

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF GOOCHLAND

CYNTHIA HAAS, PEGGY KNISLEY,)
VIRGINIA H. REED, AND GAIL A. MINNICK,)
)
Plaintiffs,)

v.)

Civil Case No. CL25-1270

BOARD OF SUPERVISORS OF GOOCHLAND)
COUNTY, VIRGINIA, PLANNING)
COMMISSION OF GOOCHLAND COUNTY,)
VIRGINIA, AND GOOCHLAND COUNTY,)
VIRGINIA,)
)
Defendants.)

**COMPLAINT FOR DECLARATORY
JUDGMENT, INJUNCTIVE, AND OTHER RELIEF**

NOW COME your Plaintiffs, Cynthia Haas, Peggy Knisley, Virginia H. Reed, and Gail A. Minnick (individually and collectively, “Plaintiff” or “Plaintiffs,” respectively), by counsel, and submit the following as their Complaint against the Defendants, Board of Supervisors of Goochland County, Virginia, (“Board”), Planning Commission of Goochland County, Virginia (“PC”) and Goochland County, Virginia (“County”):

INTRODUCTION

This action seeks a declaratory judgment and injunctive relief declaring void and enjoining enforcement of the Technology Overlay District (“TOD”) adoption enacted by the Board on November 6, 2025, and related actions that were taken in conflict with the Goochland County zoning ordinance and without compliance with Virginia statutory requirements and constitutional principles.

IDENTIFICATION OF THE PARTIES

1. Plaintiff Cynthia Haas (“Haas”) is a resident, taxpayer, and property owner of 12313 Beech Hall Circle, Manakin Sabot, VA 23103, located in Goochland County, Virginia. Haas is directly and adversely affected by the Board’s adoption of the TOD. As an adjacent property owner and taxpayer, Haas has standing to challenge the TOD because its enactment materially alters the permitted uses within the district, changes the legal and practical outcomes of future rezoning applications, and poses concrete and particularized harms to her property interests. These harms include, but are not limited to, diminution in property value, increased noise, pollution and traffic, and the imminent risk of intensive industrial development immediately adjacent to her land. Haas further has standing to seek judicial relief where her elected governing body and appointees thereof have acted unlawfully, in violation of applicable local ordinances and Virginia law.
2. Peggy Knisley (“Knisley”) a resident, taxpayer, and property owner of 1633 Centerville Parke Lane, Manakin Sabot, VA 23103 located in Goochland County, Virginia. Knisley is directly and adversely affected by the Board’s adoption of the TOD. As a property owner in close proximity and taxpayer, Knisley has standing to challenge the TOD because its enactment materially alters the permitted uses within the district, changes the legal and practical outcomes of future rezoning applications, and poses concrete and particularized harms to her property interests. These harms include, but are not limited to, diminution in property value, increased noise, pollution and traffic, and the imminent risk of

intensive industrial development immediately in close proximity to her land.

Knisley further has standing to seek judicial relief where her elected governing body and appointees thereof have acted unlawfully, in violation of applicable local ordinances and Virginia law.

3. Virginia H. Reed (“Reed”) is a resident, taxpayer, and property owner of 9174 Bellini Crescent, Richmond, VA 23237, located in Goochland County, Virginia. Reed is directly and adversely affected by the Board’s adoption of the TOD. As an adjacent property owner and taxpayer, Reed has standing to challenge the TOD because its enactment materially alters the permitted uses within the district, changes the legal and practical outcomes of future rezoning applications, and poses concrete and particularized harms to her property interests. These harms include, but are not limited to, diminution in property value, increased noise, pollution and traffic, and the imminent risk of intensive industrial development immediately adjacent to her land. Reed further has standing to seek judicial relief where her elected governing body and appointees thereof have acted unlawfully, in violation of applicable local ordinances and Virginia law.

4. Gail A. Minnick (“Minnick”) is a resident, taxpayer, and property owner of 9174 Bellini Crescent, Richmond, VA 23237, located in Goochland County, Virginia. Minnick is directly and adversely affected by the Board’s adoption of the TOD. As an adjacent property owner and taxpayer, Minnick has standing to challenge the TOD because its enactment materially alters the permitted uses within the district, changes the legal and practical outcomes of future rezoning applications, and poses concrete and particularized harms to her property interests. These

harms include, but are not limited to, diminution in property value, increased noise, pollution and traffic, and the imminent risk of intensive industrial development immediately adjacent to her land. Minnick further has standing to seek judicial relief where her elected governing body and appointees thereof have acted unlawfully, in violation of applicable local ordinances and Virginia law.

5. Plaintiffs Knisley, Reed, and Minnick further aver that the PC failed to provide written notice to them as owners of parcels involved, in violation of § 15.2-2204(B).
6. Defendant Goochland County Board of Supervisors (“Board”) is the elected governing body responsible for adopting county ordinances, comprehensive plan amendments, and zoning map amendments, including the TOD at issue.
7. Defendant Goochland County Planning Commission (“PC”) is appointed by the governing body of Goochland County and responsible for making recommendations to the Board for adopting county ordinances, comprehensive plan amendments, and zoning map amendments, including the TOD at issue.
8. Defendant Goochland County (“County”) is a political subdivision of and a locality in the Commonwealth of Virginia.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this dispute pursuant to Va. Code §§ 8.01-184 through -191, and -620; §15.2-1404; § 15.2-2204(E), §15.2-2208, and § 15.2-2285(F). Venue in this Court is appropriate pursuant to Va. Code §§ 8.01.261 and -262(4) because the challenged actions were taken by the Goochland County

Planning Commission and Board of Supervisors and affect property and residents located in Goochland County.

10. The Plaintiffs are aggrieved by certain actions of the Board, as alleged further below.

FACTUAL ALLEGATIONS

11. On July 7, 2025 and September 8, 2025, the County held community meetings to discuss an amendment to the County Comprehensive Plan and an amendment to the Zoning Ordinance (County Code Chapter 15) adding Article 27.A (Technology Overlay District), Sections 15-448 through 15-550, establishing a Technology Overlay District (“TOD”) that would change the zoning map classification of over one hundred parcels of land in Goochland County, encompassing multiple underlying zoning districts ranging in intensity from agricultural to industrial.
12. A Technology Overlay District is a zoning mechanism that expands allowable uses, with particular application to technology related businesses (including data centers, natural gas peaking plants or utility generating stations, and energy storage facilities), within existing zoning districts, thereby materially altering the intensity and types of uses permitted on parcels either by right or by conditional use permit and imposing additional conditions such as operational requirements or restrictions, setbacks, landscape buffers, and design standards.
13. Later, on or about August 26, 2025, the County added a substantial revision to the proposed TOD, expanding its boundaries to include approximately 900 acres of land south of the Mosaic community in the southeastern portion of Goochland

County (the area hereinafter “TOD West”). The expansion encompassed parcels previously zoned A-1 (Agricultural, Limited) and A-2 (Agricultural, General) and introduced provisions that would authorize highly intensive industrial uses—specifically, massive data centers and supporting generators and other infrastructure—within these agricultural districts. Under the revised framework, data centers within the A-1 and A-2 portions of TOD West were permitted only upon issuance of a special use permit, while data center uses were permitted by right in other agriculturally zoned portions of the broader TOD, creating inconsistent regulatory treatment across similarly classified and situated parcels.

14. On August 6, 2025, September 3, 2025, and September 10, 2025, advertisements were published in the Goochland Gazette providing notice of a public hearing before the Goochland County Planning Commission scheduled for August 21, 2025 and September 18, 2025, respectively. See Planning Commission Hearing Advertisements, attached as Exhibit A.
15. The Planning Commission advertisements did not include the street addresses or tax parcel numbers of the parcels subject to the proposed amendments, did not identify the approximate acreage affected, and did not describe the boundaries of the area subject to the changes. Moreover, the advertisements included a vague and inaccurate description of the areas affected in Goochland County.
16. The Goochland County Planning Commission held public hearings on the proposed TOD on September 18, 2025 and September 25, 2025, and by a vote of 3 to 2 recommended approval of the proposed amendments to the Board.

17. On information and belief, official written notification letters were not sent by the PC, or its representative, to all property owners affected by the countywide amendment to the zoning map prior to the PC hearings on September 18 and September 25, 2025.
18. On October 22, 2025 and October 29, 2025, advertisements were published in the Goochland Gazette providing notice of a public hearing before the Board scheduled for November 6, 2025. See Board of Supervisors Hearing Advertisements, attached as Exhibit B.
19. The Board's advertisements did not include street addresses or tax parcel numbers of the parcels subject to the proposed amendments, did not identify the approximate acreage affected, and did not provide a description of the boundaries of the area subject to the changes. Moreover, the advertisements included a vague and inaccurate description of the areas affected in Goochland County, and although the notices specified the time and place of the November 6 hearing, the notices did not state that "persons affected may appear and present their views."
20. On November 6, 2025, the Board adopted the TOD Ordinance by a vote of 4 to 1. See TOD Ordinance, attached as Exhibit C.
21. At the November 6, 2025 public hearing, the Board proposed, adopted and codified several last minute amendments that materially altered the intensity and regulatory treatment of certain permitted uses substantially different than the materials previously available to the public, including revisions and changes to development standards governing by-right data center uses that were expressly characterized by the Goochland County Deputy County Administrator for

Economic and Community Development as being of a substantive nature, and further expressly declared by a Board member as effectively imposing downzoning or otherwise changing scale, siting, and operational permissibility. See Board Member Vaughter's 11/6/25 Amendments, attached hereto as Exhibit D.

22. The final adopted version of the TOD differed materially from the version described in the County's published notices dated October 22, 2025 and October 29, 2025.
23. The Board did not hold any additional public hearings following the November 6, 2025 adoption and did not provide a subsequent opportunity for public review and comment on the materially revised classifications and standards adopted on November 6.
24. The TOD authorizes high-intensity industrial uses, including massive data centers, immediately adjacent to parcels zoned Residential Planned Unit Development (RPUD).
25. On information and belief, data center facilities permitted under the TOD are anticipated to generate constant mechanical noise from cooling towers, HVAC systems, chillers, and industrial-scale generators; diesel and gas turbine emissions; removal of mature tree canopy; continuous lighting and operations; ongoing construction impacts; installation of high-voltage electrical infrastructure; and year-round industrial traffic.
26. The TOD modifies the existing zoning scheme by permitting new uses by-right—including data centers, advanced manufacturing, and energy storage facilities—

that were not permitted under the underlying base zoning for many affected parcels.

27. The TOD imposes new restrictions and standards, including setbacks, buffers, noise limits, operational controls, and architectural and design requirements, that were not previously applicable under the base zoning.
28. The TOD Ordinance contains provisions authorizing certain uses without adequately objective standards, includes internal inconsistencies that fail to provide clear notice to landowners and administrators, and delegates broad discretion to County officials in the review and approval process.
29. The TOD functions as an effective rezoning by changing permissible uses and intensities for specific parcels, including upzoning from A-1/A-2 to allow M-1 uses and permitting data centers by-right in certain overlay subareas.
30. Public materials, reporting and testimony reflect widespread and very substantial concerns that the County lacks sufficient public water and wastewater infrastructure capacity to support the high-intensity uses authorized by-right by the TOD, including data centers. The adopted TOD contains mandatory public water and wastewater connection requirements for certain uses, and residents and stakeholders raised infrastructure and environmental capacity concerns during public meetings and hearings prior to adoption; nonetheless, the Board adopted the TOD (including the last-moment substantive amendments) and related Technology Zone on November 6, 2025.
31. The adopted TOD contains development standards that operate *de facto and de jure* as rezoning, including changes in permitted uses and intensities, distinctions

between by-right treatment and conditional use permitting in TOD West, mandatory public water and wastewater connection requirements, and detailed generator controls (including specified testing hours, restrictions on non-testing operation except in emergencies, noise limits, testing schedules, and mitigation measures).

32. The TOD ordinance contains extensive and unprecedented regulations governing the operation, testing, placement, design, and technological specifications of generators associated with data centers and other high-intensity uses. The TOD limits generator testing to two hours per day, only between 10:00 a.m. and 5:00 p.m., Monday through Friday, requires annual public posting of testing schedules with 48-hour notice of any changes, and prohibits generator operation except during testing or narrowly and impossibly vague-defined emergencies. The ordinance further mandates that generators be enclosed within buildings or manufacturer-approved enclosures, screened by opaque masonry or sound-attenuating walls, shielded from residential properties by principal structures, and supplemented with berms, terrain, or landscaping to eliminate visibility. It also requires the use of Tier 4 diesel generators or equivalent technologies and imposes substantial setback requirements, expressly including generators within 300 or 500-foot separation distances from residentially zoned or mixed-use properties. These provisions collectively regulate generator operations, emissions-related technology, testing schedules, and performance standards—subjects traditionally and exclusively regulated by the Virginia Department of

Environmental Quality and the State Air Pollution Control Board—rather than land use, and therefore exceed the County’s delegated zoning authority.

33. The TOD was adopted despite heavy, substantial community opposition. On information and belief, more than 1,000 emails and letters of opposition were submitted to the County, representing an opposition rate among correspondents of approximately 99.5%. On information and belief, approximately 250 neighborhoods lie within a five-mile radius of the TOD and are directly affected by its adoption. On information and belief, none or only some incidental amount of such neighborhoods theretofore allowed such heavy, massive, and intrusive industrial uses at scale as proposed in their zoning districts classifications known, in many cases, as Agricultural, Residential, and thus such.

34. Plaintiffs are without an adequate remedy at law.

THE LEGAL PRINCIPLE

The Constitution and laws of the United States and of the Commonwealth shall be supreme. Any ordinance of any governing body or board shall not be inconsistent with the Constitution and laws of the United States or of the Commonwealth. *See* Va. Code § 1-248.

COUNT I

VIOLATIONS OF ADVERTISEMENT, NOTICE AND PUBLIC HEARING REQUIREMENTS OF VIRGINIA CODE SECTIONS 15.2-1433, 15.2-2204 AND 15.2-2285

35. The allegations contained in the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.

36. On November 6, 2025, the Board adopted and codified amendments to the Goochland County Comprehensive Plan and Zoning Ordinances that effected changes in the zoning map classification with implications for more than one hundred parcels located in Goochland County. Moreover, the amendments to the comprehensive plan and the changes to the zoning map classification affect parcels located within one-half mile of the boundary of Henrico County, an adjoining locality of the Commonwealth of Virginia.
37. Virginia Code §§ 15.2-1427, 15.2-1433, 15.2-2229 and 15.2-2285 require that amendments and recodifications to a county comprehensive plan, zoning ordinance and zoning map be noticed and advertised for public hearing in accordance with the requirements of Virginia Code § 15.2-2204.
38. Virginia Code § 15.2-2204 prescribes mandatory procedural requirements for advertisement and notice that localities must satisfy to ensure due process, transparency, and accountability in land use decisions, including rezoning, codification, and text and map amendments.
39. Section 15.2-2204(A)-(B) requires, inter alia, that:
 - a. the advertisement and notice shall specify the time and place of the hearing at which persons affected may appear and present their views,
 - b. the advertisement and notice shall include the street address or tax-parcel number of the parcels of land, the approximate acreage subject to the action or in certain cases a description of the boundaries of the area subject to the changes, and a link to a map of the subject area,

- c. written notice shall be given by the local planning commission or its representative to the owner, owners, or their agent of each parcel of land involved, and
 - d. a representative of the local planning commission shall make affidavit that such mailings have been made and file an affidavit with papers in the case.
40. The Board's published public hearing advertisement failed to specify that persons affected may appear and present their views to the Board, and the advertisement was otherwise wholly inadequate, misleading, vague, inaccurate, technically deficient, and confusingly defective because it did not identify the street addresses or tax-parcel numbers of the parcels subject to the amendments, did not specify the approximate acreage involved, or alternatively, did not provide an adequate description of the boundaries of the area subject to the changes. Further, the advertisement falsely described the TOD as a "Countywide" amendment when it was certainly not. See BOS Nov. 6th Public Hearing Advertisement, attached hereto as Exhibit B.
41. Moreover, the affidavits filed by the representative of the local planning commission attesting to the fact that written notices were made to affected property owners were vague, inaccurate and confusingly defective. On information and belief, the affidavits were also created after the fact on November 21, 2025, well after the Board's hearing on November 6, 2025, and in reaction to Plaintiffs Freedom of Information Act ("FOIA") request to the County. See Affidavits, attached hereto as Exhibit E.

