



NEW KENT COUNTY BOARD OF SUPERVISORS

Tuesday, September 29, 2026 9:00 AM

Boardroom, County Administration Building, 12007 Courthouse Circle, New Kent, VA 23124
Work Session

A G E N D A

1. Call to Order

2. Roll Call

3. Agenda Items

- 9:00 a.m. ITEM a. **Proposal for Potential HRSD/New Kent Partnership**
PU Director Mike Lang and HRSD Director of Planning John Dano
- 9:15 a.m. ITEM b. **Resolution R-40-26 to Authorize Public Utilities to Apply for VDH Planning & Design Grant Funds for a Conditions Assessment of Distribution Piping in The Colonies Neighborhood**
PU Director Mike Lang
- 9:20 a.m. ITEM c. **Voting Credentials for the 2026 Virginia Association of Counties (VACo) Annual Business Meeting**
County Administrator Rodney Hathaway
- 9:30 a.m. ITEM d. **Budget Retreat Cancelation & October Work Session Date Change Discussion**
County Administrator Rodney Hathaway
- 9:35 a.m. ITEM e. **Draft Data Center Performance Standards**
Community Development Director Joshua Airaghi
- 10:20 a.m. ITEM f. **Other Business**
- 10:30 a.m. ITEM g. **Adjournment**

4. Adjournment

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 13, 2026, and the next work session will be held at 9:00 a.m. on Tuesday, October 27, 2026, both in the Boardroom of the County Administration Building. The Budget Retreat originally scheduled for October 16, 2026 may be/has been canceled (pending action to be taken in this meeting).

If a meeting cannot be held because of the closing of State and/or County offices, the meeting will be held on the next business day that the County offices are open.

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 09/29/2026

Presentations

Motion: "Mr. Chairman,
I move to (not required
for Consent agenda
items)"

Mr. John Dano, HRSD's Director of Planning and Analysis will present the conceptual framework of a partnership with New Kent County.

Subject

Proposal for Potential HRSD/New Kent Partnership

Issue

HRSD has commissioned an alternatives analysis for decommissioning their West Point wastewater treatment plant. One of the alternatives identified is utilization of excess treatment capacity at the Parham Landing WWTP. Mr. Dano would like to present this idea to the Board and generate discussion.

Recommendation

none at this time

Fiscal Implications

Utility revenue would be generated from the additional wastewater received at the Parham Landing WWTP. Additional costs would also be incurred, however it is generally regarded as a financial net positive at this time.

Policy Implications

To be determined

Legislative History

None, however there is already a working relationship between HRSD and New Kent DPU. HRSD provides laboratory services and liquid sludge disposal for the Parham Landing WWTP, and has provided some hands on engineering guidance from time to time.

Discussion

Mr. Dano would like to present his proposal conceptually and generate further discussion and points for consideration.

Time Needed:

9:00 a.m.

Person Appearing:

PU Director Mike
Lang and HRSD
Director of
Planning John
Dano

Request prepared
by:

Mike Lang, Public
Utilities Director

Telephone:

804 966 9625

Copy provided to:

ATTACHMENT(S):

[20260929_NK Board of Supervisors.pdf](#)

A dynamic splash of water with many bubbles, creating a sense of movement and freshness. The water is clear and blue, with white highlights where the bubbles catch the light.

New Kent County Board of Supervisors Meeting

**Steve de Mik, Deputy General Manager
J Dano, Director of Planning and Analysis
September 29, 2026**



Agenda

- Welcome
- HRSD Background
- HRSD's Challenge
- Our Understanding of New Kent County's Challenge
- Next Steps

About HRSD

Our Promise

We promise to treat wastewater and recover natural resources to protect public health and the environment.

Our Vision

Our communities will have clean waterways and reliable water resources for generations to come.



Portsmouth, Virginia before HRSD was created in 1940. Raw sewage was discharged to open area waterways and ditches.

About HRSD



Political subdivision of the Commonwealth of Virginia



Governing body: Governor-appointed commission



14th largest wastewater utility in the US
Population served: 1.9 million



More than 500 miles of pipe, 6-60 inches in diameter
More than 100 pump stations



Combined capacity of 225 million gallons per day



Williamsburg

Poquoson

Newport News

Hampton

Norfolk

Virginia Beach

Portsmouth

Suffolk

Chesapeake

HRSD's Challenge

HRSD Service Area

Facilities include the following:

