

**King & Queen County
Planning Commission Minutes
February 3, 2025**

The King & Queen County Planning Commission met on Monday, February 3, 2025, 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
Jonathan Massey	

Also in Attendance:

Vivan Seay, County Administrator/County Attorney
Donna Elliott Sprouse, Director of Community Development
Kelly Evko, Economic Development Director
Lawrence Simpkins, Board of Supervisor Member

Call to Order

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

Roll Call/Determination of Quorum

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

**Approval of Minutes
December 2, 2024**

After review of the December 2, 2024 minutes, a motion was made by Mr. Coleman to accept the minutes as presented, seconded by Mr. Campbell.

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

Citizens Comment Period

Mr. Richardson opened the floor for citizens comment period.

Hearing none, citizens comment period was closed.

New Business

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

Mr. Richardson stated that he will now open the public hearing for ZA24-03. 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 January 15th and January 22nd editions.

Mrs. Sprouse noted that the Planning and Zoning Department received an application for a zoning text amendment from Travis & Angela Morris of King & Queen County. This request is to allow for a machine and welding shop in the commercial district as a by-right use, rather than by approved conditional use permit. As the applicant had eluded at the time of application, welding is something that is often done in auto repair shops, as well as home businesses in some instances. Mrs. Sprouse noted that the applicant was present tonight to speak on behalf of the request.

Mr. Morris, of Coldwater Road, approached the Commission and noted that he is a business owner in the County and wishes to hire a contractor to conduct welding, not only on his own equipment but others in the area as well. Welding is something that a lot of repair business likely do now and not know that a conditional use permit is required.

Mr. Richardson asked if there was anyone else that wish to speak for or against the proposed text amendment. Hearing none, Mr. Richardson closed the public hearing. Mr. Richardson asked if the Commission had any thoughts or questions. Mr. Coleman noted that he was not aware of this requirement and confirmed that auto service, such as a muffler shop, will conduct welding and it should be considered as a by right use in his opinion in the commercial districts. Mr. Fleming asked when did this code change, Mrs. Sprouse noted that she did not have prior codes in front of her to know the exact date, if it changed at all. It may have always been by CUP.

Hearing no further comments, a motion was made by Mr. Coleman to recommend approval of zoning text amendment ZA24-03, Article 4, Table 4.1 to allow for machine and welding shops in the GB2 zoning district as a by right use. Mr. Richardson asked Mr. Coleman if he wanted to include other commercial districts in his motion. Mr. Coleman said without further investigations, he felt it best to allow it as presented, in the GB2 zoning district for now. Mr. Coleman's motion was seconded by Mr. Campbell.

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

Voting Against: None

Abstain: None

Old Business

A. Zoning Text Amendment ZA24-01 – Article 4, Table 4.1 *(deferred from 12/2/2024)*

Mr. Richardson stated that the Commission held a public hearing during their December 2, 2024 meeting for zoning text amendment ZA24-01, Article 4, Table 4.1 regarding aquaculture. Mr. Richardson asked Mrs. Sprouse to please provide a brief review of the request for those that were not in attendance during the December meeting. Mrs. Sprouse noted that the applicant is requesting a text amendment to allow aquaculture uses with no setback requirement from the property lines. In the text amendment, the applicant also suggested setting a 5-acre minimum requirement and only allow an acre devoted to aquaculture use. Mrs. Sprouse noted that staff supports a text amendment to allow such activity, exclusive of processing, in the agricultural zoning district as a by right use as noted in the Va Code. Staff supported leaving the setbacks as currently adopted.

Mr. Richardson asked if the Commission had anything to add. Mr. Coleman noted that he had visited the fish hatchery in King & Queen and unfortunately, he did not gain much information as the two uses really are not the same. He noted that the fish hatchery only keeps the fish until they hatch and are then they are released within 60 days. The two uses really are not the same as the fish are kept longer in aquaculture operations for consumption/market. Mr. Coleman asked staff to explain the RPA and RPA buffer. After some discussion regarding RPA, RMA, and RPA buffers, Mr. Coleman noted that he felt that a 100' setback would be reasonable, to match the 100' RPA buffer setback. Mr. Richardson stated that he supported the business use and felt that people should be able to produce a product on their property and thought that a 25' setback would be reasonable. After more discussion, a motion was made by Mr. Massey to recommend a 50' setback off of all property lines along with a 50' minimum natural vegetative buffer. Mr. Massey's motion was seconded by Mr. Fleming.