42. Section (C) of § 15.2-2204 further mandates that the planning commission, or its representative, provide written notice to the chief administrative officer (or his designee) of an adjoining locality of the proposed comprehensive plan amendments or proposed zoning map change when the amendments affect any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth.
43. Henrico County is an adjoining locality within one-half mile of the parcels affected by the TOD amendments, and the Goochland County Planning Commission, or its representative, failed to comply with the written notice requirements in violation of Virginia Code § 15.2-2204(C). Any purported notice was wholly inadequate, misleading, vague, inaccurate, technically deficient, and confusingly defective so as not to comply with the written notice requirements of Virginia law. See Purported Henrico Notices, attached hereto as Exhibit F.
44. Virginia Code § 15.2-1433 further mandates that for codification and recodification of ordinances related to zoning “no change, alteration, amendment, deletion or addition of a substantive nature shall be made and no new material of a substantive nature shall be added to such ordinances unless, prior to the date of adoption of such codification or recodification, notice of such proposed changes, alterations, amendments, deletions or additions shall be published as required by the Code of Virginia and public hearings held thereon as provided by the Code of Virginia for adoption and amendment of zoning . . . ordinances.”
45. At the November 6, 2025 public hearing, the Board codified last-minute amendments that were introduced for the first time at the public hearing on

November 6th. These last-minute amendments were characterized by County representatives as substantive in nature, and did indeed constitute changes, alterations and additions of a substantive nature, changing the regulation of existing permitted by-right uses within the TOD without notice to property owners.

46. The full text and other documentation previously made available by the County for public inspection related to the TOD zoning amendments did not include the substantive last-minute changes and alterations. Moreover, the County did not hold any additional public hearing prior to the recodification of the amended zoning ordinance that would have apprised the public or Henrico County of the newly codified substantive changes and alterations in violation of Sections 15.2-1433, 15.2-2204(A), 15.2-2204(C), and 15.2-2285(C).
47. The amendments adopted and codified at the November 6, 2025 hearing imposed additional regulatory standards on by-right uses, altered development standards affecting the scale and siting of structures, and changed operational requirements that enable more intensive commercial and industrial uses, thereby effecting new and additional regulatory mandates for uses than previously advertised and shown in the materials made available for examination under Va. Code § 15.2-2204(A).
48. Because the Board acted in direct violation of Va. Code §§ 15.2-1433, 15.2-2204(A) and (C), and 15.2-2285(C), the Zoning Ordinance and Comprehensive Plan amendments adopted and codified on November 6, 2025, are void *ab initio* and have no legal force or effect.

49. The notice, advertisement and public hearing requirements of §§ 15.2-1433, 15.2-2204(A) and (C), and 15.2-2285(C) are intended to protect the statutory and constitutional due process rights of affected landowners and citizens by providing timely, specific notice of proposed comprehensive plan and zoning changes.
50. By failing to comply with the statutory requirements, the Defendants exceeded their legal authority, deprived Plaintiffs of required procedural protections, and rendered the adoption of the amendments void *ab initio*.
51. As a direct and proximate result of the Defendants' failure to provide required notice and advertisement, and public hearing, Plaintiffs have suffered and continue to suffer injury and are entitled to declaratory and injunctive relief, including an order vacating the November 6, 2025 amendments, and such other relief as the Court deems just and proper.

COUNT II

VIOLATION OF STATUTORY UNIFORMITY REQUIREMENT (VA. CODE § 15.2-2282)

52. The allegations contained in the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
53. Virginia Code § 15.2-2282 provides that zoning regulations “shall be uniform for each class or kind of building and uses throughout each district, but the regulations in one district may differ from those in other districts.”
54. The TOD, as adopted by the Board on November 6, 2025, is a wholly new zoning district that effected zoning changes authorizing new heavy industrial and technology uses within a substantial portion of eastern Goochland County that previously were prohibited under the existing underlying zoning classifications.

55. The TOD's regulations are not uniform for each class or kind of building and use throughout the district. The Ordinance contains conflicting provisions that authorize identical or substantially similar uses as by-right in certain overlay subareas while requiring conditional use permits for those same uses in other overlay subareas within the same TOD.
56. As a consequence, identical uses located in the same underlying zoning districts but in different subareas of the TOD are subjected to materially different regulatory treatment, including differences in the processes for approval, standards of review, and applicable conditions.
57. For example, the TOD authorizes data centers by-right in certain overlay subareas while requiring a conditional use permit for the identical uses in other subareas of the agricultural zoning district, including the area designated TOD West, without reasonable, objective, or documented distinctions tied to the character of the underlying agricultural district or parcel-specific conditions that would justify disparate treatment. The TOD creates in essence a variety of mixed new districts, such as an "Industrial/Ag District" and another "Industrial/Ag District – Conditional." Meanwhile, in other parts of Goochland County, in A-1 and A-2 districts, as typical, massive industrial data centers are still prohibited entirely.
58. The differential treatment described above lacks a rational, documented basis, permits and/or invites arbitrary distinctions in land-use regulation, and therefore violates the uniformity requirement of Va. Code § 15.2-2282.
59. As a direct and proximate result of the Board's adoption of a nonuniform regulatory scheme in the TOD, Plaintiffs have suffered and will continue to suffer

injuries for which they are entitled to relief at law and equity, including declaratory relief that the TOD violates Va. Code § 15.2-2282, injunctive relief vacating or enjoining application of the TOD, and such other relief as the Court deems just and proper.

COUNT III

Violation of Goochland County Zoning Ordinance and Unlawful Approval of Technology Overlay District (TOD)

60. The allegations contained in the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
61. The TOD encompasses various existing zoning districts in Goochland County, including, but not limited to A-1 (Agricultural, General) and A-2 (Agricultural, Limited) zoning districts located throughout the TOD area.
62. Section 15-4 of the Goochland County Zoning Ordinance expressly provides that “Only those uses, structures, or features permitted in specific district regulations are allowed.”
63. Sections 15-101 and 15-111 of the Goochland County Zoning Ordinance establish that the A-1 and A-2 zoning districts are intended “to protect agricultural and forestal lands thereby conserving the county’s natural resources.”
64. Uses permitted within the Technology Overlay District (“TOD”), including but not limited to data centers, are prohibited or require a conditional use permit within the A-1 and A-2 zoning districts.
65. The Board of Supervisors’ action approving the TOD without rezoning the underlying A-1 and A-2 parcels creates a direct and irreconcilable conflict with

the stated intent and restrictions of those agricultural zoning districts as expressed in the Zoning Ordinance.

66. By purporting to authorize otherwise prohibited industrial uses within agricultural districts, the Board's approval of the TOD contravenes the plain language of the Zoning Ordinance and violates Virginia law.
67. An industrial use not authorized in an agricultural zoning district is prohibited. *Capelle v. Orange County*, 269 Va. 60 (2005).
68. Accordingly, the Board's approval of the TOD is ultra vires, unlawful, and void *ab initio*.

COUNT IV

UNLAWFUL DOWNZONING BY LAST-MINUTE AMENDMENT TO TOD ORDINANCE

69. The allegations contained in the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
70. At the November 6, 2025 public hearing, the Board proposed a last-minute amendment to Section 15-448(B)(3) of the TOD Ordinance to require that "if the data center use is permitted by-right in the underlying zoning for the property and the property is adjacent to residentially-zoned property or a mixed-use development with residential use, then TOD standards in Section 15-449.A apply."
71. This amendment was introduced, adopted and codified without prior advertisement, notice, or opportunity for public comment, and materially altered

the regulatory framework that had been presented to the public in advance of the hearing.

72. The amendment constitutes a piecemeal downzoning of certain areas within the TOD that had previously authorized data centers as by-right uses. By imposing new restrictions and conditions on data center development adjacent to residentially zoned or mixed-use parcels, the Board substantially modified and diminished the development rights of landowners in the affected areas.
73. The Board's action was expressly characterized by one Board member as a "downzoning" and acknowledged by the Deputy County Administrator as such, confirming that the amendment reduced the scope of previously authorized uses and imposed new limitations on property owners.
74. Under Virginia law, a downzoning is defined as a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or restricts the range of uses permitted on property. The November 6 amendment meets this definition because it removed by-right status for data centers in certain TOD subareas and imposed heightened compliance obligations that materially restrict the intensity and permissibility of such uses.
75. As a direct and proximate result of the Board's unlawful actions, Plaintiffs have suffered harm in that their elected officials failed to comply with the mandatory requirements of Virginia law. Plaintiffs are entitled to hold their representatives accountable for these violations and to demand governance that adheres strictly to statutory procedures and constitutional protections. The rule of law requires that elected officials act within the bounds of their delegated authority, and Plaintiffs

seek relief to ensure that their representatives comply with the provisions of the Virginia Code and Virginia law.

COUNT V

ULTRA VIRES AND PREEMPTED REGULATION OF GENERATORS IN VIOLATION OF THE DILLON RULE

76. The allegations contained in the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
77. Virginia adheres to the Dillon Rule, under which local governments possess only those powers that are: (1) expressly granted by the General Assembly; (2) necessarily or fairly implied from an express grant; or (3) essential and indispensable to the locality's declared purposes. Any reasonable doubt as to the existence of a power must be resolved against the locality.
78. The General Assembly has expressly delegated regulation of stationary emergency generators—including emissions, testing protocols, operational limits, and permissible hours of non-emergency use—to the Virginia Department of Environmental Quality (“DEQ”) and the State Air Pollution Control Board. DEQ administers the Emergency Generator General Permit under 9VAC5-540, which establishes statewide operating limits, testing and maintenance restrictions, non-emergency use allowances, emissions standards, and recordkeeping requirements.
79. Generator operations—including daily testing, maintenance cycles, emergency and non-emergency use, emissions technology, and operational performance—are therefore matters comprehensively regulated at the state level, not by local zoning ordinances.

80. Despite this exclusive state framework, the TOD ordinance imposes extensive generator-specific operational, technological, and performance mandates that intrude into a field preempted by state law and exceed the County's delegated zoning authority.
81. The TOD ordinance regulates generators in at least five ways:
- a. § 15-449.A(1)(b): Operational limits on testing hours, duration, scheduling, and public notice.
 - b. § 15-449.A(1)(d)(i): Operational prohibition barring generator use except during testing or narrowly defined emergencies.
 - c. § 15-449.A(1)(d)(ii): Location and design mandates requiring shielding and screening to minimize noise.
 - d. § 15-449.A(1)(d)(iii): Engineering requirements mandating enclosures, masonry walls, berms, and Tier 4 diesel technology.
 - e. § 15-449.A(6)(a)–(b): Setback requirements expressly including generator equipment.
82. These provisions traverse far beyond traditional land-use regulation. They regulate generator operation, emergency versus non-emergency use, emissions technology, engineering specifications, and performance standards—subjects and scopes reserved to DEQ under 9VAC5-540 and the Virginia Air Pollution Control Law.
83. While counties may adopt reasonable land-use controls such as general noise limits or siting requirements, Goochland's TOD ordinance imposes material substantive and purportedly enforceable restrictions by non-experts—including

absolute bans on generator operation outside testing and emergencies, mandatory Tier 4 emissions technology, and detailed operational mandates—that intrude into matters requiring DEQ permitting and technical environmental regulation.

84. By adopting generator provisions that are both ultra vires under the Dillon Rule and preempted by state law, the Board acted outside the scope of its lawful authority. These provisions are void *ab initio* and of no legal force or effect.

85. As a direct result of these unlawful actions, Plaintiffs have suffered harm, including the deprivation of their right to be governed by elected officials who comply with the Virginia Code and act within the limits of their delegated authority. Plaintiffs are entitled to hold their representatives accountable and to seek judicial intervention to ensure compliance with statutory and constitutional constraints.

86. Plaintiffs therefore request declaratory and injunctive relief declaring the generator-related provisions of the TOD unlawful, void, and unenforceable, and granting such further relief as the Court deems just and proper.

COUNT VI

ULTRA VIRES REGULATION OF PUBLIC WATER AND WASTEWATER SYSTEMS IN VIOLATION OF THE DILLON RULE

87. The allegations contained in the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.

88. Section 15-449.A(5) of the TOD ordinance requires that “any use within the TOD must utilize public water and sewer systems,” while permitting only limited onsite reuse or pretreatment prior to discharge into the public system. This provision

conditions land-use approvals on mandatory public utility connections and infrastructure capacity determinations.

89. While Virginia Code § 15.2-2110 authorizes Goochland County to require property owners to connect to public water and sewer systems if service is available, it expressly exempts property owners with existing, correctable, or replaceable private systems. The TOD ordinance contains no such exemption and instead imposes a blanket mandate, thereby exceeding the scope of authority granted by the General Assembly.
90. Moreover, Virginia Code § 15.2-5137 vests public service authorities, not counties acting through zoning ordinances, with the power to require mandatory connections for properties abutting public mains or lines. The TOD ordinance's mandatory connection requirement therefore intrudes into a field reserved to state-authorized utility entities.
91. The general zoning enabling statutes (§ 15.2-2280 et seq.) do not delegate to localities the authority to regulate or mandate utility connections through zoning ordinances. By attempting to impose mandatory water and wastewater connections through the TOD, Goochland County has acted in conflict with the statutory framework governing public utilities.
92. Because the General Assembly has not expressly or implicitly authorized counties to regulate public water and wastewater systems through zoning ordinances, and because the TOD's blanket mandate conflicts with §§ 15.2-2110 and 15.2-5137, the ordinance's utility connection provisions are ultra vires under the Dillon Rule, preempted by state law, and void *ab initio*.

93. Plaintiffs therefore request declaratory and injunctive relief declaring the TOD's public water and wastewater connection requirements unlawful, void, and unenforceable, and granting such further relief as the Court deems just and proper.

COUNT VII

UNCONSTITUTIONAL VAGUENESS IN VIOLATION OF DUE PROCESS

94. The allegations contained in the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.

95. Article I, § 11 of the Constitution of Virginia and the Fourteenth Amendment to the United States Constitution prohibit the deprivation of property without due process of law. A zoning ordinance is void for vagueness if it fails to provide a person of ordinary intelligence a reasonable opportunity to know what conduct is required or prohibited, or if it invites arbitrary and discriminatory enforcement.

96. Virginia strictly construes zoning enabling statutes against localities, and local practices that stray far from statutory provisions or fail to provide clear standards are likely to be ultra vires. Vagueness in zoning ordinances is particularly suspect because it denies landowners fair notice and subjects them to arbitrary enforcement.

97. The TOD ordinance contains multiple vague and indeterminate provisions that fail to provide clear, objective standards for compliance, *inter alia*:

- Undefined "Emergency" Standard (§ 15-449.A(1)(d)(i)): The ordinance prohibits generator operation except during "emergencies," defined vaguely as circumstances "beyond the facility operator's control" or "at the direction of public emergency services." This definition is

indeterminate and leaves operators uncertain when grid instability, utility directives, or partial outages qualify, inviting arbitrary enforcement, nor does it provide any discernable standard by which A-1 and A-2 zoning district homeowners and/or property owners have any clear purported “protection(s)”.

- Indeterminate Noise Standards (§ 15-449.A(1)(a)–(c)): The ordinance exempts “periods of generator testing” and “emergencies” from noise limits, but requires compliance with “acceptable industry standards” using modeling software “such as” SoundPlan or CadnaA. The phrase “acceptable industry standards” is undefined, leaving compliance to subjective judgment by county officials.
- Unclear Technological Mandates (§ 15-449.A(1)(d)(iii)): The ordinance requires “low emission Tier 4 certified diesel generators” but allows “newer technologies and other methods” if they minimize noise “as well as or better.” This standard is subjective and provides no metric for determining equivalence, leaving compliance to discretionary enforcement.
- Mandatory Public Water/Wastewater Connection (§ 15-449.A(5)): The ordinance requires all TOD uses to connect to public water and sewer systems, but fails to incorporate the statutory exemption in Va. Code § 15.2-2110 for property owners with existing, correctable, or replaceable private systems. This omission creates confusion and conflict with state law, leaving property owners uncertain of their obligations.

