

May 29, 2023

**STATEMENT BY PROTECT FAUQUIER AND
PIEDMONT ENVIRONMENTAL COUNCIL**

**AMAZON'S SITE DEVELOPMENT PLAN IS SHODDY AND
NON-COMPLIANT WITH THE AMAZON SPECIAL USE
PERMIT (SUP)**

On May 19, 2023, Warrenton Town staff issued their review of Amazon's site development plan (SDP) for a 220,000 square foot data center on Blackwell Road.

We commend the Town staff for a thorough and professional review of the Amazon SDP. The staff comments set forth in painstaking detail the omissions, deficiencies, and errors in Amazon's SDP. The 41-pages of staff comments are an indictment of Amazon's continuing arrogance, shoddy work, incomplete information, and disrespect for the Town of Warrenton.

Amazon is considered the second largest corporation in the world, has a large and highly paid staff and contractors, purportedly had a 30% profit rate on its data center/web services last year, and builds data centers around the world. Amazon has stated the data center on Blackwell is a venture of over \$500 million. Yet, Amazon has submitted an unacceptable Site Development Plan.

Amazon's SDP simply ignores and omits major SUP conditions on noise equipment, a noise study, and tree preservation. These issues have been high-profile, ongoing issues of public concern, and are the basis for explicit requirements in the SUP approved by the Town Council on 2/15/23 – but Amazon ignores them. In addition, Amazon's SDP is rife with errors and sloppiness, including depiction of an electric substation on site, omission of electric line connections, an illegible lighting plan, inconsistencies in building height, errors in setback, a public sidewalk from Country Chevrolet to Poets Walk which fails to connect, an 10' x 10' bore pit in the median of Lee Highway which will disrupt traffic flow on the major entrance to the Town, and incomplete and deficient plans for erosion and sediment control.

With regard to specific SUP conditions:

- SUP condition 2 states “The Applicant shall produce a site development plan that delineates the external noise emitting equipment that is to be installed and activated at each phase of the building.” Amazon simply ignores this and fails to provide the information. The Town staff comments tersely: “Noise emitting equipment is not delineated, nor is the plan phased as per SUP condition #2; resolve.”

- SUP condition 4 states: There shall be no electric substation constructed on the Property.” Amazon’s SDP shows a substation on the property.
- SUP condition 6(c) states: The Facility shall be no greater than 37 feet in height...” Amazon’s SDP shows a 42’ building height.
- SUP condition 5(d) states: “Noise mitigation measures, including but not limited to, silencers, sound walls, acoustical wraps, and/or low noise equipment, shall be utilized to meet 9-14.2 of the Town of Warrenton zoning Ordinance retain to nose.” The Amazon SDP ignores this.
- SUP condition 18 states: “The Applicant shall submit a Lighting Plan pursuant to the provisions of 9-8 et seq of the Town of Warrenton zoning Ordinance in connection with its Site Development Plan...”. As noted by Town staff, Amazon’s lighting plan is illegible.
- SUP condition 19 states: “The Applicant shall provide a tree preservation plan at time of Site Plan that seeks to minimize land disturbance and maximize on-site vegetation.” Amazon did not submit a Tree Preservation Plan, and, in fact, has already cut down hundreds of trees on the site.

Below is a sampling of staff comments on Amazon’s SDP. There are 41 pages of comments like these:

- “The building height is noted as 42’; revise building height to maximum permitted 37’ per SUP condition 6c.”
- “Lighting plan is largely illegible...”
- “Noise emitting equipment is not delineated, nor is the plan phased as per SUP condition #2; resolve.”
- “To-scale elevations are not provided to show conformance with SUP condition #6; provide to-scale elevations to demonstrate conformance with SUP...”
- “Revise number of American Holly provided to 32; count is incorrect.”
- “Revise building height to the actual calculated height throughout the plan”
- “Remove reference to substation from all plan sheets and verify lot coverage calculation, as a substation was not approved....”
- “The limits of disturbance are depicted outside of the property line across Lee Highway...”
- “The height of the proposed generator yard fencing... cannot exceed 8’ per SUP condition 8”
- “Sidewalks do not clearly connect to other existing networks either by physically connecting or by crosswalk...”
- “This proposal involves major new construction, and construction traffic will have significant impacts on the north and northeastern gateways into Town, specifically Rt 17 Broadview Ave/Oak Springs Dr., and Blackwell Rd. Vehicular and pedestrian traffic will be affected. That issue is not addressed...”
- “The SDP sheets are all marked confidential. The Applicant should be aware that all submissions are public... ‘
- “Multiple sheets indicate extensive grading. The SUP process spoke to potential blasting in the geo-technical report. Please indicate if the geotechnical report

has been updated and submit the latest copy, as well as indicate blasting on the SDP.“

