More results from www.reddit.com

 ScienceDirect.com

<https://www.sciencedirect.com/article/abs/pii/> :

Review Research progress of fishy odor in aquatic products

by L Liu · 2024 · Cited by 24 — The invasion of proteolytic bacteria caused by the death or injury of an **aquaculture** animal produces a pungent, irritating, and metallic **odor** during storage (...

Missing: **operation** | Show results with: operation



Nation's Restaurant News

<https://www.nrn.com/seafood-trends/taking-sink-ou...> :

Taking the stink out of farmed fish

Mar 26, 2019 — Many **aquaculture** products are now rated "yellow" by the Monterey Bay Aquarium's Seafood Watch, which rates seafood fisheries and farms as green or "best ...



The Fish Site

<https://thefishsite.com/articles/removing-the-smell-c...> :

Removing the Smell: Could Odourless Fish Take off in ...

Nov 1, 2016 — But making fishmeal generates odours, and the substances in the vapour from fish handling and processing **operations**, such as fishmeal ...



projects.au.dk

<https://projects.au.dk/projects/au.dk/NordForsk> :

Taste & Odor issues in Aquaculture - NordForsk

The primary reason for the **odors** is microbial activity which causes an aqueous accumulation of the metabolites Geosmin (GSM) and 2-Methylisoborneol (MIB).



Quora

<https://www.quora.com/Why-does-fish-sauce-smell-so...> :

Why does fish sauce smell so bad?

The fishy **smell** is due to a compound called TRIMETHYLAMINE. It is protein degraded product.


Fish proteins are easily degraded mainly by ...

4 answers · Top answer: It ruins almost everything I add it to, to the point that I honestly wonde...

Missing: **operation**

Undesirable odour substances (geosmin and 2- ...


by ME Abd El-Hack · 2022 · Cited by 33 — Geosmin and 2-MIB, detected at extremely low odour thresholds, are the most widespread off-flavour metabolites in aquaculture, entering...

 Quora
https://www.quora.com › Why-does-cooked-fish-somet... :

Why does cooked fish sometimes smell like ammonia?

The "ammonia" odor you describe is actually caused by trimethylamine. All fish and many other marine animals contain trimethylamine N-oxide (TMAO).

3 answers · Top answer: If your fish smells like ammonia, don't eat it! It is bad. Fish contains a ...
Missing: ~~aquaculture operation~~

 The Kathmandu Post
https://kathmandupost.com › opinion › 2017/02/19 › a... :

Aquaculture smells fishy

Feb 19, 2017 — Farmed fish are hosts for harmful entities such as sea lice, viruses, chemicals, antibiotic residues, and antibiotic-resistant bacteria.

Missing: ~~operation~~ | Show results with: operation

People also search for :

Does an aquaculture operation smell like fish  Trimethylamine



Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2288. Localities may not require a special use permit for certain agricultural activities.

A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural products as defined in § [3.2-6400](#), including silviculture products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act. However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. Nothing herein shall require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section.

Code 1950, § 15-968.5; 1962, c. 407, § 15.1-491; 1964, c. 564; 1966, c. 455; 1968, cc. 543, 595; 1973, c. 286; 1974, c. 547; 1975, cc. 99, 575, 579, 582, 641; 1976, cc. 71, 409, 470, 683; 1977, c. 177; 1978, c. 543; 1979, c. 182; 1982, c. 44; 1983, c. 392; 1984, c. 238; 1987, c. 8; 1988, cc. 481, 856; 1989, cc. 359, 384; 1990, cc. 672, 868; 1992, c. 380; 1993, c. 672; 1994, c. [802](#); 1995, cc. [351](#), [475](#), [584](#), [603](#); 1996, c. [451](#); 1997, c. 587; 2012, c. [455](#); 2014, c. [435](#).



Virginia Agricultural Operations Right to Farm Act

Virginia's Right to Farm Act is intended to protect farmers from nuisance suits if they follow the law and best management practices. The Act is a prohibition on nuisance lawsuits against responsible farmers by ensuring that such farms are appropriately protected from baseless claims of nuisance and from significant and unfair judgments, when such claims may be appropriate. The Act limits the local government from requiring restrictive zoning practices and special permits for farms.

Concerning local government and restrictive ordinances

- A locality cannot adopt any ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification.
- Localities may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification.
- No locality shall enact zoning ordinances that would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety, and general welfare of its citizens.

When agricultural operations do not constitute nuisance

- Protects a farm unless it has failed to substantially comply with best management practices and with laws and regulations. This protects farmers from legal exposure due to insignificant or unrelated mistakes.
- Protects farmers, contract growers, and other contract partners of the farming operation.
- **Does not** protect farms from claims other than nuisance, such as negligence.
- Act does have exceptions allowing nuisance suits in certain cases of pollution or a change in condition of waters.

Parameters for Appropriate Nuisance Claims against Farms

- Only individuals with an ownership interest in the impacted property can bring a nuisance suit.
- Property owners that knew or should have known they are moving next to a farming operation cannot sue for a perceived nuisance related to the farming operation.

