

November 14, 2024

From: Resident Members, Data Center Ordinance Advisory Group
To: Board of County Supervisors

Subject: Concerns With Data Center Ordinance Advisory Group Process and Progress

The undersigned are members of the Prince William County Data Center Ordinance Advisory Group (DCOAG) representing resident interests. This is the constituency most affected by sweeping industrial development and for whom the group was charged with addressing negative impacts. We are writing to express our concerns with a process that appears unlikely to produce revised noise and zoning ordinances that will be either timely or effective enough to combat the unprecedented and wide-ranging impact of data centers in Prince William County. More than two years have elapsed since the initiative was directed by Prince William Board of County Supervisors (BOCS), with our diligent contributions and commentary treated indifferently. The residents of Prince William County are entitled to more protection from their own local government than what the current DCOAG process will provide.

Accordingly, we call for an immediate Board of County Supervisors review of the progress of this effort and reevaluation of its scope and objectives.

Background

During its [July 12, 2022, meeting](#), the Board of County Supervisors (BOCS) issued Directive 22-28 (below) calling for a noise ordinance update, by which County staff was directed to comprehensively review the noise ordinance and propose appropriate amendments. The catalyst was the intolerable noise emanating from Amazon Web Services' data center campus on Tanner Way in Manassas and its effect on the adjacent [Great Oak](#) community. Following the issuance of this directive, the Office of Executive Management and the County Attorney convened a steering committee to review the ordinance and to determine what options were available for consideration. The directive states:

DIR 22-28 / Wheeler Noise Ordinance Update

County staff was directed to comprehensively review the noise ordinance and propose appropriate amendments, if any, for the Board to consider. Staff should bring any such proposed amendments to the Board before advertising the public hearing. Staff's review should include, but not be limited to, reviewing the Board's legal authority regarding noise regulation, the noise ordinances in comparable localities, and best practices in noise mitigation and attenuation. Staff should provide an appropriate opportunity for residents and the business community to provide input and feedback on noise issues. Staff should bring to the Board for consideration if there is a need for outside consultants.

On February 28, 2023, through [Ordinance 23-07](#), the Board of Supervisors voted to approve the amendment to the [County Code Section 14.4\(b\)](#), a section of Chapter 14 – Noise, which removed the exemption for nighttime noise limits on heating and cooling systems for residential dwellings only. This exemption, enacted decades ago to protect homeowners with faulty units, was widely viewed as an unintended loophole for industrial entities, particularly data centers, to avoid noise ordinance limits.

Additionally, staff recommended creating an advisory group, now known as the [Data Center Ordinance Advisory Group \(DCOAG\)](#), consisting of county residents who live near existing or proposed data centers, industry representatives, other stakeholders, and county staff to work together to review the

status of the amendment to the noise ordinance and to report back to the Board of County Supervisors with its recommendations.

Concurrently, an amendment to the [Design & Construction Standards Manual \(DCSM\)](#) and the [Zoning Ordinance](#) was initiated on February 28, 2023 through [Resolution 23-111](#) to work with stakeholders to address other potential data center impacts. Co-leading agencies of the steering committee are the Department of Development Services, the Department of Public Works, the Planning Office, and Department of Economic Development.

The [Data Center Ordinance Advisory Group](#) was assembled and convened in July of 2023, a full year after Directive 22-28. Consultants which have since been retained to provide substance and technical input include JMT, addressing the noise ordinance, who received their purchase order in late February 2024 and held their kickoff with the DCOAG on March 13, 2024. Moseley Architects, conducted their kickoff meeting with the DCOAG on August 13, 2024. A third consultant, Nelson Acoustics began work on September 3, 2024.

