



*Promoting and protecting the natural resources, rural economy,
history and beauty of the Virginia Piedmont*

November 14, 2022

Town of Warrenton Planning Commissioners; Susan Rae Helander, Chair

c/o Town of Warrenton Community Development Department, 21 Main Street, Warrenton, VA 20186

Re: SUP 2022-03 Amazon Data Services

Dear Planning Commissioners,

As the Planning Commission prepares for its scheduled public hearing on the special use permit (SUP) application for a proposed Amazon Web Services Data Center in Warrenton, the Piedmont Environmental Council respectfully submits the following comments. PEC has followed the SUP review up to this point and while we are encouraged by the scrutiny and response to community concerns some Commissioners have exhibited, we find it equally alarming that just weeks after Amazon's representatives postponed work sessions on the application "indefinitely" a Planning Commission public hearing was scheduled for November 15th, with a number of unresolved issues regarding viewsheds, noise and energy infrastructure.

Our Coalition (comprising our partner organizations Citizens for Fauquier County and Protect Fauquier as well as numerous concerned citizens) has submitted numerous FOIA requests, enlisted the help of experts, held two well-received Town Hall meetings and engaged with numerous decision makers regarding this application. Given what we know, what we have learned and what we have yet to determine, we have concluded that this application is simply not ready for public hearing. We therefore urge the Planning Commission to deny the application at the upcoming public hearing.

We hope that the Planning Commission, in keeping with their obligation to holistically review of the SUP application and its broader implications for County and Town residents, will consider the following concerns that PEC, its partners and the community at large share:

Energy Infrastructure. Dominion has appeared to change its position on whether the Amazon facility can be served with distribution lines. At a work session with the Fauquier County Board of Supervisors on November 10th, Dominion proposed 2 alternative options for new substations offsite to serve the Amazon facility. Their preferred option is at 615 Falmouth Street (aka the Old Wire Factory) where the landowner has advertised the site for data center development. The second option is along the Warrenton Greenway, south of Meetze Rd but the distribution line route would still be accessible to the 615 Falmouth Street site as well.

Amazon has agreed to pay for an underground distribution line between 615 Falmouth St and the Blackwell Road site in accordance with Dominion requirements and now it appears that the

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proposed data center can be served at its full operational capacity on that line, despite documents we obtained through the Freedom of Information Act indicating that only the initial phase of the data center's estimated 40-50 megawatts of energy demand could run on a distribution line.

Dominion has stated on the record that both the previously proposed transmission lines from the data center on Blackwell Road to Warrenton substation and from Wheeler substation to Blackwell Road could accommodate future load growth and would only be necessary if multiple data centers were built in the Town. Furthermore, documents we've obtained under the Freedom of Information Act indicate that the Falmouth Street site was the site Amazon was initially interested in, but insufficient fiber-optic infrastructure there had caused them to choose the subject property for this proposal. However, this new plan to serve the Blackwell site via a distribution line from the proposed substation at 615 Falmouth Street, land zoned and advertised for data center development, would not only be the shortest route to a substation proposed thus far, it would provide a conduit through which to run fiber to the Falmouth Street site, virtually guaranteeing it is developed as a data center.

Despite Amazon's plans for an underground distribution line to the Blackwell Road site, it is possible that, as the data center at the Blackwell Road site is built out or expanded along with data centers on other industrially zoned parcels advertised as potential data center sites (such as those north of Rt. 17 or the Falmouth Street site), a transmission line connection could still be deemed necessary by Dominion or the SCC. If future data center load growth, enabled by this initial proposal's infrastructure, triggers the need for more transmission lines, the SCC will have the final say on the routing of the proposed lines.

It appears that Amazon's special use permit for Blackwell Road could be the first approval needed for a larger scheme to stage infrastructure to ultimately colocate a cluster of data centers in the Town of Warrenton. Notwithstanding the immediate noise and viewshed impacts of this proposal, we ask that you consider this information and these potential scenarios in providing your recommendation to the Town Council. Although Amazon's representatives will continue to claim that they are solely focused on this individual SUP, it is the role of the Planning Commission to consider the broader impacts of this proposal, like any land use application.

Noise. We believe that the Planning Commission should not take the Applicant's purported inability to adhere to the noise ordinance as a sufficient justification for the deferral of any analysis on noise impacts to site plan review. Noise impact and abatement studies are a required item for special use permit applications pursuant to 11-3.10.2 of the Town Zoning Ordinance. Although waivers to such requirements for SUP applications may be issued by the Zoning Administrator, absent such a waiver, we believe this application should be deemed incomplete and therefore deserving of a recommendation of denial. The Applicant has requested a Zoning Determination to clarify how the Noise Ordinance is to be interpreted with a January 16, 2023 deadline. However, an application for which noise is a central issue deserves a compelling justification as to why an analysis of noise impacts is deferred to site plan review when the Zoning Determination is expected in just two months. So far we have been given none.

