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December 11, 2023

The Honorable Ann Wheeler
Chair, Prince William County Planning Commission
5 County Complex Court, Suite 210
Prince William, VA 22192

David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
Prince William County Planning Office
5 County Complex Court, Suite 210
Prince William, VA 22192

Re: REZ-2022-00036 (the “Application”)

Dear Chair Wheeler, Mr. McGettigan and Mr. Vanegas:

On behalf of H&H Acquisitions, LLC and Compass Datacenters (together, the “Applicant”), this letter (“Letter”) is provided in conjunction with and in support of the revised proffer statement dated December 11, 2023 (the “Proffers”) and submitted to Prince William County (the “County”).

The purpose of this Letter is to address certain issues raised within the Staff Report published on December 7, 2023 (the “Staff Report”) in advance of the Board of County Supervisors public hearing on December 12, 2023. In particular, the Staff Report raised the following concerns:

1. Lack of Building Footprint and Site Layout;
2. Building Elevations as Proffered;
3. Waiver of Special Use Permit (SUP) to Permit Data Centers Outside of the Data Center Opportunity Overlay District;
4. Ability to Make Changes;
5. Flexibility in Landscaping and Open Space;
6. Proposed Electric Infrastructure;
7. Inconsistencies with the Comprehensive Plan;
8. Proffer Issues/Deficiencies; and
9. Outstanding 4th Review Comments.



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Two

1. Lack of Building Footprint and Site Layout

The Staff Report states that the first reason for County Staff’s recommendation of denial is because the Master Zoning Plan dated October 31, 2023 (the “MZP”) does not provide site layouts consistent with the information required for an MZP under Sections 32-280.02, 32-700.23, and 32-700.21 of the Zoning Ordinance.

Section 32-280.02 of the Zoning Ordinance requires that:

“[a] master zoning plan demonstrates how the proposal provides a planned cohesive development and achieves the purpose of planned development by ensuring efficient use of property, efficient traffic circulation, and preservation of open space and sensitive environmental and historic features. The master zoning plan guides the progress of a planned development district by identifying designations where compatible uses are proposed.”

Nothing in this section of the Zoning Ordinance requires that the Applicant’s MZP include building footprints or site layouts inclusive of the location of all structures, parking, parking lot landscaping, and/or utility lines.

Among other things, **Section 32-700.23(4)** requires that a MZP include the following:

- (a) “Information required for general development plans as described in section 32-700.21; and
- (b) The location of property lines, watercourses or lakes, known cemeteries, wooded areas, existing roads, entrances, subdivisions and major landmarks, which are within the property, and within 500 feet of the property.
- (c) The general boundaries of each proposed section, land use, density, or intensity, principal street systems, recreation areas or public use areas to be located within the project.
- (d) Proposed general land use areas shall be designated by land bays [. . .]. Designation of uses within each land bay shall be consistent with the Comprehensive Plan land use designation [. . .]. Minimum and maximum development densities for residential uses or floor area ratios for nonresidential uses shall be established for each land bay and tabulated in accordance with the requirements of subsection (e) below.
- (e) A table which shows, for each land bay designated in accordance with subsection (d) above, range of the uses, number of dwelling units for residential areas or square feet of floor space for commercial, office or industrial areas and their respective acreage, which are proposed for the site.

Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Three

- (f) Those specific features in response to the impacts identified in an environmental constraints analysis, pursuant to section 32-700.21.6, that the developer proposes to enhance the effects of the development through the provision of undisturbed open space. [...].”

The MZP comports with the standards of the above-referenced section of the Zoning Ordinance, none of which require detailed building footprints or site layouts inclusive of the location of individual structures, parking, parking lot landscaping, and/or utility lines, as County Staff writes in the Staff Report. While **Section 32-700.21** of the Zoning Ordinance requires that general development plans (“GDP”) provide the “location of all buildings and other structures,” that expectation is in the context of a “schematic land use plan” that focuses on the “location” of one or more buildings relative to major streets; pedestrian and bicycle connections; major open space areas; the approximate location of proposed community and public facilities; and the proposed plan for all major sanitary sewers, water systems and storm water management and drainage improvements. The Applicant’s MZP more than complies with this standard and defines the “location” of planned buildings relative to the features cited above.