Damages in Nuisance Suits to be focused on Property Value

- For a permanent nuisance, compensatory damages are measured by the reduction in fair market value of the property.
- For a temporary nuisance, compensatory damages are measured by the reduction in the fair rental value of the property.
- Damages cannot exceed the fair market value of the property, even in multiple suits.

Right to Farm Statutes



Title 3.2. Agriculture, Animal Care, and Food

Chapter 3. Right to Farm

§ 3.2-300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

§ 3.2-301. Right to farm; restrictive ordinances.

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no locality shall adopt any ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. Localities may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification. No locality shall enact zoning ordinances that would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety, and general welfare of its citizens. This section shall become effective on April 1, 1995, and from and after that date all land zoned to an agricultural district or classification shall be in conformity with this section.

§ 3.2-302. When agricultural operations do not constitute nuisance.

A. No agricultural operation or any of its appurtenances shall be or become a nuisance, private or public, if such operations are conducted in substantial compliance with any applicable best management practices in use by the operation at the time of the alleged nuisance and with any applicable laws and regulations of the Commonwealth relevant to the alleged nuisance. No action shall be brought by any person against any agricultural operation the existence of which was known or reasonably knowable when that person's use or occupancy of his property began.

The provisions of this section shall apply to any nuisance claim brought against any party that has a business relationship with the agricultural operation that is the subject of the alleged nuisance.

The provisions of this section shall not apply to any action for negligence or any tort other than a nuisance.

For the purposes of this subsection, "substantial compliance" means a level of compliance with applicable best management practices, laws, or regulations such that any identified deficiency did not cause a nuisance that created a significant risk to human health or safety. Agricultural operations shall be presumed to be in substantial compliance absent a contrary showing.

B. The provisions of subsection A shall not affect or defeat the right of any person to recover damages for any injuries or damages sustained by them on account of any pollution of, or change in condition of, the waters of any stream or on the account of any overflow of lands of any such person.

C. Only persons with an ownership interest in the property allegedly affected by the nuisance may bring an action for private nuisance. Any compensatory damages awarded to any person for a private nuisance action not otherwise prohibited by this section, where the alleged nuisance emanated from an agricultural operation, shall be measured as follows:

1. For a permanent nuisance, by the reduction in fair market value of the person's property caused by the nuisance, but not to exceed the fair market value of the property; or
2. For a temporary nuisance, by the diminution of the fair rental value of the person's property.

The combined recovery from multiple actions for private nuisance brought against any agricultural operation by any person or that person's successor in interest shall not exceed the fair market value of the subject property, regardless of whether any subsequent action is brought against a different defendant than any preceding action.

D. Notwithstanding subsection C, for any nuisance claim not otherwise prohibited by this section, nothing herein shall limit any recovery allowed under common law for physical or mental injuries that arise from such alleged nuisance and are shown by objective and documented medical evidence to have endangered life or health.

E. Any and all ordinances of any unit of local government now in effect or hereafter adopted that would make the operation of any such agricultural operation or its appurtenances a nuisance or providing for abatement thereof as a nuisance in the circumstance set forth in this section are and shall be null and void.



Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2288. Localities may not require a special use permit for certain agricultural activities.

A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural products as defined in § 3.2-6400, including silviculture products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act. However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. Nothing herein shall require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section.

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:

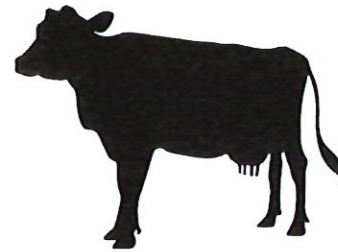
1. Agritourism activities as defined in § 3.2-6400;
2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;
3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-5130 or related state laws and regulations; or
4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the authority of any locality under Title 58.1.



Farm Wineries

§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.



Related Code Sections

Chapter 64. Agritourism Activity Liability

§ 3.2-6400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural products" means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. "Agritourism professional" means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

"Farm or ranch" means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

"Inherent risks of agritourism activity" mean those dangers or conditions that are an integral part of an agritourism activity including certain hazards, including surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

"Participant" means any person, other than an agritourism professional, who engages in an agritourism activity.

§ 3.2-6401. Liability limited; liability actions prohibited.

A. Except as provided in subsection B, an agritourism professional is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities, so long as the warning contained in § 3.2-6402 is posted as required and, except as provided in subsection B, no participant or participant's representative is authorized to maintain an action against or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities; provided that in any action for damages against an agritourism professional for agritourism activity, the agritourism professional shall plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

B. Nothing in subsection A shall prevent or limit the liability of an agritourism professional if the agritourism professional does any one or more of the following:

1. Commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant;

2. Has actual knowledge or reasonably should have known of a dangerous condition on the land or in the facilities or equipment used in the activity, or the dangerous propensity of a particular animal used in such activity and does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant; or

3. Intentionally injures the participant.

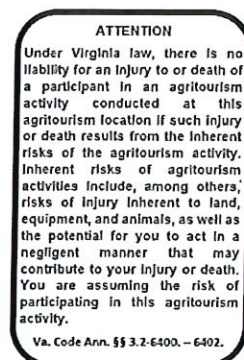
C. Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

§ 3.2-6402. Notice required.