- Setback Requirements Including Generators (§ 15-449.A(6)): The ordinance requires data centers and “all exterior mechanical equipment, including generators” to be set back 300–500 feet from residential property, but does not define “mechanical equipment” or clarify whether temporary/mobile generators are included. This vagueness creates uncertainty in compliance and enforcement.
98. These provisions fail to provide fair notice of what is required, rely on undefined and subjective standards, and delegate excessive discretion to zoning administrators. As a result, they invite arbitrary enforcement and deny landowners due process of law.
99. The TOD ordinance is therefore unconstitutionally vague under Article I, § 11 of the Virginia Constitution and the Fourteenth Amendment to the United States Constitution.
100. Plaintiffs request declaratory and injunctive relief declaring the generator and utility provisions of the TOD ordinance void for vagueness and unenforceable, and granting such further relief as the Court deems just and proper.

COUNT VIII

UNREASONABLE, ARBITRARY AND CAPRICIOUS REZONING IN VIOLATION OF VIRGINIA LAW

101. The allegations contained in the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
102. The inclusion of multiple underlying zoning districts—specifically including agricultural districts—and the incorporation of approximately 900 acres known as TOD West into the Technology Overlay District, together with the attendant

changes in permissible uses, constitute a zoning map amendment (a rezoning), *de facto* and/or *de jure* and without regard to self-serving declaration. This rezoning materially alters the permitted uses, densities, and intensities applicable to the affected parcels and thereby changes the legal character and permitted uses of the land. It further violates the plain language and intent of the zoning districts as clearly expressed in the applicable zoning classifications under the Goochland County Code.

103. Virginia law requires that a governing body, when acting on a rezoning, consider and make findings addressing the statutory factors set forth in Va. Code §§ 15.2-2283 and 15.2-2284, including but not limited to:
 - a. Consistency with the comprehensive plan and adopted policies;
 - b. Public necessity, convenience, general welfare, and good zoning practice;
 - c. Existing use and character of the surrounding area and the suitability of the properties for the proposed uses;
 - d. Trend of development, availability and capacity of public facilities and utilities, and transportation impacts; and
 - e. Any other relevant factors bearing on the reasonableness and necessity of the rezoning.

104. The Board failed to cite or acknowledge Virginia Code § 15.2-2284 in the ordinance-embodied “WHEREAS” provisions when it adopted and codified the TOD Ordinance, which mandates the matters *shall* be considered in drawing and applying zoning ordinances and districts.

105. The Board failed to make contemporaneous, intelligible findings tied to these statutory factors that demonstrate a rational basis for adopting the TOD, specifically as related to the agricultural districts affected. The Board's minutes and adoption record do not include adequate or any findings addressing, *inter alia*, comprehensive plan consistency, impacts on public facilities and transportation, overcrowding of land, impacts on light and air, other environmental impacts, adequacy of infrastructure and utilities, to include, but not limited to major and material water and wastewater service, distinctions between parcels subject to by-right treatment and those subject to conditional use review, or other material considerations required by §§ 15.2-2283 and 15.2-2284.
106. The TOD ordinance further conditions development on mandatory connection to public water and sewer (§ 15-449.A(5)), without qualification or findings establishing (a) physical availability of mains to each affected parcel, (b) system capacity to serve the increased demand, or (c) a reasonable nexus between the mandate and legitimate local interests. This blanket requirement ignores the statutory exemption in Va. Code § 15.2-2110 for properties with existing, correctable, or replaceable private systems, and intrudes into authority delegated to public service authorities under Va. Code § 15.2-5137. Conditioning development on infeasible or unavailable utility connections is arbitrary, unreasonable, and not fairly related to legitimate zoning objectives.
107. On information and belief, the PC did not conduct the public facilities study required by Va. Code § 15.2-2230.1, leaving the Board without evidence of water, sewer, or transportation capacity to support the by-right data centers and

expanded intensities permitted under the TOD. The failure to evaluate public facility adequacy renders the rezoning unsupported by evidence and arbitrary.

108. The Board produced no contemporaneous findings or studies addressing infrastructure adequacy, public facility impacts, or comprehensive plan consistency. Without such evidence, the rezoning is not fairly debatable and must be set aside.
109. The TOD ordinance also materially altered by-right permissions for data centers, including removal of parking requirements and allowance of data centers in agricultural districts, without evidence of infrastructure capacity to support such uses. As such, the Board's rezoning is arbitrary because it permits intensive uses without the facilities and infrastructure necessary to serve them.
110. Because the Board adopted the TOD without the required statutory findings, without adherence to mandatory procedural prerequisites, and without evidence of infrastructure adequacy, the rezoning is arbitrary, capricious, and unlawful.
111. Plaintiffs request that the Court declare the rezoning invalid, enjoin any enforcement or reliance on the rezoning, and order such remedial relief as the Court deems necessary to secure compliance with the statutory scheme governing zoning map amendments.

COUNT IX

DECLARATORY JUDGMENT THAT THE SEVERABILITY PROVISION OF THE GOOCHLAND COUNTY ORDINANCE IS INAPPLICABLE IF THE PROVISIONS FOUND TO BE INVALID ARE CRUCIAL TO THE PURPOSE AND SPIRIT OF THE ORDINANCE

112. The allegations contained in the foregoing paragraphs are incorporated herein by reference.

113. On information and belief, numerous provisions of the TOD are legally invalid and must be struck.
114. The Goochland County Zoning Ordinance § 15-6 contains a severability clause to leave any provisions not expressly struck by a court intact.
115. The entire TOD must be struck if any of the allegedly severable provisions is crucial to the purpose and spirit of the ordinance. Board of Supervisors of James City County v. Rowe, 216 Va. 128, 216 S.E.2d 199 (1975).
116. The illegal and invalid provisions of the TOD are crucial, integral throughout, and dominating pervasive features to the purpose and spirit of the ordinance and therefore the entire TOD must be struck and declared void in its entirety. The many defects described throughout the Complaint are so pervasive and integrated that severing the offending provisions would be impracticable if not impossible.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in its favor and grant the following relief:

1. **Declaratory Relief:** a. Declare that the Technology Overlay District (“TOD”) ordinance adopted by the Goochland County Board of Supervisors on November 6, 2025, including its amendments to the Comprehensive Plan and Zoning Ordinance, was enacted in violation of Virginia Code §§ 15.2-1433, 15.2-2204, 15.2-2282, and 15.2-2285, and is therefore void *ab initio* and of no legal force or effect. b. Declare that the TOD ordinance unlawfully imposed non-uniform zoning regulations within the same district, in violation of Va. Code

§ 15.2-2282. c. Declare that the last-minute amendment adopted on November 6, 2025 constituted an unlawful downzoning without proper notice or hearing.

d. Declare that the TOD ordinance's generator regulations and mandatory public water/wastewater connection requirements exceed the County's delegated authority under the Dillon Rule, conflict with Va. Code §§ 15.2-2110 and 15.2-5137, and are preempted by state law. e. Declare that the TOD ordinance is unconstitutionally vague and was adopted arbitrarily and capriciously without the statutory findings required by Va. Code §§ 15.2-2283 and 15.2-2284.

2. **Injunctive Relief:** a. Enjoin Defendants from enforcing or relying upon the TOD ordinance, including its generator regulations, water/wastewater mandates, and downzoning provisions. b. Enjoin Defendants from applying the TOD ordinance to Plaintiffs' properties or to any parcels affected by the unlawful rezoning. c. Require Defendants to vacate the November 6, 2025 adoption of the TOD ordinance and restore the zoning classifications and standards in effect immediately prior to its adoption.
3. **Remedial Relief:** a. Order Defendants to comply with the statutory notice, advertisement, and public hearing requirements of Va. Code §§ 15.2-2204 and 15.2-2285 before undertaking any future rezoning or adoption of overlay districts. b. Order Defendants to make the statutory findings required by Va. Code §§ 15.2-2283 and 15.2-2284 before adopting any zoning map amendment.
4. **Further relief:** Grant attorneys' fees and such other and further relief, at law or in equity, as the Court deems just and proper to secure compliance with Virginia law and protect Plaintiffs' rights.

Respectfully submitted,

CYNTHIA HAAS, PEGGY KNISLEY,
VIRGINIA H. REED, AND GAIL A.
MINNICK

By:



Philip Carter Strother, LL.M. VSB #43652
Strother Law Offices, PLC
The Hillyard-Maury House
15 East Franklin Street
Richmond, Virginia 23219
804.523.2000 (Tel)
pstrother@strotherlaw.com
Counsel for Plaintiffs

EXHIBIT A

Richmond Suburban News
The Mechanicsville Local • The Goochland Gazette
Powhatan Today • Ashland-Hanover Local

Advertising Affidavit



Account Number

6019547

Date

August 06, 2025

8600 Times Dispatch Blvd
Mechanicsville, Virginia 23116

GOOCHLAND COUNTY COMMUNITY
DEVELOPMENT
1800 SANDY HOOK ROAD
GOOCHLAND, VA 23063

Date	Category	Description	Ad Size	Total Cost
08/06/2025	Legal Notices	AUGUST PC AD	3 x 4.00 IN	187.95

**Publisher of Richmond
Suburban News**

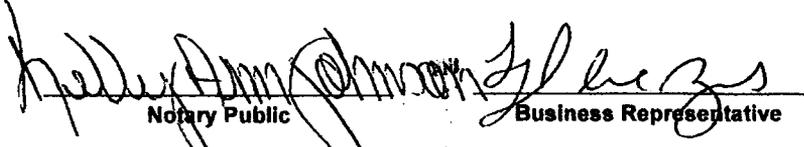
This is to certify that the attached AUGUST PC AD was published by the Goochland Gazette, Inc. in the County of Goochland, State of Virginia, on the following dates:

08/06/2025

The First insertion being given ... 08/06/2025

Newspaper reference: 0001534442

Sworn to and subscribed before me this 8/6/2025


Notary Public Business Representative

State of Virginia
County of Hanover
My Commission expires _____

Kelly Ann Johnson
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 8004299
My Comm. Exp. March 31, 2026

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

PUBLIC HEARING NOTICE

Goochland County Planning Commission
Thursday, August 21, 2025, 6:00 p.m.
1800 Sandy Hook Rd., Board Meeting Room Suite 250, Goochland, VA 23063
Meeting is Open to the Public

View county meeting: <https://www.goochlandva.us/1154/County-Meetings>

IF YOU HAVE COMMENTS ON THESE PUBLIC HEARING ITEMS, PLEASE SEND COMMENTS TO PCCOMMENT@GOOCHLANDVA.US OR CONTACT 804-556-5860.

PLEASE CHECK WWW.GOOCHLANDVA.US FOR ANY UPDATES REGARDING THIS MEETING

District 4

RZ-2025-00004 - Application by Goochland County Board of Supervisors requesting a proffer amendment to rezoning case RZ-2018-00004 to remove the access requirements on 3.04 acres at 333, 335, 337 and 339 Pond View Lane on Tax Map Nos. 58-16-0-2-0, 58-16-0-3-0, 58-16-0-4-0, and 58-16-0-5-0. The property is zoned Residential, Neighborhood (R-N). The Comprehensive Plan designates this area as Suburban Residential.

Countywide

CP-2025-00002 and ZOA-2025-00001 - An amendment to the Comprehensive Plan related to the establishment of a Technology Overlay District, and an amendment to the Zoning Ordinance (County Code Chapter 15) adding Sections 15-448 through 15-550 establishing a Technology Overlay District and amending Sec. 15-331 (Off-street parking and loading/unloading requirements) to decrease parking standards for data centers



Anyone may attend to express opinions on the above.
Full text of the above information is available in the Planning Office,
1800 Sandy Hook Road, Suite 280
Goochland, VA 23063

Monday through Friday, 8:30 a.m. - 5:00 p.m.
Meeting accommodations including
interpreters are provided upon request.
Telephone: 556-5860 (TDD 711 (Virginia Relay))
E-mail: countyadmin@goochlandva.us
Website: www.goochlandva.us

Richmond Suburban News

The Mechanicsville Local • The Goochland Gazette
Powhatan Today • Ashland-Hanover Local

Advertising Affidavit

Account Number

3104940

8600 Times Dispatch Blvd
Mechanicsville, Virginia 23116

Date

September 10, 2025

GOOCHLAND COUNTY
Attn County Administration
PO BOX 10
GOOCHLAND, VA 23063

Date	Category	Description	Ad Size	Total Cost
09/10/2025	General-Spec Notice	SEPTEMBER PC AD	3 x 5.50 IN	425.85

Publisher of Richmond Suburban News

This is to certify that the attached SEPTEMBER PC AD was published by the Goochland Gazette, Inc. in the County of Goochland, State of Virginia, on the following dates:

09/03, 09/10/2025

The First Insertion being given ... 09/03/2025

Newspaper reference: 0001537274

Sworn to and subscribed before me this 9/10/2025


Notary Public Business Representative

State of Virginia
County of Hanover
My Commission expires _____

KIMBERLY KAY HARRIS
NOTARY PUBLIC
REG. #356753
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JANUARY 31, 2028

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

PUBLIC HEARING NOTICE

Goochland County Planning Commission

Thursday, September 18, 2025, 6:00 p.m.

1800 Sandy Hook Rd., Board Meeting Room Suite 250, Goochland, VA 23063

Meeting is Open to the Public

View county meeting: <https://www.goochlandva.us/1154/County-Meetings>

IF YOU HAVE COMMENTS ON THESE PUBLIC HEARING ITEMS, PLEASE SEND COMMENTS TO PCCOMMENT@GOOCHLANDVA.US OR CONTACT 804-556-5860.

PLEASE CHECK WWW.GOOCHLANDVA.US FOR ANY UPDATES REGARDING THIS MEETING

District 4

CU-2025-00003 Application by Andrea L. Smith requesting a conditional use permit (CUP) for an accessory family housing unit, detached, on 4.46 acres at 831 Broad Street Road on Tax Map No. 46-1-0-26-0. The property is zoned Agricultural, Limited (A-2). The CUP is required by County Zoning Ordinance Sec. 15-112 in accordance with Sec. 15-285.A. The Comprehensive Plan designates this area as Rural Enhancement Area.

County-wide

CP-2025-00002 and ZOA-2025-00001 - Amendment to the Comprehensive Plan related to the establishment of a Technology Overlay District and an amendment to the Zoning Ordinance (County Code Chapter 15) adding Sections 15-448 through 15-550 establishing a Technology Overlay District; amending Sec. 15-331 (Off-street parking and loading/unloading requirements) to decrease parking standards for data centers; and amending Sec. 15-500 (Definitions) to include small modular nuclear reactor facility, natural gas peaking plant, and utility generating station.



Anyone may attend to express opinions on the above.
Full text of the above information is available in the Planning Office,
1800 Sandy Hook Road, Suite 280
Goochland, VA 23063

Monday through Friday, 8:30 a.m. – 5:00 p.m.
Meeting accommodations including
interpreters are provided upon request.
Telephone: 556-5860 (TDD 711 (Virginia Relay))
E-mail: countyadmin@goochlandva.us.
Website: www.goochlandva.us.

EXHIBIT B

Richmond Suburban News

The Mechanicsville Local • The Goochland Gazette • The Hanover Local
The King William Local • Powhatan Today • Cumberland Today



Account Number: 3104940

Date: October 29, 2025

Advertising Affidavit

8600 Times Dispatch Blvd
Mechanicsville, Virginia 23116

GOOCHLAND COUNTY
Attn County Administration
PO BOX 10
GOOCHLAND, VA 23063

RSN

RSN Goochland Gazette

Date	Category	Description	Ad Size	Total Cost
10/29/2025	Legal Notices	PUBLIC HEARING NOTICE Goochland County Board of Superv	3 x 64 L	433.95

Published by the Richmond Suburban News

I, (the undersigned) an authorized representative of
Goochland Gazette, a newspaper published in
Mechanicsville, Virginia, do certify that the
annexed notice

PUBLIC HEARING NOTICE Goochland County Board

was published in said newspapers on the following

10/22/2025, 10/29/2025

The first insertion being given ... 10/22/2025

Newspaper reference: 0001543154-01

Cols: 3.00 ad width: 4.89 ad depth: 6.38

Sworn to and subscribed before me this

Wednesday, October 29, 2025

Billing Representative

Notary Public

State of Virginia
County of Hanover

My Commission expires **RICHARD A HUNDLEY**
NOTARY PUBLIC

REG #750404
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JANUARY 31, 2026

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

PUBLIC HEARING NOTICE

Goochland County Board of Supervisors
Public Meeting

Thursday, November 6, 2025, 6:30 PM

Goochland High School
3250 River Rd. West, Goochland, VA 23063
High School Auditorium

You may be able to view county meeting at:
<https://www.goochlandva.us/1154/County-Meetings>

IF YOU HAVE COMMENT ON THIS PUBLIC HEARING ITEM, PLEASE SEND COMMENTS TO BOSCOMMENT@GOOCHLANDVA.US OR CONTACT 804-556-5811. THE FULL TEXT OF THE BELOW PROPOSED ORDINANCE(S) ARE AVAILABLE FOR PUBLIC INSPECTION IN THE COUNTY ADMINISTRATOR'S OFFICE AT THE ABOVE ADDRESS.