The Staff Report additionally cites DGCD 1.1 of the Comprehensive Plan Amendment (the “CPA”) as justification to require the Applicant to proffer with its MZP detailed site plans for each individual building, parking lot and drive aisle. DGCD 1.1 recommends the following:

DGCD 1.1 Require generalized development plans and master zoning plans submitted with applications for rezonings, special use permits, and public facilities to include limits of disturbance, site layouts, colored architectural elevations, and conceptual illustrative and design considerations which show how the proposed development implements context-sensitive design that align with DGCR 1.15 for all structures visible to adjacent cultural designated areas.

The building, circulation, substation, and parking envelopes on the MZP provide the site layouts contemplated in CPA policy DGCD 1.1. The limits of disturbance (“LOD”) on the MZP further restrict the Applicant’s ability to expand development of its building envelopes, and the Applicant’s typical layouts on the Master Corridor Plan dated October 2023 (the “MCP”) provide detailed, potential layouts of each Land Bay within the Application. To expect substantially greater detail at this stage in the development process ignores the size and scope of design, engineering and market influences that come with developing over 11 million square feet of nonresidential development over a 15 to 20-year time period.



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Four

The Staff Report further notes – for the first time – that County Staff recommends the Proffers be revised to provide “general conformance” with the building footprints shown on the MCP as opposed to “substantial conformance,” which had been the Staff’s position since March 2023. Indeed, this recommendation by County Staff in the Staff Report is contrary to all prior comments County Staff has made with respect to the Application. The below list provides a background of the back-and-forth specific to the Applicant’s commitment to building footprints in the Proffers.

- The Staff Report published by County Staff prior to the November 8, 2023, Planning Commission Public Hearing (the “Planning Commission Staff Report”) listed – as a weakness and a reason for denial of the Application – the fact that the Applicant had only committed in its August 25, 2023 proffers to general conformance with building footprints and recommended that the Applicant commit to substantial conformance with building footprints in the MCP.
- In response to the Planning Commission Staff Report, the Applicant revised its Proffers committing to substantial conformance with the building footprints as part of its Proffers dated and submitted on November 1, 2023.
- Between the Planning Commission Public Hearing on November 8, 2023, and the release of the Staff Report for the Board of County Supervisors hearing scheduled for December 12, 2023 (the Staff Report was released on December 7, 2023), the Applicant received redline Proffer requests from County Staff (received on November 20, 2023) that did not mention a concern with the Applicant’s commitment to substantial conformance to building footprints, but rather requested that the Applicant increase its commitment to substantial conformance with the building footprints by including a commitment to the exact number of buildings in each of the Applicant’s Land Bays.
- The Applicant made revisions to its commitment to substantial conformance to address County Staff’s concern with regard to the Applicant’s commitment to the number of buildings in each Land Bay and submitted those revisions to County Staff with its proffer revisions dated November 28, 2023.
- Now, however, the Staff Report recommends that the Applicant revert its proffer regarding building footprints back to general conformance. In response to the County Staff’s change of position, the Applicant has accepted County Staff’s recommendation to proffer to general conformance with respect to building footprints while maintaining substantial conformance with the building orientation, points of access, and limits of disturbance shown on the MCP for each Land Bay, and all other limitations in the Proffers.

2. Lack of Proffered Elevations

In the Planning Commission Staff Report, County Staff stated as a reason for denial of the Application that the Applicant was encouraged to commit to substantial conformance with the building elevations shown on the MCP. In response to the Planning Commission Staff Report, the



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Five

Applicant proffered that the quality and character of the architectural design for the portion of the data center building(s) fronting Artemus Road in Land Bay 6 must be in substantial conformance with the perspectives labeled as “Typical Compass Building Elevations” and shown on pages 40 and 41 of the MCP. Furthermore, the Applicant also proffered that the quality and character of the architectural design for all data center buildings and portions thereof within the Development subsequent to the data center building(s) fronting Artemus Road in Land Bay 6 shall be in general conformance with the perspectives labeled as “Typical Compass Building Elevations” and shown on pages 40 and 41 of the MCP, provided such architectural design for all subsequent data center buildings shall be of a similar quality and character to the architectural design for the data center building(s) fronting Artemus Road in Land Bay 6.

