

MOTION:

**May 17, 2016
Regular Meeting
Ord. No. 16-**

SECOND:

**RE: ADOPT ZONING TEXT AMENDMENT #DPA2016-00003, DATA
CENTER OPPORTUNITY ZONE – COUNTYWIDE**

ACTION:

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the zoning ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this zoning text amendment is intended to incorporate appropriate zoning requirements for data centers, which would address the infrastructure necessary to support such uses and the potential impacts to other properties; and

WHEREAS, this proposed zoning text amendment will continue the County's efforts to advance commercial and industrial development; and

WHEREAS, amending the zoning ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann; and

WHEREAS, on August 4, 2015, Supervisor Lawson in a resolution to support protection of private property, historical resources and commercial interests from potential negative impacts of new high voltage overhead transmission lines requested that staff prepare for Board of County Supervisors' consideration an initiation for a zoning text amendment that would incorporate appropriate zoning requirements for data centers which would address the infrastructure necessary to support such uses and the potential impacts to other properties; and

WHEREAS, on September 8, 2016, the Board of County Supervisors initiated a zoning text amendment to incorporate appropriate zoning requirements for data centers through Resolution Number 15-527; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised and held a public hearing on April 20, 2016, and recommends adoption as stated in the Planning Commission Resolution Number 16-028; and

WHEREAS, the Board of County Supervisors duly ordered, advertised, and held a public hearing on May 17, 2016, at which time public testimony was received and the merits of the above-reference zoning text amendment were considered; and

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WHEREAS, the Board of County Supervisors believes that public general welfare, as well as good zoning practices are served by the adoption of this zoning text amendment;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors does hereby adopt Zoning Text Amendment #DPA2016-00003, Data Center Opportunity Zone.

ATTACHMENT: Text Amendment

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Planning Director

County Attorney

ATTEST: _____
Clerk to the Board



COUNTY OF PRINCE WILLIAM
OFFICE OF EXECUTIVE MANAGEMENT
1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6600 METRO 631-1703 FAX: (703) 792-7484

BOARD OF COUNTY SUPERVISORS
Corey A. Stewart, Chairman
Pete Candland, Vice Chairman
Ruth M. Anderson
Maureen S. Caddigan
John D. Jenkins
Jeanine M. Lawson
Martin E. Nohe
Frank J. Principi

Christopher E. Martino
Acting County Executive

April 29, 2016

TO: Board of County Supervisors
FROM: Christopher M. Price, AICP
Director of Planning
THRU: Christopher E. Martino
Acting County Executive
RE: Zoning Text Amendment #DPA2016-00003, Data Center Opportunity Zone
Countywide

I. Background is as follows:

- A. Purpose of the Zoning Ordinance – Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public.
- B. Purpose of Amendment – On August 4, 2015, the Board of County Supervisors adopted Resolution 15-508 to support protection of private property, historical resources and commercial interests from potential negative impacts of new high voltage overhead transmission lines. As part of that resolution, the Board of County Supervisors declared its intent to initiate a zoning text amendment to incorporate appropriate zoning requirements for data centers which would address the infrastructure necessary to support such uses and the potential impacts to other properties. The resolution also noted that this amendment should continue the County's efforts to advance commercial and industrial development.

II. Current Situation is as follows:

- A. Zoning Text Amendment Initiated – On September 8, 2015, the Board of County Supervisors approved Resolution 15-527 initiating a zoning text amendment to incorporate appropriate zoning requirements for data centers, which would address the infrastructure necessary to support such uses and the potential impacts to other properties. As part of that resolution, staff was directed to seek input from stakeholders representing community and business perspectives.
- B. Stakeholder Input – The proposed text amendment and overlay district were developed in consultation with stakeholders representing community and business perspectives. Staff met with citizens as well as representatives from NAIOP, Northern Virginia Technology Council, and the Prince William Chamber of Commerce to discuss ideas and to solicit input.

- C. Proposed Overlay District – Working with the stakeholder groups, staff drafted a zoning text amendment to define data centers, computer and network services, and electric substations, develop an overlay district, maintain data centers as a by right use within the overlay district on most parcels planned or zoned for office or industrial uses (including office or industrially designated landbays in planned districts) in proximity to existing high voltage electric transmission lines, maintain data centers as a permitted use by special use permit (SUP) in office and industrial districts outside of the overlay district, remove data centers from the B-1 General Business and B-2 Neighborhood Commercial districts, permit electric substations by public facility review in the overlay district (electric substations are currently permitted by public facility review throughout the entire County), and permit electric substations by special use permit outside of the overlay district.
- D. Planning Commission Worksession – On March 16, 2016, staff presented an overview of the proposed Overlay District to the Planning Commission.
- E. DCSM/Zoning Ordinance Advisory Committee – The Committee reviewed the proposed amendment on April 1, 2016. In general, while expressing concern about regulating a targeted industry, the committee supported the proposal as the best alternative to address the Board’s stated goals. However, they recommended consideration of two changes:
1. Special Use in B-1 – The Committee recommended that data centers be permitted by special use permit in the B-1, General Commercial zoning district (the original proposal excluded data centers from the B-1 district).
 2. No SUP for Electric Substations – The Committee recommended that electric substations remain permitted with a public facilities review in all districts and that the proposed requirement for a special use permit outside the overlay district be removed. This recommendation has not been incorporated into the proposed text, but is presented as Alternative B for the Board’s consideration.
- F. Proposed Revisions to Overlay District – Staff concurs with the recommendation to make data centers a permitted use by special use permit within the B-1, General Commercial (including retail designated landbays in planned districts) and has revised the draft ordinance accordingly.
- G. Planning Commission Recommendation – A public hearing before the Planning Commission was held on April 20, 2016, where they recommended adoption of Zoning Text Amendment, #DPA2016-00003, Data Center Opportunity Zone.
- H. Planning Office Recommendation – The Planning Office recommends adoption of Zoning Text Amendment, #DPA2016-00003, Data Center Opportunity Zone.
- I. Board of County Supervisors Public Hearing – A public hearing has been advertised for May 17, 2016, before the Board of County Supervisors.
- J. Board Action Requested – Board of County Supervisors’ action is requested to adopt Zoning Text Amendment #DPA2016-00003, Data Center Opportunity Zone, to the Prince William County Zoning Ordinance.