A. Every agritourism professional shall post and maintain signs that contain the notice specified in subsection B. The sign shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The notice shall consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, shall contain in clearly readable print the notice specified in subsection B.

B. The signs and contracts described in subsection A shall contain the following notice: "WARNING" or "ATTENTION" followed by "Under Virginia law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity."

C. Failure to comply with the requirements concerning signs and notices provided in this section shall prevent an agritourism professional from invoking the privileges of immunity provided by this chapter.



§ 3.2-6400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural products" means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

"Agritourism professional" means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

"Farm or ranch" means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

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"Participant" means any person, other than an agritourism professional, who engages in an agritourism activity.

2006, c. 710, § 3.1-796.137; 2008, c. 860; 2020, c. 411.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

8/12/202


Virginia Law Library

The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in EPub eBook format. 

Helpful Resources

[Virginia Code Commission](#)
[Virginia Register of Regulations](#)
[U.S. Constitution](#)

For Developers

The Virginia Law website data is available via a web service. 



Aquaculture Text Amendment

David Fox

M.S. Aquaculture and Aquatic Sciences

What is aquaculture

- Raising of aquatic or semi aquatic organisms in a controlled or semi controlled environment.
- Like agriculture, but instead of soil, water is the medium of growth
- Different requirements from agriculture. Also different limitations

Benefits of aquaculture

- Fish is a healthy and cheap source of protein
- Ponds and other bodies of water otherwise not used can be used for food production
- Multiple species can be grown in one area

Some more facts

- Oyster aquaculture is the dominant form of aquaculture in coastal Virginia.
- Oysters are grown near or in bodies of water of higher salinity.
- Dependent on a natural water source to achieve conditions beneficial to rearing of animal

Some more facts

- Freshwater aquaculture is done without a need to be near a coastal body of water
- Culturing is done in ponds or in recirculating systems
- Fin fish such as catfish and tilapia and shell fish such as prawns are produced, but other species can be grown including native fish.

Differences between agriculture and aquaculture

- Aquaculture is done in water (aqua) while agriculture is done on land in soil (agri)
- Freshwater aquaculture in itself is a contained system. Unless catastrophic failure of a system occurs, animals and water are not entering the surrounding environment except through water exchanges.
- Aquaculture is a 3D environment. While livestock such as cattle and sheep move forward back, side to side, fish move in these directions as well as up and down in their environment.

Small scale versus large scale

- Large scale operations can take up a large amount of land with several ponds and buildings housing system.



Small scale versus large scale

- Small scale aquaculture can be done in farm ponds and barns/garages.



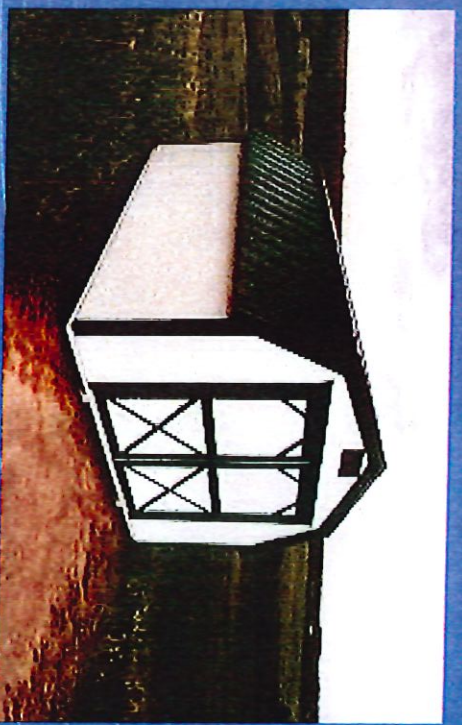
Large scale

- An operation of large scale is obvious. You know that fish are being farmed



Small Scale

- Do you really know aquaculture is happening in a small scale system?



Current laws for K&Q

- 100 foot set back with 50 foot vegetative buffer. 150 feet total setback
- Conditional use permit for any facility requiring processing.
- All bordering counties to King and Queen have a by right for aquaculture in agriculture zoning with no set backs requirement.

Virginia State Law

- **3.2-2600. Definitions.**
- "Aquaculture" means the propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.
- "Aquaculture facility" means any land, structure, or other appurtenance that is used for aquaculture, including any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.
- "Aquatic organism" means any species or hybrid of aquatic animal or plant, including fish, shellfish, marine fish, and marine organisms as those terms are defined by §28.2-100.