Despite the above commitments by the Applicant to address County Staff’s concerns, which were raised for the first time in the Planning Commission Staff Report, the Staff Report states that it continues to recommend denial because “the MCP does not proffer specific building materials” and because, in County Staff’s opinion, the proffer as written is difficult to enforce. This assertion mischaracterizes the Applicant’s Proffers and is inconsistent with the adopted CPA.

DGCD 1.1 of the CPA (see language below) recommends that colored architectural elevations be provided to show how the proposed development implements context-sensitive design for structures visible to “adjacent cultural designated areas.” As of the date of this Letter, the Manassas National Battlefield Park is the only adjacent cultural designated area in proximity to the Application site. There is, therefore, nothing in the CPA that requires a commitment to substantial conformance with building elevations for buildings not visible to “adjacent cultural designated areas,” especially given the estimated 15 to 20-year development timeframe. Further, none of the Applicant’s Land Bays directly abut the Manassas National Battlefield Park. Yet, the Applicant has committed to substantial conformance in its earliest phase and general conformance with the quality and character of the Land Bay 6 elevations fronting Artemus for subsequent phases to address concerns raised by County Staff and to provide additional assurances as to the design of the buildings. The Applicant also will submit elevations for approval by the Planning Director to ensure compliance with the Applicant’s proffer commitments as to the elevations at least two weeks before a building permit release letter for such building can be issued, as provided in Proffer 17.

DGCD 1.1 Require generalized development plans and master zoning plans submitted with applications for rezonings, special use permits, and public facilities to include limits of disturbance, site layouts, colored architectural elevations, and conceptual illustrative and design considerations which show how the proposed development implements context-sensitive design that align with DGCR 1.15 for all structures visible to adjacent cultural designated areas.



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Six

As shown in the Applicant's viewshed analysis, there is no visible impact to the observation points within the Manassas National Battlefield Park at the proffered sixty-foot (60') maximum heights in the Land Bays closest to the Manassas National Battlefield Park.

Additionally, as mentioned above, the Staff Report states that the MCP does not proffer specific building materials. However, the Applicant's Proffer 17 specifically commits to a minimum number of exterior materials that it must include for each of the Applicant's buildings (see highlighted snippet of a portion of Proffer 17 below). Additionally, the Applicant has proffered to use earthtone and non-reflective paint colors in the event any façade is visible from the Manassas National Battlefield Park and has committed to a minimum number of design elements on principal building facades as well.

17. **Architecture and Building Materials.** The quality and character of the architectural design for the portion of the data center building(s) fronting Artemus Road in Land Bay 6 shall be in substantial conformance with the perspectives labeled as "Typical Compass Building Elevations" and shown on pages 40 and 41 of the MCP. The quality and character of the architectural design for all subsequent data center buildings and portions thereof within the Development shall be in general conformance with the perspectives labeled as "Typical Compass Building Elevations" and shown on pages 40 and 41 of the MCP, provided such architectural design for all subsequent data center buildings shall be of a similar quality and character to the architectural design for the data center building(s) fronting Artemus Road in Land Bay 6. **Exterior materials for the Development shall include, but shall not be limited to, a minimum of three of the following materials: precast or tilt-wall concrete panels, brick, masonry/stone, aluminum, steel, glass, metal paneling, cementitious paneling, composite insulated panels, vinyl and/or aluminum windows,** provided that architectural details, roofs, and accents may include other materials as approved by the Planning Director or his/her designee. Compliance with this Proffer shall be evidenced with the submission of building elevations for review and approval by the Planning Director or their designee, at least two (2) weeks prior to the issuance of the building permit release letter.

Therefore, the Applicant has provided assurances in its Proffer 17 with regard to (i) the level of conformance to the building elevations included in the MCP, (ii) the minimum number of materials that must be used for each building, (iii) the type of façade color in the event a building façade is visible from the Manassas National Battlefield Park or Heritage Hunt, and (iv) a minimum number of design elements for principal facades; and has committed to submit to County Staff building elevations before issuance of the building permit release letter for each building so County Staff can confirm the Applicant is in compliance with its commitments in Proffer 17. Given the above, it is unclear to the Applicant why its commitment to building elevations continues to be a reason for denial of this Application.



