

AGENDA TOWN/COUNTY LIAISON COMMITTEE MEETING

Board Room – Warren County Government Center, 220 North
Commerce Avenue

Thursday, October 16, 2025, at 6:30 PM



1. Call to Order – Board of Supervisors – Chair, Jerome Butler

2. Joint Transportation/Infrastructure Subcommittee Update – Town

- Representative to give an update

3. Tourism – Town

- Since 1993, the Town of Front Royal has funded and managed the Front Royal – Warren County Visitor's Center on Main Street and has always promoted our community's tourism assets within the Town & County. In 2017 the County adopted the increased Transient Occupancy Tax (TOT) to assist in funding tourism activities and outreach. Then the Town & County created a joint tourism advisory committee to assist with supporting tourism programming and marketing. This committee helped with enhancing the community wayfinding, Shenandoah Spirits Trail, Civil War Trails, and regional partnerships. Later in 2020, there was a joint effort to determine the future of tourism in Front Royal – Warren County. After meeting with the committee, it was decided to move forward with the option to execute an RFP to contract out the operations with both the Town & County financially contributing to the effort. The contract was later awarded to JLL, then in early 2023, the Town of Front Royal withdrew its interest in the contract. Shortly after, the County provided written notice to the Town with their intention to operate a County Tourism Department. Beginning July 1, 2023, the Town and County have been funding their own Tourism Departments and Activities. Now with two separate departments, there are now two websites, two social media pages, two budgets, and still only one Visitor's Center. In the presentations for tourism in 2020 there was an "In-House" option in which the Town or County would manage the Tourism activities with both localities financially contributing to the effort. The collaborative initiative would meet regularly with an advisory committee made up of community stakeholders from tourism related businesses or organizations. Currently, the Town has a director managing tourism efforts and the Visitor's Center operations which is fully funded by the Town of Front Royal. This includes promoting tourism in both the Town & County areas, as we understand visitors do not recognize our jurisdictional boundaries. This work has led to a robust social media following, attracting new visits to the Visitor's Center, and strengthening new and existing tourism partnerships. The current Town Tourism Director and staff continue to build upon the growth and awareness from the original collaboration from the Town & County which started in 2017. And with a renewed effort to work together our community can benefit from a greater emphasis on tourism by collaborating on planning and finances. Is there interest by the Town & County to identify ways to collaborate once again on a joint tourism program to promote our community as a destination?

4. McKay Springs – Town

- Since 2004, the Town of Front Royal and the County of Warren have been partners in the McKay Springs property, which is supported by a December 21, 2004, Memorandum of Understanding then later updated in 2011. The goal of this partnership was to make roadway improvements with VDOT and to market and sell the economically viable properties. Additionally, the Town & County wanted to retain the rights to potentially utilize the McKay Spring as a potable water source if the need ever arises and designate a perpetual preservation easement surrounding the former Robert McKay Jr. home site. This property has been the subject of previous liaison meetings, of which ownership, boundary adjustments, and prospective development have been discussed. However, nothing has been done with the property and it still remains vacant which is counter to #7 in the MOU stating, "*The County and Town will jointly market the resulting jointly owned land for sale and development to commercial developers and incorporate the remaining elements of the former Robert McKay, Jr. house into the eventual development of the site, to respect and recognize the historic value and significance of the remains of the house...*" In June 2025, the County authorized the establishment of a Homesteaders Market to operate on the County-owned parcel. The Town is seeking an update on the progress

of the operation, and its impact on commercial viability or jointly owned parcels.

5. Taxes – Town

- This topic has been the subject of previous liaison meetings regarding the delay in receiving tax information which results in moving the deadline for receiving payment. The localities need time once the tax books are received to import data, process information, proof the mailings, then coordinate the actual mailing of tax bills. Following the discussions from previous meetings, in March 2024, the Town proactively amended the Code to move the tax payment due date to June 20, the County's remains on June 5 with penalties and interest having been extended multiple times over the last several years. On March 27, 2025, the Commissioner of the Revenue provided the Town with real estate values to assist with budget preparation and equalization of the tax rate due to the reassessment. The Town set their tax rate on April 28, and the County set their tax rate on April 1, 2025. On May 12, 2025, the Town received the real estate tax books from the Commissioner of the Revenue with a decrease in value, resulting in a decrease in revenue of approximately \$472,000 for the Town. The Town is requesting a joint meeting with members from the Town Council & County Board of Supervisors, the Treasurer, the Commissioner of the Revenue, and any recommended staff to refine the process of receiving the tax books that would allow enough time to appropriately budget and send notice out to taxpayers. This can be a separate meeting or at the October Liaison meeting.

6. Town of Front Royal Farms Property – Town

- The Town's Farm Property is approximately 103 acres and is used for a variety of both public and private operations. Currently the Farm is used for a solar power array, Energy Services Department facility, white goods/metal drop off, recycling containers, yard waste drop off area and mulch, public safety training area, and general storage space. Most of the property is open space and the Town contracts hay cutting services on the property. The Farm currently provides multiple services to both Town and County residents.
 - Metal items can be dropped off for free at the site, which the Town delivers to Winchester every 2-3 weeks and receives money for the scrap.
 - White Goods (appliances) can be dropped off for free similar to the scrap metal. Goods that contain freon require a \$15 ticket to be purchased at Town Hall. Town residents can also schedule these items to be picked up on the curd as part of the On-Call Collection Program, fees may apply.
 - Yard Waste items can be dropped off for free and mulch is also available at no cost, though must be loaded by themselves. Commercial loads of yard waste are charged by the sizes large (\$50) & small (\$25) and tickets must be purchased at Town Hall.
- The Town used to grind the yard waste with our staff and equipment; however, given the age of the grinder and staff training it has become more feasible to hire a contractor to grind the waste during the year. The proposed FY26 budget includes \$50,000 for grinding services.
- At the June 9, 2025, Work Session, Town Council recommended reviewing the following two options further.
- Preferred Option 1: Reduction in Tipping Fees
 - Currently the County charges tipping fees for the Town of Front Royal to drop off Town residential refuse. The proposed FY26 budget includes \$270,000.00 for tipping fees. In lieu of charging a fee to County residents to drop off yard waste at the Farm, the Town may receive a reduced rate of tipping fees. This credit will need to be discussed and approved by the County prior to implementing the option. The rate can be set per County resident drop off and deducted from the monthly payment for tipping fees.
- Preferred Option 2: County Resident Yard Waste Fee

- Implement a fee for County residents to drop off yard waste at the farm with a similar process to freon and Commercial Yard Waste Tickets. Before taking effect there may be some notification required to begin informing County residents of the change and that tickets shall be purchased at Town Hall.

7. Fiscal Impact Model Update – Town

- During the Liaison Meeting on January 30, 2025, there was a discussion regarding the model used for proffers associated with rezoning applications. It was determined at the meeting that a new analysis needs to be completed, the estimate is around \$100,000. Upon further discussion no additional Town services were needed for the updated scope of services. Are there any updates regarding the Fiscal Impact Model?

8. Water Conservation Enforcement During Drought Conditions – Out of Town Users – Town

- Discuss how water conservation should be handled in the County when the Town is under Voluntary, Mandatory, or Emergency Water Restrictions since some County customers use Town Water.

9. Discussion of Economic Development - County

- Potential of joint collaboration in regard to Economic Development between the Town of Front Royal and County of Warren.

10. Well Water Proposal for Industrial Well Water Prohibition Ordinance – County

- The County will provide an overview of the concept and how it could impact current or future water users in the corridor.

Next Meeting – **Thursday, January 15, 2026, at 6:00 PM in the Council Chambers at Town Hall**



**AGENDA TOWN/COUNTY LIAISON
COMMITTEE MEETING – Minutes**
Board Room – Warren County Government Center, 220
North Commerce Avenue
Thursday, April 17, 2025, at 6:00 PM



Present from the Town: Lori A. Cockrell, Mayor; Amber F. Veitenthal, Vice Mayor; Joe Petty, Town Manager

Present from the County: Jerome K. Butler, Chair-Supervisor (Happy Creek District); John W. Stanmeyer, Supervisor (Shenandoah District); Dr. Edwin Daley, County Administrator

Others Present: Zach Henderson, Deputy Clerk; David Beahm, Building Official; and Members of the audience including but not limited to councilmembers, supervisors, and Town/County staff.

Call to Order – Board of Supervisors – Chair, Jerome Butler

Mr. Cullers called the meeting to order at 6:00 PM

Joint Towing Bord Request – Town

Mayor Cockrell stated that this item will be removed from the agenda because the Tow Board was unable to have a representative attend this meeting. They have been notified of the July meeting and will revisit this item then.

Septic Haul Rate – Town

Mayor Cockrell notified the County that there will be a rate increase based on a recent study conducted for the Town. Dr. Daley stated that this is paid by the haulers and that the County just collects it and then pays on to the Town. The rate will go from 50 to 55 and will go up 2.25% a year for the next five years.

MOU Regarding Building Code Enforcement Discussion – Town

Mayor Cockrell stated that the actual MOU is obsolete because it refers to state codes that were eliminated before the MOU was written and suggested that there needs to be two MOU's instead of one. The first pertaining to the Building Department, and the other pertaining to erosion and sediment, since there are two different regulations from the state.

Mr. Butler suggested speaking with staff and having them take a look at what changes to the agreement they can and want to make. Ms. Veitenthal clarified, in correlation to recordation and charges to the town from the County for information, that those specific issues will not be addressed in any changes to the MOU and that this will be more of an understanding between the town and county.

Criser Road Boundary Line Adjustment Request/Discussion – Town

Mayor Cockrell stated that East and West Criser Roads need a boundary line adjustment to bring the entirety of town-maintained rights of way into the town limits, emphasizing that the town has been taking care of them for some time and to make official what should have been in the first place.

