



DATE: June 24, 2024

TO: Fauquier Planning Commission and Staff

RE: The Catlett Project REZN-2023-020206 & SPEX-23-020207

Dear Honorable Planning Commissioners and Staff:

Citizens for Fauquier County¹ (CFFC) respectfully submits these comments for your consideration of the Catlett Station II LLC's rezoning application for a Business Park to accommodate four data centers in Catlett's industrial zoned Service District (the Catlett Project). CFFC opposes this application for the following reasons:

- It is contrary to Fauquier's Comprehensive Plan
- It is contrary to the Catlett Service District Plan
- It is contrary to Fauquier's Policy on Data Centers
- It will generate air, noise and light pollution, destroying the peace and quietude of Catlett

THE CATLETT PROJECT IS CONTRARY TO FAUQUIER'S COMPREHENSIVE PLAN

CFFC is not against all data centers. It has not opposed any appropriately sited and sustainable data centers in Fauquier. That is because Fauquier has adopted a Comprehensive Plan (Comp Plan) with amendments that astutely determined the best locations for data centers in the county to be in a Business Park (BP) and the Planned Commercial Industrial Development (PCID) in Vint Hill. The Comp Plan further established only one Business Park: the Remington Business Park. Although there were other Service Districts established that included industrial zoned areas, none of the other Service Districts, including Catlett's, included a Business Park zoned for data centers — for good reason.

In particular, the Comp Plan considered data centers' need for electric power from high voltage transmission lines. Thus, the Comp Plan designated the Remington BP and the Vint Hill PCID for data center development because these two areas were near high voltage transmission lines and did not take prime, agricultural land.² These two areas have yet to be fully built out

¹ CFFC is Fauquier's oldest conservation nonprofit representing thousands of residents throughout the county in order to protect and preserve Fauquier's rural, agricultural and historic heritage.

² As the Virginia Farm Bureau has noted, Fauquier is 4th among Virginia counties in terms of farmland acreage, although it is 8th in terms of square miles. Hence, our community development efforts need to be focussed on preserving our farmlands and their related commercial and industrial businesses.

with data centers, although there is one approved in Remington (The Remington Technology Park) and one operating, with three or more proposed to be developed, in the Vint Hill PCID.³

The possibility of tax revenues from data centers may be alluring to some, but if Fauquier's existing and By-Right data centers are built, the county and CFFC estimate that more than \$100 million in tax revenues could be obtained each year without creating or expanding more BPs. This would be equal to approximately 25% of the county's currently balanced budget. The county has yet to determine what data center revenues it needs and just how dependent it should be on a single industry that could quickly evaporate given the pace of technological innovation. More data center tax income will encourage more capital expenditures, as in Loudoun and PWC, which ultimately require maintenance that the county may not be able to afford after the data center boom ends. Hence, there is no need to rezone any service district as a Business Park, especially Catlett's Service District.^{4 5}

To date, Fauquier has not approved data centers outside the existing Remington BP and Vint Hill PCID. In part this is because the county has recognized that high voltage transmission lines required by data centers are not only unsightly, but also are paid for by all rate payers, not just the data centers they primarily service. Although the Applicant indicates it will "advocate" for an underground transmission line that it will pay for, that is neither in the county's nor the Applicant's ability to require or provide. Only the State Corporation Commission can approve the location, payment, and under grounding of transmission lines, with Dominion Energy's acquiescence. It is more likely that the proposed Catlett Project will require an additional, above ground transmission line and an electric substation that will be paid for by the ratepayers, not the Applicant. Thus, CFFC strongly opposes such an unplanned, unsightly and expensive imposition on all ratepayers, as well as Catlett.

In addition, more data centers than the Comp Plan originally intended will detract from other commercial and industrial development that could bring more jobs and uses that are compatible with Fauquier's rural, agricultural and historic heritage. Data Centers will raise real estate costs, discouraging more reasonable industrial and commercial development and creating a commercial desert, as witnessed in Loudoun's data center alleys. Our community development efforts should focus on agriculture and related businesses, not data centers.

³ The source of sufficient energy for all the By Right data centers proposed in the PCID, as well as noise near residential areas, greatly concerns CFFC and should be addressed separately by the county.

⁴ it should be noted that the applicant has proffered up to \$2 million to cover the cost of additional fire department equipment necessitated solely by the data centers it proposes. However, this proffer is wholly self-serving, as it is predicated on an equivalent \$2 million county tax abatement so that the applicant's proffer ultimately would be reimbursed by the county.