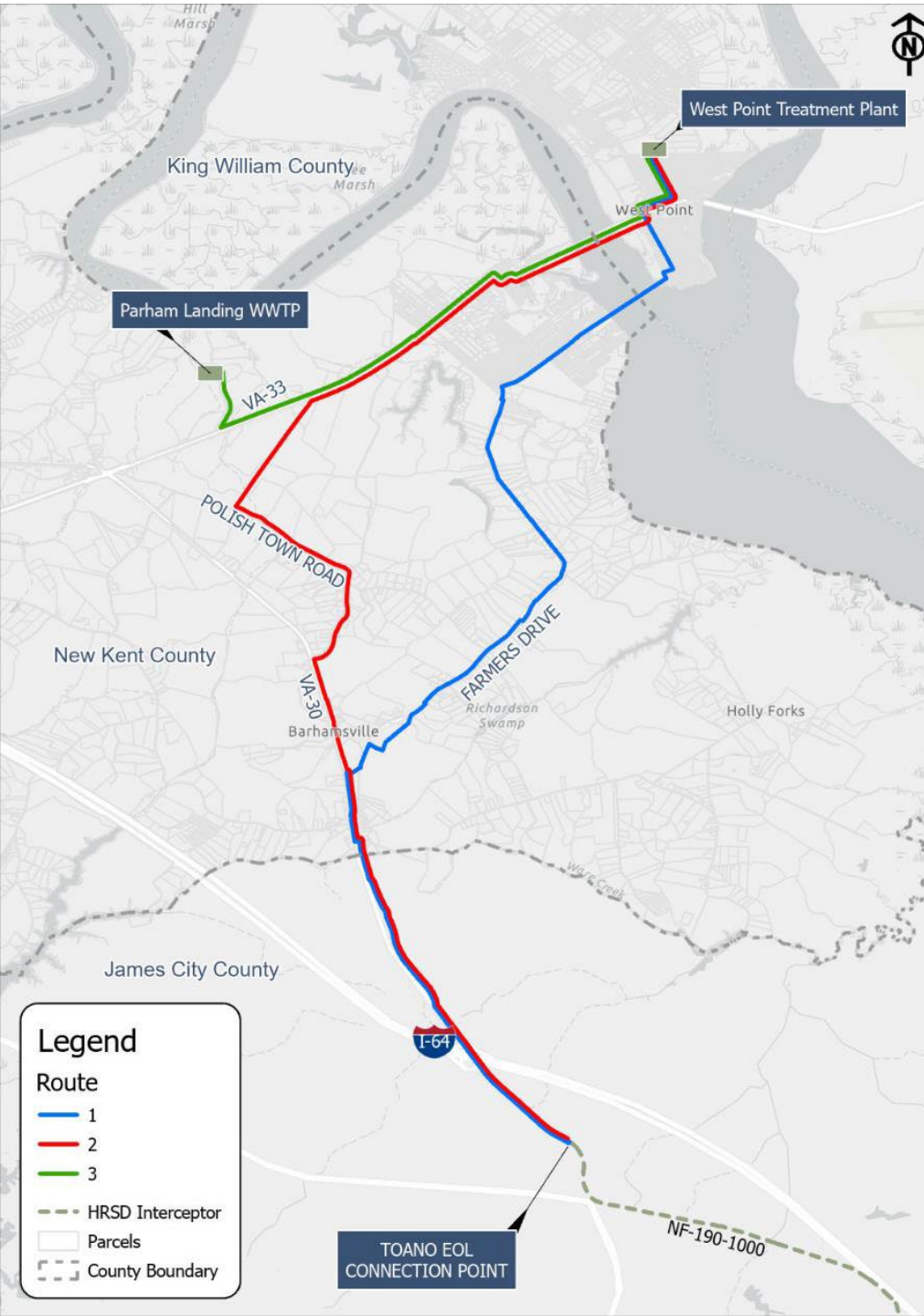
1. Atlantic, Virginia Beach
2. Army Base, Norfolk
3. Virginia Initiative, Norfolk
4. Nansemond, Suffolk
5. Boat Harbor, Newport News
6. James River, Newport News
7. Williamsburg, James City County
8. York River, York County
9. West Point, King William County
10. King William, King William County
11. Central Middlesex, Middlesex County
12. Urbanna, Middlesex County
13. Onancock, Accomack County
14. Nassawadox, Northampton County

Serving the Cities of
Chesapeake, Hampton,
Newport News, Norfolk,
Poquoson, Portsmouth, Suffolk,
Virginia Beach, Williamsburg and the
Counties of Accomack, Gloucester,
Isle of Wight, James City,
King and Queen, King William,
Mathews, Middlesex, Northampton,
Surry* and York
*Excluding the Town of Claremont



- West Point Treatment Plant (WPTP) near end of useful life
 - Capacity – 0.6 mgd
 - ADF – 0.41 mgd
- Option Considered - Decommission WPTP and send flow to Williamsburg
- OR.....
 - Consider more “regional” solution in partnership with New Kent County

Possible Routes



Summary of Routes

Route	Force Main Length	Construction Cost Estimate of Force Main and Pump Stations (with Annual Escalation and Contingency)
Route 1-  Farmers Drive	61,950 LF (11.7 miles)	\$127.7 M
Route 2-  VA-33, Polish Town Rd	66,400 LF (12.6 miles)	\$138.0 M
Route 3-  Parham Landing TP	28,590 LF (5.4 miles)	\$49.5 M

Our Understanding of New Kent's Challenges

- Parham Landing Treatment Plant (PLTP) is underutilized
- New Kent has already “promised” significant plant capacity to future developments

Why a partnership may make sense

- HRSD

- Lower cost of capital
- Lower cost burden on ratepayers

- New Kent County

- New, stable revenue source
- Additional opportunities for reuse
- HRSD expertise
 - Technical Services Staffing
 - Design & Construction Experience/Expertise
 - WWTP Permitting/Nutrient Management

Next Steps

- Determine willingness to consider an agreement
 - Key considerations
 - HRSD willing to pay for plant capacity
 - Now or the future when development occurs?
 - Long-term commitment with guarantee of capacity needed
 - Cost to operate – price per MGD
 - HRSD to construct facilities to bring flow to PLTP
 - Willing to consider cost share for “connections along the way”

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 09/29/2026

Resolution

Motion: "Mr. Chairman, I move to (not required for Consent agenda items)"

Mr. Chairman, I move to adopt Resolution R-40-26, authorizing the Director of Public Utilities to apply for VDH Planning & Design Grant Funds for a conditions assessment of water distribution piping in The Colonies neighborhood.

Subject

Resolution R-40-26 to Authorize Public Utilities to Apply for VDH Planning & Design Grant Funds for a Conditions Assessment of Distribution Piping in The Colonies Neighborhood

Issue

Bringing the Colonies Water Booster System on line resulted in increased pressure in the former "low pressure zone." Since that time, several leaks have revealed themselves, resulting in service disruptions and a boil water advisory. The conditions assessment would provide for a desktop analysis of potential failure points and leak detection services in the field, so that proactive repairs or improvements can be made. VDH Planning & Design Grants target projects that reduce water loss and prevent boil water advisories, so it seems like a good fit.

Recommendation

Adopt Resolution R-40-26

Fiscal Implications

Maximum grant funding is \$45,000, any additional funds would come from the utilities contingency fund, utilities CIPs or from the utilities general fund.

Policy Implications

none, DPU has receive VDH grant funds in the past for various projects.

Legislative History

none

Discussion

Authorizing the application does not bind DPU to any specific project or expense, it is the first step in getting funds from VDH.

Time Needed:

9:15 a.m.