Virginia State Law

- **55.1-507. Definitions**
- Agricultural operation " means any operation devoted to the bona fide production of crops, animals, or fowl, including the production of fruits and vegetables of any kind; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity.
- **3.2-303. Definitions**
- "Agricultural products" means crops, livestock, and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, aquaculture, commercially harvested wild fish, commercially harvested wild shellfish, and furs.
- **3.2-6500. Definitions**
- Animal" means any nonhuman vertebrate species except fish. For the purposes of §3.2-6522, animal means any species susceptible to rabies. For the purposes of §3.2-6570 , animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Virginia State Law

- **§ 3.2-301. Right to farm; restrictive ordinances.**

- In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no locality shall adopt any ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. Localities may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification. No locality shall enact zoning ordinances that would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety, and general welfare of its citizens. This section shall become effective on April 1, 1995, and from and after that date all land zoned to an agricultural district or classification shall be in conformity with this section.

Reason for change request

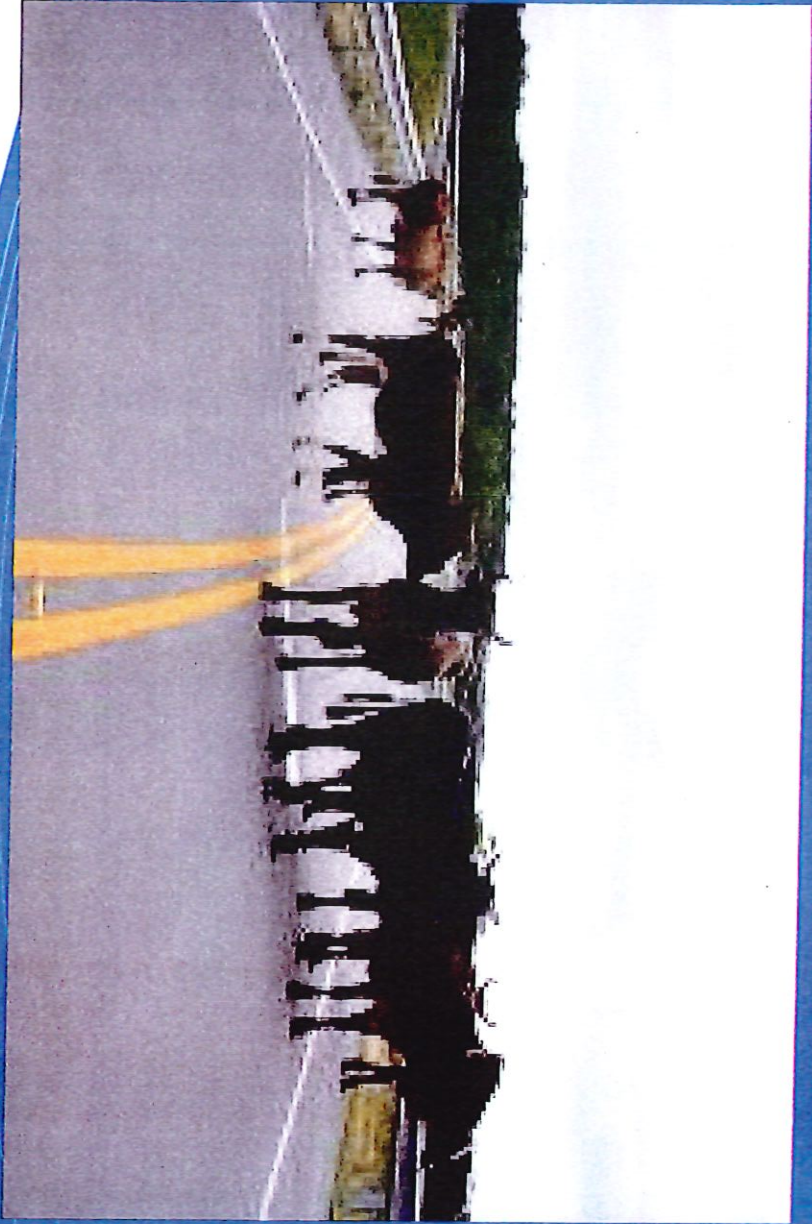
- Current set back requirements are restricting without reasoning behind rules.
- Aquaculture and agriculture are inherently different and agriculture setback requirements shouldn't apply to aquaculture set back requirements, especially for small scale operations.
- Adjustments can be made that allow for small scale operations in King and Queen county.