III. Issues in order of importance are as follows:

- A. Policy – Does the amendment further the purposes of the Zoning Ordinance?
- B. Community Input – Have members of the community raised any concerns?
- C. Legal – Are there any legal implications associated with this zoning text amendment?
- D. Timing – What are the timing considerations of the zoning text amendment?

IV. Alternatives beginning with the staff recommendation are as follows:

- A. Adopt Zoning Text Amendment #DPA2016-00003, Data Center Opportunity Zone (including provisions which would define electric substations and permit such uses by special use permit outside of the Overlay District).
 - 1. Policy – The amendment furthers the purposes of the Zoning Ordinance and meets the Board of County Supervisors initiation goal through the following:
 - a) Definitions – The proposed zoning text amendment removes the definition for “Data and Computer Services” and replaces it with two new definitions: “Computer and Network Services” and “Data Center”. This allows uses that are not data centers but that were classified under the “Data and Computer Services” definition to remain as by right uses in the zones in which they are currently permitted. A definition for “Electric Substation” has also been added as this use is regulated by the new overlay district.
 - b) By Right and Special Uses – The proposed new definitions prompted a series of changes to the by right and special uses in the commercial, office and industrial districts as well as modification of some of the mixed-use districts. In the public use section, text has been added to note that an electric substation would require a special use permit unless it is within the overlay district.
 - c) Overlay District – The overlay district was developed to include office and industrial long-range land use designations and zoning districts that are adjacent to or nearby transmission lines.
 - d) Special Use for Electric Substation – Currently, electric substations are subject to a Public Facility Review. The proposed changes to Sec. 32-201.11 (public uses) would require a special use permit for an electric substation outside of the overlay district. Such uses would remain as permitted uses subject to a Public Facility Review within the overlay district.
 - 2. Community Input – The Planning Office worked with stakeholders from the business and citizen groups to develop and refine the text and overlay district boundaries. In general, comments have been supportive of the proposal as the

best alternative to address the Board's stated goals. However, the Northern Virginia Technology Council and the Prince William Chamber of Commerce have expressed some concern about adding new regulations to one of the County's primary targeted industries. In addition, subsequent to the Planning Commission public hearing, staff has been contacted by representatives from the data center industry who have expressed concern about the business climate for data centers in Prince William County.

3. Legal – The zoning text amendment will allow the County an opportunity to minimize potential adverse impacts of data center and electric substation development outside of the overlay district while still promoting the development of data centers within a large area of Prince William County. Legal issues will be addressed by the County Attorney's Office.
4. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

B. Adopt Zoning Text Amendment #DPA2016-00003, Data Center Opportunity Zone (excluding provisions which would define electric substation and permit such uses by special use permit outside of the Overlay District).

1. Policy – This alternative is similar to Alternative A with the following exceptions:
 - a) Definitions – The proposed definition for “Electric Substation” would be removed.
 - b) Special Use for Electric Substation – The proposed changes to Sec. 32-201.11 (public uses) to require special use permit for an electric substation outside the overlay district would be removed. As such, electric substations would remain a permitted use subject to a Public Facility Review throughout the County.
2. Community Input – The Planning Office worked with stakeholders from the business and citizen groups to develop and refine the text and overlay district boundaries. In general, comments have been supportive of the proposal as the best alternative to address the Board's stated goals. However, the Northern Virginia Technology Council and the Prince William Chamber of Commerce have expressed some concern about adding new regulations to one of the County's primary targeted industries. In addition, subsequent to the Planning Commission public hearing, staff has been contacted by representatives from the data center industry who have expressed concern about the business climate for data centers in Prince William County.
3. Legal – The zoning text amendment will allow the County an opportunity to minimize potential adverse impacts of data center development outside of the overlay district while still promoting the development of data centers within a large area of Prince William County. Legal issues will be addressed by the County Attorney's Office.

4. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

C. Do Not Adopt Zoning Text Amendment #DPA2016-00003, Data Center Opportunity Zone.

1. Policy – Data centers will remain a by right use in most non-residential zoning districts throughout the County regardless of whether or not such areas are adequately served by existing high voltage electric transmission lines. Electric substations will remain a use permitted by Public Facility Review throughout the County.
2. Community Input – The Planning Office worked with stakeholders from the business and citizen groups to develop and refine the text and overlay district boundaries. In general, comments have been supportive of the proposal as the best alternative to address the Board’s stated goals. However, the Northern Virginia Technology Council and the Prince William Chamber of Commerce have expressed some concern about adding new regulations to one of the County’s primary targeted industries. In addition, subsequent to the Planning Commission public hearing, staff has been contacted by representatives from the data center industry who have expressed concern about the business climate for data centers in Prince William County.
3. Legal – Legal issues will be addressed by the County Attorney’s Office.
4. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

V. Recommendation is that the Board of County Supervisors concurs with Alternative A and adopt the attached Ordinance.

Staff: Chris Price, AICP x7615
David McGettigan, AICP x7189

Attachments

- A. Proposed Text Amendment
- B. Board Resolutions
- C. Board Initiation
- D. PC Resolution

Attachment A – Proposed Text Amendment

ARTICLE I. – TERMS DEFINED

PART 100. - DEFINITIONS

Data and Computer Services shall mean a use involving a building and premises in which the majority of the space is occupied by computers and/or telecommunications and related equipment and where information is processed, transferred and/or stored. May include data centers, data technology centers, internet service providers, network operations centers, web hosting facilities and other similar establishments primarily engaged in providing direct access through telecommunications networks to computer-held information.

