

FLUVANNA COUNTY PLANNING COMMISSION

WORK SESSION AND REGULAR MEETING AGENDA

Fluvanna County Library
214 Commons Boulevard
Palmyra, VA 22963

May 11, 2021

6:00 pm **Work Session**

7:00 pm **Regular Meeting**

TAB AGENDA ITEMS

WORK SESSION

A – Call to Order, Pledge of Allegiance to the Flag and a Moment of Silence

B – Public Comments (Limited to 5 minutes per speaker)

C – WORK SESSION Virginia Electric and Power Company (Dominion Energy Virginia)

Conditional Rezoning and Special Use Permit requests reviewed with Planning Commissioners by Eric Dahl, County Administrator and Douglas Miles, Community Development Director

REGULAR MEETING

1 – Call to Order, Pledge of Allegiance to the Flag and a Moment of Silence

2 – Community Development Director’s Report – Douglas Miles, AICP, CZA

3 – PUBLIC COMMENTS #1 (Limited to 5 minutes per speaker)

4 – Review and Approval of Draft April 13, 2021 Minutes

5 – PUBLIC HEARINGS:

ZMP 21:02 Virginia Electric and Power Company – A Conditional Rezoning from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

SUP 21:03 Virginia Electric and Power Company – A Special Use Permit request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

ZTA 21:02 An Ordinance to Amend Chapter 22 Zoning of the Fluvanna County Code by the Addition of Definitions Under 22-22-1 Definitions; Uses Permitted by Right in A-1 Zoning Under 22-4-2.1, in R-1 Zoning Under 22-5-2.1, in R-2 Zoning Under 22-6-2.1, in R-3 Zoning Under 22-7-9.1, in R-4 Zoning Under 22-8-2.1, in B-1 Zoning Under 22-9-2.1, in B-C Zoning Under 22-10-3, in I-1 Zoning Under 22-11-2.1, in I-2 Zoning Under 22-12-2.1, and in MHP Zoning Under 22-13-2.1 to Permit a Small Scale Solar Generation Facility; and Uses Permitted by Special Use Permit in A-1 Zoning Under 22-4-2.2, in B-1 Zoning Under 22-9-2.2, in B-C Zoning Under 22-10-4, in I-1 Zoning Under 22-11-2.2 and in I-2 Zoning Under 22-12-2.2 to Permit a Minor Scale and Utility Scale Solar Generation Facility; and the Addition of Chapter 22 Zoning Article 28. Regulation of Solar Generation Facilities.

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For Persons with Disabilities – If you have special needs, please contact the County Administrator’s Office at 434.591.1910.**

6 – Presentations: None

7 – SITE DEVELOPMENT PLANS: None

8 – SUBDIVISIONS: None

9 – UNFINISHED BUSINESS: None

10 – New Business: None

11 – PUBLIC COMMENTS #2 (Limited to 5 minutes per speaker)

12 – Adjournment

Douglas Miles

Community Development Director Review

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PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Commission.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Commission.
 - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

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COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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To: Fluvanna County Planning Commission members

From: Douglas Miles, Community Development Director

Date: May 11, 2021

Subject: Community Development Director's Report

April 8, 2021 – Technical Review Committee (TRC) Meeting

ZMP 21:02 Virginia Electric and Power Company – A Conditional Rezoning from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

SUP 21:03 Virginia Electric and Power Company – A Special Use Permit request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

Dominion Energy request to construct a lined Landfill for the Bremono Power Station Coal Combustion Residuals (CCR) material that will be trucked to the landfill site next to the former power plant. The applicant has proffered to take care of the FUSD water line needs to replace the surrounding wells.

April 12, 2021 – Cunningham Solar LLC – Transportation Plan Meeting

The Community Development Director met virtually with the VDOT Land Use Engineer, Timmons Group Transportation Senior Planner and Sun Tribe Solar staff on the proposed transportation planning construction route along Route 53 and Route 15 and avoiding the collector roads to their site.

April 14, 2021 – VDOT Transportation Assistance Program (TAP) Training

The Community Development Director and Planner / GIS Technician both attended the VDOT statewide training session to prepare the streetscape project funding request for the Palmyra Main Street area in the County.

April 21, 2021 – Board of Supervisors Public Hearings Meeting

SUP 20:04 Cunningham Solar, LLC – A request for a Special Use Permit in the A-1, Agricultural, General District to construct a major utility use (solar energy facility) on 62.4 +/- acres, Tax Map 18, Section A, Parcel 44. The property is located on the east side of South Boston Road (SR 600), approximately 0.2 miles north of its intersection with Thomas Jefferson Parkway (Route 53). The subject parcel is within the Rivanna Community Planning Area and the Fork Union and Palmyra Election Districts. **The SUP was approved with recommended conditions and Transportation Plan is being reviewed by Director with Sun Tribe Solar / Timmons Group.**

SUP 20:03 Steven L. & Codie C. Peters – A Special Use Permit request in the R-3, Residential, Planned Community District to permit both car wash and gas station uses with respect to 60.9 +/- acres of Tax Map 8, Section A, Parcel A14A. The property is located on the northeast corner of the intersection of Thomas Jefferson Parkway (Route 53) and Lake Monticello Road. The subject parcel is within the Rivanna Community Planning Area and the Palmyra Election District. **SUP was approved with recommended conditions. Director is reviewing final transportation improvements with Shimp Engineering / VDOT Staff members for site development.**

ZMP 21:01 Christian & Associates Excavating – A Conditional Rezoning from A-1, Agricultural, General to the B-1, Business, General District on 14 +/- acres of Tax Map 9 Section A Parcel 12A. The property is located on the north line of Lake Monticello Road and 0.1 miles west of River Run Road. The subject parcel is within the Rivanna Community Planning Area and the Palmyra Election District. **Rezoning was approved with proffered conditions and the applicant is working on submitting his site plans.**

SUP 21:01 Christian & Associates Excavating – A Special Use Permit request in the B-1, Business, General District to permit a contractor's storage yard with respect to 14 +/- acres of Tax Map 9 Section A Parcel 12A. The property is located on the north line of Lake Monticello Road and 0.1 miles west of River Run Road. The subject parcel is within the Rivanna Community Planning Area and the Palmyra Election District. **The SUP was approved with recommended conditions to screen the proposed use.**

April 29, 2021 – Dominion Energy Community Meeting & Open House

Dominion Energy conducted a Community Meeting open house at the Fluvanna Community Center in Fork Union on the proposed landfill site. The County Administrator, Economic Development Coordinator and Planner / GIS Technician attended the community meeting for County.

April 29, 2021 and May 6, 2021 – FLDP Planning & GIS Training Sessions

The Planning Commission Chairman, Community Development Director and Senior Planner / GIS Coordinator conducted training session on the Planning Commission, Comprehensive Plan and the Zoning Ordinance.

The Senior Planner / GIS Coordinator provided a very informative Web GIS demonstration on how to best utilize the GIS mapping data to learn more about Fluvanna County and to look up property and to locate information.

The second FLDP training session focused on the 2019-2020 Development Activity Report (DAR) and Transportation Planning work along with the R-3 Residential Planned Community developments located within the County.

STATUS DEFINITIONS*

Board - Case is pending Board Approval

Court Pending - Summons to be issued

Permit Pending - Applied for Permit to Abate Violation

Cleared - Violation Abated

Extended - Extension Given/Making Progress to Abate Violations

Rezoning - Property is in Rezoning Process

Court - Case is before Judge

Pending - Violation Notice Sent

SUP Pending - SUP Application made to Abate Violation

MISCELLANEOUS ACTIONS / TASKS

Biosolids Applied and Signs Displayed (Total – 202 Sites)

Compliance with Tenaska Virginia Sound Levels 0/16/2021

Signs Removed From Public Rights-Of-Way (Total – 31)

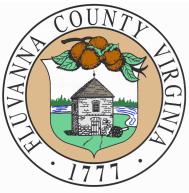
Placed and removed "Public Hearing Signs" as needed

Deliver packets to BOS, PC Members

Planning / Zoning site plan evaluations for form (April 2021)

Planning / Zoning materials to VDOT Louisa Residency (April 2021)

Three Trips



TRANSACTIONS BY USER REPORT (04/01/2021 TO 04/30/2021) FOR FLUVANNA COUNTY BUILDING AND PLANNING DEPARTMENT

Selected Users: Valencia Porter

Invoice #	Fee Name	Transaction Date	Transaction Type	Payment Method	Paid Amount
Valencia Porter					
BSP21:0003					
INV-00002717	Boundary/Physical Survey, Easement, Correction	04/06/2021	Fee Payment	Check #3180	\$50.00
BZA21:0001					
INV-00002777	Sign Deposit for Public Hearing	04/29/2021	Fee Payment	Check #120	\$90.00
	Variance	04/29/2021	Fee Payment	Check #119	\$550.00
SUB21:0015					
INV-00002731	Boundary Adjustment	04/12/2021	Fee Payment	Check #1006	\$100.00
SUB21:0016					
INV-00002736	Subdivision: Family	04/13/2021	Fee Payment	Check #2901	\$200.00
	Subdivision: GIS Fee (per lot)	04/13/2021	Fee Payment	Check #2901	\$200.00
SUB21:0017					
INV-00002754	Boundary Adjustment	04/20/2021	Fee Payment	Check #3255	\$100.00
SUB21:0018					
INV-00002773	Subdivision: Family	04/28/2021	Fee Payment	Cash	\$200.00
	Subdivision: GIS Fee (per lot)	04/28/2021	Fee Payment	Cash	\$100.00
SUP21:0003					
INV-00002719	Sign Deposit for Public Hearing	04/06/2021	Fee Payment	Check #26822066703	\$90.00
	Special Use Permit	04/06/2021	Fee Payment	Check #14521965	\$800.00
ZMP21:0002					
INV-00002718	Rezoning	04/06/2021	Fee Payment	Check #14521966	\$1,000.00
	Sign Deposit for Public Hearing	04/06/2021	Fee Payment	Check #26822066714	\$90.00
VALENCIA PORTER				TOTAL CASH:	\$300.00
				TOTAL CHECK:	\$3,270.00
				NET TOTAL:	\$3,570.00
GRAND TOTALS				TOTAL CASH:	\$300.00
				TOTAL CHECK:	\$3,270.00
				NET TOTAL:	\$3,570.00

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Fluvanna County Library
214 Commons Boulevard
Palmyra, VA 22963**

**April 13, 2021
6:00 pm (Work Session)
7:00 pm (Virtual Meeting)**

MEMBERS PRESENT:

Barry Bibb, Chair
Gequetta “G” Murray-Key, Vice Chair
Lewis Johnson
Ed Zimmer
Howard Lagomarsino
Patricia Eager, Board of Supervisors

STAFF PRESENT:

Eric Dahl, County Administrator
Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
Fred Payne, County Attorney
Valencia Porter, Administrative Program Specialist

A. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 6:00 pm, Chair Bibb called the Work Session to order, led in the Pledge of Allegiance and conducted a Moment of Silence.

B. Public Comments (5 minutes per speaker)

None were provided.

C. Solar Zoning Ordinance Amendment and Siting Requirements – Douglas Miles:

2020 General Assembly Solar Energy Powerpoint Slides Summary:

Localities have been authorized to incorporate the accepted national standards for solar panels and battery storage into local Zoning Ordinances like it is found within the Building Code at the State Level for solar infrastructure. Localities can waive the requirement that new solar energy facilities be reviewed for Substantial Accordance along with the locality’s Comprehensive Plan.

Utility—Scale Solar Energy Facilities

Utility-Scale Solar Energy Facilities are very passive land uses requiring few local government services, and generating low noise and emissions for productive solar energy production into the electrical grid.

Solar Land Use Impacts in Fluvanna County: Change in the land use to industrial land use; location of solar energy projects in County; economic benefits for solar energy facilities; 30 or 40 year solar energy commitments and Environmental and Historical Impact site analysis.

Solar Energy Facilities—County and State Permits: 1-5 Megawatt facilities are exempt from DEQ and SCC permits and 5-150 Megawatt facilities are permitted by both the DEQ and SCC.

In contrast, much smaller solar energy facility systems when generating the power for on-site consumption are allowed in zoning districts by right and do not require County or State DEQ or SCC approval as an accessory use, still have to meet screening and zoning setback standards.

Zoning Text Amendment (ZTA) Process:

Proposed Zoning Text Amendment (ZTA) to provide solar energy facility definitions for small scale and utility scale solar energy facility uses in the Zoning Ordinance which fall between 1-5 megawatts, are greater than 5 megawatts, between the range of 20-150 megawatts for utility-scale solar energy uses. These definitions will be added to the Zoning Ordinance for the uses.

Solar Energy Facilities and Solar Siting Guidelines: All Community Planning Areas are to be avoided; water and sewer areas are also to be avoided; commercial and industrial areas are avoided; written approval verification from DEQ / SCC; environmental and historical analysis done; community meetings illustrate Sketch Plans; landscaping and site screening standards and Groundcovers to be pollinator friendly plants are examples of the required conditions.

Work Session Discussion:

Mrs. Eager: How would the solar companies cut the grass underneath their solar panels?

Mr. Miles: stated that there are contracted landscaping maintenance workers that cut it. They actually would remove most vegetation from underneath the solar panels on their property.

Chair Bibb: Would this area be impervious area?

Mr. Miles: stated to clarify are you talking about underneath the solar panels?

Chair Bibb: Yes, will they have a lot of water run off?

Mr. Miles: stated they will use the Erosion and Settlement Control plan measures to control it.

Mrs. Eager: How many acres will be needed for a 5 or 100-150 megawatt solar energy facility?

Mr. Miles: stated the one that they just did at Cunningham was 30 acres for the 5 megawatts.

Chair Bibb closed the Work Session at 6:39 pm for a short recess until 7:00 pm.

Regular Meeting at 7:00 pm

1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm, Chair Bibb called the April 13, 2021 Regular Meeting to order, followed by the Pledge of Allegiance and a Moment of Silence.

