



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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BOARD OF SUPERVISORS 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 Board of Supervisors Public Hearing on Wednesday June 16, 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 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.

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 Bremono 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 Board of Supervisors (Approve/deny/defer) 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