

**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	Comer 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