



*Protecting and restoring the lands and waters of the Virginia Piedmont, while building stronger, more sustainable communities.*

February 9, 2026

Town of Orange, Planning Commission  
VIA EMAIL ONLY

Re: Proposed Amendment to the Town of Orange Zoning Ordinance, amending Section 14-20.84, definition; and Draft Data Center Policy

Dear Planning Commissioners:

I write to renew and reiterate our comments made in our letter dated January 12, 2026.

As previously stated, the Town's current definition of "data center" (Section 14-20.84) needs updating as it does not reflect the modern hyperscale data center or its accompanying impacts. The language proposed by staff (Agenda Summary, February 9, 2026, Agenda Item #6, "Discussion Regarding Proposed Zoning Ordinance Definition of Data Centers," in red text, *A use involving...*) **is a step in the right direction, but it does not go far enough.**

**Why the definition matters.**

A January 2026 report by the Southern Environmental Law Center put it this way:

For localities that do want to allow some level of data center development, it is important to consider whether the zoning ordinance's definition of "data center" is specific to the computer systems and their directly associated components (such as telecommunications, storage, and cooling systems). **If the definition is broad enough that it can be read to cover gas turbines or other fossil-fuel-based primary power generation sources that an applicant may wish to build on the same site to power the data center, those uses might be considered part of a data center that is either allowed by right or approved as a special use and thereby evade review by the local governing body.**<sup>1</sup> (Emphasis added).

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<sup>1</sup> [https://www.selc.org/wp-content/uploads/2026/01/SELC-Data-Center-Development-Report-All-0126\\_F.pdf](https://www.selc.org/wp-content/uploads/2026/01/SELC-Data-Center-Development-Report-All-0126_F.pdf)

In light of the evolving data center industry and energy landscape, and for the reason explained above, I urge you to consider **adding the following paragraph** to the language proposed by staff:

*Such facilities may also include air handlers, emergency power generators, water cooling and storage facilities, and batteries to support sustained operations at a data center. Emergency power generation is limited to use for unforeseen outage events and periodic maintenance and is not permitted to be used for non-emergency or as the primary power source for the facility.*

**It is important to clearly distinguish between emergency backup and on-site primary power.** On-site power generation is increasingly a common part of data center proposals, to avoid the years-long wait to get power from Dominion Energy.<sup>2</sup> According to a recent industry report, 30% of U.S. data centers will be using on-site power generation by 2030.<sup>3</sup>

Related, hyperscale data centers use several dozen massive diesel generators, each the size of a train car and each producing 2,000-3,500 kW of power. Even if these generators are run only for maintenance and/or emergencies, they can significantly contribute to air pollution.<sup>4</sup> The Town may also want to consider defining crypto-mining separately and may want to address substations (What size? Where? How many? Off-site? On-site?) as a separate use, requiring a separate special use permit.

One additional comment concerning the definition of “data center” in the zoning ordinance: the February 9, 2026 “Agenda Summary” references a definition from Section 58.1-3506(A)(43) of the Code of Virginia. **That section relates specifically to exemptions from property taxes and was not written to define “data center” as a land use.** We recommend not incorporating or associating, by reference or otherwise, this code section to the Town’s zoning ordinance definition of “data center.”

### **Draft Data Center Policy should be strengthened.**

We believe it is prudent for localities to take a proactive approach concerning the data center industry and data centers as a potential local land use. The Planning Commission’s actions on January 13 - recommending removing data centers as by-right use in the Traditional Town Center (TTC) district and requiring a special use permit in the Town Activity Center (TAC), Rural Commercial (RC) and Traditional Industrial (TI) districts - are commendable and are a step in the right direction. But once again, we urge the Planning Commission to take further action and consider **whether it is a good idea to even contemplate a data center in the Town at all**, especially in the TAC, which includes all of Madison Road, north of downtown. **We believe that the Town should prohibit data centers larger than 40,000 square feet.**

The “Draft Data Center Policy” (Agenda Summary, February 9, 2026, Agenda Item #7) is also a step in the right direction. In the event that the Planning Commission sees fit to recommend a Data Center Policy

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[https://www.loudounnow.com/news/power-crunch-to-push-data-center-connections-by-1-3-years/article\\_e122ad16-6a5a-11ef-909c-33c14c795f00.html](https://www.loudounnow.com/news/power-crunch-to-push-data-center-connections-by-1-3-years/article_e122ad16-6a5a-11ef-909c-33c14c795f00.html)

<sup>3</sup> <https://www.bloomenergy.com/wp-content/uploads/2025-Data-Center-Power-Report.pdf>

<sup>4</sup> [https://scholarscompass.vcu.edu/isee\\_pubs/3/](https://scholarscompass.vcu.edu/isee_pubs/3/)

to the Town Council, PEC recommends the following considerations, organized by language pulled from the February 9 version of the draft policy:

Under “Purpose and Goals”

***“Direct development to areas with existing or planned adequate infrastructure to minimize impact on residential zones and natural resources.”***

As stated in our previous letter, “small” data centers (i.e. 40,000 square feet or less) like edge data centers and small enterprise data centers associated with something like banking or an academic institution, can be less impactful and blend into an office park setting. However, **the current booming data center market is not interested in 40,000 square foot data centers; it is focused on co-location and hyperscale data centers.** Hyperscale data centers that are 80 feet or taller and over 100,000 square feet — much larger than typical big box stores. **Data centers of this size are also accompanied by new 230 kilovolt transmission line(s) and associated substation(s), which are not conducive to an in-town setting.**

Towns are meant to be vibrant, pedestrian-oriented, human-scaled places for people to live, work and play. Towns are land-constrained, so the limited space should be used for housing, retail and public places and should not allow hyperscale data centers at all, which are not at all consistent with a walkable community.