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

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

Mr. Richardson opened the public hearing for zoning text amendment ZA24-02, Article 4, Table 4.1. He asked Mrs. Sprouse to please provide proof of publication. Mrs. Sprouse noted that public notice was provided in both the Tidewater Review and Rappahannock Times for two consecutive weeks, in the January 15th and January 22nd editions.

Mrs. Sprouse noted, as she had explained in December, 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.

Ms. Seay added that it is possible for uses in a zoning district, such as the Industrial zoning district, to be proffered away when apply to rezone. What that means is that all of the things that would be a nuisance, may be proffered away so that only one particular use may be permitted. Then you run into spot zoning and if you later wish to change the use, you would either ask to down zone or ask for some of those proffered uses to be restored.

Mr. Richardson asked if there was anyone in the audience that wished to speak.

Mr. Samuel Hart of Buena Vista stated that he felt that leaving it as it currently is, industrial by approved CUP will slow it down. In fact, it has thus far since the approval of Walnut Solar. He added that solar is not an agricultural use. The state code defines agriculture as the production of crops, animals, or fowl, including the raising of livestock and dairy. Leaving such use in the industrial zoning district allows time for the county to really consider these uses. In fact, Mr. Hart suggested that the county wait until Walnut Solar is operational and see what the impacts on the county really are. He noted that construction had just started on Walnut until we know the impacts, we shouldn't be considering any more solar, especially in that area. Note: Mr. Hart also provided a hand out to the Commission members, a copy is including the PC packet for this meeting.

Mr. Peter Cinq Mars of Saluda (Shacklefords Fork area), stated that he believes that the amendment would change the balance that has been achieved here. Solar developers are waiting for this text amendment before applying. Allowing the text amendment would open the doors for applications.

Mr. Charles Maloney of Buena Vista stated that he feels the same way as Mr. Hart and Mr. Mars. Walnut is out of his viewshed, thankfully, however it surrounds his farm. He stated that he supports the idea of what Mr. Hart said about waiting before making any changes. King & Queen has a lot of agricultural land but it can get away from us very quickly.

Mrs. Sprouse reviewed VA Senate Bill 697 (February 2024) and VA House Bill 2126 (January 2025) with the Commission. Providing this information was to shed light on what may be forced upon localities if either bill were to pass.

Mrs. Sprouse also explained that the county code currently allows for uses that would not be considered agricultural uses, according to the definition provided by Mr. Hart, in the agricultural zoning district by approved CUP. She noted that mining is certainly not an agricultural use, however it is placed in agricultural zoning districts by approved CUP because they typically require large tracts of land and once reclaimed, are left as ponds

and/or farm fields. Things you experience with mining is noise, traffic, dust, etc. which is why it is so important to have strong good conditions to help lessen those types of impacts to the neighbors and area. She asked if they could all imagine if the County had to rezone every tract of land that is or has ever been mined in the County. What needs to be decided is how are we going to classify this use and what would be the best way to manage them. Mrs. Sprouse echoed what Ms. Seay had noted about proffering away of zoning uses. She noted that if County is worried about things such as traffic, noise, light, health and welfare of the community, etc., when it comes to potential industrial uses, if every industrial use is proffered away expect for solar, then you really have to consider if all of those things you were originally worried about have been addressed.

The Commission collectively decided that they were not prepared to make a recommendation at this time. It was decided to defer this request until their next meeting, set for March 3, 2025.

Staff's Comments

Mrs. Sprouse provided an update regarding the recently received application for Mattaponi Sand and Gravel for property located on Spring Cottage Road.

Mrs. Sprouse informed the Commission of a final site plan submission for River Pines Subdivision. She noted that there is a good number of corrections needed to the plan and she anticipates that the developer will need time to make those corrections. Mrs. Sprouse noted that the rezoning and preliminary plan was previously approved in the 2008-2010 timeframe. This was a final site plan submission that would be reviewed by her office administratively unless there is a change (increase) in the number of proposed lots.

Mr. Simpkins stated that he appreciates the work that the Planning Commission does and that they had some tough decisions to consider tonight. He noted that the work of the Commission makes their jobs a whole lot easier and they are thankful for their work.

Commissioner's Comments

Mr. Allen noted that with solar development, there isn't much revenue for the county. That data centers provides a lot of money. He noted that he works in them daily and both can occupy a large amount of land area.

Mr. Coleman congratulated Mr. Wilson and Mr. Bradley for completing their opening session of the certified planning commission certification program.

Mr. Richardson thanked the Commission and the public for their comments and involvement in tonight's meeting. He also thanked Mr. Simpkins for attending.

Adjournment

Mr. Richardson noted that the next meeting is set for Monday, March 3, 2025, at 6 p.m.

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

Hunter Richardson, Chairman