INDEPENDENT CASE STUDY

Fauquier County and the Town of Warrenton

A Data Center Case Study

The Restrictions Came After the Entitlements, and the Town Changed Sides

Companion to What Virginia Is Spending, What Virginia Is Getting (v5.5)

Fauquier

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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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SUMMARY

Amazon Data Services bought 41.79 acres on Blackwell Road in Warrenton on 21 September 2021 for $39.7 million.*[1] The Warrenton Town Council approved a data center on the parcel, 4-3, at a hearing that resumed at Fauquier High School on the evening of 14 February 2023 and ran past midnight.[2] The zoning administrator approved the site plan fourteen months later.[3] The county's assessment record, as read in August 2026, shows $0 in improvements on the parcel in every tax year from 2011 through 2026, and a land value that doubled in the 2026 reassessment to $62,565,000.[4]

The permit has outlasted the use it was issued under. The council struck data centers from the town's zoning in July 2025, and on the roll calls read through October 2025 none of the four members who voted for the permit remained. The town first defended the permit in court. After the council changed, it directed its attorney to reassess those defenses, asked its own zoning appeals board to uphold a determination that Amazon "does not currently possess" a vested right, and in July 2026 filed in support of two motions, later denied, to admit Citizens for Fauquier County to Amazon's appeal and to consolidate that appeal with *Cross* and the mandamus case, CL24000303; the court's index records the filings, and press accounts name the group as the movant.* At final argument on 15 June 2026 its attorney, calling the town's position "limited," spoke for many of the plaintiffs' arguments, as press reported it.*[5] The court's index, read on 9 November 2026, shows the case still under advisement and no final order.[6]

Fauquier County ran the same sequence by a different road. It wrote data centers into two zoning districts in 2013 and 2017 and rezoned 234 acres at Remington in 2018 for up to 1,800,000 square feet. Then it restricted: a policy in December 2023, a special exception requirement at Vint Hill in March 2024, reconsidered and readopted that May with a wider exemption, on one motion with the settlement of a landowner's dispute, and in October 2026 an ordinance ending data centers as a use in the Business Park district, except on land zoned Business Park on 20 August 2026. Each instrument carries text exempting what had been approved and, in the two ordinances, some of what was under way.[7]

That much is ordinary in Virginia. The series' Fredericksburg volume found that every tightening there came after the major entitlements and carried a grandfather clause, and Henrico, Chesterfield and Loudoun reformed in the same order.[8] What Fauquier shows, as Loudoun and Prince William do, is how far an exemption can go past the statute's list. The 2024 ordinance, as readopted that May, protected a site plan submitted by the day of the first vote and a Vint Hill project either approved as a use on a 2020 plan that, as filed, does not name data centers, or proposed by pre-

application request, and the 2026 ordinance repeated both. A submitted plan and a pre-application request are not acts Virginia's vested rights statute, as read in November 2026, lists, and the list is not exclusive.[7]

On its own staff's count of nine Business Park data center applications for six projects since 2017, the county's Board of Supervisors approved one project, and every other application was withdrawn or closed before the Board acted.[9] The Board recited in September 2025 that the county "has denied the vast majority of data centers proposed within its boundaries."[10] Part Three sets those two statements side by side.

The finding is one of sequence. On the record read, the restrictions in Fauquier came after the entitlements and did not undo them. The 2023 policy and the 2026 ordinance left Remington Technology Park in place, the 2024 and 2026 ordinances left OVH in place, the 2024 ordinance as readopted exempted Vint Hill Corners and, if a plan filed three days before the March vote counts as submitted, CyrusOne, and the 2026 ordinance exempted both. Neither holds an entitlement shown in the record read. The Town of Warrenton's 2025 repeal struck the data center use without revoking the Amazon permit of 2023, which stands approved, unbuilt, challenged in *Cross* as void from the start, and the subject of Amazon's separate vested-rights appeal. There the two governments parted. On the record read, the county did not revoke or reduce an entitlement by ordinance; at Land Bay V, where it had a dispute with the owner over the March 2024 ordinance's application, its Board authorized accepting covenants by agreement. The town changed sides.

PURPOSE, SCOPE, AND METHOD

This case study follows two governments in one county, Fauquier County and the Town of Warrenton, through the data center entitlements they granted and the restrictions they adopted afterward, from the county's 2013 zoning amendment through 9 November 2026. County and town records were read on 2 November 2026, and the court's index, the county's land development portal and the items open in Appendix B again on 9 November. It is built from county Board of Supervisors and Planning Commission minutes and ordinances, the county's staff report of 8 October 2026, applicants' letters and emails, staff notes, review letters, a zoning determination and a filed plan in the county's land development portal, Town Council and Board of Zoning Appeals minutes, the town's ordinances and resolutions, the permit and its conditions, the parties' filings before the Board of Zoning Appeals, a consent order, an order on demurrers, two hearing transcripts, a Court of Appeals opinion, the circuit court's case index, Department of Environmental Quality permits, county budget documents, and the Code of Virginia.

Minutes paraphrase what speakers said, and this study quotes the minutes as the minutes, never as the speaker's words. No meeting video is quoted. Citizen speakers are described by role; officials and representatives are named where naming them helps the reader, and the notes name others. A negative states the documents or search it rests on and its date. Claims resting on press reports carry an asterisk and are listed at the end of the endnotes; no finding rests on them. Where two sources give different values, both are stated.

Data centers are counted by project file: county and town land-use applications, by status. Department of Environmental Quality registrations are noted where they bear on a file. Other counts measure something else and appear in one note.[11]

Every quotation was checked against the project's record of the document it cites. AI agents ran review, recomputation and source verification cold against the raw files, including readings from the adversarial positions of the town, the citizens' group, Amazon and a land-use practitioner. Each objection was checked against primary text.

The water system is treated in *A Line Drawn on a Highway*, sections 8.4 and 8.5, and is not repeated here.[12] This volume is a record of what two governments did, in what order.

PART ONE: THE COUNTY ENTITLES FIRST

Fauquier County put data centers into its zoning ordinance in two steps, four years apart, in two districts. Everything the county later restricted, and everything it later left alone, starts from those two amendments.

Vint Hill

On 8 August 2013 the Board of Supervisors added "Data Center, using recycled water for cooling" as a permitted use in the Planned Commercial Industrial Development overlay and "Data Center, not using recycled water for cooling" as a special exception use. On 13 April 2017 it required new power lines in the district, "including transmission or substation feed lines," to go underground.[13] County staff wrote in 2026 that Vint Hill is the only location in the county zoned PCID.[13] Until October 2026, and for the exempted projects after it, the switch between a permitted use and a special exception turned on a term, "recycled water," that Article 15 of the zoning ordinance leaves undefined, except that from 2024 a new structure over 50,000 square feet of aggregate footprint outside the exemptions needed a special exception either way.[14]

OVH bought 8.57 acres at Vint Hill in 2016, and after its site plan was approved began operating a data center in 2018, using recycled water. It bought the adjoining 10.81 acres in May 2023 for expansion.[13]

The land around it changed hands next. Vint Hill Corners acquired about 46.20 acres in April 2022 for a data center campus, and held a pre-application meeting with the county in February 2024 on a concept of 360,000 square feet in two buildings.[13] In December 2022 the trade press reported that a Texas-based developer had signed agreements with landowners at Vint Hill and Catlett.* On 25 July 2023, by a deed the Prince William Times reported, Blue Rock I, LLC sold 47.7 acres to C1 Vint Hill, LLC for $89,383,312, close to $2 million an acre.* County staff record CyrusOne's purchase of 47.67 acres in 2023 for an 874,516 square foot campus of four buildings.[13]

The Business Park and Remington

On 14 December 2017 the Board added data centers as a permitted use in the Business Park district, on the same water and undergrounding terms and only within a Service District. Staff wrote in 2026 that no properties in the county were then zoned Business Park, and described that as the point: "allowing the use would require a property to be rezoned, which would give the Planning Commission and Board of Supervisors a chance to evaluate the appropriateness of any proposed data center development."[13] Part Two quotes staff's notes of February 2024, which

treat a data center at Land Bay V as a use permitted "in Business Park (BP) with a PCID overlay"; the record read does not reconcile the two.

The first rezoning came twelve weeks later. Point One Holdings Inc. asked to rezone 234 acres between Lucky Hill Road and Remington Road from one-unit-per-acre residential to Business Park, with proffers, for six data center buildings of 240,000 to 310,000 square feet each, built over five to seven years.[15] The site criteria in the staff report include "Large enough to accommodate 300MW of connected electrical load (>200 Acres)." The buildings would run from an on-site substation, reached by overhead lines from the utility and feeding each building underground. On cooling, the applicant reserved its choice among technologies, and the report stated the limit: "In no instance will the data centers be permitted to use potable water for cooling."[15]

The rezoning traveled with a companion request. The landowner offered to eliminate 199 by-right residential lots and asked the Board to amend the proffers on the nearby Fox Haven subdivision, cutting the cash proffer from $14,730 to $3,072.82 a unit once 200,000 square feet of data center space had occupancy permits.[16] Staff's estimate of the data center's value to the county was about $655,813 in the first year, rising to about $8,742,750 in the sixth, and it carried the warning that these figures "do not account for any substantial investment, computer equipment or taxes from the end user(s)."[16]

The Board approved REZN-18-008615 on 8 March 2018, 5-0. One speaker besides the applicant's representative addressed the hearing; the minutes identify her as an intern at the Piedmont Environmental Council, and she spoke in support. The Fox Haven amendment passed the same night, 4-1, with Holder Trumbo voting no.[17] Staff later put the approval at "up to 1,800,000 square feet of Data Center development."[13]

The Department of Environmental Quality issued the park an air permit on 3 October 2019, amended on 3 May 2021 and again on 6 December 2022. As amended it covers twenty-four Caterpillar G3520H natural gas engine generator sets of 2,485 ekW each, about 59.6 megawatts together.[18] That is about one-fifth of the connected load the site was sized for. Part Two follows what the park's developers asked the county for after the restrictions began.

The projects, by file

The table counts by project file, as the record stood on 9 November 2026. Remington Technology Park is the one Business Park data center rezoning the Board has approved, by its staff's count to 8 October 2026.[13]

Project	District or government	Filings	Status on 9 November 2026
OVH	Vint Hill PCID	Site plan approved; operating since 2018; adjoining 10.81 acres bought May 2023	Operating
CyrusOne	Vint Hill PCID	Site plan application 11 March 2024	Under county review
Vint Hill Corners	Vint Hill PCID	Pre-application meeting, February 2024	Exempted at the May 2024 readoption and again in 2026; no data center site plan on the county portal
Remington Technology Park	Business Park	Rezoned 2018; proffers amended 2024 and 2026	Approved; in March 2026 the applicant told the Commission the first building was not yet done
Amazon	Town of Warrenton, Industrial	Use permit 2023; site plan 2024	Approved, unbuilt, in litigation
Convergent Technology Park	Business Park sought	Applications 2019 and 2024	2019 withdrawn or closed; 2024 withdrawn 27 August 2026
SAMX Data Center	Business Park sought	Application 2023	Closed for inactivity, January 2026
Remington Digital Campus (Gigaland)	Business Park sought	Applications 2024 and December 2025	Both withdrawn
Remington Innovation Campus	Business Park sought	Application 2025	Withdrawn 17 September 2026
The Catlett Project	Business Park sought	Applications 2020 and 2023	2020 withdrawn or closed; 2023 withdrawn 15 July 2024

One further entry sits outside the table. Department of Environmental Quality registration 74198, "DCA-51," at 7471 Bear Wallow Road, carried an operating status when read in August 2026. That record placed it at the Warrenton Training Center's Station B campus, about three miles from the town and outside it. That identification is probable and not established, and the entry is not counted.[19]

The sequence the rest of this study follows begins here. By the end of 2023 the county had a use permitted in two districts, an operating data center, two campus

sites sold at Vint Hill and a 234-acre rezoning at Remington. The first restriction came on 14 December 2023.

PART TWO: THE COUNTY RESTRICTS, AND WHAT VESTING ALREADY PROTECTED

Fauquier County tightened its data center rules three times in three years: a data center policy in December 2023, an ordinance in March 2024 that made any large new structure at Vint Hill a special exception, reconsidered and readopted that May with a wider exemption, and an ordinance in October 2026 that ended data centers as a use in the Business Park district, except on land zoned there on 20 August 2026. Each carries an exemption in its own text for what was already approved and, in the two ordinances, some of what was under way. The county's staff said of the last that its exemptions are there because those properties "likely hold 'vested rights.'"[20] Read against the statute's own list of vesting acts, the 2024 and 2026 ordinances reach past it in places.

What already existed

By December 2023 three things already stood where any restriction would have to reach them. The use was permitted in the Business Park district, open only by rezoning. Remington Technology Park held a rezoning with proffers from 8 March 2018, allowing up to 1,800,000 square feet.[20][21] At Vint Hill, OVH was operating, Vint Hill Corners had bought about 46.20 acres in 2022, and CyrusOne had bought 47.67 acres in 2023.[20] Part One gives that history.