Mr. Butler asked if what the town wants to do is include all of Criser Road and to include the sidewalks. Ms. Veitenthal added that the sidewalks became a part of the discussion as a result of the County submitting an out-of-town water request. There was a church that has purchased a parcel off of Criser Road and based on the way the antiquated property lines adjust, the parcel was in the County but needed town infrastructure services for water and sewer. As a result, the County submitted a request to the town for out-of-town water which would proffer sidewalks for that area.

MOU Regarding Avtex Property Discussion – Town

Mayor Cockrell asked if the County was aware of an MOU from 1999 that discussed the properties and how they would be conveyed. Approximately 30 acres have already been conveyed to the County for the Soccer-Plex and 5 acres have been conveyed to the town where the Front Royal police department is located. There are potentially two small parcels of the overall 117 acres that the town would like to be considered for conveyance as well.

Mr. Stanmeyer stated that he would like to see a map of the area and questioned the minimum acreage in the MOU, emphasizing a page that specifies 8 acres and overall would like a greater understanding of the property and the MOU.

Law Enforcement Practice Shooting Range – Town

Mayor Cockrell asked if the County has hired any kind of consultant for the shooting range, emphasizing recent discussions on the possibility of a joint indoor range.

Dr. Daley stated that the County has not hired a consultant. In the past, the County submitted a request to the state, asking for support in the state budget to have a regional facility that would be multi-jurisdictional, but did not receive a favorable response. Therefore, the County has not initiated anything on their own at this time.

Ms. Veitenthal asked if the County has budgeted, or if they are planning to budget, any funds for a shooting range consultant. Dr. Daley stated that there are no budgeted funds planned at this time.

The meeting adjourned at 6:25 PM – the next meeting will be Thursday, July 17, 2025 at 6:00 PM in the Council Chambers at Town Hall

MEMORANDUM OF UNDERSTANDING
MCKAY SPRING PROPERTY

09/26/2011

THIS MEMORANDUM OF UNDERSTANDING made and entered into this 30th day of November, 2011, by and between the COUNTY OF WARREN, VIRGINIA, a political subdivision of the Commonwealth of Virginia (hereinafter "the County") and THE TOWN OF FRONT ROYAL, VIRGINIA, a Virginia municipal corporation (hereinafter "the Town").

WITNESSETH:

On December 21, 2004, the County and Town entered into a Memorandum of Understanding jointly to purchase a parcel of land at Cedarville consisting of 8.155 acres with improvements (the "Property") from Maureen O'Donnell, unmarried, to vacate certain rights-of-way in the vicinity, to convey the County's interest in an adjacent parcel (the "DuPont Parcel") to the Town, to pursue a commercial zoning designation for the property, to convey to the Virginia Department of Transportation ("VDOT") portions of the Town's and County's properties for improvements of the intersection of Reliance Road and U.S. Route 340/522, and to market and sell the parts of the Property, the DuPont Parcel, and the other adjacent lands owned by the Town which are not needed for the Town for the development of the McKay Spring as a source of potable water.

In March 2005, the County and Town jointly purchased the property.

Since March 2005, the County and Town have each conveyed to VDOT the appropriate rights-of-way for the intersection improvements. The Town has identified the portions of the various properties to be appropriately conveyed to the Town for development and use of the McKay Spring as a potable water source, and the various properties have been rezoned by the County to a commercial zoning designation. Further, the parties have agreed that the lands owned by the parties and not needed for the development of the McKay Spring should be consolidated and titled jointly in the County and the Town for purposes of marketing and selling for development, subject to the designation in a perpetual preservation easement of an area of at least 0.50 acres of land surrounding the ruins of the former Robert McKay, Jr. house and outbuildings, as provided for in proffered conditions of the rezoning.

The parties now desire to set forth their remaining agreement concerning the ownership, use, marketing and sale of the various properties, and to supersede the Memorandum of Understanding of December 21, 2004 with the following.

To that end, and for and in consideration of the mutual covenants contained herein, the County and Town agree as follows:

1. The County and the Town will cooperate together to obtain the vacation of existing rights-of-way now platted and present on the Property and on the Town's adjacent lands which are not necessary for the development of the

Property, the DuPont Parcel and the Town's adjacent lands, and which may hinder the development of the McKay Spring and the Town's lands for use as a potable water source.

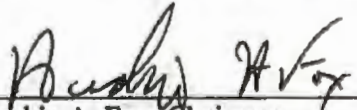
2. The County and the Town will cooperate with each other to convey to or reserve for the Town an appropriate portion of the Property, as well as an appropriate portion of the County's DuPont Parcel required by the Commonwealth of Virginia for an appropriate buffer (hereinafter "the Buffer") surrounding the McKay Spring to allow its development as a water source and treatment facility to supplement the Town's water supply. The Buffer will be contained within the portion of the Property as shown and described on a plat entitled "Plat Showing Boundary, Consolidation, & Division Survey of Property of the Town of Front Royal, VA., and the County of Warren, VA., North River Magisterial District, Warren County, Virginia", dated 03/10/2010, made by Kirk W. Norton, Land Surveyor, for Racey Engineering.
3. The County will convey or is in the process of conveying to the Town its interest in the remaining portion of the DuPont Parcel (0.649 acres, Tax Map Parcel 12-69) and its one-half interest in a portion of Tax Map Parcel 12-26D, consisting of 2.003 acres, as shown on the aforesaid plat, to be combined with the Town's McKay Spring property to allow its development as a water source and treatment facility to supplement the Town's water supply.
4. In exchange for the County's conveying to the Town the desired portion of the DuPont Parcel for the Buffer and other equitable consideration, the Town will convey to the County from the Town's adjacent lands a one-half interest in the remaining portions of Lots 3, 4, 5, 6, 7, 8, 9, 10 and 11 in Block 11, and Lot 15 shown as Parcel 3 (0.950 acres), and Parcel 15 (2.779 acres) on the aforesaid plat.
5. The County and Town will cooperate to obtain a designation that the McKay Spring and the Town's adjacent lands are appropriate and in compliance with the County's Comprehensive Plan as a public potable water source to be developed in the future.
6. The County and/or Town will identify, plat and designate an area of at least 0.50 acres of land surrounding the ruins of the former Robert McKay, Jr. house and outbuildings and record a perpetual preservation easement, condition and/or restriction to ensure the preservation, restoration and/or interpretation of the site and structures.
7. The County and Town will jointly market the resulting jointly owned land for sale and development to commercial developers and incorporate the remaining elements of the former Robert McKay, Jr. house into the

eventual development of the site, to respect and recognize the historic value and significance of the remains of the house. Proceeds from the sale of the jointly owned land will be shared by the County and Town equally except that from the County's share of the proceeds, the County shall reimburse the Town for the property provided to the County by the Town for the construction of the Parks and Recreation maintenance facility through a credit, therefore, to the Town from the County's share of the sale proceeds prior to disbursement.

8. The terms of this Memorandum of Understanding are contingent upon the County and the Town each formally ratifying the execution of this Memorandum of Understanding at public meetings of the Board of Supervisors and the Town Council, respectively.
9. The County and Town will cooperate to do all other things necessary or appropriate for the ends of this Memorandum of Understanding to be accomplished.
10. This Memorandum of Understanding shall effectively supersede the Memorandum of Understanding between the parties, dated December 21, 2004.

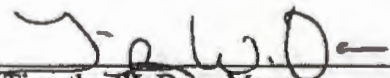
WITNESSETH the following signatures:

For the County of Warren, Virginia


Archie A. Fox, Chairman

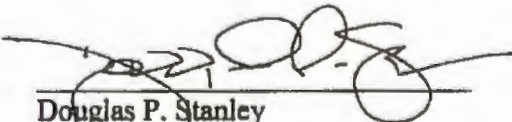
Date: 11-30-2011

For the Town of Front Royal, Virginia


Timothy W. Darr, Mayor

Date: 11-28-2011

Attest:


Douglas P. Stanley
County Administrator

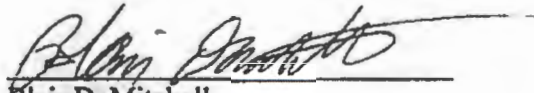
Date: 11/30/11

Attest:

