

## PROTECTING NEW KENT COUNTY AGRICULTURE FACT SHEET

### “The power of the Elected and Appointed”

Official statements and planning materials identify New Kent County land zoned agricultural as the large majority.

- New Kent County’s land area is roughly 210–212 square miles (about 134,400–135,700 acres).
- The County Attorney has stated that “the vast majority of our county is zoned A-1.”
- Active agricultural use (land in farms) is much lower: USDA data show about 21,533 acres in farms (roughly 16% of land area). Older planning documents put related agricultural activities around 9–10% of land area. Zoning is broader than current use—large areas of rural/wooded/residential land remain zoned A-1.
- Comprehensive Plan materials and zoning rules treat A-1 as the dominant rural/agricultural district, with smaller areas in residential, commercial, industrial, economic opportunity, conservation, and other categories. Future land-use designations include substantial Ag/Forestral and Rural Lands categories that align with agricultural zoning.

Exact acreage or percentage figures for current A-1 zoning are not published in the Comprehensive Plan 2045 documents, zoning ordinance summaries, or other readily accessible county reports. For precise parcel-level or county-wide zoning statistics, you have to contact New Kent County Planning/Community Development (they maintain the GIS parcel viewer and zoning maps) or review the interactive GIS tools on the county website.

**New Kent County GIS zoning data is available primarily through official county channels.** There is no free public bulk download of the full zoning shapefile/geodatabase on an open data portal. Here is how to access or request it:

#### 1. Official Data Request (recommended for full zoning GIS data)

- **Data Request Form (PDF):** <https://www.newkent-va.us/DocumentCenter/View/146> (or search “Data Request Form” on newkent-va.us).
- Zoning is explicitly listed as an available layer (along with Zoning Overlay Districts, Parcels, Future Land Use, etc.).
- **Cost:** \$250 for all layers (one-time purchase) delivered as an ESRI Personal Geodatabase (MDB). Projection: NAD 1983 State Plane Virginia South.
- **How to submit:**
  1. Fill out and sign the form.
  2. Mail it with a check payable to **NEW KENT COUNTY** to: GIS Data Requests  
Attn: Matt Forbes P.O. Box 150 New Kent, VA 23124

3. Questions: Matt Forbes, GIS Coordinator — (804) 966-8522 or [mtforbes@newkent-va.us](mailto:mtforbes@newkent-va.us).
- Map products price list: <https://www.newkent-va.us/DocumentCenter/View/147>.

## 2. Free Online Viewers (no download needed for visual/inspection use)

- **Primary interactive GIS / parcel viewer:** [https://atlas.civ.quest/newkent\\_va](https://atlas.civ.quest/newkent_va) (Also linked from the county Planning and GIS pages. Look for zoning under layers or “Vision.”)
- **Land Developer Viewer:**  
<https://newkentgis.maps.arcgis.com/apps/instant/basic/index.html?appid=2e178d86fad342519f25c8a3a7661868>
- **Zoning and Tax Maps** (PDF collection via Dropbox):  
<https://www.dropbox.com/sh/n2kacihd5fnpr2c/AAClkiXsepYeyzFPGeK89UwUa?dl=0>

## 3. ArcGIS REST Service (technical access)

- Public MapServer: <https://parcelviewer.geodecisions.com/arcgis/rest/services/NewKent/Public/MapServer>
- Zoning layer specifically: Layer ID 9  
<https://parcelviewer.geodecisions.com/arcgis/rest/services/NewKent/Public/MapServer/9>
- Fields include ZONING (e.g., A1 = Agriculture) and Shape\_Area. Note: Full statistical queries or bulk exports may be restricted (authentication or limits apply).

## County GIS contact

- GIS Office phone: (804) 966-8522
- Main GIS page: <https://www.newkent-va.us/297/GIS>

The county provides the data as a public information service with a standard disclaimer (informational only; no warranty; consult official records for legal purposes). For calculating the exact percentage of land zoned agricultural (A-1), the purchased geodatabase or a custom query/map from the GIS office would be the most reliable source.

**Virginia localities have broad authority under Code of Virginia § 15.2-2280 et seq. to regulate, restrict, permit, or prohibit land uses through zoning.** *They can exclude data centers from agricultural (A-1) and other districts,* require special exceptions or conditional use permits (CUPs) with public hearings, and impose performance standards tied to public health, safety, welfare, infrastructure capacity, and comprehensive plan goals. Applications must still be considered on their merits (a total de facto moratorium that refuses to process any application can be vulnerable), **but high, well-documented standards can make projects impractical or prohibitively expensive.**

New Kent and similar rural counties in the Eastern Virginia Groundwater Management Area (GWMA) and Chesapeake Bay Watershed already face structural constraints: the Virginia DEQ’s recent groundwater report finds the Coastal Plain aquifer system stressed, with inland

levels declining below sea level in places, and states that new large groundwater withdrawals are unlikely to meet permitting criteria across much of the region. Evaporative-cooled data centers would struggle for reliable supply. Power interconnection and transmission upgrades are also capacity-constrained and costly.