Person Appearing:

PU Director Mike Lang

Request prepared by:

Mike Lang, Public Utilities Director

Telephone:

804 966 9625

Copy provided to:

County Attorney

ATTACHMENT(S):

[R-40-26 VDH Funding for Public Utilities.doc](#)

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-40-26

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 29th day of September, 2026.

Present:
Thomas W. Evelyn
John. P. Moyer
Amy M. Pearson
Jordan T. Stewart
Ronald P. Stiers

Vote:

Motion was made by _____, which carried ____:____ to adopt the following resolution:

**RESOLUTION FOR
PLANNING AND DESIGN GRANT FUNDING**

WHEREAS, the New Kent County Department of Public Utilities has applied for funding for various drinking water projects in the County; and

WHEREAS, the Virginia Department of Health-Office of Drinking Water has funded several drinking water projects in the County, and

WHEREAS, the New Kent County Department of Public Utilities has reviewed project planning material and found that the pre-requirements have been met for submitting a funding application.

NOW, THEREFORE, BE IT RESOLVED that the New Kent County Board of Supervisors does hereby vote to seek additional funding from the Virginia Department of Health-Office of Drinking Water for the following project:

Colonies Waterline Conditions Assessment	\$45,000
--	----------

BE IT FURTHER RESOLVED that the Director of Public Utilities immediately begin to process funding applications for this project and be authorized to sign any and all documents to accept such funding contingent upon review and approval of the County Attorney.

Adopted this 29th day of September, 2026.

Rodney A. Hathaway
County Administrator

Ronald P. Stiers
Board Chairman

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 09/29/2026

Presentations

Motion: "Mr. Chairman,
I move to (not required
for Consent agenda
items)"

Mr. Chairman, I move to designate _____
as a representative of the New Kent County Board of Supervisors
to vote on our behalf at the 2026 annual VACo business meeting.

Subject

**Voting Credentials for the 2026 Virginia Association of
Counties (VACo) Annual Business Meeting**

Issue

Voting credentials for the 2026 VACo annual business meeting.

Recommendation

Staff recommends that the Board of Supervisors designate a
representative to cast its vote(s) at the annual VACo business
meeting on November 10, 2026

Fiscal Implications

NA

Policy Implications

Article VI of the VACo Bylaws state that each County must
designate a representative of its Board of Supervisors to cast its
vote(s) at the annual business meeting. If a Board member is
unable to attend the annual business meeting the VACo Bylaws
permit County to designate either: 1) A non-elected official from
the County, or 2) A member of the Board of Supervisors from
another County.

Legislative History

NA

Discussion

Please see the attached VACo memo and voting credentials form.
The form is required to be submitted to VACo no later than
October 23, 2026.

Time Needed:

9:20 a.m.

Person Appearing:

County
Administrator
Rodney Hathaway

Request prepared
by:

Rodney Hathaway

Telephone:

(804) 966-9683

Copy provided to:

ATTACHMENT(S):

[2026 Letter from D Lynch_2026 VACo Voting Credentials \(002\).pdf](#)

[2026 VACo Annual Business Mtg_Nov.10.2026_Voting Credentials Form.pdf](#)

Virginia Association of Counties

Connecting County Governments since 1934

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Victor S. Angry
Prince William County

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Phil C. North
Roanoke County

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Jerry W. Boothe
Floyd County

Second Vice President

Kathy L. Smith
Fairfax County

Secretary-Treasurer

Donald L. Hart, Jr.
Accomack County

Immediate Past President

Ruth M. Larson
James City County

Executive Director

Dean A. Lynch, CAE

Date: September 10, 2026
To: Chairs, County Board of Supervisors
County Administrators
Subject: Voting Credentials for the 2026 VACo Annual Business Meeting

The 2026 Annual Business Meeting of the Virginia Association of Counties (VACo) will be held on Tuesday, November 10th at the Omni Homestead in Bath County, Virginia.

As outlined in Article VI of the VACo Bylaws, each county must designate a representative of its board of supervisors to cast its vote(s) at the Annual Business Meeting.

If a board member is unable to attend the Annual Business Meeting, the VACo Bylaws permit counties to designate either:

- A non-elected official from your county, or
- A member of a board of supervisors from another county

to cast proxy vote(s) on behalf of your county.

To ensure your county is certified to vote at the VACo Annual Business Meeting, a completed Voting Credentials Form or Proxy Statement must be submitted to VACo no later than October 23, 2026. (Forms should be submitted via email to sklaczynski@vaco.org or mailed back to Virginia Association of Counties, 1207 E Main St, Suite 300, Richmond, VA 23219.)

Your county's participation is critical to the success of the business meeting and the work of VACo on behalf of Virginia's counties. We strongly encourage you to complete and return your credentials in a timely manner, so your county's voice is represented.

We look forward to welcoming you at the VACo Annual Conference, November 7 - 10, 2026!

If you have any questions or need assistance with the process, please don't hesitate to contact us. Thank you for your attention to this important matter.

Dean A. Lynch, CAE
Executive Director
Virginia Association of Counties

1207 E. Main St., Suite 300
Richmond, Va. 23219-3627

Phone: 804.788.6652
Fax: 804.788.0083

Email: mail@vaco.org
Website: www.vaco.org



VACo 2026 Annual Meeting - Tuesday, November 10, 2026

Voting Credentials Form

Please return completed form to: sklaczynski@vaco.org by Friday, October 23, 2026

County: _____

Voting Delegate:
(Supervisor)

Name: _____

Title: _____

Alternate Delegate:
(Supervisor)

Name: _____

Title: _____

County Verification:

Name: _____

Title: _____

Section to be completed only if Voting Delegate or Alternate Delegate for the County listed above cannot attend the Annual Meeting on November 10, 2026:

**VACo 2026 Annual Meeting
Proxy Statement Form**

_____ County authorizes the following person to cast its votes at the 2026 Annual Meeting of the Virginia Association of Counties on Tuesday, November 10, 2026.

_____, a non-elected official of this county.

-OR-

_____, a supervisor from _____ County.

This authorization is:

☐ Uninstructed. The proxy may use their own discretion to cast _____ County's votes on any issue to come before the annual meeting.