⁵ It is notable that the Fauquier Ordinance provides for a technology business tax rebate that could considerably compromise the anticipated tax revenues from new data centers for at least the first five years of operation. See Fauquier County, Virginia - Code of Ordinances Chapter 8 - FINANCE AND TAXATION ARTICLE XIX. - BUSINESS ZONES—TA. The prospect or proffer of copious tax revenues must be measured against such possible rebates.

THE CATLETT PROJECT IS CONTRARY TO THE CATLETT SERVICE DISTRICT PLAN

In 2018, the Board of Supervisors adopted the Catlett Service District Plan (Catlett Plan) as part of the county's overall Comp Plan, to "maintain a compact and efficient pattern of development and to protect the County's rural landscape....Catlett is a Service District and remains a unique community that would be best developed at a Village scale." Catlett Plan at 3. The proposed Catlett data center project would swamp the village scale of Catlett which alone is a good reason for data centers to be excluded from the contemplated industrial uses in its Service District. The Catlett Project has proposed four huge buildings that are 45 and 65+ feet high with a total of @1.4 million gross square feet. No amount of buffering or landscaping will enable such a gargantuan project to fit in with the village scale of Catlett.

Listed in the National Register of Historic Places, the Catlett Historic District is considered to be "an asset worth protecting for future generations." Catlett Plan at 7. The Catlett Historic District and the Rappahannock Station Battlefield I are very close to the proposed Catlett Project, which also overlaps with the Elk Run Historic District. In 2011, the Fauquier County Architectural Review Board developed an architectural pattern book to guide the design of new development within the historic village **and the service district**, to ensure that proposed new development does not diminish the integrity of the historic resources. The Catlett Project does not accomplish this.

In addition to the cultural and historic resources, there are many conservation resources located near the Catlett Project that warrant protection. Private residents and the county, state, and federal governments have all made significant investments in land conservation in the Catlett area. There are about 98 permanent easements held by various land trusts and Fauquier County within five miles of the Catlett Station project. The majority of these easements are in the PDR program financed by the county. Another 91 parcels totaling 5,985 acres, anchor the Southern Fauquier Agroforestry District (AFD) within that same five-mile distance. There is some overlap between these two conservation programs which together total nearly 10,000 acres in total and represent an enormous investment in conservation and open space. These conservation interests will not be well-served by the Catlett Project, putting pressure on land valuation and imposing pollution. The unforeseen impacts on increased land valuation and pollution caused by the data center "boom" must be better understood prior to any rezoning. See Exhibit A.

The Catlett Plan also states that the industrial area where the data center project would be built is intended for "**cleaner, lower impact modern industrial and commercial uses and practices....that complement the scope and scale of Catlett and its existing development.** Sidewalks should be provided along existing public streets and natural trails **within** the industrial area would be appropriate." Id at 11 (emphasis added). This is not the case with the four proposed, extremely large and tall buildings. Their security requirements are antithetical to the Catlett Plan's concept for an integrated village sensibility. Sidewalks and nature trails

within the industrial area⁶ will be absent. The public will be locked out and excluded at security checkpoints, while the buildings will loom over Catlett, drawing enormous amounts of energy and emitting noise and air pollution from their air cooling equipment and diesel generators. At night, the security lighting will cause the project to rise like Oz over the village, warning residents and animals alike to stay away and awake.

The Catlett Project is not the clean, low impact complement to the village scale of Catlett at the eastern gateway to Fauquier County that the Catlett Plan contemplated. Nor does it respect the historic districts of Catlett and Elk Run. A historic marker commemorating the Elk Run Historic District will not compensate for the evisceration of historic sites within the Catlett Project. See Catlett Project Proffer at C.iii and FC, Department of Community Development, Agency Review Comments, August 21, 2023 at p. 20-21.

Approval of this rezoning application could likely result in the domino effect of generating more BP rezoning requests. There are at least two other parcels with similar features, zoning, and lot size within the Catlett Service District (117-acre Winterbrook Farms and 11 acres Bryant & Son). Approving the current rezoning proposal will stimulate interest by these other landowners in rezoning to BP. The Vint Hill PCID has demonstrated how difficult it may be to limit the number of data center proposals once one is approved. There is a very real possibility that once one industrial use area is rezoned to BP, other landowners in the Service District, particularly of industrial, commercial and underutilized residential land use in Catlett, may be encouraged to request rezoning consideration. See Exhibit B.

