
ZONING & PLANNING - VIRGINIA

Oak Valley Homeowners Association, Inc. v. Prince William County Board of Supervisors

Court of Appeals of Virginia, Arlington - July 22, 2025 - S.E.2d - 2025 WL 2043957

Landowners sought declaratory judgment against county board of supervisors to invalidate amendment to comprehensive plan to build data centers, alleging board violated statutory public-hearing requirements by failing to listen to and consider public comments received at hearing before voting to adopt amendment.

The Prince William Circuit Court sustained board's demurrer. Landowners appealed.

The Court of Appeals held that:

- Landowners' allegations were sufficient to establish that they had standing to challenge board's land-use decision, but
- Statute governing advertising and written notice requirements relating to a comprehensive plan, an ordinance, or amendments to a comprehensive plan or ordinance for local governing body's land-use decision does not impose a listen-to-and-consider requirement.

Landowners' allegations were sufficient to establish that they had standing to challenge county board of supervisors' land-use decision, seeking declaratory judgment to invalidate amendment to board's comprehensive plan to build data centers; ten of 11 landowners owned and resided on parcels that abutted land where the comprehensive-plan amendment allowed data centers or owned land that was less than 2,000 feet away, landowners alleged that amendment had already reduced their property values, and they cited quantitative analysis and modeling that data centers would increase noise they currently experienced to over 75 decibels, making it similar to constant noise experienced while standing 50 feet from heavily traveled highway.

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