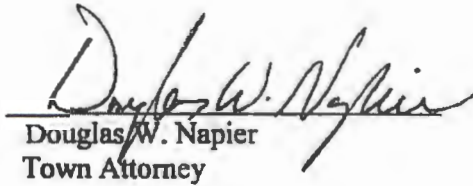

Steven M. Burke
Town Manager

Date: 11/28/11

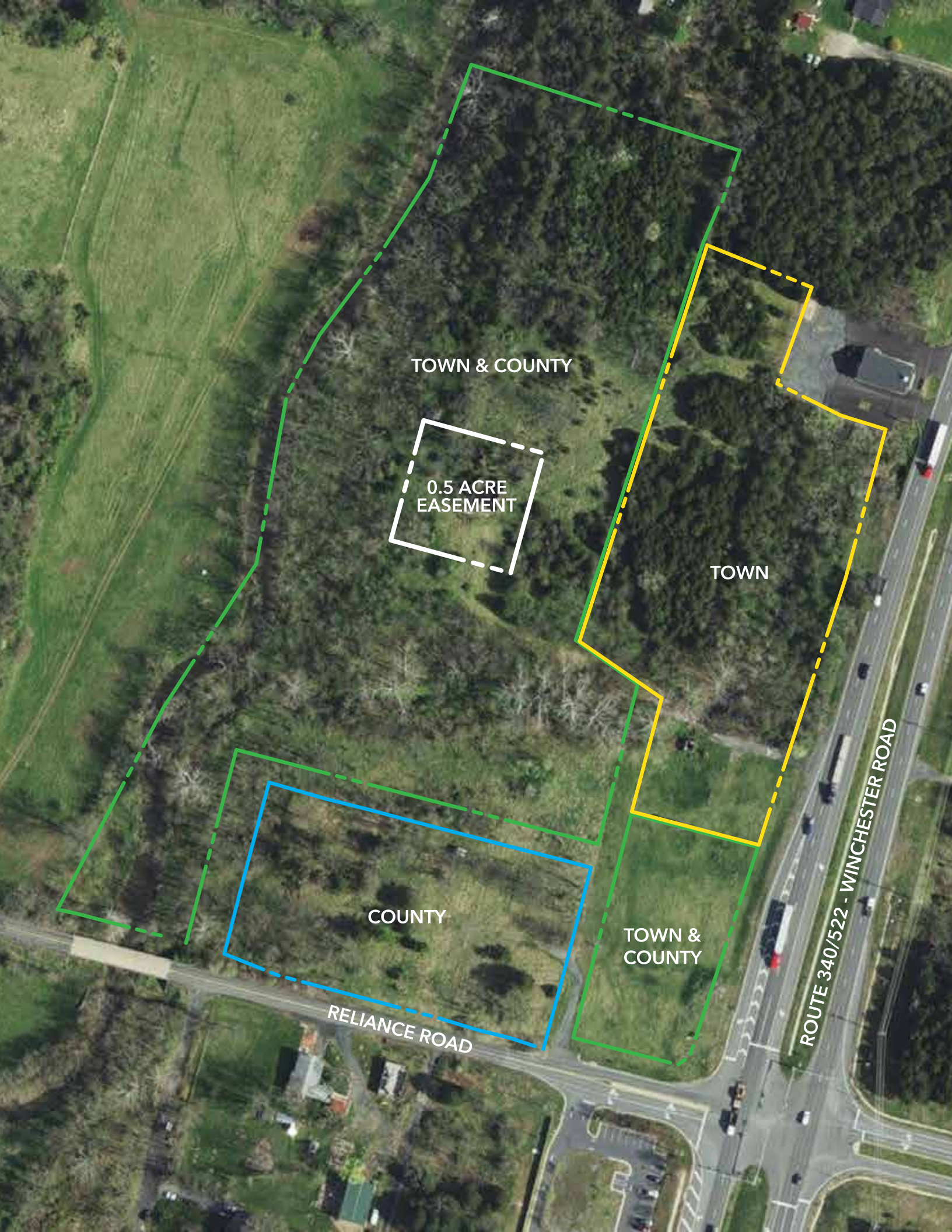
Approved as to Form:



Blair D. Mitchell
County Attorney



Douglas W. Napier
Town Attorney



TOWN & COUNTY

0.5 ACRE
EASEMENT

TOWN

COUNTY

TOWN &
COUNTY

RELIANCE ROAD

ROUTE 340/522 - WINCHESTER ROAD



TOWN OF FRONT ROYAL

Town Managers Office

102 East Main Street
Front Royal, VA 22630
540-635-8007

JOSEPH W. PETTY
Town Manager
jpetty@frontroyalva.com

June 4, 2025

RE: Town of Front Royal Farm Property

The Town's Farm Property is approximately 103 acres and is used for a variety of both public and private operations. Currently the Farm is used for a solar power array, Energy Services Department facility, white goods/metal drop off, recycling containers, yard waste drop off area and mulch, public safety training area, and general storage space. Most of the property is open space and the Town is currently soliciting bids to harvest hay on approximately 60-acres.

The Farm currently provides multiple services to both Town and County residents.

- Metal items can be dropped off for free at the site, which the Town delivers to Winchester ever 2-3 weeks and receives money for the scrap.
- White Goods (appliances) can be dropped off for free similar to the scrap metal. Goods that contain freon require a \$15 ticket to be purchased at Town Hall. Town residents can also schedule these items to be picked up on the curd as part of the On-Call Collection Program, fees may apply.
- Yard Waste items can be dropped off for free and mulch is also available at no cost, though must be loaded by themselves. Commercial loads of yard waste are charged by the sizes large (\$50) & small (\$25) and tickets must be purchased at Town Hall.
 - The Town used to grind the yard waste with our staff and equipment; however, given the age of the grinder and staff training it has become more feasible to hire a contractor to grind the waste during the year. The proposed FY26 budget includes \$50,000 for grinding services.

Below is a table that details the past three calendar years of activity at the Farm.

TOWN OF FRONT ROYAL - FARM REVENUE							
		2022		2023		2024	
	FEE	TRIPS/ WEIGHT	AMOUNT	TRIPS/ WEIGHT	AMOUNT	TRIPS/ WEIGHT	AMOUNT
Yard Waste: Town Resident	\$ -	3831	\$ -	3323	\$ -	3398	\$ -
Yard Waste: County Resident	\$ -	1994	\$ -	1960	\$ -	2041	\$ -
Yard Waste: Commercial (SM)	\$ 25.00	172	\$ 4,300.00	111	\$ 2,775.00	76	\$ 1,900.00
Yard Waste: Commercial (LG)	\$ 50.00	96	\$ 4,800.00	87	\$ 4,350.00	96	\$ 4,800.00
Freon Ticket	\$ 15.00	6	\$ 90.00	6	\$ 90.00	4	\$ 60.00
Metal - Sold at Market Rate		21.68 tons	\$ 2,455.00	25.45 tons	\$ 2,974.48	52.47 tons	\$ 6,157.08
			\$ 11,645.00		\$ 10,189.48		\$ 12,917.08

There have been recent discussions regarding the free yard waste drop off by County residents that is then ground into mulch using funds from the Town. Approximately half of the residential yard waste is generated by County residents. Therefore, the following options are provided to mitigate the use of Town funds to supplement the use of the Farm by County residents.

Option 1: County Resident Yard Waste Fee

Implement a fee for County residents to drop off yard waste at the farm with a similar process to freon and Commercial Yard Waste Tickets. Before taking effect there may be some notification required to begin informing County residents of the change and that tickets shall be purchased at Town Hall.

The following table shows the impact of the County fee. The example of \$15 was used at the May 12, 2025, work session.

ADDING FEE TO COUNTY YARD WASTE					
	CURRENT FEE	NEW FEE	TRIPS/ WEIGHT	AMOUNT	
Yard Waste: Town Resident	\$ -	\$ -	3517	\$ -	<i>Average Trips</i>
Yard Waste: County Resident	\$ -	\$ 15.00	999	\$ 14,987.50	<i>50% Reduction in Average Trips due to fee</i>

Option 2: Reduction in Tipping Fees

Currently the County charges tipping fees for the Town of Front Royal to drop off Town residential refuse. The proposed FY26 budget includes \$270,000.00 for tipping fees.

In lieu of charging a fee to County resident to drop off yard waste at the Farm, the Town may receive a reduced rate of tipping fees. This credit will need to be discussed and approved by the County prior to implementing the option. The rate can be set at \$15 per County resident drop off and deducted from the monthly payment for tipping fees.

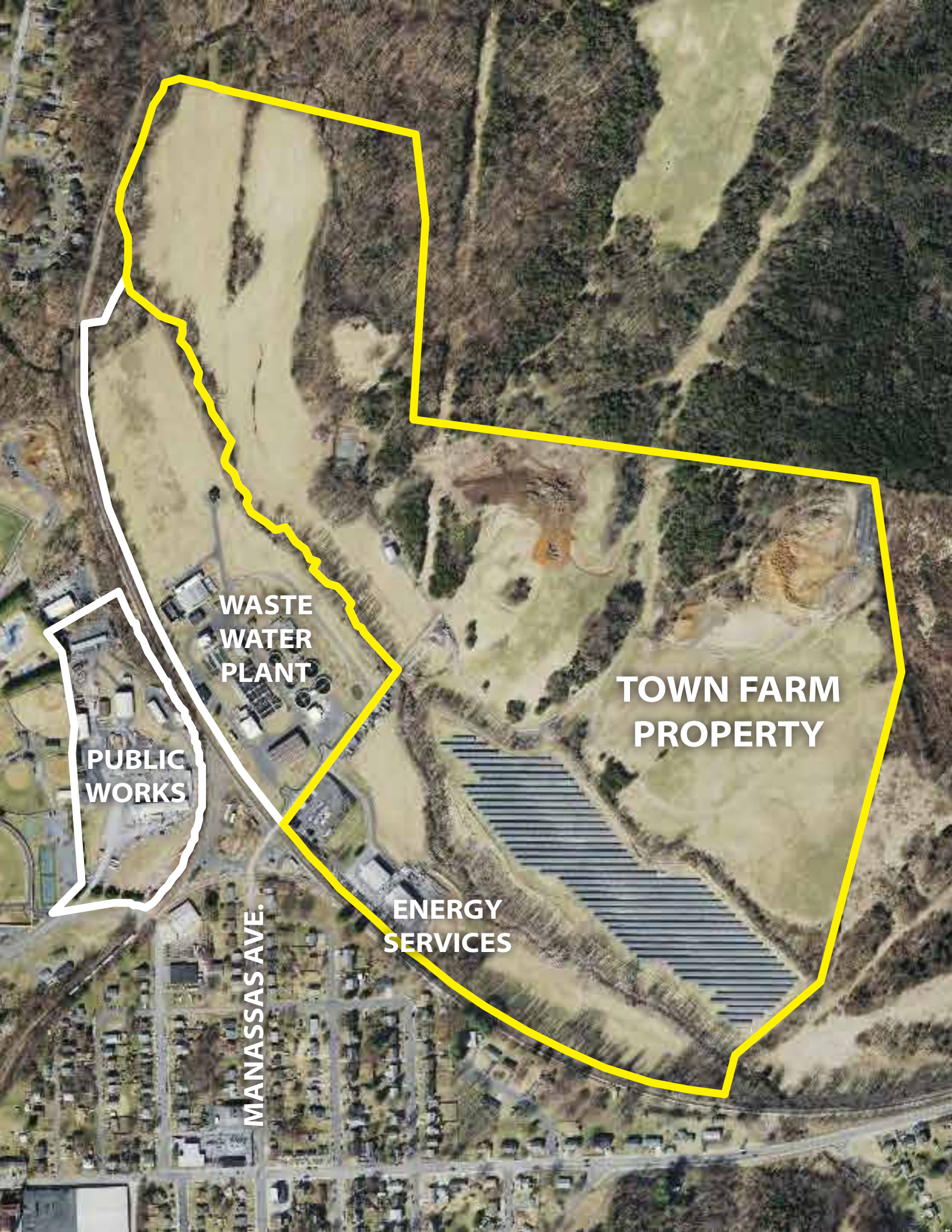
If County residents are not directly charged it is likely that the numbers would remain the same. The past three years averaged 1,998 County residents, at \$15/trip the total tipping fee reduction would be approximately \$29,970.