THE CATLETT PROJECT IS CONTRARY TO FAUQUIER COUNTY'S DATA CENTER POLICY

The Catlett Project largely ignores Fauquier County's new data center development policy (FC Policy) that was adopted on December 14, 2023. Perhaps this is because the project simply cannot comply. The policy states: "Applicant sponsored Comprehensive Plan amendments, which expand a Service District **or change the Land Use designation within a Service District are not appropriate....The Data Center use should not be expanded to other zoning districts without a comprehensive review of the County's Comprehensive Plan and Zoning Ordinance.**" FC Policy at I.A. a. and 3. Catlett's Service district is not a Business Park and data centers are not a designated Land Use in the service district. Only a comprehensive review of Fauquier's Comp Plan should initiate consideration of such a rezoning.

Siting. Again, FC Policy states that "Data centers should be where existing infrastructure exists to support the development....and **located no further than 1 mile from an existing electric transmission line, with all new lines being placed underground.**" FC Policy 1.B. While the Catlett Project tries a workaround by stating that its first building will run off of an existing,

⁶ The Applicant proffers that once a second building is constructed, then it will convey a 20 foot public access easement to the County to accommodate, **at the County's expense**, a trail or sidewalk at the front of the property. See Catlett Station II LLC, The Catlett Project, REZN-2023-202026, Proffer Statement, BP Rezoning, Mary 28, 2024 at page 5, VI (emphasis added).

distribution line and that it will pay for a subsequent underground transmission line to service buildings 2—4, that is wishful thinking. In fact, the closest transmission line is @2.5 miles from the Catlett Project and considerable electric transmission infrastructure would inevitably need to be built to service the project. The Applicant needs to prove that Dominion can service the first building with the existing distribution line and has the SCC authorization to build an underground transmission line at the Applicant's expense before, not after, the project is approved.

The FC Policy also states that data centers and their associated energy infrastructure should not disturb or interrupt scenic view sheds, as defined in the Comp Plan, or view sheds of properties listed in the National Register of Historic Places, e.g., the Catlett and Elk run Historic Districts; nor be located along National Scenic Byways or Virginia Scenic Byways. FC Policy at 2, C.3. However, Route 28/Catlett Road, is a Virginia Scenic Byway, and properties listed in the National Register of Historic Places in Catlett and Elk Run are within the project's view shed. If approved, this data center project will lead to more data centers and crowd out other forms of desirable development with more potential benefit to the community. The Catlett Project simply is not compatible in scale and intensity to the surrounding area and should be rejected.

Site Sustainability. FC's Policy calls for a setback of 35 feet from all waterbodies, wetlands, and floodplains, while a vegetated riparian buffer of at least 25⁷ feet is strongly encouraged along all water bodies, wetlands and floodplains. FC Policy at 4, E. 5 and 6. However, on the site plat, it appears that the Catlett Project data center buildings will be located near or on top of "unnamed" runs that feed the storm water management ponds and Cedar Run. These runs overflow during downpours that have flooded a nearby bridge, isolating residents. See photos attached, Exhibit C.

The appropriate riparian buffers and setbacks do not appear to be included in the Catlett Project, and the siting of buildings near or over the runs could lead to disastrous displacement of water in an area already prone to flooding. It is imperative that a storm water management plan detail exactly how the displaced runs will operate, together with the considerable run-off from the impervious surfaces of the four huge data center buildings, to avoid contributing to future flooding.

Building Design. FC Policy states that data centers should be compatible in scale, both size and height, and intensity to the surrounding area; building heights "shall not be increased above the 45-foot maximum, unless the Applicant can demonstrate that the proposed height is compatible with the surrounding development and that it will not have an adverse impact on adjacent and nearby properties." FC Policy at 2 & 4, 1.C & III. B. A visual impact analysis needs to be submitted that is verified, at Applicant's expense. Id.

While the site renderings prettify the data center campus, they cannot hide the fact that the data centers are far and away not in scale with the Village of Catlett. The proposed three 65 foot data centers with one 45 foot data center, plus additional roof height for equipment, will

⁷ Fauquier's John Marshall Soil and Water District requires a minimum of 35 or more feet when planting riparian buffers.

loom over the historic district, totally overwhelming the character of the Village and announce an unsustainable industrial taking of the village at the eastern gateway to Fauquier County.