District 4 - CU-2025-00003 - Application by Andrea L. Smith requesting a conditional use permit (CUP) for an accessory family housing unit, detached, on 4.46 acres at 831 Broad Street Road on Tax Map No. 46-1-0-26-0. The property is zoned Agricultural, Limited (A-2). The CUP is required by County Zoning Ordinance Sec. 15-112 in accordance with Sec. 15-285.A. The Comprehensive Plan designates this area as Rural Enhancement Area.

Countywide - CP-2025-00002 and ZOA-2025-00001 - Amendment to the Comprehensive Plan related to the establishment of a Technology Overlay District, and an amendment to the Zoning Ordinance (County Code Chapter 15) adding Article 27.A (Technology Overlay District), Sections 15-448 through 15-550, establishing a Technology Overlay District; amending Sec. 15-331 (Off-street parking and loading/unloading requirements) to decrease parking standards for data centers; and amending Sec. 15-500 (Definitions) to include small modular nuclear reactor facility, natural gas peaking plant, and utility generating station.

Countywide Ordinance amending Goochland County Code Chapter 8 (Licenses and Business Regulations) to add Article IIA (Technology Zones), Sections 8-100 through 8-106, establishing a Technology Zone.

To learn more about the proposed Technology Overlay District and Technology Zone, please visit www.goochlandva.us/TOD.



Users who need accessibility assistance can contact the County by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

Meeting accommodations including interpreters are provided upon request

Deputy Clerk: 804.556-5811
E-mail: countyadmin@goochlandva.us
Website: www.goochlandva.us

EXHIBIT C



Ordinance granting CP-2025-00002 and ZOA-2025-00001 – amendment to the Comprehensive Plan related to the establishment of a Technology Overlay District, and an amendment to the Zoning Ordinance (County Code Chapter 15) adding Article 27.A (Technology Overlay District), Sections 15-448 through 15-550, establishing a Technology Overlay District; amending Sec. 15-331 (Off-street parking and loading/unloading requirements) to decrease parking standards for data centers; and amending Sec. 15-500 (Definitions) to include small modular nuclear reactor facility, natural gas peaking plant, and utility generating station

WHEREAS, Virginia Code § 15.2-2229 enables a local governing body to prepare and refer to the planning commission an amendment to the comprehensive plan; and

WHEREAS, Virginia Code §§ 15.2-1427 and 15.2-1433 enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable a local governing body to adopt and amend zoning ordinances; and

WHEREAS, the proposed amendments would establish a land use planning area under the comprehensive plan and a zoning overlay district, both related to the creation of a technology zone, amend parking standards for data centers, and add definitions for small modular nuclear reactor facility, natural gas peaking plant, and utility generating station; and

WHEREAS, pursuant to Virginia Code § 15.2-2286(A)(7), these amendments are a matter of public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Planning Commission advertised as required by law and held a public hearing was advertised as required by law on September 18, 2025 and continued on September 25, 2025, after which the Planning Commission voted 3-2 to recommend approval; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Board of Supervisors advertised as required by law and held a public hearing on this application on November 6, 2025; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law and the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator's Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063.

NOW, THEREFORE, BE IT ORDAINED, that the Comprehensive Plan and Goochland County Code are hereby amended and this ordinance is hereby enacted as follows:

1. **Sec. 15-331 (Off-street parking and loading/unloading requirements) of Goochland County Code Chapter 15 (Zoning) is hereby amended as follows:**

Sec. 15-331. - Off-street parking and loading/unloading requirements.

A. **Minimum off-street parking.** When any main building is constructed, enlarged, or structurally altered and converted to another use, adequate minimum off-street parking spaces must be provided as follows:

Land Use	Required Parking*
...	
<i>Industrial</i>	
...	
Contractor equipment storage yard, plant, or rental of equipment	1/commercial vehicle; plus 1/employee
Data center	<u>1/300 sq. ft. 1/400 sq. ft. of office space plus 1/4,000 sq. ft. for other space, or as authorized in POD approval based on an operational parking study</u>
...	

2. **Article 27.A (Technology Overlay District), Secs. 15-448 through 15-450 are hereby added to Goochland County Code Chapter 15 (Zoning) as follows:**

ARTICLE 27.A. Technology Overlay District

Sec. 15-448. - Technology overlay district (TOD) – Statement of purpose and intent.

The technology overlay district (TOD) is hereby created for the purpose of promoting the development of technology center campuses in areas where existing or proposed infrastructure could adequately support the proposed uses. The TOD furthers the county's efforts to attract and advance high-tech industrial development. The TOD is an overlay of existing zoning districts.

regardless of classification.

The development standards are intended to create campus-style developments, to utilize the available infrastructure capacity, and to encourage high-quality development in areas in which high-tech industries can be closely located to benefit from the concentration of energy and infrastructure resources. The development standards promote advanced manufacturing and high technology uses while minimizing visual and noise impacts to properties, especially residential properties, adjoining the TOD.

The following criteria should be considered in establishing or extending the areas covered by a technology overlay district:

A. *Size and location.* The boundaries of the TOD are intended to encompass a minimum of 100 contiguous acres and to encourage high-tech industries to locate in campus-style developments. Properties in the TOD should be located in proximity to high voltage power transmission lines of 115kv or more. Additionally, the TOD is intended to be located on properties which can be served by adequate infrastructure, including suitable water, sewer, and road capacity to serve the TOD's intended uses.

B. *TOD and zoning district regulations.* The TOD overlays the existing zoning district and imposes additional or different restrictions on the use of and standards for the property.

(1) If a use or structure is only permitted by virtue of the TOD ordinance, then TOD standards apply.

(2) If a use is permitted by-right in the underlying zoning and the user is receiving technology zone incentives pursuant to chapter 8, then the TOD standards apply.

(3) If the data center use is permitted by-right in the underlying zoning for the property and the property is adjacent to residentially-zoned property or a mixed-use development with residential use, then TOD standards in Sec. 15-449.A apply.

(4). However, any user following the TOD standards also must comply with the underlying zoning standards that are not addressed or superseded by the TOD standards.

C. *TOD adoption.* The TOD is being adopted in conjunction with a technology zone ordinance in chapter 8 of this Code. The TOD boundaries are established as shown in Figure 10a:

Figure 10a. Technology Overlay District boundaries

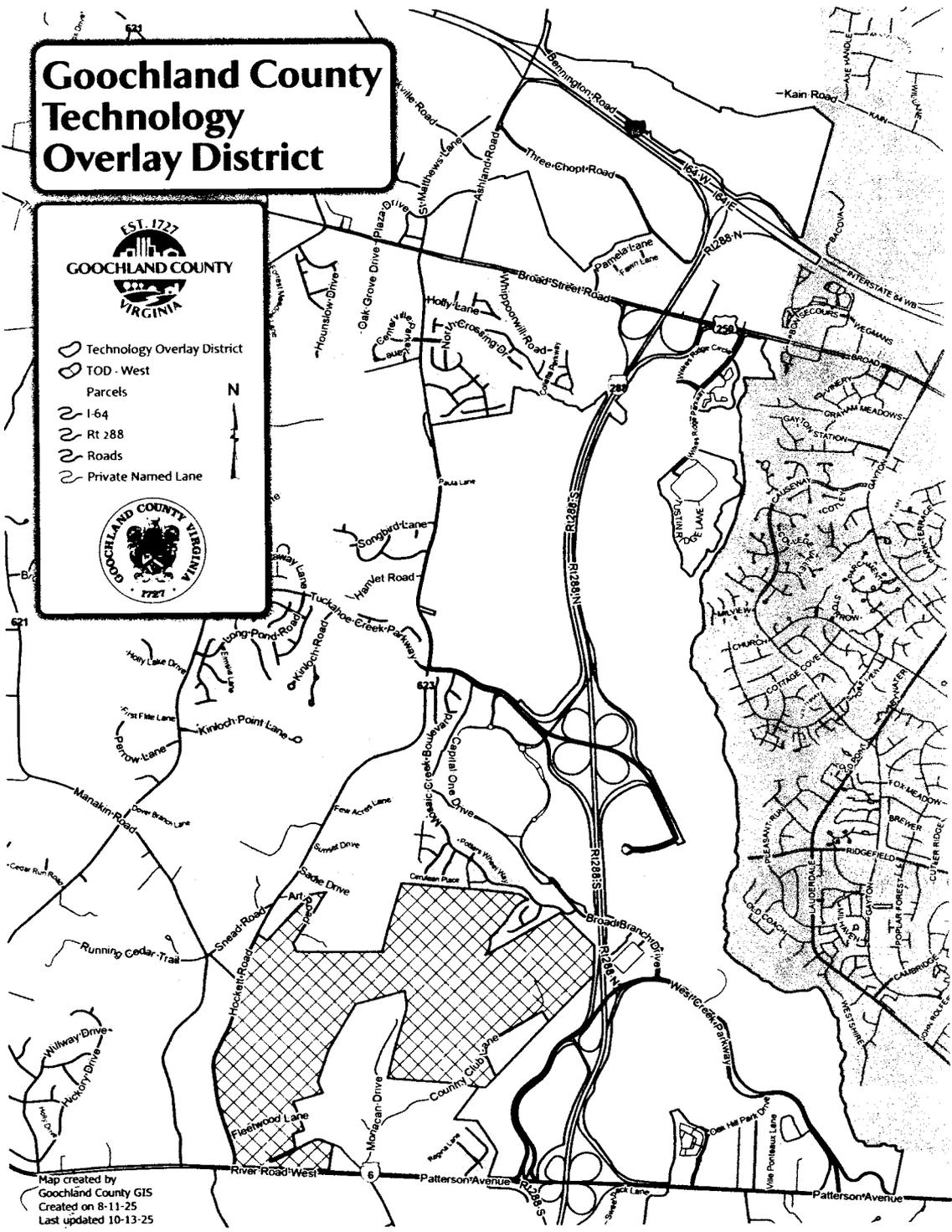
Goochland County Technology Overlay District



EST. 1727
GOOCHLAND COUNTY
VIRGINIA

-  Technology Overlay District
-  TOD - West
-  Parcels
-  I-64
-  Rt 288
-  Roads
-  Private Named Lane





Map created by
Goochland County GIS
Created on 8-11-25
Last updated 10-13-25

Sec. 15-449. – TOD design standards.

A. General Standards.

(1) Noise. The following standards apply for conceptual master plans adjacent to either residentially-zoned property or mixed-use development with residential uses:

a. The decibel levels generated from uses on the property as measured at the property line with an adjacent residentially-zoned property or mixed-use development with residential uses cannot exceed 55dBA and 65dBC.

b. Noise levels do not apply to sounds generated by construction, generators operating during an emergency, or periods of generator testing. Generator testing is limited to two hours per day and can only occur between 10:00 a.m. and 5:00 p.m. Monday through Friday, unless otherwise mandated by the Department of Environmental Quality or other air quality regulating agency. Annually, the testing schedule should be posted on a dedicated company webpage with a minimum 48-hour notice of any change in the testing schedule.

c. An environmental noise impact assessment, meeting acceptable industry standards, prepared by a third-party qualified professional, which includes modeling in SoundPlan, CadnaA, or acceptable equivalent, must be submitted:

(i) With the initial plan of development, and must demonstrate preconstruction noise levels and the anticipated operational noise levels of the use will meet the noise restrictions herein.

(ii) Should the noise restrictions be met through mitigation strategies, attenuation methods, or other actions by the operator, those recommended compliance measures must be included in the noise assessment and must be detailed within the plan of development and building permits. Sufficient documentation, such as technical specifications, engineered plans, and materials, must be provided to demonstrate compliance with the noise level requirements.

(iii) An additional noise assessment verifying compliance with the noise standards under peak operating conditions must be provided within three months of operations being undertaken.

(iv) Additional noise assessments must be provided, at the request of the zoning administrator, when there are alterations to the facility, modifications to the operation or equipment, or in order to investigate a complaint that the noise is in violation of these standards; however, no more than four sound studies will be requested in any calendar year.

d. Generator standards

(i) Generators cannot be operated other than for testing and during emergencies.

Emergencies means, for these purposes, when, due to circumstances beyond the facility operator's control, the principal energy source to the facility is temporarily unavailable; if the regulated energy provider directs temporary use of generators for protection of energy grid; or at the direction of public emergency services.

(ii) Generators should be located, screened, and designed to minimize noise impacts on adjacent properties.

(iii) To minimize potential noise impacts from generators all of the following must be used:

- separate and shield generators from adjacent residentially-zoned property or mixed-use development with residential uses by a principal building;
- locate generators within an enclosed building or manufacturer approved enclosure;
- enclose and screen generators through use of opaque masonry or other approved sound minimizing material walls compatible with building architectural design;
- use of terrain, landscaped berms, or screening adjacent to residentially-zoned property or mixed-use development with residential uses, to heights and in a manner that will substantially eliminate ground level visibility of structures within the development; and this improvement must be installed prior to construction of any structures; and
- use low emission Tier 4 certified diesel generators.
- However, newer technologies and other methods may be approved at the time of plan of development, so long as they minimize noise impacts as well as or better than those listed here.

(2) Fencing. Fencing of the property improvements must be located on the interior side of the required buffer.

(3) Structure height.

a. The maximum permitted structure height is 120 feet.

b. In addition to the exemptions provided in Sec. 15-507.B, the following are also exempt from this height limit: appurtenances usually required to be placed on the roof level and not intended for human occupancy, such as screening, acoustical barriers, spires, communications equipment, chillers, air cooling ventilation equipment, or ventilators. Parapet walls that are not serving as screening or acoustical barriers cannot exceed 6 feet above the finished roof surface. However, the height limit does not apply to any utility infrastructure facility, electric transmission, distribution and substation facilities, and water towers.

c. Structures may not exceed 60 feet in height unless they are equipped with a fire sprinkler system approved by the building official and provide the setbacks below from any property other than a property zoned A-2 that is subject to the TOD regulations, or a property zoned either M-1 or M-2:

(i) Structures greater than 60 feet and no greater than 80 feet in height require a 500-foot setback;

(ii) Structures greater than 80 feet in height cannot be located on any property adjacent to a residentially-zoned property, mixed-use development with residential uses, or property zoned A-2 that is not subject to TOD regulations.

d. Buildings that exceed 60 feet in height that are located adjacent to residentially-zoned property, must, at the height of 60 feet, set back the building façade from the ground floor exterior footprint by a minimum of 15 feet.

e. A conditional use permit can be granted to exceed these height restrictions.

(4) Lighting. Outdoor lighting must comply with the provisions of Article 25 of this chapter with the following exceptions:

a. The maximum mounting height for parking lot, access, and security lighting is 30 feet; and

b. The maximum mounting height for pedestrian and walkway lighting is 12 feet.

(5) Public water and sewer. Any use within the TOD must utilize public water and sewer systems; however, onsite reuse of water or onsite treatment of wastewater prior to discharge into public system is permitted.

(6) Data center setbacks and buffers.

a. Data centers on property zoned Industrial, Limited (M-1) or Industrial, General (M-2). A data center and all of its exterior mechanical equipment, including generators, cannot be located within 300 feet of residentially-zoned property or a mixed-use development with residential uses. Improvements such as parking, transmission substation, stormwater management and best management practices facilities, and sound attenuation improvements such as berms or walls, may be located within the 300 foot setback but must be no closer than 10 feet from the required buffer. When located on property adjacent to any property not zoned M-1 or M-2, a data center use must provide a minimum 250-foot vegetated buffer in accordance with Sec. 15-449.B.4.

b. Data centers not on property zoned Industrial, Limited (M-1) or Industrial, General (M-2). A data center and all of its exterior mechanical equipment, including generators, cannot be located within 500 feet of residentially-zoned property or a mixed-use development with residential uses; however, the distance

can be reduced to 300 feet through a conditional use permit. Improvements such as parking, transmission substation, stormwater management and best management practices facilities, and sound attenuation improvements such as berms or walls, may be located within the setback but must be no closer than 10 feet from the required buffer. When located on property adjacent to any property not zoned M-1 or M-2, a data center use must provide a minimum 250-foot vegetated buffer in accordance with Sec. 15-449.B.4.