Computer and Network Services shall mean a use involving a building/premise in which a majority of the use is occupied by people and staff engaged in activities related to work that is focused on supporting computers and/or telecommunications and related equipment where information is processed, transferred and/or stored. This includes satellite dish facilities, internet service providers, network operations centers and web teleconferencing facilities, but shall not include a Data Center.

Data Center shall mean a use involving a building/premise in which the majority of the use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored.

Electric Substation shall mean an electrical installation which contains generation or power-conversion equipment and associated electric equipment and parts, such as switchboards, switches, wiring, fuses, circuit breakers, compensators and transformers.

ARTICLE II. - ADMINISTRATION, PUBLIC USES AND USES OF A PUBLIC NATURE, GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

PART 201. - PUBLIC USES AND USES OF A PUBLIC NATURE

Sec. 32-201.11. - Public facilities permitted in all zoning districts, subject to review in accordance with Code of Virginia, § 15.2-2232.

1. Public facilities, except electric substations, may be located within any zoning district in Prince William County, subject to Code of Virginia, § 15.2-2232 and this chapter.
2. Electric Substations may be located in any zoning district within the Data Center Opportunity Zone Overlay District, subject to the public facility review requirements of the Code of Virginia, § 15.2-2232 and this chapter. Electric substations may be permitted by Special Use Permit within any zoning district outside of the Data Center Opportunity Zone Overlay District.

ARTICLE III. – AGRICULTURAL AND RESIDENTIAL DISTRICTS

PART 306. – PLANNED DEVELOPMENT – PMR, PLANNED MIXED RESIDENTIAL DISTRICT

Sec. 32-306.11. - Secondary uses in residential areas.

1. Neighborhood commercial and office uses shall be permitted as secondary uses at locations designated on the PMR Master Zoning Plan.
2. Secondary office uses except a data center use shall be permitted, by right, as provided in section 32-402.11, as permitted by section 32-402.12 as secondary uses, and as provided by section 32-402.13 by Special Use Permit.

Attachment A – Proposed Text Amendment

PART 351. – VILLAGE (V) DISTRICT

Sec. 32-351.03. – Uses permitted by right.

9. Computer and network services

10 9. Cultural arts center.

~~10.~~ ~~Data and computer services~~

[Subsequent uses renumbered]

ARTICLE IV. – COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

PART 401. - COMMERCIAL DISTRICTS

B-1, General Business District

Sec. 32-401.11. – Uses permitted by right

15. Computer and network services

16 ~~15.~~ Craft brewery (not to exceed production of 10,000 barrels per year. May or may not be associated with a restaurant).

17 ~~16.~~ Cultural arts center.

~~17.~~ ~~Data and computer services~~

[Subsequent uses renumbered]

Sec. 32 – 401.13. – Special Uses

10. Data Center

11 ~~10.~~ Donated materials collection center.

[Subsequent uses renumbered]

B-2, Neighborhood Business District

Sec. 32-401.21. – Uses permitted by right

10. Computer and network services

11 ~~10.~~ Craft brewery (not to exceed production of 10,000 barrels per year. May or may not be associated with a restaurant).

12 ~~11.~~ Cultural arts center.

~~12.~~ ~~Data and computer services~~

[Subsequent uses renumbered]

PART 402. – OFFICE DISTRICTS

O(L), Office Low-Rise District

Sec. 32-402.11. – Uses permitted by right

4. Computer and network services

5 4. Cultural arts center.

~~5.~~ ~~Data and computer services~~

6. Data Center within the Data Center Opportunity Zone Overlay District

[Subsequent uses renumbered]

Sec. 32-402.13. – Special uses

4. Data Center outside the Data Center Opportunity Zone Overlay District

[Subsequent uses renumbered]

Attachment A – Proposed Text Amendment

O(H), Office High-Rise District

Sec. 32-402.21. – Uses permitted by right

- 4. Computer and network services
- ~~5~~ 4. Cultural arts center.
- ~~5. Data and computer services~~
- 6. Data Center within the Data Center Opportunity Zone Overlay District
[Subsequent uses renumbered]

Sec. 32-402.23. – Special uses

- 3. Data Center outside the Data Center Opportunity Zone Overlay District
[Subsequent uses renumbered]

O(M), Office Mid-Rise District

Sec. 32-402.31. – Uses permitted by right

- 4. Computer and network services
- ~~5~~ 4. Cultural arts center.
- ~~5. Data and computer services~~
- 6. Data Center within the Data Center Opportunity Zone Overlay District
[Subsequent uses renumbered]

Sec. 32-402.33. – Special uses

- 3. Data Center outside the Data Center Opportunity Zone Overlay District
[Subsequent uses renumbered]

O(F), Office/Flex District

Sec. 32-402.41. – Uses permitted by right

- 6. Computer and network services
- ~~7~~ 6. Cultural arts center.
- ~~7. Data and computer services~~
- 8. Data Center within the Data Center Opportunity Zone Overlay District
[Subsequent uses renumbered]

