
INDEPENDENT CASE STUDY

Orange County and the Town of Orange, Virginia

A Data Center Case Study

ORANGE

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Williamsburg and Christiansburg, Virginia

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CASE STUDY: ORANGE COUNTY AND THE TOWN OF ORANGE

Convergence at Two Scales: One Industry, Two Governments, and the Entitlement Neither Can Reach

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Disclosure: The author serves on the advisory board of an Alfred P. Sloan Foundation-funded study at Emory University on data centers and the Southern energy buildout. The study had no role in this case study.

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ABSTRACT

In the spring of 2026, two governments whose chambers sit blocks apart in the same small town regulated the same industry in the same season, with different instruments, on different timelines, and in partially different directions. The Town of Orange, population roughly 5,000, moved first: on February 17, 2026, its five-member council removed data centers as a by-right use in its commercial core and put a Special Use Permit gate on every district where the use survives. Orange County, population roughly 36,000, followed: on April 28, 2026, its Board of Supervisors voted 5-0 to strike “data center” from the by-right use table of its industrial district and to confine the use, by definition, to a floating Technology District that, as of June 12, 2026, existed on no parcel of land in the county. The same county that closed the by-right door had opened the Technology District four months earlier, keeps a data center equipment tax rate about two-thirds of its machinery-and-tools rate, and spent the same spring adopting four Valley Link resolutions, filing two sets of federal comments, and joining a five-county joint motion against the 765-kilovolt transmission line that the industry’s regional growth is pulling through its farmland.

None of this reaches the largest land-use decision the county ever made. The 2,602-acre Wilderness Crossing rezoning of April 2023, with 732 acres set aside for data centers and distribution warehouses and a planned load that industry listings put at 1,500 megawatts, predates every rule described above and sits in litigation in the circuit court, whose docket records entries titled “Withdrawal of Appeal” in May 2026, after the defendants had noticed appeals to the Court of Appeals. The town’s ordinances never reached it either; the site lies fifteen miles east of town limits. On September 29, 2026, the Board of Supervisors acknowledged by resolution that the 2018 amendment creating the zoning district under which the land was rezoned had not been initiated as state law requires, while stating that the resolution does not adjudicate the validity of any later rezoning. That question is before the circuit court, which has a trial on its calendar for February 2027.

This case study documents convergence: a mega-rezoning, a transmission corridor, a state-adjudicated water constraint, documented contamination, and litigation, each moving through its own channel with no single resolving decision point. It adds a second structure: the county and the town are separate governments with separate zoning powers and separate water utilities, and in early 2026 they began governing the same wave at two scales. The nested-jurisdiction record assembled here exists nowhere else in this series. The evidence is organized for an interdisciplinary research audience, with findings mapped to five frameworks: distributional justice,

institutional behavior, utility finance, energy and labor infrastructure, and energy geography. Its gaps are catalogued in Part Nine as open items, not apologies.

PURPOSE, SCOPE, AND METHOD

This case study documents the convergence of multiple simultaneous industrial pressures on Orange County, Virginia, a rural Piedmont jurisdiction of approximately 36,000 residents, and on the Town of Orange, the incorporated county seat of approximately 5,000 residents that operates its own zoning ordinance and its own water and sewer utility inside the county's borders.

The study serves three audiences. First, the principal investigators and consultants of the Alfred P. Sloan Foundation's three-year study on the energy and social implications of data center expansion in the U.S. South, an interdisciplinary team whose work spans ethnographic and institutional analysis, environmental and distributional justice, energy geography, utility finance, and energy labor studies.[1] Following project convention, this document refers to the team's research frameworks by type of work rather than by individual researcher. Second, Virginia localities, including incorporated towns, weighing data center proposals, transmission applications, or zoning reform. Third, citizens and journalists seeking a consolidated account of decisions, legal proceedings, and regulatory actions that have shaped both jurisdictions since 2021.

The companion case studies each resolve into a recognizable shape: Henrico is regulatory correction after the entitlements were granted, Prince William is governance capture and its judicial correction, Hanover is refusal with leverage intact.[2] Orange resolves into no shape. It remains the convergence case: a mega-development rezoning, a high-voltage regional transmission corridor, a state-adjudicated water supply constraint, toxic contamination documented on an approved development site, and litigation, all moving simultaneously through different governmental channels with no single decision point that resolves the others. What sets it apart is the two-entity structure. A data center proposal inside or at the edge of town limits answers to the town council, not the board of supervisors, while drawing on water and roads the county also needs. In early 2026 the two governments regulated the same industry weeks apart, with different instruments, different exposure, and different institutional capacity. This report keeps them analytically distinct throughout: separate timeline entries, separate parts where the records diverge, and explicit entity attribution on every decision. Where this document says "the county," it means the government of Orange County; "the town" means the government of the Town of Orange. Neither is ever just "Orange."

A note on method. This study is built from public sources: county and town ordinances, resolutions, and meeting minutes, planning staff reports, court filings, Virginia DEQ and Department of Health records, JLARC reports, American

Community Survey data, congressional press releases, and sustained news coverage, principally the Rapidan Register, Byrd Street (a subscription local-news publication by a former Orange County Review editor), the Piedmont Journal Recorder, the Culpeper Star-Exponent, Charlottesville Tomorrow, Cardinal News, Virginia Mercury, and VPM News. Direct quotations are reproduced as recorded in public meetings or as reported in cited coverage. No interviews were conducted. Claims that rest on secondary sources rather than primary documents are flagged with an asterisk at the endnote reference. Where sources conflict, the discrepancy is documented rather than smoothed.

Two sourcing cautions apply. The Piedmont Environmental Council is a principal source for environmental and land-use documentation in both jurisdictions, an active amicus in the Wilderness Crossing litigation, the plaintiff in the concluded VFOIA action, and the organizer of advocacy campaigns in both the county and the town, including the letter and email that preceded the town's February 2026 ordinances. Where PEC characterizations are used, they are identified as such. Second, the fiscal workbook used for county budget figures was prepared by SaveOrangeCountyVA, an advocacy organization; its figures are used here only where the workbook itself cites official county budget documents, and the underlying county documents are identified in the endnotes.[3] The advocacy report What Orange County Needs to Know (v5.0, March 2026) is a source and is litigant-adjacent material; the same caution applies.

The Virginia JLARC report Data Centers in Virginia (December 2024) supplies much of the statewide baseline; the FY2025 exemption and job figures come from the Department of Taxation's January 2026 report (Part Seven). The companion report What Virginia Is Spending, What Virginia Is Getting (v5.3) covers the commonwealth-level argument; readers who want it should start there.[2]

PART ONE: TWO GOVERNMENTS, ONE GEOGRAPHY

The Geography

Orange County occupies 341 square miles in the Piedmont of central Virginia, bounded by Culpeper County to the north, Spotsylvania to the east, Louisa to the south, and Greene to the west. The county seat is the Town of Orange, population approximately 5,000. The Town of Gordonsville, population approximately 1,500, is the county's second incorporated municipality. The eastern portion of the county borders the Wilderness Battlefield, where more than 160,000 Union and Confederate soldiers met in the first confrontation between Grant and Lee in May 1864. The Rapidan River runs through the county and supplies its eastern settlements through the Rapidan Service Authority. Agricultural land, forested tracts, and historic properties define the landscape. The county sits on the Route 3 corridor connecting the established data center concentrations of Northern Virginia to the emerging zones in Fredericksburg and Spotsylvania.[4]

Five unreclaimed gold mine complexes, described in Part Two, lie within or adjacent to the Wilderness Crossing rezoning area in the county's eastern portion. As of March 2026, Virginia hosted approximately 190 operating data center facilities with a combined capacity of 3,015 megawatts, with an additional 202 projects and 38,101 megawatts in the planning pipeline, more than twelve times the installed base.[5]*

The Two Jurisdictions

Virginia towns are not neighborhoods. An incorporated town under Virginia law is a separate political subdivision with its own elected council, its own ordinances, and, where it has built them, its own utilities. Town residents are also county residents: they vote in county elections, pay county taxes on top of town taxes, and send their children to county schools. But within town limits, zoning power belongs to the town. A data center proposed on a parcel inside the Town of Orange would be heard, conditioned, and decided by the town council. The board of supervisors would have no vote. The reverse also holds: the town had no vote on Wilderness Crossing, on the county's Technology District, or on any of the county zoning decisions documented in this study, though its residents live with the traffic, the water arithmetic, and the tax consequences of all of them.

The county government consists of a five-member Board of Supervisors elected by district: J. Jason Capelle (District One, seated January 2026), Ed Van Hoven (District Two, vice chairman), Keith F. Marshall (District Three), Crystal D. Coleman (District Four), and J. Bryan Nicol (District Five, chairman).[6] The town government consists of Mayor J. Harrison Cluff and four council members: Vice-Mayor Jeffrey Crane and Councilmembers Jason Cashell, Delmer Seal Jr., and Donna Waugh-Robinson,

supported by Town Manager Christopher Snider.[7] Both bodies turned over leadership in 2025 and early 2026; the town's previous manager resigned in August 2025, and Cluff became mayor during the same period.[7]

Institutional Capacity at Two Scales

The capacity gap between Orange County and the established data center jurisdictions repeats, an order of magnitude down, between the county and its seat. The county's FY2026 adopted general fund is \$81.3 million, within a total budget across all funds of \$133.6 million.[3] The town's FY2026 general fund is \$5.86 million, within roughly \$11.8 million across its general, capital, water, and sewer funds.[8] The county general fund is about fourteen times the town's; the population ratio is about seven to one. The county fields a planning department augmented since January 2025 by the Berkley Group, the consulting firm leading its comprehensive zoning overhaul (Part Six). The town's planning apparatus is a Department of Community Development whose director, a credentialed AICP planner, also serves as zoning administrator.[9] When the data center wave reached the town in early 2026, the ordinance drafting, the definition revisions, and the policy framework all ran through that office. For the institutional behavior framework, the town's record is the test case for what the thinnest planning staff in this series' portfolio does when a capital-intensive industry arrives ahead of the rules: it is one thing for Henrico, with a planning staff of over 100, to redesign its framework, and another for a town that budgets less for all purposes in a year than a hyperscale operator spends on a cooling plant.

Henrico County, for comparison, maintains a professional planning staff of over 100, a county attorney's office with sustained litigation capacity, and a public utilities department capable of modeling system-level consequences of industrial water demand. Prince William, despite the governance problems documented in its companion study, defended the Digital Gateway approvals through multiple rounds of circuit and appellate proceedings. Orange County has five supervisors, a county attorney, and a consultant-led zoning overhaul. The Town of Orange has a council of five, a town attorney, and one planning office.[9]

Demographics and Fiscal Posture

Orange County's population was 36,254 at the 2020 Census. In the 2020-2024 American Community Survey, median household income is \$94,008, roughly the statewide average, and 29.6 percent of adults hold a bachelor's degree or higher. The county is 74.9 percent white non-Hispanic, 10.1 percent Black non-Hispanic, and 7 percent Hispanic.[10]

The county-wide figures do not describe the geography of Wilderness Crossing. Census Tract 1102 covers the eastern corridor along Routes 3 and 20, adjacent to the Wilderness Battlefield and the Lake of the Woods community, where the development is sited. The tract’s Black non-Hispanic population share is 19 percent against 10.1 county-wide, and 32 percent of tract households earn below \$50,000 annually against 23 percent county-wide.[11] For the distributional justice framework, the tract-level concentration matters more than the county average, and Part Two connects it to the contamination record and the water constraint that share the same geography.

Metric	Orange Co. Tract 1102 (Wilderness Crossing area)	Henrico Co. (Varina District)	Prince William Co. (Gainesville District)
Bachelor’s degree or higher	29.3%	26.4%	44.9%
White (non-Hispanic)	75.8%	39.8%	46.0%
Black or African American	19.0%	54.6%	12.0%
Households under \$50,000	32.0%	Not disaggregated	Not disaggregated

Note: ACS five-year estimates via data.census.gov, Census Reporter, and Statistical Atlas; open census items are listed in Part Nine, item 27.[12]

The county’s FY2026 real estate rate was proposed at \$0.51 per \$100 and adopted on May 13, 2025, at \$0.47, alongside a separate Fire and EMS levy of \$0.15, a combined \$0.62.[13] The FY2027 proposed-rates notice, published for a May 5, 2026 hearing, lists real estate at \$0.46 per \$100 and labels it “a \$0.01 decrease.”[13] What did not change is the figure that matters for this study: computer equipment and peripherals used in a data center, classified under Virginia Code Section 58.1-3506(A)(43), remain taxed at \$1.25 per \$100, unchanged through the FY2027 proposal, against \$1.83 for machinery and tools and \$2.20 for general business tangible property.[13] Part Seven sets that rate against the regional board: Henrico at \$2.60, Hanover at \$0.45 after a proposal of up to \$3.00, Chesterfield contract-locked at an effective \$0.24.

The town levies its own taxes on top of the county’s, and its finance office has prepared a separate tangible personal property category for data center computer equipment under the same state code section, should its council ever choose to populate it.[14] A town tax classification waiting in a drawer is a small fact with a

long shadow: the town's staff was building fiscal plumbing for an industry months before its council had decided whether to allow the industry at scale at all.

PART TWO: WILDERNESS CROSSING

The Application and the Entitlement

In March 2021, KEG Associates III applied to rezone approximately 2,602 acres near the intersection of Routes 3 and 20 at the county's eastern boundary, adjacent to the Wilderness Battlefield, from a mix of agricultural, industrial, residential, and commercial designations to Planned Development-Mixed Use. The proposed development, Wilderness Crossing, would allow up to 5,000 residential units and a commercial-industrial program including data centers and distribution warehouses.[15] The plan sets aside 732 acres for data centers and distribution warehouses, land PEC describes as carrying a by-right data center entitlement with no cap on density. Industry listings, which cite no source, put the campus's planned load at 1,500 megawatts; if they are right, this single project in this single rural county would equal roughly 5 percent of the data-center-driven peak load growth PJM projects across its entire thirteen-state footprint through 2030.[16]* The proffers submitted to the planning commission capped "industrial data center and warehouse/distribution building space" at 5,000,000 square feet; according to the plaintiffs' filings, the proffers revised before the board's vote raised that ceiling to more than 30 million, and PEC describes the ceiling as removed.[17]*

The residential entitlement carries its own arithmetic. The developer verbally proposed approximately 5,000 units, and the fiscal and traffic analyses were built around that figure. The underlying PDM zoning permits six dwelling units per acre by base ordinance and twelve with bonuses: a base entitlement of 15,612 units and an absolute ceiling of 31,224 on 2,602 acres, unless the approved master plan imposes lower limits, which has not been confirmed against the approval documents.[18] The gap between the stated figure and the legal entitlement is a sustained point in the litigation.