(7) Use of Local Roads. Unless deemed necessary to provide an access solely for emergency service vehicles, access to a property with a use permitted pursuant to the TOD, or to a property zoned M-1 or M-2, cannot connect to local roads within residentially-zoned properties.

(8) Transmission substation. A transmission substation must provide a minimum 200-foot buffer in accordance with Sec. 15-449.B.4 from any residentially-zoned property or a mixed-use development with residential uses. A transmission substation must provide a 100-foot buffer in accordance with Sec. 15-449.B.4 from any agriculturally zoned property unless that property is subject to the TOD regulations. The use must not be located closer than 10 feet from the buffer.

(9) Exterior construction activity. Exterior construction activity is limited to between 7 a.m. and 7 p.m., Monday through Friday, on property adjacent to a residentially-zoned property or mixed-use development with residential uses, but exceptions can be granted by the zoning administrator for emergencies or unusual circumstances such as concrete pours or utility connections. Signs must be posted stating the hours of construction activity.

(10) Plan of Development approval. There are several exceptions to the TOD design standards that can be granted at time of plan of development approval, so long as community development staff determines both that the purpose, intent, and aesthetics of the TOD will be met, and that the plan of development substantially complies with the approved conceptual master plan.

B. Additional standards for property not in a planned development park.

(1) Conceptual Master Plan.

a. A conceptual master plan with sufficient detail to ensure the design compatibility of future improvements, avoid design conflicts, and verify general compliance with the applicable design standards must be submitted for each technology campus. Once approved, additional property and structures can be added through approval of an amended conceptual master plan. No building permits will be issued, or plan of development approved, for parcels, structures, or infrastructure within the campus until the conceptual master plan or amended conceptual master plan is approved.

b. Conceptual master plans, including amendments, are subject to administrative review and approval by the zoning administrator, who will consider the extent

to which the master plan conforms to the zoning ordinance, and applicable development standards, as well as the purpose and intent of the TOD.

- c. If the zoning administrator approves or disapproves the conceptual master plan, or any amendment thereto, and the applicant disagrees with the final decision, the applicant may file a written appeal with the planning commission within 15 days of the date of the zoning administrator's final decision. The planning commission will thereafter consider and decide the appeal.

(2) Building Design and Materials.

- a. Principal façades. Any building facade visible from adjacent public and private roads exterior to the campus, or visible to residentially-zoned property must be constructed to the standards of a principal façade. When a building has more than one principal facade, the principal facades must be consistent in design, materials, details, and treatments. Principal facades associated with new construction must avoid a monotonous appearance, and large bulky masses; they must avoid the use of undifferentiated surfaces by including at least two of the following design elements:
- (i) Variation in building height or varied rooflines;
 - (ii) Building step-backs or recesses to provide variation in building mass;
 - (iii) Fenestrations distributed within and across the façade which comprise at least 20% of the facade; or
 - (iv) Changes in building material, pattern, texture, color, or accent material.
- b. Non-principal facades. Facades that do not fall under (a) above cannot utilize materials inferior to the primary materials of the principal façade, but these non-principal facades are not required to have differentiated design elements.
- c. Building facade material requirements.
- (i) The following primary and secondary materials are permitted: a tinted textured masonry block, pre-cast concrete, tilt-up concrete panels with brick finish or stone facing, glass, stucco and external insulation finish system (EIFS) that simulates a stucco appearance, fiber-cement siding, metal panel systems, structural metal siding, and smooth faced concrete blocks.
 - (ii) Precast concrete must contain other materials embedded within and articulated with design detailing, or other building materials must be used to create design interest.
 - (iii) A structure that does not meet these standards may be allowed through plan of development approval.

(3) Open Space Required. For each conceptual master plan, a minimum of 20% open space is required. Open space includes undeveloped land; wetlands; steep slopes; stormwater areas; water left in undisturbed, open condition, or developed as a landscaped area for buildings, streets, or parking lots; and areas used primarily for resource protection or recreational purposes.

(4) Landscaping.

a. Generally.

(i) Properties must have an approved landscaping plan as a part of the plan of development.

(ii) Landscaping required in accordance with this chapter and the plan of development must be maintained in accordance with Sec. 15-379. Any existing plant material may be removed if dead, diseased or invasive, provided that any credited existing vegetation or required plantings approved through the plan of development must be replaced the next growing season.

(iii) All existing vegetation to be preserved on the property must be shown on the required landscaping plan, and grading and erosion control plans. When there are groups of trees or shrubs, the groups may be outlined. Any existing trees to be removed must also be clearly delineated on the landscaping plan, and grading and erosion control plans. Tree protection fencing must be installed along perimeter of all areas to be preserved.

(iv) All landscaping must be installed according to accepted professional planting practices and procedures. Landscaped areas along roads, drives, and parking must be protected from vehicular encroachment by means such as wheel stops, concrete curbs, or treated timber.

b. Plant Materials. Plant materials must conform to the standards of the most recent edition of the "American Standard for Nursery Stock", published by American Horticulture Industry Association d/b/a AmericanHort, an ANSI-accredited Standards Developing Organization. The size of acceptable plant materials is as follows:

(i) Large deciduous trees. Trees that have a minimum mature crown spread of at least 30 feet and, for multi-stem species, a minimum caliper of 2 1/2 inches for new trees when planted. For native species, the minimum caliper at planting may be reduced to 2 inches. For credited existing trees, trees must have a minimum caliper of 6 inches measured 12 inches above ground.

(ii) Small deciduous trees. For multi-stem species, trees that have a minimum mature crown spread of at least 12 feet and a minimum height of 6 feet when planted. For other species, trees with a minimum of 2 inches in caliper when planted. For native single-stemmed species, the minimum caliper when

planted may be reduced to 1 ½ inches. For credited existing trees, multi-stem species must have a minimum height of 8 feet, and other species must have a minimum caliper of 4 inches measured 12 inches above ground. Species which are multi-stemmed must have at least 3 canes.

(iii)Evergreen trees. Evergreen trees with a minimum height of 7 feet for new trees when planted, or at least 10 feet for credited existing trees. For native species, the minimum height when planted may be reduced to 6 feet.

(iv)Medium shrubs. Shrubs with a height between 18 and 24 inches when planted.

c. Buffer Requirements.

(i) Except as provided herein, the following will not be included in the buffers: easements which are generally parallel to the buffer, road fill slopes, and any cut slopes steeper than 3 to 1. Roads, utility rights-of-way, and easements are permitted to cross buffers perpendicularly or cross the buffer in the least impactful manner. Pedestrian facilities may be located within the buffer. Stormwater management and best management practices facilities, parking, sidewalks, guard houses, and other accessory permitted uses are prohibited in the buffer, unless authorized in the plan of development approval. Trees located in a buffer will be retained unless removal is necessary to accommodate an approved improvement. Vegetation should be reasonably distributed throughout the length and depth of the buffer.

(ii) For buffers of 100 feet or greater, a utility easement(s) or right-of-way expansion may be approved to run generally parallel within a required buffer, through plan of development approval, so long as the easement(s) or right-of-way does not exceed 50 feet in width, the easement improvements and vegetation removal is visually mitigated, and, if there are multiple utilities, they are in either a shared easement or abutting easements. In addition, the landscaping requirements of the buffer prior to the reduction must be met within the unencumbered buffer area. Additional plantings or other improvements may be required to mitigate the impact on the buffer and to ensure that the intent of the buffers are met. The utility easement(s) or right-of-way expansion and requested reduction must be demonstrated on the landscaping plan submitted with the plan of development.

(iii)For buffers adjacent to public and private roads exterior to the conceptual master plan, a solid opaque 6-foot-high fence of durable material may be approved with the plan of development if the exterior side of the fence has sufficient natural topography, existing vegetation, or supplemental vegetation to provide a visual separation.

(iv)At a minimum, buffers must preserve, include, or be planted with materials

as outlined in Table 5.2.

<u>Table 5.2. Buffer Vegetation Required</u>				
<u>Landscape Type [1]</u> <u>[2]</u>	<u>Vegetation Requirements Per Buffer Width</u>			
	<u>50-foot or less buffer</u>	<u>100-foot buffer</u>	<u>150-Foot buffer</u>	<u>200-Foot or more buffer</u>
	<u>Number/Linear feet</u>	<u>Number/Linear feet</u>	<u>Number/Linear feet</u>	<u>Number/Linear feet</u>
<u>Small Deciduous Trees [3]</u>	<u>1.5/30</u>	<u>3/30</u>	<u>4.5/30</u>	<u>6/30</u>
<u>Large Deciduous Trees</u>	<u>1.5/50</u>	<u>3/50</u>	<u>4.5/50</u>	<u>6/50</u>
<u>Evergreen Trees</u>	<u>1.5/ 30</u>	<u>3/30</u>	<u>4.5/30</u>	<u>6/30</u>
<u>Medium Shrubs</u>	<u>1.5/10</u>	<u>3/10</u>	<u>4.5/10</u>	<u>6/10</u>
<p><u>[1] Proposed composition of species and landscaping layout subject to plan of development approval.</u></p> <p><u>[2] If no creditable vegetation exists, planted buffers may include a minimum four-foot-high berm with a 3:1 maximum side slope and the required buffer planting materials, with small deciduous trees calculated per 50 linear feet and medium shrubs per 15 linear feet.</u></p> <p><u>[3] Evergreen trees may be substituted for up to 50% of the small deciduous trees.</u></p>				

d. Screening.

- (i) Adjacent to interstate or limited access roads. Within the required setback, existing vegetation should be retained or supplemented with a mix of canopied vegetation and evergreens, to achieve interrupted views from the

interstate or limited access roads. Utilization of opaque architectural walls or fences made of brick, stone, masonry, or similar material and construction may be utilized within the setback to achieve this effect and to screen outdoor storage and truck and trailer parking. If used, walls and fences must be maintained.

(ii) *Use specific.* In addition to other screening requirements in this article, outdoor storage, loading areas, refuse areas, treatment plants, public utility facilities, and truck and trailer parking must be screened from public roads, and residentially- or agriculturally-zoned property. Screening may be achieved by a principal building; architectural walls or fences made of brick, stone, masonry, or similar material and construction; topography; landscaped berms; existing or supplemented vegetation; or a combination of these elements.

(iii) *Accessory equipment screening.* Ground level and rooftop accessory equipment must be screened from adjacent public and private roads exterior to the conceptual master plan, and from residentially-zoned property. Screening may be provided by a building housing a principal use, or through existing or supplemented vegetation within a buffer or easement. Accessory equipment not screened by a principal building or existing vegetation must be screened by an opaque solid fence, screen wall or panel, parapet wall, or other visually solid screen that is constructed of materials compatible with the principal building façade.

(iv) *A viewshed analysis must be submitted with the plan of development. A decreased or revised amount of screening can be approved at plan of development approval if it is determined that the proposed layout and the proposed screening will cause no adverse visual impact on adjacent roads and properties.*

(5) *Conceptual master plan perimeter buffers, generally.* Unless otherwise stated, these buffers are required around the exterior boundary of the conceptual master plan unless modified through an approved plan of development. Buffers are inclusive of any required setback, but no parking, drives, use, structure, or building may be located within 10 feet of the buffer landscaping.

a. *Adjacent to residentially-zoned property.* Minimum buffer width of 200 feet.

b. *Adjacent to agriculturally-zoned property.* Minimum buffer width of 200 feet.

c. *Adjacent to commercially-zoned property.* Minimum buffer width of 35 feet.

d. *Adjacent to arterial roads.* Minimum buffer width of 150 feet.

e. *Adjacent to collector or local roads.* Minimum buffer width of 100 feet.

f. *Adjacent to roads providing general circulation within a conceptual master*

plan. Minimum buffer width of 35 feet.

g. Within a conceptual master plan. Buffer requirements do not apply between users on the same conceptual master plan.

(6) Conceptual master plan setback requirements, generally. Unless otherwise stated, these setbacks are required around the exterior boundary of the conceptual master plan.

a. Adjacent to roads.

(i) Along interstate and limited access roads a minimum setback of 50 feet is required for buildings, structures, parking, loading areas, and storage areas. These areas should be screened in accordance with Sec. 15-449.4.d.

(ii) Along arterial, collector, or local roads, a minimum setback of 100 feet is required for buildings, structures, parking, loading areas, and storage areas.

(iii) Along roads providing general circulation within the conceptual master plan, a minimum setback of 35 feet is required.

b. Adjacent to residentially-zoned property. No permitted use, outdoor storage for collection of refuse, or loading area is permitted closer than 200 feet from any residentially-zoned property. Parking, stormwater management features, sidewalks, guard houses, and other accessory permitted uses are prohibited in the setback, unless permitted through plan of development approval.

c. Adjacent to agriculturally-zoned property. No permitted use, outdoor storage for collection of refuse, or loading area is permitted closer than 200 feet from any agriculturally-zoned property. Parking, stormwater management features, sidewalks, guard houses, and other accessory permitted uses are prohibited in the setback, unless permitted through plan of development approval.

d. Adjacent to commercially- or industrially-zoned property not within the TOD boundaries. No permitted use, building, structure, parking, outdoor storage, or loading area is permitted closer than 35 feet from property zoned for commercial or industrial use that is located outside of the TOD boundaries.

e. Setbacks between buildings. Within the conceptual master plan, the minimum setback between buildings of different users is 10 feet, unless otherwise approved in a plan of development. Driveways, parking, and covered entrances may be within this setback; however, they may not be closer than five feet to the property line of a different user. Covered walkways connecting buildings, or connecting buildings with parking areas, are permitted in setbacks.

(7) Signage. Signs must comply with the provisions of Sec. 15-421.D. Where there is a coordinated campus of multiple users, a sign package detailing sign standards for the campus must be submitted with the conceptual master plan.

Sec. 15-450. – Permitted uses – Generally.

This overlay district is intended to support the county’s technology zone ordinance in chapter 8 which is specifically adopted to support and encourage “technology products, processes, or related services”, which is defined as businesses engaging in the activities of automation, advanced manufacturing, biotechnology, biomedical research, computer hardware, computer software, defense, electronics, electrical sub assembly, medical technologies, pharmaceuticals, photonics, systems integration, internet software, data and data warehousing. The use of computers, telecommunications services, or a web page or internet site is not sufficient to qualify as a qualified technology business.

A. The following uses are permitted by right, or through a conditional use, if noted, subject to the stated limitations:

(1) Technology college, university, or technical school.

(2) Technology training center.

(3) Data centers are permitted by right, except that the use is permitted through a conditional use within the TOD West.

(4) Technology research and development facility.

(5) Advanced manufacturing facility creating products through innovative technologies and characterized by production activities that depend on information, automation, computation, software, sensing, and networking.

(6) An energy storage facility as the principal or sole use is permitted if:

a. facility is a minimum of 1500 feet from residentially-zoned property and the county boundary line;

b. facility is within one-quarter mile of I-64 or Rte. 288;

c. a siting agreement with the county is provided;

d. facility utilizes solid state battery systems, or facility utilizes a lithium-ion battery system not exceeding 20 megawatts in storage capacity; and

e. no more than 2% of total TOD area is occupied by energy storage facilities.

f. Facilities not compliant with above may be permitted through a conditional use permit.

(7) Transmission substation, including accompanying appurtenances and structures.

(8) Utility generating station, including a natural gas peaking plant or small modular

nuclear reactor facility, permitted through a conditional use permit.

B. The following accessory uses, which support the identified permitted uses in subsection A, are hereby authorized:

(1) Water treatment plant.

(2) Sewage treatment plant.

(3) Elevated water storage tank or tower.

(4) Central heating or cooling facility.

(5) Food service facility.

(6) Security building.

(7) General storage and maintenance facility.

(8) Structured parking.

(9) General office.

(10) Energy generating facility for onsite consumption, other than solar energy facility, accessory or supplementary, or emergency generators, permitted through a conditional use permit.