2. DIRECTOR'S REPORT: Douglas Miles, Community Development Director

March 11, 2021 – Technical Review Committee (TRC) Meeting:

SUP 21:02 Amy and Joshua Bower – A Special Use Permit request in the A-1 Agricultural, General District to permit an Agricultural Enterprise (winery) on 42.9 +/- acres known as Tax Map 48 Section 1 Parcel 3. The property is located on the north line of West River Road (Route 6) and 0.9 miles west of Hardware Road. The subject parcel is located within the Scottsville Community Planning Area and the Cunningham Election District.

Agricultural enterprise: *Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined. Related uses include sawmill, winery and other similar facilities.*

Thistle Gate Winery is being transferred from the Cushnies to the Bowers and the winery use is being expanded to include outdoor weddings and receptions, 5K runs and local philanthropic events and would follow all Virginia Department of Health requirements. The Bowers intend to operate the winery tasting room under the same ABC license with the potential in the future for a craft brewery and distillery.

SDP 21:02 South Boston Self-Storage – A Site Development Plan request to construct a self-storage facility on a 3.4 +/- acre portion of Tax Map 18 Section A Parcel 53. The property is zoned B-1, Business, General and is located along the south line of South Boston Road and 0.2 miles west of Broken Island Road. The property is located within the Rivanna Community Planning Area and the Palmyra Election District.

Self-storage facility: *A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.*

The applicant, Tom Schauder, is proposing to construct a 21,000 square foot conditioned storage building with two (2) 3200 square foot storage buildings on the premises with a proposed, screened storage yard for vehicles. A March 23, 2021 follow-up meeting was conducted to review available AQUA water and sewer and DEQ Regional Stormwater needs.

March 11, 2021 Transportation Subcommittee (TS) Meeting:

Zion Crossroads Small Area / Corridor Plan – TJ PDC Planning Update

Sandy Shackelford, AICP, Director of Planning and Transportation, from Thomas Jefferson Planning District Commission, provided a 2021 planning update on the recent work on the corridor study analysis conducted by VDOT's transportation planning consultant, Kittelson and Associates in conjunction with Chuck Proctor, VDOT Planning Manager.

This was a follow-up meeting conducted with Fluvanna County to discuss all of our Route 250 intersections and based upon the Phase II transportation planning analysis. This meeting was to help Fluvanna take advantage of the awarded VDOT Smartscale funding at Troy Road and Route 250 for this roundabout design with an estimated amount of \$9.4 million dollars.

March 17, 2021 TJ PDC Rural Transportation Meeting:

The FY 2022 Rural Transportation Planning Work Program was reviewed and it includes the completion of the Fluvanna – Louisa Zion Crossroads Gateway Plan in FY 2022; the Town Bicycle and Pedestrian Infrastructure Plan that includes the Palmyra Main Street area and related grant funding; Three Notched Trail multi-use trail planning efforts to connect with Virginia Capital Trail in Richmond; and additional work with Fluvanna County on their Smart Scale projects. FY 2023 anticipated Work Tasks may include Fluvanna County and Greene County joining the Charlottesville-Albemarle Metropolitan Planning Organization (MPO) following the 2020 US Census which could provide for additional transportation planning funding dollars.

March 18, 2021 – Community Planning Director Training Webinar: Central Virginia Regional Housing Partnership – Zoning Hurdles and Incentives was conducted by the TJ PDC Staff in conjunction with developers such as Charlie Armstrong, Southern Development and Chris Henry, Stony Point Development and regional legislative housing consultants discussing new approaches towards housing and the variety of the housing types offered.

March 31, 2021 – VDOT Local Planning Assistance Transportation Meeting the Community Development Director attended online meeting with Culpeper District Transportation Planning Staff to prepare for Transportation grants for Main Street areas of Fluvanna County in both Fork Union and Palmyra.

April 2, 2021 – VDOT Main Street Site Visits with VDOT Residency Staff

The County Administrator, Community Development Director, Economic Development Coordinator and Planner / GIS Technician conducted field work in Palmyra on Main Street and Fluvanna County complex; Fork Union Phase II sidewalks and streetlights and Columbia’s Route 6 infrastructure needs.

3. **PUBLIC COMMENTS #1:**

At 7:06 pm, Chairman Bibb opened the first round of Public Comments. Chair Bibb asked that for anyone coming online to please state their name and address for the record.

Lois Fulks, 331 Oak Creek Road: she read the letter that she submitted to the Planning Commission that contained several questions for the Virginia Department of Health (VDH):

1. Can test well outputs be considered conclusive for the density of wells since many / all homes may tap different aquifers than the test, initial higher hydrostatic water pressure and our current very wet spring dictates larger initial output? Let’s test in August / September when the weather is hot and dry and the water tables are low. (VDH)
2. What is the useful life expectancy of the sewage collection/drainage systems being proposed? (VDH)
3. What are the contingency plans if current proposed collection/drainage systems are insufficient and/or fail? (VDH)
4. What is the plan for cleaning out or replacing the system at the end of its useful life expectancy? (VDH)
5. Who dictates and monitors this clean-out and/or replacement effort on a regular on-going basis? (VDH)

6. What is to prevent ground water contamination if the homeowners or the HOA does not have the funds available for, or refuses to pay for, emergency system failure, end of anticipated useful life expectancy of the sand mound system, drainage/collection tank capacity overflow, and/or very wet seasons where drainage capacity is limited? (VDH)
7. How will bad odors be managed related to this process? (VDH)
8. The septic/drainage system on the back of the plat, the greatest distance back from Oak Creek Road, appears to be right at the creek or might even cross that creek. How is this system accessed by the houses it serves? Does this actually cross the creek? (Applicant)
9. Is it possible that multiple wells that are so close to multiple septic/drainage systems could become contaminated? (VDH)
10. Is it possible that during extended wet weather climate when puddles of water can be seen in all low-lying areas, that laws of physics dictate that saturated ground can hardly further drain large volumes of black water effluent? (VDH)
11. Is it true that in periods of very dry weather conditions that the wells in this area have historically nearly or completely dried up, eliminating the success of the septic/drainage system which depends on water to function? (VDH)
12. Are the sand-mound systems being used because the land does not perc? (VDH)

If this project does move forward, I respectfully request the following:

1. Builders must work from 08:00 am to 5:00 pm, not like the fellows who timbered the trees who arrived at 05:45 am and stayed until 8:00 pm back in December to January.
2. I request that Mr. Miller be required to place a silt fence in addition to a four-foot solid soil berm around the entire area where his property is immediately adjacent to mine so any escaped black water effluent drains back onto his property, not mine.
3. Mr. Miller will please submit the perc tests, soil tests, specs for the sewer system, all as previously requested.
4. Mr. Miller himself will be required to pay to pipe in and maintain water supply in perpetuity to his new subdivision so that:
 - a. My spring and my well, as well as those of my neighbors are not threatened with contamination or drying up, and any future unsuspecting Ballinger Creek home buyers will not experience water loss/failure which would directly affect their septic/drainage systems.
 - b. Fluvanna County will not ever be expected to provide water for Mr. Miller's densely populated subdivision if / when multiple wells fail in prolonged, arid dry conditions.
 - c. Fluvanna County residents will not ever be taxed to cover the cost of water for his subdivision for any reason.
5. Mr. Miller will be required to personally maintain his untested experimental 4-house septic/drainage system, designed and approved by Mr. Miller himself, for 10 years after the last home is sold so that he would be directly involved in an effective risk assessment and analysis of the success or failure of his experiment, in conjunction with Fluvanna County oversight.

I sense that this is my last opportunity to plea for reason regarding this proposal. 20 houses, each with a well, an unheard of septic/drainage system for 4 houses in a steeply-sloped few acres immediately close to creek, built in the midst of a quiet countryside that house folks who do not want to live on top of each other in an A-1 agricultural zoned area will forever and completely change the nature of where we live: increased number of people, traffic, noise, lights, trash, pollution, water usage, increased risk of experimental septic/drainage systems, and potential contamination and stench related to poor drainage. Can you just imagine the noise level of a weekly trash truck that rudely interrupts the quiet countryside in which I live at this moment? This subdivision will forever diminish or erase: privacy, peace, quiet, dark nights with visible stars, peace of mind, security, and safety. This is a direct threat to my way of life as a long-term tax-paying Fluvanna County homeowner and I stand to lose too much. Please say no to this project!

Jackie Layton: 265 Oak Creek Road: After doing a little more research based on our concerns about having four homes on one wastewater treatment system (Norweco) as proposed for Ballinger Bluffs, we realized if our septic system ever needed to be replaced we would want to install one of these systems because of its superior efficiency. At the same time, we found information stating that the largest unit of the six sizes listed on the link that follows, has a capacity of 1500 gallons recommended for up to 8 bedrooms only, which would also take into account rooms used for exercise, office, etc. This is according to a Norweco distributor who provides a thorough and complete description of the system <https://www.ajfoss.com/products/wastewater/norweco-septic-systems/> this system is specifically listed as an individual home wastewater treatment plant. The latest sketch plan for Ballinger Bluffs shows two tanks next to each other in five locations. It would be good to know the size and plans for each system. While residential wastewater for single-family homes has decreased overall nationwide, between 1999 - 2016 due to improved water efficiency of the two largest producers of waste water in residential homes, toilets and clothes washers, the above recommendations are the current recommendations from the company. In addition, while viewing the about page of Fluvanna County's Norweco distributor website Enviro-Klean - <https://www.envirokleanseptic.com/about-us/>, we discovered that Tim Miller is a shareholder in the company and helps design the systems. We would like to hear from our commissioners at the next meeting if they are concerned and whether we, the homeowners, should be. The New England distributor mentioned previously (AJfoss) states that they are fully trained by Norweco's nationally-accredited program which certifies that the system is manufactured and installed to exacting standards. And, that their factory-trained technicians have Operator 1 Wastewater Licenses who perform the included 2 years of service, to ensure optimal system performance.

Susan Scofield, 111 Courthouse Road: she proceeded to read her Letter to the Fluvanna Planning Commissioners. I want to say Thank you for listening patiently to myself and to my neighbors on Courthouse Road thus far. Thank you for thinking over the Ballinger Bluffs plans and for understanding how sensitive this issue is for us. Mr. Miller's plans have gone from 47 to 20 homes thanks to your due diligence. However, we cannot stop there. We just cannot be satisfied with this number because 20 wells on 11 acres still will not work.

The well issues we are having currently are important to understand. Each neighbor has a large tract of land, so one home on seven plus acres. One home on 7 or more acres, and we have problems with our water flow. Mr. Miller wants to sell land in 1/3 acre lots. So, twenty

home on eleven acres. Twenty wells within eleven acres? We have problems with one well on more than seven acres! I own almost eight acres of Fairview Lane, and I have two wells and one is no longer functional, leaving me with one working well for all of my land. The folks across the street from me have twelve acres, and they have the same situation two well casings, but only one functional well and with both of us to get water, our wells are 300 feet from our homes. What Mr. Miller is proposing is a recipe for disaster for our neighborhood.

Why on earth did he up the number of homes on this land tract? I don't think he gets what is going on. He might have better luck reducing the number of homes to six and putting them on 8 acre lots. Perhaps that might work, but we don't really know because he didn't do what the Planning Commission asked him to do. You asked him to drill wells close to the Fulks' or the Chiovaros' well to see what impact that would have on their water supply. This was not done.

We might have actually gotten some information that might have helped the Planning Commission with their next steps, but the work was not done. Mr. Miller had not drilled the wells by the first deadline, and he did not do what was asked by the Commission. Clearly, he is not one for following directions, but we are to trust him to build a good subdivision with our best interest at heart? I do not think so.

We understand Mr. Miller bought the land, but he has no plans to stay nor does he want the responsibility for what he creates. He made that abundantly clear a couple of months ago. He is not out to create something out of pride, he just wants his money so he can run before any issues come about. In and out. Wham, bam, thank you, ma'am. Well, we will be here. We will have to deal with whatever crops up or craps out, or runs out. Please keep Mr. Miller responsible. Please hold him accountable. Please vote to seriously reduce the number of houses Mr. Miller can build on 11 acres or deny him the right to build. Thank you for listening once again.

With no one else coming online wishing to speak, Chair Bibb closed the Public Comments at 7:21 pm.

4. MINUTES:

MOTION:	Planning Commission Minutes of March 9, 2021				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion		Abstained	Second
VOTE:	Yes	Yes	Yes		Yes
RESULT:	4-0-1				

5. PUBLIC HEARINGS

SUP 21:02 Amy and Joshua Bower – Douglas Miles, Community Development Director

A Special Use Permit request in the A-1 Agricultural, General District to permit an Agricultural Enterprise (winery) on 42.9 +/- acres known as Tax Map 48 Section 1 Parcel 3. The property is located on the north line of West River Road (Route 6) and 0.9 miles west of Hardware Road.

The subject parcel is located within the Scottsville Community Planning Area and the Cunningham Election District.

Mr. Miles presented the requested Special Use Permit information using Powerpoint slides.

Recommended Conditions:

Staff recommends Approval of the proposed Agricultural Enterprise (winery) use provided that the impact upon the surrounding property owners is minimal. Staff has proposed conditions to ensure that this use complies with all Federal, State and County Code requirements:

1. This Special Use Permit is granted for an Agricultural Enterprise (winery) use to Amy and Joshua Bower and is not transferable and it does not run with the land on Tax Map 48 Section 1 Parcel 3.
2. The applicants will provide staffing for private parking and traffic circulation purposes from Route 6 with event personnel clearly marked as "Event Staff" for safety reasons. The Fluvanna County Sheriff's Office shall be notified at least thirty (30) days prior to each Agricultural Enterprise (winery) event that is between 100 to 150 persons and is scheduled on the premises.
3. The Agricultural Enterprise (winery) and related winery or wedding reception events with outdoor live or recorded music shall be from 10:00 am until 11:00 pm, with the exception of 5K and 10K runs that may start at 7:00 am on the premises.
4. The applicants shall ensure compliance with the Noise Ordinance of the Code of the County of Fluvanna, as adopted and as enforced by the Fluvanna County Sheriff's Office.
5. The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and adjacent properties is acceptable to County officials.
6. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
7. Under Section 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owners have substantially breached the conditions of the Special Use Permit.