Option 3: Accept no County Deliveries:

Prohibit the delivery of any County deliveries of yard waste, metal, or white goods. The only exception shall be Commercial Tickets that have been purchased at Town Hall.

Option 4: No Change

The rates and process remain the same, both Town and County residents can drop yard waste at the Farm and the Town will contract our mulch grinding services for all yard waste collected.



**WASTE
WATER
PLANT**

**PUBLIC
WORKS**

MANASSAS AVE.

**ENERGY
SERVICES**

**TOWN FARM
PROPERTY**

134-81 - CONSERVATION OF WATER

A. *Definitions; Equations.*

1. *Definitions.* For the purpose of this Article, the following definitions shall apply:

CFS - Cubic Feet per Second.

B. *Voluntary Water Conservation:* Whenever the fourteen-day average stream flow of the South Fork of the Shenandoah River, measured from Point 0163100 (South Fork of the Shenandoah River at Front Royal: latitude 384150; longitude 0781240), drops below four hundred (400) CFS, the Front Royal Town Manager shall declare voluntary water conservation measures to be in effect. The Town Manager, through appropriate means, shall inform the public to voluntarily conserve water. During periods of voluntary water conservation, all users of the Front Royal municipal water system are requested to cease the following:

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation from Town water supplies (except indoor plantings, greenhouse and commercial nursery stocks, and new plantings less than one (1) year old) between the hours of 9:00 a.m. and 4:00 p.m.
2. The outdoor washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment between the hours of 9:00 a.m. and 4:00 p.m, except from a bucket or other container not exceeding three (3) gallons or at a commercial vehicle wash facility.
3. The washing of private streets, driveways, parking lots, service station grounds, or other paved outdoor surfaces between the hours of 9:00 a.m. and 4:00 p.m.
4. The operation of any ornamental fountain, unless the water is recycled.
5. The filling of swimming and/or wading pools, except that filled pools may be topped off to maintain the appropriate levels for use.
6. Serving drinking water in restaurants, except upon request.

C. *Mandatory Water Conservation:* Whenever the fourteen-day average stream flow of the South Fork of the Shenandoah River, measured from Point 01631000, drops below three hundred forty (340) CFS, the Front Royal Town Manager shall declare an emergency exists and declare mandatory water conservation measures to be in effect and shall implement enforcement thereof. The Town Manager shall notify the Department of Environmental Quality that mandatory conservation measures have been imposed. During periods of mandatory water conservation, all users of Front Royal municipal water system shall be prohibited from the following:

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation from Town water supplies, (except indoor plantings, greenhouse and commercial nursery stocks, and new plantings less than one (1) year old) between the hours of 9:00 a.m. and 4:00 p.m.
2. The outdoor washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment, except in a commercial vehicle wash facility.

3. The washing of private streets, driveways, parking lots, service station grounds, or other paved outdoor s
4. The operation of any ornamental fountains, unless the water is recycled. Municipal ornamental fountains shall be cleaned and closed within two (2) days of the Mandatory Water Conservation restriction declaration.
5. The filling of swimming and/or wading pools, except that filled pools may be topped off to maintain the appropriate levels for use.

D. *Emergency Water Conservation:* Whenever the fourteen-day average stream flow of the South Fork of the Shenandoah River, measured from Point 01631000, drops below two hundred forty (240) CFS, the Front Royal Town Manager shall declare an emergency exists and declare emergency water conservation to be in effect and shall implement enforcement thereof. During periods of emergency water conservation, all users of the Front Royal municipal water system shall be prohibited from the following:

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation from Town water supplies (except indoor plantings, greenhouse and commercial nursery stocks) at any time through the use of a hose and/or sprinkler system. This time restriction prohibition shall not apply when individuals are watering plantings through the use of recycled household water.
2. The outdoor washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment except in a commercial vehicle wash facility.
3. The washing of all streets, driveways, parking lots, service station grounds, office buildings, home of apartment exterior or other outdoor surfaces, including windows. Restaurants and other food preparation type businesses shall be allowed to wash their exterior garbage cans/dumpsters three (3) days per week, on Mondays, Thursdays and Saturdays the Town Manager may authorize exterior washings for specific purposes whenever the health or safety of the public may be affected.
4. The operation of all ornamental fountains.
5. The filling of swimming and/or wading pools.
6. All residential and recreational outdoor use shall be prohibited, unless an exception is otherwise granted in this Chapter.
7. All non-essential municipal water use shall be eliminated.

E. *Water Rationing:* Whenever the fourteen-day average stream flow of the South Fork of the Shenandoah River, measured from Point 01631000, drops below two hundred (200) CFS, the Front Royal Town Manager shall declare an emergency exists and declare water rationing to be in effect and shall implement enforcement thereof. During periods of water rationing, users of the Front Royal Municipal Water System shall be prohibited from the following:

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor plantings, greenhouse and commercial nursery stocks. This prohibition shall not apply to waterings done through the use of recycled household water.

2. The washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment. During water rationing, the operators of commercial car wash facilities shall be notified of the imposition of water through service by a law enforcement officer and appropriate radio and television advertisements and notices published in the newspapers of local circulation. The operators shall likewise be notified of the cessation of water rationing.
 3. The hauling of water beyond the Town's municipal limits except to customers with existing twelve-month hauling contracts.
 4. The operation of outdoor water spigots in any municipal park, playground, or recreation facility.
 5. Commercial clothes washing facilities shall be required to reduce water usage by fifty percent (50%) of the average use of the previous twelve (12) months. Users with less than twelve (12) months previous water use shall not exceed fifty percent (50%) of their previous use for all water service shall not be restricted until they have established at least one (1) month's service in a period when water rationing is not in effect. During periods when water rationing, operators of commercial clothes washing facilities shall be notified of the imposition of water rationing through service by a law enforcement officer and appropriate radio and television advertisements and notices published in the newspapers of local circulation. The operators shall likewise be notified of the cessation of water rationing.
- F. *Notification Requirements:* The public shall be notified of the imposition of mandatory water conservation, emergency water conservation, and watering rationing through appropriate radio and television announcements and notices published in newspapers of local circulation. The public shall likewise be notified of the cessation of mandatory conservation, emergency water conservation, and water rationing.
- G. *Lifting of Restrictions:* Mandatory water conservation, emergency water conservation, and water rationing periods shall cease at such time as the fourteen-day average stream flow recovers and rises above the flow rate needed for the imposition of mandatory water conservation, emergency water conservation, or water rationing.
- H. *Violations:* Violation of the mandatory water conservation, emergency water conservation, and water rationing prohibitions set forth in Subsections C, D, and E during periods of water conservation or rationing may be punished by a fine not to exceed one thousand dollars (\$1,000.00). Each day that a violation occurs may be punished as a separate offense.

(Ord. of 7-10-00; Ord. of 10-28-02; Ord. of 9-22-08)

Protecting Warren County's Groundwater:

A Comprehensive Analysis Supporting the Warren County Groundwater Protection Ordinance

Warren County, Virginia

Research Report

Richard Jamieson, Ph.D., North River District Supervisor, Warren County, VA

September 29, 2025

Executive Summary

Warren County stands at a critical juncture in protecting its most precious natural resource: groundwater. This comprehensive analysis examines the pressing need for proactive groundwater protection through the proposed Warren County Groundwater Protection Ordinance. The evidence presented demonstrates that Warren County's groundwater supplies are already under stress from natural conditions, making protection against additional industrial consumption not just prudent, but essential for the community's future water security.

The research reveals a disturbing pattern across Virginia and the southeastern United States where industrial water consumption has compromised local groundwater supplies, leaving residential property owners to bear the financial and practical burdens of well replacement, property devaluation, and water system failures. Warren County has the opportunity to learn from these experiences and implement protective measures before, rather than after, facing similar challenges.

True economic development must serve the interests of the community above all else. Sustainable economic development should prioritize improving the quality of life for Warren County residents rather than simply maximizing government tax revenue. Economic development that generates impressive revenue streams but compromises the fundamental resources upon which community life depends ultimately serves government more than citizens. Any compromise to the water supply of residents directly conflicts with the goal of increasing quality of life—which should be the true measure of successful economic development. The proposed Industrial Well Water Protection Ordinance embodies this principle by prioritizing

long-term community prosperity over short-term revenue generation. It protects the essential natural resource that enables both existing residents to thrive and sustainable economic growth to flourish, while channeling industrial development toward municipal water sources that can support responsible growth without threatening community water security.

Chapter 1: Warren County's Water Dependence and Current Vulnerabilities

The Foundation of Community Life

Warren County's relationship with groundwater extends far beyond simple utility—it represents the fundamental foundation upon which the community's residential, agricultural, and economic life depends. Unlike urban areas served by multiple water sources and sophisticated distribution networks, Warren County residents rely almost exclusively on private wells and small water systems that draw directly from local aquifers¹. This dependence creates both intimacy with the natural environment and vulnerability to disruption that urban residents rarely experience.

The county's geographical location in the Shenandoah Valley, while providing scenic beauty and agricultural advantages, offers limited alternative water sources. While Front Royal draws from the South Fork Shenandoah River, most Warren County residents depend on private wells and small neighborhood systems, lacking the redundancy that multiple source options typically provide during water stress periods. Thus, Warren County lacks water security during water stress periods². This reality has shaped generations of residents who understand water not as an unlimited utility, but as a finite resource requiring careful stewardship³.

Recent Water Emergencies: Warning Signs

The summer of 2024 provided a stark preview of Warren County's water vulnerability when drought conditions forced Front Royal to implement mandatory water conservation measures on July 15, 2024⁴. The emergency restrictions were not merely precautionary—they responded to the South Fork Shenandoah River dropping below levels permitted for municipal withdrawal⁵. The severity of the situation warranted \$1,000 fines for violations, with specific prohibitions on pool filling and restrictions limiting outdoor watering to avoid peak demand hours⁶.