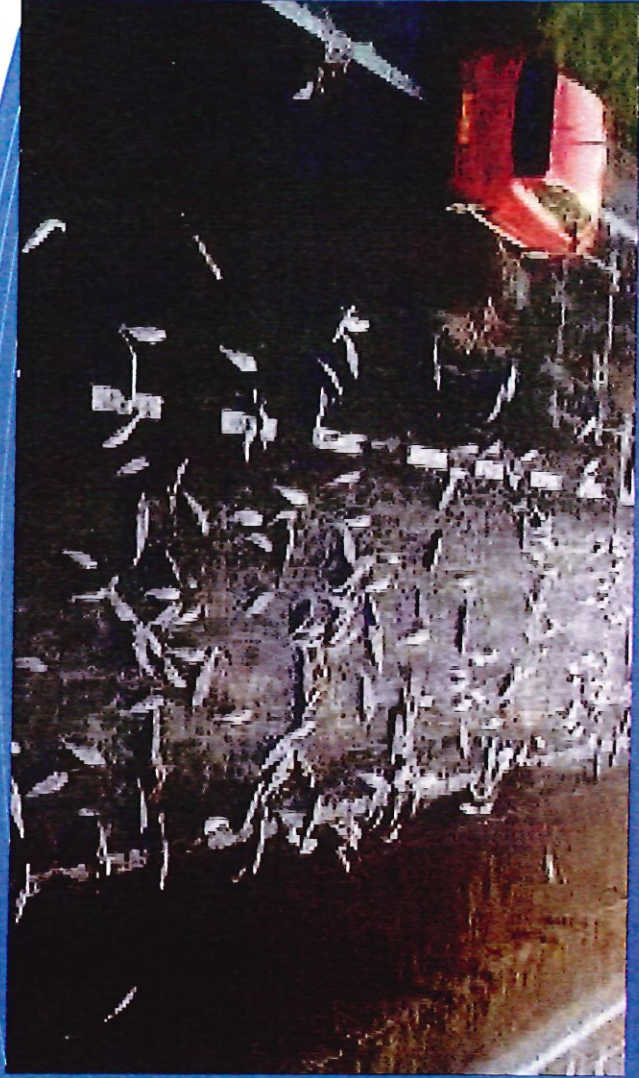
Example of other adjustments in K&Q code

- Certain amount of live stock is allowed for certain amount of acres i.e. someone can have two heads of cattle on land between 5-10 acres, after that more heads of cattle can be kept.
- Adjustments and amendments to the code can be made regarding aquaculture on a small scale as well.

Fish are not free range

- They are confined to their environment. A structure that houses aquaculture systems or a pond is where the fish live. They are not let out onto a field to graze. This reduces impact to the environment.
- If a fish escapes its system, it dies.





Proposed changes

- Large scale operations should still have to abide by rules set in place to preserve aesthetics of the area.
- Large scale operations can be loud, so setbacks are fair.
- Small scale operations should not be limited to set backs.
- A person should be able to farm fish in a controlled environment for personal consumption or supplemental income on a small scale.
- Current laws in place seem to be geared towards oyster aquaculture.

What I Propose

- A differentiation in the laws regarding fresh water aquaculture and oyster aquaculture should be addressed, as they are different in nature and scale.
- Changes should be made to set back requirements for aquaculture regarding amount of aquaculture done. If aquaculture is done on less than an acre of surface area (a pond less than an acre in surface area, recirculating systems less than an acre in surface area) the resident should be allowed a by right without setback requirements.

Proposed Text Amendment

“Aquaculture should be allowed on 5 or more acres of land with no setback requirements, provided that less than 1 acre of surface area is devoted to aquaculture. Surface area is defined as a square footage of a pond or aquaculture facility. If more than 1 acre of surface area is used for aquaculture, setback requirements are in place”

How this will benefit the county

- Residents of King and Queen county may grow a cheap and nutritional source of protein in a way that does not harm the aesthetics of the area or their neighborhood.
- Farmers can use farm ponds to generate an additional source of food or income, regardless of where that pond is located on the property.
- Barns and sheds near property lines can be used for recirculating systems and aquaponics.

Questions, Comments, Concerns

David Fox

760-519-3116

david.fox1991@outlook.com

KING & QUEEN COUNTY
Land Development Application
Planning & Zoning Department

(804) 785-5985
(804) 769-0511
Fax: (804) 785-5999

(Please print in ink or use a typewriter)

Applicant: King and Queen County Zoning & Planning Department

Applicant's Address: P.O. Box 177, King and Queen Courthouse, VA 23085

Agent (Contact Person): Donna E. Sprouse, Community Dev. Dir. Phone: 785-5975

Agent's Company: King and Queen County Zoning & Planning Department

Agent's Address: P.O. Box 177, King and Queen Courthouse, VA 23085

Current Property Owner: N/A

Owner's Address: N/A

Correspondence to be sent to: Applicant Owner Agent Other

Tax Map/Parcel Number: N/A Magisterial District: N/A

General Project Location: N/A

Size of request site: N/A

Are Proffer's Being offered along with this Application: YES or NO

If so please Attach.

Check Appropriate Request:

Zoning Administrator

- :Site Plan (Level 1)
- :1-2 Lot Subdivision Approval
- :Estate Subdivision Review

Planning Commission

- :Site Plan (Level 2)
- :Section 15.1-455
- :Other

Planning Commission & Board of Supervisors

- :Rezoning
- :Conditional Use Permit
- :Zoning Ordinance Text Amendment
- :Subdivision Ordinance Text Amendment
- :Site Plan (Level 3)
- :Other

Board of Zoning Appeals

- :Administrative Appeal
- :Variance
- :Special Exception
- :Other

Complete As Applicable:

Name of Subd'n, Development, or Proposal: Zoning Text Amendment

Proposal/Request: Article 4, Table 4.1

Reason for request: Energy generation facility by natural resources
and computer data processing centers, to allow by CUP in
the Agricultural zoning district.