The NDAs

The early review was conducted under non-disclosure agreements. Litigation brought by the Piedmont Environmental Council under the Virginia Freedom of Information Act produced disclosures confirming that ten Orange County officials, including members of the Board of Supervisors, had signed NDAs "for the benefit of Amazon.com, Inc. and its affiliates" as early as April 2022. Internal drafts referred to the arrangement as "Project Tricycle." [19] The public did not know, during the review period, the identity of the company for whose benefit the NDAs were signed. For the institutional behavior framework, the structure produced an information asymmetry: elected officials held material information about a major development proposal that the public did not. NDAs are a standard feature of large-scale site

selection in Virginia; the Virginia Economic Development Partnership provides standard forms, state code exempts voluntarily provided proprietary economic development information from FOIA, and NDAs accompanied the recruitment of Amazon HQ2, Microsoft, and Meta.[20] The developer and county would note that the rezoning was publicly noticed and statutorily reviewed regardless. On September 18, 2026, Executive Order 22 barred executive-branch agencies, boards, commissions, and authorities from entering into, enforcing, or requiring nondisclosure agreements that keep material information about a proposed data center development from the public, while stating that those bodies are expected to honor existing agreements. The NDA directive, by its terms, reaches bodies under the Governor's supervision, not local governments such as Orange County.[21]

The Approval

On March 23, 2023, the county planning commission held its public hearing; by PEC's count, twenty-nine of thirty speakers opposed the project, and the commission deferred action. On April 6 it voted 3-2 to recommend approval.[22] Between the commission's recommendation and the board's vote, the developer's proffer statement was revised: according to the plaintiffs' filings, and not yet verified against the primary proffer documents, cash contributions increased from \$6 million to as much as \$24 million and the permitted industrial data center and warehouse space expanded from 5 million to more than 30 million square feet.[23]* On April 25, 2023, the county Board of Supervisors approved the rezoning 4-1, with thirty-seven speakers in opposition. The plaintiffs allege the project as approved differed materially from the project the planning commission reviewed; that allegation is among the surviving counts described in Part Three.[24]

As of June 2026, no site plan, grading permit, or land disturbance permit has been issued and no ground has been disturbed. The county's current planning docket lists no Wilderness Crossing activity, though that docket shows only public-hearing items; ministerial permit applications would not appear on it, and confirming the negative against ministerial records is Part Nine, item 18.[25] The rezoning stands in approved status. The reasons for the dormancy are not documented in the sources reviewed through June 12, 2026, and the litigation is the obvious but unconfirmed candidate.

The Mercury and the Battlefield

The site overlies Virginia's historical gold mining belt. Between roughly 1804 and 1937, mercury was used to extract gold across the property, which contains at least fifteen surface and shaft mines in five named complexes; the Vacluse complex is, by PEC's analysis of public records, the largest gold mine in the Commonwealth, and was at one time considered for potential inclusion as an EPA Superfund site, a

characterization that traces to PEC and remains unverified against EPA records. PEC's analysis identifies mercury, arsenic, cadmium, and lead leaching into Shotgun Hill Branch, a tributary running toward the Rapidan and Rappahannock rivers.[26]* DEQ has indicated, per PEC's reporting, that it will not engage the contamination unless the developer voluntarily enrolls in the Voluntary Remediation Program or until construction permitting begins, after the land-use decision is settled. PEC's reporting identifies no proffer conditioning the rezoning on VRP enrollment; the proffers themselves have not been reviewed (Part Nine, item 4). In the sources reviewed through June 12, 2026, no independent DEQ assessment had confirmed PEC's contamination scope, no remediation had occurred, and no 2026 development in this thread appeared.[27] USGS research on historical gold mining establishes that 10 to 30 percent of amalgamation mercury was lost to the environment and that large-scale earth disturbance can mobilize it through dust and stormwater.[28] For the distributional justice framework, the sequencing is the finding: the agency with jurisdiction over the contamination was not engaged before the land-use decision that determines what gets built on top of it.

In May 2024, the National Trust for Historic Preservation named the Wilderness Battlefield Area one of America's 11 Most Endangered Historic Places, citing the development. The plaintiffs' petition attributes to the developer's own projections more than 60,000 daily vehicle trips at full buildout on the roads that serve the battlefield; PEC puts the addition at no fewer than 11,000 trips on area roads during peak hours alone.[29]

PART THREE: THE LAWSUITS

American Battlefield Trust v. Board of Supervisors of Orange County

The primary challenge to the rezoning was filed in Orange County Circuit Court on May 24, 2023, as Case No. CL23000622-00, by the American Battlefield Trust, the Central Virginia Battlefields Trust, Friends of Wilderness Battlefield, and homeowners from Orange and Spotsylvania counties.[30] The petition pleaded seven counts. On September 16, 2025, Judge David B. Franzén issued a 17-page opinion allowing four of them to proceed.[31]* The order sustaining the demurrer in part was entered on December 1, 2025.[32] Pairing the petition's own count headings with the county's account of which counts survive, given in its September 2026 proposed amended answer, identifies the four. Count 1 alleges that ZTA 18-05, the 2018 amendment that created the Planned Development-Mixed Use district, was void from the start and that the rezoning falls with it. Count 4 alleges that the March 2023 proffers were materially changed during the public hearing, which required a further hearing. Count 5 alleges that the rezoning authorizes nonuniform assessment and taxation in violation of the Virginia Constitution. Count 6 alleges that the rezoning was considered in violation of the Virginia Freedom of Information Act. Counts 2, 3, and 7 were dismissed with prejudice; Count 7 carried the claim that the county approved the rezoning without the submittals and findings its zoning ordinance requires, including an analysis of impacts on historic and cultural resources.[31] The opinion text itself has not been reviewed; until it is, the pairing of count numbers to surviving status rests on a party's filing (Part Nine, item 2). Amicus briefs supporting the challenge were filed in February 2025 by the National Parks Conservation Association, the National Trust for Historic Preservation, the Coalition to Protect America's National Parks, and PEC.[33]

Through the first half of 2026 the fight was about where the case would be decided, not whether. The defendants moved the circuit court in October 2025, and again in December, to certify its demurrer ruling for interlocutory appeal, and noticed appeals to the Court of Appeals of Virginia on December 30, 2025 and January 2, 2026.[32] At a hearing on March 27, 2026, Judge Franzén declined to rule, stating he would decide the certification motion after the Court of Appeals acts on the noticed appeals; the appellate court had taken no action as of that hearing, and Franzén had rejected a similar transfer request the previous fall.[34] PEC reported on April 2 that a written ruling was expected "in the coming weeks." [35]* The court's docket shows how that ended. The record went to the Court of Appeals on March 27; entries titled "Withdrawal of Appeal" follow on May 1 and May 22, 2026; and on June 9 the court entered an order the docket titles "Order Deny Cert of Demurre," the system's own truncation. On June 2 the landowner defendants had moved for

summary judgment. The docket lists entry titles only; the orders, the withdrawals, and the motion have not been reviewed (Part Nine, items 1 and 3).[32]

The County Concedes the Initiation Defect, September 2026

On September 29, 2026, at a special called meeting with a single item on its agenda, the Board of Supervisors adopted Resolution No. 260929-3, acknowledging that ZTA 18-05, adopted July 24, 2018 to establish the Planned Development-Mixed Use district, “was not initiated in accordance with Virginia Code § 15.2-2286(A)(7).” The resolution’s recitals describe that section as allowing a zoning amendment to be initiated by resolution of the governing body, motion of the planning commission, or a qualifying owner petition, and as requiring the initiating resolution or motion to state its public purposes. WSET reported the vote as 5-0 and Byrd Street as unanimous; neither of the county’s two October 1 statements gives a tally.[36]* The resolution sets its own limit. The Board “recognizes that the legal effect of the initiation defect, including its effect on any later land use action, is subject to applicable law and pending judicial proceedings,” and nothing in the resolution, as presented in the agenda packet, “purports to repeal, rescind, amend, or modify the text of the PDM Zoning District” or to “adjudicate the validity of any later rezoning, approval, or land use action.”[37]

The next day county counsel served on the other parties a proposed amended answer, tendered with a motion for leave to amend under Rule 1:8 of the Rules of the Supreme Court of Virginia.[38] As to Count 1, it admits that ZTA 18-05 “was not initiated in the manner required by Virginia Code § 15.2-2286(A)(7).” It states that the county will not oppose the plaintiffs’ pursuit of adjudication of the surviving counts, does not contest their standing on the present record, and withdraws the affirmative defenses its December 22, 2025 answer raised against those counts, among them the statute of limitations, laches, approbation and reprobation, and compliance with the Virginia Freedom of Information Act. It admits no other factual allegation, concedes no remedy, and does not adopt or join any defense or argument of the landowner defendants. It supersedes the county’s earlier answer only “upon leave being granted.”[38] The county remains a defendant. So does the developer, KEG Associates III, LLC, and the county’s statement says the county “does not speak for the other parties or their positions in the litigation.”[39] No statement from the developer appears in the county’s statement.

The parties read the concession differently, and this study takes no view on the law. The American Battlefield Trust’s president said on the day of the vote that it “points to only one final result: invalidation of the Wilderness Crossing rezoning.”[40] The county’s resolution and statement leave the effect of the defect on any later land use

action to the court.[37] No ruling on that question had been reported in the sources reviewed as of October 7, 2026.

The court's calendar carries the dates Byrd Street reported on October 1:[41]* a two-hour pretrial motion hearing on November 19, 2026, and a three-day trial set for February 22 to 24, 2027. The docket does not show when the trial was set; it records a judge's scheduling memo and a consent order on July 1, 2026. It also records, on September 30, the motion for leave to amend, the amended answer, a notice of hearing, and a defense motion to continue the trial; which defendant filed the motion to continue is not shown.[32]

The structural point survives every procedural turn: the county's 2026 zoning reforms, described in Part Six, cannot reach the Wilderness Crossing entitlement. Only this litigation can. If the plaintiffs lose, the largest data center entitlement in the county's history proceeds under the rules that existed before the county decided those rules were inadequate. If they win, the county gets its decision back, under a zoning framework that now routes any resubmission through a Special Use Permit in a district that, as of June 12, 2026, existed on no parcel of land in the county.

The PEC VFOIA Lawsuit

The PEC suit is concluded. PEC filed its petition for a writ of mandamus on November 9, 2023; the county produced the NDAs, redacted records, and a privilege log in December 2023; and PEC dropped the suit, announcing the conclusion in late January 2024. No 2025 or 2026 filings, hearings, or compliance orders were found in the sources reviewed through June 12, 2026.[42] The suit's product, the Amazon NDA disclosures, remains, in the sources reviewed through June 12, 2026, the only public confirmation of Amazon's involvement in Wilderness Crossing. Amazon had not publicly confirmed the project as of June 12, 2026; industry trackers listed the site, as of June 2026, as a planned 1,500-megawatt Amazon campus with operational dates as early as 2027, listings that carry no sourcing and should be treated as unverified.[43]*

Analytical Significance

Orange County joins Prince William as a Virginia jurisdiction where data center land-use decisions face multi-count judicial challenge. Both records allege compressed timelines, information-limiting mechanisms during review, and post-hearing proffer revisions that opened a gap between what the public reviewed and what the board approved. One surviving Orange count has no Prince William parallel: the nonuniform assessment and taxation theory. For the institutional behavior framework, two things stand as evidence: the venue fight, which consumed the first half of 2026 in a case where, as of June 2026, no ground had been broken, and the

county's September decision to concede the 2018 defect while leaving its consequence to the court.

PART FOUR: THE TRANSMISSION LINE

Valley Link and Its Purpose

Valley Link Transmission is a joint venture of Dominion Energy, FirstEnergy Transmission, and Transource Energy. The project proposes a 115-mile, 765-kilovolt line from the Joshua Falls substation near Lynchburg northeast through the Piedmont to a proposed Yeat substation in Culpeper County, pointed at the zone of concentrated data center demand in Northern Virginia.[44] Dominion's spokesman for the project, asked who would use the electricity, told Charlottesville Tomorrow in March 2026 that "more than half" would power data centers.[45] A 765-kV line is the highest-voltage alternating-current transmission in operational use in the United States: capacity equivalent to six standard 345-kV lines, towers that Valley Link's current materials put at a typical 150 to 175 feet, with the structure type not yet determined, a cleared right-of-way 200 feet wide, and, per Valley Link's own materials, no proven underground alternative anywhere in the world. Orange County's largest existing line is a single 500-kV corridor.[46] The route crosses eight counties, from Campbell to Culpeper; Valley Link mailed letters to roughly 120,000 property owners along potential routes in February 2026.[47]

Orange County occupies a corridor position. The demand is concentrated elsewhere; the county hosts towers, right-of-way, and viewshed. The energy geography framework reads this as the diffusion wave's infrastructure signature: pressure deflected or repriced by Henrico, Hanover, and Chesterfield does not disappear, it arrives as steel in the counties between generation and load. The eminent domain authority of a public-service corporation under Virginia Code Section 56-49, and the pre-application consultation rights of localities under Section 15.2-2202(E), frame the power relations for the energy and labor framework.[48]

From Questions to Opposition

The early-spring record set the terms: the March 9 open house in Rhoadesville where more than 500 residents arrived at a 150-person venue, and the March 24 joint session of the board of supervisors and planning commission at the Orange County High School field house, where Planning Commissioner Frank DiPasquale told Valley Link's representatives, on the record, that the company was already in violation of Section 15.2-2202(E)'s consultation requirement, and the company's representative acknowledged that "we haven't yet provided notice to each of our counties," characterizing its engagement as a voluntary pre-application process.[49] The statutory question DiPasquale raised remained adjudicated as of October 7, 2026. Section 56-46.1 makes the locality consultation a prerequisite to, not a component of, the SCC proceeding.[50]