December 2023: the policy

The Board adopted a Data Center Development Policy on 14 December 2023, 5-0.[22] Its terms are strict. Data centers "shall only be located within Service Districts," "shall only be in the Business Park (BP) zoning district and Planned Commercial Industrial District (PCID) overlay district, as approved on applicable Concept Development Plans," and "should be located no further than 1 mile from an existing electric transmission line, with all new lines being placed underground." Applicant-sponsored plan amendments that expand a Service District "are not appropriate." Building heights "shall not be increased above the 45-foot maximum" without a showing verified by a third party at the applicant's expense; noise studies "should be verified by a third party at the Applicant's expense"; generators "should not be tested between 8:00 p.m. and 8:00 a.m."; applications "shall demonstrate and commit to meeting the County's recycled water" requirements.[23]

The policy is, in its own words, "intended to be a guide," and it carries its own exemption: "Section I, Siting Criteria, does not apply to properties currently in the Business Park (BP) zoning district and Planned Commercial Industrial District (PCID) overlay district where Data Center use and development has been previously approved by the Board of Supervisors, through a Rezoning process, and is subject

to a related Proffer Statement and Concept Development Plan (CDP)."[23] The exemption covers the siting rules, not the policy's standards for design, noise or water. The resolution adopting it says the same thing from the other side: data centers "are currently permitted" in those districts "where Data Center use and development has been previously approved through a Rezoning process."[22]

The five supervisors who adopted it were Butler, Carter, Gerhardt, Trumbo and McDaniel.[22] By March 2024 the Board was Broaddus, Carter, Culbertson, Gerhardt and Washer.[24]

March 2024: Vint Hill

The new Board initiated a text amendment to the PCID on 11 January 2024. The Planning Commission recommended it 3-2 on 15 February, and the Board heard it on Thursday 14 March 2024.[24] As amended, any new structure or group of structures "comprising the same development or serving the same enterprise with ... an aggregate footprint exceeding 50,000 square feet" in the district needs a special exception from the Board.[24] The ordinance's recital states its purpose as "to provide additional opportunities for, and support of, development in the PCID Overlay District."[24]

A month earlier, at the Planning Commission, CyrusOne's representative had "requested that staff prepare reasonable grandfathering provisions," and the Commission's 3-2 motion carried "the preference that the Board of Supervisors determine the size threshold of when a Special Exception is needed, as well as the effective date for current projects."[25] At the Board's hearing a representative of CyrusOne "said they are working very hard on their site plan approval and requested reasonable grandfathering provisions for their application."[24] Supervisor Broaddus read a declaration of personal interest: he owns "approximately 26.7 acres of property or about 6.3% of the property located within the PCID overlay district," and could participate "pursuant to a written opinion of the Commonwealth Attorney and Code of Virginia Section 2.2-3112.B." The declaration adds that he is "a member of a group of property owners which are all affected by this transaction." A landowner representative asked that he recuse himself.[24] Broaddus moved the ordinance, Washer seconded, and it carried 3-2: Broaddus, Gerhardt and Washer for, Carter and Culbertson against.[24]

The March ordinance closes with two exemptions. Its provisions do not apply "to projects or properties that are expansions of a data center that was existing and operating within the PCID Overlay District on January 1, 2024, including their expansion onto any adjoining parcels that were under the same ownership as the data center parcel on January 1, 2024," and do not apply "to projects where a site plan was submitted for review to the Fauquier County Community Development

Department on or before March 14, 2024."[24] The second cutoff is the date of the vote. The county's file dates CyrusOne's application, SITP-24-021715, to 11 March 2024, three days before the vote. Staff's minimum submission review of 21 March, captioned "1st Submission," found that the plan "cannot be accepted until the following items are addressed"; a second such review on 12 April found that it "can be accepted for first submission review"; the first plan submission under that acceptance followed on 26 April. In October 2026 the plan "remains under review."[20][26] The minutes record CyrusOne's request and the cutoff at the same hearing; they do not say whether the one produced the other.

May 2024: reconsidered and readopted

The March text lasted eight weeks. The county's land development file shows the dispute that preceded the change. On 24 October 2023 the Director of Community Development rejected a pre-application request for a data center in Land Bay V: "it was deemed that the use is not permitted in this location." Her email invited the applicant to amend the proffers and concept plan, and its footer says it is not a zoning decision. Vint Hill Corners, LLC's counsel asked for a zoning determination in a letter dated 27 October and stamped received on 18 December 2023, four days after the Board adopted its policy. It said staff "may disagree," and its fourteen questions asked how public notice of any Land Bay V restriction had been given and whether the approved plan prohibited the use. On 30 January 2024 the owner filed a new pre-application request and cut the determination request to one question, whether the use conforms to the zoning ordinance. Staff's notes of the meeting on 27 February say, "Data Center using recycled water is a permitted use in Business Park (BP) with a PCID overlay per Zoning Ordinance 4-603," subject to the proffers and waivers of 1999 as amended in 2011.[27]

The determination came on 19 March 2024, five days after the vote, on a deadline counsel had agreed on 18 March to extend to that day. The letter counts the request as made on 27 October. The use "has been at all times, including today, listed under 'Principal Uses Permitted,'" the Director wrote as zoning administrator, but the March amendment now required a special exception above the footprint trigger. She called it a final decision, appealable within thirty days.[27]

On 11 April 2024, inside that window, the Board voted 5-0 to reconsider the amendment "for the purpose of considering grandfathering for particular properties." In the minutes' words, the County Attorney said the motion was "to allow the County to further negotiate and potentially settle with one of the applicants." The resolution says the time in which Vint Hill Corners, LLC may sue over the March amendment "is extended to coincide with" the time for suing over any action the Board took on 9 May.[28]

The ordinance heard on 9 May "repeals the March 14, 2024, PCID text amendment, revises the grandfathering provisions, and adopts revisions to the PCID Overlay District provisions," in the minutes' words. The County Attorney summarized it and the settlement, and no one else spoke at the hearing. Broaddus read his declaration again. On one motion by Carter, seconded by Culbertson, the Board adopted the ordinance 4-1 and authorized covenants "to restrict the future development of the property in Land Bay V" and a Settlement Agreement and Release with Vint Hill Corners, LLC. Washer voted no; Carter and Culbertson, who had opposed the March text, voted for this one. The resolution recites "a dispute" over "the application of an ordinance that was amended on March 14, 2024" to the parcel. It does not say whether the owner held a vested right.[29]

The readopted text keeps both March exemptions and adds a third, for a data center project within Land Bay V of the 2020 Vint Hill plan and an assisted living facility, "where the projects were either approved as a use on the CDP or proposed to both County staff and the Board of Supervisors with the filing of a pre-application meeting request prior to the adoption of the amended ordinance on March 14, 2024."[29] The agreement and the covenants were not read. As the Prince William Times reported it, the agreement limits the owner to 45-foot buildings or taller ones with greater setbacks and smaller footprints, and Broaddus, who said he remained opposed to the project, said of the exemption and the owner's parcel, "It changes the land's value dramatically."* His declaration concerned his own acreage in the district; nothing read says where that acreage lies or that the May clause reached it.

September 2024: substations

On 9 May 2024 the Board also initiated an amendment sending electrical substation distribution centers and transformer stations in the Business Park and both industrial districts to special exception. It adopted Ordinance Option B on 12 September 2024, 4-1, Washer voting no, reciting "the increase in technology-related uses in the community, as well as regional energy demands." That text "shall not apply to projects or properties that are zoned to the Business Park (BP) Zoning District as of May 9, 2024," and staff told the Board "one parcel applied under Ordinance Option B," in the minutes' words, without naming it.[30] The county used the same form of clause in 2026.

2024 and 2026: the park is amended twice

Remington Technology Park asked to amend its proffers twice after the policy was adopted. On 12 September 2024 the Board approved, 4-1, amendments to the 2018 proffer statement "which do not affect use or density"; Culbertson moved, and Washer voted no.[31] On 8 May 2025, on a consent agenda adopted 4-0, the Board

waived a new special exception so construction traffic could reach the park through a Luck Stone access point, reciting that the project "is expected to commence construction in the near future."[32] The second amendment came to the Planning Commission on 18 March 2026. The applicant's representative said, in the minutes' words, that "they are asking for this temporary turbine plant until they are able to connect to the grid," that Dominion could not deliver the 50 MW in its 2019 contract and would provide 30 MW in mid-2027 before the first building was done, and that a contract would reach 300 MW from 2030. The Commission recommended denial, 3-2.[33] On 9 July 2026, after three residents spoke against it and the applicant for it, the Board approved the amendment, 3-1, adopting a "Second Amended and Restated Proffer Statement" and a revised concept plan; Culbertson moved, Broaddus seconded, Washer voted no, and Gerhardt was absent.[34] County staff later summarized both amendments as addressing "the timeline and ability to provide the necessary power to serve the data center development," together with noise, air pollution and proximity to homes, and stated that they "did not increase the allowable development."[20] The Piedmont Environmental Council reported a revised plan filed on 4 June 2026, before the Board's vote, that replaced the gas turbines with fuel cells, and press accounts report the change;* the concept plan the Board approved was received on that date.[34]

October 2026: the Business Park closes

On 20 August 2026 the Planning Commission initiated a further amendment, to define data centers and to decide whether they "remained an appropriate use" in the Business Park and PCID districts.[20] Staff concluded that "there are not appropriate areas for data center development in Fauquier County." Its reasons were "the demonstrated lack of success of data center related applications, shared concerns over multiple applications, as well as the limited number of applications that have been submitted," the strain on the grid and the lines it brings, generator and fan noise and emissions, and the lack of sites that would not alter "the rural agricultural and small-town character that defines Fauquier County."[20] The Commission recommended the amendment 4-0, one member absent, on 17 September.[35] The Board adopted it on 8 October 2026, 4-1: Carter, Gerhardt, Broaddus and Washer for, Culbertson against.[36] As staff describes it, the amendment removes data centers as a use in the Business Park district and requires a special exception for any new data center in the PCID.[20][37] The Board's agenda for its meeting of 12 November 2026 lists Item 8A, "A Resolution to Amend the Data Center Development Policy."[36]

Staff named the problem the exemptions were meant to solve. Several properties "have existing legally established data center development or have pending data center development that has either been legislatively or administratively approved,

and/or are currently being reviewed for future data center development. These properties have likely incurred substantial expenses and relied in good faith on significant affirmative government acts. As such, they likely hold 'vested rights.'" Staff recommended that the Board "consider not applying the amended provisions of this Ordinance to properties or projects that may have vested rights," and the ordinance "specifically exempts those property/projects."[20]

It does so in four clauses, each fixed at 20 August 2026, the day the Commission initiated the amendment. The amended provisions do not apply to "projects or properties where a Data Center was existing and operating within the PCID Overlay District," with expansion onto adjoining parcels under the same ownership; to "projects within the PCID Overlay District where a Site Plan for a Data Center was submitted for review"; to "a Data Center project within Land Bay V of the approved Vint Hill Amended Concept Development Plan 2020 ... where the projects were either approved as a use on the CDP or proposed to both County staff and the Board of Supervisors with the filing of a pre-application meeting request"; and to "projects or properties that are zoned to the Business Park (BP) Zoning District as of August 20, 2026."[37] The last clause covers Remington Technology Park, the only project the county has rezoned to Business Park for data centers, by its staff's count.[20]

What vesting protects, and what the county protected

Virginia's vested rights statute says a landowner's rights "shall be deemed vested in a land use," unaffected "by a subsequent amendment to a zoning ordinance," when the landowner "obtains or is the beneficiary of a significant affirmative governmental act that remains in effect allowing development of a specific project," relies on it in good faith, and "incurs extensive obligations or substantial expenses in diligent pursuit of the specific project."[38] Subsection C lists acts that "are deemed to be" significant. They include accepted proffers "which specify use related to a zoning amendment," approval of "an application for a rezoning for a specific use or density," and a special exception or use permit with conditions. For site plans the list requires that "the designated agent has approved" a preliminary or final "subdivision plat, site plan or plan of development." The list applies "without limitation," and the second sentence of subsection A opens "Without limiting the time when rights might otherwise vest." A plan only submitted, or a pre-application meeting, is off the list without being shut out of the statute. This study reads the statute as it stood on 1 November 2026; the text in force when the 2024 ordinances were adopted was not compared.[38]

On that list, Remington Technology Park's 2018 rezoning with proffers is an act the statute names, and OVH's approved site plan is another. The park's 2024 amendment, which the Board's ordinance says does "not affect use or density," and

its 2026 amendment, which staff says with it "did not increase the allowable development," are not shown to add one.[31][34][20] Staff called the reliance and expense elements likely met; no document read establishes them. If they were met, the exemptions for those approvals give what the statute already gives.

The 2024 ordinance as readopted and the 2026 ordinance carry seven exemption clauses between them, and they do not all do the same work. The two clauses for submitted site plans protect a plan short of approval. The 2024 clause covered projects whose site plan had been "submitted for review" by the day of the March vote, the night CyrusOne's representative asked for "reasonable grandfathering provisions" for its application. The two Land Bay V clauses protect a project "approved as a use" on the 2020 Vint Hill plan or one "proposed to both County staff and the Board of Supervisors with the filing of a pre-application meeting request." The two clauses for operating data centers protect expansions and, in 2026, the facility itself, both reach adjoining parcels under the same ownership, and the record read shows no approval for OVH's adjoining 10.81 acres. The Business Park clause covers any parcel zoned Business Park on the cutoff date. Staff's 2026 report applies it to Remington Technology Park, the one project rezoned to that district; staff's 2024 notes treat the use at Land Bay V as permitted in Business Park with a PCID overlay, and if that makes the land zoned Business Park, the clause reaches Vint Hill land as well.[20][24][37][29]

So at least four of the seven clauses reach past the statute's list in their main terms: the two for submitted site plans, and the two for Land Bay V on their pre-application limb. Their other limb, a use "approved" on the 2020 plan, may sit on the list, since the county's 2023 policy describes such approval as coming "through a Rezoning process" with proffers and a plan.[23] The county has spoken to the use two ways without saying in terms whether the plan approves it. That plan, as filed, lists Land Bay V for office, industrial, hospitality, historic reuse and research and development on 78.54 acres. The Board's staff report of September 2020 says "Land Bay V is zoned Planned Commercial Industrial Development (PCID)," where staff's 2024 notes treat the use as permitted in Business Park with a PCID overlay, and it gives the land bay's existing plan as a maximum of 866,118 square feet of "office, industrial, hospitality and/or research and development uses" and says the revised plan adds "Historic Reuse" as an allowable development type there, and it does not mention data centers. The 2020 amendment itself concerned two barracks on about 10.9 acres of the land bay. The Director called the use not permitted in Land Bay V in October 2023 and pointed the applicant to amending the proffers and concept plan, without saying what in them bars it; as zoning administrator in March 2024 she called it listed as a principal use in the ordinance, in a letter that names neither the land bay nor the plan.[27][39] The two for operating data centers reach past the

list only at their edges, for adjoining parcels. Whether CyrusOne would have vested without the site plan clauses is a question for a court, and Part Seven sets out how Chesterfield answered it on a site plan never approved. Whether a plan filed on 11 March, reviewed by staff for minimum submission on 21 March and not accepted until 12 April was "submitted for review" by the cutoff turns on a word the clause does not define. The Board authorized a settlement with Vint Hill Corners, and the court's civil index, read on 9 November 2026, shows no suit by it.[27] The determination of 19 March is a written decision on a specific use, a kind of act the list includes, but the list asks for one that is no longer subject to appeal, the record read does not show whether this one was appealed, and it came after the amendment and required a special exception.[38][27] Under the 2026 clauses, the amended provisions "shall not apply" to CyrusOne and Vint Hill Corners, so in Fauquier the question does not arise for that ordinance, and it does not arise for the 2024 ordinance as to Vint Hill Corners.[20][37][38][29]

Vint Hill Corners shows one way such a clause gets written. It had a pre-application meeting in February 2024. The county's portal, read on 9 November 2026, shows no data center site plan on its three parcels; it shows an inactive plan of development, PLOD-22-017298, a church site plan filed in 2014 whose approval expired in 2021, and a boundary line adjustment, PLAT-26-027349, under review since 13 August 2026.[27] Its counsel told the Planning Commission that month, in the minutes' words, that it "has a filed and County-accepted Site Plan Pre-Application submission after significant investment and contractual obligations"; no document read tests the investment or the obligations.[25] The March text did not exempt it. The May text did, on one motion with a release and covenants. Staff's notes give its concept as two buildings with "a gross Floor Area Ratio (FAR) of 360,000 SF";[27] the Prince William Times reported plans of 720,000 square feet of floor space in two two-story buildings,* and neither source reconciles the two, though the notes ask whether the buildings are "1 or 2 story." The ordinance's trigger is 50,000 square feet of aggregate footprint, and the concept's footprint is not in the record read. The 2026 clause repeats the 2024 clause for the data center project, with a later date.[20][24][37][29]

In 2026 the county's staff said in terms that the exemptions protected existing projects; the 2023 and 2024 instruments state no vested-rights purpose for theirs. What the three instruments record is the sequence the finding describes. Each came after approvals. The policy and the 2026 ordinance contain text that stops short of approvals they would otherwise have reached: the policy by exempting rezoned properties from its siting rules, the 2026 ordinance by the clauses above. As to data centers, the 2024 ordinance is a rule for new structures, and the record read identifies no approval it would have reached. Its one provision that names an

approval is the first limb of the Land Bay V clause, on a plan that, as filed, does not name data centers; its other text protects an operating data center's expansions, plans submitted by the day of the March vote and projects proposed by pre-application request.