These restrictions represented more than temporary inconvenience; they demonstrated the fragility of water systems that serve as the backbone of community life. When the primary municipal water source requires emergency conservation, the implications extend to private well owners throughout the region who depend on the same underlying aquifer systems that feed surface waters⁷.

The crisis continued into 2025, with Warren County included among 28 Virginia counties placed under drought watch advisory in September 2025⁸. The Virginia Department of Environmental Quality's assessment noted rapid declines in groundwater levels across the Shenandoah Valley region⁹, while the U.S. Department of Agriculture's declaration of Warren County as a natural disaster area due to drought conditions underscored the severity and economic impact of water scarcity¹⁰.

Regional Water Supply Stress

The broader regional context reveals troubling trends that extend beyond Warren County's borders. Virginia has experienced increasingly frequent and severe drought conditions in recent years, with groundwater recharge rates declining across the Shenandoah Valley region¹¹.

Virginia Tech research confirms that rural communities are particularly vulnerable to groundwater depletion¹², as they lack the infrastructure redundancy and alternative supply options available to urban areas.

The Virginia Department of Environmental Quality's drought advisories consistently identify declining groundwater levels as a primary concern, noting that recharge rates have not kept pace with consumption demands even before considering additional industrial pressures¹³. These trends establish a baseline of stress that makes Warren County's groundwater supplies vulnerable to any additional large-scale consumption.

Chapter 2: The Scale and Nature of Industrial Water Consumption

Understanding Industrial Water Demands

The scale of industrial water consumption, particularly by modern data centers and manufacturing facilities, represents a fundamental shift in local water dynamics that many

communities fail to appreciate until impacts become evident. Large industrial facilities typically consume between 100,000 and 5 million gallons of water daily¹⁴, with data centers specifically requiring 360,000 to 5 million gallons per day depending on their size and cooling requirements¹⁵.

To understand the magnitude of this consumption, Virginia Tech experts have warned that large data centers can consume "as much water as a small city"¹⁶. This comparison illuminates why industrial water use creates such profound impacts on local water supplies. A single large facility can consume more water daily than 1,000 typical households, fundamentally altering the balance between water supply and demand in any rural community¹⁷.

The Challenge of Consumptive Use

Perhaps most critically, industrial water consumption is predominantly consumptive in nature, meaning significant portions of water are lost through evaporation, discharge, or contamination and never return to local groundwater systems¹⁸. This contrasts sharply with residential and agricultural water use, where much of the water eventually returns to local aquifers through septic systems, irrigation runoff, and natural infiltration.

Virginia Tech research identifies evaporative cooling systems as the primary drivers of this consumptive water use¹⁹. Modern facilities, particularly those supporting artificial intelligence and high-performance computing, require intensive cooling systems that consume water at unprecedented rates²⁰. The water used in these systems is effectively removed from the local water cycle, creating permanent reduction in available groundwater supplies.

Expert Warnings on Infrastructure Planning

Virginia Tech researchers have raised specific concerns about facilities being built "without proper consideration of local water availability"²¹, highlighting a disconnect between industrial development patterns and water resource sustainability. The research points to inadequate grid planning for water-intensive industrial development²², particularly in rural areas where existing water infrastructure struggles to meet increasing demands²³.

This infrastructure vulnerability creates a compound problem: not only do industrial facilities consume unprecedented quantities of water, but rural communities typically lack the

infrastructure redundancy needed to absorb such consumption without impacting existing users. The combination creates conditions where industrial water use inevitably comes at the expense of residential and agricultural users who depend on the same finite aquifer systems²⁴.

Chapter 3: Documented Impacts on Neighboring Communities

The Georgia Case Study: When Wells Go Dry

The most compelling evidence of industrial water impacts comes from Newton County, Georgia, where Beverly and Jeff Morris experienced firsthand the consequences of living within 1,000 feet of Meta's \$750 million data center²⁵. Their experience, documented in detail by The New York Times, illustrates how industrial water consumption affects neighboring property owners in ways that extend far beyond inconvenience²⁶.

The Morris family's wells went dry after Meta's construction began in 2018, forcing them to spend \$5,000 on immediate water system repairs while facing the prospect of \$25,000 for new well installation²⁷. The water quality deteriorated dramatically, with Beverly Morris describing their water as brown and "like it came from a creek"²⁸. Perhaps most significantly, three neighboring families reported similar well problems following the data center's construction, suggesting systematic rather than isolated impacts²⁹.

This case study demonstrates several critical points: the geographical range of well interference (affecting properties up to 1,000 feet away), the financial burden imposed on neighboring property owners (thousands to tens of thousands of dollars), and the pattern of multiple affected properties suggesting aquifer-level impacts rather than coincidental well failures.

Virginia's Growing Water Crisis

Northern Virginia provides extensive documentation of how industrial water consumption escalates rapidly once established in a region. Loudoun County experienced a 250% increase in data center water usage between 2019 and 2023³⁰, with facilities consuming 900 million gallons in 2023 alone³¹. Across Northern Virginia, data center water consumption reached 2 billion gallons—a 63% increase since 2019³²—demonstrating how quickly industrial water demand can overwhelm regional supplies.

Prince William County residents have begun expressing concerns about wells going dry near planned data centers³³, with social media posts reflecting community anxiety about groundwater impacts³⁴. The Prince William Conservation Alliance has organized opposition to data center development specifically due to water consumption concerns³⁵, indicating that Virginia communities are recognizing the threat to residential water supplies.

Louisa County: A Cautionary Tale

Perhaps most troubling is Louisa County's approval of 13-30 Amazon Web Services data centers despite water studies showing insufficient supply to support such development³⁶. The irony of prioritizing data center water needs in a county where over half the residents lack reliable internet access illustrates how industrial water consumption can undermine rather than serve community interests³⁷. Despite direct public opposition, the County Board approved the development, demonstrating how economic pressure can override water resource protection³⁸.

The Scientific Evidence of Well Interference

Virginia Tech research confirms that industrial water withdrawals threaten local supplies³⁹, with high-volume pumping affecting neighboring wells within significant geographic radius⁴⁰. Multiple scientific studies have documented groundwater drawdown impacts⁴¹, establishing that well interference is not merely anecdotal but follows predictable hydrogeological patterns.

The scientific evidence supports what residents in Georgia and Northern Virginia have experienced: large-scale groundwater withdrawal creates cone-shaped depressions in the water table that can extend considerable distances from pumping sites. When industrial facilities pump hundreds of thousands or millions of gallons daily, these cones of depression inevitably intersect with neighboring residential wells, causing water level drops, quality deterioration, and ultimately well failure.

Chapter 4: Regional Water Infrastructure Under Stress

Northern Virginia's Water Crisis

The broader regional context reveals water infrastructure systems approaching critical stress levels. Northern Virginia now experiences "high water stress" conditions⁴², with projections

indicating that Potomac River Basin data centers could consume 33% of available river water by 2050⁴³. The projected 200 million gallons per day of data center demand by 2050⁴⁴ represents consumption levels that would fundamentally alter regional water availability.

These projections assume continued industrial development without meaningful constraint, illustrating the trajectory Warren County faces without proactive groundwater protection. The Northern Virginia experience demonstrates how industrial water consumption, once established, tends to expand exponentially as companies recognize favorable regulatory and infrastructure conditions.

Infrastructure Capacity Limitations

Virginia Tech research identifies existing water systems as struggling to meet increasing demands⁴⁵, with limited water infrastructure in rural areas creating particular vulnerability⁴⁶. The research highlights inadequate planning for water-intensive industrial development⁴⁷, suggesting that current regulatory frameworks fail to account for cumulative water consumption impacts.

This infrastructure analysis reveals a fundamental mismatch between industrial water demands and rural water supply systems. While industrial facilities require massive, consistent water supplies, rural infrastructure typically serves much smaller, distributed demand patterns. The introduction of industrial-scale water consumption into rural systems creates stress that existing infrastructure cannot absorb without impacting other users.

Rural Community Vulnerability

Virginia Tech researchers specifically identify rural communities as most vulnerable to water supply disruption⁴⁸, lacking both the infrastructure redundancy and regulatory resources needed to protect against industrial water impacts. Rural communities typically rely on local aquifers without alternative supply options, making them particularly susceptible to groundwater depletion.

The research emphasizes that water infrastructure sustainability faces significant risk from industrial demands⁴⁹, particularly in areas where existing systems already operate near capacity limits. Warren County's recent drought emergencies illustrate this vulnerability—if municipal

systems require emergency conservation during natural drought conditions, the addition of industrial-scale water consumption could create crisis conditions during normal weather patterns.

Chapter 5: Virginia's Recognition of the Problem

Legislative and Regulatory Response

Virginia's political and regulatory establishment has recognized the severity of industrial water impacts through multiple channels. The 2024 Joint Legislative Audit and Review Commission (JLARC) report explicitly recommends that Virginia "expressly authorize local governments to require water use estimates for proposed industrial developments"⁵⁰, representing official recognition that existing oversight mechanisms inadequately protect community water supplies.

The Virginia General Assembly's response has been substantial, with dozens of bills introduced during the 2024-2025 legislative sessions addressing data center water impacts⁵¹. While many proposals faced opposition from industrial interests, the volume of legislative activity demonstrates broad recognition that current regulatory frameworks fail to protect local communities from industrial water consumption.

The Virginia Department of Environmental Quality has acknowledged local authority for stricter water protection measures⁵², specifically recognizing that Virginia Code § 62.1-44.15(5) preserves local government authority to enact environmental protection measures more stringent than state requirements⁵³. This acknowledgment provides explicit legal foundation for counties to protect local water resources through ordinances like Warren County's proposed measure.