Mr. Bower: Stated that he would like to thank the Planning Commission for the opportunity for this Public Hearing. He stated that Mr. Miles did a fantastic job in his case presentation, so I do not think we have anything else to add to the presentation. Thank you for your consideration.

Mr. Miles: stated I would like to add that every person that has contacted us on this request, has been very supportive, and asked how they could participate meaning that the adjacent property owners are very comfortable with the continued winery land use request there.

Chair Bibb opened the Public Hearing at 7:28 pm for anyone wishing to speak. With no one coming online wishing to speak, Chair Bibb closed the Public Hearing at 7:28 pm. Chair Bibb

opened up the discussion by the Planning Commissioners.

Chair Bibb: From what I have heard knowing that the neighbors do not see really anything wrong with this, they are just adding a few extra things to this like wedding receptions and the 5K and 10K runs.

Vice Chair Murray-Key: It is great that they see another opportunity for the community. I do not see a problem with this request.

Mr. Lagomarsino: I feel like it fits into the surrounding character for what it is worth. I also do not see a problem with this request.

MOTION:	I move that the Planning Commission recommend Approval of SUP 21:02, a request to permit an Agricultural Enterprise (winery) use with respect to 42.9 +/- acres of Tax Map 48, Section 1, Parcel 3, subject to the seven (7) conditions listed in the staff report.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Recommended Approval				

ZTA 21:01 Board of Zoning Appeals – Douglas Miles, Community Development Director:

Please find the attached Board of Zoning Appeals Zoning Text Amendment, as prepared by the County Attorney’s Office staff, and as reviewed by the County Attorney for your consideration and for a recommendation onto the Board of Supervisors.

You will find the zoning text amendments shown in blue as provided in the enabling legislation and that relate to: variance requests being granted for persons with a disability as is defined under the Americans with Disabilities Act of 1990; written orders shall be sent to the last known address that is shown in the real estate tax assessment records or as the address of the registered agent and that is shown in the records of the Clerk of the State Corporation Commission; certiorari to review decisions as are filed with the Clerk of the Circuit Court are styled in a certain way, as shown and goes on further to define timeframes to be extended and or to respond to the Court; such actions shall not be considered an action against the board and the board shall not be a party to the proceedings; and court costs shall not be allowed against the locality or the governing body or it can be considered whether such appeal was frivolous; and other minor zoning text changes.

Once this BZA Zoning Text Amendment is reviewed and adopted by the Board of Supervisors then Planning Staff will make the current Board of Zoning Appeals members aware of the adopted changes.

Mr. Payne: Further discussed the information for clarification on what exactly the information is for. After mentioning an example from when he served on the City of Charlottesville BZA he stated that Mr. Miles did a great job on bringing this forward to the Planning Commission for their consideration.

Chair Bibb: opened the Public Hearing at 7:44 pm for anyone wishing to speak. With no one coming online wishing to speak, Chair Bibb closed the Public Hearing at 7:45 pm.

Vice Chair Murray-Key: stated that it is important that even as our attorney Mr. Payne spoke that we have to listen sometimes with our hearts to do the right thing. We are talking about doing right by people and following the law, so it is important as a citizen of Fluvanna to hear that we have steps and not just trying to hammer people, try to make sense by pulling it all together for people by doing the right thing by someone’s parent, child, or whoever they are.

MOTION:	An Ordinance to Amend Zoning Ordinance Sections 22-17-8A, 22-18-1, 22-18-2, 22-18-3, 22-18-4, and 22-18-7 of the Fluvanna County Code to Conform the Sections to Amendments to the Enabling Legislation relative to the Board of Zoning Appeals regulations.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Seconded		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Recommended Approval				

SDP 21:02 South Boston Self-Storage – Douglas Miles, Community Development Director:

Approval of a commercial sketch plan request to construct a self-storage facility on a 3.4 +/- acre portion of Tax Map 18 Section A Parcel 53. The applicant is proposing to construct a 21,000 square foot conditioned storage building along with two (2) proposed 3,200 square foot storage buildings and a screened vehicle storage yard.

Tom Schauder, applicant is requesting Sketch Plan approval to construct a 21,000 square foot conditioned self-storage facility building along with two (2) 3,200 square foot storage buildings on a 3.4 +/- acre portion of Tax Map 18, Section A, Parcel 53 that is zoned B-1, General Business as a permitted use by right.

Recommended Conditions:

1. Meet all final site plan requirements which include, but are not limited to, providing parking, landscaping, screening and outdoor lighting plans all on one set of site plans;
2. Meet all required Erosion & Sediment Control and VDEQ Stormwater regulations;
3. Meet all Virginia Department of Transportation (VDOT) required regulations.

There were no comments from the Planning Commissioners and the applicant thanked the Planning Commission for hearing his request to construct a self-storage facility on the site.

MOTION:	I move to act on SDP 21:02, a sketch plan request to construct a self-storage facility on a 3.4 +/- acre portion of Tax Map 18 Section A Parcel 53, subject to the three (3) conditions listed in the staff report.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion		Seconded	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS:**

SUB 20:33 Ballinger Bluffs Sketch Plan – Douglas Miles, Community Development Director

Mr. Payne: stated that this is an unusual case that has a lot of controversy in it that has been brought before the Commission several times. This is standard procedure and remember that there are two (2) separate issues they are not the same procedurally and substantially. First, one is the cluster subdivision. The second one is for the Special Use Permit that is for a central sewage system that is for the cluster subdivision. First is an administrative approval that goes over to the staff to be reviewed, the seconded one is the Special Use Permit for it to go to the Board of Supervisors. Chairman to understand that there will not be a Public Hearing tonight, there was a Public Hearing required for the Special Use Permit, but it was handled at your January 12th meeting and it has been closed. It will not be available for another Public Hearing tonight. The subdivision itself never required a Public Hearing. There were numerous public comments made by people but they were not in the context of this Special Use Permit or like you have heard tonight, yet they are in the general public comments portion of the meeting.

As the statute requires that is not a public hearing. It is appropriate for me to make a comment of the nature of what you are being asked to do. With the Special Use Permit, you are being asked to make a recommendation to the Board of Supervisors to exercise for the legislative judgement to grant them the Special Use Permit and that permit is for the central sewage system. These things are intertwining with the subdivision Sketch Plan which is a sewer system designed for this subdivision to accommodate this subdivision. Nevertheless, it is a different procedure and action. Your action will be to recommend and allow it to go to the Board of Supervisors for whether or not it should be granted and if so, there are necessary conditions.

The staff have recommended it in the motion. With the respect to the subdivision this is a Sketch Plan, this is an unusual procedure that is in our ordinance that we have essentially have a two-step process for preliminary plats. The concept of it is that the Sketch Plan it designs basically the layout and the concept of the general parameters of the subdivision to make sure

that it is appropriate for the area and to be generally consistent with the subdivision and zoning ordinance. However, it is not intended to be specified to have a preliminary plan, preliminary plat, or final plat. What your action is to design to do is not really to approve it or deny it, rather to recommend to staff whether in your judgement the Sketch Plan is sufficient to represent compliance to the relevant ordinances. As it is up to the planning staff to review a preliminary plat that has not even been submitted yet. Which is the next administrative step to be submitted procedure, so in effect what the staff is recommended is that you identify the plat that basically complies with the certain provisions of the ordinances. There are several that have not been identified not been satisfied, and your recommendation that if you comply with the motion would be to reserve those issues to the next step of the preliminary plat review.

There are two issues under the water and sewer now the recommendation of the motion is that you recommend approval of the subdivision plat subject to the demonstration of the available sewage. The motion contemplates that either with the Special Use Permit for the central sewer system or the individual drainfields. The motion also contemplates that the applicant will provide satisfactory evidence to the staff that there is sufficient ground water on site to provide appropriate lots service to each of the twenty (20) lots. In addition, that the provision of those twenty (20) wells will not be substantially be an impairment to the adjacent property owners' existing wells.

Chair Bibb: Stated so this is step one leading to the preliminary plat review?

Mr. Payne: stated that is correct you are now foreclosing on this resolution of unsolved issues. As it will not come back to the Planning Commission. The Commission does not have to hear from anybody else under your discretion.

Vice Chair Murray-Key: stated that back when we asked the applicant to provide us evidence that was not provided about the water and sewage, is that something that we need to keep going down that road or is that out of order for us to be asking that question all over again?

Mr. Payne: stated that if you can remember that the applicant was asked to provide certain evidence and he provided some evidence but not all of it, so you cannot say that he did not.

Mr. Zimmer: How would we know if the wells are going to impact the neighbor's wells, from the recommended conditions?

Mr. Miles: We received limited information about the test wells that were done, and we are not even sure where these test wells were done, but there are two locations on future lots that he is proposing. We do know one had about 40 gallons per minute which is very high, and one was three to five gallons per minute which is right at the minimum to where it is needed to be. Basically, in the zoning and subdivision ordinance at the level of the preliminary stage if we do not see certifications from hydrogeologist studies like phase two from the applicant then I will consult with Mr. Payne to see if we are not able to approve the preliminary plat. Procedural guidelines for the process is the application request went from 47 to 20 homes, the applicant is also performing a boundary line adjustment, then Erosion and Sediment Control plan review and approval, along with Site Plan review and approval, then we can move onto the preliminary plat review for Ballinger Bluffs Major Rural Cluster Subdivision.

Mr. Payne spoke on what the Planning Commission could do with the Sketch Plan request.

Mr. Gilbody, attorney spoke about the request on behalf of his client and the applicant did not speak or present any further information on this request.

MOTION:	I move that the Planning Commission act on SUB 20:33 Ballinger Bluffs Sketch Plan, a request for twenty (20) residential lots plus open space with respect to 48.4 +/- acres of Tax Map 31 Section A Parcel 41 and Tax Map 31 Section 1 Parcel A subject to the four (4) conditions within the staff report.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Seconded		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

9. UNFINISHED BUSINESS:

SUP 20:02 Quigley Properties LLC – A request for a Special Use Permit to construct a central sewer system / utilities, major for a rural cluster subdivision in an A-1 district, with respect to 48.4 +/- acres of Tax Map 31, Section A, Parcel 41 and Tax Map 31, Section 1, Parcel A.

There was no further discussion and the Planning Commission proceeded with the request.

MOTION:	I move that the Planning Commission recommend Approval of SUP 20:02 Quigley Properties, LLC a request for a special use permit to allow for a central sewer system / major utilities with respect to 48.4 +/- acres of Tax Map 31 Section A Parcel 41 and Tax Map 31 Section 1 Parcel A subject to the six (6) conditions within the staff report.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:				Motion	Seconded
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Recommended Approval				

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

At 8:55 pm, Chair Bibb opened the second round of Public Comments.

Lois Fulks 331 Oak Creek Road: Stated that she had a few more questions that have not been answered. There is no room for error. Went on asking questions to the Planning Commission and the applicant? Stated that she is angry about this, and she would like for the Planning Commission to please say no to this project.

With no one else coming online Chair Bibb closed the Public Comments at 9:00 pm.

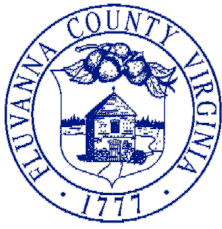
12. ADJOURNMENT:

Chair Bibb adjourned the Planning Commission meeting of April 13, 2021 at 9:00 pm.

Minutes recorded by Valencia Porter, Administrative Program Specialist.

Barry A. Bibb, Chair
Fluvanna County Planning Commission

DRAFT



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Request: A-1 to I-1 Conditional Rezoning

From: Douglas Miles, AICP, CZA
District: Fork Union Election District

Public Hearing:

A conditional rezoning request from A-1 zoning to I-1 zoning as a Planning Commission Public Hearing on Tuesday, May 11, 2021 at 7:00 pm in the Fluvanna County Library Meeting Room.

Owner:

Virginia Electric and Power Company (Dominion Energy Virginia)

Requested Action:

ZMP 21:02 Virginia Electric and Power Company – A Conditional Rezoning from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremo Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

Existing Land Use:

Single-family dwelling or vacant

Planning Area:

Rural Residential and Rural Preservation Planning Areas

Proposed Use:

Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("VEPCO") is seeking to rezone two (2) parcels identified as Tax Map 62 Section A Parcel 7 and Tax Map 59 Section A Parcel 27 (collectively the "Property") from A-1, General Agricultural to I-1, Limited Industrial in order to construct a lined landfill (the "Landfill") for the final disposition of coal combustion residuals (CCRs) that are currently located on the adjacent Bremo Power Station property (the "Power Station") along the James River.

Landfills are not permitted in the A-1 District, but are permitted by Special Use Permit ("SUP") within the I-1 District. VEPCO has filed an accompanying SUP application for approval of the Landfill. While the Landfill will be located entirely on Parcel 62-A-7, Parcel 59-A-27 will be used during construction as a construction laydown yard and accessory staging area to support the Landfill. While storage yards, machine shops, and other similar light manufacturing uses are permitted by right in the I-1 District. VEPCO intends to include Parcel 59-A-27 in the SUP request to authorize any other accessory uses that would not otherwise be permitted by right on that parcel. Then following construction, it will remain undeveloped as a buffer for the Landfill.

The proposed Landfill will be located on the northern portion of Parcel 62-A-7 and it will occupy approximately 65 acres. The proffers included with this application voluntarily restrict any other industrial use on the Property. The proposed setbacks from adjacent parcels, roadways, and water bodies will meet or exceed regulatory location criteria. The limits of the proposed Landfill have been established to minimize visual impacts from neighboring properties, Bremono Road, and the James River. The minimum distance from the southern limit of the Landfill will be designed, constructed and operated in strict accordance with both federal and state laws and regulations.

General Information:

The Bremono Power Station began operating as a coal-fired plant in Fluvanna County back in 1931. The four power units at the Power Station burned coal until units 1 and 2 were retired in 1972. In 1950, unit 3 came online and then in 1958 unit 4 did as well at this location. In 2014, units 3 and 4 were converted to gas and then they were retired in 2019. The CCRs that were produced as a by-product of energy generation at the Power Station have been processed and stored in impoundments (ponds) at the Power Station site. They now need to be relocated from the pond and placed into the proposed Landfill through this conditional rezoning and special use permit.