PART THREE: THE WITHDRAWALS

From December 2017, a data center using recycled water for cooling, with all new power lines underground and only within a Service District, was a permitted use in Fauquier County's Business Park district. Staff wrote in 2026 that no land was zoned Business Park when the county did so, so that the use would need a rezoning to reach a parcel.[40] On 8 October 2026 the Board adopted an amendment that, in its staff's description, removes data centers as a use in that district.[40][41] By the county staff's count in October 2026, nine applications for six projects have sought that rezoning. Three projects applied twice. One project, Remington Technology Park, was approved in 2018. Of the rest, staff wrote: "each of these applications were withdrawn or closed prior to the Board of Supervisors taking action."[40] Later in the same report staff calls the Remington Innovation Campus "pending"; the applicant's email of 17 September 2026 had withdrawn it.[40][42]

Five of those withdrawals survive as the applicants' own letters or emails, filed between July 2024 and September 2026. The other three are filings that staff list by name and year only, among those "withdrawn or closed": Convergent Technology Park in 2019, SAMX Data Center in 2023 and a Catlett application in 2020.[40] The county closed SAMX for inactivity by letter of 12 January 2026.[43] No document for the other two has been read, and this part says nothing about them beyond the staff list.

Catlett, July 2024

The Catlett Project sought a rezoning and a special exception (REZN-23-020206 and SPEX-23-020207) on a parcel on Gaskins Lane in the Cedar Run District, filed on 10 July 2023.[44] The county file lists an on-hold letter from the applicant in August 2023, time-extension letters in March and June 2024, an application hold letter dated 3 July 2024, and a staff report prepared for the Planning Commission's meeting of 18 July 2024.[44] On 15 July 2024 DLA Piper, writing for the applicant, sent this: "we hereby withdraw the application. After careful consideration, we have decided not to proceed with the rezoning and special exception at this time."[45] The letter gives no other reason. The application was withdrawn three days before the Commission meeting for which the staff report was prepared. The hold letter of 3 July had said the applicant was holding the application "as we consider alternative development options for the property," and "We will not be proceeding to the Planning Commission meeting on July 18, 2024."[44]

A pre-application meeting for "Catlett Industrial Park" was held on 3 December 2024. It is a meeting record, not an application, and the record page does not state its subject. The county file shows no rezoning on Gaskins Lane after the Catlett

Project, to 24 October 2026.[44] The Piedmont Environmental Council reported in September 2026 that the Catlett project had moved to site plan review for 630,000 square feet of warehouses, a use that would not go to the Commission or the Board.*

Gigaland, August 2025

Lucky Hill, LLC, the applicant of record for the project known as Gigaland, applied in June 2024 to rezone about 202.54 acres on Lucky Hill Road near Remington from residential to Business Park, with a plan amendment for about 156.14 acres, a special exception for a water storage and treatment facility and four electrical substations, and a road-access waiver.[46] The Planning Commission heard it on 18 June 2025. Commissioner John Meadows, who opened the hearing, moved to recommend approval; the motion died for want of a second. In the minutes' words, Commissioner Georgia Herbert said the application "is not consistent with the Comprehensive Plan or the Data Center Policy as it is not in the right location or zoning district as outlined in the policy," and Commissioner Diane Roteman agreed. The Commission then recommended denial, 4-1, Meadows voting no.[46]

On Monday 25 August 2025 Art Lickunas, who had represented the applicant before the Commission, asked to withdraw on Gigaland's behalf. The project, he wrote, "has evolved significantly, with numerous changes to the layout, design, and proffers based on input from the end user as well as feedback from County staff and community stakeholders," and the company wished "to refine the updated plan" and "return with an application that is complete and ready for meaningful consideration by the Board." He added that Gigaland would ask "that the resubmission fees be waived." County staff asked at 10:28 a.m. whether the plan amendment, special exception and waiver went with the rezoning; he confirmed at 10:41 a.m.[47] Press accounts had placed the application before the Board on 11 September 2025;* the Board's minutes for that date carry no Gigaland item.[48]

Gigaland again, August 2026

The resubmission came in December 2025 under new case numbers as the Remington Digital Campus: about 159.38 acres to Business Park and 43.16 acres to agriculture, both with proffers, a plan amendment, a special exception for a water facility and two substations, and the same access waiver.[49] Staff told the Commission on 16 July 2026 that a revised proffer statement had arrived two days earlier and had not been thoroughly reviewed. Meadows again moved approval, saying, as the minutes put it, that the land "has not been farmed because the soil is blackjack and rock" and that a data center already stood across the road; again there was no second.[50] Each of the four commissioners who voted to recommend denial gave a reason, as the minutes record them. Jody Warfield said the applications "do not comply with the Comprehensive Plan or the Fauquier County Data Center

Policy." Herbert said neither the Commission nor the community had seen the latest version and she could not "support a delay or spend more staff time reviewing the material." Roteman cited "the vast harm on our rural character," water, runoff and the soil. Matthew Smith called the proffers "very inadequate" and said "the residents have spoken loud and clear." The vote was 4-1, Meadows against.[50]

On Monday 17 August 2026 Lickunas withdrew all four applications "effective immediately" and asked staff to "remove all four items from the September 10, 2026 Board of Supervisors agenda." This email gives no reason.[51] The Piedmont Environmental Council reported that the applicants could return as early as January 2027;* the October ordinance, which Part Two reads, would apply to a filing made then.

Convergent, August 2026

Convergent VA, LLC had applied in June 2024 for a plan amendment, rezoning and special exception for Convergent Technology Park (COMA-24-022504, REZN-24-022505, SPEX-24-022506).[52] Staff sent comments on the third submission on 21 August 2025 and asked about "the path forward as far as timing of the submission of revised materials." On 31 July 2026 staff wrote again: "we have been directed by the Chairman and Vice Chairman of the Board of Supervisors to schedule these applications for public hearing with the Planning Commission," to be advertised for 17 September 2026. Revised materials, if any, were due by 10 August, with a fee of $1,000 and a 10% surcharge for a fourth submission.[52]

On 27 August 2026 the company's manager, Jeff Price, replied: "we are withdrawing the above-stated rezoning application and pursuing the by-right residential development of the property pursuant to its underlying residentially-zoned use."[52] Of the five withdrawals, this is the only one that says the land will go to another use.

The Remington Innovation Campus, September 2026

The Remington Innovation Campus applied on 1 July 2025.[53] As described in the Planning Commission's minutes of 17 September 2026, it asked to add about 210.7 acres to the Remington Service District, to rezone about 181.9 acres from agriculture to Business Park and 28.8 acres from agriculture to agriculture, both with proffers, and to allow three electrical substations, on eleven parcels in the Lee District.[54] The Commission's minutes name Remington GC, LLC as applicant, and the county portal also lists Ron Meyer & Associates, LLC. The owners listed with Remington GC were Daron Lee Culbertson, five other individuals and a company.[54] Other descriptions of its size differ: 204 acres, 182 acres with 2.2 million square feet, and six buildings on about 200 acres.*

Daron L. Culbertson is the Lee District supervisor;[55] press accounts identify him as an owner of the site.* At the Board's meeting of 12 June 2025, four speakers in citizens' time spoke about him: three referred to his sale of land for a data center site, one called it a potential conflict of interest, and two asked him to recuse himself from data center matters.[55] Later in the same meeting, the minutes record, he "offered his apologies to members of the public who may have felt misled by his decision" and "acknowledged uncertainty about the process involving the sale of his farmland and how it evolved."[55] Press accounts give his holding differently, as a 28.6-acre parcel and as a co-owned 44.82-acre parcel, and one reported a pledge to recuse himself from the decision.* Earlier that evening the Board had met in closed session "for consultation with legal counsel ... regarding specific legal matters related to members ethical considerations under the Conflict of Interests Act"; the minutes do not name the member, and they record no outcome beyond the certification of the closed meeting.[55] No recusal vote, County Attorney opinion or Commonwealth's Attorney opinion on his participation was found in the record read.

On Friday 11 September 2026 staff wrote that the Commission's agenda, with the staff report for the campus, "has been published."[42] At 7:16 a.m. on Thursday 17 September, the day of the hearing, the senior vice president for development of SDC Capital Partners, which press accounts name as the developer,* wrote: "We would like to make this application inactive. If there is no inactive status, we would like to withdraw the application from consideration." Staff answered five minutes later that "There is no inactive status," and that the agenda would show the application as withdrawn; he confirmed two minutes after that.[42] The emails read state no reason. At the meeting Meadows stated that the application was withdrawn, and a speaker in citizens' time thanked the Commission, the Board and staff, in the minutes' words, "in light of the many withdrawals of data center applications."[56]

What the record says, and does not say, about why

The applicants' own words at withdrawal, or those of people writing for them, are the five letters and emails. One gives a reason tied to the project itself (Gigaland in 2025: changes from "the end user," staff and "community stakeholders").[47] One names a next step, by-right homes (Convergent). Three give no reason. None mentions the county's data center policy or its 2026 ordinance.

The county has said two things about the outcome. Its staff, in October 2026, listed the concerns raised "with each application" (scale, nearness to homes, the rural landscape, power, noise and air, the Comprehensive Plan, natural and cultural resources, construction access, and the Board's data center policy), noted that "each of these applications faced significant public opposition," and wrote that "due to these concerns and public opposition, each of these applications were withdrawn or

closed prior to the Board of Supervisors taking action."[40] Its Board, in a recital to a resolution on Dominion's transmission routing adopted with the consent agenda, 5-0, on 11 September 2025, called Fauquier "a rural county that has denied the vast majority of data centers proposed within its boundaries."[48] The staff report records no Board denial of a data center application. The Board minutes read for this study, twelve meetings between 14 December 2023 and 8 October 2026, record none either. Nor do the other Board minutes the county had posted for November 2023 to October 2026, as read on 2 November 2026; it had posted none for its work sessions or for the meetings of 11 January 2024, 9 January 2025, 10 July 2025 and 10 September 2026.

A withdrawal is not a denial, and this part does not count one as such. The record shows where each application stood when it was withdrawn. Catlett's came twelve days after the applicant said it would not go to the Commission meeting of 18 July and three days before that meeting. Gigaland's first came about ten weeks after a 4-1 recommendation of denial; its second came a month after another, with a Board date set. Convergent's came 27 days after staff told the applicant that the Board's chairman and vice chairman had directed a Commission hearing. The Remington Innovation Campus withdrew on the morning of its hearing. The Board voted on none of them.

PART FOUR: THE TOWN, FROM APPROVAL TO REPEAL

The Town of Warrenton made data centers a lawful use, approved the one data center permit the record read shows under the provision, and then repealed the use. The sequence ran four years. On its counsel's account, the last step was prospective and did not affect any rights that may have vested.

2021: the use is created

The council initiated the zoning text amendment on 13 April 2021, on its consent agenda, unanimously.[57] The copy of the resolution in the zoning appeals board's packet recites that staff requested initiation, states no public purpose, and has its vote lines blank; the plaintiffs' counsel says it was "approved, but never executed."[58] The council adopted the amendment on 10 August 2021, adding data centers to Articles 3, 9 and 12 "as a Permissible Use within the Industrial District with the approval of a Special Use Permit by Council," in the words of the 2025 repeal ordinance's recital.[59] The minutes say the planning commission recommended approval;[60] FauquierNow gives the tally as 5-1.* The council's vote was unanimous: Sutphin moved, Polster seconded, and Hamby, Carlos, Sutphin, Semple, Hartman, Carter and Polster voted aye.[60] In discussion the council agreed to reduce the minimum site from 25 acres to 20.[60] The town's own account of the change is that data centers had not been "a pre-existing use allowed within the Town."[61]

The use carried standards in Article 9. As the town reproduced the code in 2025, § 9-26.1(A) sets a minimum lot size of 25 acres and lets the council approve a data center on a smaller parcel (the record read does not show whether the 20-acre figure discussed in 2021 was adopted), and § 9-26.1(B) provides that the data center "shall utilize recycled water or air chillers, in conjunction with using recycled water, for cooling purposes. Potable water shall not be used for cooling."[62]

Amazon Data Services bought the Blackwell Road property on 21 September 2021, six weeks after the amendment, for $39.7 million.*[61][63][64] Its counsel later put the order of events this way: the purchase came "more than 30 days after the Council adopted the ZOTA and without a legal challenge brought concerning the ZOTA."[64] The parcel is 41.79 acres.[65] Amazon applied for a special use permit in the spring of 2022. The town's counsel gives 13 April, a FauquierNow chronology 22 April,* Amazon's appeal counsel and affiant April, and its land use counsel May.[61][64][66][67]

2022 to 2023: the permit

The planning commission recommended denial, 3-1-1, one member against the motion and one abstaining. The staff report lists its reasons: "Lack of information regarding noise," "Lack of information regarding power," "Tax justification," "Impacts to the Town scenic gateway," "Lack of compliance to the Comprehensive Plan," "Impacts on viewsheds," and "Lack of plan regarding if the building is decommissioned."[68]