☐ Instructed. The proxy is limited in how they may cast _____ County's votes. The issues on which they may cast those votes and specific voting instructions are attached to this form.
(List issues and specific instructions on a separate sheet and include with this form.)

County Verification:

Name: _____

Title: _____

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 09/29/2026

Miscellaneous (contracts, easements, resolutions for
street acceptance, proclamations, etc.)

Motion: "Mr. Chairman,
I move to (not required
for Consent agenda
items)"

to cancel the Budget Retreat meeting originally scheduled for
9:00 a.m. on Friday, October 16, 2026.

to amend the Board's Meeting Schedule adopted on January 13,
2026 by moving the October 27, 2026 work session to October
26, 2026.

Subject

**Budget Retreat Cancellation & October Work Session Date
Change Discussion**

Issue

The County Administrator is recommending that the Board
consider canceling the Budget Retreat. Because this meeting was
included in the Board's annual schedule adopted and published on
January 13, 2026, action should be taken to cancel this meeting.

Items pending update and/or action are limited and can be
addressed during the Board's normal work session schedule.

Mr. Moyer has a conflict with the October 27, 2026 work session
date and has suggested the meeting be moved to October 26,
2026.

Time Needed:

9:30 a.m.

Person Appearing:

County
Administrator
Rodney Hathaway

Request prepared
by:

Wanda Watkins,
Deputy Board
Clerk

Telephone:

Copy provided to:

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 09/29/2026

Presentations

Motion: "Mr. Chairman,
I move to (not required
for Consent agenda
items)"

No formal action is needed at this time. Required public hearings will occur at a later date and will be properly advertised.

Subject

Draft Data Center Performance Standards

Issue

Staff is presenting the draft data center performance standards that were requested by the Board and is seeking feedback to ensure alignment with the direction previously given by the Board.

Recommendation

No formal action is needed at this time. Staff is seeking input from the Board of Supervisors on the draft data center performance standards to ensure alignment with the direction previously given by the Board.

Fiscal Implications

N/A

Policy Implications

None at this time as nothing is currently proposed for adoption. Staff will present the draft performance standards to both the Board and Planning Commission, gather feedback, make revisions, and will advertise future public hearings in accordance with applicable requirements.

Legislative History

At their July 13, 2026, regular meeting, the Board of Supervisors directed staff to discontinue development of the previously proposed Technology Overlay District as a framework for data center regulation. Staff was directed to develop a draft data center ordinance with strict performance standards to address the impacts of data centers and incorporate the concerns of citizens. This presentation is to introduce the Board to the draft performance standards and to ensure alignment with the direction previously given by the Board.

Discussion

Data center development is proposed or occurring in many adjacent localities. The County has not received any applications regarding data centers to date; however, it is reasonable to assume that, with the explosive proliferation of data center growth, the County could receive a proposal based on its geographic location, available land, and utility infrastructure. At the direction of the Board, staff has prepared draft performance standards to regulate data center development within the County, should it come, and seeks to ensure alignment with the direction previously given by the Board.

Time Needed:

9:35 a.m.

Person Appearing:

Community
Development
Director Joshua

Request prepared by:	Josh Airaghi, Community Development Director	Telephone:	Airaghi
			804-966-8784
Copy provided to:			

ATTACHMENT(S):

[Clean_Draft Data Center Performance Stds..pdf](#)

Chapter 98 – Zoning
Proposed Amendments Related to Data Center Performance Standards

Article I. – IN GENERAL

Sec. 98-2. – Definitions and rules of construction.

Ambient noise environment means the normal or existing level of noise from existing conditions or activities at a given location.

Closed-loop cooling system means a sealed system designed to circulate a cooling fluid or coolant in a continuous loop to absorb and remove heat without exposing the fluid to the outside environment.

Data center means an enclosed facility, or part thereof, which houses computer and network systems, servers, and other associated components for the purpose of, but not limited to, the storage, management, processing, and transmission of digital data. Such facility may include onsite supporting infrastructure including, but not limited to, equipment used for the transformation, transmission, distribution, or management of electrical power, emergency power supplies, specialized environmental controls, water cooling equipment and air handlers, various security systems and devices, and other associated infrastructure or improvements to support sustained operations at the facility. The definition includes individual data center buildings and those arranged in a campus style setting.

Energy generation means a facility or equipment designed to produce commercially viable power for distribution to the electrical grid, to store generated energy or to serve one or more users. Such facilities may include, but are not limited to, natural gas turbines, solar generation facilities, proprietary energy sources, or battery energy storage systems. It does not include emergency power systems such as commercially available backup generators.

ARTICLE II. – GENERAL AREA, FRONTAGE, YARDS, HEIGHT, SETBACK, PERFORMANCE REQUIREMENTS AND STANDARDS

Sec. 98-62. – Table of land uses.

	BUS	EO	IND	C-1	A-1	R-O, R-OA, R-1, R- 1A	R-2, R- 2A	R-3	MHP
Industrial									
Data Center			C						

ARTICLE XVII. – INDUSTRIAL DISTRICT

Sec. 98-661. – Intent of district.

The Industrial district is intended to provide opportunities where industry can thrive while maintaining a sensitive balance of aesthetic appeal and environmental protection. In the event of conflict between this article and other requirements of this chapter, the more stringent regulation will prevail.

Sec. 98-662. – Uses.

Uses permitted as a matter of right or only by conditional use permit are shown in the Table of Land Uses in section 98-62. All uses shall be established using the performance standards applicable to that use as found in sections 98-871, 98-872, 98-873, 98-878, and/or 98-879. All development and redevelopment in the Industrial district require approval of a site plan or plan of development.

ARTICLE XXII. – SITE PLANS; PERFORMANCE STANDARDS

Sec. 98-879. – Specific conditions applicable to data centers.

(A) Application Procedures.