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Seven

3. Waiver of SUP to Permit Data Centers Outside of the Data Center Opportunity Zone Overlay District

Pursuant to Section 32-404.05(1) of Zoning Ordinance related to the PBD zoning district, the Board has the authority to waive the use restriction for a special use permit for data centers outside of the Data Center Opportunity Overlay District and has done so on past approvals. Indeed, the Board approved REZ2018-00008 Gainesville Crossing without a special use permit and with no commitment to building footprints and site layouts. In the staff report for Gainesville Crossing, County Staff, with regard to the requested waiver to permit data centers outside of the Data Center Opportunity Zone Overlay District, stated that “[w]hile data center is not being approved by a special use permit, the PBD rezoning process has provided the same level of staff review, afforded the same level of public comment and public hearings, and utilized a Board adopted entitlement process. Staff is confident that the issues are appropriately mitigated in the same way as a special use permit would have” (see page 3 of the Gainesville Crossing staff report). Given the above, County Staff supported the requested waiver in the Gainesville Crossing approval. In stark contrast to the staff recommendation in the Gainesville Crossing approval, the Staff Report states that County Staff cannot support the approval of this waiver because the Application lacks specific building footprints, site layouts, and proffered elevations, and the SUP is the mechanism by which these specific details are typically provided.

As stated in item #1 above, the Applicant has committed to substantial conformance with pages 48 through 53 of the MCP with respect to (i) the orientation of the building(s) within the “Building, Circulation, Substation, and Parking Envelope” as shown on the MZP for each Land Bay; (ii) the location of the points of access to each Land Bay and accompanying vehicular circulation routes to and from the “Building, Circulation, Substation, and Parking Envelope” as shown on the MZP; and (iii) the extent of the LOD within each such Land Bay. Pursuant to County Staff’s recommendation in the Staff Report, the Applicant has revised the Proffers to commit to general conformance with the building footprints shown on the MCP for each Land Bay. This approach is consistent with other data centers approved in the County through a MZP and not a SUP, and the Applicant respectfully expects due process and equal protection consideration with respect to this Application.

For the reasons stated in item #2 above, the Applicant has provided adequate assurances to the County pertaining to the character and quality of the elevations, and has proffered to substantial conformance with the elevations shown on the MCP for the portion of the data center building(s) fronting Artemus Road in Land Bay 6. Thereafter, the Applicant has proffered that the quality and character of the architectural design for all subsequent data center buildings within the Development will be in general conformance with the perspectives labeled as “Typical Compass Building Elevations” and shown on pages 40 and 41 of the MCP, provided that such architectural design for all subsequent data center buildings shall be of a similar quality and character to the



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Eight

architectural design for the portion of the data center building(s) fronting Artemus Road in Land Bay 6. Such flexibility is needed to accommodate future customer demands for buildings that are developed pursuant to individual customer standards and requirements, not necessarily to the manner in which the Applicant alone might construct them. It also provides opportunities to embrace innovative designs, such as the location of HVAC equipment on the side of a building and not the rooftop, over the 15-20 year development cycle.

4. Ability to Make Changes

The Staff Report states that the Planning Director is given too much discretion in the Proffers to approve changes to certain proffer elements based on their own subjective decision. The Staff Report further states that the Applicant has too much flexibility in certain proffers as well. Specifically, the Staff Report lists the following proffers for which, according to County Staff, either too much discretion is given to the Planning Director or the Applicant has too much flexibility. As shown below, the Applicant has addressed each one of these concerns in the Proffers.