Noise. FC Policy requires site plans to demonstrate how Fauquier's ordinance for noise limits will be met and **strongly encourages Rezoning applications to provide the same level of documentation.** PC Policy at 6, C and F.1 (emphasis added). FC Policy specifies that the noise study should be prepared and certified by a professional noise engineer, verified by a third party at Applicant's expense, **factor in all data center related equipment, including generators,** and update and resubmit the noise study within 30 days of occupancy. Id.

The Applicant's rezoning request fails to provide any demonstration of how it will meet Fauquier's noise ordinance. There is no noise study with the application to demonstrate its commitment to noise compliance. Instead, the Applicant proffers that it will meet the noise ordinance (not the data center noise policy) and offers noise studies that will include "(1) a conceptual modeling of the site plan and the first building prior to obtaining the first building permit, and (2) a real-world study measuring the noise being emitted from the property after facility operations have commenced (between 3-6 months after certificate of occupancy to ensure the facility is fully operational)." Catlett Station II LLC, BP Rezoning, May 28, 2024 at III. F.

These noise and testing proffers are nonsense. Data centers belch noise from air-cooling systems and diesel generators, along with constant humming vibrations from the operation of servers within the buildings. Given the specifications for the air-cooling equipment and diesel generators, desk-top software can demonstrate the noise levels at various distances from the property line of the project. See Exhibit D, Visual and Noise Impact Analysis using ArcGIS desktop application on the Amazon data center in Warrenton. Certainly, the Applicant has some knowledge of the specifications for the equipment that will be used and should submit a third party certified noise study demonstrating the entire project's compliance. Simply stating that it will comply, based on unsubstantiated testing, is totally inadequate.

Perhaps the Applicant is punting on the noise policy because it knows that the noise generated by four data center buildings will exceed the county's policy on noise. A "real-world" study after building the fully operational project will be futile, as the Applicant or its successors can simply pay the wholly inadequate fine of \$250 for the first offense, plus \$500 for every day thereafter, as limited by VA State law. That is peanuts for a data center operator. After a year of attempted noise abatement, Amazon in Haymarket was unable to prove it could comply with Prince William County's more lenient noise ordinance. See Prince Williams Times, "Residents turn up the volume on data center noise complaints; Protesters warn of data centers' impacts across the county," Jill Palermo, August 31, 2022, updated February 6, 2023. Catlett should not be our county's guinea pig for data center experiments that exceed Fauquier's noise policy or ordinance.

Applicant has also ignored FC Policy's request that it consider providing, at Applicant's cost, continuous noise monitoring devices around the property to transmit actual noise levels on a continuous basis to a remote, publicly accessible, on-line data base, because that also

probably would be an admission against interest that this data center project will inevitably exceed Fauquier's noise policy for data centers. FC Policy at page 6, III. F. 4 and 5.

In any event, Fauquier's current noise ordinance is wholly inadequate to address the unique noise and vibration emissions of data centers.⁸ The only known remedy for real-world data center sounds is to site them far away from any residence, village or town. Given CFFC's previous analysis and that of others in PWC, it is not prudent to allocate land to data centers that is less than 1/2 mile from the closest residence. Applicant is simply a broker that will be long gone when the complaints about noise are realized.

With this project, the nearby residents will be forced to endure unremitting noise and vibrations, 24/7 from four enormous data center buildings and their diesel generators. Even if the Applicant ultimately were to try to divide and conquer the noise ordinance by claiming that each data center building has a different "operator" subject to the noise ordinance, it is unlikely that even one of the data centers could meet Fauquier's data center noise policy. The Catlett Project as a whole must comply with the County's noise ordinance, without exception, and should comply with its data center policy, too. The Applicant fails to demonstrate this compliance which requires that the Application should be denied.

Sustainability. FC Policy encourages data centers to commit to and proffer a Power Usage Effectiveness (PUE) of 1.5 or less, and recommends: orientation of buildings to use passive cooling and daylight opportunities, incorporation of innovative technologies which reduce power consumption, reuse of heat generated by the data center operations, use of heat reflective roofing, use of sustainable building materials, and use of EPA Tier 4 generators. FC Policy at page 6, III.G.1-7.