- (1) **Pre-Application Meeting.** Prior to submission of a conditional use permit application, a pre-application meeting must be held with County planning staff to discuss the location, scale, nature of the proposed use, and what will be expected during the application process, as well as any other requirements that may be applicable.
- (2) **Community Meeting.** Prior to the public hearing with the Planning Commission but after the pre-application meeting, a minimum of one public community meeting must be held to give the community an opportunity to hear from the applicant and to ask questions regarding the proposed project or facility. The meeting must adhere to the following requirements:
 - (i) The applicant must notify the planning department, adjacent property owners, and property owners within a one-mile radius of the project's property boundaries, in writing, of the date, time, and location of the meeting. The notification must be made at least 14, but no more than 21 days, in advance of the meeting date;
 - (ii) The date, time, and location of the meeting must be advertised sufficiently in prevalent news media sources available to County residents by the applicant, at least 14 but no more than 21 days in advance of the meeting date;
 - (iii) The applicant must provide the County with adequate social media graphics for distribution across its website and available social media platforms. The materials must contain the specifics of the meeting and point of contact information for the applicant;
 - (iv) The meeting must be held within the County, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities;
 - (v) The meeting must give members of the public the opportunity to review proposed application materials, to ask questions of the applicant, and to provide feedback; and
 - (vi) The applicant must provide the planning department with a summary of any input received from members of the public at the meeting and copies of any written submissions from the public within 14 days of the meeting date.
- (3) **Consideration by the Planning Commission and Board of Supervisors.** The Planning Commission and Board of Supervisors will consider, review, and take action on conditional use permit applications as specified in Article XIX of this chapter.

(B) Application Requirements. In addition to application materials required pursuant to Article XIX of this chapter, all conditional use permit applications for data centers must include the following materials and information:

- (1) **Concept Plan.** A concept plan must be submitted showing:
 - (i) Identification of subject parcels and property lines and/or leased portions of parcels and limits of leased areas, including fenced areas, with area measurements in both acres and square feet;
 - (ii) Identification of required setbacks;

- (iii) Proposed buildings and structures, including identification of each building and structure, and the total area and heights of principal buildings, ancillary equipment, and other accessory buildings;
 - (iv) The location of proposed fencing, driveways, internal roads, parking, points of ingress/egress, and proposed easement areas, including identification of each easement area;
 - (v) The location and nature of proposed buffers and screening elements, including vegetative and constructed screening, and existing landforms (ie. Natural berms, hills, etc.) intended to be used as a buffer or screening;
 - (vi) The location of substations, electrical cabling from the facility to substations, generators, and any other ancillary electrical equipment;
 - (vii) The location of any laydown areas, loading areas, temporary parking, or other areas to be used during the construction period;
 - (viii) Aerial imagery showing the proposed location and boundaries of the facility, fenced areas, ingress/egress, easement areas, and the closest distance from proposed buildings and accessory structures/equipment to all adjacent property lines and buildings, noting their uses;
 - (ix) A summary of total impervious area proposed and a summary of the total open space proposed; and
 - (x) Additional information that may be required by the Zoning Administrator, such as a scaled elevation view of the property, photographs of the proposed site, and any other information that may be deemed necessary for a technical review of the proposal.
- (2) **Project Narrative.** A project narrative must be submitted identifying:
- (i) The applicant, facility owner, site owner, and operator, if known at the time of application;
 - (ii) A description of the proposed data center facility, including an overview of the project and its location;
 - (iii) The estimated time for construction, any phasing schedule, location of staging areas or off-site storage facilities, location of temporary parking areas, and proposed date for commencement of operations;
 - (iv) A letter from the electric utility purveyor indicating sufficient proximity and availability to a substation and/or transmission lines;
 - (v) The planned maximum rated capacity of the facility, the expected capacity of the facility at the conclusion of each phase of construction, and any anticipated off-site improvements that will be needed to satisfy the electrical load requirements of the facility at full operation;
 - (vi) The manner and location of electrical transmission, including the location of the proposed electrical distribution or grid interconnection, substations, and switchyards;
 - (vii) A description of the proposed cooling systems, including system type, fluid capacity, and type of fluid to be used for cooling;
 - (viii) A description of required maintenance activities associated with the cooling system, including the anticipated frequency of maintenance and how cooling system wastewater will be handled;
 - (ix) The approximate number, representative types, and expected footprint of accessory equipment to be constructed or placed at the facility, including the anticipated number of emergency generators, generator fuel type, and maintenance activities required for the generators; and
 - (x) A description of any hazardous materials that may be stored at the facility, including the type of materials, how materials will be stored, and any anticipated spill response and disposal plans.
- (3) **Community Impact Statement.** A community impact statement must be prepared by one or more qualified professionals acting within their areas of expertise and must provide a written analysis of the anticipated impacts on the surrounding community, including but not limited to:
- (i) Consistency of the proposed facility with applicable policies and goals contained in the Comprehensive Plan;

- (ii) Anticipated direct revenues to the County from real estate and personal property taxes;
 - (iii) Employment opportunities, both temporary and permanent, to be created by the proposed development;
 - (iv) An assessment of the short- and long-term economic impact of the proposed development;
 - (v) An assessment of the anticipated costs the County would incur in providing services to the proposed development, and what efforts, if any, are proposed to mitigate the service demands or costs to the County;
 - (vi) An analysis of how fire, rescue, and law enforcement services may be impacted as compared to existing capacities;
 - (vii) Socioeconomic changes and impacts to result from the proposed development; and
 - (viii) A summary of how the proposed development plans to integrate into the community, aims to address community concerns, and mitigate known impacts.
- (4) **Preliminary Grading and Drainage Plan.** A preliminary grading plan must be submitted identifying:
- (i) Existing and proposed contours;
 - (ii) Existing and proposed steep slopes (25% or greater);
 - (iii) Anticipated stormwater management facility locations; and
 - (iv) A summary of the anticipated disturbed area, impervious surface, and open space.
- (5) **Viewshed Analysis.** A viewshed analysis which sufficiently demonstrates the anticipated viewshed, inclusive of required buffers, supplemental plantings, grading, and/or berms, complies with the intent and requirements of (D.2), below, must be submitted.
- (6) **Environmental and Cultural Resource Assessment.** An environmental and cultural resource assessment must be submitted that includes:
- (i) Site-specific delineation and mapping of wetlands, rivers, streams, floodplains, and Resource Protection Areas;
 - (ii) A Phase I Environmental Site Assessment that meets generally accepted national standards for such assessments, such as those developed by the American Society of Testing and Materials, and provides any applicable recommendations; and
 - (iii) A Phase I Cultural Resources Survey, performed in accordance with the guidelines of the Virginia Department of Historic Resources, which includes any recommendations for preservation of historic resources.
- (7) **Traffic and Transportation Assessment.** An assessment of the impact of the proposed development, including construction processes, on traffic and transportation infrastructure must be submitted that includes, but is not limited to:
- (i) An anticipated construction schedule, including the estimated duration and phases of construction;
 - (ii) The anticipated days and hours of construction-related deliveries and other significant transportation activities;
 - (iii) The estimated number and frequency of construction-related vehicle trips, including anticipated peak periods;
 - (iv) The types and general characteristics of vehicles anticipated during construction;
 - (v) A map identifying any proposed primary and secondary haul routes; and
 - (vi) Any anticipated improvements or measures necessary to accommodate construction traffic or mitigate impacts on transportation infrastructure.
- (8) **Water Supply Study.** A water needs assessment must be submitted which includes but is not limited to:
- (i) A description of the various systems proposed to utilize County water resources, both potable and reclaimed;