Sec. 32-402.43. – Special uses

- 3. Data Center outside the Data Center Opportunity Zone Overlay District.
[Subsequent uses renumbered]

PART 403. – INDUSTRIAL DISTRICTS

M-1, Heavy Industrial District

Sec. 32-403.11. – Uses permitted by right

- 16. Computer and network services.
- ~~17~~ 16. Contractor or tradesman's shop (limited), no trash or refuse removal service.
- ~~18~~ 17. Contractor or tradesman's shop, no trash or refuse removal service.
- ~~18. Data and computer services.~~
- 19. Data Center within the Data Center Opportunity Zone Overlay District
[Subsequent uses renumbered]

Sec. 32-403.13. – Special uses

- 3. Data Center outside the Data Center Opportunity Zone Overlay District
[Subsequent uses renumbered]

Attachment A – Proposed Text Amendment

M-2, Light Industrial District

Sec. 32-403.21. – Uses permitted by right

11. Computer and network services.

12 ~~11.~~ Contractor or tradesman's shop (limited), no trash or refuse removal service.

~~12. Data and computer services~~

13. Data Center within the Data Center Opportunity Zone Overlay District

[Subsequent uses renumbered]

Sec. 32-403.23. – Special uses

3. Data Center outside the Data Center Opportunity Zone Overlay District

[Subsequent uses renumbered]

M/T, Industrial/Transportation District

Sec. 32-403.31. – Uses permitted by right

18. Computer and network services.

19 ~~18.~~ Contractor or tradesman's shop (limited); no trash or refuse removal service.

20 ~~19.~~ Contractor or tradesman's shop (unlimited); no trash or refuse removal service.

~~20. Data and computer services.~~

21. Data Center within the Data Center Opportunity Zone Overlay District

[Subsequent uses renumbered]

Sec. 32-403.33. – Special uses

3. Data Center outside the Data Center Opportunity Zone Overlay District

[Subsequent uses renumbered]

ARTICLE V. – OVERLAY DISTRICTS

PART 500. – SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS, GENERALLY

Sec. 32-500.01. – Purpose and intent

The purpose of the Special Public Interest Overlay Districts established in the following sections is to protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such overlay districts. It is the intent of the Board of County Supervisors to permit, insofar as possible, those uses and structures which would otherwise be permitted, provided that reasonable and necessary conditions are met which insure the protection and enhancement of said lands and structures. It is the further intent of the Board of County Supervisors to specifically protect and enhance the following:

1. Flood hazard areas.
2. Historic areas.
3. Designated highway corridors.
4. Chesapeake Bay preservation areas.
5. Airport safety.
6. Institutes of higher education.
7. Redevelopment.
8. Keeping of domestic fowl.
9. Data center opportunity zone

Attachment A – Proposed Text Amendment

Part 509. – Data Center Opportunity Zone Overlay District

Sec. 32-509.01. - Purpose and intent

The Data Center Opportunity Zone Overlay District was created for the purpose of promoting development of data centers within areas of the County where there is existing infrastructure that could adequately support the proposed use. This District continues the County's efforts to attract and advance high-tech industrial development while limiting negative impacts to communities.

Sec. 32-509.02. – Establishment of Data Center Opportunity Zone Overlay District

1. A Data Center Opportunity Zone Overlay District may be established by the Board of County Supervisors on lands in proximity to high voltage transmission lines of 115kv or more and planned or zoned for office or industrial uses.
2. A Data Center Opportunity Zone Overlay District shall be created and amended by ordinance upon resolution of the Board of County Supervisors. The boundaries shall be set using a map.
3. Said District shall overlay the existing zoning district. The regulations and requirements of the underlying zoning district and the Data Center Opportunity Zone Overlay District shall both apply, provided however, that when the regulations applicable to the Data Center Opportunity Zone Overlay District conflict with the regulations of an underlying zoning district, the Data Center Opportunity Zone Overlay District regulations shall apply.

Sec. 32-509.03 - Uses permitted by right.

All uses permitted by right in the underlying zoning district shall be permitted in the Data Center Opportunity Zone Overlay District. Data centers shall be permitted by right in the Data Center Opportunity Zone Overlay District in the O(L), O(H), O(M), O(F), M-1, M-2, and M/T zoning districts and in designated office or industrial land bays in the PBD and PMD district.

Sec. 32-509.04. - Secondary uses.

All permitted secondary uses in the underlying zoning district shall be permitted in the Data Center Opportunity Zone Overlay District.

