

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

- 1. Call to Order**
- 2. Roll Call/Determination of Quorum**
- 3. Approval of Minutes**
 - a. September 2, 2025 – Regular Monthly Meeting
- 4. Citizens Comment Period – Planning Related Issues Only *(other than items on the agenda)***
- 5. New Business**
- 6. Old Business**
 - a. **Zoning Text Amendment ZA24-02 – Article 4, Table 4.1** *(returned from the Board of Supervisors for further review/discussion)*
Energy Generation Facilities & Computer Data Centers
 - b. **Upcoming Zoning Text Amendments** *(Discussion Item)*
- 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, November 3, 2025** at 6:00 p.m. in the Court Room of the Courts & Administrative Building.
- 10. Adjournment**

AGENDA: *Monday, October 6, 2025, PC Meeting*

ITEM #1:

Chairman calls the October 6, 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, October 6, 2025, PC Meeting*

ITEM #2:

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

AGENDA: *Monday, October 6, 2025, PC Meeting*

ITEM #3:

Approval of Minutes:

Chairman will ask for a motion and a second to accept or not accept the September 2, 2025, 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
September 2, 2025**

The King & Queen County Planning Commission met on Tuesday, September 2, 2025, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in 2nd floor conference room for their regular monthly meeting.

Planning Commission Members Present:

Mac Bradley	Edmond Wilson, Jr.
Robert Coleman, Jr.	Comer Jackson
Hunter Richardson	
David Campbell	

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

**Approval of Minutes
August 4, 2025**

After review of the August 5, 2025 minutes, a motion was made by Mr. Jackson to accept the minutes as presented, seconded by Mr. Campbell.

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

**Approval of Minutes
August 18, 2025**

After review of the August 18, 2025 minutes, a motion was made by Mr. Coleman to accept the minutes as presented, seconded by Mr. Bradley.

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

Citizens Comment Period

Mr. Richardson opened the floor for citizens comment period. Hearing none, citizen comment period was closed.

New Business

A. None

Old Business

A. Zoning Text Amendment ZA24-02 – Article 4, Table 4.1 *(returned from the Board of Supervisors for further review/discussion)*

Members of the Planning Commission continued their discussion regarding energy generation facilities by natural resources (utility solar) and computer data processing centers from their August 4th and August 18th meetings. As they had noted in prior meetings, it was the consensus of those members present that such uses, if considered, should require a conditional use permit where more control may be placed on the development based on its impacts to the area of development. Commissioners agreed to have staff prepare the final draft response to the Board of Supervisors for their next meeting.

Staff's Comments

Mrs. Sprouse informed the Commission of two new businesses that will soon be in operation on US 360 in existing building sites.

Mrs. Sprouse also noted that she and Ms. Seay are working on the draft ordinances and hope to continue to make progress and soon have it reach the Commission for consideration.

Mrs. Sprouse noted that the Commission members were invited to join Dominion Energy and tour a solar facility in Charlottesville. This particular facility was constructed on a closed landfill. She noted that she would need to know by September 5th who would like to participate. The tour will be held on September 16th and everyone will meet at 7:30 a.m. at the Rappahannock Community College, Glens Campus. The expectation is that everyone will return by 3 p.m.

Mrs. Evko reminded of the Commission and attending public that they are all welcome and encouraged to attend the Board of Supervisors September 8, 2025 meeting at 7 p.m. to hear Chris Lloyd's presentation. Mr. Lloyd works with McGuire Woods and he has worked on

100's of projects and is extremely knowledgeable. She noted that he helped with the Chesterfield fusion plant and many other projects across the state. Chris is from rural Virginia and is aware of the issues that rural localities faces when it comes to development.

Commissioner's Comments

Hearing none, Mr. Richardson asked if Mrs. Billups had any comments.

Mrs. Billups noted that she and the other members of the Board appreciate their hard work and is fully aware of the difficult job they face every month. She noted that their work and dedication to King and Queen County does not go unnoticed.

Adjournment

Mr. Richardson noted that the next meeting is set for Monday, October 6, 2025, at 6 p.m. to review the final draft response to the Board of Supervisor's questions posed in their resolution regarding solar and data center development. He noted that it is his hope that all members that were not able to attend the past few meetings will be able to attend and share their thoughts on the matter.