In 2019, the General Assembly of Virginia enacted legislation that requires VEPCO to remove the CCRs from the existing CCR impoundments at the Power Station and deposit the CCRs into a lined landfill that meets federal and state regulatory requirements and/or be recycled. In order to comply with this state law mandate, VEPCO is seeking to rezone the Property so that the Landfill may be constructed and the CCRs transferred accordingly. The Power Station property, which is comprised of several, existing parcels which includes portions of I-1 and A-1 zoning. The requested rezoning is consistent with the zoning and use of the Power Station and other uses in the area, including the CSX rail line and their transmission line that bisects the Property.

The location of the proposed lined Landfill is adjacent to the Power Station industrial zoning. The CCRs will be hauled by truck from the existing impoundments to the Landfill using on-site access roads that will prevent the hauled material from being transported upon or through County roads that are maintained by VDOT. The applicant has proffered to reimburse VDOT for road improvements and road maintenance to Bremono Road and West Bottom Road that are agreed to between the Applicant and VDOT related to the development and use of the Property, up to but not to exceed \$2 million dollars. Additional proffered conditions have been offered towards a County water system that would be constructed to allow for potable water to replace well water as required by Virginia General Assembly legislation to avoid any future water contamination.

2015 Comprehensive Plan:

The future land use designations included in the 2015 Comprehensive Plan designates the Property for Rural Residential – Parcel 27 and Rural Preservation – Parcel 7. The primary land uses planned in the Rural Preservation Area are farmland, preservation zones, or otherwise environmentally sensitive land with limited housing. Given the location of the Property directly adjacent to the Power Station, it is unreasonable to expect that it would develop in a residential manner. However, upon final closure, the Landfill will be covered by soil and native vegetation

or an engineered composite barrier overlain by synthetic turf. It will remain in open space and it will be preserved from future development along the James River.

2019 Virginia General Assembly:

Legislation passed during the 2019 General Assembly requires VEPCO to remove approximately 6.2 million cubic yards of coal ash currently stored in the North Ash Pond at Bremo Power Station within fifteen (15) years. This coal ash must be recycled or placed in a lined landfill that meets both the Federal Coal Combustion Residuals (CCR) and Virginia CCR regulations. The 2015 Federal CCR regulations and subsequent Virginia CCR regulations are what VEPCO is required to meet and the 2018 Virginia legislation allowed for closure of former impoundments where the CCR material has been removed and a continued moratorium on other impoundments. The 2018 legislation also called for proposals to determine the feasibility and costs of recycling the CCR impoundments. VEPCO has selected the landfill option to properly dispose of the Coal Combustion Residuals at the Bremo Power Station which will be reviewed by the Virginia Department of Environmental Quality (VDEQ) for Solid Waste Permit approval along with the state and federal permits needed to complete the proposed land use for compliance purposes.

Conclusion:

This zoning map amendment (ZMP) request is generally consistent with the stated intent of the Comprehensive Plan. VEPCO has operated the Bremo Power Station within this portion of the County for over ninety (90) years by providing power to the County and overall region along with employment to County residents and taxation to Fluvanna County. Changing times towards cleaner options to produce energy has brought VEPCO to this point where the industrial zoning request is necessary in order to construct the Landfill on the Property. The Statement of Proffers seeks to address the necessary items in order to construct the Landfill and closeout the Bremo Power Station and properly store the CCRs within the proposed lined Landfill on the Property.

Suggested Motion:

I move that the Planning Commission recommend (Approval/denial/deferral) of this request to conditionally rezone from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7 along with the seven (7) proffered conditions dated March 31, 2021 submitted by the applicant.

Applicant White Binder Attachments:

Statement of Proffers dated March 31, 2021
AECOM supporting GIS maps and layouts
Rezoning and Special Use Permit Applications
Rezoning and Special Use Permit Textual Statements



VIA HAND DELIVERY

April 1, 2021

Mr. Douglas Miles, AICP, CZA
Community Development Director
Fluvanna County Department of Planning and Community Development
P.O. Box 540
Palmyra, VA 22963

RE: **Dominion Energy – Bremo Power Station – Proposed CCR Landfill
Rezoning and Special Use Permit Applications Submittal**

Mr. Miles:

The attached material is being submitted in support of the above referenced project and in accordance with the County of Fluvanna Planning and Community Development Department requirements.

This submittal includes both the Rezoning Application and Special Use Permit Application components as well as the associated review fee checks.

Should you have any questions or require additional information, please contact Laura Zuranski at (804) 512-1326 or laura.m.zuranski@dominionenergy.com

Sincerely,

A handwritten signature in blue ink that reads "T. A. Effinger".

Thomas Effinger
Director, Environmental

RECEIVED

APR 1 2021

Fluvanna County
Planning Dept



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

RECEIVED

APR 1 2021

Fluvanna County
Planning Dept

Owner of Record: Virginia Electric and Power Company Applicant of Record: Brandon Stites

Address: 120 Tredegar St, Richmond, VA 23219 Address: 600 E. Canal St, Richmond, VA 23219

Phone: 804-921-4710 Fax: N/A Phone: 804-921-4710 Fax: N/A

Email: PG.Environmental@dominionenergy.com Email: brandon.stites@dominionenergy.com

Representative: Laura Zuranski

Address: 120 Tredegar St, Richmond, VA 23219

Phone: 804-512-1326 Fax: N/A

Email: PG.Environmental@dominionenergy.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:
N/A

Tax Map and Parcel(s) 62-A-7, and 59-A-27

Acreage 216 and 7.3 Current Zoning A-1

Location of Parcel: See Attached

Is parcel in Land Use Valuation Program? No Yes

Deed Book and Page: D.B.72, PG. 353, D.B. 308, PG

If any Deed Restrictions, please attach a copy

Requested Zoning I-1 Proposed Use of Property Coal Combustion Residuals (CCR) Landfill and associated support structures

Affidavit to Accompany Petition for Rezoning

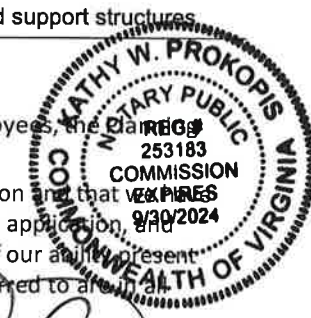
By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the Board of Supervisors during the normal discharge of their duties in regard to this request.

I/We, being duly sworn, depose and say that we are Owner/Contract Owner of the property involved in this application and that we are familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, that the foregoing statements and answers herein contained and the information on the attached map to the best of our ability present the argument on behalf of the application herewith requested and that the statements and information above referred to are true and correct to the best of our knowledge.

Date: 3/31/2021 Signature of Owner/Applicant: Brandon Stites

Subscribed and sworn to before me this 31 day of MARCH, 2021 Register # 253183

My commission expires: SEPT. 30, 2024 Notary Public: Kathy W. Prokopis



All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

Office Use Only
Date Received: Pre-Application Meeting: PH Sign Deposit Received: Application #: ZMP ;

\$1,000 fee paid: Mailing Costs: \$20.00 per Adjacent Property Owner after first 15, Certified. Paid:

Proffer or Master Plan Amendment: \$750.00 plus mailing costs. Paid:

Election District: Planning Area:

Public Hearings

Planning Commission Board of Supervisors

Advertisement Dates: Advertisement Dates:

APO Notification: APO Notification:

Date of Hearing: Date of Hearing:

Decision: Decision:

RECEIVED

APR 1 2021

STATEMENT OF PROFFERS
Virginia Electric and Power Company
Bremo Power Station

Fluvanna County
Planning Dept

March 31, 2021

Virginia Electric and Power Company (the "Applicant") in this zoning case, pursuant to §15.2-2298 of the *Code of Virginia* (1950)(as amended) and the Fluvanna County Zoning Ordinance, for itself and its successors and/or assigns, voluntarily proffers that the development of the property known as Fluvanna County PIN Numbers 59-A-27 and 62-A-7 (the "Property") under consideration will be developed according to the following conditions if the zoning to Industrial, Limited, District I-1 is granted.

1. USE RESTRICTIONS: The Property shall only be used for the following uses (which are otherwise permitted in the I-1 District):
 - A. Uses Permitted By-Right
 - i. Offices
 - ii. Contractor's storage yards
 - iii. Lumberyards
 - iv. Machine shops
 - v. Manufacturing, light
 - vi. Solid waste collection facilities
 - vii. Utilities, minor
 - viii. Uses accessory to the above uses
 - B. Uses permitted by Special Use Permit only
 - i. Sanitary landfills
 - ii. Solid waste material recovery facilities
 - iii. Telecommunication facilities
 - iv. Utilities, major
 - v. Uses accessory to the above uses
2. WATER SUPPLY IMPROVEMENTS: To ensure the continued provision of a safe and reliable potable water source for residents and users in the Fork Union Sanitary District ("FUSD"), the Applicant shall pay the County an amount (the "Water Supply Payment") to be used towards the construction of and connection to a new water intake from the James River to serve the FUSD, and related water treatment, storage and connection costs related to provision of potable water to the FUSD (collectively, the "Water Supply Improvements").
 - A. The Water Supply Payment shall be calculated as either 1.) that portion of a new joint water system (the "Joint Water System") to be developed pursuant to certain agreements with Louisa County, Virginia ("Louisa") that is attributable to

providing water to the FUSD (the “Joint Water System Payment Option”) or 2.) the County’s cost to develop and operate a new water system constructed solely to serve the FUSD (the “FUSD System Option”), if the County and Louisa mutually agree to terminate the Joint Water System project. Regardless of whether the County chooses the Joint Water System Payment Option or the FUSD System Option, the Applicant’s obligation to make the Water Supply Payment shall not exceed \$47,148,330.00 (the “Dominion Cap”). The Dominion Cap includes \$35,361,247.00 for anticipated project costs in accordance with Schedule A and \$11,787,083.00 set aside for unanticipated project costs.¹ Unanticipated project costs shall be utilized only in the event that the amounts listed in Schedule A are insufficient to cover anticipated project costs.

B. Applicant shall not be required to pay the FUSD System Option if the Joint Water System project is terminated as a result of any unilateral action by the County or an action otherwise within the County’s reasonable control (excluding any action(s) arising under Section 3.1.c of that certain “Agreement Between Louisa County, Virginia, Fluvanna County, Virginia, the Louisa County Water Authority, and the James River Water Authority Regarding the James River Water Pipeline” dated October 1, 2013, should Louisa fail to cure an asserted breach of such agreement by the County).

C. If the Dominion Cap is met before the completion of the Water Supply Improvements, the remaining cost(s) that exceed the Dominion Cap shall be borne by the County (the “County Contribution”), however the County is under no obligation to complete any of the Water Supply Improvements if the Dominion Cap is exceeded. FUSD System Option payments may not be used to fund a Joint Water System Payment Option and vice versa, except that should the County’s chosen Water Supply Improvements option terminate (in accordance with the termination limitations set forth in Section 2.B. above), the County may use paid portions of the Water Supply Payment towards the remaining Water Supply Improvements option and the Applicant shall pay the remainder of the remaining option, up to the Dominion Cap for that option.

3. PUBLIC AMENITY/RECREATION AND GREEN INFRASTRUCTURE MITIGATION PAYMENT: The Applicant shall pay the County \$500,000 (the “Public Amenity Payment”) to construct park, recreation and/or green space area(s)(i.e., playground, baseball field, basketball court)(the “Public Amenities”) in a location or locations to be determined by the Board at its sole discretion.

4. TRANSPORTATION IMPROVEMENTS AND ROAD MAINTENANCE:

¹ The anticipated project costs identified on Schedule A for each component of the Water Supply Improvements are estimates. The amounts are not based on final engineering calculations and are not intended to reflect the budgeted or actual cost of each category of improvements. Budgeted and actual costs shall be identified and paid in accordance with Section 5 of these proffers.

- A. The Applicant shall submit a traffic management plan as part of the overall site development plan. The traffic management plan shall, at minimum, i.) address the location and use of construction entrances and access roads, ii) ensure that oversized deliveries are scheduled during off-peak times, and iii) ensure that access routes to and from the site are planned to minimize conflicts.
- B. The Applicant shall reimburse the Virginia Department of Transportation (“VDOT”) for such improvements and road maintenance to Bremono Road and West Bottom Road that are agreed to between the Applicant and VDOT related to the development and use of the Property, up to but not to exceed \$2 million dollars (the “Transportation Payment”).

5. PAYMENT AND PERMITTING CONTINGENCIES:

- A. Within a reasonable time prior to committing to the Water System Improvements option it will undertake, the County shall submit to Applicant an initial scope of work, schedule, and total budget for each phase of the Water Supply Improvements (each a “Project Budget” and collectively, the “Project Budgets”). Nothing herein shall prohibit the County from submitting Project Budgets that, in total, exceed the Dominion Cap, provided that the collective costs for the Water Supply Improvements that exceed the Dominion Cap shall be paid, if at all, pursuant to a County Contribution.
- B. Dominion will only reimburse the County for actual costs incurred and paid by the County for Water System Improvements under the following conditions:
 - i. Within sixty (60) calendar days of receipt of an approved Project Budget and proof of a contract or contracts for Water Supply Improvements, Applicant shall pay the County a construction advance in the amount of \$2,128,300.00 (the “Advance”).
 - ii. Following payment of the Advance, the County will provide Dominion with a monthly accounting (“Monthly Accounting”) of all invoices the County has paid, along with evidence of such payment by the County, for invoices the County has paid in satisfaction of work performed on the Water Supply Improvements that are in accordance with an approved Project Budget and contractual obligations related to the Water Supply Improvements. If the County has paid no invoices in any month, the County will submit documentation to Dominion of “no activity.” Dominion shall have the right to request evidence of the completion of work undertaken or payment of invoices for reimbursement before providing reimbursement to the County.
 - iii. Within sixty (60) days of Dominion’s receipt of invoices paid by the County, or if additional information is requested by Dominion, within thirty (30) days after receipt of that

information (whichever is longer), Dominion shall reimburse the County for actual costs incurred and paid by the County for Water System Improvements.