These are not unattainable recommendations, but sustainable methods to which a world-class data center could commit. Applicant's statement about generic industry commitments to renewable or carbon-free energy is nothing but a greenwashing aphorism. The rezoning Application's silence on these specific recommendations indicates its failure to meet FC's Policy on sustainability of data centers and should, therefore be denied. Fauquier and Catlett should not be dumping ground for low quality data centers that are not committed to specific sustainability standards.

Utilities. FC Policy requires that a successful project will thoroughly demonstrate how the data center's utility needs will be met, including water usage and electrical connectivity. Applications are expected to provide information related to electrical load requirements and illustrate that

⁸ CFFC is greatly concerned about the inadequacy of Fauquier's noise ordinance as applied to data centers. Fauquier's noise ordinance exempts air conditioning equipment and generators from its noise ordinance. See Sec. 13.5-4. - Exemptions at (12) and (13). These are the very sources of most data center's noise that is harmful to the health and welfare of residents. The ordinance also fails to address the vibrations emanating from the servers within the data centers. A new noise ordinance that takes into account the scale of data centers and their equipment is warranted prior to any rezoning or approvals of data centers in Fauquier.

any needed expansion of utilities can be done with minimal impacts and compatibility with the surrounding area. FC Policy at page 7 IV.

While the Applicant claims it can obtain sufficient power from existing distribution lines for its first building and that it will “advocate” for under grounding and payment of any new required transmission line, it fails to offer an alternative, more likely scenario for an above ground transmission line and substation. No electric load requirement for the Project has been offered, nor any route for an underground or, the more likely, above ground transmission line. Until such information is provided, the Applicant has failed to demonstrate how the data center’s electric utility needs will be met.

In terms of water, the Applicant has proffered the use of trucked-in water for the initial charging of the air-cooling systems, but not for any subsequent recharging. It has requested a Special Exception for an above ground water and sewer pumping storage facility. Where will this water come from? Notably, the Catlett Plan remarks on Catlett’s failing septic systems and restricted water supply, anticipating and intending that new industrial development in Catlett will utilize excess capacity “only after existing structures with failing systems have been connected.” Catlett Plan at page 12. Whether the Applicant’s Project is consistent with this requirement should be addressed prior to any approval of the Special Exception.

Decommissioning. Unfortunately, FC Policy does not address decommissioning of data centers, nor does the Applicant. Given the speed of technological innovation that could render the large-scale data center buildings obsolete, CFFC urges the Commissioners to develop a decommissioning plan for this and other data center proposals similar to that provided under Fauquier’s Utility Scale Solar ordinance, as amended to incorporate CFFC’s recommendations that were previously submitted to the county. See FO, Pt. 20, 5-2003, 26-29, and CFFC, “Minimizing the Impact of Utility Scale Solar Facilities on Agricultural Land, Open Space, and the Environment” at pp. 9-17, 26-29. The scale of data center projects and magnitude of their impact warrants such a requirement.

THE CATLETT PROJECT WILL GENERATE NOISE, AIR AND LIGHT POLLUTION

Data centers are large, noisy, high energy consuming, brightly-lit buildings. Not only will these buildings be out of character for Catlett, but they will operate 24/7, using enormous amounts of energy that will contribute to Dominion’s plans to retain its coal-sourced electricity, emitting particulates into the air, emit diesel generator particulates, emit constant noise and vibrations, and emit lighting throughout the night from the 45-65+ foot tall rooftops that will loom over homes and buildings in the Village of Catlett. Sleep for residents and animals alike will be disturbed, destroying Catlett’s rural, agricultural and historic character.

Rezoning Catlett’s industrial service district for data centers would be wrong for Catlett’s village character. Notwithstanding Fauquier’s Comp Plan, Ordinances and Data Center Policy, the Catlett Project will generate noise and vibrations that will be an endless nuisance, generate both diesel and coal-fired emissions that will pollute the air in Catlett and Fauquier, and produce light pollution at night that will disturb the rural, agricultural character of Catlett.

Approval of this application for rezoning will eviscerate the peace and quietude of this historic village, detrimentally affecting the health and welfare of its residents.