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

Hunter Richardson, Chairman

AGENDA: *Monday, October 6, 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, October 6, 2025, *PC Meeting*

ITEM #5:

New Business:

None

AGENDA: *Monday, October 6, 2025, PC Meeting*

ITEM #6:

Old Business:

A. Zoning Text Amendment ZA24-02 – Article 4, Table 4.1

The Planning Commission will continue their discussions regarding Energy Generation Facilities and Computer Data Centers. The Commission will review the draft response for the Board of Supervisors and may take action, if prepared.

B. Upcoming Zoning Text Amendments (*discussion/update*)

Staff will review status of Zoning Text Amendments that will be submitted to the Commission for review. Staff plans to review Planned Unit Development (PUD) type projects with the Commission for possible text changes.

MEMORANDUM

FROM: King and Queen County Planning Commission

TO: King and Queen County Board of Supervisors

DATE: October 6, 2025

SUBJECT: Zoning Ordinance Text Amendment ZA 24-02
Data Centers and Solar Facilities

I. History

King and Queen County Zoning Ordinance text amendment 24-02 (ZA 24-02) was initiated by County staff for the purpose of amending the table of uses, Table 4.1, to allow data centers and utility scale solar facilities as conditional uses in the Agricultural zoning District. The proposed text amendment was considered by the King and Queen County Planning Commission (the "Planning Commission") and a public hearing was held on February 3, 2025. Following the public hearing, the Planning Commission recommended to the King and Queen County Board of Supervisors (the "Board of Supervisors") that ZA 24-02 be approved.

The Board of Supervisors held a public hearing on April 14, 2025 to consider ZA 24-02, and following that public hearing, the Board of Supervisors referred the matter back to the Planning Commission for further consideration. The Planning Commission held multiple meetings at which it considered and discussed additional research, zoning principles, County objectives, and other matters relevant to ZA 24-02. This memorandum results from that work of the Planning Commission.

II. Background

Currently, data centers, called "computer and data processing center and services," are permitted (by right) uses in the General Business 1 and General Business 2 zoning districts. Utility scale solar facilities, labeled as "energy

generation facility (by natural resources only),” are allowed as conditional uses only in the Industrial zoning district.

Zoning districts, other than Residential Single-family (RS), Rural Residential (RR), and Residential General (RG), in King and Queen County, and their respective purposes are:

*Purposes of the **agricultural (A) district.*** This district is designed to protect existing farms, forests, conservation areas and other types of rural uses; to encourage future development only when it promotes the preservation of the rural qualities of the county; and to provide for supportive commercial uses, along with necessary community facilities. The use restrictions and other regulations within the district are intended to reflect the importance of agriculture and forestry to the character and economy of the county and to discourage development of other uses, except where they promote the preservation of the rural qualities of the county. Residential uses are permitted primarily: to accommodate farm families and workers; to provide opportunities for a limited number of independent home sites, while avoiding pressures for major residential subdivisions and strip development along highways.

*Purposes of the **limited business (LB) district.*** The purpose of the limited business "LB" district is to provide for small businesses that will serve nearby residential districts. The character of development should be compatible with residential surroundings. Traffic and parking congestion should be held to a minimum to protect the public safety while preserving neighborhood character and property values in the surrounding residential districts. This district may serve as a buffer between more intensive commercial development and residential or agricultural uses. The intent of the Limited Business district is to encourage the orderly development of administrative, non-retail businesses, and professional offices and supporting uses. Its secondary function is to serve as a transitional district between intensely developed business areas and less developed areas, particularly within the county's primary highway corridors. It is the expressed purpose of this district to foster campus like or business park development which displays features such as shared access, consistent architectural themes, and perimeter and interior landscaping.

*Purposes of the **general business 1 (GB-1) district.*** The purpose of the "GB-1" district is to provide for the establishment of: (i) Low intensity

retail and service businesses along major highways in order to provide day-to-day convenience shopping and service to the residents of the county; (ii) convenience stores, general stores and other appropriate retail/service establishments within village centers and in significant intersections of major roads at intervals within the county.

*Purposes of the **general business 2 (GB-2) district.*** The purpose of the "GB-2" district is to encourage a wide variety of retail, service, and general business uses within concentrated areas at or near intersections along major thoroughfares in order to facilitate direct and convenient access to shopping and services by county residents and the motoring public. The "GB-2" district is intended to accommodate the primary business areas of the county, to promote orderly growth of commercial activities. The regulations of the district are intended to enable maximum flexibility of uses and development of business sites, while affording reasonable protection for adjacent residential and agricultural areas from potential adverse effects of the more intensive business uses.