- iv. In the event the actual cost of the completed Water System Improvements to Fluvanna County is less than the Dominion Cap, the Dominion Cap shall be reduced to reflect actual costs, and Dominion's reimbursement shall be adjusted to reflect actual costs to the County.
 - v. If the cost of Water System Improvements is offset by the James River Water Authority, Louisa County, or any other source, then that portion of any invoice shall be specifically identified in the Monthly Accounting and that portion of any invoice or payment is not subject to reimbursement under this agreement. Where state and/or federal funding sources become available to pay for all or a portion of the Water System Improvements, the Water Supply Payment shall be reduced up to any such amount unless i) the County reasonably applies for and is denied such funding or ii) the County obtains funding but reasonably uses such funds to pay for alternative improvements outside of the FUSD.
- C. Other than reimbursing the County for the Water Supply Improvement in the manner described in this Section, the Applicant shall have no right or obligation to control, direct and/or participate in any aspect of the design, cost, or construction of the Water Supply Improvements, which authority shall remain within the Board's sole discretion, at all times.
- D. Except for the Advance, Applicant's obligation(s) to pay i) the Water Supply Payment, ii) the Public Amenity Payment and iii) the Transportation Payment shall be contingent on Applicant's obtaining all local and state permits and any other applicable approvals required to construct a CCR Landfill on the Property as required by *Code of Virginia* §10.1-1402.03, and other applicable authorities. Notwithstanding any provision(s) herein to the contrary, the Applicant's obligation to make all or any unpaid portion of the Water Supply Payment shall terminate if construction of the Water Supply Improvements has not commenced by the time the Landfill begins accepting CCRs or is not completed within three (3) years after the Landfill is fully closed and covered.
6. USE OF LOCAL WORKFORCE: The Applicant shall work with its contractors to identify opportunities for utilizing, developing, and hiring local workers in accordance with *Code of Virginia* § 10.1-1402.03(F).
7. PERMITS: The Applicant shall acquire all necessary permits from all applicable regulatory bodies of the state and federal government and copies of such permits shall be provided to the County upon request. The Applicant shall prepare and maintain periodic

reports as required by the permits, and copies of such reports shall be provided to the County upon request.

OWNER

By:

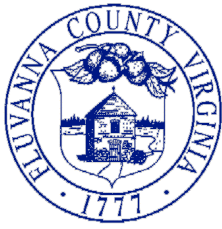
Brandon Stites

Vice-President

Project Construction

Virginia Electric and Power Company d/b/a
Dominion Energy Virginia, a wholly owned
subsidiary of Dominion Energy Inc.

A handwritten signature in black ink, appearing to read "Brandon Stites", is written over a horizontal line. The signature is stylized and cursive.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Request: Special Use Permit for a Landfill

From: Douglas Miles, AICP, CZA
District: Fork Union Election District

Public Hearing:

A Special Use Permit to permit a sanitary landfill as a Planning Commission Public Hearing on Tuesday, May 11, 2021 at 7:00 pm in the Fluvanna County Library Meeting Room.

Owner:

Virginia Electric and Power Company (Dominion Energy Virginia)

Requested Action:

SUP 21:03 Virginia Electric and Power Company – A Special Use Permit request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremo Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

Existing Land Use:

Single-family dwelling or vacant

Planning Area:

Rural Residential and Rural Preservation Planning Areas

Proposed Use:

Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("VEPCO") is seeking to rezone two (2) parcels identified as Tax Map 62 Section A Parcel 7 and Tax Map 59 Section A Parcel 27 (collectively the "Property") from A-1, General Agricultural to I-1, Limited Industrial in order to construct a lined landfill (the "Landfill") for the final disposition of coal combustion residuals (CCRs) that are currently located on the adjacent Bremo Power Station property (the "Power Station") along the James River.

Landfills are not permitted in the A-1 District, but are permitted by Special Use Permit ("SUP") within the I-1 District. VEPCO has filed an accompanying SUP application for approval of the Landfill. While the Landfill will be located entirely on Parcel 62-A-7, Parcel 59-A-27 will be used during construction as a construction laydown yard and accessory staging area to support the Landfill. While storage yards, machine shops, and other similar light manufacturing uses are permitted by right in the I-1 District. VEPCO intends to include Parcel 59-A-27 in the SUP request to authorize any other accessory uses that would not otherwise be permitted by right on that parcel. Then following construction, it will remain undeveloped as a buffer for the Landfill.

The proposed Landfill will be located on the northern portion of Parcel 62-A-7 and it will occupy approximately 65 acres. The proffers included with this application voluntarily restrict any other industrial use on the Property. The proposed setbacks from adjacent parcels, roadways, and water bodies will meet or exceed regulatory location criteria. The limits of the proposed Landfill have been established to minimize visual impacts from neighboring properties, Bremono Road, and the James River. The minimum distance from the southern limit of the Landfill will be designed, constructed and operated in strict accordance with both federal and state laws and regulations.

General Information:

The Bremono Power Station began operating as a coal-fired plant in Fluvanna County back in 1931. The four power units at the Power Station burned coal until units 1 and 2 were retired in 1972. In 1950, unit 3 came online and then in 1958 unit 4 did as well at this location. In 2014, units 3 and 4 were converted to gas and then they were retired in 2019. The CCRs that were produced as a by-product of energy generation at the Power Station have been processed and stored in impoundments (ponds) at the Power Station site. They now need to be relocated from the pond and placed into the proposed Landfill through this conditional rezoning and special use permit.

In 2019, the General Assembly of Virginia enacted legislation that requires VEPCO to remove the CCRs from the existing CCR impoundments at the Power Station and deposit the CCRs into a lined landfill that meets federal and state regulatory requirements and/or be recycled. In order to comply with this state law mandate, VEPCO is seeking to rezone the Property so that the Landfill may be constructed and the CCRs transferred accordingly. The Power Station property, which is comprised of several, existing parcels which includes portions of I-1 and A-1 zoning. The requested rezoning is consistent with the zoning and use of the Power Station and other uses in the area, including the CSX rail line and a VEPCO transmission line that bisects the Property.

The location of the proposed lined Landfill is adjacent to the Power Station industrial zoning. The CCRs will be hauled by truck from the existing impoundments to the Landfill using on-site access roads that will prevent the hauled material from being transported upon or through County roads that are maintained by VDOT. The applicant has proffered to reimburse VDOT for road improvements and road maintenance to Bremono Road and West Bottom Road that are agreed to between the Applicant and VDOT related to the development and use of the Property, up to but not to exceed \$2 million dollars. Additional proffered conditions have been offered towards a County water system that would be constructed to allow for potable water to replace well water as required by Virginia General Assembly legislation to avoid any future water contamination.

2015 Comprehensive Plan:

The future land use designations included within the 2015 Comprehensive Plan designates the Property for Rural Residential – Parcel 27 and Rural Preservation – Parcel 7. The primary land uses planned in the Rural Preservation Area are farmland, preservation zones, or otherwise environmentally sensitive land with scattered housing. Given the location of the Property directly adjacent to the Power Station, it is unreasonable to expect that it would develop in a residential manner. However, upon final closure, the Landfill will be covered by soil and native

vegetation or an engineered composite barrier overlain by synthetic turf. It will remain in open space and it will be preserved from future development along the James River.

2019 Virginia General Assembly:

Legislation passed during the 2019 General Assembly requires VEPCO to remove approximately 6.2 million cubic yards of coal ash currently stored in the North Ash Pond at Bremono Power Station within fifteen (15) years. This coal ash must be recycled or placed in a lined landfill that meets both the Federal Coal Combustion Residuals (CCR) and Virginia CCR regulations. The 2015 Federal CCR regulations and subsequent Virginia CCR regulations are what VEPCO is required to meet and the 2018 Virginia legislation allowed for closure of former impoundments where the CCR material has been removed and a continued moratorium on other impoundments. The 2018 legislation also called for proposals to determine the feasibility and costs of recycling the CCR impoundments. VEPCO has selected the landfill option to properly dispose of the Coal Combustion Residuals at the Bremono Power Station which will be reviewed by the Virginia Department of Environmental Quality (VDEQ) for Solid Waste Permit approval along with the state and federal permits needed to complete the proposed land use for compliance purposes.

Special Use Permit Analysis:

This is a special use permit request for a lined sanitary landfill to be constructed by the property owner, Virginia Electric and Power Company d/b/a Dominion Energy Virginia, in order to properly dispose of the Coal Combustion Residuals (CCR) on property adjacent to the Bremono Power Station. The applicant has worked with Fluvanna County staff since June of 2020 on the available options that have been made available to them through the 2019 VA General Assembly legislation. The main issue that Fluvanna County had and shared with VEPCO was the need for the creation of a safe and reliable potable water source for residents and business users in the Fork Union Sanitary District (FUSD) that is located in the southern portion of Fluvanna County.

The proposed land use is classified as a Sanitary Landfill and is defined in the Zoning Ordinance:

Sanitary landfill: A place for the disposal of solid wastes approved in accordance with the regulations of the Department of Environmental Quality (DEQ).

Sanitary Landfills are permitted by SUP in the I-1 and I-2 Zoning Districts and are subject to an approved site development plan. The applicant intends to file their Landfill Sketch Plan to review with federal, state and county agencies provided that this SUP request is approved by the Fluvanna County Board of Supervisors following the required Public Hearing and any comments.

Conclusion:

This special use permit (SUP) request it is generally consistent with the stated intent of the 2015 Comprehensive Plan. VEPCO has operated the Bremono Power Station within this portion of the County for over ninety (90) years by providing power to the County and the overall region along with employment to County residents and taxation to Fluvanna County. Changing times towards cleaner options to produce energy has brought VEPCO to this point where the industrial zoning

request is necessary in order to construct the Landfill on the Property. The Statement of Proffers seeks to address the necessary items in order to construct the Landfill and to closeout the Bremono Power Station and properly store the CCRs within the proposed lined Landfill on the Property.

Recommended Conditions:

If approved, Staff recommends the following conditions:

1. This Special Use Permit is granted for a sanitary landfill use to Virginia Electric and Power Company d/b/a Dominion Energy Virginia or any successors as the owner of such use located on Tax Map 62 Section A Parcel 7.
2. All site activity required for construction of the sanitary landfill shall be limited to the following days and times: All construction and site deliveries shall be limited to the hours from sunrise to sunset Monday through Saturday with no Sunday construction and site deliveries permitted on the Property.
3. A Construction Traffic Management Plan, including certain mitigation measures shall be developed by the applicant and it shall be submitted to the Virginia Department of Transportation (VDOT) and the County Administrator or his designee for review and approval. The Plan shall address traffic control measures along all state maintained roads leading to the Property for both pre-and post-construction road evaluation and any necessary repairs needed to the public roads that are required as a result of any damage from the sanitary landfill construction. All VDOT permits must be received and be approved by VDOT and the approved copies shall be provided to the County Administrator or his designee prior to site construction occurring on the premises.
4. A Site Parking and Construction Staging Plan shall be submitted as a part of the Site Development Plan approval process on the Property that demonstrates a site access plan directing both employee and delivery traffic to minimize conflicts with local traffic on state maintained roads leading to the site to avoid traffic delays during peak construction times. The Virginia Department of Transportation shall approve access to the Property and the applicant will be responsible for all necessary commercial entrance and road improvements to the Property.
5. A Site Construction Mitigation Plan shall be submitted as a part of the Site Development Plan approval process that addresses dust mitigation where all construction roads and areas shall remain dust-free by the use of a water truck or other approved method to keep soil and sediment on the premises. Burning operations must follow all local and state burning restrictions and distances from property lines and combustibles. The plan must address both dust and smoke migration so as not to be of a general nuisance to adjoining property owners during site construction and/or burning operations on the Property.

6. The applicant shall coordinate directly with the Fluvanna County Fire Chief and Fluvanna County Sheriff to provide sanitary landfill educational information and/or training to the respective County personnel responding to the sanitary landfill use in regards to how to respond to any calls for service that may occur on the Property. The Fire Chief and Sheriff shall be provided with the construction manager's direct contact information during construction and the remote sanitary landfill manager's direct contact information during operations on the Property. It shall be the responsibility of the applicant to update Fluvanna County should this sanitary landfill manager's name, phone number and/or e-mail address change on the Property.
7. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time on Property and they have the authority to revoke this Special Use Permit if the applicant or property owner has substantially breached the conditions of the Special Use Permit.

Suggested Motion:

I move that the Planning Commission recommend (Approval/denial/deferral) of this request to permit a Special Use Permit request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7 subject to the seven (7) conditions listed within the staff report.

Applicant White Binder Attachments:

Statement of Proffers dated March 31, 2021
AECOM supporting GIS maps and layouts
Rezoning and Special Use Permit Applications
Rezoning and Special Use Permit Textual Statements



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

RECEIVED

APR 1 2021

Fluvanna County Planning Dept

Owner of Record: Virginia Electric and Power Company
Applicant of Record: Brandon Stites
Address: 120 Tredegar St, Richmond, VA 23219
Address: 600 E. Canal St, Richmond, VA 23219
Phone: 804-921-4710 Fax: N/A
Phone: 804-921-4710 Fax: N/A
Email: PG.Environmental@dominionenergy.com
Email: brandon.stites@dominionenergy.com

Representative: Laura Zuranski
Address: 120 Tredegar St, Richmond, VA 23219
Phone: 804-512-1326 Fax: N/A
Email: PG.Environmental@dominionenergy.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:
N/A

Tax Map and Parcel(s) 62-A-7, and 59-A-27
Acreage 216 and 7.3 Zoning A-1

Deed Book and Page: D.B.72, PG. 353, D.B. 308, PG

Location of Parcel: See Attachment

If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: See Attachment

*Ten copies of a sketch plan (8.5x11 inches or 11x17 inches) must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 3/31/2021 Signature of Owner/Applicant: [Signature]
Subscribed and sworn to before me this 31 day of MARCH, 2021

Notary Public: Kathy W. Prokopis Register # 253183

My commission expires: SEPT. 30, 2024

Certification: Date: N/A



Table with columns for Office Use Only, Date Received, Pre-Application Meeting, PH Sign Deposit Received, Application #, \$800.00 fee plus mailing costs paid, Mailing Costs, Amendment of Condition, Telecommunications Tower fee plus mailing costs paid, Telecom Consultant Review fee paid, Election District, Planning Area, Public Hearings, Planning Commission, Board of Supervisors, Advertisement Dates, APO Notification, Date of Hearing, Decision.