The council opened its hearing on 10 January 2023 and continued it. At the work session that day, the staff report records, the council "directed staff to draft updated Conditions of Approval to address" four things: noise ("phasing, Certificate of Occupancy, ongoing sound studies to be paid for by the applicant, and process for violations"), mitigation such as sound walls, decommissioning, and "the ability to use public water in the event of a fire."[68] The applicant asked for a deferral and came back with a brick façade.[68]

The hearing resumed on Tuesday 14 February 2023 at Fauquier High School. It opened at 8:53 p.m. and closed at 1:14 a.m.[69] Councilman Heroux moved the resolution of approval.[69] The minutes record the vote: ayes Sutphin, Hamby, Hartman and Heroux; nays Semple, McGuire and Mooney; "The motion passed 4-3," approving SUP 2022-03 "with conditions."[69] Sutphin took part electronically.[69] Three procedural votes earlier that night had divided the council the same way.[69] The certified transcript has the mayor calling a voice vote and declaring, "Motion carries 4 votes to 3."[69]

The conditions "run with the land so as to bind future property owners."[68] The conditions are dated 14 February 2023. Condition 14 limits water to "internal domestic uses" and bars public water "for the general purposes of cooling the data center," except "for the initial charging of the cooling system."[70] Condition 17 requires a third-party sound test before each phase's certificate of occupancy, an annual test "approved and procured by the Director of Community Development" at the applicant's cost "for the life of the data center use," and, on a violation, 48 hours to mitigate or the certificates of occupancy "are automatically suspended and the Applicant shall cease the use."[70] Amazon's counsel later listed the concessions it made before approval as burying power lines, sound tests "at every stage of construction," and the brick façade.[64]

2023 to 2025: the council changes

Residents wrote to the council before the vote asking Councilman Heroux to recuse himself; their emails are attached to the minutes.[69] On the morning of the 14th, in the minutes' words, he told the council he had filed a Conflict of Interest Act

declaration and that it was "the opinion of the Town Attorney that he has no conflict on this matter"; that evening he declared, again in the minutes' words, "a business relationship between his employer and Amazon."[69] He did not recuse, and he moved the resolution.[69] In the November 2024 election a candidate who defeated one of the four who voted yes said afterward, as reported, that everyone who had voted for Amazon was gone.* The roll calls bear it out. Of the seven members who voted on the permit in February 2023, three sit on the council that voted in January 2025: Semple, McGuire and Mooney, the three who voted no. None of the four who voted yes does.[71][69]

2025: the repeal

The council initiated the repeal by resolution in March 2025; the minutes of 8 July give the date as 22 March, a Saturday.[72] The planning commission recommended it on 20 May 2025 "by a vote of four to approve, one to deny." The council adopted Ordinance 2025-10, ZOTA-25-1, on 8 July 2025. The ordinance records the vote: ayes Francis, Semple, Kovalik, O'Halloran, Gagnon and Mooney; no nays; McGuire absent.[59] It strikes data centers from the industrial district's list of uses permissible by special use permit, and with them the 2021 provisions.[59][73] Its operative recital is a finding about the use:

> Council now finds that a Data Center is a Use that does not further the health, safety and welfare of the public, nor does a Data Center Use promote public necessity or public convenience within the Town of Warrenton.[59]

The ordinance's text says nothing about permits already issued.[59] The minutes record the zoning administrator as saying the amendment would make data centers "an impermissible use throughout the Town."[72] Five months later the town's own counsel told the board of zoning appeals that the council's minutes of that night "made it plain that it was prospective only in effect," and that neither the repeal nor the zoning administrator's later determination "affected any rights that may have legally vested in the time of the Town's approval of SUP-22-3 or the Site Plan."[61] The minutes say nothing of the kind in their text; the characterization is counsel's.[72] The consultant's May 2026 public draft of the zoning ordinance does not carry the data center standards forward "because data centers are no longer a permitted use in any district."[73]

The repeal ended data centers as a use in Warrenton. On its counsel's account it did not affect "any rights that may have legally vested," and the legality of the 2021 amendment and the permit "will be determined by the legal outcome of the Rezoning Challenge." SUP-22-3 was carried as active on the town's permit portal when it was read in August 2026.[61][74]

On 14 October 2025 the council went into closed session on pending litigation, including *Cross*, "identified on the agenda as the Amazon case," on a second lawsuit, and on the town's open-government commission; a 5-2 amendment added a personnel matter. After the session it voted 4-3 to terminate the town manager's contract: ayes Gagnon, McGuire, Mooney and Kovalik; nays Semple, O'Halloran and Francis. The minutes record no reason and state no connection between the termination and any matter discussed.[75]

PART FIVE: THE TOWN CHANGES SIDES

The town approved the permit in February 2023 and Amazon's site plan in April 2024. From January 2025, under a changed council, it directed its attorney to reassess its defenses of the permit in court, and later asked the board of zoning appeals to uphold a determination that Amazon does not currently possess vested rights, saying it would await the court "in protection of the rights of its citizens."[71][61] The permit's fate is in the circuit court, whose index, read 9 November 2026, shows no ruling on it.

The challenge

Residents and Citizens for Fauquier County filed *Cross v. Town Council of the Town of Warrenton*, CL23000128-00, in Fauquier County Circuit Court on 16 March 2023.[71][61] The town's counsel later summarized what it seeks, among other relief: a declaration that the 2021 text amendment is void from the beginning, a declaration that SUP-22-3 is void from the beginning, and a writ of mandamus "compelling Town Officials to deny any permits or approvals related to SUP-22-3."[61] The amended petition, which the council's resolution dates June 2023 and the court's index 21 August 2023, rests the first claim, as the resolution recites it, on the initiating resolution of April 2021, which, it says, "failed to state a public purpose as mandated by VA. Code 15.2-2286(A)(7)."[71][76] Amazon moved to intervene and was admitted by order of 14 April 2023.[71]

The court heard the defendants' demurrers and pleas in bar on 13 December 2023. Its order, entered in February 2024, overruled the demurrers to Counts I and II, the void-from-the-start claim and the mandamus claim, found the plaintiffs' allegations of standing sufficient, held that Va. Code § 15.2-2285(F) "does not bar Counts I or II as untimely," and sustained the demurrers to Counts III through VIII, dismissing them without prejudice and with leave to amend.[77] Amazon describes the same hearing as having "dismissed as legally baseless almost all of the plaintiffs' claims."[64] On 4 March 2024 the plaintiffs filed notice of their intent to stand on the First Amended Petition, and the court's index shows no second one.[76]

The site plan, and a second case

The zoning administrator approved Amazon's site plan, SDP-23-6, on 18 April 2024, while *Cross* was pending.[61][78] The plaintiffs appealed the site plan approval to the board of zoning appeals in May 2024 (BZA-24-1; the consent order says the 16th, their counsel the 17th) and moved for a preliminary injunction on 29 May. A town official ruled the appeal impermissible, and they appealed that on 11 June (BZA-24-2). Their position is that the appeals stayed the site plan under Va. Code § 15.2-2311(B), so that Amazon could not rely on it.[79][58] They also filed a mandamus

action, CL24000303, to make the board hear the appeals. Their counsel dates it 10 June 2024, and the town and Amazon date it 14 June, the date on the court's index.[61][64][58][76] It remained open on the index on 9 November 2026.[76] The town's counsel told the board in February 2026 that the town "later filed its own action to prevent the BZA from acting."[80] That is CL24000305-00, a petition for a writ of prohibition the town filed against its own board on 17 June 2024. The consent order calls the two the site plan approval cases.[79] After a waiver of notice on 27 June 2024 the town's petition saw no further filing by a party, and it was purged under the two-year rule by final order of 11 September 2026.[76]

The consent order, and the council's change of position

In January 2025, on the parties' joint request, the circuit court entered a consent order "maintaining the status quo."[79] A two-day hearing on the plaintiffs' motion for a preliminary injunction had been set for 21 and 22 January. The order took it off the docket and said this:

> Amazon shall not seek, nor shall the Town approve, further permits or approvals related to the construction of a data center on the Property, including, without limitation, land disturbance permits or building permits, nor shall Amazon otherwise further construction of the data center on the Property, until a Final Order has been entered.[79]

The order "shall not constitute a decision on the merits," reserves every party's arguments, and lets any party seek its dissolution or extension, with the injunction motion to be heard first if the parties do not all consent.[79] Amazon says it "did not undo any of the steps Amazon had taken prior to January 14, 2025."[64] The town's counsel conceded a related point: "Amazon is correct that the Consent Order does not apply to any rights or privileges that may have already vested."[61]

The council adopted RES-25-01-06 on 14 January 2025, the day of the order, 5-2, directing the town attorney "to determine the appropriateness of the Town's defenses in this matter and seek the potential amendment of its Answer so as to withdraw certain defenses."[71] The ayes were Francis, Semple, Kovalik, O'Halloran and Gagnon; the nays McGuire and Mooney.[71] The resolution recites that the petitioners had been found to have standing, and that if the April 2021 initiating resolution was not properly initiated, "it may render Resolution void ab initio."[71] The resolution states its purpose as "to further avoid the unnecessary expenditure of public resources." The mayor said, in the minutes' words, that "the resolution was not binding but indicated a new direction."[81][71] The minutes record the member who seconded it saying "a major public policy reason for immediate approval was to reflect widespread citizen opposition to the data center project."[81] The index lists a motion for leave to file an amended answer on 14 November 2025, without a party

label.[76] A year after the resolution, the plaintiffs' counsel reports, a consent order of 23 January 2026 withdrew the town's and Amazon's standing defenses and dismissed certain plaintiffs. The court's index carries it as "REDUCE TRYL, DISMSS PARTYS"; the order was not read.[58][76]

Vested rights

Seventeen days after the repeal, on 25 July 2025, Amazon's land use counsel asked the zoning administrator to confirm that its rights in the project had vested under Va. Code § 15.2-2307. The town logged the request on 31 July.[66][82] Amazon listed what it had done in reliance on the permit and the site plan: engaging contractors and a general contractor, soil sampling, tree felling, security and maintenance, a letter of authorization with Dominion Energy, "designing and procuring long lead-time equipment such as generators, HVAC systems, and steel," and work with the Department of Environmental Quality. It put the cost at "at least $3.5 million."[64] An Amazon affidavit lists $3,097,249 in paid invoices and purchase orders of $3,386,800.96.[67]

The zoning administrator answered on 24 October 2025, with the town attorney's concurrence. She found that the property "has on its face received a significant affirmative governmental act" in the permit, and that the owner had then obtained site plan approval. She found that both approvals depended on the text amendment and the permit surviving in court. Amazon had acted "with knowledge of the above-referenced Circuit Court Actions" and had entered the consent order, "all of which militates against its 'good faith reliance.'" She could not rule for Amazon "until the Circuit Court actions referenced herein have been fully and definitively resolved." Her conclusion: "The property owner does not currently possess a vested right" under the statute, "notwithstanding the approvals" of the permit and the site plan.[82] The letter also quotes Va. Code § 15.2-2261(C), under which, while a final site plan remains valid, a later ordinance change shall not "adversely affect the right of the subdivider or developer" to complete an approved development, subject to stated exceptions. It draws no conclusion from that section.[82] Amazon's request says the site plan is valid for five years from approval, which would run to April 2029.[66]

Amazon appealed to the board of zoning appeals on 24 November 2025. Its statement of justification argues that adopting the zoning administrator's conclusion would endorse "a type of heckler's veto where the mere filing of a lawsuit, no matter how frivolous or nakedly obstructionist, would forestall important and appropriate property development," and says the uncertainty "compelled Amazon to forgo its immediate right to build in Warrenton and instead to lease data center space in another locality," at a cost of "tens of millions more than the Warrenton location."[64]

The town's counsel answered on 15 December 2025. Amazon knew the permit was in litigation when it spent the money, he wrote, so "It would be impossible for Amazon to 'rely' on zoning decisions and other actions, which it knew were being challenged in Court"; a determination recognizing vested rights would be a further "approval" barred by the consent order; and the town, "in protection of the rights of its citizens," would "not act to frustrate or complicate the facts before the Court before a final determination." He called Amazon's statement that the repeal compelled it to "forgo" its rights "not credible," "especially as the Consent Order had already been entered six (6) months earlier." He asked the board to uphold the determination "and permit the questions to be tried in Fauquier County Circuit Court."[61] The letter also states the town's position on the record: "the Town has issued no further permits for development."[61]

The board heard both lawyers on 3 February 2026. Asked whether progress could be made without a determination, Amazon's counsel said, in the minutes' words, "that progress could still be made at risk using the prior zoning code, the vested rights determination removes the risk." The minutes also record him describing the determination as an advisory opinion authorized by statute that does not violate the consent order, and the town's counsel giving the opposite opinion on the consent order.[83] The vice chair recused himself for a conflict of interest. The other four members voted to defer the appeal "until after pending action of CL23-128 is concluded and all appeal periods have expired."[83]

Trial

Cross was set for a seven-day bench trial from 9 March 2026.[61][76] The town's counsel told the zoning appeals board in February that the parties had cut it to three days and that standing had been conceded.[80] The court's index shows, dated 9 March, a stipulation of facts and admission of the record, thirty-eight exhibits numbered P1 to P38 and a consent order governing post-trial proceedings, and it carries the trial setting as continued generally. Post-trial briefs ran from 3 April to 29 May.[76] Final argument was heard before Judge Stephen Sincavage on Monday 15 June 2026,* and the index marks the matter under advisement.[76] As the Fauquier Times and FauquierNow reported it, counsel for Citizens for Fauquier County argued that the failure to state a statutory purpose voids the 2021 amendment and everything built on it. Amazon's counsel, Matt Westover, answered that the plaintiffs had not challenged the amendment within the 30 days the law allows: "There is no exception, your honor, for void ab initio claims," he said, in the Fauquier Times account.* The court had already denied the pleas in bar for Counts I and II at the pleading stage.[77] The town's attorney, Philip Strother, calling the town's position "limited" in FauquierNow's account, spoke for many of the plaintiffs' arguments: the void-from-the-start challenge is cognizable, the 30-day limit does not

apply, and Amazon has no vested rights. "The town changed a legal assessment, not the record," he told the court, and Westover called the change "entirely political," as the Fauquier Times reported it.* The judge gave no date for a decision.*

