

Project Expedition

1. The Board of Supervisors, or its designated representatives, reserves the right to inspect the site at any reasonable time without prior notice to ensure the operation of the facility meets the requirements of this ordinance and any applicable permits.
2. The production of electrical power will occur through a combined cycle dual fuel gas turbine and steam turbine generating system that does not involve the use of burning coal or nuclear reaction.
3. The applicant shall access both the overhead electric line and the gas pipeline by easement from the Tenaska Virginia Power (TVP) plant property. The applicant shall not construct any off-site electrical transmission lines other than those needed to connect to the point of interconnection.
4. The only use of the property shall be electrical power production plant and accessory facilities with a nominal summer capacity of electrical generation of up to 1,540 megawatts. There shall be no other industrial uses on the subject property.
5. There shall be no abatement of local property taxes in association with this request.
6. The applicant is responsible for providing the first response to any emergency relating to the operation of the power production plant in coordination with Fluvanna County Fire and Rescue and Emergency Services.

Noise Attenuation

7. Noise attenuation measures will be implemented to ensure that noise levels attributable to plant operations will be kept to an L90 reading of 60 dBA (decibels) or less at the property lines and 50 dBA or less at any existing dwelling in existence prior to SUP approval.
8. Construction activities that produce noise exceeding 60 dBA (decibels) at the property line shall not be conducted between the hours of 9:00 p.m. and 7:00 a.m. on weekdays or between 6:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays.

Light

9. Exterior lighting will be shielded in order to prevent any glare on adjacent properties. In addition, the facility will be designed to enable exterior lighting for distinct areas of the plant to be switched off while not in use.
10. Light trespass shall be limited to and should not exceed 0.5 foot-candles at the property line. All exterior luminaries shall be of a "shoebox" design and utilize cut-off optics. All luminaries shall be equipped with I.E.S. (Illuminating Engineering

Society) Type V lenses that give circular light distribution for a maximum coefficient of utilization.

11. Site lighting shall not exceed 5 foot-candles except where special requirements are approved by the Zoning Administrator.
12. Notwithstanding the foregoing conditions 9, 10, and 11, the stack(s) and site shall comply with applicable lighting requirements of federal and state law and regulations.

Landscape and Buffer Provisions

13. Driveways and parking areas will have asphalt surface or better and shall be maintained in a manner that will keep dust to a minimum so as not to adversely impact adjacent properties. Any access road or utility easement will be designed with curvature to effectively screen the development from ground level view from public roads.
14. The power production plant shall be centrally located on the property to greatest extent feasible and shall conform generally to the Special Use Permit Sketch Plan, dated August 26, 2025, prepared by Sargeant and Lundy.
15. A chain link fence or similar security device shall be placed around the power production plant facility at least six (6) feet in height and will feature prominent "No Trespassing" signs.
16. A minimum of a 300-foot-wide tree buffer will be maintained between the facility and adjoining property lines except for necessary access to electrical and gas utilities and access to the site. Security fencing may be placed inside the 300-foot buffer. Where no existing trees are present within this buffer area, vegetation will be planted in accordance with the Landscape Plan attached to the Special Use Permit Sketch Plan. The buffer area will be kept in its natural state or maintained using good forestry practices to maximize its effect.
17. The impervious surface coverage shall not exceed 13% of the gross acreage for the site, provided that storm water detention ponds or reservoirs shall be considered pervious surfaces. The balance of the subject property shall be restricted from future development by the recordation of a declaration of restrictive covenants as approved by the County Attorney. Such declaration shall permit the conserved area to be used for temporary construction laydown yards and parking as needed for maintenance, repair, and upgrades to the plant and its related facilities and structures
18. There shall only be one (1) permanent detached sign for project identification purposes (exclusive of directional signs) which will be a ground-mounted monument type sign with landscaping. Any sign lighting shall be from above and shielded away from adjacent properties.
19. Structures above the tree height shall be a neutral color.

Traffic Management

20. The Virginia Department of Transportation shall approve access to the proposed facility, and the applicant will provide all required improvements.
21. A construction traffic management plan shall be submitted as part of the overall site development plan. Review and approval by VDOT of the construction traffic management plan will ensure that temporary construction entrances and access roads are provided appropriately, that "wide load" deliveries are scheduled during off-peak times, and that access routes to and from the site are planned to minimize conflicts.