Scientific and Academic Recognition

The Virginia Tech research program has provided comprehensive analysis warning that data centers threaten regional water security⁵⁴, with studies documenting groundwater depletion acceleration in areas experiencing industrial development⁵⁵. The academic research emphasizes that rural communities face particular vulnerability to water supply disruption⁵⁶, providing scientific foundation for proactive protective measures.

Virginia Tech experts have specifically warned about facilities being constructed without proper consideration of local water availability⁵⁷, identifying inadequate planning processes as contributing to water infrastructure stress⁵⁸. The research provides compelling evidence that current development patterns are unsustainable from a water resource perspective, supporting the need for local protective measures.

The Pattern of Regulatory Failure

The consistent pattern across Virginia communities suggests that existing regulatory frameworks inadequately protect local water resources from industrial consumption. Despite water studies showing insufficient supply, local governments continue approving industrial development that threatens community water security. This pattern indicates that voluntary approaches and existing state oversight fail to provide adequate protection, necessitating proactive local measures like Warren County's proposed ordinance.

Chapter 6: Warren County's Proactive Solution

The Warren County Groundwater Protection Ordinance

Warren County's proposed Warren County Groundwater Protection Ordinance represents a measured, legally sound approach to protecting community groundwater resources before they face industrial consumption pressures. The ordinance prohibits industrial businesses from using groundwater wells⁵⁹ while specifically protecting existing residential and agricultural water uses⁶⁰, preventing future conflicts between industrial demands and community water needs⁶¹.

Importantly, the ordinance does not ban industrial development but rather channels such development toward sustainable water sources by allowing municipal water connections⁶². This approach encourages responsible industrial development while protecting the groundwater resources that existing residents and agricultural operations depend upon. The ordinance includes grandfathering provisions for existing businesses⁶³, ensuring that current operations continue without disruption while preventing future groundwater consumption that could threaten community supplies.

The ordinance specifically excludes residential and agricultural water uses from its restrictions⁶⁴, maintaining the traditional rural economy and lifestyle that defines Warren County's character. By focusing restrictions exclusively on new industrial groundwater consumption, the ordinance preserves community values while providing protection against external threats to water security.

Legal Foundation and Precedents

The ordinance rests on solid legal foundation under Virginia Code § 15.2-1200, which grants counties police powers for public health and safety protection⁶⁵. As an environmental protection ordinance rather than a zoning restriction⁶⁶, the measure follows established Virginia precedents including successful groundwater protection ordinances in Eastern Shore counties, Charles City County, and Pittsylvania County's recent rejection of industrial water-intensive development⁶⁷.

The legal framework emphasizes that this represents standard ordinance adoption requiring public notice and hearing⁶⁸, following well-established Virginia procedures for environmental protection measures. The precedent cases demonstrate that Virginia counties possess clear authority to protect local groundwater resources through reasonable restrictions on industrial consumption.

Community Benefits and Economic Protection

The ordinance provides significant community benefits extending beyond water resource protection. Property values receive protection through prevention of well contamination and failure⁶⁹, avoiding the thousands of dollars in costs that Georgia and Northern Virginia residents have experienced when industrial operations affect their water supplies. The ordinance ensures water security for both residential users and agricultural operations⁷⁰, maintaining the economic foundation of Warren County's rural economy.

Perhaps most importantly, the ordinance maintains rural character while allowing appropriate development⁷¹, striking a balance between growth and resource protection that serves long-term community interests. By preventing costly conflicts between industrial and residential water users⁷², the ordinance avoids the contentious and expensive disputes that characterize other Virginia communities facing industrial water consumption.

Timing and Strategic Considerations

The ordinance represents proactive protection implemented before industrial development pressure creates crisis conditions⁷³. Scientific evidence supports immediate action to protect water supplies⁷⁴, while documented experiences in Georgia and Northern Virginia demonstrate the wisdom of learning from other communities' problems rather than repeating them⁷⁵.

Warren County currently enjoys the strategic advantage of implementing protection before facing development pressure that could compromise the decision-making process. The ordinance provides long-term water security while maintaining flexibility for responsible economic development through alternative water supply arrangements.

Chapter 7: The Choice Before Warren County

Option One: Reactive Response

Warren County could choose to wait and respond to industrial water impacts after they occur, following the pattern established in Georgia and Northern Virginia communities. This approach carries significant risks, including the potential for residents to bear the costs of well replacement, water treatment, and property damage that accompany industrial water consumption⁷⁶.

The Georgia case study illustrates the financial burden this approach imposes on property owners: the Morris family spent \$5,000 on immediate repairs while facing \$25,000 for new well installation⁷⁷. When multiplied across the multiple families affected by single industrial facilities, the community cost becomes substantial. More importantly, reactive responses occur after damage has been done, when legal recourse provides limited relief against well-funded industrial developers⁷⁸.

The reactive approach also creates ongoing uncertainty for existing residents and agricultural operations, as water security depends on industrial facility decisions rather than community control. This uncertainty can affect property values, agricultural viability, and long-term community planning in ways that extend far beyond immediate water supply concerns.

Option Two: Proactive Protection

Warren County's alternative approach involves preventing conflicts before they occur⁷⁹, protecting water independence⁸⁰ while maintaining community control over essential resources⁸¹. The proactive approach learns from other communities' experiences⁸², implementing protective measures while maintaining flexibility for responsible development through alternative water supply arrangements.

Proactive protection provides several strategic advantages: it establishes community priorities before external pressure compromises decision-making; it protects existing residents' investments in property and water systems; and it maintains local control over natural resources that define community character and economic viability.

The proactive approach also enables Warren County to attract industrial development that aligns with community values and resource limitations, rather than accepting development that threatens existing residents' water security.

Conclusion: Protecting Warren County's Future

Warren County's groundwater represents more than a natural resource—it embodies the foundation of community independence, economic viability, and rural character that residents have chosen to preserve. The evidence presented demonstrates clear threats to this foundation from industrial water consumption, supported by documented impacts in neighboring communities and scientific research confirming the vulnerability of rural water supplies to large-scale industrial consumption.

The documented drought history shows that Warren County's water supplies already face stress from natural conditions⁸³. The 2024 emergency restrictions in Front Royal and the 2025 drought watch advisory demonstrate the fragility of local water systems even without additional industrial pressure⁸⁴. Scientific research confirms that rural communities are particularly vulnerable to water supply disruption⁸⁵, making proactive protection essential rather than optional.

The experiences of communities in Georgia and Northern Virginia illustrate what awaits Warren County without protective measures. The Morris family's struggle with dry wells and

contaminated water⁸⁶, Loudoun County's 250% increase in industrial water consumption⁸⁷, and Prince William County residents' growing concerns about groundwater impacts⁸⁸ provide clear warnings about the consequences of reactive rather than proactive approaches to groundwater protection.

Warren County possesses both the legal authority and practical opportunity to protect its groundwater resources before facing the pressures that have compromised other communities' water security⁸⁹. The proposed Warren County Groundwater Protection Ordinance provides a measured, legally sound approach that protects community resources while maintaining flexibility for responsible economic development.

The question facing Warren County is not whether industrial water consumption threatens groundwater supplies—the scientific evidence and documented cases provide overwhelming confirmation of these threats. The question is whether Warren County will learn from other communities' experiences and implement protective measures before rather than after facing similar challenges.

Warren County's choice will determine not only the community's water security but also its ability to maintain the rural character, economic independence, and quality of life that residents value. The evidence supports proactive protection as both prudent resource stewardship and essential community self-determination.

Protecting Warren County's groundwater is protecting Warren County's future.

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<https://news.vt.edu/articles/2025/07/eng-cee-data-centers-threaten-energy-and-water.html>
75. Documented cases in Georgia and Northern Virginia cited above
76. Documented cases: Georgia Meta, Loudoun County, Prince William County (citations above)
77. **The New York Times:** Meta case study - resident costs (July 14, 2025)
<https://www.nytimes.com/2025/07/14/technology/meta-data-center-water.html>
78. Legal remedies limitations for well interference claims
79. Warren County proactive ordinance approach
80. Warren County Proposed Ordinance, water independence protection
81. Local control over natural resources principle
82. Learning from documented regional cases
83. Warren County drought history (footnotes 4-10 above)
84. Ibid.
85. **Virginia Tech Research:** Scientific confirmation of rural vulnerability (July 28, 2025)
<https://news.vt.edu/articles/2025/07/eng-cee-data-centers-threaten-energy-and-water.html>
86. **The New York Times:** Meta case study (July 14, 2025)
<https://www.nytimes.com/2025/07/14/technology/meta-data-center-water.html>
87. **Grist:** "The surging demand for data is guzzling Virginia's water" (June 12, 2024)
<https://grist.org/technology/surging-demand-data-guzzling-water-ai/>

88. **WTOP:** "Prince William Co. residents push back against recommendation for another data center" (July 27, 2025)

<https://wtop.com/prince-william-county/2025/07/prince-william-county-residents-push-back-against-recommendation-of-another-data-center/>

89. Virginia legal authority (footnotes 65-68 above)

Research Report Prepared: September 29, 2025

For: Warren County Board of Supervisors and Community

Purpose: Comprehensive analysis supporting Warren County Groundwater Protection Ordinance

Warren County Industrial Well Water Prohibition Ordinance

Complete Documentation with Hyperlinked Citations

Warren County, Virginia

Industrial Well Water Prohibition Ordinance

Supporting Documentation & Proposed Text

September 26, 2025

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- 1. Supporting Documentation**
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I. SUPPORTING DOCUMENTATION

Legal Foundation

This ordinance was developed through comprehensive analysis of Virginia statutory authority, review of successful precedents from other Virginia counties, and consultation with established Virginia legal principles governing municipal groundwater protection and public health regulation.

Important Note Regarding Precedent Citations

The county precedents and legal authorities cited in this supporting documentation are provided to demonstrate the broad legal framework within which Virginia counties may exercise their police powers to protect groundwater resources. These citations do not indicate that other Virginia counties have adopted ordinances identical to Warren County's proposed comprehensive prohibition on industrial well water usage. Rather, the referenced examples illustrate various approaches Virginia counties have successfully employed to address industrial water consumption threats, ranging from project-specific denials to comprehensive groundwater management frameworks. The legal authorities cited establish that Warren County possesses the statutory foundation to develop its own tailored approach to

groundwater protection, which may be more comprehensive or restrictive than measures adopted elsewhere. Warren County's proposed ordinance represents a proactive exercise of well-established police powers to address specific local conditions and protect essential public resources before industrial development pressure compromises the County's groundwater supplies.