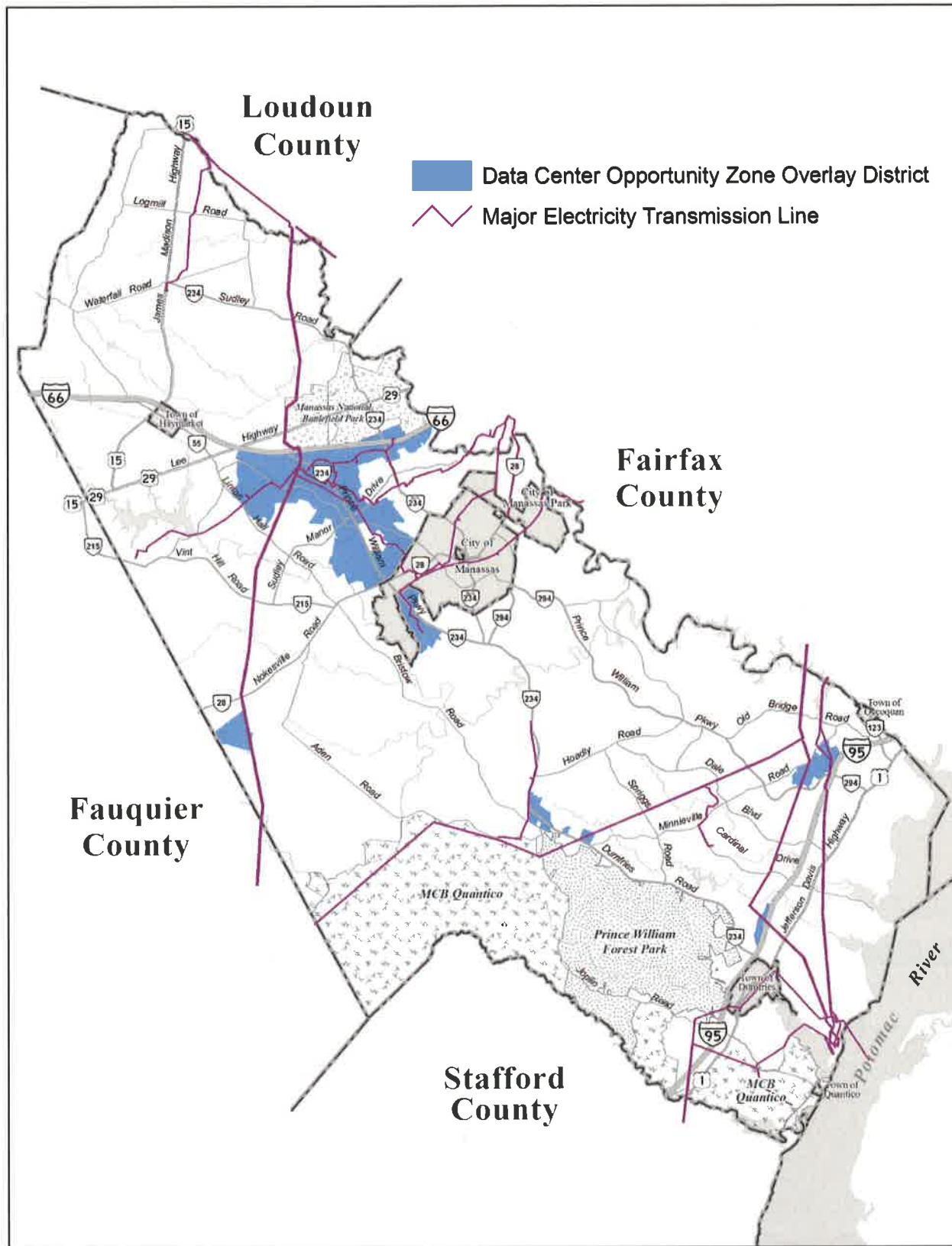
Sec. 32-509.05. - Uses permitted by Special Use Permit.

All permitted special uses in the underlying zoning district shall be permitted by special use permit in the Data Center Opportunity Zone Overlay District.

Sec. 32-509.06. – Prohibited Districts

Data centers shall be prohibited in agricultural, residential, PMR, B-2, B-3, and V districts.

Attachment A – Proposed Text Amendment



Attachment B – Board Resolutions

MOTION: LAWSON

**August 4, 2015
Regular Meeting
Res. No. 15-508**

SECOND: CANDLAND

RE: SUPPORT PROTECTION OF PRIVATE PROPERTY, HISTORICAL RESOURCES AND COMMERCIAL INTERESTS FROM POTENTIAL NEGATIVE IMPACTS OF NEW HIGH VOLTAGE OVERHEAD TRANSMISSION LINES

ACTION: APPROVED

WHEREAS, Dominion Virginia Power (Dominion) has proposed placing additional high-voltage overhead and/or buried transmission lines through portions of Western Prince William County; and

WHEREAS, Section 56-46.1 of the Code of Virginia requires the State Corporation Commission (SCC) to consider, prior to approving any overhead transmission line, whether the line is consistent with the locality’s comprehensive plan; and

WHEREAS, the Prince William Board of County Supervisors has directed the County Transportation Department to work with Virginia Department of Transportation (VDOT) to more efficiently utilize infrastructure in the public right-of-way, specifically Interstate 66 right-of-way, consistent with the Community Design Chapter of the Prince William County Comprehensive Plan calling for the “location of utility easements within public rights-of-way, and the collocation of utilities within easements, through County coordination with VDOT and local utility companies”;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby:

1. Declare that Dominion and its regulator -- the State Corporation Commission – in proposing and reviewing the application for the installation of high-voltage transmission lines in Prince William County, shall give full consideration and respect to the County’s Comprehensive Plan and Zoning Ordinances in order to minimize the impact on its residents, businesses, environment, and historical importance;
2. Declare its intent that any proposal to install new, or to re-fit, high-voltage transmission lines for Dominion’s Haymarket 230kV Line and Substation Project shall be supported only if the lines are buried in the right-of-way of Interstate 66 as they pass from its intersection with US-29 through Haymarket and beyond;

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3. Direct County staff to evaluate the Interstate 66 buried alternative, and to coordinate with VDOT, in furtherance of the County's express goal of supporting the installation of buried transmission lines. As required by Section 56-46.1B of the Code of Virginia, the State Corporation Commission must "consider (a) the costs and economic benefits likely to result from requiring the underground placement of the Line and (b) any potential impediments to timely construction of the Line," at the request of the local government, Prince William County;

4. Recommend that all costs, both direct and incidental, of burying the line be borne by Dominion and not by private property owners who through no fault or choice of their own reside or do business within close proximity to the buried line;