Amazon took the board's deferral to the circuit court on 5 March 2026 by petition for a writ of certiorari, CL26000099-00, naming the town council. The writ of 13 March was withdrawn by consent on 9 April after the town's emergency motion, and a new writ issued that day; the return was filed on 26 May, and the town's brief against the petition on 22 June.[76] Citizens for Fauquier County moved on 1 May to intervene in that case and to consolidate it with *Cross* and CL24000303. The town filed in support of both motions on 22 July, and Amazon opposed them. Judge James Plowman heard them on Wednesday 29 July 2026 (FauquierNow says Thursday*), and his orders denying them were entered on 31 August.[76] He said he would suggest to the chief judge and Judge Sincavage that one judge oversee all three, as FauquierNow reported it.*

No ruling in *Cross* appears on the court's index, read on 9 November 2026: no judgment, no final order, and no entry after 31 August. The orders and briefs themselves are not online and were not read.[76] No press account read to 9 November 2026 reports a ruling.[84] Before the town election of 3 November 2026 the Fauquier Times reported that all three candidates for mayor opposed data centers in Warrenton.* On unofficial results reported by FauquierNow, Renard Carlos won the mayor's race over council member David McGuire and Planning Commission chair Darine Barbour, and Patty Pratt and Christian Malott won the two council seats held by McGuire and by Paul Mooney, who did not seek reelection.* McGuire and Mooney voted against the permit in 2023;[69] Carlos, an at-large council member from 2018 to 2022 as press accounts give it,* voted for the 2021 text amendment.[60]

The records case

A records case ran alongside the land-use case. Citizens for Fauquier County, formed in 1968, asked the town in July and October 2022 for records about the Amazon proposal. In November 2022 the town told it that "3,142 [e]mails or email chains" were being withheld. Among the exemptions it claimed was the one for the "[w]orking papers and correspondence of . . . the mayor or chief executive officer," which the town took the position covered both the mayor and the town manager.[85] The opinion records a total of 3,150 records, which the town admitted in its answer. The circuit court dismissed the group's petition after reviewing a sample it invited the town attorney to choose, and found no indication of bad faith. The Court of Appeals reversed and remanded on 30 July 2024, and rejected the group's request that all the emails be ordered produced. It held that "a municipality with both a

mayor and a chief-executive officer may elect which of them receives the exemption under Code § 2.2-3705.7(2). But it cannot claim the exemption for both officers," and that the trial court erred in letting the town pick the sample "without providing any evidence to show that the sample was representative."[85] On 14 January 2025 the new council voted 6-1 to release the emails withheld under the chief executive exemption, 2,633 by its resolution's count, except where disclosure is otherwise prohibited by law, and to withdraw the town's petition to the Supreme Court of Virginia.[81] The town had filed that petition on 27 September 2024, and the release followed in February 2025.[81][86]

The line, and the land

The project also needed power. Dominion's page for the Blackwell Road 230 kV line and substation ends its timeline with the filing at the State Corporation Commission marked TBD, and no Commission case for the project was found to 24 October 2026.[86] Amazon's statement lists executing "a Letter of Authorization with Dominion Energy" among the steps it took in reliance on the site plan approval;[64] its affidavit dates the letter 7 December 2023, four months before that approval.[67]

The parcel carries no assessed improvements in any tax year from 2011 to 2026. Its assessed land value doubled in 2026, from $31,282,500 to $62,565,000.[86] Amazon's air registration with the Department of Environmental Quality, for its emergency generators, sat in the department's "Planned" layer and had not moved to "Active" as of August 2026.[86]

PART SIX: WHAT THE COUNTY HOSTS AND WHAT IT COSTS

Fauquier's record on data center revenue is thin, and the county's own documents are the reason to keep this part short. What follows is what they show.

Revenue

In February 2024 the Fauquier Times, reporting the county administrator's proposed budget, put what the county "already receives annually from data centers" at $6.6 million; the figure is the reporter's.* That is about 3 percent of a General Fund budget of $214.4 million in fiscal 2024.[87] The $6.6 million has not been found in a county document. The article describes the proposed new rate as aimed at "the county's two existing data centers" without naming them; the county's staff report of 2026 lists one data center operating at Vint Hill.[88] Separately, the county resolved in 2018 to reimburse up to $1 million for a fiber line for OVH and to be entitled to 25 percent of the fiber, and in September 2019, with the line complete, the Board authorized a memorandum of understanding to disburse the payment.[89]

The Board created a separate tax class for "computer equipment and peripherals used in a data center" on 14 March 2024, 5-0, the same night it adopted the Vint Hill amendment.[90] County budget documents show the class at $4.15 per $100 for tax years 2024 and 2025, and the budget resolution adopted 4-1 on 31 March 2026 keeps it there for 2026, the same rate as the general personal property class and above the $3.45 on business furniture, fixtures and equipment and on machinery and tools.[91] The Fauquier Times reported in February 2024 that the proposed budget would move data center equipment from $3.45, the rate other businesses paid, to $4.15, for an expected $1.3 million in added revenue;* the county documents read show both rates. Prince William's rate for fiscal 2027 is $4.50. The Fredericksburg ring's compact rate is $1.25.[92] On 12 March 2026, on a consent agenda adopted 5-0, the Board resolved to "support eliminating the sales and use tax exemption for data centers in the Commonwealth of Virginia."[93]

The county's total real estate rate was $0.943 in tax year 2024 and $0.967 in 2025. The fiscal 2027 adopted budget, $457.8 million, sets it at $0.895, down 7.2 cents, in a reassessment year.[94] The rate carries a line that belongs to this story: $0.004 for the Conservation Easement District.[94] The Piedmont Environmental Council reports 112,490 acres under easement in the county.*

Staff's 2018 estimate for Remington Technology Park alone reached about $8,742,750 a year by the sixth year, before equipment.[95] No later county document read for this study compares that estimate with anything the park has paid.

Power

Three utilities serve the county. The State Corporation Commission's territory map shows Dominion across much of northern and eastern Fauquier, Rappahannock Electric Cooperative across the west and south, and NOVEC in patches on the eastern edge. The map is drawn at county scale and cannot settle which utility serves a given parcel.[96] Remington Technology Park's applicant told the Planning Commission it contracts with Dominion.[97]

The county's Board has taken its positions on the lines. It resolved on 11 September 2025 against Dominion's alternate Morrisville to Wishing Star routes, reciting that the county "has carried more than its fair share of electric infrastructure."[98] Dominion's application is before the Commission as PUR-2026-00021. The county's assistant director of community development filed direct testimony on 13 August 2026 asking the Commission to weigh the county's Comprehensive Plan under Va. Code § 56-46.1(A) and to require a straight-line route through or along a Dominion-encumbered parcel near Laws Ford Road, or documented engineering reasons it cannot be built. He records that the Planning Commission voted 4-1 on 16 October 2025 to recommend denial of Dominion's expansion of the Morrisville Substation, SPEX-25-024701, and that Dominion withdrew the application before the Board's meeting of 13 November.[99] He also asked that Dominion be required "to update and verify the load growth and need analysis underlying the Application" and to address, "consistent with the Final Order in the Rider T1 case," how the project's costs should be allocated "given its data center-driven origin." On Dominion's motion the senior hearing examiner struck the cost request on 28 October, concluding "that it is improper to determine cost allocation for the Project in this CPCN proceeding"; the load request was not struck.[100] As of 9 November 2026 the evidentiary hearing is set to begin on 16 November 2026.[101] On 11 June 2026 the Board's chairman wrote PJM that "Fauquier County does not support the siting, construction, or operation of the Yeat Substation or any related infrastructure within the County."[102] PJM's Board approved a scope change in mid-July 2026 moving Yeat about fifteen miles south, toward Culpeper County, whose own Board had asked PJM to reject or delay the move.[103]

The same Board meeting of 11 September 2025 approved, 5-0, a special exception for Dominion's Remington Battery Energy Storage System on Lucky Hill Road, SPEX-25-024369: 100 MWac/400 MWh on about 17 acres of a development of about 72 acres that includes the existing generating plant.[104]

PART SEVEN: WHAT THIS SHOWS AND WHAT IT DOES NOT

The finding, held to its scope

Each of the county's three data center restrictions came after approvals. The policy and the 2026 ordinance contain text that stops short of approvals they would otherwise have reached; the 2024 ordinance, as to data centers a rule for new structures, reached no approval the record read identifies. The town's repeal struck the use and left the permit for the courts. That is a finding about order. On motive, no document read states one for the exemption in the 2023 policy or the two March 2024 clauses. The Board's record ties the Land Bay V part of the third 2024 clause to the settlement of a dispute, authorized on one motion with the clause, and does not say why the clause also covers the assisted living facility. The 2026 staff report gives potential vested rights as the reason for its recommendation; the ordinance recites none for its exemptions.[105]

The order itself is not peculiar to Fauquier. The Fredericksburg volume found that "every tightening came after the major entitlements, never before," and that "every one of them carries a grandfather clause." Henrico "changed its rules only after the largest entitlements were granted."[106] Virginia law protects vested rights, so a county that exempts them is obeying the statute. For Remington Technology Park's rezoning and proffers, and for OVH's approved site plan, that may be the whole explanation, subject to the reliance and expense elements, which staff called likely met and no document read establishes. The study's interest is in the clauses that reach past the statute's list, and in what the town did.

Chesterfield, on the same statute

Chesterfield is the nearest example of a county attorney applying the same statute. There, in work sessions in August and September 2025, "The County Attorney's office advised that vested rights protected projects with already-approved proffers and zoning," and the county's new permit requirement was not made retroactive.[107] Fauquier's exemption for Remington Technology Park does what that advice describes.

Chesterfield also tested where the statute's own protection stops. The owner of 89.3 acres on Old Bermuda Hundred Road had filed a site plan application in April 2024, and it went through several rounds of review without approval. The county's staff report put the dispositive fact in one sentence: "It is undisputed that the County did not approve the site plan prior to the new Zoning Ordinance going into effect on January 1, 2026." The planning director found no vested right, and the Board of Zoning Appeals upheld him on 3 June 2026; the owner's court window was open at

that volume's snapshot.[108] An affiliate of the owner there also held a fresh rezoning on an adjacent parcel, so the two cases differ. On the point that matters here they do not. A site plan under review did not vest in Chesterfield. CyrusOne's did not need to under Fauquier's 2026 clause. Under its 2024 clause it did not need to either if a plan filed on 11 March 2024 and not accepted until 12 April counts as submitted; press reported the project as grandfathered.*[109]

Who else wrote past the line

Fauquier did not write those clauses alone. Loudoun's Board voted 7-2 on 18 March 2025 to require a special exception where the use had been by right, and by a separate 5-4 resolution "carved out a grandfathered pipeline by a single vote," with a cutoff at its public hearing date of 12 February 2025. The County Attorney told that Board nine of thirty-one administrative applications had come after a prior legislative approval and twenty-two had not, and a supervisor said in the same debate, "So we are not required to grandfather by any stretch of the imagination."[110] Prince William's amendment of 22 September 2026 "narrows by-right development rather than ending it," lets qualifying properties "continue to exercise existing by-right data center development permissions," and keeps a pathway for pending applications open for ninety days.[111] Caroline grandfathered a project "on its prior filings and investment"; that volume does not say whether the plans had been approved.[112] Chesterfield and Henrico held to the statute's line, with a second appeal in Chesterfield pending at that volume's snapshot.[113] So Fauquier's clauses past the list were a choice, unless rights had vested off the list, which the record read does not establish. The choice is a common one, and one clause was adopted with a settlement. Fauquier's cutoffs in 2024 were 1 January for operating data centers and the day of the March vote for the rest, kept at readoption, and in 2026 the day of initiation.

One difference from Loudoun and Prince William is scale. They restricted around a built industry. Fauquier restricted around one operating data center at Vint Hill and a set of entitlements most of which are unbuilt on the record read. Its exemptions cover nearly every project on file that the county did not lose to a withdrawal.

Pittsylvania went the other way: "refusal, then entitlement by ordinance, on the county's own motion, for a site the county co-owns."[114] Fauquier's order is entitlement, then restriction, with the documented withdrawals running from 2024 on.

A town that changed sides

King George is the series' other case of a local government moving against an entitlement after the owner had paid for the land, and it ended by agreement in

September 2026, with the county recognizing Amazon's vested rights.[115] Warrenton's case has not ended. On the record read, the town's council directed its attorney to reassess its defenses, it voted to release the emails it had withheld under the chief executive exemption, it filed in support of the citizens' group's motions in July 2026, its zoning administrator declined to affirm vested rights while the suits are pending, and its attorney, calling the town's position "limited," spoke for many of the plaintiffs' arguments at final argument, as press reported.* The town's counsel told the zoning appeals board it wants the litigation to decide. The minutes and letters read do not show the town conceding that the permit is void.[116]

Where the series has this county wrong

The series has used Fauquier as a refusal case, and the record does not support that use. The book edition of *Governing the Demand Shock* places Fauquier with Pittsylvania at the refusal pole, takes it up in its chapter on refusal-before and, in its conclusion, names it with Hanover and Pittsylvania among the refusals, though its own classification table places the county with reform-after.[117] The Town Council approved the permit in February 2023, the zoning administrator approved the site plan in April 2024, and the permit stands approved and contested. The statewide county row of 0 operating, 1 proposed (GI Partners) and 3 withdrawn or rejected counts no operating data center, though OVH operates at Vint Hill, and no GI Partners project in Fauquier was found in the searches of 28 September and 24 October 2026.[118] Both volumes also place the county in a ring where the pre-entitlement posture predominates, which its 2018 rezoning contradicts.[118] This study supersedes those passages for Fauquier.

The Planning Commission's two denial recommendations on Gigaland are the nearest thing the county has to refusal, and neither reached an entitlement. A third, on Remington Technology Park's 2026 turbine plan, did, and the Board approved a revised plan under the same application. The 2026 ordinance ends the use in the Business Park district, except on land zoned there on 20 August 2026, and sends new PCID data centers to special exception, outside the three PCID exemptions Part Two reads. This study therefore places Fauquier with the counties that reformed after entitlement, Loudoun and Henrico among them.

What the record does not establish

The record read does not establish why any applicant withdrew. The county's staff attributes the outcome to public opposition and recurring concerns, and the applicants' filings mostly say nothing. It does not establish whether CyrusOne, Vint Hill Corners or any Business Park parcel would have vested without the exemptions. It does not establish what Amazon's permit is worth, which depends on *Cross*, on the vested-rights appeal, on a transmission line with no Commission case found, and on

a council whose membership changes after the town election of 3 November 2026. Appendix B lists what is open.