Special Use Permit Statement
Fluvanna County
Bremo Power Station CCR Landfill

A. Purpose of Proposed Use

In order to satisfy state law requirements enacted by the Virginia General Assembly in 2019, Virginia Electric and Power Company d/b/a Dominion Energy Virginia (“VEPCO”) is seeking to construct a lined landfill (the “Landfill”) for the final disposition of coal combustion residuals (“CCRs”), on property located adjacent to the Bremo Power Station (the “Power Station”). The property where the proposed Landfill will be located is comprised of two (2) parcels identified as Tax Parcel Nos. 62-A-7 and 59-A-27 (collectively, the “Property”).

Parcel 62-A-7 is 216.6 acres and has no habitable or functional structures. It is bounded to the north by Bremo Road, to the east by a private parcel, to the south by the James River and to the west by Parcel 59-A-27. See Exhibits A and B. A CSX Transportation right-of-way is located along the southern boundary while a VEPCO transmission line right-of-way bisects the site in an east-west direction. The parcel is tree and scrub covered and has been recently logged but is not suitable for agricultural activities.

Parcel 59-A-27 is approximately 7.3 acres and is located to the west of adjacent Parcel 62-A-7. It is bounded to the north by Bremo Road, to the east and south by Parcel 62-A-7, and to the west by the Power Station. The parcel is heavily wooded, and an unoccupied mobile home is present on site. The parcel is not suitable for agricultural activities.

Both parcels are currently zoned A-1, Agricultural, and a rezoning of the Property to I-1, Limited Industrial and the approval of a special use permit (“SUP”) is required before the Landfill may be constructed. VEPCO has filed an accompanying rezoning application seeking a rezoning of the Property to I-1. The Landfill will be designed, constructed and operated in strict accordance with federal and state laws and regulations. The need for the Landfill and supporting information for the requested SUP is set forth in greater detail below.

B. Necessity of the Use

The Power Station began operating as a coal-fired plant in the County in 1931. The four power units at the Power Station burned coal until units 1 and 2 were retired in 1972. In 2014, units 3 and 4 were converted to gas and then retired in 2019. The CCRs that were produced as a by-product of energy generation at the Power Station have been processed and stored at the Power Station site. CCRs include various by-products from the burning of coal (commonly known as coal ash), some of which can be beneficially reused by binding the coal residuals/coal ash for use in wallboard, concrete, roofing materials, and bricks. The remaining CCRs are primarily inert materials similar in nature to fine, dark grey sand.

During the time that the Power Station burned coal for energy production, the CCRs were removed from the Power Station’s various burners, stacks, and other equipment and either sent off-site for reuse or stored in various impoundments on the Power Station site. Originally, these impoundments were scheduled to be closed in-place in accordance with the state and federal regulations and permits in existence and applicable at the time. However, in 2019, the General Assembly of Virginia enacted legislation that requires VEPCO to remove the CCRs from the existing CCR impoundments at the Power Station and deposit the CCRs into a lined landfill that meets federal and state regulatory requirements.¹

¹ See federal regulations at 40 C.F.R. § 257 et seq., and Commonwealth of Virginia regulations at 9VAC20-81-130.

In the County, landfills are only permitted in the I-1 district by SUP.² The approval of the SUP will allow VEPCO to deposit the CCRs into a lined landfill that meets federal and state regulatory requirements and/or recycled.³ Notably, while the Landfill will be subject to strict design requirements (like a municipal sanitary waste landfill) including the construction/installation of a liner, a cap, and a leachate collection system, impacts to the surrounding area resulting from materials disposal will be significantly less than a sanitary landfill. Instead of trucks hauling solid waste to the site, CCRs from the adjacent property will be transported to the Landfill via internal access roads, then deposited, compacted, and covered in a phased manner that will result in final closure in a shorter timeframe. Additionally, since VEPCO will be working with a known quantity of CCR materials, it can efficiently plan and manage the relocation of the material to the Landfill Property. VEPCO anticipates that it will take approximately 2 years to construct the Landfill, and 8 years to relocate the CCRs and close the Landfill in accordance with state and federal law. Once closed and covered, the Landfill area will be seeded or covered with synthetic turf.

C. Improvements

The Landfill is proposed on Parcel 62-A-7. The proposed Landfill will occupy approximately 65-acres on the north side of the existing transmission line. See Exhibit C. The Landfill will be sized to manage all of the CCRs excavated from the current impoundments and will not receive CCRs from any other location. The location limits of the Landfill are established by federal and state regulations.

Parcel 59-A-27 will be used as the construction lay-down yard (the "Construction Yard") for the Landfill.

The anticipated scope of work for construction of the Landfill is generally as follows.

First, the proper erosion and sediment controls will be installed. Once the controls are installed and the proper Fluvanna County representative approves of controls installation, the ground will be cleared and graded and the stormwater retention ponds created. After the base elevations are established, the Landfill will be overlaid with a composite liner system and the leachate collection system will be installed. The CCRs will be hauled by truck from the existing impoundments on the adjacent property to the Landfill using on-site access roads. The Landfill will be filled, covered, and closed in phases based on the final design elevations. A final cover/cap will consist of a composite barrier system overlain by soil and native vegetation or an engineered composite barrier overlain by synthetic turf. Finally, once the cover system is in place, the site will resemble a natural grassy hill. (See Exhibit D)

A series of storage tanks will also be constructed on the Property to manage leachate collected from the Landfill. This leachate will be treated utilizing a future treatment facility located on Parcel 59-6-2. Paved parking for up to five vehicles will be provided at the storage tanks for maintenance and inspection purposes. (See Exhibit C.)

No permanent habitable structures are proposed. Temporary structures, including mobile office trailers may be installed as needed during construction and operation of the landfill. Any temporary structures will be removed once they are no longer needed. Internal access roads will be constructed on the parcels to facilitate construction, operation, closure, and post-closure care of the Landfill and the leachate storage tanks. Off-site access to the Landfill will be from Bremono Road. No public roads or

² Ordinance at Section 22-11-2.2. While the Ordinance lists "sanitary landfills" as the permitted use, this classification is defined as "a place for the disposal of solid wastes approved in accordance with the regulations of the [Virginia] Department of Environmental Quality (DEQ)". While the Landfill is not a "sanitary landfill" as defined by DEQ regulations, it is a "sanitary landfill" for the purposes of the County's Ordinance because it is a "place for the disposal of solid wastes approved in accordance with [DEQ] regulations..."

³ See Exhibit B, a tax map showing the VEPCO parcels with current and proposed uses.

sidewalks will be constructed and no public access will be provided to the Power Station, the Construction Yard, or the Landfill.

D. Protection of Adjoining Property

The location and limits of the proposed Landfill have been established to minimize visual impacts from neighboring properties, Bremono Road, and the James River. Because the Landfill will be north of the VEPCO transmission line, the minimum distance from the southern limit of the Landfill materials to the James River exceeds 2,000-feet. The proposed setbacks from adjacent parcels, roadways, and water bodies will meet or exceed the regulatory location criteria. (See Exhibit C.) Permanent exterior lighting will be provided at the leachate storage tanks, at access road entrances, and at other locations where required for maintenance or inspection. Such lighting will be downward facing.

E. Enhancement of County

The removal of CCRs from the Power Station site and their disposition in the Landfill is required and will be conducted in accordance with controlling federal and state laws. Once closed, the Landfill will be covered by soil and native vegetation or an engineered composite barrier overlain by synthetic turf. It will remain in open space and "preserved" from future development.

F. Consistency with Good Planning Practices, the Comprehensive Plan, and Adjacent Land Uses

As described above and more fully in the Rezoning application, the proposed zoning to I-1 and the use of the Property for a Landfill and related purposes is consistent with health, safety, welfare and good zoning practices. The proposed Landfill and Construction Yard will not be detrimental to the character and development of the adjacent area and will not change the character and the established pattern of the area or community in which it is located. The Landfill is compatible with by-right uses in the I-1 district and will not adversely affect the use and/or value of neighboring property. Draft Conditions that relate to the issuance of the SUP have been provided with this application.



LEGEND
 [Solid Line] Proposed Facility Boundary
 [Dashed Line] 5 mile Buffer



Data Source: National Geographic Society, AECOM

AECOM

**ALEXANDER PROPERTY
 REGIONAL MAP**

DRAWN BY: M. SMITH	REVIEWED BY: P. THIBODEAU	APPROVED BY:	REVISION NUMBER: REV. 0
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FIGURE

DATE: 4/29/2020	DEPT: DOMINION POWER - BREMO POWER STATION
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Bremo Power Station On-Site Lined Landfill

Overview and Project Description

Consistent with our core values, we have placed a great deal of focus on safety for personnel working on the North Ash Pond closure and the neighboring communities.

Legislation passed during the 2019 Virginia General Assembly requires Dominion Energy to remove all coal ash currently stored in the North Ash Pond at Bremo Power station within 15 years.

In keeping with the statute, Dominion Energy has submitted rezoning and Special Use Permit applications to Fluvanna County with plans to construct and operate a state-of-the-art, lined landfill on Dominion Energy property beside Bremo Power Station.

As part of these applications, Dominion Energy has offered proffers of funding to Fluvanna County to mitigate any potential impacts, including:

- Assurance of safe and reliable potable water source for the FUSD
- Community park, recreation, and/or green space areas
- Upgrades and/or maintenance for Bremo and West Bottom Roads
- Opportunities for local workforce

Key Facts

- 6.2 million cubic yards of coal ash is stored at Bremo Power Station.
- The ash will be transferred from its current location in the North Ash Pond to an adjacent state-of-the-art lined landfill.
- Coal ash will not be transported on public roads.
- The proffers provide a framework for safeguarding our neighbors while providing access to new and existing recreational areas in lieu of those previously shut down.
- Landfill construction and the transfer of coal ash is expected to take approximately 10 years.



Want to learn more?

Scan QR code
Visit [DominionEnergy.com/BremoCCR](https://www.dominionenergy.com/BremoCCR)
Email BremoCCR@dominionenergy.com
Call 1-833-742-0462





COUNTY OF FLUVANNA

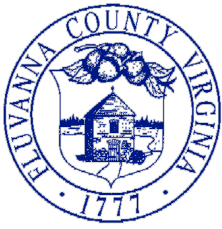
"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

MEMORANDUM

Date: May 3, 2021
From: Valencia Porter
To: Douglas Miles
Subject: APO Memo Complete

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the May 11, 2021 Planning Commission meeting.



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NOTICE OF PUBLIC HEARING

May 3, 2021

«Name»
«Address»
«City_State» «ZIP»

RE: ZMP 21:02 & SUP 21:03 Virginia Electric and Power Company (d/b/a Dominion Energy Virginia)

Dear «Name»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on:

Meeting:	Planning Commission Public Hearing	Date: Tuesday, May 11, 2021
Time:	7:00 pm (Virtual Meeting)	Location: Fluvanna County Library

The applicant or applicant's representative will be available during the Planning Commission meeting for:

ZMP 21:02 Virginia Electric and Power Company – A Conditional Rezoning from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

SUP 21:03 Virginia Electric and Power Company – A Special Use Permit request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

You are welcome to join the public hearings online and will have an opportunity to comment, if desired. The Planning Commission meeting is being held virtually due to the COVID-19 pandemic, instructions for participation in the Planning Commission public hearings will be available on the County's website <http://www.fluvannacounty.org> along with the Agenda and staff reports. You can also contact the Fluvanna County Planning & Community Development Department, 8:00 am – 5:00 pm, Monday through Friday. If you have any questions regarding the applications or the public hearings, please contact me at 434.591.1910 or at dmiles@fluvannacounty.org or visit <https://www.dominionenergy.com/BremoCCR> for additional information from Dominion Energy or please e-mail at BremoCCR@dominionenergy.com