5. Give notice that it will not enter into agreement with Dominion to assess the costs of line burial under the provisions of Section 15.2-2404F of the Code of Virginia;

6. Require that any proposal by Dominion to construct a new electric substation shall first be submitted to the Prince William County Planning Commission for consideration and public hearings, as required by Section 15.2-2232 of the Code of Virginia;

7. Reaffirm and renew its commitment to LU3.14 of the Long-Range Land Use Plan, which designates the corridors that all future electric utility lines of 150 kilovolts or more should follow, and to contain high-voltage transmission lines to designated corridors as detailed in LU3.14 of the Long-Range Land Use Plan, in order to protect private property and preserve the County's distinctive cultural and historic inheritance, including, but not limited to, the 52 county-registered historic sites; Historic and Prehistoric High-Sensitivity Areas identified in the 2008 Comprehensive Plan and updated subsequently, including those in residential areas; high quality open space, such as existing and planned off-road trails, open space easements, conservation easements, public school open space, and resource protection areas; and both the county's designated Rural Crescent urban growth boundary and unique Historic Overlay District;

8. Declare its intent to immediately initiate a zoning text amendment to incorporate appropriate zoning requirements for data centers which would address the infrastructure necessary to support such uses and the potential impacts to other properties. This amendment will continue the County's efforts to advance commercial and industrial development;

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9. Direct that this Resolution be forwarded to Dominion Virginia Power, the Virginia State Corporation Commission, State Delegate Robert “Bob” G. Marshall, State Delegate Timothy D. Hugo, State Delegate David I. Ramadan, State Senator Richard H. Black, State Senator Richard H. Stuart, Virginia State Attorney General Mark Herring, Virginia State Governor Terry McAuliffe, US Senator Timothy M. Kaine, US Congresswoman Barbara Comstock, US Senator Mark Warner, US Congressman Rob Wittman, and Haymarket town council representatives: Mayor David Leake, Vice-Mayor Steve Aitken, Matt Caudle, Chris Morris, Joe Pasanello, Pam Swinford and Kurtis Woods.

DISCLOSURE PRIOR TO VOTE: John D. Jenkins

Votes:

Ayes: Caddigan, Candland, Jenkins, Lawson, May, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

Absent from Meeting: None

ATTEST: _____


Clerk to the Board

Attachment C – BOCS Initiation

MOTION: JENKINS

September 8, 2015

SECOND: CANDLAND

Regular Meeting

Res. No. 15-527

RE: INITIATE A ZONING TEXT AMENDMENT TO INCORPORATE APPROPRIATE ZONING REQUIREMENTS FOR DATA CENTERS, WHICH WOULD ADDRESS THE INFRASTRUCTURE NECESSARY TO SUPPORT SUCH USES AND THE POTENTIAL IMPACTS TO OTHER PROPERTIES – COUNTYWIDE

ACTION: APPROVED

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this Zoning Text Amendment is intended to incorporate appropriate zoning requirements for data centers which would address the infrastructure necessary to support such uses and the potential impacts to other properties; and

WHEREAS, this proposed Zoning Text Amendment will continue the County's efforts to advance commercial and industrial development; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, on August 4, 2015, Supervisor Lawson, in a resolution to support protection of private property, historical resources and commercial interests from potential negative impacts of new high voltage overhead transmission lines, requested that staff prepare for the Board of County Supervisors' consideration an initiation for a zoning text amendment that would incorporate appropriate zoning requirements for data centers which would address the infrastructure necessary to support such uses and the potential impacts to other properties; and

WHEREAS, staff was directed to seek input from stakeholders representing community and business perspectives; and

WHEREAS, this will authorize staff time and resources necessary for research, analysis and to conduct public hearings with the Planning Commission and the Board of County Supervisors; and

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WHEREAS, the Prince William Board of County Supervisors believes that public general welfare, as well as good zoning practices are served by the initiation of this Zoning Text Amendment;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby initiate a Zoning Text Amendment to the Prince William County Zoning Ordinance to incorporate appropriate zoning requirements for data centers, which would address the infrastructure necessary to support such uses and the potential impacts to other properties.

Votes:

Ayes: Caddigan, Candland, Jenkins, Lawson, May, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST: _____


Clerk to the Board

Attachment D – Planning Commission Resolution

PLANNING COMMISSION RESOLUTION

MOTION: TAYLOR

**April 20, 2016
Regular Meeting
Res. No. 16-028**

SECOND: MCKAY

**RE: ADOPT ZONING TEXT AMENDMENT DPA #2016-00003, DATA
CENTER OPPORTUNITY ZONE – COUNTYWIDE**

ACTION: RECOMMEND ADOPTION

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this zoning text amendment is intended to incorporate appropriate zoning requirements for data centers, which would address the infrastructure necessary to support such uses and the potential impacts to other properties; and

WHEREAS, this proposed Zoning Text Amendment will continue the County's efforts to advance commercial and industrial development; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann; and

WHEREAS, on August 4, 2015 Supervisor Lawson, in a resolution to support protection of private property, historical resources and commercial interests from potential negative impacts of new high voltage overhead transmission lines requested that staff prepare for Board of County Supervisors' consideration an initiation for a zoning text amendment that would incorporate appropriate zoning requirements for data centers which would address the infrastructure necessary to support such uses and the potential impacts to other properties; and

WHEREAS, on September 8, 2016 the Board of County Supervisors initiated a zoning text amendment to incorporate appropriate zoning requirements for data centers through Res. No. 15-527; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 20, 2016 at which time public testimony was received and the merits of the above-reference zoning text amendment were considered; and

WHEREAS, the Prince William County Planning Commission believes that public general welfare, as well as, good zoning practices are served by the adoption of this Zoning Text Amendment;

Attachment D – Planning Commission Resolution

**April 20, 2016
Regular Meeting
Res. No. 16-028
Page Two**

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend adoption of Alternative A - Zoning Text Amendment #DPA2016-00003, Data Center Opportunity Zone to the Prince William County Zoning Ordinance, subject to the following change:

Sec. 32-509.01 – Purpose and Intent:

The Data Center Opportunity Zone Overlay District was created for the purpose of promoting development of data centers within areas of the County where there is existing infrastructure that could adequately necessary to support the proposed use.