- **Proffer 6 (Building Footprints)** – According to the Staff Report, Proffer 6 provides the Applicant significant flexibility with respect to the number of buildings, the building sizes, and the building layout/orientation after Board approval.
 - See #1 above regarding the Applicant’s commitment efforts and commitment to building footprints. The Applicant has committed to substantial conformance with the limits of disturbance; substantial conformance with the orientation and points of access shown on the MCP for each Land Bay; general conformance with building footprints in all Land Bays pursuant to the concern raised by County Staff in the Staff Report; maximum building heights; maximum FAR both across the entire development and in individual Land Bays; and a maximum of number of buildings that could be developed within each building footprint shown on the MCP.
- **Proffer 17 (Architecture and Building Materials)** – The Staff Report objects to Proffer 17 because County Staff believes there is still significant flexibility for building materials.
 - As stated above in item #2, the Applicant has proffered in Proffer 17 to (i) the level of conformance to the building elevations included in the MCP, (ii) the minimum number of materials that must be used for each building, (iii) the type of façade color in the event a building façade is visible from the Manassas National Battlefield Park or Heritage Hunt, and (iv) a minimum number of design elements for principal facades; and has committed to submit to County Staff building elevations before issuance of the building permit release letter for each building so County Staff can confirm the Applicant is in compliance with its commitments in Proffer 17. Given the above, it is unclear to the Applicant why County Staff believes there is too much flexibility with

regard to what types of materials may be used by the Applicant on each of its data center buildings.

- **Proffer 41 (Noise Attenuation)** – According to the Staff Report, Proffer 41 permits County Staff to make a subjective decision related to the type of noise mitigation measures acceptable for the project.
 - This proffer language was recommended to the Applicant by County Staff. County Staff misreads the proffer language because the language, as written, does not permit County Staff to make a subjective decision regarding the type of noise mitigation. Instead, the proffer provides that the Director of Development Services shall approve the acoustical engineer selected by the Applicant to perform the Sound Studies to ensure that the acoustical engineer selected by the Applicant is reputable. However, even if this proffer provided the opportunity for County Staff to opine on and approve the type of mitigation utilized for noise attenuation, the type of mitigation measure should not matter so long as the mitigation achieves the intended effect of maintaining noise levels below the stated standards. The County Staff concern is unfounded and, likely, counterproductive.
- **Proffer 42 (Electric Substations)** – County Staff expressed concern that Proffer 42 permits the Director of Planning to approve the general location and size of the electric substations shown on the MZP.
 - The Applicant recognizes that, should additional public facilities be provided that are not shown on the MZP, such facilities would need to be approved as part of the public facilities review (PFR) process. However, tweaks to the location and size of a substation shown on the MZP (not the number), as may be approved by the Planning Director, does not rise to the level of the Applicant having to undergo an additional PFR and does not afford the Planning Director with undue discretion. The Applicant had previously discussed the language of this Proffer 42 with County Staff after the Applicant's August 25, 2023 submission, and made tweaks to the proffer based on those discussions which are reflected in the current language of Proffer 42. Based on those discussions and feedback from County Staff, it was the Applicant's understanding that County Staff's concern with this proffer language was addressed by the Applicant's revisions.
- **Proffer 58 (Extension of Time)** – Staff objects to Proffer 58 permitting the Director of Planning to approve extensions of time for proffer fulfillment for reasons outside the Applicant's control, saying such flexibility permits the Director to modify the Proffers after Board approval.
 - This proffer is a standard means of recognizing that, despite the Applicant's good faith efforts, third-party agencies (e.g., VDOT) may not be timely in their review and approval of future construction plans. Further, circumstances outside the Applicant's control, such as the County's use of its eminent domain authority for acquisition of offsite right-of-way, may impact the Applicant's timely performance of proffers. The



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Ten

proposed proffer addresses this concern by providing the Planning Director discretion, on a case-by-case basis, to adjust the timing for completion of a proffer when and where warranted. Importantly, this proffer does “not relieve the Applicant of the obligation to demonstrate proffer compliance if such proffer is required to be satisfied prior to County issuance of an approval or permit.”

5. Flexibility in Landscaping

The Staff Report states the Applicant has significant flexibility to dictate the landscaping to be provided, the limits of disturbance, reforestation areas, buffers, tree save areas, and natural open space.

Limits of Disturbance (Proffer 28):

The Applicant’s ability to encroach in areas outside of the limits of disturbance (“LOD”) as shown on the MZP is subject to the minimum open space requirements and the permissible circumstances specifically enumerated in the Proffers. Moreover, the Applicant’s proffer pertaining to encroachments outside of the LOD and within Resource Protection Areas (“RPA”) is limited to what’s permissible by the DCSM.