Applicant: The information provided is accurate to the best of my knowledge. I acknowledge that any percolation tests, topographic studies, or other requirements of the Health Official or the Zoning Administrator will be carried out at my expense. I understand that the County may deny, approve, or conditionally approve that for which I am applying. I certify that all property corners have been clearly staked and flagged.

Applicant's Signature: _____ **Date:** _____

Owner: I have read this completed application, understand its content, and freely consent to it's filing. If this application is for the purpose of subdivision, further subdivision of this property will require a new application and approval by the Board of Supervisors. Furthermore, I grant permission to the zoning administrator and the other County Officials to enter the property and make such investigations and tests as they deem necessary.

Owner's Signature: _____ **Date:** _____

Abbreviated Description of Uses	A	RS	RR	RG	LB	GB1	GB2	LI	I	Comments / Footnotes
Energy Generation Facility (By Natural Resources Only)	C								C	NATURAL RESOURCES FOR THE PURPOSE OF THIS SECTION INCLUDE ONLY WIND, WATER AND SUN. "REMOVED AS A PERMITTED USE IN THE AGRICULTURAL ZONING DISTRICT, TO ALLOW TIME TO DRAFT A SEPARATE ENERGY GENERATION FACILITY BY NATURAL RESOURCES ORDINANCE AS WE CONTINUE TO LEARN MORE FROM OTHER LOCALITIES AND AGENCIES. "NOTE THIS DOES NOT APPLY TO SINGLE FAMILY RESIDENTIAL ON-SITE USE ENERGY GENERATION FACILITIES AS PERMITTED BY LAW."
Energy Generation Facility									C	
Fiberglass Molding & Construction							C	R	R	
Laboratory (testing, medical, scientific, pharmaceutical)								C	C	
Manufacturing									C	
Machine and welding shop							C	R	R	
Mineral Resource Processing									C	MINERAL RESOURCE PROCESSING IS DEFINED AS ACTION TO CHANGE THE MATERIAL FROM THE FORM FROM WHICH IT WAS EXTRACTED FROM THE EARTH SUCH AS CRUSHING, DYEING, OR IN ANY WAY CHEMICALLY TREATING THE MATERIAL, ALTERING ITS STRUCTURE,

Abbreviated Description of Uses	A	RS	RR	RG	LB	GB1	GB2	LI	I	Comments / Footnotes
Clothing Store						R	R			NO STORAGE OR DISPLAY OF ANY KIND MAY BE WITHIN THE FRONT 50', MEASURED FROM THE EDGE OF THE ROAD OR WITHIN 50' TO A RESIDENTIAL USE LOT WITH AN APPROVED FENCE OR VEGETATIVE BUFFER AND 15' TO A COMMERCIAL USE LOT.
Commerce Park (Business)						R	R	R		NO STORAGE OR DISPLAY OF ANY KIND MAY BE WITHIN THE FRONT 50', MEASURED FROM THE EDGE OF THE ROAD OR WITHIN 50' TO A RESIDENTIAL USE LOT WITH AN APPROVED FENCE OR VEGETATIVE BUFFER AND 15' TO A COMMERCIAL USE LOT.
Commerce Park (Industrial)							C	R	R	NO STORAGE OR DISPLAY OF ANY KIND MAY BE WITHIN THE FRONT 50', MEASURED FROM THE EDGE OF THE ROAD OR WITHIN 50' TO A RESIDENTIAL USE LOT WITH AN APPROVED FENCE OR VEGETATIVE BUFFER AND 15' TO A COMMERCIAL USE LOT.
Commerce Park (Professional Business/Office - No Retail)					R	R	R			
Commercial Equipment & Heavy Equipment Washing Facility							C	R	R	NO STORAGE OR DISPLAY OF ANY KIND MAY BE WITHIN THE FRONT 50', MEASURED FROM THE EDGE OF THE ROAD OR WITHIN 50' TO A RESIDENTIAL USE LOT WITH AN APPROVED FENCE OR VEGETATIVE BUFFER AND 15' TO A COMMERCIAL USE LOT.
Computer and data processing center and services	C					R	R			NO STORAGE OR DISPLAY OF ANY KIND MAY BE WITHIN THE FRONT 50', MEASURED FROM THE EDGE OF THE ROAD OR WITHIN 50' TO A RESIDENTIAL USE LOT WITH AN APPROVED FENCE OR VEGETATIVE BUFFER AND 15' TO A COMMERCIAL USE LOT.
Computer sales and service - retail (includes assembly using pre-manufactured parts)						R	R			NO STORAGE OR DISPLAY OF ANY KIND MAY BE WITHIN THE FRONT 50', MEASURED FROM THE EDGE OF THE ROAD OR WITHIN 50' TO A RESIDENTIAL USE LOT WITH

AGENDA: *Monday, February 3, 2025, PC Meeting*

ITEM #7:

Staff's Comments:

A. Upcoming Applications (if any)

B. Other Comments/Updates (if any)



King and Queen County

Founded 1691 in Virginia

Office of the Zoning Administrator
P.O. Box 177 • King and Queen Court House, Virginia 23085
Phone: (804) 785-5985 • Fax: (804) 785-5999

MEMORANDUM

TO: King & Queen County Board of Supervisors

FROM: Donna Sprouse, Director of Community Development

DATE: November 6, 2024

RE: Quarterly Report for the Planning and Zoning Department

The King & Queen County Zoning and Planning Department is happy to provide the following report regarding the office activity over the last quarter.

