DEVELOPMENT CONDITIONS

SEA 85-D-033-03

February 8, 2011

The Board of Supervisors to approved SEA 85-D-033-03 located at Tax Map 40-3 ((1)) 86 pt., to permit site improvements to establish a Dominion Virginia Power electric substation pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, requiring conformance with the following development conditions. These conditions are in addition to conditions previously approved pursuant to SEA 85-D-033-02, which remain in effect.

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 approved with the application, as qualified by these development conditions.

3. Any plan submitted pursuant to the special exception amendment shall be in substantial conformance with Special Exception Amendment (SEA) Plat entitled "Dominion Virginia Power – Reddfield Substation at West Falls Church Metro Yard," prepared by Dewberry & Davis, LLC dated February 3, 2010 as revised through October 15, 2010, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. The application property shall not be used for the storage of materials or equipment, the repair or servicing of vehicles, or the parking of vehicles except those in use by employees working at the site.

5. A floodplain study shall be submitted to DPWES to delineate the boundary of the minor floodplain on the site, as determined by DPWES, prior to site plan approval, associated with this application.

6. The applicant shall submit documentation to the Department of Public Works and Environmental Services (DPWES) that demonstrates that all required Virginia Department of Conservation and Recreation (DCR) approvals for the stormwater management pond serving the site~~,~~ have been obtained for the subject site, prior to commencing any land disturbing activity associated with this application. Erosion and Sediment control plans shall be implemented as determined by DCR. The stricter of the Commonwealth of Virginia or Fairfax County standards shall be applied by DCR.

7. All new lighting shall conform to the provisions of Part 9 of Article 14 of the Zoning Ordinance.

8. A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions as follows.

A. Tree Preservation: A Tree Preservation Plan and Narrative shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the SEA for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SEA, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

B. Tree Preservation Walk-Through. A certified arborist or registered consulting arborist shall be retained, and the limits of clearing and grading shall be marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made, if any, to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

C. Limits of Clearing and Grading. The limits of clearing and grading shall be in substantial conformance with the limits of clearing and grading shown on the SEA Plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SEA Plat, they shall be located in the least disruptive manner as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

D. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" development condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

E. Root Pruning. The roots shall be pruned, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the submitted plan. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.

- Root pruning shall take place prior to any clearing and grading, or demolition of structures.

- Root pruning shall be conducted with the supervision of a certified arborist.

- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as per specific development conditions and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work adjacent to any vegetation to be preserved and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

9. The Applicant shall implement an off-site landscaped buffer program to reduce the visual impact of the substation on the adjacent residential community. Pursuant to this program the applicant shall provide evergreen and deciduous trees on the lot of each residential landowner who will have views of the substation along McKay Street and Eastman Drive who elects to participate in the program. The applicant shall negotiate the quantity, location, species, and type of landscaping with each individual landowner and submit the final design to the Urban Forest Management Division (UFMD), DPWES for review and comment. Unless directed otherwise by an individual landowner, each evergreen tree will be seven feet in height at planting and each deciduous tree shall be 3.5 inches caliper at the time of planting. The viability of such plantings shall be assured by the applicant for a five year period, but regular care and maintenance shall be provided by the landowner. This landscape buffer shall be installed at the applicant's sole cost. The applicant and landowners shall work with UFMD and the Dranesville Magisterial District Supervisor's office to resolve any differences that arise during this process. The applicant shall notify all residential landowners along McKay Street and Eastman Drive via certified mail of their eligibility to participate in the off-site landscaped buffer program prior to site plan approval and further indicate that their eligibility to participate extends up to one year following the date of issuance of the Non-RUP for the substation use.

10. Prior to the commencement of any land disturbing activity on the site, the applicant shall record a conservation easement over the area identified on Sheet 3 of the SEA Plat as "Tree Save Area", in a form approved by the County Attorney, with the Board of Supervisors named as the grantee of the easement. The location of the conservation easement shall be marked every 30-40 feet along the easement's boundary with permanent iron pipes.

11. No Changes shall be made to the existing power lines and poles along McKay Street and Eastman Drive, with regards to the distribution circuit getaway routes leaving the Substation.

12. McKay Street shall not be used by the applicant and its contractors during the construction or maintenance of the Substation. All vehicular access to the substation site shall be made from the Dulles Connector Road (Route 267). Access to local streets for off-site landscape/buffer work shall not be restricted by this condition.

13. Any "Backbone" structure located at the site shall not exceed 85 feet in height.

14. After the applicant acquires the substation site from WMATA, an easement for the purpose of providing a pedestrian path for access between the Dulles Connector Road and the transmission easement area within the tree save area shall be dedicated, granted and conveyed to Fairfax County, upon request by DPWES. The easement shall be 10 feet wide or the minimum width necessary to accommodate the pedestrian path and additional space needed to ensure safety, whichever is greater. The exact location of the easement shall be determined by DPWES, taking into account necessary safety concerns associated with the topography of the area, the substation site, the adjacent Dulles Connector Road and the Metro property. In the event that the pedestrian path encroaches into the tree save area and conservation easement shown on the SEA Plat, the parties shall work to minimize any tree loss in locating the pedestrian path. The applicant shall not be responsible for the construction and maintenance of the path.

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 responsible for obtaining the Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction of the substation 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 Amendment. 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.