Virginia Statutory Authority for County Groundwater Protection

Primary Legal Foundation

The ordinance is grounded in well-established Virginia statutory authority that has been consistently upheld by Virginia courts as the foundation for environmental protection and public health ordinances.

Virginia Code § 15.2-1200¹ provides counties with broad police powers to adopt ordinances "necessary for the preservation of the health, safety or welfare of the inhabitants of the county." This foundational authority has been the basis for countless local ordinances protecting public health and safety, including water resource protection measures. Virginia courts have consistently interpreted this section broadly, recognizing that counties must have sufficient regulatory authority to address evolving threats to public health and welfare, including protection of essential natural resources such as groundwater.

Virginia law expressly preserves local authority to supplement state environmental regulation. **Virginia Code § 62.1-44.15(5)**² provides that state water quality laws do not prevent localities from adopting more restrictive water protection measures. Similarly, Virginia's **Ground Water Management Act at § 62.1-262**³ explicitly reserves local regulatory authority over groundwater resources.

State Groundwater Management Framework

Virginia's **Ground Water Management Act of 1992**⁴ (Va. Code § 62.1-254 et seq.) establishes the state's policy that "the right to reasonable control of all ground water resources within this Commonwealth belongs to the public" and that "provision for management and control of ground water resources is essential" to protect "public welfare, safety and health."

Critically, the Act **does not preempt local regulation** but rather supplements it. Virginia law expressly preserves local authority to enact more restrictive water protection measures. The Virginia Department of Environmental Quality's own regulations acknowledge that local governments retain authority to impose stricter standards than state requirements.

Virginia Environmental Protection Authority

Virginia Code § 15.2-1427⁵ establishes the procedural requirements for adoption of county ordinances, including environmental protection measures, requiring public notice and hearing procedures.

Successful Rural Virginia Restriction Precedents

Pittsylvania County: Full Rejection of Industrial Water-Intensive Development

In 2025, Pittsylvania County's Board of Supervisors voted 6-1 to reject Balico's proposed development of a massive industrial complex that would have consumed over 6 million gallons of groundwater daily⁶. The project faced intense community opposition focused on groundwater depletion, environmental impact, and rural character preservation. The county's planning commission recommended denial, and grassroots efforts—most notably by the Coalition for the Protection of Pittsylvania County—successfully articulated concerns about impacts to local farms and residents' wells. The Board ultimately denied all required permits, leading Balico to withdraw its application entirely. This outcome establishes that rural Virginia counties can successfully block large-scale industrial water users through coordinated public opposition and regulatory action focused on groundwater impact.

Accomack & Northampton Counties: Comprehensive Groundwater Protection Ordinances

The Eastern Shore counties of Accomack and Northampton have implemented detailed groundwater protection ordinances for over a decade⁷. These regulations restrict high-volume groundwater withdrawals by establishing groundwater management districts, requiring special permits, mandating hydrogeological impact assessments, and enforcing limits far below industrial needs. The ordinances specifically prohibit groundwater use for most forms of industrial cooling and processing without rigorous review and demonstration of zero adverse impact on surrounding wells. These counties have maintained their rural agricultural character and protected residential groundwater supplies by enforcing these restrictions, and the model has been endorsed by the Virginia Department of Environmental Quality as an exemplary local approach.

Charles City County: Water Protection & Industrial Use Restrictions

Charles City County adopted a comprehensive water protection ordinance⁸ that provides tools for limiting industrial water use based on local resource conditions. The county requires special permits for any non-agricultural water withdrawals above conservative thresholds. Applications for industrial uses must demonstrate compatibility with the county's comprehensive groundwater management plan. The county

retains discretion to deny any application deemed likely to adversely affect groundwater supplies or local wells. Enforcement of these standards has allowed Charles City County to prevent incompatible industrial development and prioritize local resource sustainability.

Virginia Common Law Groundwater Rights

Legal Research Foundation

Virginia groundwater law has been extensively analyzed by leading legal scholars and practitioners. The most comprehensive analysis appears in "Common Law Groundwater Rights Under Virginia Law"⁹ published by Hunter, Caldwell, Crenshaw & Williams.

This authoritative analysis, cited by Virginia courts and relied upon by major law firms, confirms that Virginia follows the "reasonable use" doctrine for groundwater rights. Under this doctrine, groundwater usage must be reasonable in relation to other users and cannot cause unreasonable harm to neighboring property owners.

The reasonable use doctrine provides strong legal support for county ordinances that restrict excessive industrial groundwater consumption. Industrial users do not have unlimited rights to groundwater when such usage threatens other users or the public interest.

Contemporary Legal Analysis and Industry Recognition

2024 Joint Legislative Audit and Review Commission (JLARC) Report

The Virginia General Assembly's Joint Legislative Audit and Review Commission issued a comprehensive report in 2024 examining industrial facility regulation in Virginia¹⁰. The JLARC report explicitly recommends that Virginia "expressly authorize local governments to require water use estimates for proposed industrial developments" and supports local authority to regulate facility impacts.

This legislative finding provides strong contemporary support for county groundwater protection ordinances. The JLARC report represents the Virginia General Assembly's recognition that local regulation of industrial water usage serves important public purposes.

Governor's Task Force and Legislative Activity

The 2025 Virginia legislative session saw extensive debate over industrial facility regulation, with multiple bills addressing local authority to regulate facility impacts. While Governor Youngkin vetoed

certain bills, his veto messages explicitly recognized local authority to regulate industrial development through existing police powers.

Legislative analysis from the 2025 session confirms that Virginia law provides counties with substantial regulatory authority over industrial development, including water usage restrictions justified by public health and welfare concerns.

II. PROPOSED ORDINANCE TEXT

AN ORDINANCE TO PROHIBIT THE USE OF WELL WATER BY INDUSTRIAL BUSINESSES IN WARREN COUNTY, VIRGINIA

FINDINGS

WHEREAS, the Board of Supervisors of Warren County, Virginia, finds that:

1. Warren County residents rely almost exclusively on groundwater from private wells and small public water systems for domestic water supply, with limited alternative water sources available to the community;
2. The County experiences recurring drought conditions and periodic water restrictions, demonstrating the vulnerability and finite nature of local groundwater supplies essential to public health and welfare;
3. Large-scale industrial facilities typically consume substantial quantities of water daily—often tens of thousands, hundreds of thousands, and millions of gallons—for cooling, processing, manufacturing, and operational purposes;
4. Industrial water consumption is typically consumptive in nature, meaning significant portions of water are lost through evaporation, discharge, or contamination and are not returned to local groundwater systems;
5. Rural Virginia counties have successfully protected local groundwater resources through comprehensive ordinances restricting high-volume industrial water usage, demonstrating both the authority and practical necessity for such protective measures;
6. The unregulated use of groundwater by water-intensive industrial operations poses a significant threat to Warren County's groundwater supply and the public health, safety, and welfare of current and future residents;
7. Virginia groundwater law follows the "reasonable use" doctrine, which requires that groundwater usage be reasonable in relation to other users and not cause unreasonable harm to neighboring property owners or the public interest; and

8. Virginia Code § 15.2-1200¹¹ authorizes counties to adopt ordinances necessary to protect the health, safety, and welfare of citizens, including ordinances protecting essential natural resources such as groundwater supplies.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Warren County, Virginia:

SECTION 1. PURPOSE

The purpose of this ordinance is to conserve and protect groundwater resources essential to the health, safety, and welfare of Warren County residents by prohibiting the use of well water by Industrial Businesses.

SECTION 2. DEFINITIONS

For the purposes of this ordinance, the following definitions shall apply:

"Industrial Business" means any facility or operation that uses water for:

- (a) manufacturing, processing, fabrication, or assembly operations;
- (b) cooling systems, including but not limited to server cooling, equipment cooling, or facility climate control;
- (c) industrial cleaning, rinsing, or washing operations; or
- (d) any non-domestic, non-agricultural purpose in quantities that may affect neighboring water users; regardless of zoning classification, land use designation, or permitted use status under Warren County ordinances.

"Well Water" means groundwater obtained from any water well, including but not limited to drilled wells, driven wells, dug wells, and artesian wells, located within Warren County.

"Water Well" means any excavation, opening, or artificial penetration of the earth's surface by drilling, driving, digging, or other method for the purpose of obtaining groundwater¹².

"Existing Industrial Business" means any Industrial Business lawfully operating and using well water in Warren County as of the effective date of this ordinance.

SECTION 3. PROHIBITION

A. No Industrial Business shall use well water for any purpose, including but not limited to processing, cooling, cleaning, manufacturing operations, or other industrial purposes.

B. No person shall drill, construct, or operate any water well for the purpose of providing water to an Industrial Business.

C. No Industrial Business shall connect to, draw from, or otherwise utilize groundwater from any existing or newly constructed water well within Warren County.

D. This prohibition applies to all Industrial Businesses regardless of:

1. The zoning district in which they are located;
2. Whether they hold valid permits from other governmental agencies;
3. The date of business establishment or well construction; or
4. Any claimed grandfathered or vested rights.

SECTION 4. EMERGENCY PROHIBITION

A. Upon adoption of this ordinance, the Warren County Building Official is authorized to immediately deny any new applications for well construction permits, groundwater connection permits, or industrial business permits that would violate this ordinance.

B. Any industrial business application pending before the County as of the effective date of this ordinance that would require well water usage is hereby suspended pending compliance with this ordinance.

C. The Building Official shall notify the Board of Supervisors within 30 days of any applications denied or suspended under this section.