Votes:

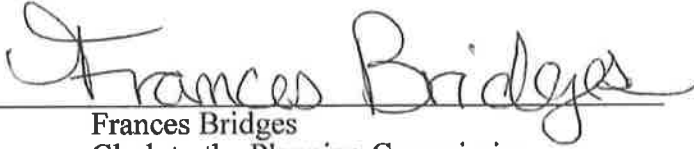
Ayes: Berry, Bryant, Fry, Holley, McKay, Milne, Taylor, Vanegas



Nays: None

Absent from Vote: None

Absent from Meeting: None

MOTION CARRIED

Attest: 
Frances Bridges
Clerk to the Planning Commission



Pince William County Government
Board of County Supervisors

Zoning Text Amendment #DPA2016-00003 Data Center Opportunity Zone

Countywide
*Chris Price, AICP
Planning Office*

History

- Data Center proposed in western part of County
- Requires more power than can be provided through existing distribution lines
- Dominion Power has proposed a new transmission line to western PWC
- Significant community opposition to the power line
- BOCS resolution

May 17, 2016 Countywide | 2 |

BOCS Resolution

- Provides BOCS position with regards to the proposed transmission line
- Reaffirms that any new substation shall be submitted to the PC for consideration
- Declared intent to initiate a zoning text amendment

May 17, 2016

Countywide

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Zoning Text Amendment Initiation

- Incorporate appropriate zoning requirements for data centers which would address the infrastructure necessary to support such uses and the potential impacts to other properties
- Continue the County's efforts to advance commercial and industrial development
- Seek input from stakeholders representing community and business perspectives

May 17, 2016

Countywide

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Areas to be addressed

- Land Use compatibility
- Economic Development goals
- Infrastructure needs

May 17, 2016

Countywide

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Identified Solution

- Definitions
- Overlay District
- Substations

May 17, 2016

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Proposed Language - Definitions

- Computer and Network Services shall mean a use involving a building/premise in which a majority of the use is occupied by people and staff engaged in activities related to work that is focused on supporting computers and/or telecommunications and related equipment where information is processed, transferred and/or stored. This includes satellite dish facilities, internet service providers, network operations centers and web teleconferencing facilities, but shall not include a Data Center.
- Data Center shall mean a use involving a building/premise in which the majority of the use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored.
- Electric Substation shall mean an electrical installation which contains generation or power-conversion equipment and associated electric equipment and parts, such as switchboards, switches, wiring, fuses, circuit breakers, compensators and transformers.

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Proposed Language – Overlay District

Part 509. – Data Center Opportunity Zone Overlay District

Sec. 32-509.01. - Purpose and intent

The Data Center Opportunity Zone Overlay District was created for the purpose of promoting development of data centers within areas of the County where there is existing infrastructure that could adequately support the proposed use. This District continues the County's efforts to attract and advance high-tech industrial development while limiting negative impacts to communities.

Sec. 32-509.02. – Establishment of Data Center Opportunity Zone Overlay District

1. A Data Center Opportunity Zone Overlay District may be established by the Board of County Supervisors on lands in proximity to high voltage transmission lines of 115kv or more and planned or zoned for office or industrial uses.
2. A Data Center Opportunity Zone Overlay District shall be created and amended by ordinance upon resolution of the Board of County Supervisors. The boundaries shall be set using a map.
3. Said District shall overlay the existing zoning district. The regulations and requirements of the underlying zoning district and the Data Center Opportunity Zone Overlay District shall both apply, provided however, that when the regulations applicable to the Data Center Opportunity Zone Overlay District conflict with the regulations of an underlying zoning district, the Data Center Opportunity Zone Overlay District regulations shall apply.

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Proposed Language – Overlay District

Sec. 32-509.03 - Uses permitted by right.

All uses permitted by right in the underlying zoning district shall be permitted in the Data Center Opportunity Zone Overlay District. Data centers shall be permitted by right in the Data Center Opportunity Zone Overlay District in the O(L), O(H), O(M), O(F), M-1, M-2, and M/T zoning districts and in designated office or industrial land bays in the PBD and PMD district.

Sec. 32-509.04. - Secondary uses.

All permitted secondary uses in the underlying zoning district shall be permitted in the Data Center Opportunity Zone Overlay District.

Sec. 32-509.05. - Uses permitted by Special Use Permit.

All permitted special uses in the underlying zoning district shall be permitted by special use permit in the Data Center Opportunity Zone Overlay District.

Sec. 32-509.06. – Prohibited Districts

Data centers shall be prohibited in agricultural, residential, PMR, B-2, B-3, and V districts.