APPENDIX A: CLAIM AND SOURCE TABLE FOR PART TWO

Part Two carries the study's most contestable claims. Each is listed with the document it rests on and the grade of the evidence: P for a primary document, S for a press account, and Open where no document settles it.

Claim	Source	Grade
The Board rezoned about 234 acres to Business Park with proffers on 8 March 2018, 5-0, and amended the Fox Haven proffers 4-1; approval allowed up to 1,800,000 square feet	Board minutes [17]; staff report [20]	P
The December 2023 policy's Section I does not apply to BP and PCID properties where data center use was previously approved through a rezoning	Policy, Applicability [23]	P
The Board adopted TEXT-24-021435, 3-2, on 14 March 2024	Board minutes [24]	P
The Board voted 5-0 on 11 April 2024 to reconsider it, and resolved to extend Vint Hill Corners, LLC's time to sue	Board minutes [28]	P
The Board readopted it on 9 May 2024, 4-1, adding a Land Bay V exemption, and authorized covenants and a settlement with Vint Hill Corners, LLC	Board minutes, ordinance and resolution [29]	P
The 2024 ordinance does not apply to projects with a site plan "submitted for review ... on or before March 14, 2024"	Ordinances in the minutes [24] [29]	P
CyrusOne asked at the hearing for "reasonable grandfathering provisions"; staff dates its site plan to March 2024, and it remained under review in October 2026	Board minutes [24]; staff report [20]	P
CyrusOne's application is dated 11 March 2024; staff did not accept the plan on minimum submission review on 21 March and accepted it with conditions on 12 April	County portal, SITP-24-021715 [26]	P

Claim	Source	Grade
The Director, who is also the zoning administrator, called a data center not permitted in Land Bay V on 24 October 2023 and a listed principal use on 19 March 2024	County portal, PREM-24-021470 and ZDET-23-021277 [27]	P
The 2020 plan as filed lists Land Bay V for office, industrial, hospitality, historic reuse and research and development and does not name data centers	County portal, REZN-19-012270, plan sheet and staff report [39]	P
The agreement's building limits; 720,000 square feet of floor space; Broaddus on the land's value	Prince William Times, 12 May 2024	S
The proffers were amended on 12 September 2024, 4-1, and 9 July 2026, 3-1	Board minutes [31] [34]	P
Staff wrote that exempted properties "likely hold 'vested rights'"	Staff report, cover page [20]	P
The Board adopted TEXT-26-027401, 4-1, on 8 October 2026	Board minutes [36]	P
The 2026 ordinance exempts operating PCID data centers, PCID projects with a submitted site plan, Land Bay V projects approved on the 2020 plan or proposed by pre-application request, and properties zoned BP, each as of 20 August 2026	Ordinance, pp. 1 to 2 [37]	P
A rezoning for a specific use, accepted proffers and an approved site plan are deemed significant affirmative governmental acts; the list applies "without limitation"	Va. Code § 15.2-2307(C) [38]	P
No item on the list covers a plan only submitted or a pre-application meeting	Same, read for the negative	P
Whether any exempted owner met the reliance and expense elements	Not shown by any document read	Open
The applicant told the Planning Commission in March 2026 it sought a temporary turbine plant until grid power arrived	Commission minutes [33]	P

Claim	Source	Grade
A revised plan filed on 4 June 2026, before the Board's vote, replaced the gas turbines with fuel cells	Piedmont Environmental Council, 1 July 2026, for the plan and date; Virginia Mercury, 20 July 2026, and FauquierNow on the July vote, for the change	S

APPENDIX B: OPEN AT THE DATE OF THIS TABLE

Open as of 9 November 2026.

Item	Status
A ruling in *Cross*	None on the court's index read 9 November 2026; under advisement since 15 June; orders and briefs not online
The *Cross* record of 9 March 2026	Index shows a stipulation, thirty-eight exhibits and a consent order, and the setting continued generally; none of those filings is online
The Vint Hill Corners settlement agreement and covenants	Authorized 9 May 2024, not read; land records not searched
Whether a data center is an approved use in Land Bay V	The 2020 plan as filed and the Board's staff report list office, industrial, hospitality, historic reuse and research and development and name no data center; the county spoke to the use two ways; the October 2023 email points to amending the proffers and plan without saying what in them bars the use, and the March 2024 determination names neither the land bay nor the plan; no court has ruled
Broaddus's 26.7 acres; the Commonwealth's Attorney's opinion	Parcels not located; opinion not read
Notice and referral of the 9 May 2024 text	Advertising directed by the Board; the advertisement and any Commission referral not read; this study takes no position on validity
The consent orders of 23 January, 26 February and 9 March 2026	Titles on the court's index; not read
Amazon's appeal, CL26000099-00	Open on the index read 9 November 2026; petition, return and briefs not online
BZA-25-3 after 3 February 2026	Closed session on 5 May 2026, draft minutes; no action recorded; BZA-26-1 at that meeting is an unrelated variance
Town Council meeting of 10 November 2026	Agenda not read; the agendas of 14 and 16 July, 11 August, 8 September and 13 October carry no data center item
Town election of 3 November 2026	Held; on unofficial results Renard Carlos won the mayor's race, and Patty Pratt and Christian Malott the two council seats (Part Five);* certified results not read

Item	Status
Board of Supervisors meeting of 12 November and Planning Commission meeting of 19 November 2026	The Board's agenda lists Item 8A, "A Resolution to Amend the Data Center Development Policy"; the resolution's text and the Commission's agenda not read
Why any applicant withdrew	None of the five withdrawal letters and emails mentions the policy or the 2026 ordinance; Gigaland's 2025 email cites feedback from "community stakeholders"; the county's staff attributes the outcome to concerns and opposition
Convergent 2019 and Catlett 2020	Listed by staff as withdrawn or closed; no document read, and staff does not separate withdrawn from closed
The Culbertson holdings	The proffer statement lists the application's main parcel as co-owned by Daron Lee Culbertson; acreage reported two ways; no recusal record found in the minutes read
SDC Capital Partners and Remington GC, LLC	The county portal lists Remington GC and Ron Meyer & Associates as applicants and SDC as billing contact; no document states the relation
The $6.6 million a year	Press only, the reporter's figure;* the rates the press reported, $3.45 and $4.15, are in the county documents read
Department of Environmental Quality registration 74198 at Bear Wallow Road	Probable and not established
Air permit application reported for the park's fuel cells	Press only (Piedmont Environmental Council; Virginia Mercury);* application not read
Whether the determination of 19 March 2024 was appealed	Not shown by the record read
Adopted text of the SUP-22-3 conditions	Copies dated 14 February 2023 and not headed draft are exhibits to Amazon's affidavit in the board's packet of 3 February 2026 and match the draft on the conditions quoted; no town-certified copy read
CyrusOne's site plan after October 2026	Portal shows Under Review on 9 November 2026
The text of § 15.2-2307 in force in March and May 2024	Read as it stood on 1 November 2026; a 2026 bill prints the list as existing law at subsection B; the 2024 and 2025 acts not read

Item	Status
The Blackwell Road line	No Commission case found to 24 October 2026; Dominion's page shows no 2026 update

APPENDIX C: TIMELINE

Date	Government	Event
8 Aug 2013 (Thu)	County	Board adds data centers to the PCID overlay, permitted with recycled water, special exception without
13 Apr 2017 (Thu)	County	Board requires new power lines in the PCID underground
14 Dec 2017 (Thu)	County	Board adds data centers to the Business Park district
8 Mar 2018 (Thu)	County	Board rezones about 234 acres for Remington Technology Park, 5-0; amends the Fox Haven proffers, 4-1
10 Sep 2020 (Thu)	County	Board approves the Vint Hill Lofts amendment, the 2020 concept plan
10 Aug 2021 (Tue)	Town	Council adopts the data center text amendment, 7-0
21 Sep 2021 (Tue)	Town	Amazon Data Services buys the Blackwell Road parcel
14 Feb 2023 (Tue)	Town	Council approves SUP-22-3, 4-3, in a hearing that ran past midnight
16 Mar 2023 (Thu)	Town	Residents and Citizens for Fauquier County file *Cross*
24 Oct 2023 (Tue)	County	Director rejects a Land Bay V pre-application request: use not permitted in that location
14 Dec 2023 (Thu)	County	Board adopts the Data Center Development Policy, 5-0
18 Dec 2023 (Mon)	County	Vint Hill Corners, LLC's determination request received
27 Feb 2024 (Tue)	Town	Order overrules demurrers to Counts I and II of *Cross*, sustains the rest with leave to amend
11 Mar 2024 (Mon)	County	CyrusOne's site plan application filed
14 Mar 2024 (Thu)	County	Board adopts TEXT-24-021435, 3-2, and creates the data center equipment tax class, 5-0
19 Mar 2024 (Tue)	County	Zoning administrator's determination to Vint Hill Corners, LLC
11 Apr 2024 (Thu)	County	Board votes to reconsider the amendment, 5-0
12 Apr 2024 (Fri)	County	CyrusOne's plan accepted for first submission review
18 Apr 2024 (Thu)	Town	Zoning administrator approves site plan SDP-23-6

Date	Government	Event
9 May 2024 (Thu)	County	Board readopts the amendment with a third exemption, 4-1, and authorizes a settlement with Vint Hill Corners, LLC
14 Jun 2024 (Fri)	Town	Mandamus petition, CL24000303, filed
17 Jun 2024 (Mon)	Town	Town's petition for a writ of prohibition, CL24000305, filed
15 Jul 2024 (Mon)	County	Catlett Project withdrawn
30 Jul 2024 (Tue)	Town	Court of Appeals reverses and remands in the records case
12 Sep 2024 (Thu)	County	Board amends Remington Technology Park's proffers, 4-1
12 Sep 2024 (Thu)	County	Board sends substations in the BP, I-1 and I-2 districts to special exception, 4-1
14 Jan 2025 (Tue)	Town	Consent order; council adopts RES-25-01-06, 5-2
8 May 2025 (Thu)	County	Board waives a new special exception for Remington Technology Park construction access, on consent, 4-0
18 Jun 2025 (Wed)	County	Planning Commission recommends denial of Gigaland, 4-1
8 Jul 2025 (Tue)	Town	Council repeals the data center use, 6-0, one member absent
25 Aug 2025 (Mon)	County	Gigaland withdraws
11 Sep 2025 (Thu)	County	Board resolution recites that the county has denied the vast majority of data centers proposed
11 Sep 2025 (Thu)	County	Board approves Dominion's Remington battery storage system, 5-0
16 Oct 2025 (Thu)	County	Planning Commission recommends denial of the Morrisville Substation expansion, 4-1; Dominion later withdraws
24 Oct 2025 (Fri)	Town	Zoning administrator determines Amazon does not currently possess a vested right
24 Nov 2025 (Mon)	Town	Amazon appeals to the Board of Zoning Appeals
23 Jan 2026 (Fri)	Town	Consent order in *Cross* reduces the trial and dismisses parties
3 Feb 2026 (Tue)	Town	Board of Zoning Appeals defers the appeal, 4-0, one member recused
5 Mar 2026 (Thu)	Town	Amazon petitions for a writ of certiorari, CL26000099

Date	Government	Event
9 Mar 2026 (Mon)	Town	Stipulation and exhibits filed in *Cross*; trial setting continued generally
12 Mar 2026 (Thu)	County	Board resolves to support ending the state sales tax exemption for data centers, 5-0
18 Mar 2026 (Wed)	County	Planning Commission recommends denial of the park's amendment, 3-2
31 Mar 2026 (Tue)	County	Budget resolution keeps the data center equipment rate at $4.15, 4-1
15 Jun 2026 (Mon)	Town	Final argument in *Cross*; under advisement
9 Jul 2026 (Thu)	County	Board amends the park's proffers and concept plan, 3-1
16 Jul 2026 (Thu)	County	Planning Commission recommends denial of the Remington Digital Campus, 4-1
29 Jul 2026 (Wed)	Town	Judge Plowman hears the motions to intervene and consolidate; orders denying them entered 31 August
17 Aug 2026 (Mon)	County	Remington Digital Campus withdrawn
20 Aug 2026 (Thu)	County	Planning Commission initiates TEXT-26-027401
27 Aug 2026 (Thu)	County	Convergent withdraws for by-right residential development
11 Sep 2026 (Fri)	Town	Town's petition purged under the two-year rule
17 Sep 2026 (Thu)	County	Remington Innovation Campus withdrawn; Commission recommends the amendment, 4-0
8 Oct 2026 (Thu)	County	Board adopts TEXT-26-027401, 4-1
28 Oct 2026 (Wed)	County	SCC hearing examiner strikes the county's cost request in PUR-2026-00021; its load request is not struck
3 Nov 2026 (Tue)	Town	Town election: Renard Carlos elected mayor; Patty Pratt and Christian Malott elected to the council (unofficial results)
9 Nov 2026 (Mon)	Both	Current through

ENDNOTES

[1] Town of Warrenton, Town Attorney's letter to the Board of Zoning Appeals, 15 December 2025, and Statement of Justification of Amazon Data Services, Inc., 24 November 2025, for the date; Town Council minutes of 14 February 2023 for the acreage. The price is from the press note below; the plaintiffs' letter of 27 January 2026 gives the same figure from the pleadings (board packet of 3 February 2026, p. 19).

[2] Town of Warrenton, Town Council minutes, regular meeting of 14 February 2023, pp. 1 to 16, with roll call: public hearing opened 8:53 p.m., closed 1:14 a.m. The town dates the vote the 14th.

[3] Town of Warrenton, site plan approval, SDP-23-6, 18 April 2024, in the Board of Zoning Appeals packet of 3 February 2026, p. 37.

[4] Fauquier County assessment record, parcel 6984-69-2419, as read in August 2026: $0 in assessed improvements in each tax year from 2011 to 2026; land $31,282,500, then $62,565,000 in the 2026 reassessment.

[5] Town of Warrenton, RES-25-01-06; Zoning Determination ZNG-25-31, 24 October 2025; Town Attorney's letter of 15 December 2025. The town's position at the hearing of 15 June 2026 is from the press note below. Part Five gives the record.

[6] Fauquier Circuit Court, case information system, CL23000128-00 and CL26000099-00, read 9 November 2026. Part Five gives the record.

[7] Fauquier County Board of Supervisors, Data Center Policy, 14 December 2023; minutes of 14 March and 9 May 2024, TEXT-24-021435; Ordinance, TEXT-26-027401, as presented to the Board in its agenda packet for 8 October 2026 and adopted without amendment, 4-1 (minutes of 8 October 2026, item 12.B); Va. Code § 15.2-2307(C); for the 2020 plan, note 39. Part Two.