- (ii) Projected water demand, including anticipated annual, maximum daily, and peak hour water demands;
 - (iii) Water source identification;
 - (iv) Any water conservation measures to be employed, including water capture and storage and minimization of landscaping irrigation;
 - (v) A description of how wastewater treatment will be addressed;
 - (vi) A description of how wastewater will be recycled, discharged, or otherwise handled; and
 - (vii) Any additional information, analyses, or data reasonably necessary, as determined by the County, to evaluate the adequacy, sustainability, and potential impacts of the proposed water supply sources and wastewater treatment on public utility systems.
- (9) **Sound Study.** A sound study prepared by a qualified professional in accordance with ISO 9613 standards must be submitted and include the following:
- (i) A pre-construction survey assessing the existing ambient noise environment of the proposed site, including measurements between the hours of 11 p.m. and 5 a.m., from a minimum of one point on each side of the property closest to an adjacent occupied structure or in additional locations as determined by the Zoning Administrator;
 - (ii) A sound modeling study that demonstrates the maximum sound levels specific to the proposed site topography, layout, and building type, scale, height, and construction proposed. The sound study must include “worst-case” maximum sound levels from, but not limited to, all ancillary equipment, emergency generators, and cooling systems operating at full capacity;
 - (iii) An assumption of favorable sound propagation conditions;
 - (iv) Recommendations for sound mitigation strategies, if applicable; and
 - (v) Sound contour maps that demonstrate compliance with the limitations in (D.9), below.
- (10) **Decommissioning Plan.** The intent of decommissioning is to remove data center related infrastructure and equipment under the owner or operator’s control to achieve shell buildings that may be utilized for reuse. A decommissioning plan certified by a professional engineer licensed in the Commonwealth must be submitted and include:
- (i) Anticipated plans for the disposal and/or recycling of project equipment and components, including the identification of disposal and/or recycling sites located in the County.
 - (ii) The manner in which the facility will be decommissioned, including:
 - (a) Removal of cooling equipment, transformers, generators, fuel storage tanks, and associated equipment;
 - (b) Removal of servers, racks, uninterrupted power supplies, and other network related equipment;
 - (c) Removal of storage tanks, both above and below ground;
 - (d) Removal of hazardous materials in accordance with applicable federal and state regulations;
 - (e) Removal of accessory structures, other than a guardhouse;
 - (f) Removal or abandonment of underground utilities and infrastructure in accordance with applicable codes; and
 - (g) Restoration and stabilization of disturbed areas and exposed soils.
 - (iii) An up-to-date decommissioning plan must be provided any time there is project ownership outside of the current developer.

(C) Siting and Location.

- (1) **Zoning.** Data centers will only be permissible through a conditional use permit process on industrial zoned property.
- (2) **Property Size.** The following minimum area thresholds will apply to data center proposals:

- (i) A data center campus, meaning three or more data center buildings, requires a minimum of 200 contiguous acres at the time of application.
- (ii) A minimum of 75 contiguous acres is required for up to two data center buildings.
- (3) **Power.** The nearest property boundary must be within one mile of an existing electrical transmission line that is either within the county or an adjoining locality.
- (4) **Water.** If proposing to utilize water for cooling operations, the nearest property boundary must be within one mile of an existing reclaimed water waterline that is either within the county or an adjoining locality.
- (5) **Roads and Access.** Access must only be located on state-maintained roads with a functional classification of minor arterial or higher order street.

(D) Design and Development Standards for Data Centers.

- (1) **Setbacks.** The following setbacks are inclusive of the buffer requirements prescribed in (2), below, and are not in addition too.
 - (i) The minimum setback for guardhouses, parking, outdoor storage, and loading areas will be 400 feet from exterior property lines.
 - (ii) The minimum setback for data center buildings, other structures, cooling equipment, substations, generators, and other supporting equipment or systems will be 500 feet from exterior property lines.
- (2) **Buffers.** The required buffers must be designed to minimize visual impacts from adjacent roads, streets, and properties and achieve a nearly 100% visual barrier year-round.
 - (i) The minimum buffer width is 300 feet, as measured from any exterior property lines toward the interior of the property.
 - (a) Where multiple parcels are included in a master plan, buffer requirements will not apply to internal property lines, except that buffer requirements will apply to exterior property lines at internal and external property line intersections.
 - (ii) Buffer encroachments are limited to routes of ingress/egress and utility rights-of-ways and easements. Outfalls from stormwater management facilities may be allowed to encroach in buffer areas provided the Zoning Administrator determines the encroachment is the minimum necessary to afford relief. Impacts from encroachments in buffer areas must be mitigated to the extent practicable and are subject to the conditions of a conditional use permit and approval of the Zoning Administrator through the plan of development process.
 - (iii) The preservation of existing vegetation and mature trees within buffer areas is required to the maximum extent practicable. Where the desired screening effect is not achieved by existing vegetation, as determined by the Zoning Administrator, supplemental vegetative plantings are required.
 - (iv) The following table prescribes the type and quantity of vegetation required when establishing or supplementing buffer areas. Landscaped berms may be used, in addition to solely vegetative plantings, when establishing or supplementing a buffer. Berms must have side slopes no steeper than 3:1.