(11) Solar Energy Facility, supplementary.

(12) Energy storage facility, where energy stored does not exceed peak electrical demand of the principal use on the property within a 24-hour period.

(13) Other accessory uses which are customarily accessory and incidental to the principal use, as determined by the zoning administrator.

~~Secs. 15-448-15-450. Reserved.~~

3. Sec. 15-500 (Definitions) of Gochland County Code Chapter 15 (Zoning) is hereby amended as follows:

...

Park, public. ...

Peaking plant, natural gas. A utility generating station which produces electrical energy via gas turbines fueled by natural gas and operates only during periods of peak electricity demand.

...

Skating rink. ...

Small modular nuclear reactor facility. A utility generating station, also referred to as SMR, which includes a nuclear reactor that produces electrical energy of less than 300 MWe. The reactors are modular in form, having been fabricated elsewhere and transported for assembly at the facility location.

...

Utility, trunk line. ...

Utility generating station. A facility which generates electricity for sale, transmission, or distribution, or a natural gas utility which produces natural gas for sale, transmission, or distribution, other than in enclosed containers, to the public and is rate regulated. The term does not include solar energy facility, principal or supplementary, or energy storage facility.

...

4. A Technology Overlay District is hereby added to Chapter 2: Land Use & Villages of the 2035 Comprehensive Plan as follows:

Chapter 2 – Land Use & Villages

...

Designated Growth Areas

Designated Growth Areas are outside of Rural Enhancement Areas and located generally on the eastern end of the County and in the Courthouse Village. The Designated Growth Areas identify where commercial and residential development should be concentrated. The advantages of delineating such areas include proactively planning and coordinating growth, reducing pressure to develop in rural areas, supporting cost effectiveness by utilizing existing and planned infrastructure, and facilitating private sector investment in infrastructure. The designated growth areas as discussed herein have been found to meet the intent of the Code of Virginia, section §15.2-2223.1. Site and architectural design standards are generally recommended to encourage high quality development and should include a desirable mix of land uses such as commercial, residential, and public uses.

Technology Overlay District

A Technology Overlay District is an overlay district designated to attract and provide for the development of high technology uses. The district is intended to encourage the clustering of

high-revenue generating users which utilize advanced manufacturing and high technology methods within a set area to encourage the maximization of available and shared infrastructure. These districts should be located where there is adequate land areas to support multiple users as well as buffering and setbacks between the district and adjoining property, where infrastructure could adequately support advanced manufacturing and high technology users, in proximity to high voltage power transmission lines, and where there is adequate existing or planned infrastructure, including water, sewer, energy, and road capacity. Accordingly, the installation or extension of public roads, public facilities, and public utility facilities within a technology overlay district should be considered substantially in accordance with this comprehensive plan.

Implementation of the Technology Overlay District will be undertaken through amendments to the zoning ordinance and conceptual master plans approved for specific technology campuses within the district.

Tuckahoe Creek Service District (TCSD)

...

- 5. Except as amended herein, all County Code provisions remain in effect.**
- 6. This ordinance and Comprehensive Plan amendment is effective immediately.**

EXHIBIT D

Revised TOD 11-3-25 (exterior noise M-F), 448.B data center & code sections
 Revised 10-22-25 In 448.B for WC parcels adjacent to residential & “structure” & “TOD standards apply” language
 Revised 11-5 to show Vaughters’ proposed amendments



1. Sec. 15-331 (Off-street parking and loading/unloading requirements) of Goochland County Code Chapter 15 (Zoning) is hereby amended as follows:

Sec. 15-331. - Off-street parking and loading/unloading requirements.

A. Minimum off-street parking. When any main building is constructed, enlarged, or structurally altered and converted to another use, adequate minimum off-street parking spaces must be provided as follows:

Land Use	Required Parking*
...	
<i>Industrial</i>	
...	
Contractor equipment storage yard, plant, or rental of equipment	1/commercial vehicle; plus 1/employee
Data center	<u>1/300 sq. ft. 1/400 sq. ft. of office space plus 1/4,000 sq. ft. for other space, or as authorized in POD approval based on an operational parking study</u>
...	

2. Article 27.A (Technology Overlay District), Secs. 15-448 through 15-450 are hereby added to Goochland County Code Chapter 15 (Zoning) as follows:

ARTICLE 27.A. Technology Overlay District

Sec. 15-448. - Technology overlay district (TOD) – Statement of purpose and intent.

The technology overlay district (TOD) is hereby created for the purpose of promoting the development of technology center campuses in areas where existing or proposed infrastructure could adequately support the proposed uses. The TOD furthers the county's efforts to attract and advance high-tech industrial development. The TOD is an overlay of existing zoning districts, regardless of classification.

The development standards are intended to create campus-style developments, to utilize the available infrastructure capacity, and to encourage high-quality development in areas in which high-tech industries can be closely located to benefit from the concentration of energy and

Revised TOD 11-3-25 (exterior noise M-F), 448.B data center & code sections
Revised 10-22-25 In 448.B for WC parcels adjacent to residential & “structure” & “TOD standards apply” language
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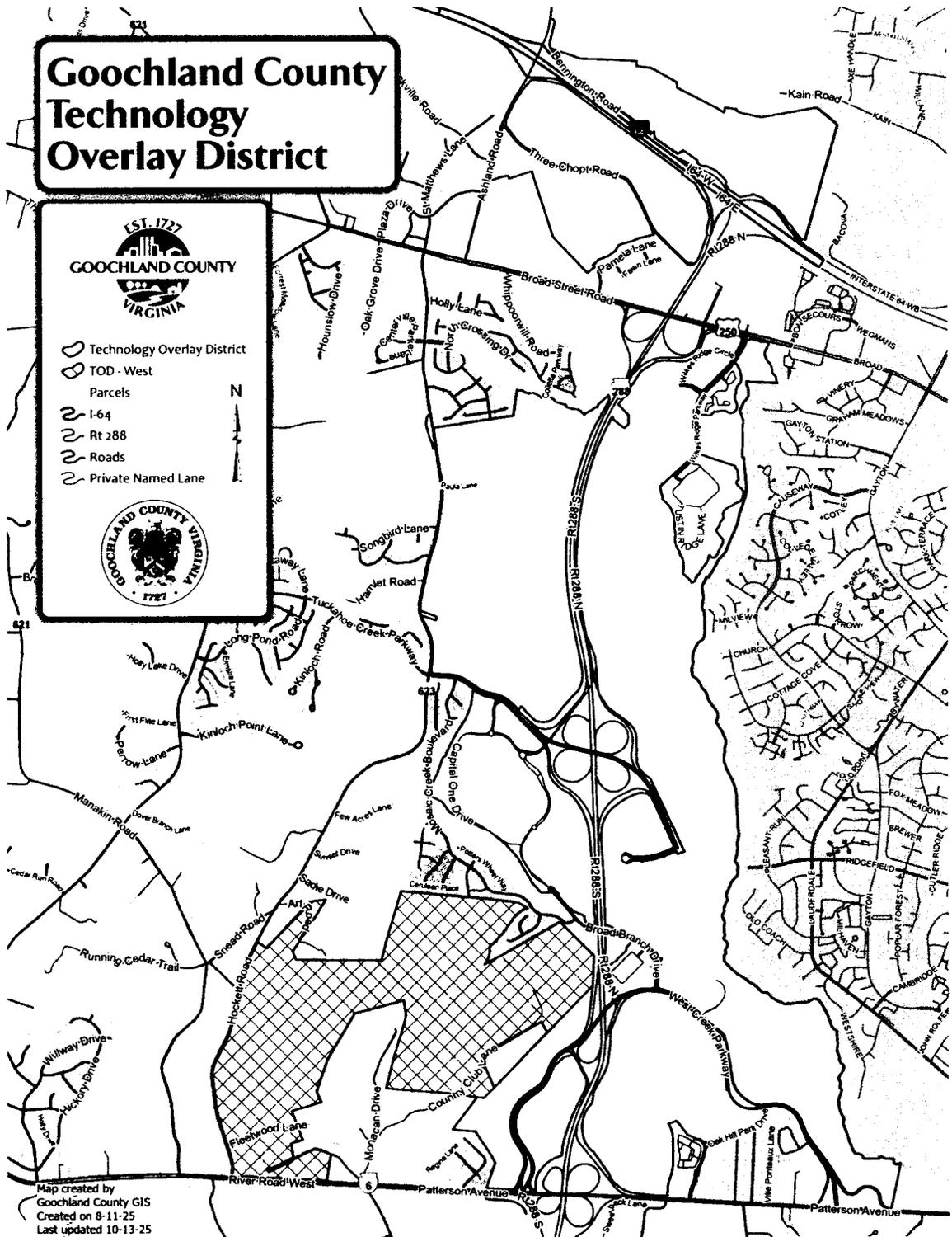
infrastructure resources. The development standards promote advanced manufacturing and high technology uses while minimizing visual and noise impacts to properties, especially residential properties, adjoining the TOD.

The following criteria should be considered in establishing or extending the areas covered by a technology overlay district:

- A. *Size and location.* The boundaries of the TOD are intended to encompass a minimum of 100 contiguous acres and to encourage high-tech industries to locate in campus-style developments. Properties in the TOD should be located in proximity to high voltage power transmission lines of 115kv or more. Additionally, the TOD is intended to be located on properties which can be served by adequate infrastructure, including suitable water, sewer, and road capacity to serve the TOD's intended uses.
- B. *TOD and zoning district regulations.* The TOD overlays the existing zoning district and imposes additional or different restrictions on the use of and standards for the property.
 - (1) If a use **or structure** is only permitted by virtue of the TOD ordinance, then TOD standards apply.
 - ~~(2) If a use is by right under the underlying zoning and the user is not receiving technology zone incentives pursuant to chapter 8, then the user may choose, prior to approval of its plan of development, whether to comply with the underlying zoning standards or the TOD standards.~~ If a use is permitted by-right in the underlying zoning and the user is receiving technology zone incentives pursuant to chapter 8, **then the TOD standards apply.**the user must comply with the TOD standards.
 - (3) If the data center use is permitted by-right in the underlying zoning for the property and the property is adjacent to residentially-zoned property or mixed-use development with residential use, then the use must comply with the TOD standards in Section 15-449.A apply.
 - (4) However, any user following the TOD standards also must comply with the underlying zoning standards that are not addressed or superseded by the TOD standards.
- C. *TOD adoption.* The TOD is being adopted in conjunction with a technology zone ordinance in chapter 8 of this Code. The TOD boundaries are established as shown in Figure 10a:

Figure 10a. Technology Overlay District boundaries

Revised TOD 11-3-25 (exterior noise M-F), 448.B data center & code sections
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Sec. 15-449. – TOD design standards.

A. General Standards.

(1) Noise. The following standards apply for conceptual master plans adjacent to either residentially-zoned property or mixed-use development with residential uses:

a. The decibel levels generated from uses on the property as measured at the property line with an adjacent residentially-zoned property or mixed-use development with residential uses cannot exceed 55dBA and 65dBC.

b. Noise levels do not apply to sounds generated by construction, generators operating during an emergency, or periods of generator testing. Generator testing is limited to two hours per day and can only occur between 10:00 a.m. and 5:00 p.m. Monday through Friday, unless otherwise mandated by the Department of Environmental Quality or other air quality regulating agency. Annually, the testing schedule should be posted on a dedicated company webpage with a minimum 48-hour notice of any change in the testing schedule.

c. An environmental noise impact assessment, meeting acceptable industry standards, prepared by a third-party qualified professional, which includes modeling in SoundPlan, CadnaA, or acceptable equivalent, must be submitted:

(i) With the initial plan of development, and must demonstrate preconstruction noise levels and the anticipated operational noise levels of the use will meet the noise restrictions herein.

(ii) Should the noise restrictions be met through mitigation strategies, attenuation methods, or other actions by the operator, those recommended compliance measures must be included in the noise assessment and must be detailed within the plan of development and building permits. Sufficient documentation, such as technical specifications, engineered plans, and materials, must be provided to demonstrate compliance with the noise level requirements.

(iii) An additional noise assessment verifying compliance with the noise standards under peak operating conditions must be provided within three months of operations being undertaken.

(iv) Additional noise assessments must be provided, at the request of the zoning administrator, when there are alterations to the facility, modifications to the operation or equipment, or in order to investigate a complaint that the noise is in violation of these standards; however, no more than four sound studies will be requested in any calendar year.

d. Generator standards

(i) Generators cannot be operated other than for testing and during emergencies. Emergencies means, for these purposes, when, due to circumstances beyond

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the facility operator's control, the principal energy source to the facility is temporarily unavailable; if the regulated energy provider directs temporary use of generators for protection of energy grid; or at the direction of public emergency services.

(ii) Generators should be located, screened, and designed to minimize noise impacts on adjacent properties.

(iii) To minimize potential noise impacts from generators one or more of the following must be used:

- separate and shield generators from adjacent residentially-zoned property or mixed-use development with residential uses by a principal building;
- locate generators within an enclosed building or manufacturer approved enclosure;
- enclose and screen generators through use of opaque masonry or other approved sound minimizing material walls compatible with building architectural design;
- use of terrain, or landscaped berms or screening, adjacent to residentially-zoned property or mixed-use development with residential uses, to heights and in a manner that will substantially eliminate ground level visibility of structures within the development; and this improvement must be installed prior to construction of any structures; and
- use low emission Tier 4 certified diesel generators, generator type or design which would result in no greater than 55 dBA and 65 dBC at the property line of adjacent residentially-zoned property or mixed-use development with residential uses.
- However, newer technologies and other methods may be approved at the time of plan of development, so long as they minimize noise impacts as well as or better than those listed here.

(2) Fencing. Fencing of the property improvements must be located on the interior side of the required buffer.

(3) Structure height.

a. The maximum permitted structure height is 120 feet.

b. In addition to the exemptions provided in Sec. 15-507.B, the following are also exempt from this height limit: appurtenances usually required to be placed on the roof level and not intended for human occupancy, such as screening, acoustical barriers, spires, communications equipment, chillers, air cooling ventilation equipment, or ventilators. Parapet walls that are not serving as screening or acoustical barriers cannot exceed 6 feet above the finished roof surface. However, the height limit does not apply to any utility infrastructure

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facility, electric transmission, distribution and substation facilities, and water towers.

c. Structures may not exceed 60 feet in height unless they are equipped with a fire sprinkler system approved by the building official and provide the setbacks below from any property other than a property zoned A-2 that is subject to the TOD regulations, or a property zoned either M-1 or M-2:

(i) Structures greater than 60 feet and no greater than 80 feet in height require a 500-foot setback;

(ii) Structures greater than 80 feet in height cannot be located on any property adjacent to a residentially-zoned property, mixed-use development with residential uses, or property zoned A-2 that is not subject to TOD regulations.

d. Buildings that exceed 60 feet in height that are located adjacent to residentially-zoned property, must, at the height of 60 feet, set back the building façade from the ground floor exterior footprint by a minimum of 15 feet.

e. A conditional use permit can be granted to exceed these height restrictions.

(4) Lighting. Outdoor lighting must comply with the provisions of Article 25 of this chapter with the following exceptions:

a. The maximum mounting height for parking lot, access, and security lighting is 30 feet; and

b. The maximum mounting height for pedestrian and walkway lighting is 12 feet.

(5) Public water and sewer. Any use within the TOD must utilize public water and sewer systems; however, onsite reuse of water or onsite treatment of wastewater prior to discharge into public system is permitted.

(6) Data center setbacks and buffers.

a. Data centers on property zoned Industrial, Limited (M-1) or Industrial, General (M-2). A data center and all of its exterior mechanical equipment, including generators, cannot be located within 300 feet of residentially-zoned property or a mixed-use development with residential uses. Improvements such as parking, transmission substation, stormwater management and best management practices facilities, and sound attenuation improvements such as berms or walls, may be located within the 300 foot setback but must be no closer than 10 feet from the required buffer. When located on property adjacent to any property not zoned M-1 or M-2, a data center use must provide a minimum 250-foot vegetated buffer in accordance with Sec. 15-449.B.4.

b. Data centers not on property zoned Industrial, Limited (M-1) or Industrial, General (M-2). A data center and all of its exterior mechanical equipment, including generators, cannot be located within 500 feet of residentially-zoned property or a mixed-use development with residential uses; however, the distance

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can be reduced to 300 feet through a conditional use permit. Improvements such as parking, transmission substation, stormwater management and best management practices facilities, and sound attenuation improvements such as berms or walls, may be located within the setback but must be no closer than 10 feet from the required buffer. When located on property adjacent to any property not zoned M-1 or M-2, a data center use must provide a minimum 250-foot vegetated buffer in accordance with Sec. 15-449.B.4.

