DLA Piper LLP (US)
One Fountain Square
11911 Freedom Drive
Suite 300
Reston, Virginia 20190-5602
www.dlapiper.com

May 31, 2023

OUR FILE NO. 438388-000002

VIA HAND DELIVERY

Enclosure Memo
Amy Rogers, Chief of Zoning & Development Services
Fauquier County Community Planning
10 Hotel Street
Warrenton, VA 20186

Re: Catlett Station II Zoning Ordinance Text Amendment

We enclose the following:

☒ For your use

Copies	Date	Revised	Sheets	Item
1			4	Letter to Chairman of Board of Supervisors
1			3	Land Development Application
1			1	$750 Fee Check
1			1	USB Flash Drive of Materials

USB PASSWORD: Nick6330!

Best regards,
DLA Piper LLP (US)

Nick Torrance
Land Use Planner
(703) 773-4043

Fauquier County Department of Community Development
29 Ashby Street, Suite 310
Warrenton, VA 20186
540-422-8200 FAX 540-422-8201
www.fauquiercounty.gov

LAND DEVELOPMENT APPLICATION

PROJECT DESCRIPTION

Project Name/Subdivision Name: Zoning Ordinance Text Amendment related to Data Centers Phase: _____ Section: _____

Property Address: NA
(if no address, give location with closest cross street identified)

Purpose of Request: Request a Zoning Ordinance Text Amendment to allow for above ground power lines for data center use

Estimated Disturbed Acreage: *(For Land Disturbing Permits)* N/A Acreage: N/A

Magisterial District: N/A Service District: N/A Current Zoning: N/A

Is this property served (or to be served) by public water and/or sewer? ☐ Yes ☐ No If Yes, list provider: _____

Is this property in an Agricultural and Forestal District? ☐ Yes ☐ No If Yes, which district? _____

Is this property in a PDR or Open Space Easement? ☐ Yes ☐ No If Yes, which type? _____

Current Number of Lots: N/A Proposed Number of Lots: N/A

Parcel Identification Number (PIN) _____ _____ _____
_____ _____ _____
_____ _____ _____
_____ _____ _____

Case Number: _____ *For Office Use Only* Project ID: _____

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APPLICATION TYPES

Administrative Permit
- ☐ Variance/Modification
- ☐ Other

Agricultural and Forestal District
- ☐ Addition
- ☐ Withdrawal

Appeal of Zoning Administrator Decision
- ☐ Proffers
- ☐ Other

Bonds
- ☐ Bond Estimate Review
- ☐ Bond Extension
- ☐ Bond Reduction
- ☐ Bond Release

Comprehensive Plan
- ☐ Amendment
- ☐ Compliance Review

Floodplain, Wetlands, Ponds
- ☐ Drainage Study
- ☐ Floodplain Study
- ☐ Floodplain Determination Letter
- ☐ Floodplain Alteration - Minor
- ☐ Private Pond Review
- ☐ Wetland Mitigation/Restoration Plan

☐ Hydro-geological Study

Land Disturbing Permits/E&S
- ☐ Land Disturbing Permit
- ☐ Reinstatement
- ☐ Supplemental Land Disturbing Plan
- ☐ E&S Control Re-Inspection

Land Division/Plats
- ☐ Administrative Subdivision
- ☐ Boundary Line Adjustment
- ☐ Family Transfer Division
- ☐ Infrastructure Plan
  - ☐ Infrastructure Plan Amendment
- ☐ Large Lot Subdivision
- ☐ Preliminary Plat
  - ☐ Preliminary Plat Amendment
  - ☐ Preliminary Plat Extension
- ☐ Construction Plan
  - ☐ Construction Plan Amendment
- ☐ Final Plat
- ☐ Subdivision Plat Amendment
- ☐ Non-Residential Subdivision
- ☐ Re-Subdivision
- ☐ Plat of Vacation/Deed/Rededication
- ☐ Easement Plat/Utility Plat Review

Rezoning
- ☐ New Application
- ☐ Amendment

Site Plans
- ☐ Site Plan Waiver
- ☐ Minor Site Plan
  - ☐ Minor Site Plan Amendment
- ☐ Major Site Plan
  - ☐ Major Site Plan Amendment
- ☐ Telecommunications Site Plan
  - ☐ Major
  - ☐ Minor
  - ☐ Amendment