What happened next moved the county from questions to formal hostility, and it happened on the same night as the county's marquee zoning hearing. On April 14, 2026, the Board of Supervisors adopted four Valley Link resolutions: a resolution in opposition to the proposed project, a joint letter with the school board, a request to the General Assembly, and a resolution on inter-county collaboration. The board had already filed comments with FERC on March 19; it filed supplemental comments on May 1. The planning commission sent its own letter to Valley Link on April 21. On May 1, Orange joined Culpeper, Fluvanna, Goochland, and Louisa counties in a Joint Motion to Intervene and Protest at FERC. The county's official Valley Link page states that the board and planning commission "are unanimously opposed to the project as presented," and notes that Valley Link agreed to present at the board's May 26 meeting and then declined to attend.[51]

The regional posture hardened in parallel. Louisa County adopted its opposition resolution on March 16, 2026, then dedicated \$250,000 to fight the project; Buckingham and Goochland authorized comparable amounts; by early June, the boards of every county on the route except Campbell had formally opposed the line.[52] Late in May 2026, Valley Link released revised route maps it described as affecting fewer people, with fewer than 75 homes within 500 feet of each revised route corridor-wide, and scheduled a second round of open houses for June 15 through 25, with Orange's set for June 15 at Orange County High School. Board Chairman Bryan Nicol's assessment of the revision: "the revised route and map appear to be worse for Orange County... Dominion Energy/Valley Link should be ashamed of their behavior, and their total lack of respect for our citizens is beyond belief." Nicol also stated that the line's two substation endpoints had been moved without, to his knowledge, PJM approval, a claim worth independent verification.[53]* Valley Link said in June 2026 that it would file its Certificate of Public Convenience and Necessity application with the SCC in the fall. As of October 7, 2026, the SCC's case index showed no certificate case for the line; the only Valley Link case was a December 2025 affiliate-agreements application.[54] PJM's Board approved the route revision on July 15, 2026; PJM's white paper describes it as moving the Yeat substation roughly fifteen miles south of its original location and shortening the line to 115 miles from the original 156, with a stated cost decrease of \$259.84 million.[55] On September 1, 2026, the Orange County Farm Bureau published an open letter stating that its board opposes the project and had sent a formal letter to the SCC saying so; the letter as filed has not been reviewed (Part Nine, item 32).[56] Campbell, the one route county that had not acted, did so on October 6, 2026, when its board voted 4-3 for a resolution opposing the line; the county's agenda described any such action as "an expression of concern that would inform the SCC's deliberations over the proposed route," since the county does not

control the route through zoning. With that vote, the boards of all eight counties on the route had formally opposed the line.[52]

The Demand Driver and the Federal Channel

PJM approved Valley Link in February 2025 under its 2024 Regional Transmission Expansion Plan, on a 15-gigawatt planning delta concentrated in the eastern PJM footprint where data center load is heaviest; PJM's separate 2025 long-term forecast projects 32 gigawatts of peak load growth through 2030, 94 percent of it data centers.[57] Dominion has reported contracted data center requests of 70,000 megawatts, nearly three times its all-time peak load, and a five-year capital plan of \$50.1 billion with \$17 billion for data center growth, recovered through rates paid by all customers.[58] The FERC docket on the proposed Expedited Interconnection Track, ER26-1563-000, closed its comment period March 20, 2026, with disposition pending as of June 12, 2026; Valley Link has said the track is not an option for its project, so the docket's relevance is regional rather than direct.[59] One geographic chokepoint matters: the Yeat substation requires a Conditional Use Permit from Culpeper County, the single point of ordinary local land-use leverage on the entire project, and Culpeper has both joined the FERC joint motion and hosted the substation's would-be neighbors.[60]

The project's capital cost and residential rate impact remain unestablished in PJM's July 2026 white paper and in Valley Link's FAQ page as read October 7, 2026, the principal unfilled gap for the utility finance framework; PJM's July 2026 white paper states only the cost effect of the route revision.[55] The cost-allocation question now has a statutory dimension: SB 253, signed May 14, 2026, directs Dominion to propose allocating certain capacity and distribution costs to a 25-megawatt-plus customer class in rate cases beginning 2027, and whether that structure touches Valley Link's cost recovery is a question for the SCC proceeding (Part Seven). On July 31, 2026, the SCC's final order on Dominion's Rider T1 directed the company to file an amended line extension policy that would require a contribution in aid of construction for defined "direct connect" transmission facilities serving large-load customers, and said the Commission may consider in that docket assigning higher-order transmission costs directly to the GS-5 rate class. The order does not name Valley Link.[61]

PART FIVE: THE WATER, AT TWO SCALES

The County's Constraint: The RSA and the DEQ Denial

The Rapidan Service Authority serves eastern Orange County, including the Wilderness Crossing area, from the Rapidan River. Its Wilderness Treatment Plant operates at 1.6 million gallons per day of treatment capacity against average use near 0.4 MGD.[62] In 2023 the RSA applied to DEQ to raise its permitted withdrawal from 3 MGD to 4 MGD to support the Wilderness Crossing buildout and the Germanna-Wilderness master plan. DEQ denied the application: the Rapidan cannot sustain higher withdrawals through seasonal drought without endangering instream flow. PEC's analysis of flow data estimates reliable drought-period supply at approximately 0.9 MGD, a figure not confirmed against DEQ records. In the sources reviewed through June 12, 2026, the denial stands, with no appeal and no confirmed resubmission.[63]* A claim that the RSA had filed an amended 6 MGD application could not be confirmed against RSA board minutes or DEQ public notices of October 2025 to March 2026; the figure traces to 2050 planning documents.[64] The Piedmont Journal Recorder reported in August 2026, in passing, that Greene County "pulled out of RSA back in June 2023"; RSA's own records of the withdrawal have not been reviewed.[65]*

The state-adjudicated constraint is the hard wall of this case study. JLARC found eleven Virginia data center buildings each consuming more than 50 million gallons in 2023, the largest at 243 million gallons, roughly 665,000 gallons per day; industry benchmarks for hyperscale facilities run 1 to 5 million gallons per day.[66] At the industry benchmark, a single hyperscale facility drawing 1 million gallons a day would exceed what PEC estimates the Rapidan can reliably supply to the entire RSA service area in drought. The 2024 consent order at the Wilderness plant, issued after a contractor error released mineral oil into the system and put thousands of Lake of the Woods residents under a multi-day Do Not Use advisory, documents what the existing system can and cannot absorb; the RSA reports compliance with its corrective action plan.[67]

The county's zoning answer, examined in Part Six, was to prohibit potable water, Rapidan River water, and groundwater for data center cooling in its Technology District, making any future data center bring its own cooling solution.[68]

The Town's Utility: Surplus, and the Scale of Help

The Town of Orange operates its own water system, separate from the RSA: production capacity of 2.0 MGD, current use near 1.3 MGD, a surplus of roughly 700,000 gallons per day, and reserve storage of 3 million gallons.[69] The county's economic development materials state the surplus and advertise it; no town

engineering record of it has been reviewed. Against hyperscale demand it is between 14 and 70 percent of what one facility consumes in a day at industry benchmarks. The county's cooling-water prohibition does not bind inside town limits, where the county's zoning ordinance does not run. Whether the town would ever offer its surplus to a data center is exactly the kind of decision its new SUP regime (Part Six) now forces into a public hearing.

The scale mismatch between municipal infrastructure and industrial demand has a precise dollar figure in the 2026 record. On January 21, 2026, Representative Eugene Vindman announced \$800,000 in federal Community Project Funding for the town's water treatment plant, built in 1967, to construct a liquid feed building and reduce reliance on increasingly scarce dry treatment chemicals. The funding was signed into law in February; the town's FY2027 budget carries the liquid feed building at \$1.7 million, and the town is seeking a further \$500,000 from the state.[70] The congressman presented the check at the plant and then sat for a local interview about data centers and Dominion Energy.[71]* The juxtaposition is the analysis: a federal grant of \$800,000 marks a major capital event for a utility whose entire annual water fund is under \$2 million, in a county where industry listings put a single data center campus at 1,500 megawatts[43]* and the regional water authority was denied one additional million gallons per day. Utilities at the town's scale do not bargain with this industry from strength; they bargain from a 59-year-old plant and a grant application.

Statewide, a water disclosure regime is now law. SB 553, signed April 13, 2026, effective January 1, 2027, requires water suppliers to report monthly volumes of potable and reclaimed water delivered to data centers holding DEQ air permits.[72] From 2027, the water arithmetic this study assembles from PEC estimates and JLARC samples will have a mandatory reporting baseline.

The Thomas E. Lee Industrial Park, 158 county-owned acres between the towns of Orange and Gordonsville with water, sewer, and fiber access, remains the county's identified site for smaller-scale data center development, and remains subject to the county's cooling-water prohibition.[73]

PART SIX: THE ZONING RESPONSE AT TWO SCALES

Between December 2025 and April 2026, the two governments of Orange built two separate regulatory frameworks for the same industry. They used different instruments, moved on different timelines, answered to different rooms, and left different things undone. This part documents each track from the primary record and then reads the two tracks together.

The County Track: A Door Built, Then the Old Door Closed

The county moved in two steps a zoning lawyer would recognize as a pair: first create the regulated path, then eliminate the unregulated one.

Step one was ZTA 25-02. On December 16, 2025, the Board of Supervisors adopted Ordinance No. 251216-PH2 by a 5-0 vote, creating a Technology (T) District as a floating zone: any parcel may seek rezoning into it, every project in it requires a Special Use Permit, and the ordinance prohibits the use of potable water, Rapidan River water, or groundwater for data center cooling, with sound and lighting restrictions besides.[68] The vote was taken by the 2025 board; one of its members was replaced in January 2026, by Jason Capelle, who had chaired the planning commission through the district's drafting. As of June 12, 2026, the T District remains a floating zone in the purest sense: no parcel in the county has been rezoned into it, no application is pending, and it appears on no map.[74] The district drew fresh scrutiny in September 2026. Supervisor Coleman placed two items on the board's September 8 agenda, a referral of the Technology District to the planning commission for additional review and "a mechanism to pause any and all Technology District applications," and the board held a work session on the ordinance on September 22. The Piedmont Journal Recorder, under the headline "Orange BOS zap down Supervisor Coleman's Tech District Zoning Ordinance proposal," reported that at the work session the other supervisors defended the ordinance and its protections; the article records no vote.[75]

Step two was ZTA 26-01. On January 13, 2026, the new board adopted Resolution No. 260113-7A, 5-0, initiating an amendment to remove data centers as a by-right use from all county zoning districts, the Industrial (I-2) district being the operative one.[76] The planning commission recommended approval on March 5.[77] The board held its advertised public hearing on April 14, 2026, the same meeting at which it adopted its four Valley Link resolutions, and then tabled the vote. After the hearing closed, Supervisor Capelle proposed amending the data center definition itself, and the board deferred two weeks for the county attorney and full board to review his language.[78] On April 28, 2026, the board adopted ZTA 26-01 as

modified, Ordinance No. 260428-5A, 5-0: Capelle, Van Hoven, Marshall, Coleman, and Nicol all in favor.[79]

The adopted text does two things. It deletes “data center” from the I-2 by-right use table. And it rewrites the definition in Section 70-1 so that a data center is “permitted only by Special Use Permit and only in the Technology (T) zoning district,” with a bright-line trigger: any facility exceeding 10,000 square feet in aggregate, or designed to operate independently of or serve multiple unaffiliated users, is a data center as a principal use “regardless of how it is characterized.”[79] The 10,000-square-foot threshold is the quiet achievement of the amendment. The proffers the planning commission reviewed capped Wilderness Crossing’s data center and warehouse space at 5,000,000 square feet; the county’s new definitional threshold for anything outside the T District is one five-hundredth of that. The definition is also drafted against disguise: the “regardless of how it is characterized” clause anticipates the server-room-inside-a-warehouse problem that other jurisdictions met only after the fact.

Two companion facts complete the county track. On the same April 28 agenda, the board held a hearing on an Enhanced Technical Review Fee for Technology District applications: a \$25,000 initial deposit funding third-party review of power and transmission, water (explicitly including Rapidan watershed impact), environmental, noise, traffic, stormwater, and fiscal effects. The hearing appears in the agenda packet; whether it was held as scheduled, and the adoption vote, are not yet confirmable because the county’s minutes run months behind, a capacity fact in its own right.[80] And in the FY2027 tax cycle that ran through the same spring, the county proposed no change to its \$1.25 data center equipment rate.[13]

What the county track did not do is equally specific. The adopted ordinance, the initiation resolution, and the two staff memos reviewed contain no mention of Wilderness Crossing, vested rights, or grandfathering; searches of those documents for those terms return nothing. Whether any supervisor raised the question aloud on April 14 or 28 cannot be checked until minutes or video are reviewed.[81] The entitlement predates the rules, and the documentary record of the rules declines to say so.

The Town Track: First to Move, Slowest to Finish

The town’s process started inside its own staff. By January 2026, the town’s community development office had drafted revisions to the zoning ordinance’s data center definition and a standalone data center policy for council consideration; the planning commission took them up on January 13, the same night the county board initiated ZTA 26-01.[82] There was no application driving it. The mayor would later state the trigger plainly: inquiries had been received, but no application was

pending.[83] PEC, which had spent the winter organizing against the county's Technology District, turned to the town with a letter to the planning commission on February 9 and an email to council on February 16, then a public campaign published February 24: "Data Centers in the Town of Orange? Protecting Our Small-Town Character," arguing for a hard prohibition on data centers larger than 40,000 square feet, about the size of the town's Food Lion.[84]

On February 17, 2026, a Tuesday because the third Monday was the Washington's Birthday holiday, the town council held its public hearing and adopted three ordinances. Ordinance 2026-02 removed data centers as a by-right use in the Traditional Town Center district and required a Special Use Permit in the Town Activity Center, Rural Commercial, and Traditional Industrial districts. Ordinance 2026-03 did the same for the Round Hill traditional neighborhood development transect zones. Data centers remain prohibited in the town's residential districts, which never permitted them.[85] PEC reported the votes as unanimous; the February 17 minutes, which would confirm the tallies and the speaker record, are Part Nine, item 6.[86]*

The town planning commission acted on the definition on February 23, 2026. The definition it recommended is a single broad paragraph, with no megawatt threshold, no state code citation, and no noise, lighting, or architectural standards: "a use involving a building/premise in which the majority of the use is occupied by computers and/or telecommunications and related equipment... where information is processed, transferred and/or stored." [87] Virginia Code Section 58.1-3506(A) appears in the town records reviewed only in the finance office's tax-classification work described in Part One.[14] The town's definition sets no megawatt threshold, unlike the 1-megawatt definitions this series has tracked in other jurisdictions.