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Proposed Language - Substations

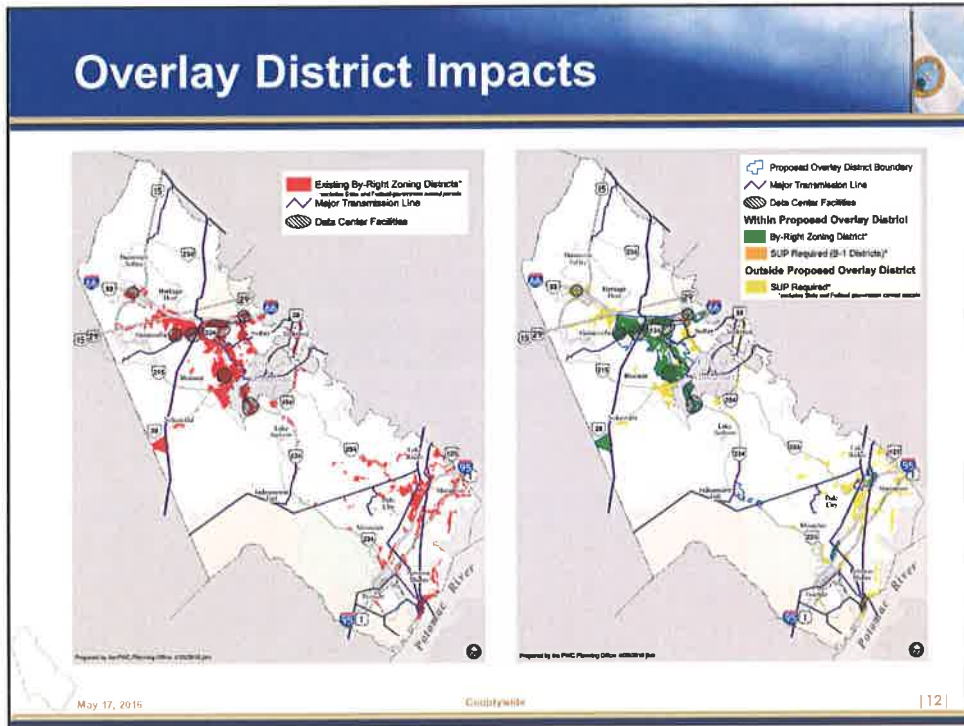
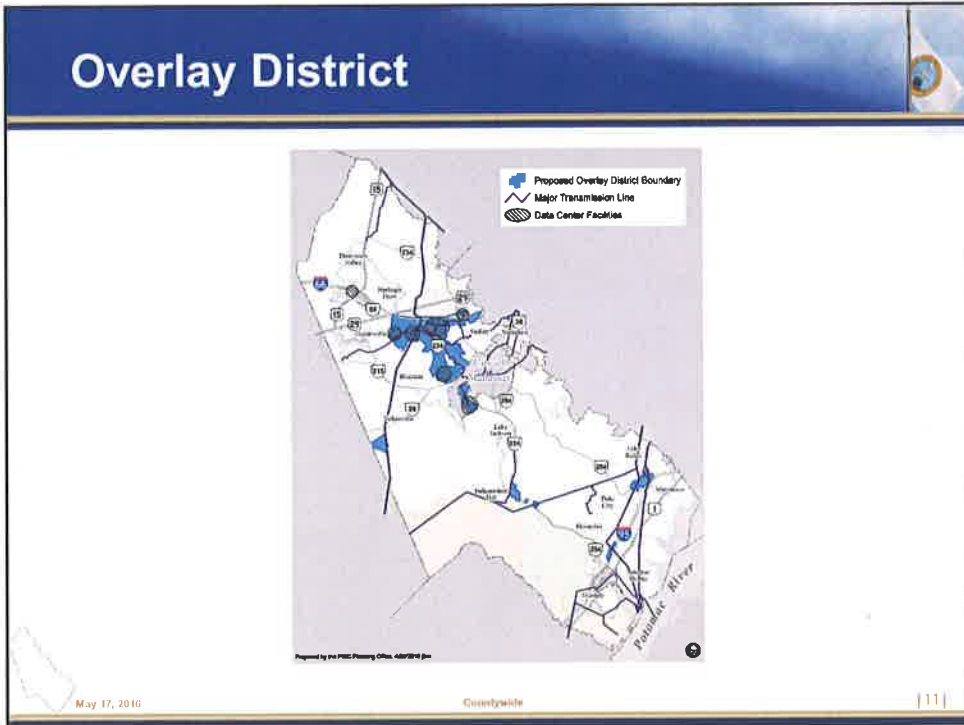
Sec. 32-201.11. - Public facilities permitted in all zoning districts, subject to review in accordance with Code of Virginia, § 15.2-2232.

1. Public facilities, except electric substations, may be located within any zoning district in Prince William County, subject to Code of Virginia, § 15.2-2232 and this chapter.
2. Electric Substations may be located in any zoning district within the Data Center Opportunity Zone Overlay District, subject to the public facility review requirements of the Code of Virginia, § 15.2-2232 and this chapter. Electric substations may be permitted by Special Use Permit within any zoning district outside of the Data Center Opportunity Zone Overlay District.

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Considerations

- Data centers remain a key targeted industry
- Does not mean that new transmission lines will not be necessary to serve future clients
- Existing and permitted facilities are vested per state code
- Vast majority of land which would now require SUP is zoned for commercial uses along commercial corridors

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DORAC Recommendation

- DCSM/Zoning Ordinance Review Committee
 - ◆ Add Data Center to B-1 as a Special Use
 - ◆ Remove the Electric Substation SUP requirement (Alternative B)

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Planning Commission Recommendation

- Recommend adoption of the amendment with the following change:

- ◆ **Sec. 32-509.01. - Purpose and intent**

The Data Center Opportunity Zone Overlay District was created for the purpose of promoting development of data centers within areas of the County where there is existing infrastructure that could adequately ~~necessary to~~ support the proposed use.

Staff concurs.