

DEVELOPMENT CONDITIONS

SEA 81-S-053

January 29, 2008

If it is the intent of the Board of Supervisors to approve SEA 81-S-053 located at 13100 Moore Road, Tax Map 55-3 ((1)) 31A, to permit the addition of a third transformer to an existing electrical substation and petroleum products pumping and distribution station pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supercede all previous conditions.

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat (SE Plat) approved with this application, as qualified by these development conditions. Other by-right or Special Permit uses may be permitted without amendment to this application, so long as such uses are in substantial conformance with this SE Plat.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE Plat entitled "Colonial Gas Pipeline Co. Centreville Substation" consisting of four sheets, prepared by Greenhorne & O'Mara, dated August 2007 as revised through January 14, 2008. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Prior to the issuance of a Non-residential Use Permit (Non-RUP), the applicant shall demonstrate that they have entered into an agreement with the Hayden Village Homeowners' Association (HOA) relating to additional screening to be planted on the Hayden Village HOA property to the east (Tax Map 55-3 ((9)) H1). This agreement shall include, but need not be limited to, number, size, species and location of additional planting, and responsibility for initial maintenance of such plantings.
5. The proposed barrier wall along the eastern side of the electrical transformer site shall be constructed of stamped concrete panels, tan in color, and with a maximum height of eight feet. Modifications to construction materials may be permitted in coordination with the Hayden Village HOA, as determined by the Zoning Administrator.
6. The limits of clearing and grading shown on the SE Plat shall be strictly adhered to.
7. The application property shall not be used for the storage of materials or equipment, the repair or servicing of vehicles or equipment, or the parking of vehicles except those in use by employees working at the site.

8. A tight interval (30 foot interval) Phase I archaeological survey shall be conducted on any areas to be disturbed, using a scope of work provided by the Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMPS). If determined to be warranted by CRMPS from the Phase I survey, Phase II assessment and, if appropriate, Phase III data recovery shall be performed in accordance with scopes provided by CRMPS. Any Phase III scopes shall provide for public interpretation of the results. Draft and final reports (including any cultural resource studies, field notes, photographs and artifacts) produced as a result of the disturbance assessment, and Phase I, II and/or III studies shall be submitted to CRMPS for review and approval within 30 days of completion. No ground disturbing activities shall occur until such studies have been completed and approved.
9. Prior to issuance of a Non-RUP for the use, a sound pressure level study that demonstrates that the noise produced by the Stationary Noise Sources do not exceed the Maximum Permissible Sound Pressure Levels (MPSPL) set forth in Chapter 108 of the Fairfax County Code shall be submitted to the Department of Planning and Zoning, Zoning Enforcement Branch (ZEB) for review and approval. The facilities on the site shall be operated in accordance with the recommendations of this study, or an amended study with review and approval of ZEB. Upon demonstration that, despite diligent efforts by the Applicant, the noise study described herein has not been completed for the petroleum pumping station portion of the site, the Zoning Administrator may agree to a later date for the completion of the study.
10. If DPWES determines that a potential health risk exists due to the presence of asbestos-containing rock on the application property, the applicant shall:
 - (a) Take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risks, and
 - (b) Implement appropriate construction techniques and safety procedures as determined by DPWES in coordination with the Health Department to minimize this risk. Such techniques may include, but are not limited to, dust suppression measures during all blasting and drilling activities and covered transportation of removed materials presenting this risk, and appropriate disposal.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must

specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.