The council adopted that definition on April 20, 2026, as Ordinance 2026-05, amended only to pluralize "building(s)" and "premise(s)." The vote was not unanimous and was not full: Cluff and Waugh-Robinson aye, Cashell nay, Crane and Seal absent, carried 2-1.[88] The hearing record preserves the divide in miniature: one resident said she appreciated that the definition did not limit data centers by size or energy consumption; PEC's representative urged the council to distinguish data centers from on-site power generation so that a future SUP could not quietly include a gas plant.[88] PEC's April 2 assessment of the town's February ordinances, published before this vote, was that the council "didn't go far enough; hyperscale data centers are still allowed." [89]

The remaining piece, the Data Center Policy that would give the SUP regime its review criteria, is where the town's capacity shows. At the April 6 work session, the mayor recommended deferring the policy until after a planned Data Center Town

Hall round table, with PEC and a McGuireWoods senior vice president confirmed as participants; the council agreed. No data center item appears on the May 4, May 18, or June 15 agendas.[90] The policy was still unadopted in late September. At its September 21, 2026 meeting, with Councilmember Cashell's item on a "potential process for regulations with regards to data center development" on the agenda, the council voted 3-2 to put the discussion off to an October 5 work session, as the Piedmont Journal Recorder reported; the mayor said there had been "no activity in the town of Orange regarding data centers since December of last year," apart from staff policy work and the search for a speaker.[91] According to Cville Right Now, four of the five council members signed a public letter that week stating that the town was not in talks with any data center developer, was not reviewing any data center application, was not recruiting data centers, and was not considering annexing county land; Cashell did not sign.[92]* The October 5 work session agenda lists a presentation by Bill Donohue, "President, GenEdge, retired," questions from council and the public, and a council policy discussion. No minutes or other record of its outcome had been posted in the town's Archive Center as of October 7.[93] As of its September 21 meeting, the town that moved first had an SUP gate with no published criteria behind it, a definition without a size floor, and a 40,000-square-foot cap that existed only in PEC's advocacy. The town also solicited and received comments on its draft policy from the staffs of Loudoun County, Louisa County, and the Town of Culpeper, a small jurisdiction reaching laterally for borrowed expertise, which is what the institutional capacity gap looks like when it is being managed rather than ignored.[90]

The Two Tracks Together

	Orange County (board of supervisors)	Town of Orange (town council)
First instrument	Technology District floating zone, ZTA 25-02, adopted Dec. 16, 2025, 5-0	Ordinances 2026-02 and 2026-03, adopted Feb. 17, 2026, reported unanimous*
Mechanism	SUP required; potable/Rapidan/groundwater cooling prohibited; mapped to no parcels as of June 12, 2026	By-right removed in TTC; SUP required in TAC, RC, TI, Round Hill transects; residential never permitted
Second step	ZTA 26-01: by-right removal + definition confining use to T District, initiated Jan. 13, tabled Apr. 14, adopted Apr. 28, 2026, 5-0 (Ord. 260428-5A)	Definition ordinance 2026-05, adopted Apr. 20, 2026, 2-1 (two absent)
Size trigger	10,000 sq ft aggregate = principal use “regardless of how it is characterized”	None; PEC’s 40,000 sq ft cap not adopted
Review criteria	Enhanced Technical Review Fee, \$25,000 deposit, third-party studies (adoption unconfirmed)	Data Center Policy unadopted as of Sept. 21, 2026; no published SUP criteria
Tax posture	\$1.25/\$100 equipment rate retained in FY2027 proposal	Separate equipment classification prepared, not populated
What it cannot reach	Wilderness Crossing’s 2,602 grandfathered acres	Anything outside town limits, including all of the above

The contradiction is documented, and this study declines to resolve it. The county spent the winter building a Technology District to receive data centers, kept an equipment tax rate priced to attract them, then closed the by-right path and spent the spring in formal opposition to the transmission line that the industry’s regional growth requires. A reader can assemble both stories from the same record. In one, the county is governing in both directions at once, courting the industry with one hand and restraining it with the other, the Goochland pattern that drew litigation and the New Kent copy. In the other, the county is doing something more coherent than either: replacing an unpriced, unreviewable entitlement regime with a priced, conditioned, discretionary one, and opposing a specific piece of infrastructure whose burdens fall on its residents while its benefits accrue elsewhere. The record supports both readings. The planning commission chairman who shepherded the T District said in November 2025 that “a company that does data centers” had provided input on it; the identity, content, and channel of that input are not in the public

record.[94]* The both-directions question is the most important one the documentary record leaves open.

The Berkley Group sits behind the county track: retained January 2025 for the comprehensive zoning overhaul, author of data center recommendations for King George County that parallel what Orange ultimately adopted, convener of focus groups that included developers and agritourism interests but no data center session.[95]* The precise division of drafting labor between county staff, the Berkley Group, and the county attorney is a Part Nine item.

The regional context for both tracks is the one Henrico and Loudoun established: both concluded, after extended experience, that by-right approval was inadequate governance for this industry. Henrico reached it after 37 data centers; Loudoun after more than a decade. Orange County reached it with zero operating data centers and one enormous entitlement already granted, which makes it the Henrico sequence at rural scale: the rules arrived after the largest decision they would have governed.[96] The town reached it before any application existed at all, which makes it something the series has not previously documented: regulation ahead of the industry's arrival, drafted by the smallest planning office in the portfolio.

PART SEVEN: THE STATE AND FEDERAL CONTEXT

The Budget and the Consumption Tax

The Virginia General Assembly adjourned its 2026 session on March 14 without a budget, deadlocked on the data center sales and use tax exemption: the Senate budget would end the exemption January 1, 2027, eight years ahead of its scheduled 2035 sunset; the House budget would keep the sunset and condition the exemption on environmental and efficiency standards. Data center operators reported \$1.94 billion in exemption benefit for FY2025, and across fiscal years 2015 to 2024 the exemption represented 53 percent of the state's total economic incentive spending.[97] The special session convened April 23, 2026, and recessed the same day without a deal, the two money chairs each pointing at the other.[98] As of June 12, 2026, there was no enacted 2026-2028 budget, and coverage in the second week of June framed June 30, the end of state funding, as the operative cliff.[99] Governor Spanberger has defended the exemption in business-reputation and bond-rating terms, floated a consumption-based tax on data center electricity use as an alternative in March, and in mid-May directed a revenue re-forecast that improved the outlook by \$1.5 billion and, in the Senate finance chair's view, weakened the case for ending the exemption early.[100]

The impasse ended at the cliff. The budget signed on June 30, 2026 kept the sales and use tax exemption and, in Item 3-5.24, enacted what the governor had floated in March: an electricity consumption tax on data center operators of \$0.011 per kilowatt-hour consumed at each data center, levied from July 1, 2026 until July 1, 2028 and collected monthly by the SCC. No more than \$600 million of the tax's revenue in a fiscal year goes to the general fund; the levy itself has no cap, and revenue above \$600 million goes to a nonreverting fund and is refunded to operators pro rata.[101]

The employment context for the fight: data center operators reported 1,610 net new jobs statewide in FY2025 against the \$1.94 billion reported benefit, about \$1.21 million per reported job by the author's calculation. The job figures are self-reported and were not independently validated.[102]

For Orange County and the Town of Orange, the outcome arrived after both governments had built their FY2027 budgets without knowing whether the state's single largest economic incentive would survive. It survived. The consumption tax is a state levy on electricity a data center consumes, and the county's \$1.25 equipment rate, the only data-center-specific revenue instrument either government has, prices a tax base that contained no operating data center at the evidence snapshot.

Four Measures Became Law

Four data center measures from the regular session, counting the identical SB 94 and HB 153 as one, are chaptered law, each with a more specific shape than the session coverage suggested:

SB 553 (Chapter 896, signed April 13, 2026, effective January 1, 2027) requires water suppliers reporting to the State Water Control Board to disclose monthly volumes of potable and reclaimed water delivered to data centers holding DEQ air permits.[72] HB 507 (Chapter 397, signed April 8, 2026, effective July 1, 2026) prohibits DEQ from issuing an air permit for any data center application submitted on or after July 1, 2026, unless each backup generator meets Tier 4-equivalent emission limits.[103] SB 94 and HB 153 (Chapters 568 and 567, both signed April 13, 2026, effective July 1, 2026) emerged from conference smaller than their billing: not statewide siting standards but a site-assessment requirement. Before approving a rezoning or special use permit for a “high energy use facility” of 100 megawatts or more, a locality must require a sound-profile assessment for residences and schools within 500 feet, and may require assessments of water, agricultural, park, historic, and forest impacts.[104] SB 253 (Chapter 1124) had the hardest road: passed in conference March 14, returned by the governor April 13 with eleven amendments that legislators and Dominion both said weakened it, partially re-amended at the April 22 reconvened session, and signed May 14. As enacted, it directs Dominion to propose, in rate cases between 2027 and 2033, allocating certain capacity and distribution costs to a customer class of 25-megawatt-plus, high-load-factor customers, with reported residential relief around \$5.50 per month.[105]

The legislative season’s net: disclosure on water, a floor on generator emissions, a mandatory noise study within 500 feet, and a cost-allocation framework that begins in 2027 at Dominion’s initiative. Under these laws, every structural decision about where data centers go and on what terms remained local, which is where this case study’s two entities come in.

Amazon’s Disclosed Position

Amazon’s involvement in Wilderness Crossing was confirmed through the VFOIA disclosures and nowhere else. The author’s review of SEC filings and press releases through March 2026, and of coverage through June 12, 2026, found no public statement or investor disclosure by the company naming the site; whether any site-specific permit has been filed is a ministerial-records question (Part Nine, item 18).[106] Amazon Web Services’ March 2024 announcement of the first wave of its \$35 billion investment commitment named Spotsylvania, Caroline, Stafford, and

Louisa counties; Orange was not on the list, and no document in the sources reviewed connects that commitment to Wilderness Crossing.[107]

The Regional Rate Board

The repricing wave that began in Henrico now frames any Orange fiscal discussion, and the comparison is stark enough to need no adjectives:

Jurisdiction	Data center equipment rate (per \$100)	Status
Henrico County	\$2.60	Adopted April 8, 2025 (raised from \$0.40)
Hanover County	\$0.45	Existing rate kept for one calendar year on June 24, 2026, after a proposed rate of up to \$3.00; question referred to committee for FY2028
Chesterfield County	\$0.24 effective	Contract-locked 30 years under 2020 Google agreement
Orange County	\$1.25	Unchanged in FY2027 proposal; no repricing discussion found
Town of Orange	None populated	Classification prepared by finance staff, awaiting council action

Henrico’s \$2.60 rate was adopted with the FY2025-26 budget on April 8, 2025.[108] Hanover, having rejected its flagship Mountain Road project on May 27, 2026, weighed repricing the industry before letting it in, then on June 24 kept its existing \$0.45 rate for one calendar year and sent the question to committee.[109] Chesterfield is the cautionary opposite, locked at an effective \$0.24 for thirty years.[110] Orange County’s \$1.25 sits below Henrico’s repriced \$2.60 and above Hanover’s \$0.45, and the county has had, on the available record, no public discussion of moving.[13] In the regional decision space this series maps, Henrico is reform-after, Hanover is refusal-before, Chesterfield is contract-lock. Orange’s two governments occupy a position none of those labels fits: rules-first at two scales, with a mid-board equipment rate and the portfolio’s largest unresolved grandfathered entitlement. Whether that position reflects strategy or simply the absence of a proposal forcing the question is, again, a question the paper record does not answer.

The statewide press has begun treating the pattern as a pattern. The Virginia Mercury’s April 24, 2026 survey, “Local governments race to attract data centers, often in spite of concerns from their constituents,” frames the localities’ dilemma in exactly the terms this series uses: the tools exist, the revenue tempts governments

to bargain them away, and the race to the bottom works because, in the words of the University of Virginia economist it quotes, “data centers will locate in the places that are more financially convenient for them.” Its Orange County treatment runs through the Wilderness Crossing litigation and the battlefield, not the zoning reforms.[111]

PART EIGHT: READINGS BY RESEARCH SPECIALTY

For the distributional justice framework, the spine remains Tract 1102: the census tract hosting the Wilderness Crossing site carries a Black population share nearly double the county's and a below-\$50,000 household share nine points higher, under unassessed contamination, beside a battlefield, at the end of a water system whose expansion the state denied (Parts One, Two, Five). The two-entity structure adds a burden-split question: the town's residents pay for a 59-year-old water plant by grant application while the county advertises the town's water surplus in its economic development materials, and any data center traffic to the county's preferred industrial park would run between the two towns whose councils never voted on the county's framework (Parts One, Five, Six). Whose water, whose truck routes, and whose tax relief are now questions with two answers each.

For the institutional behavior framework, this case offers the richest material in the series: two governments regulating the same industry weeks apart with different instruments, a county definition amended from the dais two weeks before adoption, a town council adopting its definition 2-1 with two members absent, a policy deferred pending a town hall, and a grandfathered entitlement that the 2026 zoning reforms declined to mention in writing (Parts Three, Six). The NDA record and the unresolved "company that does data centers" input carry forward as the asymmetry baseline (Parts Two, Six).

For the utility finance framework, the open questions are priced: Valley Link's unestablished capital cost and rate impact, SB 253's untested allocation framework, the county's \$1.25 rate against a regional board running from Chesterfield's effective \$0.24 through Hanover's \$0.45 to Henrico's \$2.60, the town's unpopulated equipment classification, and an \$800,000 federal grant as the measure of municipal water capital (Parts Four, Five, Seven). The grandfathered entitlement is also a fiscal object: the nonuniform assessment and taxation claim is one of the four live counts in the litigation (Part Three).