[8] *Case Study: The Fredericksburg Ring*, v1.1, Part Seven, DOI 10.5281/zenodo.20673542; *Case Study: Henrico County*, v3.8, abstract, DOI 10.5281/zenodo.20671031; *Case Study: Chesterfield County*, Part Eight, DOI 10.5281/zenodo.20672436; *Case Study: Loudoun County*, abstract, DOI 10.5281/zenodo.22374193.

[9] Fauquier County Department of Community Development, Staff Report, TEXT-26-027401, Board of Supervisors meeting of 8 October 2026, pp. 2 to 3.

[10] Fauquier County Board of Supervisors, minutes of 11 September 2025, resolution on Dominion's alternate routing, p. 11, adopted with the consent agenda, 5-0.

[11] The series' statewide county row carries Fauquier as 0 operating, 0 under construction, 1 proposed and 3 withdrawn or rejected, four in all. A count drawn from the interconnection.fyi tracker gives 9 operational and 10 proposed. These count different things, and the statewide row is corrected in Part Seven. The table in Part One is the count this study uses.

[12] Tommy N. Turner, *A Line Drawn on a Highway: Virginia's Groundwater Boundary, the Rivers Beyond It, and the Data Center Load the Regime Does Not Reach*, sections 8.4 and 8.5, DOI 10.5281/zenodo.22105181 (current version 2.2).

[13] Fauquier County Department of Community Development, Staff Report, TEXT-26-027401, Board of Supervisors meeting of 8 October 2026, pp. 2 to 3 ("History and Background").

[14] *A Line Drawn on a Highway*, section 8.4.7, and Fauquier County Zoning Ordinance, Article 15, read for this study; the article has no occurrence of "recycled."

[15] Fauquier County Board of Supervisors, agenda packet of 8 March 2018, item REZN-18-008615, staff report, Topic Description, Data Center Cooling and Power Supply sections.

[16] Same packet, the Fox Haven proffer amendment item, staff report, Topic Description and Fiscal Analysis. The staff text gives "approximately 230 acres" there and 234 acres elsewhere.

[17] Fauquier County Board of Supervisors, minutes of 8 March 2018, pp. 17 to 20, with roll calls, in the agenda packet for 12 April 2018, read 2 November 2026; minutes of 12 September 2024, ordinance approving REZN-24-022878, recital of REZN-18-008615, p. 43.

[18] Virginia Department of Environmental Quality, Northern Regional Office, Registration No. 74172, minor amendment of 6 December 2022 to the permit of 3 October 2019, as amended 3 May 2021, to Remington Technology Park Limited Partnership. Author's calculation: 24 × 2,485 kW = 59,640 kW; 59.6 / 300 = 0.199.

[19] Virginia Department of Environmental Quality, EDMA active air sites layer, registration 74198, as read in August 2026. The county staff report of 8 October 2026 counts Vint Hill alone and does not mention Bear Wallow Road.

[20] Fauquier County Department of Community Development, Staff Report, TEXT-26-027401, Board of Supervisors meeting of 8 October 2026, pp. 1 to 7 ("Outstanding Issues"; "History and Background"; "Staff Analysis").

[21] Fauquier County Board of Supervisors, Ordinance approving REZN-24-022878, 12 September 2024, recital of REZN-18-008615 (approved 8 March 2018; about 234 acres R-1 to BP; Concept/General Development Plan dated 11 January 2018; Proffer Statement dated 20 February 2018), in the minutes of 12 September 2024, p. 43.

[22] Fauquier County Board of Supervisors, minutes of 14 December 2023, "A Resolution to Adopt the Proposed Data Center Development Policy," p. 13, with roll call.

[23] Fauquier County Board of Supervisors, Data Center Policy, 14 December 2023, pp. 1 to 7 (Applicability; I.A.1 and 2; I.B.2; III.B.1; III.F; IV.B.1). Attachment to the Board agenda of 8 October 2026.

[24] Fauquier County Board of Supervisors, minutes of 14 March 2024, TEXT-24-021435, pp. 19 to 24 (initiation, Planning Commission vote, speakers, declaration, roll call, ordinance with its recital, exemptions and § 4-605(b)). The Board's membership in 2024 is from the roll calls of the same minutes.

[25] Fauquier County Planning Commission, minutes of 15 February 2024, pp. 10 to 12, TEXT-24-021435.

[26] Fauquier County land development portal, record SITP-24-021715, letters of 21 March and 12 April 2024 and attachment list, read 2 November 2026.

[27] Fauquier County land development portal, records PREM-24-021470 (email of 24 October 2023; revised staff notes of the meeting of 27 February 2024) and ZDET-23-021277 (letter of J. Gregory Ashwell dated 27 October 2023, received 18 December 2023; amended request received 30 January 2024; determination of 19 March 2024), read 2 November 2026; the portal's records for the three PINs and the Fauquier Circuit Court civil index by name, the same day and again on 9 November 2026, including SITP-14-002072 (Triumph Baptist Church, major site plan, applied 21 October 2014, approval expired 24 February 2021), PLOD-22-017298 (inactive) and PLAT-26-027349 (boundary line adjustment, applied 13 August 2026, under review).

[28] Fauquier County Board of Supervisors, minutes of 11 April 2024, pp. 33 to 34, with roll call.

[29] Fauquier County Board of Supervisors, minutes of 9 May 2024, TEXT-24-021435, pp. 26 to 33, with roll call, ordinance and resolution.

[30] Fauquier County Board of Supervisors, minutes of 12 September 2024, TEXT-24-022297, pp. 28 to 30, with roll call.

[31] Fauquier County Board of Supervisors, minutes of 12 September 2024, REZN-24-022878, p. 43, with roll call.

[32] Fauquier County Board of Supervisors, minutes of 8 May 2025, consent agenda, p. 5, and WAIV-25-024269, pp. 16 to 17.

[33] Fauquier County Planning Commission, minutes of 18 March 2026, item 3, REZN-25-025515, pp. 6 to 8, with roll call.

[34] Fauquier County Board of Supervisors, minutes of 9 July 2026, REZN-25-025515, pp. 41 to 42, with roll call.

[35] Fauquier County Planning Commission, minutes of 17 September 2026, TEXT-26-027401, with roll call.

[36] Fauquier County Board of Supervisors, minutes of 8 October 2026, item 12.B (Granicus clip 1282), with roll call: moved "to adopt the attached Ordinance," with no amendment recorded; agenda for the regular meeting of 12 November 2026, Item 8A.

[37] Fauquier County, Ordinance, TEXT-26-027401, as presented to the Board in its agenda packet for 8 October 2026 and adopted without amendment, 4-1 (note 36), pp. 1 to 2 (recitals and the four applicability clauses) and pp. 2 to 8 (amended text).

[38] Va. Code § 15.2-2307(A) and (C), as read on law.lis.virginia.gov on 1 November 2026. The section's history line shows amendments in 2024, 2025 and 2026; the text in force in March and May 2024 was not compared. HB 1122 of the 2026 session, as introduced, prints the list as subsection B, unchanged.

[39] Fauquier County land development portal, record REZN-19-012270 (Vint Hill Lofts), ordinance approved 10 September 2020; plan sheet "Vint Hill Amended CDP 2020," land bay table and notes 12 and 13, as filed, read 2 November 2026. Board of Supervisors staff report for 10 September 2020, file pp. 1, 7 to 8 and 11; the same sheet is at file p. 39, reduced so that its table cannot be read.

[40] Fauquier County Department of Community Development, Staff Report, TEXT-26-027401, Board of Supervisors meeting of 8 October 2026, pp. 2 to 3 ("History and Background," Business Park District) and p. 4 (the proposed amendment) and p. 7 (pending applications).

[41] Fauquier County Board of Supervisors, minutes of 8 October 2026, item 12.B, adopted 4-1, and the ordinance as presented in the packet and adopted without amendment (note 37). The removal is taken from the staff report's description; Part Two treats the ordinance in full.

[42] Emails between Adam Shellenberger and SDC Capital Partners, 11 September 2026 and 17 September 2026 (7:16, 7:21 and 7:23 a.m.).

[43] Fauquier County land development portal, record REZN-23-020727 (SAMX Data Center), letter of 12 January 2026, read 2 November 2026.

[44] Fauquier County land development portal (EnerGov), records REZN-23-020206 ("The Catlett Project"; Rezoning, New; applied 10 July 2023; status Withdrawn), SPEX-23-020207 (status Withdrawn) and PREM-24-023401 ("Catlett Industrial Park"; Pre-Application Meeting; completed 3 December 2024), with their attachment lists, read 24 October 2026; and the portal's search of Gaskins Lane the same day. The on-hold letter of August 2023 and the extension letters are listed, not read; the hold letter of 3 July 2024 was read 2 November 2026.

[45] Letter, Antonio Calabrese, DLA Piper LLP (US), for the applicant, to Adam Shellenberger, Chief of Planning, 15 July 2024, re REZN-23-020206 and SPEX-23-020207.

[46] Fauquier County Planning Commission, minutes of 18 June 2025, item 5 (COMA-24-022560, REZN-24-022561, SPEX-24-022562, WAIV-24-022693), pp. 16 to 20, with roll call. The application date is from the county portal record REZN-24-022561 (applied 28 June 2024).

[47] Emails, Art Lickunas to Adam Shellenberger, 25 August 2025, 10:23 a.m., with the county's question at 10:28 a.m. and the confirmation at 10:41 a.m.

[48] Fauquier County Board of Supervisors, minutes of 11 September 2025: consent agenda adopted 5-0, p. 4; "A Resolution Opposing Dominion Energy's Alternate Transmission Line Routing Plans Between Morrisville and Wishing Star," a consent item, pp. 11 to 12 (the recital quoted is on p. 11).

[49] Fauquier County land development portal, record REZN-25-025998 ("Remington Digital Campus/Gigaland"; applied 22 December 2025; status Withdrawn), read 24 October 2026; Planning Commission minutes of 16 July 2026, item 3 heading. The county staff report dates this application to 2026; the portal gives 22 December 2025 as the applied date.

[50] Fauquier County Planning Commission, minutes of 16 July 2026, item 3 (COMA-25-025997, REZN-25-025998, SPEX-25-025999, WAIV-25-026023), pp. 5 to 10, with roll call.

[51] Email, Art Lickunas, for Lucky Hill, LLC and Gigaland, LLC, to Adam Shellenberger, 17 August 2026, 4:23 p.m.

[52] Emails, Jeff Price, Manager, Convergent VA, LLC, to Adam Shellenberger, 27 August 2026, 10:17 a.m., quoting the county's emails of 31 July 2026 and 21 August 2025. The application date is from the county portal record COMA-24-022504 (applied 21 June 2024).

[53] Fauquier County land development portal, record REZN-25-024822 (applied 1 July 2025; status Withdrawn), read 24 October 2026.

[54] Fauquier County Planning Commission, minutes of 17 September 2026, item 5 heading, p. 12. A county legal notice for the same hearing, not read in full, gives about 212.3 acres added to the service district. County portal record REZN-25-024822, contacts, read 2 November 2026, lists Ron Meyer & Associates, LLC and Remington GC, LLC as applicants.

[55] Fauquier County Board of Supervisors, minutes of 12 June 2025: roll call, p. 1; closed meeting, p. 2; Citizens' Time, pp. 3 to 5; Supervisors' Time, pp. 55 to 56.

[56] Planning Commission minutes of 17 September 2026, Citizens' Time, p. 1, and item 5, p. 12.

[57] Town of Warrenton, Town Council minutes, regular meeting of 13 April 2021, consent agenda.

[58] Michael H. Brady, Whiteford Taylor & Preston, counsel to the plaintiffs, letter to the Town of Warrenton Board of Zoning Appeals, 27 January 2026, with Exhibits 1 to 7, in the board's packet for 3 February 2026, pp. 9 to 20 and Exhibit 3 (the resolution of 13 April 2021).

[59] Town of Warrenton, Ordinance 2025-10, "An Ordinance to Approve ZOTA-25-1, a Zoning Ordinance Text Amendment to Articles 3, 9 and 12 to Remove Data Centers as a Permissible Use within the Industrial Zoning District," 8 July 2025, recitals, roll call and amended Article 3 § 3-4.12.3. Scanned text; the name in the roll call read as "Ms. Michele" is O'Halloran per RES-25-01-06.

[60] Town of Warrenton, Town Council minutes, regular meeting of 10 August 2021, "Text Amendment to Add Data Centers in the Industrial (I) District."

[61] J. Chapman Petersen, Town Attorney, letter to the Town of Warrenton Board of Zoning Appeals, "Response to Amazon Petition for appeal of Zoning Administrator's Determination," 15 December 2025, pp. 1 to 9.

[62] Town of Warrenton, ZOTA-25-1, Attachment F, Draft Text Amendment to Articles 3, 9 and 12 (2025), Article 9, § 9-26.1(A) and (B), as they stood before the repeal. *A Line Drawn on a Highway*, section 8.5.1, quotes the town's staff giving the water standard as Article 9-26.B.

[63] Washington Post, 13 February 2023, for the price.

[64] Gordon D. Todd, Sidley Austin LLP, counsel to Amazon Data Services, Inc., "Statement of Justification in Support of Appeal Pursuant to Virginia Code § 15.2-2311(A)," to the Town of Warrenton Board of Zoning Appeals, 24 November 2025, pp. 1 to 14.

[65] Town Council minutes of 14 February 2023; Fauquier County assessment record, as read in August 2026.

[66] John H. Foote, Walsh Colucci Lubeley & Walsh PC, letter to the zoning administrator, 25 July 2025, Exhibit B to the Town Attorney's letter (note 61).

[67] Affidavit of Brian Knies, in the board's packet for 3 February 2026, pp. 21 to 28, ¶¶ 9, 20(d) and 22.

[68] Town of Warrenton, Staff Report, SUP 2022-03 Amazon Data Services, council meeting of 14 February 2023 (staff lead Denise Harris), pp. 1 to 4.

[69] Town of Warrenton, Town Council minutes, regular meeting of 14 February 2023, with the certified transcript (ICR/Rudiger & Green) and the written comments as attachments; transcript p. 418, lines 7 to 22, for the mayor's declaration of the vote; Attachment 1 for the residents' emails. The plaintiffs' letter and an affidavit in the Board of Zoning Appeals packet of 3 February 2026 (pp. 12 and 23) say comment ran until 2:30 a.m.