Sincerely,

Douglas Miles

Douglas Miles, AICP, CZA
Community Development Director

Name	Street	City	State	Zip
Alexander, Emma, Land & Lumber Corporation	P.O. Box 666	Louisa	Virginia	23093
Anderson, Lillie	237 Spring Road	Bremo Bluff	Virginia	23022
Armstrong, George Estate & Victoria Armstrong	661 Spring Road	Bremo Bluff	Virginia	23022
Armstrong, Lynn Revocable Trust	15 Hickory Hollow Lane	Bremo Bluff	Virginia	23022
Armstrong, Marie & Bettie & Armstrong-Green, Kim	108 Pine Grove Terrace	Newark	New Jersey	07106
Armstrong, Nadine	2979 Bremo Road	Bremo Bluff	Virginia	23022
Ayers, Joseph & Ann	P.O. Box 146	Bremo Bluff	Virginia	23022
Bamford, John & Margaret	407 Glenawvon Drive	Bremo Bluff	Virginia	23022
Banks, Cynthia, Heirs C/O Barry Ross	45 Walkers Lane	Bremo Bluff	Virginia	23022
BB&T	2511 West Bottom Road	Bremo Bluff	Virginia	23022
Beyer, Paul & Deborah	P.O. Box 126	Fork Union	Virginia	23055
Black, William	P.O. Box 55	Palmyra	Virginia	22963
Bol Living Trust, Stephen Bol	496 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Boles, John & Linda	1066 Spring Road	Bremo Bluff	Virginia	23022
Bottomley, Cornelious	157 Holman Creek Lane	Bremo Bluff	Virginia	23022
Bowles & Associates	4683 James Madison Highway, #C	Fork Union	Virginia	23055
Bowles, Molly & Sally, Mary Scruggs	Route 313, Box 49	Quakertown	Pennsylvania	18951
BP	3297 James Madison Highway	Bremo Bluff	Virginia	23022
Bremo Trees	616 Lower Bremo Lane	Bremo Bluff	Virginia	23022
Brock, Matthew	P.O. Box 1232	Live Oak	Florida	32064
Brookman, Dorothy	1039 West Bottom Road	Bremo Bluff	Virginia	23022
Brookman, Harry	962 West Bottom Road	Bremo Bluff	Virginia	23022
Burruss Timber Associates, David Roby	7 Bliss Lane	Lyme	New Hampshire	03768
Cain, Wayne & Marcia	765 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Carter, Demetria & Habitat for Humanity	3661-B Lake Monticello Road	Palmyra	Virginia	22963
Cheng Revocable Trusts, Cheng, Richard & Theresa	10129 Darmuid Green Drive	Potomac	Maryland	20854
Cloverdale Baptist Church	1222 Cloverdale Road	Bremo Bluff	Virginia	23022
Cloverdale Baptist Church	101 Dora Lane	Bremo Bluff	Virginia	23022
Cocke, Charles & Elizabeth	616 Lower Bremo Lane	Bremo Bluff	Virginia	23022
Colbert Funeral Home	467 Bremo Road	Bremo Bluff	Virginia	23022
Colbert, Charles Jr.	P.O. Box 143	Bremo Bluff	Virginia	23022
Coleman, Frances & Lillie Palmer	2668 Bremo Road	Bremo Bluff	Virginia	23022
Coleman, William Heirs & Richard Coleman	2664 Bremo Road	Bremo Bluff	Virginia	23022
Columbia Baptist Church	116 Rivanna Street	Columbia	Virginia	23038
Crannage, Wendy	331 Bremo Bluff Road	Bremo Bluff	Virginia	23022
CSX Transportation	500 Water Street	Jacksonville	Florida	32202

Cummings, Eleanor	417 Spring Road	Bremo Bluff	Virginia	23022
Daugherty, Sheila	2647 Bremo Road	Bremo Bluff	Virginia	23022
Daughtry, Sheila & Lee, Serena	92 West Bottom Road	Bremo Bluff	Virginia	23022
Dave's Small Engine Services	2448 Clvoerdale Road	Bremo Bluff	Virginia	23022
Dodson, Erika	P.O. Box 47746	San Antonio	Texas	78265
Dodson, Robert	P.O. Box 415	Ruckersville	Virginia	22968
Dollar General	4091 James Madison Highway	Fork Union	Virginia	23055
Don Unmussig, Cumberland County Administrator	P.O. Box 110	Cumberland	Virginia	23040
Dunn Construction	2511 West Bottom Road	Bremo Bluff	Virginia	23022
Easter, John E II	94 Middle Farms Trace	Bremo Bluff	Virginia	23022
Edmonds, Brenda & Juanita Edmonds	10019 Whitefield Street	Fairfax	Virginia	22032
Edmonds, Robert Sr. & Robert Jr.	135 West Bottom Road	Bremo Bluff	Virginia	23022
Elk Hill Farm	P.O. Box 99	Goochland	Virginia	23063
Envoy at The Village	4238 James Madison Highway	Fork Union	Virginia	23055
Eric Dahl, Fluvanna County Administrator	P.O. Box 540	Palmyra	Virginia	22963
Etchison, George & Sandy	667 Spring Road	Bremo Bluff	Virginia	23022
Everett, Jason	551 Bremo Road	Bremo Bluff	Virginia	23022
Exley, John & Cheryl	7211 Cold Harbor Road	Mechanicsville	Virginia	23111
Family Dollar	2788 A James Madison Highway	Bremo Bluff	Virginia	23022
Farley, Emerson Jr. & Mary	37 East Square Lane	Richmond	Virginia	23238
Fluvanna County Board of Supervisors	P.O. Box 299	Palmyra	Virginia	22963
Fluvanna County Chamber of Commerce	177 Main Street	Palmyra	Virginia	22963
Fluvanna Fix It All Shop	2893 Bremo Road	Bremo Bluff	Virginia	23022
Fork Union Baptist Church	4745 James Madison Highway	Fork Union	Virginia	23055
Fork Union Military Academy	4744 James Madison Highway	Fork Union	Virginia	23055
Fork Union Pharmacy	4316B James Madison Highway	Fork Union	Virginia	23055
Fork Union Presbyterian Church	4464 James Madison Highway	Fork Union	Virginia	23055
Fork Union Properties Land Trust, John Foster	16054 James Madison Highway	Palmyra	Virginia	22963
Fork Union Rentals	P.O. Box 175	Fork Union	Virginia	23055
Fork Union Sanitary District	P.O. Box 540	Palmyra	Virginia	22963
Fork Union Volunteer Fire Company	P.O. Box 428	Fork Union	Virginia	23055
Foster, Edward Jr.	263 Horseshoe Bend Road	Pontotoc	Mississippi	38863
Grace Episcopal Church	754 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Grace Episcopal Church, Mrs. Gertrude White	P.O. Box 95	Bremo Bluff	Virginia	23022
Graves, Sayre & Winston, William	60 Magnolia Lane	Bremo Bluff	Virginia	23022
Gursky, Katheline	1280 Spring Road	Bremo Bluff	Virginia	23022
Hackett, Frank & Cheyenne	1084 Carysbrook Road	Fork Union	Virginia	23055

Hanat, Darran	119 Hickory Hollow Lane	Bremo Bluff	Virginia	23022
Harper, Henry III & Janet	26 Bayview Drive	Poquoson	Virginia	23662
Harris, Frank & Americus	1015 South Constitution Road	Dillwyn	Virginia	23936
Harris, Mildred Revocable Living Trust	10009 Waters Avenue South	Seattle	Washington	98178
Hartwick, Carl & Linda	664 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Haskins, Alton Jr.	15032 Woolens Lane	Culpeper	Virginia	22701
Hill, Audrey	729 Glenarvon Drive	Bremo Bluff	Virginia	23022
Hill, Cora	35 Hopi Way	Palmyra	Virginia	22963
Hill, Dorothy	811 Glenarvon Drive	Bremo Bluff	Virginia	23022
Hill, Ellis & Willie Odell, Vince & Lizzie Hill	490 Blueberry Hill Drive	Scottsville	Virginia	24590
Hill, Melissa	65 Spring Road	Bremo Bluff	Virginia	23022
Holloman, Reathea	2425 Bremo Road	Bremo Bluff	Virginia	23022
Holsapple, Denise	2228 Oliver Creek Road	Troy	Virginia	22974
Holsapple, Marilyn	186 Mill Lane	Troy	Virginia	22974
Holsapple, Steve	1309 Mountain View Street	Charlottesville	Virginia	22902
Hostutler, Jeffrey & Susan	812 Spring Road	Bremo Bluff	Virginia	23022
Hughey, Susan	585 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Jake's Gas & Go	4108 James Madison Highway	Fork Union	Virginia	23055
James Madison Rentals	P.O. Box 175	Fork Union	Virginia	23055
James, Fred & Marie, Rosanne Relaford	1969 Penfield Street	Philadelphia	Pennsylvania	19138
JCM III	30 Highpockets Road	Cartersville	Virginia	23027
Jefferies Living Trust	P.O. Box 28	New Canton	Virginia	23123
Jenkins, Susan & Audrey Smith	7920 Echols Avenue	Lanham	Maryland	20706
Johnson, Albert West Bottom Baptist Church	398 West Bottom Road	Bremo Bluff	Virginia	23022
Johnson, Blanche	398 West Bottom Road	Bremo Bluff	Virginia	23022
Johnson, Frederick III	1511 Kemper Street	Richmond	Virginia	23220
Johnson, Isaac Estate & Lazarus Johnson	605 Parks Ridge Road	Wilkesboro	North Carolina	28697
Johnson, Lewis	P.O. Box 175	Fork Union	Virginia	23055
Johnson, Lewis	539 East River Road	Fork Union	Virginia	23055
Johnson, Whitney	1646 Cloverdale Road	Bremo Bluff	Virginia	23022
Jones, Edgar Jr. & Mary	852 West Bottom Road	Bremo Bluff	Virginia	23022
Jones, Paul & Rosalie	871 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Lane, Anna	2007 3rd Street NE	Washington	D.C.	20002
Lee, Michael & Serena	92 West Bottom Road	Bremo Bluff	Virginia	23022
Lent, Kathy	2274 Bremo Road	Bremo Bluff	Virginia	23022
Long, Dewitt	P.O. Box 192	Bremo Bluff	Virginia	23022
Mark IV LLC	3 Horseback Lane	Palmyra	Virginia	22963

Mawyer, Brenda	1309 Mountain View Street	Charlottesville	Virginia	22902
Maxey, Charles & Ruth	P.O. Box 45	New Canton	Virginia	23123
Maxwell, Kenneth	9018 Dove Creet Court	Louisville	Kentucky	40242
McGrath, Teresa	479 Glenarvon Drive	Bremo Bluff	Virginia	23022
Melton, George Jr.	3295 Bremo Road	Bremo Bluff	Virginia	23022
Miggins, Helen & Paula Mickens	520 Chastine Drive	Spartanburg	South Carolina	29301
Monges, Daniel & Jennifer	P.O. Box 124	Bremo Bluff	Virginia	23022
Mrs. Rebecca Carter, Buckingham Coutny Administratc	13380 West James Anderson Highway	Buckingham	Virginia	23921
NAACP Fluvanna County Branch 7067	P.O. Box 104	Fork Union	Virginia	23055
Napier, Douglas & Shelby	233 Holman Creek Lane	Bremo Bluff	Virginia	23022
Oldies & Goodies Thrift Store	3107 James Madison Highway	Fork Union	Virginia	23055
Orf, John	2406 Vernon Road	Henrico	Virginia	23228
Owen, Sandra	P.O. Box 799	Nellysford	Virginia	22958
Ownby, John	2259 Rolling Road South	Scottsville	Virginia	24590
Palmer, Avis & Madeline, Brad Palmer	1962 Shores Road	Palmyra	Virginia	22963
Palmer, Florence	281 Spring Road	Bremo Bluff	Virginia	23022
Parrish, Dustin	566 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Parrish, Thomas	P.O. Box 1062	Greenville	South Carolina	29602
Passion Community Church	2723 James Madison Highway	Bremo Bluff	Virginia	23022
Patterson, Thomas & Claudine	161 Deer Lane	Bremo Bluff	Virginia	23022
Phelps, Jason	1366 Spring Road	Bremo Bluff	Virginia	23022
Pollard, Robert	P.O. Box 121	Scottsville	Virginia	24590
Poore, Thomas & Shirley	3456 Bremo Road	Bremo Bluff	Virginia	23022
Reardon, Edwin	710 Aldridge Lane	Scottsville	Virginia	24590
Ross, Samuel Jr.	224 Spring Road	Bremo Bluff	Virginia	23022
Rudzinski, Kenneth	2218 Cartwright Place	Reston	Virginia	20191
Salomon, Ronald & Susan	393 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Sal's Italian Restaurant & Grille	4316 James Madison Highway	Fork Union	Virginia	23055
Sarah Marshall	161 Panamint Trail	Louisa	Virginia	23093
Scarlett's Flowers	4723 James Madison Highway	Fork Union	Virginia	23055
Scott's Paint & Body	2762 James Madison Highway	Bremo Bluff	Virginia	23022
Shelton, Antonio & Janice	553 Glenarvon Drive	Bremo Bluff	Virginia	23022
Sherman, Nicholas	632 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Shipp, James Jr.	3003 Sayre Road	Fairfax	Virginia	22031
Sidwell, Glenn & Yupa	P.O. Box 670	Fork Union	Virginia	23055
Simorg South Forests	15 Piedmont Center, Suite 1250	Atlanta	Georgia	30305
Slaughter, Judith	P.O. Box 454	Fork Union	Virginia	23055

Smith, Julian C/O Brenda Kellerhalls	7401 Landsworth Avenue	Richmond	Virginia	23228
Snoddy, Lola	P.O. Box 54	Bremo Bluff	Virginia	23022
Solite Corporation	P.O. Box 27211	Richmond	Virginia	23261
Sorum, Harvey & Alice	1341 Spring Road	Bremo Bluff	Virginia	23022
St. John's Episcopal Church	43 Washington Street	Columbia	Virginia	23038
St. Joseph Roman Catholic Church	28 Cameron Street	Columbia	Virginia	23038
Stovall, Agnes	P.O. Box 175	Bremo Bluff	Virginia	23022
Stovall, Lillie	392 West Bottom Road	Bremo Bluff	Virginia	23022
Tatted Souls	4321 James Madison Highway, Unit 3	Fork Union	Virginia	23055
The Brayvon Company	P.O. Box 1194	Staunton	Virginia	24402
Thessalonia Baptist Church	677 Thessalonia Road	Fork Union	Virginia	23022
Thomas, Michael & Robin	325 Holman Creek Lane	Bremo Bluff	Virginia	23022
Top Quality Home Improvements	778 Cloverdale Road	Bremo Bluff	Virginia	23022
Tribble, Tanner & Maria	10259 Windywood Court	Ashland	Virginia	23005
Vanderbuilt Mortgage & Finance	500 Alcoa Trail	Maryville	Tennessee	37804
VEPCO CO Wagner, James F	P.O. Box 26666	Richmond	Virginia	23261
Verdery, Linda	347 Bremo Bluff Road	Bremo Bluff	Virginia	23022
VSI Hardware & Country Store	4312 James Madison Highway	Fork Union	Virginia	23055
Wade, Edwin Revocable Declaration of Trust	P.O. Box 913	Troy	Virginia	22974
Walker, Eva	640 Swimford Drive	Myrtle Beach	South Carolina	29588
Wanless, Dennis & Ronda	427 Shadowbrook Drive	Burlington	North Carolina	27215
West Bottom Baptist Church	2757 Bremo Road	Bremo Bluff	Virginia	23022
West Bottom Cemetary	2757 Bremo Road	Bremo Bluff	Virginia	23022
Wheeler, Elsie	3014 Glenarvon Drive	Bremo Bluff	Virginia	23022
White, Frayser II Revocable Trust, Kay Jefferies	P.O. Box 28	New Canton	Virginia	23123
White, Richard & Lindsay	P.O. Box 55	Fork Union	Virginia	23055
Wiley, Thomas Sr.	P.O. Box 187	Bremo Bluff	Virginia	23022
Williams, Lucy	31 4th Avenue	Westbury	New York	11590
Williams-Chewning Corp.	P.O. Box 177	Bremo Bluff	Virginia	23022
Winston, William & Graves, Sayre	1853 Glenarvon Drive	Bremo Bluff	Virginia	23022
Woodard, Kevin & Michaela	997 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Woods, Barry	383 Bremo Bluff Road	Bremo Bluff	Virginia	23022
Woodson, Helen	658 Spring Road	Bremo Bluff	Virginia	23022
Young, Eliza & Thelma Bates	12285 West River Road	Palmyra	Virginia	22963