- “The proposed wet storage/dry storage appears to conflict with the SUP Plan and tree preservation area.”
- “These sheets are not accompanied by a Tree Preservation Plan, nor is staff able to determine where the tree save area is delineated on the approved SUP Plan, how trees are being replaced that are identified for removal, or how substantial conformance with the Conditions of Approval are being met for conditions 1, 19, and 21.”
- “Please explain the sewer gas interceptor structure at the building connection. Is the wastewater from the building planned to be pumped? Why is the Sewer Gas structure not included in the profile?”
- “How do you plan to maintain traffic flow with a 10x10 bore pit located in the median of Lee Highway?”
- “Possible blasting will occur, need a plan on how you plan to protect the existing utilities from damage.”
- “Land disturbance activity will only occur once the Department of Environmental Quality (DEQ) issues the permit coverage and the operator and the Town receive a coverage letter.”
- “Cleary identify the tree preservation area. The plans indicate trees to be removed in the preservation area and outside the limits of disturbance... How will the tree-cut trunks be removed from the preservation area without disturbing and damaging the vegetative ground cover?”
- “... correctly delineate and increase the limits of disturbance and limits of work.”
- “Exhibit 1 Tree Study provided with the SUP... and the SDP and SUP plans ... are different; please clarify.”
- “Stockpiles should be located in areas that do not have a high potential for contributing sediments to ... sensitive environmental areas. The plans indicate the location of the stockpile near the existing wetlands.”
- “Multi-phase 1 and 2 EC [Erosion Control] Plan is needed... Additional silt fence is needed... Additional ESC [Erosion and Sediment Control] measures may be needed... It is difficult to identify the drainage areas and acreage on Phases 1 and 2 (typos such as SSF, use of the same type of lines indicating preservation area and drainage areas, etc.”

Four members of the Warrenton Town Council voted to approve the Amazon data center on Blackwell, on February 15, 2023: Jay Heroux, Brett Hamby, Heather Sutphin, and James Hartman. With their vote, they repudiated the overwhelming opposition of Town and County residents. They ignored the concerns raised by residents, over and over again. They ignored the Warrenton Planning Commission's statements that Amazon's application was incomplete and untrustworthy, and the recommendation of the Town's Planning Commission to deny Amazon approval.

We call on the Mayor and members of the Town Council to read carefully every page of the 41 pages of Town staff comments.

We call on the Mayor and members of the Town Council members to acknowledge publicly that Amazon's SDP is unacceptable and shows a stunning lack of respect for the Town.

We ask that they issue a public reprimand to Amazon.

We also hope that they recognize and commend the thoroughness and professionalism of the Town staff review of Amazon's SDP.

We note that ultimate authority for approving the Amazon SDP rests with Town staff. We place our trust in them not to approve future submissions of the Amazon SDP unless every comment is addressed satisfactorily by Amazon – first and foremost through full documentation of noise equipment, acceptable noise-compliance studies, a tree preservation plan that maximizes saving vegetation on the site, and detailed erosion and sediment control plans that fully comply with state and Town requirements.

We affirm to the residents of Warrenton and Fauquier County that our organizations will watch for Amazon's revised SDP submission, will scrutinize it thoroughly, and will publicly call out omissions, errors, and failures.

Finally, we reiterate our opposition to a data center on Blackwell, as being inconsistent with the Comprehensive Plan, as being a supremely inappropriate site on the entrance to the town, and as being the product of a rushed, secretive process that violated multiple procedural requirements, steamrolled the Planning Commission, and was overwhelmingly opposed by the residents of the Town and County.