For the energy and labor framework, the county record lacks the basics: no local workforce data, no construction employment projections, no displaced-agriculture comparison. The 2026 record adds the consultation-rights thread (Section 15.2-2202(E), raised and unresolved) and the eminent domain frame around 120,000 landowner letters (Part Four). Labor data remains the largest unfilled framework need in this study.

For the energy geography framework, the nested-jurisdiction structure is the finding. The diffusion wave deflected by Henrico's reform, Hanover's refusal, and Chesterfield's contract arrives in a county whose largest entitlement predates its

rules, whose seat governs itself, and whose farmland hosts the transmission corridor for demand generated two counties away. Orange is what the wave looks like when it reaches a place with two governments and one river (Parts Four, Five, Six).

PART NINE: GAPS IN THE RECORD

Each item below is an open documentary question with an address. Items marked with an asterisk correspond to asterisk-flagged claims in the body that rest on secondary sources.

Court records (Orange County Circuit Court clerk; Court of Appeals of Virginia)

1. Case No. CL23000622-00, the documents behind the docket entries read on October 7, 2026; the order of December 1, 2025 and the certification motions of October 28 and December 18, 2025; the March 27, 2026 record transmission and the withdrawal entries of May 1 and May 22, 2026; the orders of May 18, May 26, and June 9, 2026; the judge's opinion letter of May 28, 2026; the July 1, 2026 scheduling memo and consent order; the landowner defendants' June 2 motion for summary judgment; and the motion for leave to amend and the defense motion to continue trial, both docketed September 30, 2026, with any order on them.
2. The Franzén opinion letter of September 16, 2025, 17 pages, never reviewed directly.* Until it is, the pairing of count numbers to surviving status in Part Three rests on the county's 2026 answer.
3. Court of Appeals records for the appeals noticed December 30, 2025 and January 2, 2026, followed on the circuit docket by entries titled "Withdrawal of Appeal" on May 1 and May 22, 2026; the appellate court's own record has not been reviewed.
4. The proffer documents, both the March 2023 planning commission version and the April 2023 board version, to establish the \$6 million to \$24 million and 5 million to 30 million square foot revisions on primary authority.*
5. The PDM approval documents, to confirm whether the approved master plan caps residential density below the ordinance ceiling of 31,224 units.

Town of Orange records (town clerk; community development)

6. February 17, 2026 council minutes: vote tallies on Ordinances 2026-01, 2026-02, 2026-03, and the speaker record. PEC's "unanimous" characterization is currently the only tally.*
7. Certified clean texts of Ordinances 2026-02, 2026-03, and 2026-05 (available copies are OCR of scans).
8. January 13, 2026 planning commission minutes: first presentation of the definition and policy; speaker record.

9. The draft Data Center Policy in all iterations, with the comments received from Loudoun County, Louisa County, and Town of Culpeper staff.
10. Records of the data center “inquiries” Mayor Cluff referenced on March 18: correspondence or meeting logs with prospective developers, 2025-2026.
11. The October 5, 2026 work session: the presentation (posted as an image-only file), minutes, and any policy action; and whether the round table planned in April, with PEC and a McGuireWoods participant, took place.
12. The town’s SUP review criteria as they develop, and any populated tax rate for the prepared equipment classification.
13. Town water plant engineering reports and the Community Project Funding application for the liquid feed building.

Orange County records (county administration; planning)

14. April 14 and April 28, 2026 board minutes and video: the ZTA 26-01 hearing, the Capelle amendment discussion, and any oral treatment of vested rights or Wilderness Crossing. The written record’s silence on grandfathering is a finding only if the oral record matches it.
15. Certified Ordinance No. 260428-5A and confirmation the adopted definition matches the Capelle amendment verbatim.
16. The Enhanced Technical Review Fee resolution: adoption outcome and vote.
17. The complete ZTA 26-01 and ZTA 25-02 case files: written comments, county attorney review, Berkley Group drafts, and any correspondence with data center developers referencing the T District, the Lee Industrial Park, or Wilderness Crossing. The identity and input of the “company that does data centers” belongs here.*
18. Any site plan, grading, or land disturbance application for the Wilderness Crossing parcels, January 2024 to present; the public docket shows only public-hearing items, so the negative needs ministerial-record confirmation.
19. Any town-county revenue sharing agreement, utility service agreement, or boundary arrangement touching data center service or the Lee Industrial Park.
20. FY2027 adopted tax rate ordinance and adoption vote (May 12, 2026 agenda).

State agencies and regional bodies

21. DEQ permit file on the RSA withdrawal denial: exact date and full stated reasoning.*

22. DEQ regulatory files on the five mine complexes, to test PEC's contamination scope against state records; EPA SEMS for any Vaucluse Superfund assessment record.*

23. RSA board minutes on Greene County's withdrawal, reported as June 2023, and the reservoir dispute.*

24. Valley Link's SCC application when filed (no case naming the line in the SCC case index's names and captions as of October 7, 2026): capital cost, cost allocation, and the final route through Orange County; the GeoVoice parcel-level data for the revised corridors.

25. PJM records on Nicol's claim that the substation endpoints moved without PJM approval; PJM's Board approved the route revision, including the Yeat relocation, on July 15, 2026, after his late-May statement.*

Other open items

26. Berkley Group King George documents (Data Center Memo, Noise Memo).*

27. Census consistency items: Varina district figures against ACS Table DP05; Tract 1102 household median income for the comparison row.

28. Labor and employment data for the energy and labor framework, from JLARC, BLS, or project filings.

29. Developer, Amazon, and Valley Link responses: no statement responding to this study's characterizations has been sought from KEG Associates III, Amazon, or Valley Link for this study.

Records for the September and October 2026 events

30. Orange County Board of Supervisors minutes or video for August 25, 2026 (any action on CPA 26-01, a comprehensive plan amendment on transmission lines), September 8 and 22, 2026 (the Technology District items), and September 29, 2026 (Resolution No. 260929-3, with the certified adopted text). No 2026 board minutes are posted as separate files on the county's CivicClerk portal as of October 7, 2026; adopted minutes sometimes appear inside later agenda packets, and those packets were not searched for these meetings. Meeting video was not reviewed.

31. Town of Orange council minutes for September 21 and October 5, 2026.

32. The Orange County Farm Bureau's letter as filed at the SCC.

What the paper record cannot answer

The both-directions question, the grandfathering silence, and the inquiries record are the three questions this document cannot answer from paper.

APPENDIX: TWO-ENTITY TIMELINE, 2018-2027

Date	Entity	Action
July 24, 2018	County	ZTA 18-05 adopted, establishing the Planned Development-Mixed Use (PDM) district
March 2021	County	KEG Associates III files Wilderness Crossing rezoning application (2,602 acres)
April 2022	County	County officials begin signing NDAs “for the benefit of Amazon.com, Inc. and its affiliates”
March 23, 2023	County	Planning commission hearing; 29 of 30 speakers opposed; action deferred
April 6, 2023	County	Planning commission recommends approval 3-2
April 25, 2023	County	Board approves rezoning 4-1; 37 speakers opposed
May 24, 2023	Courts	American Battlefield Trust suit filed (CL23000622-00)
November 9, 2023	Courts	PEC files VFOIA petition
December 2023	County	County produces NDAs and privilege log; PEC drops suit (announced January 2024)
2023 (denial date not established)	(State)	RSA applies to raise its withdrawal from 3 to 4 MGD; DEQ denies
May 2024	(National)	Battlefield named to America’s 11 Most Endangered Historic Places (National Trust for Historic Preservation)
August 2024	(Regional)	RSA Wilderness plant contamination incident; consent order follows
September 16, 2025	Courts	Franzén opinion: four of seven counts proceed
December 1, 2025	Courts	Order sustaining the demurrer in part entered
December 16, 2025	County	ZTA 25-02 adopted 5-0: Technology District floating zone, cooling-water prohibition
December 30, 2025	Courts	Defendants’ notice of appeal docketed (a second on January 2, 2026)

Date	Entity	Action
January 13, 2026	County	Board initiates ZTA 26-01 (by-right removal), 5-0
January 13, 2026	Town	Planning commission takes up staff-drafted data center definition and policy
January 21, 2026	Town	\$800,000 federal Community Project Funding announced for water plant
February 9-16, 2026	(Advocacy)	PEC letter to planning commission and email to council
February 17, 2026	Town	Council adopts Ordinances 2026-01, -02, -03: by-right removed in TTC, SUP in TAC/RC/TI/Round Hill (Tuesday; Monday holiday)
February 23, 2026	Town	Planning commission recommends data center definition (no size or megawatt threshold)
March 5, 2026	County	Planning commission recommends ZTA 26-01
March 9, 2026	(Regional)	Valley Link open house, Rhoadesville; 500+ residents
March 16, 2026	(Regional)	Louisa County adopts Valley Link opposition resolution
March 18, 2026	Town	Mayor: data center inquiries received, no application pending; 14 speakers
March 19, 2026	County	Board files FERC comments on Valley Link
March 24, 2026	County	Joint board-planning commission session; Section 15.2-2202(E) exchange with Valley Link
March 27, 2026	Courts	Circuit court defers its certification ruling until the Court of Appeals acts; record submitted to the Court of Appeals
April 6, 2026	Town	Council defers Data Center Policy pending town hall
April 14, 2026	County	ZTA 26-01 hearing held, vote tabled; Capelle definition amendment introduced. Same night: four Valley Link resolutions adopted, one in opposition
April 20, 2026	Town	Council adopts definition Ordinance 2026-05, 2-1 (two absent)

Date	Entity	Action
April 21, 2026	County	Planning commission letter to Valley Link
April 23, 2026	(State)	Special session convenes and recesses same day; no budget
April 28, 2026	County	ZTA 26-01 adopted 5-0 as Ord. 260428-5A; Enhanced Technical Review Fee hearing same agenda
May 1, 2026	County	Five-county Joint Motion to Intervene and Protest at FERC; supplemental FERC comments
May 1 and May 22, 2026	Courts	Circuit docket entries titled "Withdrawal of Appeal"
May 5, 2026	County	FY2027 rate hearing: real estate \$0.46 proposed; data center equipment \$1.25 unchanged
May 26, 2026	County	Valley Link declines to attend board meeting after agreeing to present
May 27, 2026	(Regional)	Hanover board rejects Mountain Road 4-3 (companion study)
Late May 2026	(Regional)	Valley Link releases revised routes; Nicol: "worse for Orange County"
June 2, 2026	Courts	Landowner defendants' motion for summary judgment docketed
June 9, 2026	Courts	Circuit court order the docket titles "Order Deny Cert of Demurre"
June 12, 2026	(State)	Evidence snapshot: state budget still unresolved; June 30 cliff ahead
June 15, 2026	(Regional)	Valley Link second-round open house, Orange County High School (announced)
June 24, 2026	(Regional)	Hanover keeps its \$0.45 data center equipment rate for one calendar year
June 30, 2026	(State)	Budget signed: sales and use tax exemption kept; consumption tax, Item 3-5.24
July 15, 2026	(Regional)	PJM Board approves Joshua Falls-Yeat route revision (115 miles; Yeat relocated)
July 31, 2026	(State)	SCC Rider T1 final order: Dominion directed to file an amended line extension policy for "direct connect" transmission

Date	Entity	Action
September 1, 2026	(Regional)	Orange County Farm Bureau publishes open letter opposing Valley Link
September 8, 2026	County	Coleman's Technology District referral and pause items on board agenda
September 18, 2026	(State)	Executive Order 22: no new executive-branch data center NDAs
September 21, 2026	Town	Council votes 3-2 to defer data center discussion to October 5 work session (as reported)
September 22, 2026	County	Board work session on the Technology District ordinance
September 29, 2026	County	Res. No. 260929-3: ZTA 18-05 not initiated as § 15.2-2286(A)(7) requires; 5-0 as reported
September 30, 2026	Courts	County serves proposed amended answer with motion for leave to amend; both docketed, with a defense motion to continue trial
October 5, 2026	Town	Council work session: data center presentation and policy discussion
October 6, 2026	(Regional)	Campbell County board opposes Valley Link, 4-3; all eight route counties now opposed
November 19, 2026	Courts	Pretrial motion hearing (on the court's calendar)
February 22-24, 2027	Courts	Trial (on the court's calendar)

ENDNOTES

[1] The Alfred P. Sloan Foundation study, “Energy Implications of Data Center Growth in Georgia, Virginia, and Tennessee,” is led by a three-member principal investigator team with two project consultants, whose combined expertise spans anthropology and institutional analysis, environmental and distributional justice, geography and sustainability, utility finance, and energy and labor studies. Researcher-level attributions are maintained separately in project files.

[2] Tommy N. Turner, What Virginia Is Spending, What Virginia Is Getting: The Commonwealth Data Center Reference, v5.3, August 2026, 10.5281/zenodo.20679292. Companion case studies, cited by concept DOI: Henrico County, 10.5281/zenodo.20671031; Prince William County, 10.5281/zenodo.20673498; Hanover County, 10.5281/zenodo.20672048; Chesterfield County, 10.5281/zenodo.20672436; The Google-CFS Power Purchase Agreement, 10.5281/zenodo.20679935.

[3] SaveOrangeCountyVA, Orange County Data Center Impact Analysis workbook, last updated January 8, 2026. County figures used here are those the workbook sources to the Orange County FY26 Budget Document (orangecountyva.gov/140/County-Budget; FY26 Budgeted Revenues, DocumentCenter/View/7281): general fund \$81,279,682; all funds \$133,633,621. The workbook is advocacy work product; its color-coded sourcing distinguishes verified from estimated figures, and only document-sourced figures are used in this study.

[4] National Park Service, Wilderness Battlefield; Orange County Comprehensive Plan materials; Rapidan Service Authority service descriptions (rapidan.org).

[5] Compiled March 2026 from Baxtel and DataCenter Hawk industry tracking cross-referenced with PJM interconnection queue filings: approximately 190 operating facilities, 3,015 MW; 202 planned projects, 38,101 MW. Approximate; no single authoritative registry verification. Secondary.

[6] Orange County Board of Supervisors roster: orangecountyva.gov/95/Board-of-Supervisors, retrieved June 2026. The 2025 board that adopted ZTA 25-02 included R. Mark Johnson (District One) and Crystal D. Hale (District Four); the 2026 roster reflects Capelle’s seating and Hale’s name change to Coleman per county records and ordinance letterheads.