*Purposes of the **light industrial (LI) district.*** The purpose of the "LI" district is to provide appropriate locations for manufacturing uses, as well as related service and support uses, which involve minimal hazards and do not create significant amounts of smoke, noise, odor, dust or other potential public nuisance and which afford employment opportunities and economic development potential. The "LI" district may be located on primary highways within "Economic Development Corridors" established in the Comprehensive Plan to facilitate needed access. The permitted uses and yard, screening, buffering and separation requirements are intended to ensure compatibility with neighboring uses and to avoid negative influences on future agricultural, residential and business development in the county.

*Purposes of the **industrial (I) district.*** The purpose of the "I" district is to provide an area for heavy commercial and industrial uses which may create some nuisance such as smoke, noise, odor, dust or other potential public nuisance, and which are not compatible with residential uses.

In addition to the established zoning districts, the Zoning Ordinance also establishes a special **economic development and transportation corridor overlay-zoning district.** The purpose of that district is "to provide for concentrated commercial development in economic development hubs at St. Stephens Church, Shacklefords, Shacklefords Fork, Mattaponi/Airport Road and

York River Road within the economic development and transportation corridor overlay district as outlined in the comprehensive plan. It is also the intent of the district to discourage commercial development and preserve the rural residential and agricultural character of the county outside the district except in conformity with the comprehensive plan.”¹

III. Uses in the Zoning Ordinance

The inclusion of a use in a zoning ordinance is not an endorsement of that use. Many uses included in the King and Queen County Zoning Ordinance likely would be met with strong resistance should an applicant wish to establish the use. However, given the general right of property owners to use their properties, responsible ordinance drafting ensures that a multitude of uses that owners may wish to make of their lands are included and ensure that similar uses are treated similarly. The role of the zoning map is to regulate the placement of uses in the County. The role of the zoning ordinance is to provide for desired development limitations, regulations, restrictions, and potential development conditions.

The zoning map shows the zoning district designation of each parcel in the locality. In King and Queen County, there are approximately 7,600 separate parcels of real property, each being assigned one of the following designations²:

Agricultural	A
Residential, rural	R-R
Residential, single-family	R-S
Residential, general	R-G
Limited business	LB
General business 1	GB-1
General business 2	GB-2
Light industrial	LI
Industrial	I

Good land use planning establishes the zoning of a parcel taking into account many factors, including, but perhaps not limited to:

- The current use of the property,
- The surrounding area and surrounding existing uses,

¹ Zoning Ordinance Sec. 3-400.

² There are a few parcels still zoned GB, the predecessor district to GB1 and GB2. Parcels zoned GB are subject to the regulations of both GB1 and GB2, or the less restrictive when there is conflict in the provisions.

- The highest and best use of the property and/or the area,
- The proximity to infrastructure such as major roadways, energy, water, internet, and other development needs
- The desired growth of the area, and
- Other goals and objectives of the County.

It is not good land use planning to rezone parcels solely to accommodate a desired use when the rezoning is inconsistent with the area. **If the use is truly desired in the area, the better solution is to add the use as either a permitted use or a conditional use in that zoning district which will allow for keeping the zoning, and thereby the character, of the area consistent.** Once the zoning map is established, the zoning ordinance then sets forth the uses allowed in each zoning district as well as the rules that apply to those uses. Uses may be by right, also called permitted uses, or uses may be conditional, which require the approval of a conditional use permit (CUP).

By right, or permitted, uses typically are those that are obvious, appropriate for the area, and require few regulations or limitations. Permitted uses are allowed with only those restrictions set forth in the zoning ordinance – like setback or road frontage requirements, for example – which restrictions apply to all such uses. The restrictions are set for the use and the district and do not vary by parcel or project.

Conditional uses generally are those appropriate for the area but for which the locality wishes to retain control over the development. Unlike permitted uses, conditional uses are subject to conditions that will be tailored for the specific property and development. This oversight is useful for the locality because the conditions can be designed to address concerns unique to the property or the project, or both, such as:

- protecting adjoining landowners,
- protecting natural resources,
- limiting traffic,
- limiting the duration of the use, and
- limiting the scope of the development.

It is important to note that when an application for a conditional use is received by a locality and conditions have been drafted by staff and agreed to by the applicant, the local governing body still has the ability to deny the conditional use permit. **It is always within the purview of the locality to determine**

what reasonably is in the interest of the health, safety, morals, and general welfare of its jurisdiction and citizens.