Soils
- ☐ Preliminary Soils Report Review
- ☐ Type 1 Soils Report

Special Exceptions
- ☐ New Application, Cat # ____
- ☐ Amendment
- ☐ Extension by BOS
- ☐ Extension - Administrative

Special Permit
- ☐ New Application, Cat # ____
- ☐ Extension by BOS
- ☐ Extension - Administrative

Streets
- ☐ Street Inspection
- ☐ Street Resolution/Street Acceptance
- ☐ Street Plan (for Private Streets)
- ☐ Extension - Administrative

Text Amendments
- ☐ Subdivision Ordinance
- ☑ Zoning Ordinance

Waivers/Modification of Requirements
- ☐ Design Standards Manual - Administrative
- ☐ Subdivision Ordinance - PC
- ☐ Subdivision Ordinance - Administrative
- ☐ Zoning Ordinance - Administrative
- ☐ Zoning Ordinance - BOS

Other
- ☐ _____
- ☐ _____

Please Note: *Zoning and Subdivision approvals may affect eligibility for Use Value Taxation and participation in similar local tax programs. It is the responsibility of the applicant to consult with other agencies, such as the Commissioner of the Revenue, to determine whether the proposed land development will affect the eligibility of the property for participation in such programs.*

Fauquier County Department of Community Development

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Warrenton, VA. 20186

540-422-8200 FAX 540-422-8201

www.fauquiercounty.gov

CONTACT INFORMATION

All Current Owners:

Name:			
Company:			
Address:			
City:		State:	ZIP:
Phone:		Fax:	
Email:			

Name:			
Company:			
Address:			
City:		State:	ZIP:
Phone:		Fax:	
Email:			

All Current Applicants:

Name:			
Company:	Catlett Station II LLC		
Address:	P.O. Box 294		
City:	Catlett	State: VA	ZIP: 20119
Phone:		Fax:	
Email:	info@hwsitedev.com		

Name:			
Company:			
Address:			
City:		State:	ZIP:
Phone:		Fax:	
Email:			

Representative:

Name:	Antonio Calabrese		
Company:	DLA Piper LLP		
Address:	11911 Freedom Drive Suite 300		
City:	Reston	State: VA	ZIP: 20190
Phone:	(703) 773-4184	Fax:	
Email:	Antonio.Calabrese@us.dlapiper.com		

OWNER(S) AFFIDAVIT *(Original Signatures Required)*

I have read this application, understand its intent and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission for Fauquier County officials and other authorized government agents on official business to enter the property to process this application. If more than two property owners please attach a second copy of page 3 with additional owner information and signatures.

Owner's Signature and Date

Owner's Signature & Date

Print Owner's Name

Print Owner's Name

APPLICANT(S) AFFIDAVIT *(Original Signatures Required)*

The information provided is accurate to the best of my knowledge. I acknowledge that all tests, studies, and other requirements of theFauquier County Zoning Ordinance and Subdivision Ordinance and other requirements of review/approval agencies will be carried out at my expense. I understand that the County may deny, approve or conditionally approve that for which I am applying.

AJ CALABRESE

Applicant's Signature and Date

Applicant's Signature & Date

Antonio Calabrese, Authorized Agent of Catlett Station II, LLC

Print Applicant's Name

Print Applicant's Name

Please note: Application will be accepted for official review when all requested information is provided, including the electronic copy of submission materials, and the correct fees are submitted. Fees are deposited upon receipt. If the application is rejected for completeness or withdrawn prior to review, you must make a written request for reimbursement. Fees will not be reimbursed once review has commenced.

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May 31, 2023

VIA HAND DELIVERY

Chairman Christopher Butler
Fauquier County Board of Supervisors, Lee District
10 Hotel Street, Suite 208
Warrenton, VA 20186

RE: Data Center Zoning Ordinance Text Amendment

Dear Chairman Butler,

Please accept this correspondence as an official request on behalf of Catlett Station II, LLC, to consider a minor but appropriate Fauquier County Zoning Ordinance Text Amendment regarding the potential use of overhead power lines to serve data centers in the defined and appropriate areas planned and encouraged within the County.

Background

The Fauquier County Board of Supervisors strongly endorsed a policy of economic growth with its third guiding principle in the Comprehensive Plan: "A strong a necessary for the sustained vitality of the County. "Additionally, the Economic Base Chapter also stresses the need to increase the County's ta with low labor requirements that provide well-paying jobs and high capital investment could strengthen the tax base."

