

James City County Ordinance Location Contrast

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IMPORTANT

This is not an official New Kent County document and is not legal advice.

James City County (JCC) Data Center Policy Document improvements

Location:

The proposed restrictions (matching language from James City County’s data center policy) provide a solid baseline but are only moderately restrictive by current Virginia and model standards, particularly for a rural county seeking “highly restrictive” rules amid strong citizen opposition. They improve on weaker standards in some Northern Virginia jurisdictions but fall short of citizen-advisory recommendations, expert best practices, and stricter local examples elsewhere in the state.

Assessment of the Proposed Language

- **1,000 feet from occupied dwellings:** This is reasonably protective and aligns with the “ideal” distance cited in Loudoun County best-practice guidance for sites near residential areas. It exceeds common adopted standards such as Fairfax (200 ft buildings / 300 ft ground equipment), Shenandoah (200 ft structures / 300 ft mechanical equipment to sensitive uses), Spotsylvania (300 ft restricted buffer + no principal structure closer than 400 ft to a dwelling), and Albemarle (200 ft lot lines / 500 ft from Rural Areas). Noise (especially low-frequency/tonal from cooling and generators) and visual impacts can still reach homes at or beyond 500–1,000 ft under certain conditions, and some advisory groups and model ordinances push for 1,320 ft (¼ mile) or more.
- **250 feet from historic, cultural, recreational, special flood hazard areas (SFHA), and environmentally sensitive areas/resources:** This is relatively modest. Many stricter approaches use 300–500+ ft buffers or larger separations from parks, schools, rivers, and sensitive features. Spotsylvania uses 300 ft restricted buffers adjacent to residential, schools, parks, places of worship, and the Rappahannock River. Stafford has used larger separations from rivers and residential in revisions. Model ordinances and citizen recommendations often call for 500–1,500 ft from sensitive receptors and explicit avoidance of wetlands, streams, and habitats. New Kent already has Chesapeake Bay Resource Protection Areas (typically 100 ft vegetated buffers around wetlands and perennial waters) and FEMA SFHAs along the York, Pamunkey, and Chickahominy rivers and tributaries; 250 ft does not create a strong additional protective margin.
- **Measurement from the fenced area:** Useful for clarity but can under-protect if generators, cooling yards, substations, or outdoor equipment sit near the fence line. Better practice measures from the nearest point of any structure, equipment, or outdoor operational area.
- **Avoidance of habitat cores, blocks, and corridors:** Good directional language, but “should avoid” is softer than mandatory prohibition or required demonstration of no net loss/impact via ecological studies.
- **Access standards:** Solid preference for VDOT-standard collector/arterial roads and clear rejection of principal access through neighborhoods or across railroads. Secondary/construction access language is only “discouraged,” which leaves room for impacts.

Overall, these form a workable starting policy but are not at the highly restrictive end of the spectrum seen in citizen recommendations (e.g., Prince William Data Center Overlay Advisory Group suggestions of ¼ mile from residences, ½ mile from schools/state parks), some model ordinances (500 ft minimum property-line setbacks + 1,500 ft from sensitive uses), or recent revisions elsewhere that increased residential separations to 750 ft or more.

Recommendations for More Restrictive Location Constraints

To strengthen the ordinance while remaining defensible under Virginia zoning authority (special-use/conditional-use process, performance standards, compatibility findings):

1. **Residential and occupied dwellings** Require a minimum of **1,320 feet (¼ mile) or 1,500 feet** from any occupied dwelling, residential zoning district boundary, or land designated for residential use in the comprehensive plan. Measure to the nearest point of any data center building, outdoor mechanical equipment (generators, cooling, transformers), substation, or security fence—whichever is closest. This matches citizen-advisory preferences and provides more reliable noise and visual attenuation.
2. **Historic, cultural, recreational, and institutional uses** Increase to **500–1,000 feet** (or more) from National Register or locally designated historic sites/districts, archaeological resources, cultural landscapes, public or private parks/recreation areas, schools, child-care facilities, places of worship, hospitals/medical facilities, and similar sensitive receptors. Require a viewshed analysis for any proposal within 1,000–2,000 feet of such features and prohibit visibility of buildings or major equipment from them where feasible.
3. **Environmental and flood hazard areas**
 - o Prohibit location within SFHAs (100-year floodplain), Resource Protection Areas, tidal or non-tidal wetlands, or perennial streams; require zero direct impact and full avoidance.
 - o Establish minimum **500–1,000 foot** setbacks/buffers from the outer edge of these features, habitat cores/blocks, wildlife corridors, steep slopes, highly erodible or permeable soils, and other mapped environmentally sensitive resources.
 - o Mandate pre-application ecological assessments (coordinated with Virginia DCR, DGIF/DWR, and other agencies) demonstrating no disturbance of habitat cores, blocks, or connecting corridors, plus mitigation only as a last resort. Preserve existing mature vegetation and tree canopy to the maximum extent.
4. **Measurement and buffer standards** Clarify that distances are measured from the outermost operational edge (building, equipment yard, substation, or fence). Require layered vegetated buffers (minimum 100–300 ft wide, with berms of specified height, native evergreen plantings for year-round opacity, and preservation of existing forest) inside the setback zones. No structures, parking, outdoor equipment, or utility yards in the buffer.
5. **Access and infrastructure** Restrict principal access exclusively to arterial or major collector roads meeting VDOT standards. Prohibit principal, secondary, or construction access from local roads through neighborhoods, platted subdivisions, or across railroad tracks. Require a full traffic impact analysis and limit construction traffic routing. Prefer

sites already near existing high-voltage transmission corridors (to minimize new overhead lines) while still enforcing the residential and environmental setbacks.

6. Additional location and process constraints

- o Limit data centers to specific industrial or economic-opportunity districts only via special/conditional use permit (no by-right anywhere).
- o Require large minimum contiguous acreage (e.g., 50–100+ acres for campuses) so that the required buffers can be accommodated on-site.
- o Prohibit or heavily restrict proximity to agricultural lands if it would convert prime soils or disrupt rural character.
- o Tie approval to site-specific noise modeling (both dBA and dBC/low-frequency), visual/viewshed studies, water and power availability letters, and post-construction verification that limits are met at the property line and at the nearest sensitive receptors.
- o Explicitly allow the Board to impose greater setbacks or deny based on cumulative impacts, inadequate infrastructure, or incompatibility with the comprehensive plan and rural character.

These changes would place New Kent among the more protective Virginia localities on siting while remaining consistent with approaches already used or recommended in the region (Spotsylvania, Stafford revisions, Prince William advisory input, Loudoun best practices, and various model ordinances). Pair them with strong noise limits (e.g., ≤ 55 dBA / lower dBC nighttime at the nearest non-participating property line), full equipment enclosure/screening, height limits, and water/energy reporting for a comprehensive performance-based ordinance. Public hearings and site-specific conditions will remain essential.