Even if the Zoning Administrator were to waive the requirement for a noise study, for SUP approval, our Coalition has enlisted the help of Dr. John Lyver, a retired computational scientist from NASA, who created his own model to assess the impact of the data center's noise. His model found much higher levels of noise than Amazon's study did, exceeding Town designated noise levels in multiple areas and producing tangible noise impacts to property owners as far as 2,500 feet from the proposed data center. We ask that, in lieu of a credible study by Amazon, you consider the information revealed by this separate noise impact analysis in issuing your recommendation.

Visual Impacts. We appreciate the scrutiny the balloon test received at the last Planning Commission work session and that some of its flaws have been brought into light. Although the heights of the balloons from the September balloon test were revealed at the latest work session, it did not account for the exact building locations, it only analyzed visibility from 7 photo locations and it did not accurately reflect the heights of balloons in those photos. The balloon test also failed to account for the removal of trees particularly at the northern and western edges of the property shown on their latest Tree Study (which the Applicant's latest submission indicates is out of date due to recent site plan changes). These are some of the most visible portions of the site to adjacent neighborhoods and Rt. 17.

PEC prepared a GIS viewshed analysis of the 37-foot data center building using LIDAR data encompassing current groundcover and topography. As we predicted, the balloons were visible from a number of different vantage points in Town. It is likely that the visual impacts are understated given that the heights of all balloons exceeded 37 feet.

Amazon's latest submission largely ignores visual impacts on adjacent neighborhoods revealed by our Coalition's independent analyses. When addressing the requirement to address the compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels, the Applicant's representatives responded with:

“The surrounding area consists of a significant highway, a good deal of existing and much older retail and commercial, and residential uses. It is bordered on the southwest by a car dealership, and on the east by a major interchange”, leaving out adjacent residential neighborhoods to the northwest and south.

They do acknowledge that “the nearest residence uses (are) currently located over 400 feet away on Oak Springs Drive.” However we've found that these residences are very much within the viewshed and earshed of this proposal.

We ask that you consider this and the information revealed by this separate visual impact analysis in issuing your recommendation.

Issues from our Prior Letter. Despite the response we got from some Commissioners, we have not seen the Planning Commission address some of the considerations we brought to their attention in our letter dated August 16, 2022, including prior recommendations for bicycle and pedestrian improvements on the site identified in the 2009 Fauquier-Warrenton Destinations Plan, potential remains of a historic home identified on 1937 aerials on land currently encompassed by the Lee Highway right of way and potential conditions outlining protective measures to ensure fuel tanks do not leak.

Inconsistency with the Comprehensive Plan. In our previous letter, we asked that the Planning Commission seek a sufficient justification for such a blatant deviation from the “New Town District” Character area, an area described as having a mix of uses including office, residential, green space, and public amenities. We do not believe the reasons the Applicant has provided for such a deviation are sufficient. They claim:

“No individual site can be expected to meet all of the objectives in the Plan and the New Town District seeks a signature job center. The Applicant in this case is indeed a major employer”.

While the desire to provide a location for a major employer is a goal of the Character District, and it is true that the comprehensive plan is only a guide, the proposed data center substantially detracts from the original intent of the New Town District. While accepting a use that is not necessarily articulated in a Character District’s vision for the sake of economic development might be reasonable at times, doing so for a proposed use that runs directly counter to it and would encompass approximately one third of the District’s land area is entirely different. Data centers are insular uses that do not promote the goals of mixed use, walkability and public space of the New Town District in any such way. Furthermore, the goal to attract a major employer is written to be broadly applicable, and contributes the least to the placemaking goals that characterize the New Town District. Placing a data center on a parcel that could otherwise contribute to a mixed use area would also detract from virtually all of the Comprehensive Plan’s Housing Goals and its stated need to diversify its housing stock (Housing Recommendations, page 26). We ask that you consider both the goals of the comprehensive plan and what needs of the Town the subject site could fulfill if built out in a manner that aligns with the New Town District.

In our previous letter, we acknowledged that some of the application’s unknowns could be addressed with information provided by the Applicant. However, it is clear that since that letter was submitted, many of the Applicant’s claims regarding noise, visual impacts and energy infrastructure have grown increasingly murky. Yet, a Planning Commission public hearing and potential recommendation is still being considered for this week.

The gravity of the decision at hand cannot be overstated. This application will set the precedent for the review of future data centers applications in the Town of Warrenton, which, given the proximity of land advertised for data center development and Dominion’s latest plans for associated energy infrastructure, could be anticipated soon. We ask that you please continue to exercise your full discretion and apply the same scrutiny to this application as you would to any other land use application, with the community’s

concerns, potential for data center growth in Town, and the public benefit in mind. In light of the significant issues, of which you are well aware, we respectfully request that the Planning Commission issues a recommendation of denial.

We would be happy to discuss any of these issues or provide any additional materials.

Sincerely,

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