IV. Use Regulation Generally

Approximately 220 uses are identified in the King and Queen County Zoning Ordinance. The zoning regulations for two of those uses – data centers and solar facilities – need further consideration as those uses grow across the Commonwealth. While many concerns are on the minds of citizens, there is a limited number of means by which uses in the County can be regulated. The Planning Commission considered the following regulatory **mechanisms**:

A. Comprehensive Plan

- Not binding
- Can be used to plan but not regulate
- Approval authority rests solely with the Board of Supervisors
- No enforcement applies

B. Zoning Districts

- Used to establish locations in the County for like uses
- Used to regulate like uses, and all such uses are subject to the same regulations
- Regulations govern development issues like setbacks, road frontage, minimum lot sizes, and height restrictions
- Approval authority rests solely with the Board of Supervisors
- Code enforcement applies (civil or criminal)

C. Zoning Overlay Districts

- Used for specialized types of uses that may be appropriate in specific areas of the locality
- Typically apply to only a few types of uses, making these districts more specialized and narrower in scope than the underlying zoning district(s)
- Regulations govern development issues like setbacks, road frontage, minimum lot sizes, and height restrictions
- District regulations apply equally to all uses in the identified category
- Approval authority rests solely with the Board of Supervisors
- Code enforcement applies (civil or criminal)

D. Conditional Use Permits

- May be used for any type of use unless prohibited by the Virginia Code

- The conditions may govern any number of development matters and may be fashioned for the specific project and location
- May be used to address issues otherwise not subject to regulation
- Approval authority rests solely with the Board of Supervisors
- Code enforcement applies (civil or criminal)

E. Siting Agreements

- Authorized only for solar facilities
- May be used to address issues otherwise not subject to regulation
- Requires the approval of both the applicant and the Board of Supervisors
- Only civil enforcement applies (contract claims)

F. Site Plans

- Purpose is to illustrate compliance with zoning ordinance requirements
- Not a mechanism to establish new or additional requirements
- Code enforcement applies

Having considered the available options, the Planning Commission determined the County's regulatory authority is strongest with zoning districts, zoning overlay districts, and conditional use permits.

V. Data Centers

Several questions relating to data center development were considered by the Planning Commission and several topics of discussion were deliberated. The consensus of the Planning Commission is set forth here.

A. In what zoning district(s) should data centers be allowed and why?

1. Data centers should be allowed in the following zoning districts, all with a conditional use permit:
 - a. Light Industrial.
 - b. Industrial.
 - c. Agricultural.
 - d. Limited Business.
 - e. General Business 1 (including former GB).
 - f. General Business 2 (including former GB).
 - g. The economic development and transportation corridor overlay zoning district but not near residential uses.
2. Data centers are appropriate for outlying areas because there is little traffic, once constructed, and there is ample space for significant

setbacks and buffering to address noise concerns. This should be accomplished with a conditional use permit.

3. Data centers are not appropriate for residential zoning districts (residential, rural, residential, single-family, or residential, general).
4. The Planning Commission considered, but does not recommend, the establishment of an additional data center or technology overlay district.

B. What matters should be regulated for data centers and how?

1. Noise should be considered for any proposed data center project. Based on the Planning Commission's research, noise does not appear to be a significant operational concern but should be considered and addressed in a conditional use permit. Construction-related noise should be considered and limited to times appropriate for the area in which the project is located. Any noise conditions should be consistent with the County's noise ordinance.
2. Setbacks should be addressed in a conditional use permit and should be established to protect nearby landowners from noise, light, and general business activity.
3. Buffering should be addressed in the conditional use permit and should be designed to protect surrounding landowners from noise, light, and business activity. Buffers also should be designed to help maintain the rural character of King and Queen County.
4. Any data center conditional use permit should expressly address the following:
 - a. Site lighting.
 - b. Traffic, including the establishment of a Construction Traffic Management Plan.
 - c. Water usage, including water sources and quantities.
 - d. Additional water storage for fire suppression or alternative (e.g., chemical) fire suppression methods.
 - e. Development materials, particularly materials that can help to reduce the extent of impervious surfaces.
 - f. Water testing, where relevant, to monitor the quantity and quality of water discharge. Particular focus should be placed on water purity, turbidity, and discharge impacts.

C. What are the long-term impacts of data center development on local streams, rivers, soil, and the Chesapeake Bay? What are the broader impacts to the environment of data center development?