(7) Use of Local Roads. Unless deemed necessary to provide an access solely for emergency service vehicles, access to a property with a use permitted pursuant to the TOD, or to a property zoned M-1 or M-2, cannot connect to local roads within residentially-zoned properties.

(8) Transmission substation. A transmission substation must provide a minimum 200-foot buffer in accordance with Sec. 15-449.B.4 from any residentially-zoned property or a mixed-use development with residential uses. A transmission substation must provide a 100-foot buffer in accordance with Sec. 15-449.B.4 from any agriculturally zoned property unless that property is subject to the TOD regulations. The use must not be located closer than 10 feet from the buffer.

(9) Exterior construction activity. Exterior construction activity is limited to between 7 a.m. and 7 p.m. Monday through Friday on property adjacent to a residentially-zoned property or mixed-use development with residential uses, but exceptions can be granted by the zoning administrator for emergencies or unusual circumstances such as concrete pours or utility connections. Signs must be posted stating the hours of construction activity.

(10) Plan of Development approval. There are several exceptions to the TOD design standards that can be granted at time of plan of development approval, so long as community development staff determines both that the purpose, intent, and aesthetics of the TOD will be met, and that the plan of development substantially complies with the approved conceptual master plan.

B. Additional standards for property not in a planned development park.

(1) Conceptual Master Plan.

a. A conceptual master plan with sufficient detail to ensure the design compatibility of future improvements, avoid design conflicts, and verify general compliance with the applicable design standards must be submitted for each technology campus. Once approved, additional property and structures can be added through approval of an amended conceptual master plan. No building permits will be issued, or plan of development approved, for parcels, structures, or infrastructure within the campus until the conceptual master plan or amended conceptual master plan is approved.

b. Conceptual master plans, including amendments, are subject to administrative review and approval by the zoning administrator, who will consider the extent to which the master plan conforms to the zoning ordinance, and applicable

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development standards, as well as the purpose and intent of the TOD.

- c. If the zoning administrator approves or disapproves the conceptual master plan, or any amendment thereto, and the applicant disagrees with the final decision, the applicant may file a written appeal with the planning commission within 15 days of the date of the zoning administrator’s final decision. The planning commission will thereafter consider and decide the appeal.

(2) Building Design and Materials.

- a. Principal façades. Any building facade visible from adjacent public and private roads exterior to the campus, or visible to residentially-zoned property must be constructed to the standards of a principal façade. When a building has more than one principal facade, the principal facades must be consistent in design, materials, details, and treatments. Principal facades associated with new construction must avoid a monotonous appearance, and large bulky masses; they must avoid the use of undifferentiated surfaces by including at least two of the following design elements:
- (i) Variation in building height or varied rooflines;
 - (ii) Building step-backs or recesses to provide variation in building mass;
 - (iii) Fenestrations distributed within and across the façade which comprise at least 20% of the facade; or
 - (iv) Changes in building material, pattern, texture, color, or accent material.
- b. Non-principal facades. Facades that do not fall under (a) above cannot utilize materials inferior to the primary materials of the principal façade, but these non-principal facades are not required to have differentiated design elements.
- c. Building facade material requirements.
- (i) The following primary and secondary materials are permitted: a tinted textured masonry block, pre-cast concrete, tilt-up concrete panels with brick finish or stone facing, glass, stucco and external insulation finish system (EIFS) that simulates a stucco appearance, fiber-cement siding, metal panel systems, structural metal siding, and smooth faced concrete blocks.
 - (ii) Precast concrete must contain other materials embedded within and articulated with design detailing, or other building materials must be used to create design interest.
 - (iii) A structure that does not meet these standards may be allowed through plan of development approval.

- (3) Open Space Required. For each conceptual master plan, a minimum of 20% open space is required. Open space includes undeveloped land; wetlands; steep slopes; stormwater areas; water left in undisturbed, open condition, or developed as a landscaped area for buildings, streets, or parking lots; and areas used primarily for

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resource protection or recreational purposes.

(4) Landscaping.

a. Generally.

- (i) Properties must have an approved landscaping plan as a part of the plan of development.
- (ii) Landscaping required in accordance with this chapter and the plan of development must be maintained in accordance with Sec. 15-379. Any existing plant material may be removed if dead, diseased or invasive, provided that any credited existing vegetation or required plantings approved through the plan of development must be replaced the next growing season.
- (iii) All existing vegetation to be preserved on the property must be shown on the required landscaping plan, and grading and erosion control plans. When there are groups of trees or shrubs, the groups may be outlined. Any existing trees to be removed must also be clearly delineated on the landscaping plan, and grading and erosion control plans. Tree protection fencing must be installed along perimeter of all areas to be preserved.
- (iv) All landscaping must be installed according to accepted professional planting practices and procedures. Landscaped areas along roads, drives, and parking must be protected from vehicular encroachment by means such as wheel stops, concrete curbs, or treated timber.

b. Plant Materials. Plant materials must conform to the standards of the most recent edition of the "American Standard for Nursery Stock", published by American Horticulture Industry Association d/b/a AmericanHort, an ANSI-accredited Standards Developing Organization. The size of acceptable plant materials is as follows:

- (i) Large deciduous trees. Trees that have a minimum mature crown spread of at least 30 feet and, for multi-stem species, a minimum caliper of 2 1/2 inches for new trees when planted. For native species, the minimum caliper at planting may be reduced to 2 inches. For credited existing trees, trees must have a minimum caliper of 6 inches measured 12 inches above ground.
- (ii) Small deciduous trees. For multi-stem species, trees that have a minimum mature crown spread of at least 12 feet and a minimum height of 6 feet when planted. For other species, trees with a minimum of 2 inches in caliper when planted. For native single-stemmed species, the minimum caliper when planted may be reduced to 1 1/2 inches. For credited existing trees, multi-stem species must have a minimum height of 8 feet, and other species must have a minimum caliper of 4 inches measured 12 inches above ground. Species which are multi-stemmed must have at least 3 canes.
- (iii) Evergreen trees. Evergreen trees with a minimum height of 7 feet for new

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trees when planted, or at least 10 feet for credited existing trees. For native species, the minimum height when planted may be reduced to 6 feet.

(iv) Medium shrubs. Shrubs with a height between 18 and 24 inches when planted.

c. Buffer Requirements.

(i) Except as provided herein, the following will not be included in the buffers: easements which are generally parallel to the buffer, road fill slopes, and any cut slopes steeper than 3 to 1. Roads, utility rights-of-way, and easements are permitted to cross buffers perpendicularly or cross the buffer in the least impactful manner. Pedestrian facilities may be located within the buffer. Stormwater management and best management practices facilities, parking, sidewalks, guard houses, and other accessory permitted uses are prohibited in the buffer, unless authorized in the plan of development approval. Trees located in a buffer will be retained unless removal is necessary to accommodate an approved improvement. Vegetation should be reasonably distributed throughout the length and depth of the buffer.

(ii) For buffers of 100 feet or greater, a utility easement(s) or right-of-way expansion may be approved to run generally parallel within a required buffer, through plan of development approval, so long as the easement(s) or right-of-way does not exceed 50 feet in width, the easement improvements and vegetation removal is visually mitigated, and, if there are multiple utilities, they are in either a shared easement or abutting easements. In addition, the landscaping requirements of the buffer prior to the reduction must be met within the unencumbered buffer area. Additional plantings or other improvements may be required to mitigate the impact on the buffer and to ensure that the intent of the buffers are met. The utility easement(s) or right-of-way expansion and requested reduction must be demonstrated on the landscaping plan submitted with the plan of development.

(iii) For buffers adjacent to public and private roads exterior to the conceptual master plan, a solid opaque 6-foot-high fence of durable material may be approved with the plan of development if the exterior side of the fence has sufficient natural topography, existing vegetation, or supplemental vegetation to provide a visual separation.

(iv) At a minimum, buffers must preserve, include, or be planted with materials as outlined in Table 5.2.

<u>Table 5.2. Buffer Vegetation Required</u>	
<u>Landscape</u>	<u>Vegetation Requirements Per Buffer Width</u>

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<u>Type [1]</u> <u>[2]</u>	<u>50-foot or less</u> <u>buffer</u>	<u>100-foot buffer</u>	<u>150-Foot buffer</u>	<u>200-Foot or</u> <u>more buffer</u>
	<u>Number/Linear</u> <u>feet</u>	<u>Number/Linear</u> <u>feet</u>	<u>Number/Linear</u> <u>feet</u>	<u>Number/Linear</u> <u>feet</u>
<u>Small</u> <u>Deciduous</u> <u>Trees [3]</u>	<u>1.5/30</u>	<u>3/30</u>	<u>4.5/30</u>	<u>6/30</u>
<u>Large</u> <u>Deciduous</u> <u>Trees</u>	<u>1.5/50</u>	<u>3/50</u>	<u>4.5/50</u>	<u>6/50</u>
<u>Evergreen</u> <u>Trees</u>	<u>1.5/ 30</u>	<u>3/30</u>	<u>4.5/30</u>	<u>6/30</u>
<u>Medium</u> <u>Shrubs</u>	<u>1.5/10</u>	<u>3/10</u>	<u>4.5/10</u>	<u>6/10</u>

[1] Proposed composition of species and landscaping layout subject to plan of development approval.

[2] If no creditable vegetation exists, planted buffers may include a minimum four-foot-high berm with a 3:1 maximum side slope and the required buffer planting materials, with small deciduous trees calculated per 50 linear feet and medium shrubs per 15 linear feet.

[3] Evergreen trees may be substituted for up to 50% of the small deciduous trees.

d. Screening.

- (i) Adjacent to interstate or limited access roads. Within the required setback, existing vegetation should be retained or supplemented with a mix of canopied vegetation and evergreens, to achieve interrupted views from the interstate or limited access roads. Utilization of opaque architectural walls or fences made of brick, stone, masonry, or similar material and construction may be utilized within the setback to achieve this effect and to screen outdoor storage and truck and trailer parking. If used, walls and fences must be maintained.
- (ii) Use specific. In addition to other screening requirements in this article, outdoor storage, loading areas, refuse areas, treatment plants, public utility

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facilities, and truck and trailer parking must be screened from public roads, and residentially- or agriculturally-zoned property. Screening may be achieved by a principal building; architectural walls or fences made of brick, stone, masonry, or similar material and construction; topography; landscaped berms; existing or supplemented vegetation; or a combination of these elements.

(iii) Accessory equipment screening. Ground level and rooftop accessory equipment must be screened from adjacent public and private roads exterior to the conceptual master plan, and from residentially-zoned property. Screening may be provided by a building housing a principal use, or through existing or supplemented vegetation within a buffer or easement. Accessory equipment not screened by a principal building or existing vegetation must be screened by an opaque solid fence, screen wall or panel, parapet wall, or other visually solid screen that is constructed of materials compatible with the principal building façade.

(iv) A viewshed analysis must be submitted with the plan of development. A decreased or revised amount of screening can be approved at plan of development approval if it is determined that the proposed layout and the proposed screening will cause no adverse visual impact on adjacent roads and properties.

(5) Conceptual master plan perimeter buffers, generally. Unless otherwise stated, these buffers are required around the exterior boundary of the conceptual master plan unless modified through an approved plan of development. Buffers are inclusive of any required setback, but no parking, drives, use, structure, or building may be located within 10 feet of the buffer landscaping.

- a. Adjacent to residentially-zoned property. Minimum buffer width of 200 feet.
- b. Adjacent to agriculturally-zoned property. Minimum buffer width of 200 feet.
- c. Adjacent to commercially-zoned property. Minimum buffer width of 35 feet.
- d. Adjacent to arterial roads. Minimum buffer width of 150 feet.
- e. Adjacent to collector or local roads. Minimum buffer width of 100 feet.
- f. Adjacent to roads providing general circulation within a conceptual master plan. Minimum buffer width of 35 feet.
- g. Within a conceptual master plan. Buffer requirements do not apply between users on the same conceptual master plan.

(6) Conceptual master plan setback requirements, generally. Unless otherwise stated, these setbacks are required around the exterior boundary of the conceptual master plan.

- a. Adjacent to roads.

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- (i) Along interstate and limited access roads a minimum setback of 50 feet is required for buildings, structures, parking, loading areas, and storage areas. These areas should be screened in accordance with Sec. 15-449.4.d.
 - (ii) Along arterial, collector, or local roads, a minimum setback of 100 feet is required for buildings, structures, parking, loading areas, and storage areas.
 - (iii) Along roads providing general circulation within the conceptual master plan, a minimum setback of 35 feet is required.
 - b. Adjacent to residentially-zoned property. No permitted use, outdoor storage for collection of refuse, or loading area is permitted closer than 200 feet from any residentially-zoned property. Parking, stormwater management features, sidewalks, guard houses, and other accessory permitted uses are prohibited in the setback, unless permitted through plan of development approval.
 - c. Adjacent to agriculturally-zoned property. No permitted use, outdoor storage for collection of refuse, or loading area is permitted closer than 200 feet from any agriculturally-zoned property. Parking, stormwater management features, sidewalks, guard houses, and other accessory permitted uses are prohibited in the setback, unless permitted through plan of development approval.
 - d. Adjacent to commercially- or industrially-zoned property not within the TOD boundaries. No permitted use, building, structure, parking, outdoor storage, or loading area is permitted closer than 35 feet from property zoned for commercial or industrial use that is located outside of the TOD boundaries.
 - e. Setbacks between buildings. Within the conceptual master plan, the minimum setback between buildings of different users is 10 feet, unless otherwise approved in a plan of development. Driveways, parking, and covered entrances may be within this setback; however, they may not be closer than five feet to the property line of a different user. Covered walkways connecting buildings, or connecting buildings with parking areas, are permitted in setbacks.
- (7) Signage. Signs must comply with the provisions of Sec. 15-421.D. Where there is a coordinated campus of multiple users, a sign package detailing sign standards for the campus must be submitted with the conceptual master plan.

Sec. 15-450. – Permitted uses – Generally.

This overlay district is intended to support the county’s technology zone ordinance in chapter 8 which is specifically adopted to support and encourage “technology products, processes, or related services”, which is defined as businesses engaging in the activities of automation, advanced manufacturing, biotechnology, biomedical research, computer hardware, computer software, defense, electronics, electrical sub assembly, medical technologies, pharmaceuticals, photonics, systems integration, internet software, data and data warehousing. The use of computers, telecommunications services, or a web page or internet site is not sufficient to qualify as a qualified technology business.

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A. The following uses are permitted by right, or through a conditional use, if noted, subject to the stated limitations:

- (1) Technology college, university, or technical school.
- (2) Technology training center.
- (3) Data centers are permitted by right, except that the use is permitted through a conditional use within the TOD West.
- (4) Technology research and development facility.
- (5) Advanced manufacturing facility creating products through innovative technologies and characterized by production activities that depend on information, automation, computation, software, sensing, and networking.
- (6) An energy storage facility as the principal or sole use is permitted if:
 - a. facility is a minimum of 1500 feet from residentially-zoned property and the county boundary line;
 - b. facility is within one-quarter mile of I-64 or Rte. 288;
 - c. a siting agreement with the county is provided;
 - d. facility utilizes solid state battery systems, or facility utilizes a lithium-ion battery system not exceeding 20 megawatts in storage capacity; and
 - e. no more than 2% of total TOD area is occupied by energy storage facilities.
 - f. Facilities not compliant with above may be permitted through a conditional use permit.
- (7) Transmission substation, including accompanying appurtenances and structures.
- (8) Utility generating station, including a natural gas peaking plant or small modular nuclear reactor facility, permitted through a conditional use permit.

B. The following accessory uses, which support the identified permitted uses in subsection A, are hereby authorized:

- (1) Water treatment plant.
- (2) Sewage treatment plant.
- (3) Elevated water storage tank or tower.
- (4) Central heating or cooling facility.
- (5) Food service facility.
- (6) Security building.
- (7) General storage and maintenance facility.
- (8) Structured parking.

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(9) General office.