[70] Town of Warrenton, Special Use Permit Conditions of Approval, SUP2022-0003, dated 14 February 2023, Conditions 14 and 17, in the copies not headed draft that are exhibits to the Knies affidavit in the Board of Zoning Appeals packet of 3 February 2026 (pp. 29 to 35 and 41 to 46). The copy headed draft conditions of the same date reads the same on the conditions quoted. The site plan approval of 18 April 2024 cites the water condition as #14 and the sound test as #17a.

[71] Town of Warrenton, RES-25-01-06 (14 January 2025 per the town's library; the text says "January 2025"), "Resolution to Re-evaluate Certain Defenses in the Matter of Charles and Marygay Cross, et al. ... vs. The Town Council of the Town of Warrenton and the Town of Warrenton," January 2025, with roll call. Its recital of the 13 April 2021 initiation and of the 13 December 2023 ruling is the council's account of the petition and of the court, not the petition or the order. The resolution dates the council's approval of SUP-22-3 "January 14, 2023," which conflicts with every other document and is treated as a drafting error.

[72] Town of Warrenton, Town Council minutes, regular meeting of 8 July 2025, pp. 18 to 19; p. 18 for the initiating resolution and its date. The word "prospective" appears once in the minutes, about septic disclosure.

[73] *A Line Drawn on a Highway*, section 8.5.2 and note 245, for Article 9 as posted and the May 2026 public draft, p. 3-35.

[74] Town of Warrenton permit portal, records SUP-22-3 and ZNG-25-31, as read in August 2026.

[75] Town of Warrenton, Town Council minutes, regular meeting of 14 October 2025.

[76] Fauquier Circuit Court, case information system, Civil Division, CL23000128-00, CL24000303-00, CL24000305-00 and CL26000099-00, hearings and document lists, read 2 November and 9 November 2026. The index gives titles of filings. Party labels are the clerk's. In CL26000099-00 the only respondent is the town council. In CL23000128-00 the label DEF can include Amazon; on 22 July 2026 Amazon filed separately in opposition. The motions' text is not on the index; their reach to three cases rests on the hearing entries of 29 July in all three files and on FauquierNow. The index names a decision of 4 February 2026; the board met on 3 February. The final order in CL24000305-00 is dated 11 September 2026 and listed under 14 September.

[77] *Cross*, Case No. CL23000128-00, Order Denying the Pleas in Bar & Overruling the Demurrers to Counts I and II (Fisher, J.), Exhibit 6 to the letter at note 58. The entry day is handwritten; the packet's exhibit index gives February 27, 2024.

[78] Town of Warrenton, site plan approval letter, SDP-23-6, 18 April 2024.

[79] *Cross v. Town Council for the Town of Warrenton*, Case No. CL 23-128, Consent Order (Fisher, J.), Exhibit A to the Town Attorney's letter (note 61). The day of entry is handwritten; the determination and the Town Attorney give 14 January 2025.

[80] Transcript of the Board of Zoning Appeals meeting of 3 February 2026 (Planet Depos), pp. 11 to 14, in the board's packet.

[81] Town of Warrenton, Town Council minutes, regular meeting of 14 January 2025, with RES-25-01-07 as attached, pp. 62 to 63 of the file.

[82] Heather E. Jenkins, Zoning Administrator, Zoning Determination Letter ZNG-25-31, 24 October 2025, Exhibit C to the Town Attorney's letter (note 61), pp. 1 to 5. The letter, like the Town Attorney and Amazon in 2025, cites the statute's list as § 15.2-2307(B), its lettering before the 2026 amendments; in the text read on 1 November 2026 it is subsection C. The letter gives the site plan date once as April 14, 2024, and dates the demurrer ruling 24 February 2024, a Saturday; the site plan approval is dated 18 April, and the packet dates the order 27 February (note 77).

[83] Town of Warrenton, Board of Zoning Appeals minutes, 3 February 2026 (final, v2), BZA-25-3.

[84] Fauquier Times, 16 June and 14 October 2026; FauquierNow, 3 August, 3 November and 5 November 2026. The press note at the end of the endnotes lists the accounts.

[85] *Citizens for Fauquier County v. Town of Warrenton*, Record No. 0414-23-4 (Va. Ct. App. 30 July 2024) (Raphael, J.), slip op. pp. 1 to 3 and the holding on the correspondence exemption.

[86] Records as read in August 2026, unless dated otherwise: the Supreme Court petition and its withdrawal by RES-25-01-09; the February 2025 release; Dominion's Blackwell Road project page (re-read 1 November 2026, no 2026 update); the State Corporation Commission's case and document search for "Blackwell" and "Warrenton" (24 October 2026); the county assessment record; Department of Environmental Quality registration 74271. *A Line Drawn on a Highway*, section 8.5.3.

[87] FY 2026 Proposed Budget, Budget in Brief, for the General Fund figures. Author's calculation: 6.6 / 214.4 = 3.1 percent. The revenue figure is the press note below.

[88] Staff Report, TEXT-26-027401, p. 2.

[89] Fauquier County Board of Supervisors, minutes of 12 September 2019, pp. 35 to 36, resolution on a memorandum of understanding with Data Center Vint Hill, LLC, in the file for 10 October 2019, read 2 November 2026.

[90] Fauquier County Board of Supervisors, minutes of 14 March 2024, ordinance amending County Code § 8-29.2, subdivision (6).

[91] Fauquier County, FY 2026 Proposed Budget Work Session deck, 4 March 2025, Tax Year 2022-2025 Tax Rates; Commissioner of the Revenue, current tax rates page, read 24 October 2026. Board minutes of 31 March 2026 for the resolution and the $4.15. The minutes print the vote as "5 to 1"; the roll call names four ayes and one nay, Washer.

[92] *Case Study: Prince William County*, rate history table, DOI 10.5281/zenodo.20673498; *Case Study: The Fredericksburg Ring*, Part One, DOI 10.5281/zenodo.20673542, on the 2018 compact, where the rate is stated per $100 of assessed value.

[93] Fauquier County Board of Supervisors, minutes of 12 March 2026, consent agenda, p. 4, and resolution, p. 10.

[94] Virginia Department of Taxation local tax rate surveys for tax years 2024 and 2025; Fauquier County, FY 2027 Adopted Budget page, as read 24 October 2026: general $0.709, fire and rescue $0.182, conservation easement $0.004.

[95] Board packet of 8 March 2018, Fox Haven item, Fiscal Analysis.

[96] Virginia State Corporation Commission, Electric Service Territory Map, PDF created 9 March 2020.

[97] Fauquier County Planning Commission, minutes of 18 March 2026, p. 6.

[98] Board minutes of 11 September 2025, pp. 11 to 12.

[99] Direct Testimony of Adam Shellenberger, Assistant Director, Fauquier County Department of Community Development, PUR-2026-00021, 13 August 2026, Summary and pp. 13, 17 to 18, 24.

[100] Direct Testimony of Adam Shellenberger, p. 9; Fauquier County, Response in Opposition to the Motion to Strike, 30 September 2026; Dominion, consolidated reply, 15 October 2026; Hearing Examiner's Ruling, 28 October 2026, Conclusion, item (5), PUR-2026-00021.

[101] SCC docket PUR-2026-00021, document search of 24 October 2026; Dominion Energy project page for the Morrisville-Wishing Star line, Legal tab, as read 9 November 2026.

[102] Kevin T. Carter, Chairman, Fauquier County Board of Supervisors, letter to PJM, 11 June 2026, with the Board's resolution of 9 April 2026, posted by PJM among its 2026 public disclosures.

[103] *Case Study: Culpeper County*, v1.1, DOI 10.5281/zenodo.20673529, Part Five, for the staff white paper and the Culpeper Board's letter; PJM Board of Managers, RTEP baseline changes, July 2026; sources give 14 and 15 July.

[104] Fauquier County Board of Supervisors, minutes of 11 September 2025, pp. 39 to 41; Planning Commission minutes of 18 June 2025, item 4.

[105] Staff Report, TEXT-26-027401, cover page ("Outstanding Issues"); Data Center Policy, 14 December 2023; minutes of 14 March, 11 April and 9 May 2024; Ordinance, TEXT-26-027401, as presented in the 8 October 2026 packet and adopted without amendment (note 37), recitals.

[106] *Case Study: The Fredericksburg Ring*, v1.1, Part Seven, DOI 10.5281/zenodo.20673542; *Case Study: Henrico County*, v3.8, abstract, DOI 10.5281/zenodo.20671031.

[107] *Case Study: Chesterfield County*, DOI 10.5281/zenodo.20672436, Part Seven and note 114. Quoted as published; the underlying work session record was not read for this study.

[108] Same, Part Eight and notes 103, 104, 106 and 107. The staff report is quoted as that volume quotes it. The later history of that case was not read.

[109] Staff Report, TEXT-26-027401, p. 2; county land development portal, SITP-24-021715.

[110] *Case Study: Loudoun County*, abstract, Part Two and Part Nine, DOI 10.5281/zenodo.22374193. The count of pending applications moved during the debate; that volume gives four figures.

[111] *Case Study: Prince William County*, v3.2, DOI 10.5281/zenodo.20673498, on Ord. No. 26-67.

[112] *Case Study: The Fredericksburg Ring*, v1.1, Part Four.

[113] *Case Study: Chesterfield County*, Part Eight; *Case Study: Henrico County*, v3.8, on the Board of Zoning Appeals' decision of 26 February 2026.

[114] *Case Study: Pittsylvania County*, Part Eight, DOI 10.5281/zenodo.22968398. That volume records that Pittsylvania's refusal came after its own data center section.

[115] *Case Study: The Fredericksburg Ring*, v1.1, Part Five.

[116] Town Attorney's letter of 15 December 2025, p. 8; transcript of the Board of Zoning Appeals meeting of 3 February 2026, pp. 13 to 14; Town Council minutes of 14 January 2025; Zoning Determination ZNG-25-31; Fauquier Circuit Court index, as read 9 November 2026.

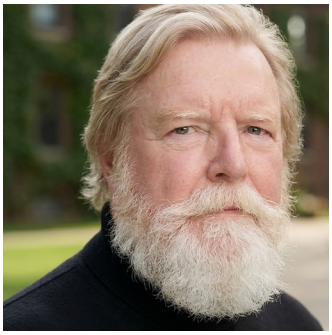
[117] Tommy N. Turner, *Governing the Demand Shock*, book edition, v1.3, DOI 10.5281/zenodo.20697583, Chapter 6, Chapter 8, Conclusion and Appendix B.

[118] Tommy N. Turner, *What Virginia Is Spending, What Virginia Is Getting*, v5.5, DOI 10.5281/zenodo.20679292, Appendix B (county row) and Section 18; *Governing the Demand Shock*, book edition, v1.3, Chapter 14 and Appendix C (county row).

Press accounts, marked with an asterisk in the text, for what they reported. Summary and Part Four: the Washington Post, 13 February 2023, for the price (FauquierNow's chronology gives the purchase as 27 September 2021). Summary, Part Five and Part Seven: Fauquier Times, Tate Hewitt, 16 June 2026, and FauquierNow, Jack Bowman, 16 June 2026, on the final argument; FauquierNow, Jack Bowman, 3 August 2026, on the joinder hearing; Fauquier Times, Tate Hewitt,

14 October 2026, on the mayoral candidates and the status of the cases; FauquierNow, 3 November 2026 (two reports) and 5 November 2026, on the unofficial results of the town election; WUSA9, 15 November 2022 ("at-large Town Council Member Renard Carlos"), and Rappahannock News, James Jarvis for FauquierNow, 23 January 2026 (a "second bid for mayor"; at-large member from 2018 to 2022), identifying the mayor-elect as the former council member. Part One: Data Center Dynamics and Baxtel, 1 December 2022, on the unnamed Texas developer's agreements; Prince William Times, 1 September 2023, on the deed to C1 Vint Hill, LLC. Part Two: the Piedmont Environmental Council, 1 July 2026, on the revised plan and its date; Virginia Mercury, 20 July 2026, and FauquierNow on the Board's July vote, on the shift to fuel cells; the Prince William Times, Peter Cary, 12 May 2024, on the agreed restrictions, the floor space and Broaddus's remarks. Part Three: the Piedmont Environmental Council, FauquierNow and Data Center Dynamics on Gigaland's expected Board date; the Piedmont Environmental Council, 15 September 2026, on the Catlett site plan and on a possible Gigaland return; the Remington Innovation Campus as 204 acres (FauquierNow, August 2025), as 182 contiguous acres, 2.2 million square feet and three substations (Piedmont Environmental Council, September 2026), and as six buildings on about 200 acres (Fauquier Times, 16 September 2026); SDC Capital Partners as developer (FauquierNow, 1 August 2025; fauquier.com, 5 June 2025); Culbertson's holding as a 28.6-acre parcel (fauquier.com, 5 June 2025) and a co-owned 44.82-acre parcel (FauquierNow, June 2025); the recusal pledge (Fauquier Times, 16 September 2026). Part Four: FauquierNow, "How we got here," on the 2021 planning commission tally and the application date; Prince William Times on the November 2024 election and the remark. Part Six: Fauquier Times (fauquier.com), Hunter Savery, 28 February 2024, on the $6.6 million, the $3.45 and $4.15 rates and the $1.3 million; Piedmont Environmental Council, 8 April 2026, on easement acreage. Part Seven: InsideNova and Prince William Times, March 2024, on the projects grandfathered at Vint Hill. Appendix B: the Piedmont Environmental Council and Virginia Mercury on an air permit application for the fuel cells. No finding rests on these accounts.

About the Author



Tommy N. Turner is an independent researcher and writer who documents the local-government and energy dimensions of the data center build-out. His series of jurisdiction-level case studies covers the Virginia counties where those decisions have been made, refused, or contested, and the analytical volumes extend the work into the systems the decisions run on: the transmission network and the cost-allocation machinery, the water law that governs industrial withdrawal, and the disclosure rules that determine what a resident is entitled to know before a vote is taken. Fauquier is the series' case in which one government wrote exemptions into its restrictions and the other changed sides on its own permit.

Like the rest of the series, this volume is assembled from primary records, from the county's minutes and ordinances to the applicants' own withdrawal letters and the filings in the town's zoning appeal.

His work spans data center fiscal and environmental policy across Virginia, Georgia, and Tennessee, local public finance, and the governance questions the two raise, and he writes opinion and analysis on Virginia public affairs for outlets including the *Richmond Times-Dispatch*, the *Virginia Mercury*, the *Virginian-Pilot*, the *Roanoke Times*, *Cardinal News*, and *RTO Insider*. He 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. He holds an MBA from Emory's Goizueta Business School and spent two decades in financial institutions and banking systems before turning to research full time.

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