[7] Town of Orange Council and staff: townoforangeva.gov/55/Town-Council, retrieved June 2026. Manager transition: Byrd Street (Hilary Holladay), 2025

coverage of the Woods resignation; Snider confirmed as town manager in 2026 town records.

[8] Town of Orange FY2027 proposed budget public hearing notice (townoforangeva.gov/200/Public-Hearing-NoticesUpdates), showing FY2026 general fund \$5,857,247; capital fund \$1,932,500; water fund \$1,857,944; sewer fund \$2,151,478 (sum \$11,799,169). FY2027 draft total \$13,029,288 per April 6, 2026 council work session minutes.

[9] Town of Orange Department of Community Development; director/zoning administrator credentials per townoforangeva.gov staff directory. Henrico and Prince William comparative capacity: companion case studies.

[10] U.S. Census Bureau, QuickFacts, Orange County, Virginia: population 36,254, 2020 Census. American Community Survey five-year estimates, 2020-2024 release (Census Reporter, read October 8, 2026): median household income \$94,008; bachelor's degree or higher 29.6%; Table B03002: white non-Hispanic 74.9%, Black non-Hispanic 10.1%, Hispanic 7%. Table B19001, households under \$50,000: county 23.0%, summed from rounded brackets; the same sum for Tract 1102 gives 32.2%, consistent within rounding with the 32.0% in note 11. Tract-to-county ratio, Black non-Hispanic: $19.0 \div 10.1 = 1.88$.

[11] ACS five-year estimates, 2020-2024 release, Census Tract 1102, Orange County: Tables S1901, DP05, B03002 (Census Reporter, read October 8, 2026). Tract population 5,292; Black non-Hispanic 19.0% (Table B03002); white non-Hispanic 75.8% (margin of error 8.1 points); households under \$50,000, 32.0% vs. 23.0% county-wide; bachelor's degree or higher 29.3%; median household income \$68,969 (per capita basis flagged in Part Nine).

[12] Three-jurisdiction comparison: Tract 1102 per note 11; Varina District per Census Reporter and Statistical Atlas, ACS 2024 five-year estimates (FIPS 5108796175): median household income \$74,227, bachelor's 26.4%, white non-Hispanic 39.8%, Black 54.6%. Gainesville District per Turner, Prince William case study v1.4. The table has no income row because comparable tract-level income figures for the three areas are not in the sources cited. Black share: Tract 1102 is non-Hispanic Black (Table B03002); the Varina and Gainesville figures are as published in the sources cited, and their race definitions have not been reconciled with it.

[13] Orange County FY2026 proposed rates notice (public hearing May 6, 2025): real estate \$0.51 per \$100 (“\$.10 decrease”); data center computer equipment \$1.25 (orangecountyva.gov/ArchiveCenter/ViewFile/Item/3969). FY2026 adoption: Orange County Board of Supervisors minutes, May 13, 2025, “Adoption of the Ordinance for

Tax Rates for Fiscal Year 2026”: rates “amended as previously directed by the Board to include a Real Estate rate of \$0.47 per \$100 of assessed value and a Fire EMS rate of \$0.15 per \$100 of assessed value, for a combined rate of \$0.62,” roll call 5-0 (orangecova.portal.civicclerk.com, event 443). FY2027 proposed rates legal notice (Daily Progress; public hearing May 5, 2026): real estate \$0.46 (“\$0.01 decrease”); data center computer equipment \$1.25, no change; machinery and tools \$1.83; business tangible \$2.20. FY2027 rates ordinance presented May 12, 2026 (board packet, CivicClerk fileId 1037; its rate schedule lists Real Estate General \$0.46 and Fire/EMS \$0.16); adoption vote not confirmed against minutes (Part Nine, item 20).

[14] Town of Orange Town Manager report (council package, early 2026): the Director of Finance established a separate tangible personal property category for data center computer equipment and peripherals pursuant to Virginia Code Section 58.1-3506(A), contingent on council action.

[15] KEG Associates III, Wilderness Crossing Master Rezoning Application, 2021 (REZ 22-03); American Battlefield Trust, “Stop the Largest Rezoning in Orange County History” (battlefields.org); approval documents and proffers posted under “Approved in 2023,” orangecountyva.gov/1105/Past-Approved-Projects.

[16] 732 acres: PEC, “Imperiled by Development, Wilderness Battlefield Named One of Nation’s 11 Most Endangered Historic Places,” May 1, 2024 (“by-right entitlement to blanket 732 acres in data centers without any cap on density”); American Battlefield Trust, “The Fight Continues” (battlefields.org): “732 acres of data centers and distribution warehouses.” 1,500 MW: industry tracker listings (note 43), which cite no source; no other source for the figure was located. PEC reported a different figure in January 2023 for an early prospect: “the prospect’s suggested 50-60 MW load” (PEC, “Wilderness Crossing: Breadth of Rezoning and FOIA Results Prompt New Concerns,” January 30, 2023). PJM 2025 Long-Term Load Forecast: 32 GW peak load growth 2024-2030, 94 percent data centers. $1,500 \text{ MW} \div (32 \text{ GW} \times 0.94) \approx 5.0$ percent. Secondary.

[17] Petition, paras. 24 and 320(c) (note 30): permitted square footage “of industrial data center and warehouse/distribution building space” increased “from 5,000,000 to over 30,000,000”; PEC, May 1, 2024 (note 16): “a 5-million-square-foot ceiling having been removed at the last minute.” Secondary pending proffer document review (Part Nine, item 4).

[18] Orange County Zoning Ordinance Section 70-567D (adopted July 24, 2018, Ord. 180724-6A; amended August 27, 2019, Ord. 190827-PH1, per the code’s history note, orangecountyva.municipalcodeonline.com, read October 7, 2026): base 6 du/acre, bonus cap 12 du/acre. Applied to 2,602 acres: 15,612 base; 31,224 maximum. The petition gives the rezoned area as 2,618.47 acres (note 30, para. 36),

on which the ordinance yields 15,711 base and 31,422 maximum. Whether the approved master plan caps density below the ordinance ceiling: unconfirmed (Part Nine, item 5).

[19] PEC VFOIA litigation disclosures: NDAs signed by ten officials “for the benefit of Amazon.com, Inc. and its affiliates,” April 2022 onward; “Project Tricycle” working name. PEC, pecva.org/region/orange/wilderness-crossing-breadth-of-rezoning-foia-results/. The Project Tricycle designation rests on PEC’s characterization of the produced documents.

[20] Virginia Economic Development Partnership standard NDA forms; Virginia Code Section 2.2-3705.6(3) FOIA exemption; HQ2, Microsoft, and Meta recruitment NDAs per press coverage and VEDP materials.

[21] Executive Order 22 (2026), signed September 18, 2026, § I.B.2, “State Agency Transparency and Banning Nondisclosure Agreements” (governor.virginia.gov/eo-22-establishing-va-data-center-accountability-and-ai-initiatives.pdf): executive branch agencies, departments, boards, commissions, authorities, and other employees under the Governor’s supervision may not enter into, and are prohibited from enforcing or requiring, a nondisclosure agreement that prevents public disclosure of material information concerning a proposed commercial data center development; “Executive branch agencies are expected to honor existing contractual commitments and nondisclosure agreements.”

[22] PEC, “Planning Commission Defers Vote on Wilderness Crossing to April 6,” March 31, 2023 (“of the 30 who spoke, all but one urged the County to deny”; decision deferred to April 6); PEC, “Decision Time Nears for Wilderness Crossing Rezoning,” April 18, 2023 (“on April 6, the Planning Commission voted 3-2 to recommend approval of the project”). The petition (note 30, paras. 190-194) gives the same dates, the deferral, and the 3-2 recommendation, and counts “about fifty” speakers, none in support. The commission’s minutes have not been reviewed.

[23] Proffer revision figures (\$6M to \$24M cash; 5M to 30M sq ft industrial) attributed to plaintiffs’ filings; not yet verified against primary proffer documents. Secondary.

[24] Orange County Board of Supervisors, April 25, 2023 minutes and action agenda; Culpeper Star-Exponent and Daily Progress hearing coverage.

[25] Permit status review: Orange County Planning and Zoning records through March 2026 (rezoning approved; site plan, grading, land disturbance not issued; no ground disturbance). June 2026 check: orangecountyva.gov/901/Current-Planning-Projects lists no Wilderness Crossing items; the page covers public-hearing items only. Ministerial-record confirmation: Part Nine, item 18.

[26] PEC, Wilderness Crossing: An In-Depth Look, and pecva.org/wilderness-crossing/ (last modified February 13, 2025): fifteen-plus mines, five complexes, Vaucluse as the Commonwealth's largest gold mine, "at one time considered for potential inclusion as an EPA Superfund site," contaminants leaching into Shotgun Hill Branch toward Wilderness Run, the Rapidan, and the Rappahannock. Secondary (advocacy analysis of public records); DEQ and EPA file verification: Part Nine, item 22.

[27] DEQ position on VRP-or-permitting timing: PEC reporting; Wilderness Battlefield Coalition letter to DEQ, September 2, 2022 (hallowedground.org). No 2026 developments found in PEC's October 2025 or April 2026 updates or any other source reviewed.

[28] USGS, mercury contamination from historical gold mining (2000-2005 publications): 10-30 percent amalgamation loss; mobilization through dust and particle-bound stormwater transport on disturbance.

[29] National Trust for Historic Preservation, America's 11 Most Endangered Historic Places, May 2024. 60,000 daily trips: petition, para. 10 (note 30): "projected by the Developer itself ... to add more than 60,000 vehicle trips per day at full buildout"; the American Battlefield Trust's campaign page ("The Fight Continues," battlefields.org) gives "nearly 50,000 new vehicle trips." 11,000 peak-hour trips: PEC, May 1, 2024 (note 16): "at least 11,000 car trips to area roads just during peak hours." The developer's Traffic Impact Analysis has not been reviewed.

[30] American Battlefield Trust et al. v. Board of Supervisors for Orange County, Virginia et al., Orange County Circuit Court, Case No. CL23000622-00, filed May 24, 2023 (circuit court receipt of that date, "CASE # : 137CL2300062200"; the county's 2026 filings give "CL 23000-622" and "CL 23000622-00"); file-stamped petition at pecva.org/wp-content/uploads/2023-05-24-American-Battlefield-Trust-Wilderness-Crossing-File-Stamped-Copy-of-Petition.pdf.

[31] Counts as pleaded: file-stamped petition (note 30), headings of Counts 1 through 7. Surviving and dismissed counts: the county's proposed amended answer (note 38), paras. 5 and 8-12 (Counts 1, 4, 5, and 6 pending; Counts 2, 3, and 7 dismissed with prejudice; components of Counts 1, 4, and 5 also dismissed with prejudice). Judge David B. Franzén, opinion letter, September 16, 2025, partially denying demurrer: text not reviewed (Part Nine, item 2). Four-of-seven outcome: American Battlefield Trust release (battlefields.org/news/american-battlefield-trust-and-allies-score-court-victory-lawsuit-protect-wilderness), WVIR 29News (September 19, 2025), and Byrd Street. Secondary as to the opinion.

[32] Orange County Circuit Court, Case No. CL23000622-00, Case Details and Case Documents Detail, Virginia Courts Case Information System, Circuit Court Case Information (eapps.courts.state.va.us/CJISWeb), read October 7, 2026: filed 05/24/23; Number of Defendants/Respondents: 0014, of which three are displayed; hearings including 03/27/26 “Carried Over,” 11/19/26 1:30PM Motion - Other-Pretrial, 2 hour(s), and Trial 02/22/27 to 02/24/27, 3 Day(s); “Appealed Date: 12/30/25”; documents including 10/28/25 “MOTION FOR CERT FOR INTERL,” 12/01/25 “ORDER SUSTAIN IN PART & OV,” 12/18/25 “AMEND MOTION FOR CERT FOR,” 12/30/25 and 01/02/26 “NOTICE OF APPEAL,” 03/27/26 “RECORD SUBMITTED/CT OF APP,” 05/01/26 and 05/22/26 “WITHDRAWAL OF APPEAL,” 05/18/26 “ORDER,” 05/26/26 “ORDER TAKING MOTION FOR LE,” 05/28/26 “JUDGE’S OPINION LETTER,” 06/02/26 “LANDOWNER MOT FOR SUMMARY,” 06/09/26 “ORDER DENY CERT OF DEMURRE,” 07/01/26 “JUDGE’S SCHEDULING MEMO” and “CONSENT ORDER GRANT MOTION,” and 09/30/26 “MOTION TO CONTINUE TRIAL,” “MOTION FOR LEAVE TO FILE A,” “AMEND ANSWER OF BD OF SUPE,” and a notice of hearing. Entry titles as truncated by the system; the underlying documents have not been reviewed (Part Nine, items 1 and 3).

[33] Amicus briefs, February 2025: National Parks Conservation Association, National Trust for Historic Preservation, Coalition to Protect America’s National Parks, PEC.

[34] American Battlefield Trust, “Preservation Advocates Await Ruling on Challenge to Sprawling Wilderness Crossing Mega-development,” March 27, 2026 (battlefields.org): defendants noticed appeals before the hearing; Franzén deferred his certification ruling until the Court of Appeals acts; the appellate court had taken no action; a similar transfer request was rejected the previous fall.

[35] PEC, “Spring Orange County Updates,” April 2, 2026 (pecva.org/region/orange/spring-orange-county-updates-2/): ruling “expected ... in the coming weeks.” See also Culpeper Star-Exponent, “Wilderness Crossing lawsuit in legal limbo” (spring 2026; paywalled, full text not reviewed). Secondary.

[36] WSET (7News), “Orange County applauded on vote that could impact data center and housing project,” September 29, 2026 (“county leaders voted 5-0”); Byrd Street, “Wilderness Crossing lawsuit: Orange County makes an unexpected move,” October 1, 2026 (“unanimously passed a resolution”). Special called meeting notice, September 23, 2026, and agenda: a single item. Neither of the county’s October 1, 2026 statements (note 39) gives a tally. Secondary as to the tally.

