

**Bull Run Civil War Round Table (BRCWRT) Preservation Corner
February 29, 2024**



Approximately one year ago, the Oak Valley Homeowners Association (HOA) and ten individual plaintiffs sued to overturn the BOCS approval of Comprehensive Plan Amendment (CPA) 2021-00004, PW Digital Gateway that paved the way for the PWDG rezoning applications. That lawsuit remains active and is working its way through the court system.

On January 12, 2024, two lawsuits were filed seeking to overturn the Prince William BOCS' approval of the three PWDG rezoning applications. The Coalition to Protect PWC, six Gainesville District residents who live in or near the PWDG corridor, and ABT filed a lawsuit to overturn the approval of the PWDG rezoning applications. The lawsuit stipulates that the BOCS took inappropriate actions on the rezoning applications as they made their way through the County's review and approval process, did not require a Special Use Permit as part of the PWDG data center rezoning applications, and that the county did not comply with applicable Virginia state law and PWC ordinances in notifying affected residents of the rezoning application public hearing conducted on December 12, 2023. The lawsuit provides a detailed history of the area and the two Civil War battles fought there, and cites many of the previously expressed objections and concerns, including overburdening the region's power grid due to the PWDG's high demand for electricity, the loss of green space and public spaces, and significant negative environmental impacts with respect to air quality, clean water and the Occoquan Watershed Reservoir, and noise pollution.



January 12, 2024, Press Conference Announcing the Two PWDG Lawsuits (photo courtesy of author)

The second lawsuit, filed by the Oak Hill HOA, likewise seeks to overturn the approval of the PWDG rezoning applications and block construction of the proposed PWDG data centers. This lawsuit stipulates that the Prince William County BOCS ignored the County's established processes and requirements for data center developments, ignored specific PWDG Comprehensive Plan Amendment requirements, ignored recommendations of the County's Planning Staff and Planning Commission, and was dismissive of the objections and concerns raised by county residents, the National Park Service, MNBP and historic preservation groups. Specific negative impacts cited in the lawsuit include PWDG proximity to

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residential areas and public open space including national and state parks, air, water and noise pollution, and the destruction of wildlife corridors and open space. The lawsuit also cites the litany of unknown elements and unspecified aspects of the proposed project design and infrastructure requirements, and the haphazard approach used by the BOCS to consider and approve the rezoning applications.

Virginia Data Center Reform Efforts

The *Virginia Data Center Reform Coalition* has been urging Virginia to study the cumulative effects of data center development on the state's electrical grid, water resources, air quality, and land conservation efforts, and to institute several common-sense regulatory and infrastructure-related reforms for the data center industry. The *Coalition* seeks Virginia state government intervention – to require more transparency with respect to land use decisions that directly affect residential quality of life and energy and water usage that carries significant implications for both local communities and the Commonwealth.



Of the 17 legislative bills concerning data center reform (tax incentives, energy demand, impacts on natural and historic resources, etc.) submitted during the 2024 Virginia legislative session, most were continued to 2025. One bill, HB 338, passed the House in a somewhat water-downed version. The amended bill encourages localities to request a site assessment of water usage and carbon emissions, while the original language required it.

The majority of the other data center bills were set aside in deference to a [statewide study on data centers being conducted by the Joint Legislative Audit and Review Commission \(JLARC\)](#) - a study due to be completed in November 2024. JLARC is the highly respected "research" agency whose work informs the General Assembly's legislative function.

Meanwhile, nearly all data center trade magazines are writing about and discussing a significant issue - - LACK OF POWER - - and Virginia, led by residents and environmental and historical preservation groups, has become the epicenter of the fight for sustainable communities and quality of life. Specific issues of concern include the environmental impacts of data centers on local power, water, sewer, and wastewater

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collection and treatment resources and infrastructure, and the negative impacts of data centers sited on or adjacent to historic sites and properties, open spaces, and wildlife corridors.

Historic Conner House

The Conner (Duncan) House and its historic significance was covered in last month's Preservation Corner article and is not repeated here.



Conner House (May 2017)

As reported last month, on December 13, 2023, the Manassas Park City Council approved the Generalized Development Plan for Artena Park and its apartment complex. The site plan from the approved Artena Park Generalized Development Plan (see diagram, below) avoids the Conner House and the land it sits on in the apartment complex's development footprint. This seemed to eliminate the development's direct threat to the Conner House - - or, so we thought.



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In recent discussions and meetings with Aksoylu Properties, the apartment complex developer, we were informed that the footprint for the Phase 2 apartment building has been lengthened and shifted to the left and up, encompassing the Conner (Duncan) House site. So, the Conner House is once again directly threatened by the apartment complex development. During our discussions the developer indicated his desire to save and preserve the Conner House as a historical structure. He did not have a definitive concept of how and what a 'saved and preserved Conner House' might look like but indicated that potential options include moving the Conner House to another site, relocating the Conner House on its present site to be out of the apartment building's footprint, and donating the Conner House to another entity. Likewise, potential uses and functions of a saved and preserved Conner House were not clearly articulated or described. Obviously BRCWRT's interest in this project remains preserving, restoring and interpreting the Conner (Duncan) House with respect to its significant antebellum and civil war history, and we will remain actively engaged with Aksoylu Properties in hopes of achieving that outcome.