Permitting & Inspection Data

The data presented below is only that in which was reviewed/issued between July 2024 – September 2024. This does not include ongoing permits/requests from the prior quarters, other than inspection numbers. Inspection numbers provided below are those that were conducted between July 2024 – September 2024.

Zoning Permits- 29 (decrease from last quarter (32), 7 of those are new homes)
Land Use/Plat Reviews- 12 (same as last quarter (12))
E&S (Land Disturbance)- 8 (decrease from last quarter (10))
WQIA/RPA Requests- 2 (same as last quarter (2))
JPA Reviews- 1 (decrease from last quarter (3))
New Bus. License Reviews- 30 (increase from last quarter (17))
Department Inspections- 252 (increase from last quarter (223))
Violations/Notifications- 11 (increase from last quarter (2))
New Addresses- 7 (decrease from last quarter (17))

GIS & NG-911 Updates

- As I had noted last quarter, 911 Net is a new system from what is currently use to upload our GIS data for NG911 (Intrado system). 911 Net is used to update and maintain the 911 MSAG (Master Stret Address Guide) and ALI (Automatic Location Identification) records that was once done through Verizon. Now that we use the AT&T/Intrado system, what was once handled by Verizon is now no longer. I was able to attend an online training provided by Intrado and obtain log in credentials to update the MSAG and ALI database, when needed. After going through this training, it appears that due to the fact that our data is very clean and having one individual to update both the Intrado data and 911 Net data, there's a greater chance of not having errors. Ideally having the same person to do this does eliminate errors. I have found that this additional process is not as time consuming as believed last quarter.

Projects and Applications

- An application was submitted on July 11, 2024, by Strata Solar, on behalf of Dominion Energy, requesting approval of a site plan amendment for Walnut Solar (Part I). The amendment was due to discovered isolated wetlands, which resulted in the entrance location on Pear Tree to be relocated and drainage areas within the parcel to be recalculated. The Walnut Solar, Part I site plan amendment was approved on September 10, 2024.
- Walnut Solar (Part 2) final site plan was approved May 17, 2024. Land disturbance application, bonding documents, DEQ SWM permit, and VDOT approvals were received July 11, 2024. On October 22, 2024, revised site plans for Walnut Part II were received in our office for review. This amendment pertains to BMP design changes. Walnut Solar, Part II is expected to begin site work within the next 30 to 60 days.
- Middle Peninsula Regional Airport's site plan amendment, to allow for the construction of additional hangar buildings, was resubmitted with a reduction in scope and scale. That being the number of hangar buildings and associated E&S and stormwater measures. DEQ and local staff are ready to issue approval of the site plan once DEQ has been able to determine nutrient credits are available for purchase for this project. We are still waiting for the airport to obtain those credits for DEQ approval.
- DEQ Litter Grant awarded to King & Queen this year was \$12,482.99. Due to staffing shortages in the Sheriff's Office, we were not able to utilize the inmates as we have years prior for roadway cleanup. I was able to secure a vendor to have litter picked up on 37 miles of roads throughout the county. On those roads, 197 bags of trash were collected. There were many tires, sofa, stoves, beds, car parts, and used lumber/construction debris collected as well. Travellers Road was noted as being in the worst condition. On September 20, 2024, my performance report for the 2024 grant award was accepted by DEQ.
- DEQ awarded King & Queen a \$11,033.00 litter grant for FY2025. (award letter attached)

- The KQ Comprehensive Plan has been reviewed and updated. The Planning Commission will hold a public hearing during their December meeting to consider those updates. The Board will likely receive the Planning Commission's recommendation the first part of 2025.
- Staff has had several meetings with 2 different utility solar facility developers in the County. Applications are expected within the next 1 to 3 months.
- Mattaponi Sand & Gravel (Cheaney Enterprise folks) hope to have a site plan submitted to our office to operate a sand and gravel mine site off of Spring Cottage Road, which received Conditional Use Permit approval in the early 2000's. Mattaponi Sand and Gravel had determined that the material that was believed to be on the Kay site is simply not what they had hoped. Therefore, Mattaponi Sand and Gravel, at this time, does not have plans to mine the Kay property.
- In October, there has been a request for rezoning, a text amendment and variance, all within a 2-week period.