[37] Orange County Board of Supervisors, Res. No. 260929-3, “Resolution Acknowledging the Initiation Defect in ZTA 18-05 and Directing Related Action,” September 29, 2026, paras. 1-5 and recitals, as presented in the meeting’s agenda

packet (orangecova.portal.civicclerk.com, event 595). The packet copy's vote lines are blank; a certified adopted copy has not been reviewed (Part Nine, item 30). The recitals cite Case No. CL 23000622-00. "Orange County Code § 70-IV-13," named in the resolution and in the meeting notice, is the code's Division 70-IV-13, Planned Development - Mixed Use (PDM), which contains Sections 70-567A through 70-567F, including the density standards of Section 70-567D cited at note 18 (orangecountyva.municipalcodeonline.com, read October 7, 2026).

[38] Amended Answer of Defendants-Respondents Board of Supervisors for Orange County, Virginia and Orange County, Virginia, in American Battlefield Trust, et al. v. Board of Supervisors for Orange County, Virginia, et al., tendered with the county's motion for leave to amend under Rule 1:8; certificate of service dated September 30, 2026, by email on counsel for the plaintiffs and for KEG Associates III LLC, et al.; posted by the county with its October 1, 2026 statement. Read in full (eight pages); paragraphs relied on: introductory paragraph, paras. 1-14 and 18. The motion was docketed September 30, 2026 (note 32); the motion itself has not been reviewed (Part Nine, item 1).

[39] Orange County, "Statement: Board Adopts ZTA 18-05 Initiation and Seeks Leave to Amend Answer in Pending Litigation," posted October 1, 2026 (orangecountyva.gov, News Flash item 2119), and the county's "Board Statement" release dated October 1, 2026, posted with the proposed amended answer. Byrd Street, October 1, 2026, names the defendants as the Board, the County, and KEG Associates III, LLC. The court's docket counts fourteen defendants and displays three (note 32).

[40] American Battlefield Trust, "Orange County Admits Error in Wilderness Crossing Rezoning," September 29, 2026 (battlefields.org), quoting Trust president David Duncan. Plaintiff-sourced.

[41] Byrd Street, October 1, 2026: "Orange County Circuit Court will consider the county's pre-trial motion on Thursday, Nov. 19, at 1:30 p.m. The three-day trial is set for Feb. 22-24, 2027." No order is cited; the scheduling order has not been reviewed (Part Nine, item 1). Secondary; the dates match the court's calendar (note 32).

[42] PEC petition for writ of mandamus filed November 9, 2023 (pecva.org/wp-content/uploads/Petition-for-Writ-of-Mandamus-Filed-11.9.2023.pdf); PEC, "PEC Lawsuit Confirms Abuse of FOIA by Orange County for the Benefit of Amazon," January 29, 2024 (production of NDAs, redacted records, privilege log; suit dropped); Culpeper Star-Exponent, "With Amazon NDAs provided, PEC drops FOIA lawsuit against Orange County."

[43] Cleanview (cleanview.co/data-centers/virginia/717/wilderness-crossing) and Baxtel (baxtel.com/data-center/amazon-wilderness-crossing) list a planned Amazon facility, 1,500 MW, operational 2027. Unsourced aggregator listings; not confirmation. Secondary.

[44] Valley Link Transmission, Joshua Falls to Yeat Project (vltransmission.com) and project sheet “Joshua Falls to Yeat Project” (vltransmission.com, June 2026): “a proposed 765 kV Yeat Substation in Culpeper County,” approximately 115 miles; PEC, “An Electric Super-Highway Through the Piedmont,” February 23, 2026.

[45] Craig Carper, Dominion Energy, quoted in Charlottesville Tomorrow, March 23, 2026: “more than half” of the electricity would power data centers.

[46] Valley Link FAQs (vltransmission.com/faqs/): tower heights 135-165 ft as retrieved for the June 12, 2026 snapshot; Valley Link project sheet, June 2026 (note 44): “typically ranging from 150-175 feet tall”; as read October 7, 2026: “we have not yet determined the type of structures that will be used. Typical structures average between 150’ and 175’ tall.” Press figures: WVIR 29News, June 3, 2026, “135 to 165 feet”; Cardinal News, June 2, 2026, “135 to 160 feet.” 200-ft right-of-way; underground 765-kV AC “not a proven or practical option.” Orange County’s existing 500-kV line: PJM transmission mapping and Dominion service records.

[47] Route counties (Campbell, Appomattox, Buckingham, Fluvanna, Goochland, Louisa, Orange, and Culpeper): Cardinal News, June 2, 2026; landowner letters to approximately 120,000 property owners, February 2026: WVIR 29News, February 18, 2026; Valley Link outreach letter, February 9, 2026.

[48] Virginia Code Section 56-49 (public-service corporation condemnation authority); Valley Link easement FAQ; 90-percent voluntary resolution figure per Carper, Charlottesville Tomorrow, March 23, 2026. Virginia Code Section 15.2-2202(E) consultation requirement: law.lis.virginia.gov.

[49] Rapidan Register, “A Packed House,” March 13, 2026 (March 9 open house). March 24, 2026 joint session: Orange County BOS/PC meeting recording (orangecova.portal.civicclerk.com/event/542/media), timestamp 1:16:06; DiPasquale quote and Valley Link representative’s “we haven’t yet provided notice to each of our counties” as transcribed from the recording.

[50] Virginia Code Section 56-46.1: SCC notices “in addition to the advance notice to the chief administrative officer ... required pursuant to Section 15.2-2202.”

[51] Orange County, Valley Link Information page (orangecountyva.gov/1243/Valley-Link-Information), retrieved June 12, 2026: Resolutions 1-4 of April 14, 2026 (opposition resolution text at

orangecountyva.gov/DocumentCenter/View/7858); FERC comments March 19 and May 1, 2026; planning commission letter April 21, 2026; Joint Motion to Intervene and Protest of Culpeper, Fluvanna, Goochland, Louisa, and Orange counties, May 1, 2026; board and planning commission “unanimously opposed to the project as presented”; Valley Link declined to attend the May 26, 2026 meeting.

[52] Louisa County Board of Supervisors, March 16, 2026 resolution (louisacounty.gov); Virginia Mercury, March 19, 2026; WVIR, May 14, 2026 (\$250,000 legal fund); Cardinal News, June 2, 2026 (Buckingham, Goochland, and Louisa authorizations of up to \$250,000 each; boards in all route counties except Campbell opposed). Campbell County Board of Supervisors, agenda, October 6, 2026, Administrator’s Items, “Valley Link Project Route Opposition” (campbellvirginia.com/AgendaCenter): “each locality along the proposed route, with the exception of Campbell, has taken action to convey its opposition”; “Any Board action on this topic would be an expression of concern that would inform the SCC’s deliberations over the proposed route.” Vote, 4-3: Cardinal News (Matt Busse), October 8, 2026.

[53] Cardinal News, June 2, 2026, “Valley Link says its new transmission line plan would impact fewer people; opponents vow to continue fighting it” (revised routes, sub-75-homes figure, June 15-25 open houses, fall SCC filing); Byrd Street, May 28, 2026, “Valley Link releases new transmission line maps” (Nicol quotes; substation endpoint claim). Secondary; PJM verification at Part Nine, item 25.

[54] Cardinal News, June 2, 2026 (SCC filing planned for fall 2026). SCC DocketSearch case index, read October 7, 2026, current to cases established that day: no certificate case for the line. The only cases whose name or caption matched Valley Link, Joshua Falls, or Yeat were an unrelated 1991 Dominion case (PUE-1991-00043) and PUR-2025-00220, established December 3, 2025, an application of Virginia Electric and Power Company, Dominion High Voltage Midatlantic, Inc., and Valley Link Transmission Virginia Development, Inc. for approval of affiliate agreements under Chapter 4 of Title 56.

[55] PJM Interconnection, “Transmission Expansion Advisory Committee (TEAC) Recommendations to the PJM Board,” staff white paper, July 2026 (pjm.com/-/media/DotCom/committees-groups/committees/teac/2026/20260707/20260707-pjm-board-whitepaper.pdf): Section IV, “Changes to Previously Approved Projects,” under “Yeat 765 kV Relocation”: relocating the Yeat substation approximately 15 miles south and reducing the Joshua Falls-Yeat greenfield line to 115 miles from the original 156, with a cost decrease of \$259.84 million; Sections I and VII: “On July 15, 2026, the Board approved the addition of RTEP baseline

projects as well as other changes to the RTEP as summarized in this paper.” The paper does not state the line’s total cost.

[56] Orange County Farm Bureau, open letter to the SCC, published as “Op-Ed: Orange Farm Bureau’s Open Letter to SCC over Valley Link Transmission Line,” Piedmont Journal Recorder, September 1, 2026, signed by Farm Bureau president Wesley Roberts. The letter as filed has not been reviewed (Part Nine, item 32).

[57] PJM, 2024 RTEP Window 1 Recommendations, February 2025 (15 GW planning delta); Board approval February 26, 2025 (American Public Power Association, February 27, 2025); the Joshua Falls-Yeat line was selected in 2024 RTEP Window 1 as proposal 2024-W1-820 (b4000.355-.357): PJM TEAC, Reliability Analysis Update, April 7, 2026, item 11. The July 2026 white paper’s Yeat scope change lists projects from both windows (b4000 and b4053 series) and refers to “the originally approved/selected proposal from 2025 RTEP Window 1” (note 55); the April 7 TEAC update identifies b4053.16, in that list, as the 2025 Window 1 loop of Joshua Falls-Yeat into the new Vontay substation; PJM 2025 Long-Term Load Forecast, January 2025 (32 GW, 94 percent data centers). The figures measure different things: a reliability-planning delta and a system-wide growth projection.

[58] R. Matthew Gardner testimony, Virginia SCC Case No. PUR-2026-00011, February 2, 2026: 70,000 MW contracted requests (25,000 MW near-term, 45,000 MW queue) against a 24,678 MW all-time peak (January 23, 2025); \$50.1 billion five-year capital plan, \$17 billion data center growth.

[59] PJM, Docket ER26-1563-000, filed February 27, 2026; comments closed March 20, 2026; disposition pending. Valley Link non-applicability: Carper email to Charlottesville Tomorrow, March 23, 2026 (“I don’t believe that’s an option for our transmission project”).

[60] Yeat substation Conditional Use Permit requirement: Carper, Charlottesville Tomorrow, March 23, 2026; Louisa board chair on Culpeper’s leverage, same source. Culpeper joined the May 1, 2026 joint FERC motion per note 51. The relocated site remains in Culpeper County per Valley Link’s June 2026 project sheet (note 44).

[61] Virginia State Corporation Commission, Case No. PUR-2026-00056, Final Order, July 31, 2026 (Rider T1): ordering paragraph (3) directs Dominion to file proposed amendments to its line extension policy in a separate docket within 90 days; the discussion of “direct connect” transmission facilities for large-load customers and of possible direct assignment of higher-order transmission costs to the GS-5 rate class is at pp. 12-13. The order’s text contains no reference to Valley Link.

[62] RSA Wilderness Treatment Plant: 1.6 MGD capacity, ~0.4 MGD average use (rapidan.org; PEC water analysis).

[63] DEQ denial of RSA 3-to-4 MGD withdrawal increase; 0.9 MGD drought-reliability estimate: PEC, “Wilderness Crossing, RSA Withdrawal Permit” and Spring Orange County Updates (pecva.org). Exact denial date and reasoning unconfirmed against the DEQ permit file (Part Nine, item 21). Secondary.

[64] The 6 MGD amended-application claim could not be confirmed against RSA board minutes (October 2025-March 2026) or DEQ public notices; the figure traces to 2050 demand planning and a Spotsylvania facility.

[65] Piedmont Journal Recorder, “POSTPONED: Greene BOS/PC hosting road trip to explore potential drone testing facility,” August 9, 2026: former RSA property became Greene County property “when Greene pulled out of RSA back in June 2023.” RSA primary records on the withdrawal and the reservoir dispute not reviewed (Part Nine, item 23). Secondary.

[66] JLARC, Data Centers in Virginia, December 9, 2024: eleven buildings over 50 million gallons in 2023; largest at 243 million gallons (~665,000 GPD, author’s division: $243,000,000 \div 365 = 665,753$). Hyperscale benchmark 1-5 MGD: JetCool, “Water Resilience in Data Centers,” October 2024. Surplus comparison: $700,000 \div 1,000,000 = 70$ percent; $700,000 \div 5,000,000 = 14$ percent.

[67] Virginia Department of Health Office of Drinking Water, NOAV, September 25, 2024 (PWSID No. 6137999); RSA Wilderness Waterworks Consent Order and quarterly reports (rapidan.org): contractor wiring error August 19, 2024; mineral oil release August 20; corrective action plan compliance reported through January 2026.

[68] Orange County Board of Supervisors, Ordinance No. 251216-PH2, December 16, 2025 (adopted scan: orangecountyva.gov/DocumentCenter/View/7537), creating Orange County Code Section 70-596, Technology (T) District: floating zone, SUP required, prohibition on potable water, Rapidan River water, or groundwater for data center cooling; sound and lighting restrictions. Vote 5-0 (Johnson, Van Hoven, Marshall, Hale, Nicol).

[69] Town of Orange water system: production 2.0 MGD, use ~1.3 MGD, surplus ~700,000 GPD, reserve storage 3,000,000 gallons: Orange County Economic Development (thinkorangeva.com/why-orange/utilities-infrastructure); corroborated by PEC analysis. County EDA characterization, not a town engineering record.

[70] Rep. Eugene Vindman, January 21, 2026 release (vindman.house.gov): \$800,000 Community Project Funding for Town of Orange water treatment process upgrades; February 12, 2026 release confirming enactment (liquid feed building; “increasingly scarce dry chemicals”). Plant vintage (1967), the personal call to the town manager, and the \$500,000 state request: Byrd Street, January 20, 2026; CBS19. FY2027 town budget: “Capital Projects - Liquid Feed Building \$1,700,000” (townoforangeva.gov/200/Public-Hearing-NoticesUpdates).

[71] Byrd Street, “Byrdcast: Rep. Vindman discusses data centers and Dominion Energy,” February 2026. Secondary.

[72] SB 553 (2026), Chapter 896, approved April 13, 2026, effective January 1, 2027: monthly reporting of potable and reclaimed water delivered to data centers holding DEQ air permits. lis.virginia.gov/bill-details/20261/SB553; conference passage March 14 (Senate 25-14, House 74-22); identical to HB 496.