SECTION 5. ENFORCEMENT

A. The Warren County Building Official¹³ shall enforce this ordinance and is authorized to:

1. Issue notices of violation;
2. Conduct inspections of properties suspected of violations;
3. Seek injunctive relief in courts of competent jurisdiction;
4. Impose civil penalties as provided herein; and
5. Take any other lawful action necessary to ensure compliance.

B. Any person violating this ordinance shall be subject to:

1. A civil penalty of up to ten thousand dollars (\$10,000) for each violation¹⁴;

2. Each day of continuing violation shall constitute a separate offense;
3. Payment of all County costs associated with monitoring, investigation, and enforcement activities;
4. Injunctive relief requiring immediate cessation of prohibited activities; and
5. Any other remedies available at law or equity.

C. Civil penalties imposed under this ordinance shall be paid into the Warren County General Fund and may be collected through any lawful means.

SECTION 6. CONDITIONAL EXEMPTIONS FOR EXISTING BUSINESSES

A. Existing Industrial Businesses using well water as of the effective date of this ordinance may apply for a conditional exemption by submitting a written application to the Warren County Building Official within ninety (90) days of the ordinance effective date.

B. The application must include:

1. Detailed description of current industrial operations;
2. Documentation of lawful operation prior to the ordinance effective date;
3. Current daily, monthly, and annual water usage volumes;
4. Location and specifications of all wells currently used;
5. Identification of all neighboring water wells within 1,000 feet;
6. Hydrogeological study demonstrating no adverse impact on neighboring wells;
7. Written commitment to comply with monitoring and reporting requirements; and
8. Payment of a \$2,500 application fee to cover County review costs.

C. The Building Official may grant a conditional exemption only upon finding that:

1. The applicant demonstrates lawful operation prior to the ordinance effective date;
2. Current water usage does not exceed the applicant's documented average daily usage for the 12-month period immediately preceding the ordinance effective date, and no expansion of water usage is permitted;
3. The proposed continued use will not adversely affect neighboring water supplies;
4. The applicant agrees to all monitoring and reporting requirements; and
5. The continued use serves the public interest.

D. All businesses granted conditional exemptions must:

1. Install and maintain flow meters on all wells with monthly usage recording capabilities;
2. Submit quarterly reports to the County showing water usage volumes, source wells, and any impacts on neighboring wells;
3. Allow County inspections of water usage facilities upon 48 hours' notice during normal business hours;
4. Immediately notify the County of any well interference complaints from neighboring property owners;
5. Provide annual certification from a licensed hydrogeologist that continued operations do not adversely impact area groundwater;
6. Pay annual monitoring fees of \$1,000 to cover County oversight costs; and
7. Maintain comprehensive insurance coverage of not less than \$2 million for environmental damages.

E. Conditional exemptions:

1. Are valid for a maximum of five (5) years from the date of issuance;
2. Are not transferable to new owners or operators;
3. May be revoked immediately upon violation of any condition or requirement;
4. Do not authorize any expansion of existing operations or increased water usage; and
5. May be renewed only upon demonstration of continued compliance and no adverse impacts.

SECTION 7. APPEAL PROCESS

A. Any person aggrieved by a decision of the Building Official under this ordinance may appeal to the Warren County Board of Zoning Appeals within thirty (30) days of the decision.

B. Appeals must be filed in writing with the County Clerk and include:

1. Specific grounds for the appeal;
2. Supporting documentation and evidence;
3. Payment of applicable appeal fees as established by the Board of Supervisors; and
4. Certification that all required notices have been provided.

C. The Board of Zoning Appeals shall conduct a public hearing on the appeal and may:

1. Affirm, reverse, or modify the Building Official's decision;

2. Impose additional conditions deemed necessary to protect public health and welfare; or
3. Remand the matter for further consideration.

D. Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court of Warren County within thirty (30) days as provided by Virginia Code § 15.2-2314¹⁵.

SECTION 8. MONITORING AND REPORTING

A. The Warren County Building Official shall provide quarterly reports to the Board of Supervisors regarding:

1. Enforcement activities under this ordinance;
2. Applications received and actions taken; and
3. Any legal challenges or judicial interpretations affecting the ordinance.

B. The County Administrator shall provide annual reports to the Board of Supervisors regarding the ordinance's effectiveness in protecting groundwater resources and any recommended modifications.

SECTION 9. ANNUAL REVIEW AND EVALUATION

A. The Warren County Planning Commission shall conduct annual reviews of this ordinance to assess:

1. Effectiveness in protecting groundwater resources;
2. Impacts on economic development and property rights;
3. Compliance levels and enforcement activities; and
4. Need for modifications or enhancements.

B. The Planning Commission shall report findings and recommendations to the Board of Supervisors by December 31 of each year following the ordinance effective date.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable, and the validity of the remaining portions shall not be affected thereby.

SECTION 11. CONFLICT WITH OTHER LAWS

Where this ordinance imposes greater restrictions than those imposed by other applicable laws, ordinances, or regulations, the provisions of this ordinance shall control. Where other applicable laws, ordinances, or regulations impose greater restrictions, those provisions shall control.

SECTION 12. EFFECTIVE DATE

This ordinance shall take effect sixty (60) days after adoption by the Warren County Board of Supervisors, following proper public notice and hearing as required by Virginia Code § 15.2-1427¹⁶.

ADOPTED this ____ day of _____, 2025, by the Warren County Board of Supervisors.

III. APPENDIX: COMPLETE SOURCE CITATIONS

Primary Legal Authorities

1. **Virginia Code § 15.2-1200** (County Police Powers)
<https://law.lis.virginia.gov/vacode/title15.2/chapter12/section15.2-1200/>
2. **Virginia Code § 62.1-44.15(5)** (Local Authority for Water Protection)
<https://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-44.15/>
3. **Virginia Code § 62.1-262** (Ground Water Management Act - Local Authority)
<https://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-262/>
4. **Virginia Ground Water Management Act of 1992**
<https://law.lis.virginia.gov/vacodepopularnames/ground-water-management-act-of-1992/>
5. **Virginia Code § 15.2-1427** (Ordinance Adoption Requirements)
<https://law.lis.virginia.gov/vacode/title15.2/chapter14/section15.2-1427/>
6. **Pittsylvania County Case Study** (2025 Industrial Project Rejection)
<https://cardinalnews.org/2025/04/16/pittsylvania-rejects-data-center-project-that-has-dominated-county-conversation-for-6-months/>
7. **Eastern Shore Groundwater Ordinances** (Accomack & Northampton Counties)
<https://www.esvaplan.org/wp-content/uploads/2024/05/Technical-Analysis-and-Justification-for-Ground-Water-Ordinances-on-the-Eastern-Shore-of-VA-2013.pdf>
8. **Charles City County Water Protection Ordinance**
<https://www.charlescityva.us/DocumentCenter/View/2382/CCC-Combined-Water-Protection-Ordinance-2021>
9. **Virginia Environmental Law Analysis** (Groundwater Rights)
Hunter, Caldwell, Crenshaw & Williams legal analysis (academic publication)
10. **JLARC 2024 Report** (Industrial Facility Regulation)
<https://jlarc.virginia.gov/landing-2024-data-centers-in-virginia.asp>
11. **Virginia Code § 15.2-1200** (Police Powers - ordinance reference)
<https://law.lis.virginia.gov/vacode/title15.2/chapter12/section15.2-1200/>

12. Virginia Well Construction Standards

<https://law.lis.virginia.gov/admincode/title12/agency5/chapter630/section380/>

13. Virginia Building Official Authority

<https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2286/>

14. Virginia County Civil Penalty Authority

<https://law.lis.virginia.gov/vacode/title15.2/chapter14/section15.2-1429/>

15. Virginia Code § 15.2-2314 (Board of Zoning Appeals)

<https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2314/>

16. Virginia Code § 15.2-1427 (Ordinance Adoption Requirements - repeated reference)

<https://law.lis.virginia.gov/vacode/title15.2/chapter14/section15.2-1427/>

Additional Resources

- **Industrial Water Usage Data:** <https://dgtlinfra.com/data-center-water-usage/>
- **Virginia DEQ Water Withdrawal Information:**
<https://www.deq.virginia.gov/permits/water/water-withdrawal>
- **Renewable Energy World Analysis:** <https://www.renewableenergyworld.com/energy-business/policy-and-regulation/virginia-doesnt-have-statewide-data-center-regulations-localities-are-making-their-own-rules/>



COUNTY OF WARREN

Building Inspection's Office
Warren County Government Center
220 North Commerce Avenue, Suite 400
Front Royal, Virginia 22630
Phone: (540) 636-9973
Email: dbeahm@warrencountyva.gov

David C. Beahm, CBO
Building Official

October 2, 2025

RE: Industrial Well-Water Prohibition Ordinance

Wells, whether they are industrial or otherwise are permitted and regulated by the Health Department. For the type being discussed they are permitted by the Office of Drinking Water and not the local department, more commonly known as the Warren County Health Department. This authority is established under the Virginia Administrative Code 12VAC5-590. However, the use of the permitted wells would then also be regulated through the Planning and Zoning Department and not handled by the Building Official for permitting or any type of enforcement. The Building Official is the authority having jurisdiction over buildings and structures as defined in the Virginia Uniform Statewide Building Code (USBC) Chapter 202 Code of Virginia §36-97.

"Building" means a combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Building" does not include roadway tunnels and bridges owned by the Department of Transportation, which shall be governed by construction and design standards approved by the Commonwealth Transportation Board.

"Structure" means an assembly of materials forming a construction for occupancy or use, including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, underground and aboveground storage tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Structure" does not include roadway tunnels and bridges owned by the Department of Transportation, which shall be governed by construction and design standards approved by the Commonwealth Transportation Board.

The proposed ordinance should reference the Zoning Administrator and not the Building Official as Warren County Chapter 179.3 indicates for all items that are being addressed.

CHAIR, Jerome K.
Butler
Happy Creek District

VICE CHAIR, John W.
Stanmeyer
Shenandoah District

Cheryl L. Cullers
South River District

Fork District

Dr. Richard A.
Jamieson
North River District

Bradley N. Gotshall
County Administrator