Data Center Buffer Vegetation Required ^[1]	
Landscape Material ^[2]	300-foot Buffer
	Number of Plants/Linear Feet of Buffer
Flowering & Ornamental Trees	9/30
Large Deciduous Trees	9/50
Evergreen Trees	9/30
Evergreen Shrubs	9/10

^[1] The proposed composition of species and landscaping plan is subject to plan of development approval.

^[2] The landscape material must meet the minimum size requirements found in the table of “Landscape Planting Size Standards” in Sec. 98-1063 of this chapter.

- (3) **Minimum Open Space.** A minimum of 40% of the area subject to the conditional use permit must be retained as open space. For the purposes of this requirement, open space may include vegetated buffers, setback areas, resource protection areas, wetlands, and other greenspace areas.
- (4) **Fencing.** All fencing must be located internal to the property on the interior side of the required buffer. Chain link and barbed wire fencing, or any combination thereof are prohibited.
- (5) **Architectural Standards.** The Commerce Corridor Overlay Regulations prescribed in Article XXVIII of this chapter will apply to the entire property except that:
 - (i) Tinted masonry block, precast concrete, and tilt-up concrete panels, and insulated metal panel systems are permitted for use as both primary and secondary materials.
 - (ii) To avoid monotonous appearances, at least two of the following design elements must be included:
 - (a) Variations in building heights or rooflines;
 - (b) Building step-backs or recesses;
 - (c) Windows, doors, and skylights distributed across the façade which comprise at least 16% of the square footage of the façade; or
 - (d) Changes in building material, pattern, texture, or accent material.
 - (iii) Free-standing signage must be monument-style and is limited to eight feet in height and 50 square feet in sign area.
 - (iv) Building-mounted or façade signage is limited to one square foot of sign area per linear foot of the façade on which the sign is placed.
- (6) **Lighting Requirements.** Outdoor lighting must be sufficient to protect public safety; however, no outdoor lighting fixture will be installed, aimed at, or directed to produce light or glare that exceeds 0.50 foot-candles within two feet of the property line of the light source. All site and building mounted lighting fixtures will be mounted a maximum of 25 feet above finished grade, will be fully shielded and/or recessed, and will prevent upward light scatter to protect the dark night sky. Fixtures and illumination levels must be compatible with the architecture of the principal building(s) on the site.
- (7) **Screening of accessory equipment.** Both ground level and rooftop accessory equipment must be screened from view. Screening may be provided by a principal building or existing vegetation. Accessory equipment not screened by a principal building or existing vegetation must be screened by a solid fence, screen wall, parapet wall, or other visually solid screen that is constructed of materials compatible with those used in the exterior construction of the principal building.
- (8) **Emergency Backup Generators.** Generators must meet Environmental Protection Agency Tier 4, or higher, emission standards and must:
 - (i) Be enclosed or surrounded by an equivalent acoustical barrier;
 - (ii) Be operated and maintained in accordance with the manufacturer’s recommendations;
 - (iii) Include a fully operational muffler or other noise attenuating device if said device is standard on such equipment or was required by a sound study to meet the noise limitations prescribed in (9) below;
 - (iv) Only be tested between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday; and
 - (v) Comply with the requirements or conditions of an air permit issued by the Virginia Department of Environmental Quality.
 - (vi) Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

- (9) **Noise.** Data centers and associated ancillary equipment must adhere to the following limitations:
- (i) A-weighted decibels (dBA) must not exceed the existing ambient noise captured in the sound study or 55 dBA, whichever is greater, when measured from the exterior boundary of the property on which it operates; and
 - (ii) C-weighted decibels (dBC) must not exceed the existing ambient noise captured in the sound study or 65 dBC, whichever is greater, when measured from the exterior boundary of the property on which it operates.
- (10) **Cooling and Water Usage.**
- (i) Systems used to cool data center components and equipment must be designed as closed-loop cooling systems. Evaporative cooling techniques and air-cooled cooling systems are not permitted.
 - (ii) If using County water resources, only treated wastewater (reclaimed water) will be used to fill closed-loop cooling systems. The use of groundwater wells as a water supply is prohibited.
 - (a) Nothing in this subsection prohibits the cooling system from utilizing a water-only, water-glycol mixture, or other cooling solution procured through an independent company.
- (11) **Discharge and Flushing.** The direct discharge of cooling water or solutions to both the open environment and the public wastewater system is prohibited. Cooling system waste from flushing or discharge activities must be hauled to an appropriate off-site facility that operates in accordance with state and federal requirements.
- (i) Nothing in this subsection replaces the requirements of the County's Pretreatment Standards and Local Limits for Wastewater Discharges (Ord. O-35-21), as applicable, nor does it prevent New Kent County from enforcing the terms of Ord. 35-21.
- (12) **State and Federal Permits.** Copies of all required state and federal permits must be provided to be maintained as part of the record. Conditions of state and federal permits must be adhered to during all periods of operation.
- (13) **Emergency Response Plan.** Prior to the issuance of a certificate of occupancy, owner/operator must prepare and submit an Emergency Response Plan to be reviewed and approved by the public safety departments.
- (i) The plan must include the following:
 - a. Identification of facility hazards, including hazardous materials;
 - b. Emergency contacts for the facility;
 - c. Site access procedures;
 - d. Utility shutoff locations;
 - e. Emergency power systems;
 - f. Fire suppression system considerations; and
 - g. Any other information reasonably necessary to assist emergency responders.
 - (ii) Prior to the issuance of a certificate of occupancy, orientation and familiarization training must be provided to the public safety departments.
 - (iii) The plan must be reviewed and updated upon any material modification to the facility and no less than every three years.
- (14) **Decommissioning.**
- (i) Prior to the issuance of any building permits, a decommissioning cost estimate prepared by a third-party professional engineer or professional cost estimator must be reviewed and approved. The estimated cost of decommissioning must be guaranteed through the provision of financial assurance in a form acceptable to the County Attorney.