1. While it is impossible at this juncture to have a complete understanding of the long-term impacts of data center development, research suggests that data center development in its current form appears similar to other, more conventional projects. The Planning Commission recommends that conditional use permit conditions for data centers be drafted to minimize areas of impervious development and minimize impacts on the resource protection areas (RPAs). The Planning Commission further recommends that conditional use permit conditions be designed to include protections against soil erosion and soil contamination.
2. The Planning Commission did not locate definitive proof of a causal connection between data center development and environmental warming. However, the Planning Commission does encourage maximizing the use of vegetation, especially trees, in any data center site plan design to assist with temperature control in addition to other considerations (e.g., noise and viewshed buffers).

VI. Utility Scale Solar Facilities

- A. In what zoning district(s) should utility scale solar facilities be allowed and why?
 1. Utility scale solar facilities should be allowed in the following zoning districts, all with a conditional use permit:
 - a. Light Industrial.
 - b. Industrial.
 - c. Agricultural.
- B. What matters should be regulated for utility scale solar facilities and how?
 1. Noise should be considered for any proposed solar facility project. Based on the Planning Commission's research, noise does not appear to be a significant operational concern but should be considered and addressed in a conditional use permit as necessary, especially as related to construction noise. Construction should be limited to times appropriate for the area in which the project is located. Any noise conditions should be consistent with the County's noise ordinance.
 2. Setbacks should be addressed in a conditional use permit and should be established to protect nearby landowners from development impacts.
 3. Buffering should be addressed in the conditional use permit and should be designed to protect surrounding landowners from development impacts and protect streams and waterways. Buffers

also should be designed to help maintain the rural character of King and Queen County.

4. Any utility scale solar facility conditional use permit should expressly address the following:
 - a. Traffic, the primary consideration being the establishment of a Construction Traffic Management Plan.
 - b. Water resource protection.
 - c. Water storage for fire suppression or alternative (e.g., chemical) fire suppression methods.
 - d. Development materials, with an emphasis on non-toxic construction and operating equipment materials.
 - e. Water testing to monitor the quantity and quality of water discharge. Particular focus should be placed on water purity, turbidity, and discharge impacts.
 - f. Soil testing to monitor development impact to soil quality.

C. What are the long-term impacts of utility scale solar facility development on local streams, rivers, soil, and the Chesapeake Bay? What are the broader impacts to the environment of utility scale solar facility development?

1. While it is impossible at this juncture to have a complete understanding of the long-term impacts of utility scale solar facility development, the environmental and resource protection strategies employed with these types of projects are those used in other applications. That is to say, the erosion and sediment control measures, as well as stormwater protection processes, are those routinely utilized with development generally. Rapid stabilization is a focus, and regular inspections and corrective actions, when needed, are required. Similarly, regular soil as well as water testing are normally required to ensure no detectable impact to surface water or soil quality. Broader potential impacts, such as environmental warming, are unknown worldwide.
2. The Planning Commission recommends that conditional use permit conditions for utility scale solar projects be drafted to maximize erosion and sediment control measures and minimize impacts on the resource protection areas (RPAs). The Planning Commission further recommends that conditional use permit conditions include requirements for regular soil and water testing before, during, and after project construction, and periodically throughout operation.

3. The Planning Commission did not locate definitive proof of a causal connection between utility scale solar facility development and environmental warming. However, the Planning Commission does encourage maximizing the use of vegetation, especially trees, to assist with temperature control as well as rural vista protection. The Planning Commission further encourages the separation of solar panels and larger buffers to minimize any warming effects.
4. The Planning Commission strongly encourages conditional use permit conditions requiring the implementation of agrivoltaics, the co-location of solar and agricultural activities on the proposed site, so long as the agricultural activities will not negatively impact site stabilization.

VII. Summary of Recommendations

Based on the foregoing considerations and for the reasons set forth herein, it is the recommendation of the King and Queen County Planning Commission that ZA 24-02 be approved as presented. That zoning text amendment would amend the King and Queen County Zoning Ordinance to:

1. Allow data centers, defined as “computer and data processing center and services,” in the Agricultural zoning district with a conditional use permit.
2. Allow utility scale solar facilities in the Agricultural zoning district with a conditional use permit.

AGENDA: *Monday, October 6, 2025, PC Meeting*

ITEM #7:

Staff's Comments:

A. Upcoming Applications (if any)

B. Other Comments/Updates (if any)

AGENDA: *Monday, October 6, 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, October 6, 2025, PC Meeting*

ITEM #9 & #10:

Meeting Schedule/Adjournment:

The next Planning Commission meeting is scheduled for Monday, November 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.