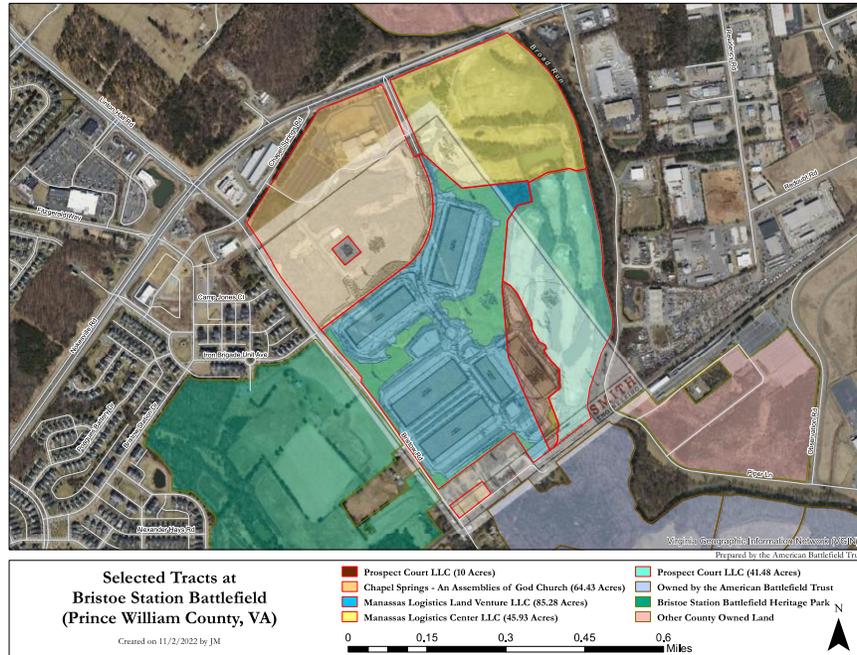
No near-term development actions are anticipated as physical work on the development is not envisioned to begin until 2026-27, at the earliest. That said, planning will continue, and any changes to the site plan will need to be approved by the City of Manassas Park. Stay tuned for future developments and updates.

Chapel Springs (Manassas Logistics Center Phase II) Proposed Development (Bristoe Station and Kettle Run Battlefields, Bristoe Station Battlefield Heritage Park)

Consulting Parties recently (Feb 29, 2024) received follow up information and documentation from the January 22, 2024, Consulting Party meeting, as promised by USACE, for review and comment. Based on discussions during the January 22nd meeting, there appears to be a general sense, or at least my impression of one, of where the Section 106 Review may be heading and how preservation issues and concerns might potentially be addressed in a resultant Memorandum of Agreement (MOA).

- While the project area, located along Bristow Road and adjacent to Bristoe Station Battlefield Heritage Park (see parcel map below), is within the American Battlefield Protection Program (ABPP) designated Core Areas of both the Kettle Run Battlefield (August 27, 1862) and Bristoe Station Battlefield (October 14, 1863), the project will likely eventually proceed as it is consistent with PW County's designated M-2 (Light Industrial) zoning for the respective land parcels.

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Manassas Logistics Center Phase II Project Concept Overlaid on Parcel Map (courtesy PW County)

- Major focus areas for historic site avoidance and adverse effects mitigation measures include the southern section of the project area (see annotated map, below) that features:
 - Land over which Brigadier General William Kirkland's NC Brigade attacked federal forces positioned along the Orange and Alexandria Railroad
 - Remnants of hut sites of a Civil War era encampment with earthworks, and an associated cemetery containing military graves/burials (Archaeological Site 44PW0971) that has been recommended as potentially eligible for listing in the National Register of Historic Places
 And the historic viewsheds to and from Bristoe Station Battlefield Heritage Park and American Battlefield Trust (ABT) owned land that is within the Bristoe Station battlefield core area

- Key on-going avoidance and mitigation discussions include:
 - Siting, footprint, and orientation of proposed buildings
 - Project setback distance from the Bristow Road property line (must be greater than the proposed 35 feet)
 - Use, or non-use, of earthen berms
 - Specifics and details of proposed tree screenings along Bristow Road
 - Archaeological Site 44PW0971
 - Additional investigations to confirm or deny GPR detected anomalies as potential human burials

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- Management and care for Archaeological Site 44PW0971 and associated historic sites during and after construction
 - Viewshed assessments, including Balloon Study
 - Logistics Center noise levels and attenuation
 - Procedures, including on-site monitoring, to identify, protect and document unmarked burials/graves discovered during project land clearing and construction operations

Thank you for your continued interest in, and support of, Civil War historic preservation in general and BRCWRT's preservation projects, actions, and activities.

Blake Myers, BRCWRT Preservation Chair