- (ii) The estimated decommissioning cost must be reviewed every three years by a qualified professional. The amount of financial assurance will be adjusted as necessary to reflect current estimated costs.
 - (iii) The facility owner or operator must notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and the intent to commence decommissioning activities.
 - a. Decommissioning must commence within 12 months after the date of discontinued operations or when the facility has remained inactive for a continuous period of 12 months.
 - b. Decommissioning activities must be completed within 24 months after commencement, unless an extension is approved by the Board of Supervisors.
 - (iv) Decommissioning must be performed in accordance with an approved decommissioning plan. The Board of Supervisors may approve any amendments to or modifications of the decommissioning plan.
 - a. If the approved decommissioning plan is not followed or the activities exceed the 24-month timeline in (iii.b), above, without an approved extension, the County may utilize the financial assurance to complete the work or cause it to be completed.
 - (v) Within 30 days of the sale or transfer of the lease or property, a new financial assurance must be established by the new leaseholder or property owner.
- (E) **Post Construction; reporting requirements.** The following reporting requirements will apply post construction in accordance with the stated requirements.
- (1) **Power.** A letter from the electric utility purveyor must be submitted annually confirming the facility is using no more than the maximum amount of electricity than was originally approved.
 - (i) In the event the facility used more electricity than was previously approved, the facility will be given an opportunity to submit a plan, including an implementation timeline, to curtail its power usage to be within the previously approved limits. Any plan and implementation guideline must be approved by the Zoning Administrator.
 - (ii) The Board, after a duly advertised public hearing, may authorize a data center to expand its usage of electricity. In the event the Board approves an expansion, it may require additional conditions of approval. The cost of advertising and conducting public hearings to consider increased power requirements will be at the expense of the applicant.
 - (2) **Water.** Water usage reporting will be handled by the public utility purveyor pursuant to Code of Virginia § 62.1-44.38.C.
 - (3) **Noise.**
 - (i) Within 90 days of each phase of a data center becoming operational, a sound study must be submitted confirming compliance with the limitations prescribed in (D.9), above.
 - (ii) Within 90 days of the facility becoming fully operational, a sound study must be submitted confirming compliance with the limitations prescribed in (D.9), above.
 - (iii) Additional sound studies must be conducted within 90 days of a request from the Zoning Administrator for such a study and will be at the expense of the owner, operator, or lessee.
 - (iv) Should any post construction noise study prove non-compliance with the requirements, additional sound attenuation strategies must be designed and implemented. The allowed time for implementation will be dependent upon the mitigation plan that is submitted and approved by the Zoning Administrator.
 - (4) **Emergency Generators.** The facility owner, operator, or lessee must submit an annual report to the County stating the run time of each generator in the preceding calendar year and the reason for the generator activation.

- (i) Upon the request of the Zoning Administrator, the facility must provide documentation of generator run time and the reason for generator activation at any point in a given calendar year.
- (5) **State and Federal Reporting.** Any reporting or metrics required to be submitted to state or federal agencies as part of a permit condition must also be made available to the County upon request.

ARTICLE XXIII. PARKING AND LOADING AREAS

Sec. 98-903. – Minimum off-street parking and loading requirements.

Use	Off-Street Spaces Required Per Increment	
	Parking	Loading
<i>Industrial</i>		
Data center	1 per 350 square feet of office area, plus 1 per 10,000 square feet of remaining floor area; or as authorized based on an operational parking study	1 per loading dock; or if no loading dock, 1 per 40,000 square feet of floor area

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 09/29/2026

Other Business

Subject

Other Business

Time Needed:

10:20 a.m.

Person Appearing:

Request prepared
by:

Wanda Watkins,
Deputy Board
Clerk

Telephone:

Copy provided to:

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 09/29/2026

Adjournment

Motion: "Mr. Chairman,
I move to (not required
for Consent agenda
items)"

adjourn

Subject

Adjournment

Discussion

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 13, 2026, and the next work session will be held at 9:00 a.m. on Tuesday, October 27, 2026, both in the Boardroom of the County Administration Building. The Budget Retreat originally scheduled for October 16, 2026 may be/has been canceled (pending action to be taken in this meeting).

Time Needed:

10:30 a.m.

Person Appearing:

Request prepared
by:

Wanda Watkins,
Deputy Board
Clerk

Telephone:

Copy provided to:

ATTACHMENT(S):

[Closed Meeting Motions Rev 2024.pdf](#)

MOTIONS FOR CONVENING A CLOSED SESSION

- 1 I move to go into closed session pursuant to §2.2-3711A.1 of the Code of Virginia for *(discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees)* involving _____.
- 3 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County)* involving _____.
- 4 I move to go into closed session pursuant to §2.2-3711A.4 of the Code of Virginia for *(the protection of the privacy of individuals in personal matters not related to public business)* involving _____.
- 5 I move to go into closed session pursuant to §2.2-3711A.5 of the Code of Virginia for *(discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community)* involving _____.
- 6 I move to go into closed session pursuant to §2.2-3711A.6 of the Code of Virginia for *(discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected)* involving _____.
- 7 I move to go into closed session pursuant to §2.2-3711A.7 of the Code of Virginia for *(consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel)* involving _____.
- 19 I move to go into closed session pursuant to §2.2-3711A.19 of the Code of Virginia for *(discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure)* involving _____.
- 28 I move to go into closed session pursuant to §2.2-3711A.28 of the Code of Virginia for *(discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records)* involving _____.

- 29 I move to go into closed session pursuant to §2.2-3711A.29 of the Code of Virginia for *(discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board)* involving _____.
- 33 I move to go into closed session pursuant to §2.2-3711A.32 of the Code of Virginia for *(discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.)* involving _____.

CERTIFICATION OF CLOSED SESSION

A. Motion

I move that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

B. Vote taken on certification.

Present:

Vote:

Thomas W. Evelyn
John P. Moyer
Amy M. Pearson
Ron Stiers
Jordan T. Stewart