Resident Representation

The DCOAG includes resident representation from:

- Great Oak Homeowners Association, a thirty-year-old single family home community, which includes young families with small children, as well as retirees. Great Oak has experienced painful and debilitating levels of noise from the operations of the Amazon Web Services Tanner Way data center complex, which is adjacent to its homes. Several Great Oak homes also suffered blasting damage during the construction period.
- Amberleigh Station, a newer and larger community of families, also with small children, which has become surrounded by one of the largest planned and developing data center clusters in the nation.
- Heritage Hunt, which has 1,863 homes and over 3,000 residents with a median age of 76 years, is adjacent to the approved Prince William Digital Gateway, proposed to be the largest data center cluster in the world.
- HOA Roundtable of Northern Virginia, which is based in Prince William County and is a non-partisan coalition of HOAs, civic associations, and independent homeowners who represent more than 150,000 households across the region that have expressed serious concerns about data center development adjacent to homes.
- The Gainesville District, because Gainesville and Bristow have more than 50 million square feet of data center capacity either approved or planned, much of which is outside the county's Data Center Opportunity Overlay Zone District.

Industry Representation

It is appropriate to have some business development interests represented on the DCOAG. However, several representatives have an entrenched financial interest in preserving the status quo of more lenient county regulations and development standards. Some examples are:

[Kate Smiley](#) and [Josh Levi](#) represent the [Data Center Coalition](#), a membership association of leading data center owners and operators serving as leading advocates for the data center industry. They were responsible for setting up "[Virginia Connects](#)", "a 501(c)4 non-profit organization representing a broad coalition of stakeholders" supporting the data center industry. Their avowed [mission](#) of "Advocating for a business climate, policies, and investments that support the growth and success of this important business sector" is antithetical to the DCOAG's purpose, and their inclusion in what should be a citizen's forum is inappropriate.

The Data Center Coalition publicly, and improperly, cited DCOAG deliberations as a reason to refrain from both raising the data center tax rate and rescinding the Data Center Opportunity Zone Overlay District (DCOZOD), established in 2016, as a location suited for by-right development. On June 11, 2024, Kate Smiley addressed the Board of County Supervisors to advise them that the DCOAG was the proper forum to provide recommendations on the overlay district. Her comments can be viewed in this [video](#) at time stamp 50:13. The DCOAG had been in existence for almost a year by that point and had not yet considered the overlay district issue. Ironically, when consultant JMT recommended eliminating the overlay district on September 11, 2024, DCOAG facilitator Wade Hugh said he would not forward that recommendation to the BOCS because it was outside the DCOAG's purview.

[Yolanda Green](#) is a registered lobbyist for Dominion Energy, which not only profits from data center development, but is responsible for constructing and levying ratepayer fees for any new electrical infrastructure required. She is also Chair of the Prince William County Historical Commission.

[Jonelle Cameron](#) nominally represents Commercial Development Committee, but is a shareholder of [Walsh, Colucci, Lubeley & Walsh](#), a law firm that represents numerous data center development applicants, including many projects in Prince William County strongly opposed by residents.

Mike Kitchen participates as a representative of [NAIOP](#), the Commercial Real Estate Development Association but is compensated by [IMEG](#) a consulting firm that benefits from data center development. NAIOP is identified as a supporting organization of "[Virginia Connects](#)", "a 501(c)4 non-profit organization representing a broad coalition of stakeholders" supporting the data center industry.

Truett Young represents the [Northern Virginia Building Industry Association](#), but is Vice President of Land for Stanley Martin Homebuilders, which flipped an approved residential development project in Bristow to the contentious [Devlin Technology Park](#). Stanley Martin is also developing a housing project called [Smith Crossing](#), adjacent to the approved Prince William Digital Gateway, that residents fear will flip to data centers in the same manner as Devlin Technology Park.

Kevin Hughes represents [Stack Infrastructure](#), a data center developer with numerous existing and proposed projects in Prince William County. Stack is identified as a supporting organization of "[Virginia Connects](#)", "a 501(c)4 non-profit organization representing a broad coalition of stakeholders" supporting the data center industry. On October 4, 2024, Stack Infrastructure donated [\\$250,000](#) to support a public relations campaign ahead of several applications it had pending review by the Board of County Supervisors.