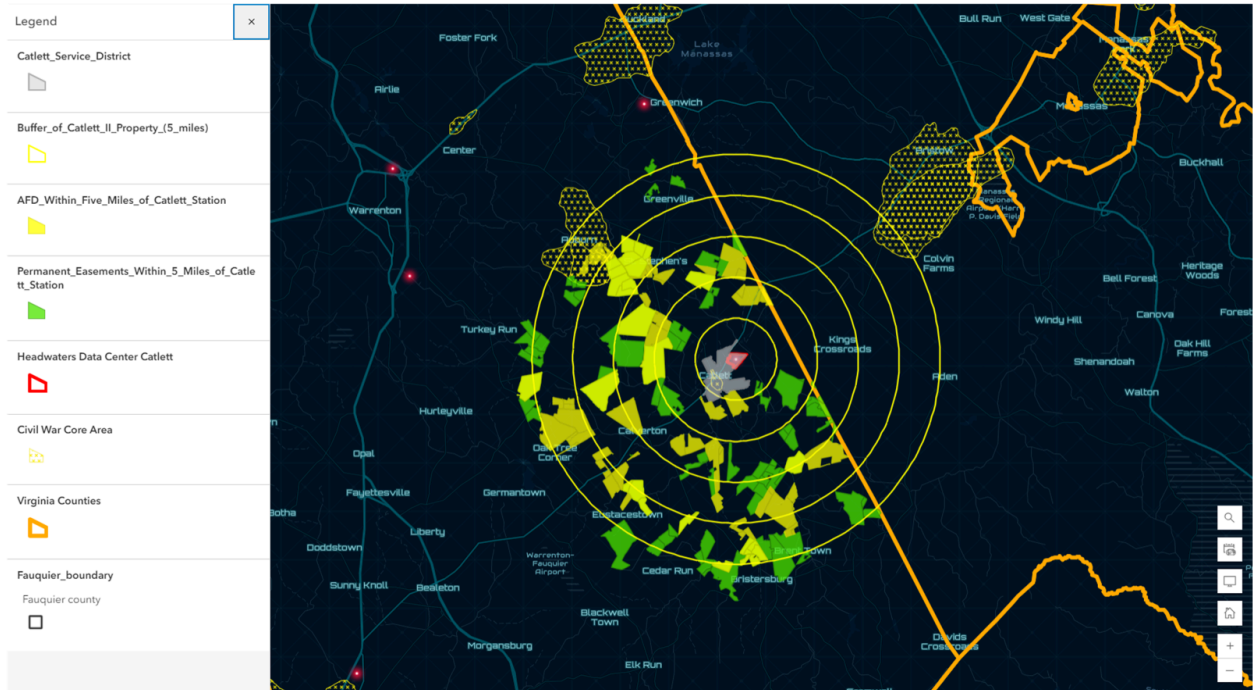
This Application should be denied for all of the reasons cited above.

Respectfully submitted,

Kevin Ramundo
President
Citizens for Fauquier County

Exhibit A

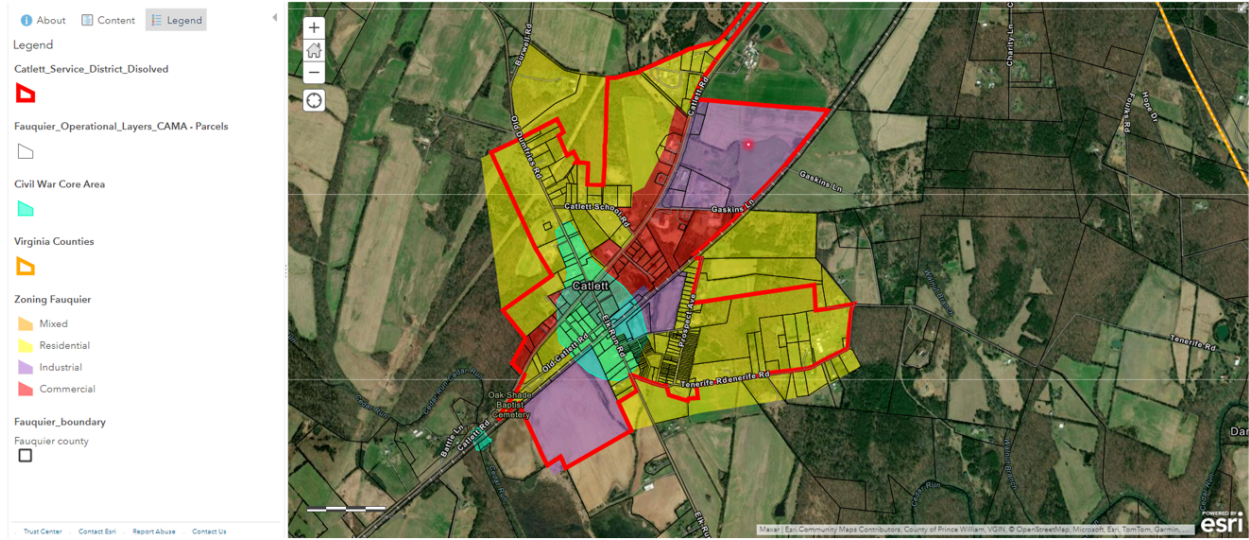
Land in Permanent Easement (green) and Agroforestral Districts (yellow) within Five Miles of the Proposed Data Center. There is overlap between these program which, combined, total about 10,000 acres in public and private conservation investments.