(10) Energy generating facility for onsite consumption, other than solar energy facility, accessory or supplementary, or emergency generators, permitted through a conditional use permit.

(11) Solar Energy Facility, supplementary.

(12) Energy storage facility, where energy stored does not exceed peak electrical demand of the principal use on the property within a 24-hour period.

(13) Other accessory uses which are customarily accessory and incidental to the principal use, as determined by the zoning administrator.

~~Sees. 15-448-15-450. Reserved.~~

3. Sec. 15-500 (Definitions) of Goochland County Code Chapter 15 (Zoning) is hereby amended as follows:

...

Park, public. ...

Peaking plant, natural gas. A utility generating station which produces electrical energy via gas turbines fueled by natural gas and operates only during periods of peak electricity demand.

...

Skating rink. ...

Small modular nuclear reactor facility. A utility generating station, also referred to as SMR, which includes a nuclear reactor that produces electrical energy of less than 300 MWe. The reactors are modular in form, having been fabricated elsewhere and transported for assembly at the facility location.

...

Utility, trunk line. ...

Utility generating station. A facility which generates electricity for sale, transmission, or distribution, or a natural gas utility which produces natural gas for sale, transmission, or distribution, other than in enclosed containers, to the public and is rate regulated. The term does not include solar energy facility, principal or supplementary, or energy storage facility.

...

4. A Technology Overlay District is hereby added to Chapter 2: Land Use & Villages of the 2035 Comprehensive Plan as follows:

Chapter 2 – Land Use & Villages

...

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Designated Growth Areas

Designated Growth Areas are outside of Rural Enhancement Areas and located generally on the eastern end of the County and in the Courthouse Village. The Designated Growth Areas identify where commercial and residential development should be concentrated. The advantages of delineating such areas include proactively planning and coordinating growth, reducing pressure to develop in rural areas, supporting cost effectiveness by utilizing existing and planned infrastructure, and facilitating private sector investment in infrastructure. The designated growth areas as discussed herein have been found to meet the intent of the Code of Virginia, section §15.2-2223.1. Site and architectural design standards are generally recommended to encourage high quality development and should include a desirable mix of land uses such as commercial, residential, and public uses.

Technology Overlay District

A Technology Overlay District is an overlay district designated to attract and provide for the development of high technology uses. The district is intended to encourage the clustering of high-revenue generating users which utilize advanced manufacturing and high technology methods within a set area to encourage the maximization of available and shared infrastructure. These districts should be located where there is adequate land areas to support multiple users as well as buffering and setbacks between the district and adjoining property, where infrastructure could adequately support advanced manufacturing and high technology users, in proximity to high voltage power transmission lines, and where there is adequate existing or planned infrastructure, including water, sewer, energy, and road capacity. Accordingly, the installation or extension of public roads, public facilities, and public utility facilities within a technology overlay district should be considered substantially in accordance with this comprehensive plan.

Implementation of the Technology Overlay District will be undertaken through amendments to the zoning ordinance and conceptual master plans approved for specific technology campuses within the district.

Tuckahoe Creek Service District (TCSD)

...

EXHIBIT E



COUNTY OF GOOCHLAND
STATE OF VIRGINIA

APPLICATION NO. 20A-2026-00001

AFFIDAVIT

The undersigned affidavit, after being duly sworn, deposes and says: that in compliance with Section 15.2-2204, written notice has been given at least five days before the hearing, to all owners, of all abutting property and property immediately across the street or road from the property affected in the case of

Amendment to Zoning Ordinance, parcel(s) Countywide

That notice was sent by first class mail to the last know address of such owner or owners as shown on the current real estate tax assessment books.



Ray Cash
Ray Cash,
Assistant Director/Zoning Administrator

Sworn to and subscribed before me this 21 day of November, 20 25.

My Commission Expires:
4 30 2029

Ashley Kinney Parker
NOTARY PUBLIC

COUNTY OF GOOCHLAND

STATE OF VIRGINIA

APPLICATION NO. CP-2025-00002

AFFIDAVIT

The undersigned affidavit, after being duly sworn, deposes and says: that in compliance with Section 15.2-2204, written notice has been given at least five days before the hearing, to all owners, of all abutting property and property immediately across the street or road from the property affected in the case of

Amend Comprehensive Plan to establish TOD, parcel(s) Countywide

That notice was sent by first class mail to the last know address of such owner or owners as shown on the current real estate tax assessment books.



[Signature]
Ray Cash,
Assistant Director/Zoning Administrator

Sworn to and subscribed before me this 21 day of November, 20 25.

My Commission Expires:

4.30.2029

[Signature]
NOTARY PUBLIC

EXHIBIT F

Philip Strother



From: Harwood, Maria
Sent: Wednesday, September 3, 2025 4:33 PM
To: Emerson, Joe
Subject: Goochland County Planning Commission Meeting
Attachments: September 18 2025 PC Public Notice_FINAL.pdf

Good afternoon Mr. Emerson

Attached is the public notice for Goochland County September 18th Planning Commission meeting.

Best Regards

Maria Harwood
Sr. Planning Technician
Community Development
804-556-5859
mharwood@goochlandva.us



We Want to Hear From You!

[Use this form to tell us about your experience with Goochland County.](#)

WARNING: Fraudulent Emails Reported in the Region

Goochland County has become aware that fraudulent emails are being sent to rezoning applicants in our region, including in Goochland. These emails falsely claim to come from County staff and request payment via wire transfer before the case can be scheduled for public hearing.

Please keep in mind:

- All official email correspondence will come from a goochlandva.us email address.
- Goochland County will never request payment via wire transfer.
- All payments made to the Community Development Department must be made through the County's EnerGov system.

If you receive one of these emails, please contact Goochland County Community Development at 804-556-5860. If you have received one of these emails and have made a payment, please contact the Goochland County Sheriff's Office at 804-556-5349.

PUBLIC HEARING NOTICE

Goochland County Planning Commission

Thursday, September 18, 2025, 6:00 p.m.

1800 Sandy Hook Rd., Board Meeting Room Suite 250, Goochland, VA
23063

Meeting is Open to the Public

View county meeting: <https://www.goochlandva.us/1154/County-Meetings>

IF YOU HAVE COMMENTS ON THESE PUBLIC HEARING ITEMS, PLEASE SEND COMMENTS TO PCCOMMENT@GOOCHLANDVA.US OR CONTACT 804-556-5860.

PLEASE CHECK WWW.GOOCHLANDVA.US FOR ANY UPDATES REGARDING THIS MEETING

District 4

CU-2025-00003 Application by Andrea L. Smith requesting a conditional use permit (CUP) for an accessory family housing unit, detached, on 4.46 acres at 831 Broad Street Road on Tax Map No. 46-1-0-26-0. The property is zoned Agricultural, Limited (A-2). The CUP is required by County Zoning Ordinance Sec. 15-112 in accordance with Sec. 15-285.A. The Comprehensive Plan designates this area as Rural Enhancement Area.

County-wide

CP-2025-00002 and ZOA-2025-00001 - Amendment to the Comprehensive Plan related to the establishment of a Technology Overlay District and an amendment to the Zoning Ordinance (County Code Chapter 15) adding Sections 15-448 through 15-550 establishing a Technology Overlay District; amending Sec. 15-331 (Off-street parking and loading/unloading requirements) to decrease parking standards for data centers; and amending Sec. 15-500 (Definitions) to include small modular nuclear reactor facility, natural gas peaking plant, and utility generating station.



Anyone may attend to express opinions on the above.

Full text of the above information is available in the

Planning Office,

1800 Sandy Hook Road, Suite 280

Goochland, VA 23063

Monday through Friday, 8:30 a.m. – 5:00 p.m.

Meeting accommodations including

interpreters are provided upon request.

Telephone: 556-5860 (TDD 711 (Virginia Relay))

E-mail: countyadmin@goochlandva.us.

Website: www.goochlandva.us.

Philip Strother

From: Harwood, Maria
Sent: Thursday, September 11, 2025 8:55 AM
To: Emerson, Joe
Subject: Goochland County Planning Commission Meeting
Attachments: September 18, 2025_Change in time and location_FINAL.pdf

Good afternoon Mr. Emerson

Attached is the **Revised** public notice for Goochland County September 18th Planning Commission meeting.

Best Regards

Maria Harwood
Sr. Planning Technician
Community Development
804-556-5859
mharwood@goochlandva.us



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[Use this form to tell us about your experience with Goochland County.](#)

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If you receive one of these emails, please contact Goochland County Community Development at 804-556-5860. If you have received one of these emails and have made a payment, please contact the Goochland County Sheriff's Office at 804-556-5349.

NOTICE OF CHANGE IN TIME AND LOCATION FOR SEPT 18, 2025, PLANNING COMMISSION MEETING

Goochland County Planning Commission

Thursday, September 18, 2025, 6:30 p.m.

GOOCHLAND HIGH SCHOOL AUDITORIUM

3250 River Road West, Goochland, VA 23063

Meeting is Open to the Public

View county meeting: <https://www.goochlandva.us/1154/County-Meetings>

**IF YOU HAVE COMMENTS ON THESE PUBLIC HEARING ITEMS, PLEASE SEND
COMMENTS TO PCCOMMENT@GOOCHLANDVA.US OR CONTACT 804-556-5860.**

**PLEASE CHECK WWW.GOOCHLANDVA.US FOR ANY UPDATES REGARDING THIS
MEETING**

District 4

CU-2025-00003 Application by Andrea L. Smith requesting a conditional use permit (CUP) for an accessory family housing unit, detached, on 4.46 acres at 831 Broad Street Road on Tax Map No. 46-1-0-26-0. The property is zoned Agricultural, Limited (A-2). The CUP is required by County Zoning Ordinance Sec. 15-112 in accordance with Sec. 15-285.A. The Comprehensive Plan designates this area as Rural Enhancement Area.

County-wide

CP-2025-00002 and ZOA-2025-00001 - Amendment to the Comprehensive Plan related to the establishment of a Technology Overlay District and an amendment to the Zoning Ordinance (County Code Chapter 15) adding Sections 15-448 through 15-550 establishing a Technology Overlay District; amending Sec. 15-331 (Off-street parking and loading/unloading requirements) to decrease parking standards for data centers; and amending Sec. 15-500 (Definitions) to include small modular nuclear reactor facility, natural gas peaking plant, and utility generating station.

Anyone may attend to express opinions on the above.

Full text of the above information is available in the

Planning Office,

1800 Sandy Hook Road, Suite 280

Goochland, VA 23063

Monday through Friday, 8:30 a.m. – 5:00 p.m.

Meeting accommodations including

interpreters are provided upon request.

Telephone: 556-5860 (TDD 711 (Virginia Relay))

E-mail: countyadmin@goochlandva.us.

Website: www.goochlandva.us.



Philip Strother

From: Harwood, Maria
Sent: Friday, September 19, 2025 1:08 PM
To: Emerson, Joe
Subject: Goochland County Planning Commission Meeting
Attachments: September 25, 2025_PC Continuation Public Notice_FINAL.pdf

Good afternoon Mr. Emerson

Attached is the public notice for Goochland County September 25th Planning Commission meeting.

Best Regards

Maria Harwood
Sr. Planning Technician
Community Development
804-556-5859
mharwood@goochlandva.us



We Want to Hear From You!

[Use this form to tell us about your experience with Goochland County.](#)

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CONTINUATION OF SEPT 18, 2025, PLANNING COMMISSION MEETING TO SEPT 25, 2025

Goochland County Planning Commission

Thursday, September 25, 2025, 6:30 p.m.

GOOCHLAND HIGH SCHOOL AUDITORIUM

3250 River Road West, Goochland, VA 23063

Meeting is Open to the Public

View county meeting: <https://www.goochlandva.us/1154/County-Meetings>

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COMMENTS TO PCCOMMENT@GOOCHLANDVA.US OR CONTACT 804-556-5860.**

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interpreters are provided upon request.**

Telephone: 556-5860 (TDD 711 (Virginia Relay))

E-mail: countyadmin@goochlandva.us

Website: www.goochlandva.us

Philip Strother

From: Harwood, Maria
Sent: Friday, September 12, 2025 4:32 PM
To: Emerson, Joe
Subject: Goochland County Planning Commission Public Agenda
Attachments: 2025-09-18 Planning Commission - Public Agenda.pdf

Good afternoon Mr. Emerson,

Attached is Goochland County September 18th, 2025, Planning Commission Public Agenda.

Best Regards

Maria Harwood
Sr. Planning Technician
Community Development
804-556-5859
mharwood@goochlandva.us



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Goochland County Planning Commission

Meeting Location
3250 River Road West
Goochland, VA 23063
804.556.5860
www.goochlandva.us

Regular Meeting Agenda

View this meeting "live" at
<https://va-goochlandcounty.civicplus.com/1154>
***Audio amplification headphones are available upon request**

More than two members of the Goochland County Board of Supervisors may attend this Planning Commission meeting; if so, it will be considered a special meeting of the Board of Supervisors to discuss the application(s), but no votes or action will be taken by the Board of Supervisors at the meeting.

THURSDAY, SEPTEMBER 18TH, 2025

**GOOCHLAND HIGH SCHOOL
AUDITORIUM**

Planning Commission

District 1

Guy Kemmerly
GKemmerly@Goochlandva.us
(P): 804-629-1137

District 2

Amanda Kowalski
AKowalski@Goochlandva.us
(P): 540-257-3146

District 3

Jess McLaughlin
JMcLaughlin@Goochlandva.us
(P): 804-218-5376

District 4

Curt Pituck
CPituck@Goochlandva.us
(P): 804-869-7965

District 5

Dwain Cosby
DCosby@Goochlandva.us
(P): 804-517-8309

STAFF: Sara Worley, Deputy County Administrator (804) 556-5867
Alexandra Spaulding, Deputy County Attorney (804) 556-5877
Jamie Sherry, Director of Community Development (804) 556-5861
Ray Cash, Assistant Director of Community Development (804) 556-5849
Keri Ragland, Planning Manager (804) 424-3126
Ben Ellis, Planner (804) 556-5840
Ashley Parker, Commission Clerk (804) 556-5866

6:30 P.M. - Goochland High School Auditorium

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PLEASE CHECK WWW.GOOCHLANDVA.US FOR ANY UPDATES REGARDING THIS MEETING.

1. **Call To Order**
 - A. Determination of Quorum
2. **Pledge of Allegiance**
3. **Invocation - Led By Mr. Kemmerly**
4. **Approval of Minutes**
 - A. Planning Commission - Regular Meeting - Aug 21, 2025 6:00 PM
5. **Director's Report / Announcements**
6. **Citizen Comment Period**
7. **Unfinished Business - None**
8. **New Business - None**
9. **Requests to Defer, Additions, Deletions, or Changes to the Order of Public Hearings**
10. **Public Hearing Items**
 1. **District 4 - CU-2025-00003** - Application by Andrea L. Smith requesting a conditional use permit (CUP) for an accessory family housing unit, detached, on 4.46 acres at 831 Broad Street Road on Tax Map No. 46-1-0-26-0. The property is zoned Agricultural, Limited (A-2). The CUP is required by County Zoning Ordinance Sec. 15-112 in accordance with Sec. 15-285.A. The Comprehensive Plan designates this area as Rural Enhancement Area.
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11. **Adjournment**

STROTHER LAW OFFICES, PLC

ATTORNEY AND COUNSELOR AT LAW

THE HILLYARD-MAURY HOUSE
15 EAST FRANKLIN STREET
RICHMOND, VIRGINIA 23219
WWW.STROTHERLAW.COM
TELEPHONE: 804-523-2000

Philip Carter Strother
pstrother@strotherlaw.com

Richmond
Delaplane

December 5, 2025

By Hand Delivery

CL25-1270

Hon. Amanda Adams
Goochland Circuit Court
2938 River Road West
Goochland, VA 23063

Re: Cynthia Haas, et al v. Goochland Board of Supervisors, et al

Dear Ms. Adams:

Enclosed for filing is a Complaint for Declaratory Judgment, Injunctive, and Other Relief in the above-captioned matter. Also enclosed is a check in the amount of \$82 for the filing fee. The Complaint will not be served at this time.

Please date stamp the first page of the Complaint and return to the courier.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

Philip Carter Strother

Enc.: Complaint

RECEIVED AND FILED
Goochland Circuit Court

DEC 04 2025
@ 4:30 pm
Amanda S. Adams, Clerk
By DTT D.C.