Bob Sweeney is President of the Prince William Chamber of Commerce, which is identified as a supporting organization of "[Virginia Connects](#)", "a 501(c)4 non-profit organization representing a broad coalition of stakeholders" supporting the data center industry. His opposition to the DCOAG mission was reflected in a [Prince William Times article](#) of October 8, 2024 where he was quoted as stating: "It started out in response to a lot of misinformation about the data center industry, their motives, how noisy they really are, all that kind of stuff. There's a lot of exaggeration, and, you know, an outright misinformation campaign out there."

Staff Direction vice Facilitation

The meetings have been chaired and run by Deputy County Executive for Community Development, [Wade Hugh](#). His role is to facilitate and focus discussion and provide staff support for essential tasks, such a contract support. However, he frequently makes decisions without consulting the DCOAG and conducts offline meetings with contracted consultants where he provides unilateral direction which may be at odds with group sentiment. This siloing of communication is hampering progress and leading to unexpected rework since the residential representatives are frequently unaware of offline decisions and direction.

Examples include:

- On July 17, 2024, after multiple complaints of the presence of data center and utility lobbyists on the DCOAG, Mr. Hugh unilaterally decided there would be no change in membership.
- On August 22, 2024, Mr. Hugh was presented with evidence that a lobbyist member (Data Center Coalition) was [leveraging its inside knowledge](#) of DCOAG deliberations to inform industry colleagues. On August 27, 2024, he again unilaterally decided there would be no change in membership.
- On August 14, 2024 he was advised by resident members of the DCOAG that there should be no community engagement meeting scheduled until an acceptable noise ordinance was in hand. Yet on September 25, 2024, Mr. Hugh unilaterally issued a timeline which prescribed a November 15, 2024 date for a final ordinance and a January 9, 2025 date for a community engagement meeting. DCOAG members had NO input on the development of this schedule, which has been overcome by subsequent events.
- On September 11, 2024, consultant JMT presented recommendations which included “Remove the Data Center Overlay and any by-right approvals”. On September 12, 2024, Mr. Hugh unilaterally declared: “I do not plan to include a staff recommendation to the Board to remove the Data Center Overlay District as part of the proposed noise ordinance update.”
- On September 11, 2024, he advised the DCOAG that PWC had hired a noise consultant (Nelson Acoustics). When residents logically requested that the consultant visit the Great Oak neighborhood, whose noise problems constituted the principal impetus to the DCOAG’s founding, he said that that the contract did not support site visits, but he would look into its feasibility. To date, no such visit has been scheduled. Notes of an October 30, 2024 meeting between PWC staff and consultant JMT indicated that such a visit is being considered for December 2024.
- On October 4, 2024 Mr. Hugh unilaterally cancelled a scheduled October 9, 2024 meeting at which residents were to discuss their concerns with certain consultant methods (such as “instant polling”).
- On October 4, 2024, DCOAG members were advised “on Wednesday, October 23rd... JMT will present the final draft for the Noise Ordinance Scales”. This came without prior warning and without any initial draft for DCOAG members to review.
- On October 13, 2024, Mr. Hugh again refused to reconsider the inappropriate inclusion of lobbyists on the DCOAG after being presented with further evidence of their avowed opposition to its mission as reflected in actions reported in a [Prince William Times article](#) of October 8, 2024.
- The October 23, 2024 DCOAG meeting materials did *not* include the promised draft of the noise ordinance or table of noise limits, though these were subsequently promised for November 6th.
- The November 6, 2024 DCOAG meeting materials did *not* include the promised draft noise ordinance or table of noise limits, though these were subsequently promised for November 20th.
- Since a site visit to the Great Oak and Amberleigh Station neighborhoods will not occur until at least December, this means the draft noise ordinance will not be informed by data from the most highly impacted communities. Staff has inexplicably refrained from sampling readily observable impacts from the very communities that were the impetus for the DCOAG’s founding.
- A briefing given by Moseley Architects at the November 6, 2024 DCOAG meeting included preliminary statements that their recommendations would not address “where data centers should be allowable or prohibited uses” because “The County is currently undertaking a separate process to evaluate the DCOZOD and has asked that we wait for their findings”. This revelation took the DCOAG members off-guard, as siting was always understood to be a key factor in updating county policy. Siloing these highly interdependent efforts is counterproductive and prevents resident representatives from participating in this key policy update, undermining their ability to affect data center siting, which is critical to minimizing adverse impacts. The Board of County Supervisors has taken *no* action on its [DCOZOD review](#) initiated on May 18, 2021 by [Resolution 21-327](#). In the interim, it has suppressed the recommendations of two paid consultants ([Stantec](#) and JMT) and its own [Sustainability Commission](#). DCOAG resident