Dave Gibson (CFFC)

Exhibit B

Rezoning to BP for the Catlett Project in the Catlett Service District may result in more BP rezoning applications from industrial, commercial and residential areas within the Catlett Service District.



Dave Gibson (CFFC)

Exhibit C

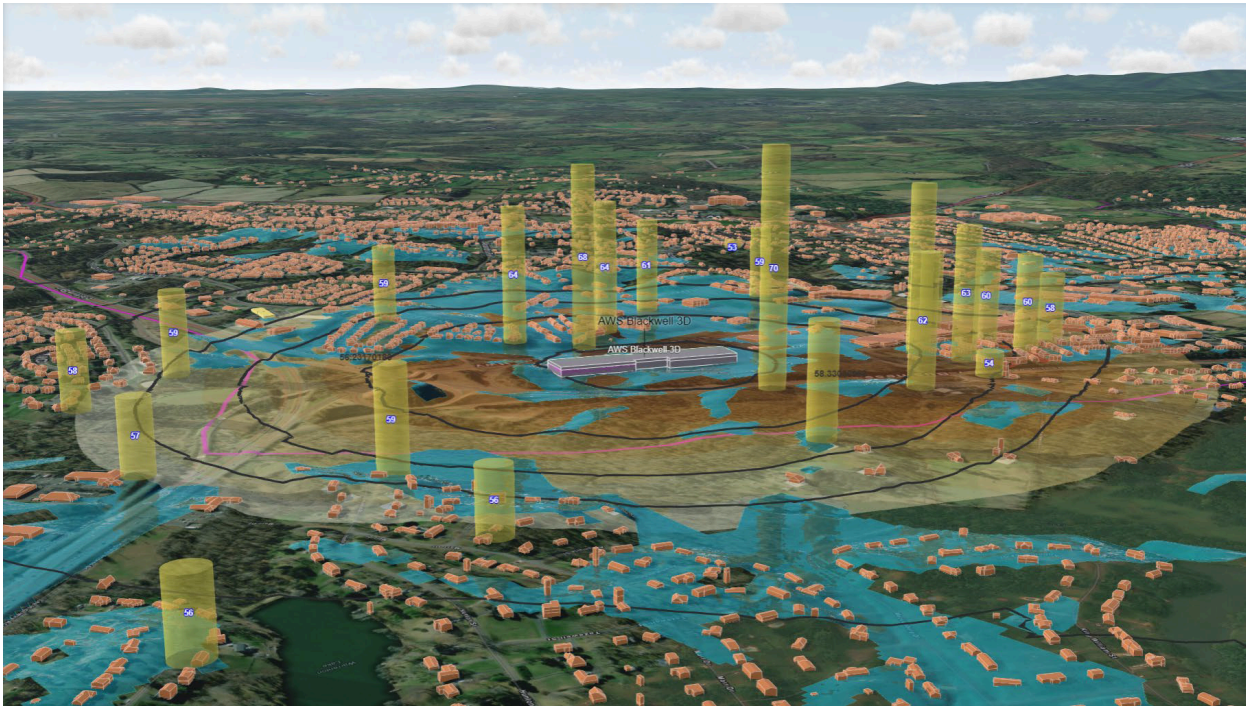


Walnut Branch overflowing near Gaskins Lane: Chris Colvin (Protect Catlett)



EXHIBIT D

Desk-top applications such as ArcGIS can produce visualizations of sound impact:



Produced By Dave Gibson (CFFC) and John Lyver (Prince William Co.)