Other Information

- I had reported last quarter that I was asked by the Rural Planning Caucus of Virginia to speak during this year's fall annual conference at Mountain Lake Lodge in October on zoning enforcement. That presentation went very well, in fact, the same presentation may be used at a future VAZO (Virginia Association of Zoning Officials) conference. There were approximately 60 planning professionals in attendance at this year's RPC conference.
- I attended this year's VAZO (Virginia Association of Zoning Officials) fall annual conference in Charlottesville in September. There were over 100 zoning and planning professionals in attendance.

Meetings

- The King & Queen County Planning Commission met the following dates: 8/5 & 9/3
- Attended the following Middle Peninsula Planning District Commission local planner meetings in Saluda: 8/28 and 9/19.
- July 8, 2024, Met with Jeff Davison & Wade Bailey with Republic Services regarding landfill E&S application/stormwater with the County Administrator
- July 10, 2024, Meeting with solar developer regarding a new application for utility solar with the County Administrator
- July 11, 2024, Meeting with Strata staff regarding Walnut Part I and Part II
- July 15, 2024, Meeting with Dominion regarding Carlton Corner Substation.
- Walnut Solar meetings were held 7/23, 8/15, 8/20, 8/26 and 9/24
- August 12, 2024, Board of Supervisors Meeting with Quarterly Report
- August 12, 2024, Meeting with David Fox regarding text amendment proposal for Aquaculture
- August 12, 2024, briefing regarding MPRA project schedules and status reports with Talbert and Bright (Charles Thacker)

- August 14, 2024, Meeting with Board of Elections and local Registrars regarding DOE error with King William and King & Queen voter districts
- September 24, 2024, Data Center discussions with Dominion Energy staff, about possible study for viable sites in the Middle Peninsula

Trainings

I attended the following trainings via zoom or in person, most of which to obtain continuing education credits for current certifications:

- July 18, 2024, VAZO 1 hr. check in session with fellow planners holding CZA/CZO Certification
- July 24, 2024, FEMA webinar "Planning for a changing climate"
- July 25, 2024, webinar with Hector Alvarez "Code Enforcement Confrontation Management"
- July 30, 31, and August 1st, 2024, DEQ ESC Plan Review
- August 14, 2024, 911 NET training with Intrado
- August 26, 2024, NG911 workflows training with VDEM
- August 4, 2024, FEMA webinar "Historic Preservation Strategies in Hazard Mitigation Planning"
- September 25-27, 2024, Virginia Association of Zoning Official's Fall Conference

Mr. Rellick attended Code Enforcement Confrontation Management training virtually with Hector Alvarez on July 25, 2024.

Mr. Rellick obtained DEQ certification as a Stormwater Management Plan Reviewer on October 30, 2024.

Sprouse, Donna (KQCO)

From: ceds@deq.virginia.gov
Sent: Wednesday, November 6, 2024 12:37 PM
To: Seay, Vivian (KQCO); Sprouse, Donna (KQCO)
Cc: Sprouse, Donna (KQCO)
Subject: FY2025 Non-Competitive Litter Prevention and Recycling Grant



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219
P.O. Box 1105, Richmond, Virginia 23218
(800) 592-5482 FAX (804) 698-4178
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Travis A. Voyles
Acting Secretary of Natural and
Historic Resources

Michael S. Rolband, PE, PWD, PWS
Emeritus, PE, PWD, PWS Emeritus
Director
(804) 698-4020

November 6, 2024

Vivian Seay
County Administrator
King and Queen County, Virginia
242 Allens Circle, Suite L
P.O. Box 177
King & Queen C.H., VA 23085

Dear Vivian Seay:

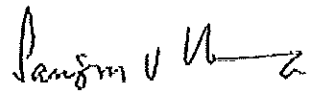
I am pleased to inform you that a total grant award of \$11,033.00 has been approved for the King and Queen County Litter Prevention and Recycling Program activities and the Extended Polystyrene (EPS) campaign for the period of July 1, 2024 to June 30, 2025.

The total grant award amount above includes the following:
Non-Competitive Grant Award: \$11,033.00

Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Prina Chudasama at prina.chudasama@deq.virginia.gov or at (804) 659-1530.

Sincerely,

A handwritten signature in black ink, appearing to read "Sanjay Thirunagari". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sanjay Thirunagari
Programs Manager
Division of Land Protection & Revitalization

AGENDA: *Monday, February 3, 2025, PC Meeting*

ITEM #8:

Commissioner's Comments:

Planning Commission will provide comments, if any, other than items already discussed during the meeting/public hearing.

AGENDA: *Monday, February 3, 2025, PC Meeting*

ITEM #9 & #10:

Meeting Schedule/Adjournment:

The next Planning Commission meeting is scheduled for Monday, March 3, 2025, at 6:00 p.m.

Ask the Commission for a motion to adjourn the meeting.

Ask is there a second.

All in favor say “Aye”

Note that meetings may be cancelled due to lack of agenda items or for other reasons as noted in the Planning Commission By-Laws.