members insist upon being able to influence decisions on geographic siting of data centers if our role is to have any meaning.

Scheduling that favors paid-professionals over citizen volunteers

Resident representatives have repeatedly asked to change the regular meetings to times when their own livelihoods and personal commitments are not impacted. Some of the resident representatives have full-time jobs or own businesses. The persistence in scheduling for 11 AM to 12:30 PM on Wednesdays has meant that some representatives, such as Dr. Steve Pleickhardt, President of Amberleigh Station HOA have not been able to participate. Dr. Pleickhardt is a dentist and sees patients during the workday, so his ability to serve was prevented, even though his community is heavily impacted.

Minimizing accurate descriptions of community risks

The resident representatives on the DCOAG have been arguing for consideration of all the pervasive risks data centers might pose to residents living within a few hundred feet. Yet a minimalist approach to reforms has prevailed to date.

- The Noise Ordinance change presentations from JMT have introduced the use of dB(C) measurement to help address low frequency noise, yet retained the very same dB(A) levels from the existing and outdated PWC Noise Ordinance. Numerous challenges to this have not yet resulted in an appropriate modification. The goal of reducing the noise levels in our homes to an acceptable level cannot be accomplished without a significant change to the standard.
- Noise is additive, and many communities will be surrounded by multiple data center campuses which may be owned and operated by different companies. Each developed data center will present a unique set of frequencies at identifiable amplitudes which can be used to create a “signature” for each campus. This signature can be used to identify the source of changes to noise profile and support correction and enforcement. The residents have pressed for the capture and use of frequency data which has not yet been embraced by JMT.
- The best experiential reference for the ongoing impact of data center *operational* noise, and the assessment of appropriate and tolerable sound levels for adjacent residents, is the Great Oak neighborhood. DCOAG member Dale Browne has nearly two years of data to share with noise consultant Nelson Acoustics, who must be directed to conduct a site visit.
- The best context for measuring data center *construction* noise is the highly impacted area of Bristow, including the communities of Amberleigh Station, Silver Leaf, Lanier Farms and others surrounding Google’s “NOVA Mango Farms” project. Draft recommendations from JMT continue to provide exemptions from construction noise limits, and current practice indicates routine granting of construction noise waivers, to the consternation of local residents.

Prince William County has real life examples of the most negative impacts from data center construction and operation, yet in more than two years since the county acknowledged them, it has neither captured nor addressed these experiences.

Summary

DCOAG resident members have become exasperated with a protracted project timeline that looks more like a foot-dragging exercise than a serious effort to alleviate urgent resident concerns. It is notable that:

- There have been absolutely no recommendations put forward to mitigate the effects of data center proliferation *more than 28 months* after Directive 22-28 mandated “Staff should provide an appropriate opportunity for residents and the business community to provide input and feedback.”
- Staff insists on preserving primacy over the data center overlay district review even though no action has been taken *more than 41 months* after the BOCS issued [Resolution 21-327](#) on May 18, 2021. Any such review must incorporate the input of the DCOAG to ensure transparency in the development of new policy relating to the data center industry.