ORDINANCE

Be it resolved by the Fluvanna County Planning Commission, pursuant to Fluvanna County Code Sec. 22-20-1(c), that the Commission intends to propose the following amendment to the Fluvanna County Code:

An Ordinance to Amend Chapter 22 Zoning of the Fluvanna County Code by the Addition of Definitions Under 22-22-1 Definitions; Uses Permitted by Right in A-1 Zoning Under 22-4-2.1, in R-1 Zoning Under 22-5-2.1, in R-2 Zoning Under 22-6-2.1, in R-3 Zoning Under 22-7-9.1, in R-4 Zoning Under 22-8-2.1, in B-1 Zoning Under 22-9-2.1, in B-C Zoning Under 22-10-2.1, in I-1 Zoning Under 22-11-2.1, in I-2 Zoning Under 22-12-2.1, and in MHP Zoning Under 22-13-2.1 to Permit a Small Scale Solar Generation Facility; and Uses Permitted by Special Use Permit in A-1 Zoning Under 22-4-2.2, in B-1 Zoning Under 22-9-2.2, in B-C Zoning Under 22-10-4, in I-1 Zoning Under 22-1-2.2 and in I-2 Zoning Under 22-12-2.2 to Permit a Minor Scale and Utility Scale Solar Generation Facility; and the Addition of Chapter 22 Zoning, Article 28. Regulation of Solar Generation Facilities.

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS, pursuant to Virginia Code Sections 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended, in Sections 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1, 22-13-2.1, 22-4-2.2, 22-9-2.2, 22-10-4, 22-11-2.2, 22-12-2.2 and 22-22-1 and the Addition of Chapter 22 Zoning, Article 28 as follows:

Sec. 22-4-2.1 (A-1) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-5-2.1 (R-1) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-6-2.1 (R-2) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-7-9.1 (R-3) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-8-2.1 (R-4) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-9-2.1 (B-1) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-10-3 (B-C) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-11-2.1 (I-1) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-12-2.1 (I-2) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-13-2.1 (MHP) Uses permitted by right

Miscellaneous Uses

Small scale solar generation facility

Sec. 22-4-2.2 (A-1) Uses permitted by special use permit

Miscellaneous Uses

Minor scale solar generation facility

Utility scale solar generation facility

Sec. 22-9-2.2 (B-1) Uses permitted by special use permit

Miscellaneous Uses

Small scale solar generation facility

Utility scale solar generation facility

Sec. 22-10-4 (B-C) Uses permitted by special use permit

Miscellaneous Uses

Small scale solar generation facility

Utility scale solar generation facility

Sec. 22-11-2.2 (I-1) Uses permitted by special use permit

Miscellaneous Uses

Small scale solar generation facility

Utility scale solar generation facility

Sec. 22-12-2.2 (I-2) Uses permitted by special use permit

Miscellaneous Uses

Small scale solar generation facility

Utility scale solar generation facility

Sec. 22-22-1 Definitions

Solar generation facility, minor scale An on-site solar energy conversion system producing less than 2 MW of electricity. Minor scale solar energy conversion systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may also include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures.

Solar generation facility, small scale An on-site solar energy conversion system producing not more than 15 kW of electricity. Small scale solar energy systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures.

Solar generation facility, utility scale A solar energy conversion system producing 2 MW or more of electricity to a utility provider. Such facilities interconnect with an existing electrical grid serving other off-site facilities which are not adjacent or under common use, ownership or control.

Article 28 – Regulation of Solar Generation Facilities

Sec. 22-28-1 Statement of Intent.

The purpose of this article is to establish general guidelines for the siting of solar generation facilities used for renewable solar energy as a facility that generates electricity from sunlight consisting of one or more Photovoltaic Material (PVM) systems and the other structures and facilities within the boundaries of the site, and which is interconnected with the local transmission or electrical distribution system.

Further, the intent of this Article is to regulate the placement and design of new and expanded solar generation facilities. The County encourages and promotes the responsible generation of both clean and renewable energy. When solar generation facilities are proposed, the requested locations and site designs shall be evaluated in terms of how they protect and enhance the scenic and natural beauty of Fluvanna County. They should also be in compliance with these solar generation facility regulations.

Sec. 22-28-2 Site Acreage Regulations.

1. Fluvanna County requires an upper limit on the total site acreage dedicated to solar generation facilities located outside of the County's Community Planning Areas (CPA) and Zion Crossroads Urban Development Area (UDA) at 5% of the total land acreage to allow for all future land uses, to avoid the loss of productive farmland, and to avoid solar panel overcrowding in the County.
2. The site acreage dedicated to a solar generation facility for a project shall be calculated as the aggregate acreage of all parcels for a Special Use Permit application, unless the applicant details and delineates the maximum acreage to be used for site approval, which includes acreage for access roads, buffer and screening areas, fencing, inverters, solar panels and substation areas.
3. The minimum aggregate parcel size shall be seventy-five (75) contiguous acres and the maximum aggregate parcel size shall be seven hundred fifty (750) contiguous acres or an acreage amount determined based upon the dispersion of the solar panels by megawatts.

Sec. 22-28-3 Site Review Guidelines.

All Special Use Permit (SUP) requests for new and expanded solar generation facilities shall be reviewed by the Zoning Administrator, the Planning Commission and the Board of Supervisors by considering the following site review guidelines:

1. All applicants for a solar generation facility shall meet with the zoning administrator at least thirty (30) days prior to the submission of an SUP application for a new or expanded solar generation facility. The zoning administrator and technical review committee provides the applicant with information on the requirements for solar generation facilities, and discusses with the applicant all the potential alternatives to site the solar generation facility in the most appropriate location in the County.
2. The siting of a solar generation facility within Community Planning Areas should be avoided as the location of solar generation facilities within these areas are to be serviced by public water and/or wastewater as described within the Comprehensive Plan. Solar generation facilities

proposed to be sited in these areas will be discouraged and not be recommended for approval but the search for other alternative sites will be reviewed with the applicant for the land use.

3. Sites located near cultural, historical or recreational areas should be avoided in order to protect and enhance the agricultural and rural heritage, cultural and recreational resources and vistas. Solar generation facilities should incorporate the following techniques in order to protect and improve the environment of the site that is selected by the applicant in the review process:
 - a. Site groundcover for the solar generation facility should consist of a variety of native flora and grasses that benefit pollinators such as birds, butterflies, bees and similar pollinators. Groundcover should be established following the completion of construction activities to minimize soil erosion as required in the County's Erosion and Sediment Control chapter.
 - b. The use of synthetic herbicides to control and maintain groundcover shall not be allowed nor shall the use of turf grass be installed at solar energy facilities for site erosion control. The development of wetlands, forested areas and other valuable habitats shall be avoided or be minimized to the greatest extent possible at all solar generation facility site locations.
 - c. Development of areas with steep slopes shall be avoided in order to protect from any site runoff due to site grading which should be reseeded with native grasses or pollinator plants.

4. All solar generation facility applicants shall provide the following written information when scheduling a pre-application conference with the zoning administrator for the proposed use:
 - a. A Sketch Plan of the proposed solar generation facility from a licensed engineer or surveyor.
 - b. Written verification that all required submittals to the State Corporation Commission (SCC) have been submitted for the proposed solar generation facility and that the applicant is working with the Department of Environmental Quality (DEQ) toward obtaining Solar Permit by Rule (PBR) or Small Renewable Energy Solar Projects approval for the proposed land use.
 - c. Written comments from the grid-operating utility company regarding the capacity of their transmission lines or any other electrical infrastructure to include, if applicable, an on-site substation, if requested in conjunction with the solar generation facility. Documentation justifying the need for a new substation should be submitted along with describing the components of the substation such as the physical dimensions and including the height.
 - d. A draft redacted off take agreement, power purchase agreement or other documentation that identifies a clear path to an off taker of the electricity generated from the project. An executed agreement shall be required prior to the issuance of a building permit for the use.

- e. A draft solar generation facility evaluation of the fiscal impacts to the County for the proposed land use in comparison with the current land use and the comprehensive plan future land use for analysis by the Finance Department and/or Commissioner of the Revenue's Office.
- f. The applicant shall be responsible for all fees associated with the filing of an application and including the reasonable cost of any independent analysis deemed necessary by the County.
- g. The applicant shall discuss the date, time and location of a Community Meeting with the Zoning Administrator to be conducted by the applicant prior to filing an SUP application or at the least prior to the scheduled Planning Commission public hearing date for the use.
- h. The applicant may provide the County with acceptable social media postings containing the specifics of the Community Meeting and specific contact information for general distribution across the County's social media platforms and their website posting meeting information.
- i. The County may assist with providing a GIS generated list of the adjacent property owners who shall be notified by first class mail at least seven (7) days, but no more than fourteen (14) days, in advance of the meeting date by the applicant. A letter shall be provided to the Zoning Administrator for County Officials and staff to attend their community meeting.
- j. The community meeting shall be held within the County, at a location open to the public, with adequate parking, lighting and seating and which may accommodate persons with disabilities from the public and media at a location that is convenient to the attendees. If the applicant is unable to conduct an in-person community meeting due to health reasons they should conduct a virtual meeting by providing the meeting link via US mail or e-mail.

Sec. 22-28-4 Solar Generation Facility Recommended Conditions.

1. This Special Use Permit is granted for a minor or utility-scale solar generation facility use to _____ or any successors as the owner and operator of such use located on Tax Maps _____.
2. The payment of all rollback taxes for Tax Maps _____ enrolled in the Land Use Program by the applicant shall be a pre-condition of the County's issuance of a land disturbance permit pursuant to a site development plan for the solar generation facility.
3. All Site Development Plan requirements shall be met for the solar generation facility as listed in this chapter and as described in Article 28 Regulation of Solar Generation Facilities.
4. The solar generation facility shall be constructed in accordance with the County approved grading plan prior to the commencement of any site construction activities and in accordance with the approved Erosion and Sediment Control Plan.

5. All site activity required for construction, expansion and operation of the solar generation facility use shall be limited to the following days and times: All pile driving and site deliveries shall be limited to the hours from sunrise to sunset Monday through Saturday. All other site construction and expansion activity may occur Monday through Sunday from sunrise to sunset and be in compliance with the Fluvanna County noise ordinance, as amended from time to time.
6. A Construction Traffic Management Plan, including certain mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and the County Administrator or his designee for review and approval. The Plan shall address traffic control measures along _____ Road pre-and post-construction road evaluation and any necessary repairs to the public roads that are required as a result of any damage from the solar generation facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT and an approved copy provided to the County Administrator or his designee prior to site construction or expansion occurring on the premises.
7. A Site Parking and Staging Plan shall be submitted as a part of the Site Development Plan approval process that demonstrates a site access plan directing both employee and site delivery traffic to minimize conflicts with local traffic on _____ Road and state roads leading to the site such as _____ to avoid traffic delays during peak construction times.
8. A Construction Mitigation Plan shall be submitted as a part of the Site Development Plan approval process that addresses dust mitigation where all construction roads and areas shall remain dust-free by the use of a water truck or other approved method to keep soil and sediment on the premises. Burning operations must follow all local and state burning restrictions and distances from property lines and combustibles. The plan must address both dust and smoke migration so as not to be of a general nuisance to adjoining property owners during site construction, expansion and/or burning operations on the premises.
9. A minimum fifty (50) foot setback shall be maintained from all public right-of-ways and from all agriculturally and residentially zoned properties, either occupied or unoccupied, until such time that the property is converted to commercial or industrial uses, at such time the setback can become the underlying zoning district setback amount for such district.
10. A twenty-five (25) foot vegetative buffer utilizing double staggered rows of evergreen trees planted every ten (10) feet on center with a minimum planting height of four (4) feet and achieving eight (8) feet in height within three (3) years shall be installed when there is not mature vegetation on the perimeter of the premises along the public right-of-way or adjacent to agricultural or residential land uses. Site groundcover for the use should consist of a variety of native groundcovers that benefit bees, birds and beneficial insects and the use of any synthetic herbicides to control and maintain groundcover areas post-construction or post-expansion shall not be permitted on the premises.
11. The applicant, owner or operator shall coordinate directly with the Fluvanna County Fire Chief and Sheriff to provide solar energy educational information and/or training to the respective County public safety personnel responding to the solar generation facility use in regards to how to respond to any emergencies that may occur on the premises. The Fire Chief and Sheriff shall be provided

with the construction manager's direct contact information during construction or expansion and the remote manager's direct contact information during site operations on the premises.

12. A decommissioning plan shall be approved by the County Administrator or his designee prior to approval of a site development plan or any building permits being issued for the solar generation facility use. If the solar generation facility use is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to the County Administrator or his designee in writing once the subject property becomes inactive as a solar generation facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator with Fluvanna County and a name and physical address of such entity that would perform such decommissioning of the site shall be provided for the premises.
13. Unless the solar generation facility is owned by a public utility within the Commonwealth of Virginia, the gross costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit or a guarantee by an investment grade entity, posted within thirty (30) days of the project receiving its certificate of completion to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator, and provided to Fluvanna County. At its option, Fluvanna County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.