Data centers address both of these laudable goals, providing a very high level of public revenue in the form of real estate and personal property taxes while at the same time leaving very little impact on public infrastructure such as roads and schools. Encouraging data centers, where the existing Comprehensive Plan already considers this type of use, will help diversify t

With over 400,000 acres in Fauquier County, there are very limited areas that are currently approved or planned for future data center development.

Proposed Text Amendment

The existing Zoning Ordinance provision for data center use requires including transmission or sub However, as circumstances sometimes render such underground utility line placement unfeasible, either physically or fiscally, we respectfully submit that additional options would be beneficial in providing flexibility while preserving the County's ability to protect th

We believe the following proposed Text Amendment to the Fauquier County Zoning Ordinance, along with the criteria to be considered in Goal 1 below, achieves modest flexibility and would

help facilitate future data center development in the limited planned areas of the County (see additional details in "Exhibit A"):

Proposed Amendment Language

Add a new data center use option to Section 3-316 that does not include power lines, including transmission or substation use through a Special Exception ("SE") only with

Proposed Goals

This text amendment proposal seeks to accomplish a few key goals:

1. Specific Conditions: As noted in Exhibit A, our proposal outlines very clear and limited conditions upon which overhead lines would be allowed. These conditions will ensure that overhead lines are only allowed for properties representing responsible site selection for data centers. This text amendment will not unlock data center development in inappropriate locations in the County.

   Please see below for examples of criteria that County staff, the Planning Commission, and the Board of Supervisors can consider to protect the County's resources, including historic sites and ensure there are limited defined and appropriate areas designated for data centers and the associated infrastructure that do not have a deleterious impact on residents or communities:

   a. Limit the length of new overhead lines to less than 3 miles within County limits
   b. Allow upgrading existing medium voltage lines (higher capacity circuits or overbuilds) in existing overhead easement corridors
   c. Prohibit overhead lines through or contiguous to any planned residential communities

2. Full control and discretion: The proposed new use category will ensure that any data center project that would like to request the use of an overhead line must go through a rezoning or rezoning amendment, which will involve a public comment period, a thorough review by County staff, a recommendation by the Planning Commission, and ultimately a vote by the Board of Supervisors. The County will remain in complete control, and there will be full visibility to the public before any projects utilize this new zoning category or special exception.

3. Limited Use: Due to the specific conditions noted above and the limited locations in the County deemed appropriate for data centers in the Comprehensive Plan, this text amendment will have very limited use in the County. This proposal will not flood the area with data centers due to the specific criteria, and there is no risk of a "slippery slope" or loss of discretionary control of the Supervisors.

Conclusion

As noted in our key goals above, Catlett Station II, LLC supports and encourages limiting the development of data centers within the areas already approved or planned for data center type uses within the Comprehensive Plan and views this Zoning Ordinance Text Amendment only for limited, ad hoc situations.

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As Fauquier County continues diversifying its commercial tax base, existing Comprehensive Plan strategies have been implemented to encourage new opportunities. Data centers will fulfill many of these policy goals by producing significant tax revenue, creating new high-paying jobs, having limited impact on public facilities, and limiting environmental impacts as compared to other similar permitted uses, all while protecting the public's interest. Therefore, adding appropriate flexibility related to power delivery should be considered to realize the full potential of this planned and desired use.

Catlett Station II has already met with and discussed this plan with numerous Supervisors, local community groups, and other key local stakeholders. In the interest of full transparency and collaboration, we plan to continue discussions, gather additional feedback and suggestions, and work hand-in-hand with the community, County staff, the Planning Commission, and the entire Board of Supervisors to refine this proposed text amendment and ensure a positive net impact on the community through an appropriate and mutually acceptable solution.

Thank you for your time, attention, and review of our proposed text amendment.

Respectfully submitted,

Catlett Station II, LLC

EXHIBIT A –Proposed Text Amendment

	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	BP	I-1	I-2
3-316 LIMITED INDUSTRIAL (CATEGORY 16)																			
1. Enclosed laboratories and facilities for manufacturing, assembling, and research and development	X	SE	SE											SP			P	P	P
2. Blacksmith shops	X	SE	SP														P	P	P
3. Cottage Industry	X															A/SE			
4. Data Center using recycled water for cooling and with all new power lines, including transmission or substation feedlines, placed underground	X																P[25]		
5. Data Center using recycled water for cooling	X																SE[25]		

25. A data center use shall only be located in a Service District when proposed in the Business Park District