- The horse is well out of the barn. The county is just now beginning to consider appropriate changes to the zoning ordinance and Design Construction Standards Manual (DCSM) after *nearly 90 million square feet* of data center development is operating, under construction, approved or in the planning process. This belated effort is akin to applying a Band-Aid to a bullet wound.
- New applications outside the overlay district, such as [Bristow Campus](#) and the [Gardner Property](#), will soon be considered for approval, devoid of any new guidance or guardrails.

Considering the concerns set forth above, we fear that the time and money invested to date may not result in an effective noise ordinance, zoning ordinance or construction standards that will resolve the numerous adverse impacts of the extent of data center development approved in Prince William County. Accordingly, we recommend a reconstitution and reorientation of the Data Center Ordinance Advisory Group to ensure:

- The group serves, acts, and is respected as an actual advisory group that can fulfill its mission to provide meaningful recommendations to the Board of County Supervisors, unhampered by the development-centric culture that exists within some elements of the county staff.
- Leadership of the DCOAG is placed under the purview of a county office more closely aligned with resident interests and less affected by developer influence.
- It is inclusive of business representation, but exclusive of companies and paid advocates with a financial interest in the outcome. The data center industry and monopoly utilities are not under threat. Rather, it is their unconstrained influence that has threatened the residents of Prince William County.
- The DCOAG must be predominantly citizen-centric to reflect its mission and purpose to serve the public interest. Industry representatives should be technical advisors vice policy makers. The presence of industry lobbyists is *intolerable* and an embarrassment to county leadership.
- Meeting schedules accommodate the full participation of resident volunteers.
- Noise impact assessments measure how people are personally affected by both construction noise and data center operations, including an expert level advisor on the full range of health impacts.
- Development of planning and zoning reforms that consider the full range of data center impacts, rather than defer responsibility to other government entities, utilities or agencies.
- Improvements in the planning review process to *require* consideration and dissemination of essential information on environmental effects and electrical power demands *in advance of* any public hearing or vote.
- Development of planning and zoning reforms that look more carefully at the impact on vulnerable populations.
- Acquisition or development of expert level advisors focused on environmental impacts data centers present.
- Solutions are applied to all data center facilities operating, in development or planned.
- A willingness to actively seek new authority from the Virginia legislature if current authorities are inadequate to mitigate impacts.

The best means to prevent unintended consequences of incompatible development is to enact effective siting regulations. This has been done with other industrial applications. We would never allow a steel foundry, paper mill or chemical plant to be sited next to established residential communities, schools or National parks. Yet we have allowed industrial data centers to skirt incompatible use norms by disingenuously portraying themselves as harmless office buildings. The unfortunate result has been environmental damage and citizen outrage.

Residents devoted their time and efforts to the DCOAG with the expectation that their participation and recommendations would contribute to avoiding, minimizing or remediating these conditions. However,

experience suggests their presence only serves to provide a face-saving veneer for a belated and ineffective effort.

We implore the Board of County Supervisors provide clear and unambiguous direction to address data center impacts as demanded by your constituents. If we are to enjoy the advertised benefits of data center development, we must find an effective way to minimize its drawbacks.

In addition to the reconstitution and reorientation of the DCOAG requested above, DCOAG members should also provide periodic updates to the BOCS on its progress. Operating in unchecked isolation for too long has contributed to some of the problems mentioned herein.

Prince William County's emerging status as the data center capital of the Commonwealth makes it inevitable that our actions will be cited as influential precedents for other localities contemplating data center development. We cannot allow the current flawed process to be misrepresented as valid consensus among government, business and citizens. Resident representatives will not permit their good intentions and aspirations to be exploited for this purpose.

Thank you for your consideration.

Sincerely,

Donna Gallant – Amberleigh Station neighborhood
Dale Browne – Great Oak neighborhood
Kathryn Kulick – HOA Roundtable
Bill Wright – Gainesville District
Kevin Coyle - Heritage Hunt neighborhood
Ray Kowalski – Heritage Hunt neighborhood

Copy to: County Executive