Under “Zoning and Location”

***“Data centers are permitted in the Town’s Town Activity Center (TAC), Rural Commercial (RC), and Traditional Industrial (TI) zoning districts upon issuance of a special use permit...”***

Missing from the Draft Data Center Policy is any mention that **data centers are currently allowed by-right in the Traditional Neighborhood Development District, “Round Hill/Uptown North Orange” (TND).** We reiterate our previous comment: by any objective reading of the language already in the TND zoning ordinance, hyperscale data centers do not belong in the TND districts and should be explicitly prohibited.<sup>5</sup>

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<https://www.townoforangeva.gov/DocumentCenter/View/1021/Article-6A-Uptown-North-Orange---TND-District-Regulations?bidId=>

***“Development adjacent to residential areas will be subject to heightened scrutiny and strict performance standards to ensure compatibility.”***

For the reasons detailed above, **no hyperscale data center** would be compatible adjacent to a residential area (double click to play):



Vantage Data Centers, Ashburn, VA, January 25, 2026.

Under “Community Engagement”

***“Ensure transparency and community engagement throughout the planning and development process.”***

An all-too-common practice in the data center industry is to hide development plans from public scrutiny, often behind confidentiality agreements (e.g. nondisclosure agreements, or “NDAs”).<sup>6</sup> For example, a recent agreement between Spotsylvania County and Amazon includes a confidentiality clause that states, “for the avoidance of doubt ADS [Amazon Data Service] water usage, sewage usage, and basis of design is considered Confidential Information.”<sup>7</sup> Confidentiality agreements prevent the public from fully understanding potential impacts to our environment, our electric grid and our communities and impedes the public’s ability to decide if a data center is in a community’s best interest.<sup>8</sup>

A recent poll by Christopher Newport University’s Wason Center shows Virginia residents’ clear support for **site assessments before data center approvals** that look at water usage, the electric grid, carbon emissions and agricultural impacts.<sup>9</sup> The public is rightly concerned about the impacts from data centers and residents deserve transparency. Such important information should not be kept confidential at the behest of the world’s richest corporations to the detriment of local residents. We urge Town officials to show a commitment to “transparency and community engagement **throughout** the planning and development process” (emphasis added). **Planning staff, planning commissioners, and elected officials should not enter into confidentiality agreements, and confidentiality agreements should not be used to hide information that is critical for evaluating impact such as water usage, emissions, and energy usage.**

Under “Comprehensive Plan”

***“Goal EC3: Create new knowledge-based and professional jobs in the Town.”***

Data centers create fewer permanent jobs than is often advertised by developers, and the initial surge at the beginning of a project, especially from electricians, is largely a transient work force who move on to the next project after construction and set up.<sup>10</sup>

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<sup>6</sup> “Local government use of NDAs and other methods to keep data center development secret is widespread across the U.S... In Minnesota, local elected officials were aware of data center proposals for months or even years before disclosing them. In Virginia, 25 out of 31 data center projects had NDAs. In one New Mexico county, county staff negotiated for a \$165 billion data center with an NDA that kept elected officials in the dark. Several states are targeting NDAs. At least three — Florida, Michigan and New Jersey — are considering legislation to prohibit governments from signing data center NDAs. A Georgia bill would prohibit NDAs that hide information about data center electricity or water usage. New York is considering a bill to limit NDAs for economic development proposals generally. Now, similar legislation is pending in Wisconsin.”  
<https://www.jsonline.com/story/news/local/wisconsin/2026/01/27/at-least-4-wisconsin-communities-signed-secrecy-deals-for-data-centers/88363175007/>.

<sup>7</sup> <https://virginiamercury.com/2025/04/30/data-centers-non-disclosure-agreements-and-democracy/>

<sup>8</sup> <https://www.fxbgadvice.com/p/how-much-water-have-local-governments>

<sup>9</sup>

<https://cnu.edu/wason/surveys/archive/2026-01-28.html?emci=8e96a08f-d502-f111-832f-000d3a1f0e4c&emdi=4a9f968c-e202-f111-832f-000d3a1f0e4c&ceid=11238930>

<sup>10</sup> [https://www.foodandwaterwatch.org/wp-content/uploads/2026/01/RB\\_2601\\_DataCenterJobs.pdf](https://www.foodandwaterwatch.org/wp-content/uploads/2026/01/RB_2601_DataCenterJobs.pdf). Full disclosure, this source of this report (Food and Water Watch) [has lobbied Congress for a moratorium on new data centers](#).

Respectfully submitted,

A handwritten signature in black ink that reads "Don McCown". The signature is written in a cursive style with a large initial "D" and "M".

Don McCown, Land Use Field Representative

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