[73] Thomas E. Lee Industrial Park: 158 county-owned acres between the towns of Orange and Gordonsville; water, sewer, fiber (orangecountyva.gov economic development materials).

[74] Orange County Current Planning Projects (orangecountyva.gov/901/Current-Planning-Projects) and June 4, 2026 planning commission agenda case-status table: no Technology District rezoning, no data center SUP, no pending application, June 2026.

[75] Orange County Board of Supervisors, regular meeting agenda, September 8, 2026, items 7.a and 7.b (orangecova.portal.civicclerk.com, event 536); worksession agenda, September 22, 2026, item 2.a, “Discussion of the Orange County Technology District Zoning Ordinance” (event 593). Piedmont Journal Recorder, “Orange BOS zap down Supervisor Coleman’s Tech District Zoning Ordinance proposal,” September 25, 2026. No 2026 board minutes posted as separate files on the county portal as of October 7, 2026 (Part Nine, item 30).

[76] Orange County Board of Supervisors, Resolution No. 260113-7A, January 13, 2026, initiating ZTA 26-01; roll call 5-0 (motion Coleman, second Van Hoven), per adopted January 13 minutes in the May 26, 2026 agenda packet (orangecova.portal.civicclerk.com, event 544).

[77] Orange County Planning Commission, March 5, 2026: PC Resolution No. 2026-01 recommending approval, per staff reports in the April 14 and April 28 board packets.

[78] Staff memorandum, April 22, 2026, in the April 28 board packet (CivicClerk fileId 1029): April 14 public hearing held; matter tabled to April 28 “to allow

additional time for both the County Attorney and the entire Board to review Supervisor Capelle's suggested amendment" to the data center definition.

[79] Ordinance No. 260428-5A, adopted April 28, 2026 (scan: orangecountyva.gov/DocumentCenter/View/7884; linked from orangecountyva.gov/1105/Past-Approved-Projects, "Approved in 2026"): amends Section 70-1 (definition quoted in text: "permitted only by Special Use Permit and only in the Technology (T) zoning district"; 10,000-square-foot aggregate trigger; "regardless of how it is characterized"; multi-user clause) and Section 70-542 (deletes "(e) Data center" from I-2). Motion Marshall, second Van Hoven; Capelle, Van Hoven, Marshall, Coleman, Nicol all aye, 5-0. Official April minutes unpublished as of June 12, 2026; the county's online code had not yet codified either ZTA as of the same date. Arithmetic: $5,000,000 \div 10,000 = 500$.

[80] Enhanced Technical Review Fee resolution for Technology Zone applications: public hearing April 28, 2026, agenda item 15.b (April 28 packet, pp. 178 ff.): \$25,000 initial deposit plus supplemental deposits funding third-party review of power and transmission, water (including "impact on the Rapidan River watershed"), environmental, noise and air, traffic, stormwater, and fiscal effects. Adoption outcome unconfirmed pending minutes (Part Nine, item 16).

[81] Searches of the adopted ordinance, the January 13 initiation resolution, the March 31 hearing memo, and the April 22 tabling memo for "vested," "grandfather," "Wilderness," and "PDM" return no hits. Oral-record check: Part Nine, item 14.

[82] Town of Orange Town Manager report, January 2026 (council package): community development staff revised the data center and school definitions for the January 13 planning commission agenda and drafted a data center policy for council consideration.

[83] Town of Orange Council minutes, March 18, 2026 (in the April 20, 2026 package, ADID=2199): the mayor "clarified that there was currently no application or formal proposal for a data center before the Town... inquiries have been received, but no application was pending." Fourteen named residents spoke in opposition or concern.

[84] PEC (Don McCown), "Data Centers in the Town of Orange? Protecting Our Small-Town Character," published February 24, 2026, updated February 26 (pecva.org/region/orange/): hyperscale threat framing; 40,000-square-foot prohibition ask ("about the size of the Food Lion"); PEC letter to the planning commission February 9 and email to council February 16, 2026.

[85] Town of Orange Council, February 17, 2026 (Tuesday; agenda ADID=2183): Ordinances 2026-01 (school definition), 2026-02 (data centers: by-right removed in

Traditional Town Center; SUP in Town Activity Center, Rural Commercial, Traditional Industrial), 2026-03 (Round Hill TND transect zones T2-SD-15 to special-permit status). Adoption certified by the town clerk in certificates reproduced in the April 20, 2026 council package (ADID=2202). Residential districts (RR, TR-L, TR-H) never permitted data centers, per PEC's summary.

[86] Unanimity of the February 17 votes: PEC characterization only; minutes request at Part Nine, item 6. Secondary.

[87] Town of Orange Planning Commission minutes, February 23, 2026 (ADID=2196): definition recommended as quoted in text; no megawatt threshold, no Virginia Code citation, no noise, lighting, or architectural standards; next meeting March 9.

[88] Town of Orange Council minutes, April 20, 2026 (in the May 18 package, ADID=2205): Ordinance 2026-05 amending Section 14-20.84 (data center definition), amended to pluralize "building(s)/premise(s)"; Cluff aye, Waugh-Robinson aye, Cashell nay, Crane and Seal absent, "carried with one-member present voting nay." Hearing comments: resident Hillary Hicks; PEC's Don McCown on separating data centers from on-site generation.

[89] PEC, "Spring Orange County Updates," April 2, 2026: the council "didn't go far enough; hyperscale data centers are still allowed"; PEC priorities include a definition preventing on-site gas generation without separate SUP and anti-NDA commitments in the policy document.

[90] Town of Orange Council work session minutes, April 6, 2026: Data Center Policy deferred pending a Data Center Town Hall round table (PEC and a McGuireWoods senior vice president confirmed as participants); March 18 minutes reference policy comments received from Loudoun County, Louisa County, and Town of Culpeper staff. May 4, May 18, and June 15, 2026 agendas (ADID=2201/2205/2212; the May 4 meeting was a work session): no data center items.

[91] Town of Orange Council agenda, September 21, 2026, Unfinished Business (townoforangeva.gov Archive Center); Piedmont Journal Recorder, "Orange council delays data center policy debate," September 28, 2026 (3-2 vote; the mayor's statement). Minutes not posted as of October 7, 2026 (Part Nine, item 31).

[92] Cville Right Now, "Town of Orange tackling heated data center debate," September 25, 2026. The letter itself has not been reviewed. Secondary.

[93] Town of Orange Council work session agenda, October 5, 2026 (townoforangeva.gov Archive Center). The presentation is posted as an image-only file; minutes not posted as of October 7, 2026 (Part Nine, items 11 and 31).

[94] Planning Commission Chairman Jason Capelle, November 20, 2025, as reported in PEC monitoring materials: “a company that does data centers” provided input on the Technology District. Identity, content, and channel not in the public record. Secondary.

[95] Berkley Group, LLC (bgllc.net); King George County Data Center Memo and Noise Memo, joint work session April 25, 2023 and Worksession 12, September 26, 2023, per compiled meeting records; primary documents not reviewed (Part Nine, item 26). March 2025 Orange County focus groups: developer/real estate and agriculture/agritourism sessions; no data center session. Secondary in part.

[96] Henrico and Loudoun by-right reversals: Turner, Henrico County case study v3.6 (37 data centers; June 10, 2025 vote); Loudoun 2023 actions documented therein.

[97] Cardinal News, March 14, 2026; VPM, March 14, 2026; DLA Piper client alert, March 2026 (Senate January 1, 2027 repeal vs. House conditions). FY2025 exemption benefit: Virginia Department of Taxation and Virginia Economic Development Partnership, Biennial Data Center Retail Sales and Use Tax Exemption Report, January 2, 2026 (RD40, 2026), Table 1, reported tax benefit \$1,941,390,000; coverage of the 2026 budget debate used \$1.9 billion (Cardinal News; VPM, February 22 and March 12, 2026). 53 percent of incentive spending, FY15-FY24: JLARC, Economic Development Incentives 2025: Spending and Performance, Report 611, November 10, 2025.

[98] Virginia Mercury, April 23, 2026, “Virginia lawmakers recess special session without a budget deal”; Cardinal News, April 23, 2026; VPM, April 23, 2026 (money chairs); special session called March 20 (VPM).

[99] VPM, June 10, 2026 (“Virginia’s government is funded through June 30, but lawmakers need at least three days to legally consider a budget before passage, and then Spanberger has 30 days to recommend changes”); WSET, June 10-11, 2026 (Del. Sam Rasoul: “hopefully we’ll get there next week”); WHRO, June 12, 2026.

[100] WHRO/WVTF, March 11, 2026 (consumption tax: whether there should be “a consumption tax to make sure they are quite literally paying their fair share when it comes to energy consumption”); Spanberger March letter to negotiators (AAA bond rating since 1938); Virginia Mercury, June 2, 2026 (re-forecast +\$1.5 billion through FY2028; Lucas “concerned,” remains “committed that data centers ... will pay sales tax on computer equipment”); Virginia Mercury, April 27 and 29, 2026 (House conditions approach).

[101] 2026 Appropriation Act, HB30, Chapter 1, Item 3-5.24, “Data Center Electricity Consumption Tax”

(budget.lis.virginia.gov/item/2026/2/HB30/Chapter/3/3-5.24/): subsection A (rate; on and after July 1, 2026 and before July 1, 2028), B (monthly collection by the SCC), C and D (\$600,000,000 general fund deposit limit; excess to a nonreverting fund; pro rata refunds), E (first collection September 2026). Signing date and the exemption's survival: Turner, What Virginia Is Spending, What Virginia Is Getting, v5.3, Section 14 (10.5281/zenodo.20679292).

[102] Virginia Department of Taxation and Virginia Economic Development Partnership, Biennial Data Center Retail Sales and Use Tax Exemption Report, January 2, 2026 (RD40, 2026; rga.lis.virginia.gov/Published/2026/RD40/PDF), Table 1, FY2025: 56 operators reporting, 1,610 added jobs, reported tax benefit \$1,941,390,000; the report states that operators reported 1,610 net new jobs to VEDP and that the data were self-reported and not independently validated. Author's calculation: $1,941,390,000 \div 1,610 = \$1,205,832$ per reported job. For an earlier year, JLARC, Data Centers in Virginia, December 9, 2024, reported \$928.6 million in sales tax savings and more than 800 new full-time jobs in FY23.

[103] HB 507 (2026), Chapter 397, approved April 8, 2026, effective July 1, 2026 (Del. John McAuliff): no DEQ air permit for data center applications submitted on or after July 1, 2026, unless each engine-generator meets Tier 4-equivalent emission limits. House 61-34; Senate 25-15. lis.virginia.gov/bill-details/2026/HB507.

[104] SB 94 (Chapter 568) and HB 153 (Chapter 567), both approved April 13, 2026, effective July 1, 2026, identical as conferenced: mandatory sound-profile site assessment for residences and schools within 500 feet of a proposed high energy use facility (100 MW+) before rezoning/SUP approval; optional water, agricultural, parks, historic, and forestland assessments; sub-100 MW expansion exemption; existing zoning authority preserved. Conference adopted March 14 (SB 94: Senate 29-10, House 91-4; HB 153: House 93-2, Senate 29-10). Virginia Mercury, March 17, 2026.

[105] SB 253 (2026), Chapter 1124 (Sen. L. Louise Lucas): conference passage March 14 (Senate 21-18, House 73-23); returned April 13 with eleven recommendations (Virginia Mercury, April 16, 2026: "Lawmakers, Dominion say Spanberger's amendments weaken bill to shift costs onto data centers"); reconvened session April 22 adopted recommendations 7, 9, 10 (Senate 37-2, House 73-25); approved May 14, 2026, effective July 1, 2026. Substance: Dominion rate cases commencing after January 1, 2027 and before July 1, 2033 to propose allocation of certain capacity and distribution costs to a 25 MW+/75 percent load factor class (manufacturing/warehousing opt-out); weatherization funding; deferred-fuel securitization; reported ~\$5.50/month residential reduction. JLARC 2024 baseline: \$14-\$37/month residential exposure by 2040.

[106] Author's review of Amazon SEC filings and press releases through March 2026; no site-specific disclosure. No 2026 statement found through June 12, 2026.

[107] Fredericksburg Free Press, "Youngkin, AWS announce data center investment in Fredericksburg region," March 13, 2024: "the first wave of a \$35 billion investment commitment by AWS"; data centers "in Spotsylvania, Caroline, Stafford and Louisa counties."

[108] Henrico FY2025-26 budget adopted April 8, 2025: data center equipment rate \$0.40 to \$2.60 per \$100 (VPM, April 7, 2025; henrico.gov budget release; Richmond BizSense, April 27, 2026 confirmation).

[109] Richmond BizSense, April 27, 2026: Hanover stripped its \$0.45 data center rate from the FY2027 budget at April 8, 2026 adoption, pending a June 24 hearing on a rate "no higher than \$3 per \$100"; standard business tangible rate \$3.57. June 24, 2026 decision to keep the existing \$0.45 rate for one calendar year and refer the question to committee for an FY2028 recommendation, and the May 27, 2026 Mountain Road rejection, 4-3: Turner, Hanover County case study (10.5281/zenodo.20672048), from the county's adopted minutes; VPM, June 1, 2026.

[110] Chesterfield effective \$0.24 per \$100, held via rebate under the 2020 Google Bermuda Hundred agreement, 30-year term: Richmond BizSense, April 27, 2026; Turner, Chesterfield County case study (note 2). No 2026 repricing found.

[111] Evan Visconti, "Local governments race to attract data centers, often in spite of concerns from their constituents," Virginia Mercury, April 24, 2026 (syndicated via Gray TV and Royal Examiner). Orange County treatment: Wilderness Crossing litigation and battlefield; quotes American Battlefield Trust president David Duncan; UVA Weldon Cooper Center economist João Ferreira on the race to the bottom.

This case study draws on Orange County and Town of Orange ordinances, resolutions, meeting minutes, and agenda packets, circuit court filings, Virginia DEQ and Department of Health records, congressional releases, JLARC reports, census data, and local and regional news coverage through June 12, 2026, with items dated in the text carried to October 7, 2026. It supersedes v3.0 (June 2026). It is a companion to What Virginia Is Spending, What Virginia Is Getting: The Commonwealth Data Center Reference (v5.3, August 2026), which covers the statewide fiscal, ratepayer, and employment picture in detail.