Environmental

22. All necessary permits shall be acquired from all applicable regulatory bodies of the state and federal government, and the applicant shall maintain copies of such permits and periodic reports on site. These permits and reports shall be provided to the County upon request and within a reasonable time period. The facility may not operate until it has received all approvals from all applicable regulatory bodies of the state, federal, and local government according to the required timeframe. This facility shall utilize Best Available Control Technology (BACT) as determined by the Virginia Department of Environmental Quality (DEQ) for this facility to minimize impacts on air quality.
23. Prior to issuance of a building permit, the applicant must demonstrate that all wetland requirements, if any, have been addressed to the satisfaction of the U.S. Army Corps of Engineers and DEQ.
24. No on-site water wells shall be used for the power generation process. The applicant shall submit to the Virginia Department of Health at least annually the results of testing requirements for any well on site.
25. At such time as the plant shall not be used for electrical power production, the site shall be restored substantially to its prior condition, or such other condition as may be approved by the Board of Supervisors, within a reasonable time.

Off-Site Conservation

26. Not later than eighteen (18) months after the issuance of a building permit for the Project, the Applicant shall record deeded conservation protections over Tax Map Parcels 27-A-11 and 27-A-12, comprising approximately 350 acres (the "Conservation Land"). Such protections may be established by either of the following:
 - a. A donation of a perpetual open-space easement to a public body under the Virginia Open-Space Land Act (Va. Code §§ 10.1-1700 to -1705.1) or a conservation easement to a qualified holder under the Virginia Conservation Easement Act (Va. Code §§ 10.1-1009 to -1016.1). Such easement shall require, without limitation, the following conservation protections:

- (i) The Conservation Land shall be managed in accordance with a written forest management plan developed in consultation with the Virginia Department of Forestry.
 - (ii) Forest management activities shall be consistent with applicable Best Management Practices as defined by the Virginia Department of Forestry.
 - (iii) Riparian buffers of at least seventy-five (75) feet shall be required along each side of any perennial stream and fifty (50) feet shall be required along each side of all intermittent streams; provided, however, that vegetation within the riparian buffers may be removed or managed, as appropriate, to (1) construct and maintain public trails and recreational areas; (2) restore and enhance wildlife habitat; (3) prevent and control fire, disease, and the proliferation of invasive species; (4) dispose of dead, diseased, and dying trees or other vegetation, including fallen trees that are blocking stream channels, or trees with undermined root systems in imminent danger of falling, where stream bank erosion is a current or potential problem that outweighs any positive effects the fallen tree or trees may have on the stream ecosystem; and (5) construct and maintain permanent or portable stream crossings for vehicles, farm machinery, pedestrians, and horses.
 - (iv) Any public trails and recreational areas shall be constructed and maintained so as to minimize erosion. If located within a riparian buffer, non-impervious ground cover shall be used.
 - (v) The number and size of building footprints shall be subject to limitations determined by the donee to be consistent with the conservation purposes of the easement.
- b. A deed of dedication, declaration of restrictive covenants, or similar encumbrance enforceable by the County, to impose upon the Conservation Land the same restrictions and conditions that apply to the southern Project parcel, Tax Map Parcel 27-A-4.

Compliance

- 27. If violations of any state or federal permit are reported to the local government by the applicable regulatory agency, the Board of Supervisors, and/or the County Administrator may request the applicant to provide, at the applicant's sole expense, the services of an appropriate firm to review the nature of the violation and any remedy, if any. This firm shall be selected by and report solely to the County.
- 28. A report will be prepared and provided to the County showing operational factors associated with the power plant that includes the name(s) and contact information for on-site supervisors, and verification of current, valid state and federal licenses and permits. The County will be promptly notified of any changes, normally within five business days.

29. Any complaints or inquiries by the Board of Supervisors, County Administrator, or Zoning Administrator will be responded to promptly. In the event the applicant is notified of any violation of applicable federal, state, or local laws, regulations, or permit conditions, the applicant shall notify the Zoning Administrator in writing within two business days of receiving such notice and fully inform the Zoning Administrator of the steps being taken to correct and/or remediate the violation. Authorized county personnel or their authorized agents will be permitted to inspect the facility without prior notice to ensure that all physical structures and plant operations comply with local regulations.
30. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

Stack Height

30. The Board of Supervisors shall grant a waiver to Section 22-17-16.A(3)(b) of the Fluvanna County Code to authorize a chimney or stack height not to exceed 199 feet above ground level unless a greater height is determined to be necessary to comply with applicable air quality regulations or by "good engineering practice" as determined by the State Air Pollution Control Board or the Department of Environmental Quality pursuant to applicable regulations addressing stack heights. In no event shall the stack height exceed 230 feet above ground level. Following receipt of all required approvals for air emissions permits, the Applicant will provide to the Director of Planning the final maximum stack height needed (in compliance with the foregoing parameters).