For areas where encroachments occur outside of the LOD and do not impact RPAs, the Applicant has committed in the Proffers to provide a 1:1 replacement of any trees impacted by such encroachment. These encroachments outside of the LOD not affecting RPAs are limited to only encroachments for wet and dry utilities such as water/sewer lines, natural gas lines, fiber optic and telephone transmission lines, underground telecommunication and cable television lines. The Applicant does not control the ultimate location of where these utilities will go but has committed to encourage applicable utility providers to locate any utilities so there are minimal, perpendicular crossings of Protected Open Space areas, perimeter buffers, and the Wildlife Corridor.

Reforestation (Proffer 29):

With its November 1, 2023, submission, the Applicant revised this proffer to incorporate the redline revisions requested by County Staff attached to the Planning Commission Staff Report as Attachment G. There are additional, very minor redline revisions requested by Watershed Staff to this Proffer 29, which the Applicant has implemented with these Proffers. County Staff notes in Attachment H to the Staff Report that it has concerns with the Applicant’s ability in this Proffer 29 to adjust the location of reforestation areas shown on the MZP, yet the Applicant has committed to a minimum acreage (80) of reforestation in its Proffer 27 and Proffer 29. Therefore, if any reforestation area is adjusted, the minimum acreage proffered by the Applicant will still be maintained across the entire development area. The Applicant’s commitment to a minimum



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Eleven

acreage of reforestation should address any concern with regard to flexibility pertaining to reforestation.

Buffers:

It is unclear to the Applicant what flexibility County Staff is concerned about with regard to the buffers. The Applicant has committed to provide buffers as shown on the MZP and its perimeter buffer commitments are consistent with DGM 1.2 and DGGI 1.6 of the Comprehensive Plan Amendment.

Tree Preservation Plan (Proffer 31):

The Applicant has proffered to submit a tree preservation plan for review and approval by the County Arborist. It is unclear to the Applicant why the County Staff deems that the Applicant has too much flexibility in relation to the Tree Preservation Plan when it has committed to obtain approval from the relevant County agency.

Natural Open Space:

The Applicant has committed to the following in Proffer 27 with regard to open space:

- A minimum of 39% of the Development site will be open space comprised of (1) Protected Open Space as defined in the CPA; (2) meadow or lawn areas (committing to minimum percentage of native meadow across property); (3) open space under or over existing and/or future major utility easements (greater than 60' in width); and (4) open space areas within development land bays
- A minimum of 30% Protected Open Space (as defined in DGGI 1.1 (snippet below) inclusive of:
 - Natural Open Space as defined in the Zoning Ordinance;
 - Restored Open Space as defined in DGGI 1.1 (inclusive of a minimum of 80 acres of reforestation); and
 - Environmental Resource areas as defined in DGGI 1.1(1).
- Included in the Applicant's Proffer 27 is a commitment to the convey Natural Open Space to a property owners association or record a covenant or easement to protect the Natural Open Space to address staff's comment.

As of the date of this Letter, there is no Natural Open Space existing within the Application site, only areas which are *eligible* for consideration as Natural Open Space. Moreover, County Staff's interpretation of Natural Open Space ignores the fact that, after a certain, unspecified period of time, reforestation areas will be considered Natural Open Space-eligible as well. Natural Open

Chair Ann Wheeler
 David J. McGettigan, Director of Planning
 Alex Vanegas, Deputy Director of Planning
 December 11, 2023
 Page Twelve

Space is included within the definition of Protected Open Space in DGGI 1.1 referenced above, and the Applicant is committing to a minimum of 30% Protected Open Space across its entire development area, which includes Natural Open Space areas and reforestation areas. DGGI 1.3 recommends that the overall goal *across the entire CPA area* is 30% Natural Open Space, not on an application-by-application basis. Along these same lines, the CPA only recommends 30% overall open space for each Application (see table from CPA below), and the Applicant is far exceeding that recommendation with its commitment to provide a minimum of 39% open space.