## Core Ordinance Strategy

Define “Data Center” (and related uses such as data center campuses, associated substations, and on-site generation) precisely. Then:

1. **Prohibit or severely restrict location**
  - o Make data centers **prohibited** (not listed as permitted or special-exception) in A-1 Agricultural, Conservation, Residential, and most mixed-use districts.
  - o Allow them **only by special exception / CUP** in a narrow set of Industrial or Economic Opportunity districts that already have (or can demonstrably obtain) adequate public water/sewer, transmission capacity, and road access without major new rural infrastructure.
  - o Optionally create a tightly drawn overlay only over existing industrial lands with full utilities; outside it, require full legislative rezoning + special exception.
  - o Require Board of Supervisors initiation for any expansion of allowable areas.
2. **Minimum site size and configuration that consume usable land**
  - o 100+ contiguous acres for multi-building campuses; 25–50+ acres even for smaller facilities.
  - o Internal subdivision restricted. Combined with large setbacks, this leaves little developable core on typical rural parcels.
3. **Extreme setbacks and buffers (draw from Goochland and strengthened New Kent drafts)**
  - o 300–500+ feet from agricultural, residential, conservation, or planned-unit-development property lines (Goochland uses 300 ft on industrial base zoning and 500 ft on agricultural base adjacent to residential, with possible reduction only via CUP).
  - o 250+ foot dense, native vegetative buffers (installed *before* construction) that include berms, evergreens, and screening to eliminate ground-level views.
  - o Additional setbacks from roads and conservation features. Buffers inclusive of setbacks; no buildings, parking, generators, or storage inside them.
4. **Noise and operational standards that drive engineering cost**
  - o Continuous limits of 55 dBA (and a low-frequency metric such as 65 dBC) measured at the property line, day and night.
  - o Independent third-party noise studies (pre-construction modeling with industry software, post-occupancy verification within months, and County-requested follow-ups up to several times per year) paid by the applicant.
  - o Generators: Tier 4 or better, fully enclosed or screened with masonry/acoustic walls, located away from sensitive edges; testing limited to short daytime weekday windows with public notice; emergency-only operation otherwise, with a narrow definition of “emergency.”
  - o Construction hours strictly limited near rural/residential edges.

5. **Water standards that leverage the aquifer and Bay constraints**
  - o Mandate closed-loop, air-cooled, or 100% non-potable/recycled water systems for cooling; prohibit or tightly limit evaporative systems that rely on groundwater or potable supply.
  - o Require a detailed Water Use Audit (annual, peak, and daily demands) plus an independent hydrogeologic impact study demonstrating no adverse effect on the aquifer, neighboring wells, streams, or Chesapeake Bay resources.
  - o Prefer or require county reclaimed water where available; impose high connection/use fees and pretreatment standards for any wastewater.
  - o Explicit compliance with the Chesapeake Bay Preservation Act, Resource Protection Areas, and local stormwater rules that exceed minimums. Given the DEQ findings, groundwater-dependent projects become effectively infeasible in much of the shared aquifer area.
6. **Power and infrastructure requirements**
  - o Require documented proof of existing transmission capacity and interconnection without new high-voltage lines or substations crossing agricultural or conservation lands (or require the applicant to fund full mitigation and undergrounding where feasible).
  - o On-site generation or large storage only by separate CUP with the same noise/visual standards.
  - o Applicant bears 100% of upgrade costs; no cost-shifting to ratepayers or the County.
  - o Efficiency and reporting standards for energy use.
7. **Process and financial barriers**
  - o Full public hearing process (Planning Commission recommendation + Board of Supervisors decision) for every application.
  - o Extensive required studies (noise, water/hydrogeology, traffic, visual/cultural resources, fiscal impact, power) with County peer review paid by the applicant.
  - o High application and review fees.
  - o Substantial proffers or impact fees for roads, emergency services, schools (if any residual residential impact), and community benefits.
  - o Performance bonds for noise, water, buffer maintenance, and eventual decommissioning/remediation.
  - o No tax abatements or Technology Zone incentives unless the project fully internalizes infrastructure costs.
  - o Ongoing monitoring and public reporting of water and power use; revocation for non-compliance.
8. **Additional cost drivers**
  - o Height limits (e.g., 60–80 ft near rural edges) and rural-compatible architectural/screening standards.
  - o Dark-sky compliant lighting.
  - o Traffic management plans that prohibit construction or operational access via local rural roads.
  - o Wildlife corridors, historic resource buffers, and superior stormwater treatment.

## **Practical Path Forward for New Kent and Similar Counties**

New Kent's Board has already directed staff to prepare a draft data center ordinance (after rejecting the Technology Overlay District framework). Strengthen it beyond the earlier draft's 200-ft setbacks and moderate noise limits by incorporating the higher Goochland-style numbers, mandatory closed-loop/air cooling, independent aquifer studies, and special-exception-only treatment outside existing industrial land.

Update the Comprehensive Plan first to emphasize agricultural preservation, aquifer protection, rural character, and infrastructure capacity limits—this strengthens the legal foundation for the zoning text. Coordinate with neighboring counties that share the aquifer and with DEQ on withdrawal realities. Engage the county attorney early so standards are tied to documented impacts and remain defensible.

These stacked, performance-based requirements do not need to be labeled a “ban.” They simply make compliant sites rare (large buffered acreage + existing full utilities + no new rural power lines + no significant groundwater use) and drive capital and operating costs high enough that most projects become uneconomic compared with locations that already have surplus infrastructure. That is the practical effect many rural Virginia communities are pursuing.