Primary Uses	Secondary Uses	Implementing Zoning Districts
<ul style="list-style-type: none"> Data Centers 	<ul style="list-style-type: none"> Office Retail & Service Commercial (supporting) 	<ul style="list-style-type: none"> PBD O(F) M-2
Target FAR	Building Height	Minimum Open Space
0.23 - 0.57	1-3 Stories* As outlined in the Cultural Resource DGCR 1.5	30%

Figure 4: Technology/Flex Land Use Description

6. Proposed Electric Infrastructure

The Staff Report states that no information is provided about the proposed location of the electrical infrastructure on the Property that will serve the facilities in each Land Bay, such as electric transmission lines and other major utilities. The proposed locations of substations are proffered as part of the MZP. While the Applicant has been coordinating its designs with applicable utility providers, neither the Applicant nor the County legally can dictate the ultimate location of future internal transmission lines connecting the substations. However, the Applicant has committed in the Proffers to minimum open space percentages inclusive of any future transmission lines and has committed to encourage applicable utility providers to locate any utilities so there are minimal, perpendicular crossings of Protected Open Space areas, perimeter buffers, and the Wildlife Corridor.

7. Inconsistencies with Comprehensive Plan

The Staff Report provides a number of weaknesses under each Comprehensive Plan component listed in the Staff Report. Despite the revisions to the Application materials made by the Applicant and submitted to the County on November 1, 2023 and November 28, 2023, respectively, to address County Staff's concerns, these weaknesses remain largely the same as those listed in the Planning Commission Staff Report. The Applicant provided a response matrix (Exhibit A) attached to the Applicant's letter dated November 1, 2023 that provided the Applicant's response to each of the County's weaknesses listed in the Planning Commission Staff Report, as well as



Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Thirteen

responses to other identified issues by County Staff. Please refer to that Exhibit A for the Applicant's direct responses to each of the County's listed weaknesses.

Although the Staff Report notes that the Application is consistent with eight out of the 13 Comprehensive Plan sections, County Staff nonetheless recommends denial of the Application due to County Staff's determination that certain sections of the Comprehensive Plan "are weighted heavier than the sheer number of sections that received a 'yes' and were found to be consistent within the relevant Comprehensive Plan section." How County Staff arrived at this conclusion is unknown and unexplained.

8. Proffer Issues/Deficiencies

The Applicant had previously responded to the majority of these issues/deficiencies with its proffers submitted to County Staff on November 28, 2023, which responded to embedded redline proffer comments from the County that the Applicant received on November 20, 2023, as well as via the response matrix to Attachment H of the Planning Commission Staff Report (attached to the Applicant's letter dated November 1, 2023 as Exhibit B) submitted to County Staff on November 1, 2023. Please refer to that Exhibit B for the Applicant's direct responses to each of the County's listed proffer issues/deficiencies, which remain largely the same despite revisions to the Application materials made by the Applicant and submitted to the County on November 1, 2023 and November 28, 2023, respectively.

9. Outstanding 4th Review Comments

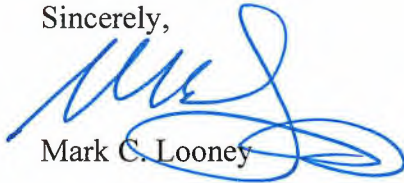
The Applicant has submitted written responses to each of the Watershed Management, Historical Commission, Manassas National Battlefield Park, and the Conway Robinson State Park over the course of County Staff's review of the Application, as many of these comments were repeat comments carried forward with each submission by the Applicant. The Applicant received County Archaeologist and Cemetery Preservation Coordinator comments on its April 28th submission after the Applicant had submitted its August 25th materials, and coordinated with the County Archaeologist following its August 25th submission. With the submission of these Proffers, the Applicant has sought to address as many of the County Archaeologist's comments as the Applicant is reasonably able to address.

Cooley

Chair Ann Wheeler
David J. McGettigan, Director of Planning
Alex Vanegas, Deputy Director of Planning
December 11, 2023
Page Fourteen

Thank you for your consideration of these comments. We look forward to discussing these items at the Board of County Supervisors public hearing on December 12, 2023.

Sincerely,



Mark C. Looney

MCL