



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

October 21, 2011

Ms. Sheri L. Akin
Land Use Planner
McGuire Woods, LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102

Re: Interpretation for SEA 85-D-033-03, Dominion Virginia Power-Reddfield Substation, Tax Map 40-1 ((1)) 25B and 40-3 ((1)) 85, 86, 91A and 93B: Conservation Easement

Dear Ms. Akin:

This is in response to your letter of September 20, 2011 (copy attached), requesting an interpretation of the Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors in conjunction with SEA 85-D-033-03. As I understand it, the question is whether the replacement of portions of the required conservation easement with two different easements, a floodplain and storm drainage easement, and a pedestrian access easement, would be in substantial conformance with the SEA Plat and development conditions. This determination is based upon your letter and submitted exhibit entitled "Dominion Reddfield Substation, Zoning Interpretation Diagram" prepared by Dewberry and dated August 2011.

On February 8, 2011, the Board of Supervisors approved SEA 85-D-033-03, subject to development conditions. The application amended Special Exception SE 85-D-033 to permit an electric substation and modifications to development conditions. The SEA development conditions regarding minor modifications, a floodplain study, a conservation easement, and an easement for a pedestrian path are relevant to this interpretation.

Development condition #3 states that minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Section 9-004 of the Zoning Ordinance. Section 9-004 of the Fairfax County Zoning Ordinance permits minor modifications to an approved special exception when it is determined by the Zoning Administrator that such modifications are in substantial conformance with the approved special exception and the modifications are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County.

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/



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Development condition #5 requires submission of a floodplain study to DPWES prior to site plan approval to delineate the boundary of the minor floodplain on the site. Development condition #10 requires a recordation of a conservation easement over the "Tree Save Area" identified on Sheet 3 of the SEA Plat in a form approved by the County Attorney.

Finally, development condition #14 stipulates that an easement area for pedestrian access within the tree save area shall be provided by the applicant after acquisition of the substation site for WMATA. This condition does not require the applicant to construct or maintain the path, but it does require the applicant to dedicate, grant, and convey to Fairfax County an easement that is 10 foot-wide or the minimum width necessary. This condition also states that the exact location of the easement shall be determined by DPWES.

The approved SEA plat delineates a 7,300 square foot tree save area in the northern part of the site. The submitted interpretation exhibit depicts a 10 foot-wide path easement within the proposed conservation easement as well as a 1,752 square foot floodplain and storm drain easement. You have indicated that following submittal of the floodplain study required by development condition #5, a floodplain and storm drain easement is required per DPWES review to be recorded in a portion of the tree save area included as a conservation easement. The floodplain and storm drain easement will not be disturbed unless deemed necessary by Fairfax County for drainage improvements in the future, and will otherwise be consistent with the intent of a conservation easement to save existing trees.

The overlapping of the three SEA development conditions discussed above has created multiple requirements for the tree save area on the application property. As such, it is my determination that the proposed replacement of portions of the conservation easement, as shown on your submitted interpretation exhibit, with a floodplain and storm drain easement, and a pedestrian access easement, would be in substantial conformance with the SEA plat and development conditions, subject to final approval by DPWES and the County Attorney. Given that there are no connecting segments to the pedestrian pathway, and the ultimate alignment is not currently known, the conservation easement may be revised in the future to shift the alignment, provided no additional trees are impacted and subject to final approval by DPWES and the County Attorney.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and address only the issues discussed herein. If you have any questions regarding this interpretation, please feel free to contact Erin Grayson at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director
Zoning Evaluation Division, DPZ

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Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District
Jay Donahue, Planning Commissioner, Dranesville District
R. Scott Wynn, Deputy County Attorney
Diane Johnson-Quinn, Deputy Zoning Administrator

Ken Williams, Plan Control, Land Development Services, DPWES
Regina C. Coyle, Assistant Director, Zoning Evaluation Division, DPZ
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SEA 85-D-033-3, SEI 11 09 044, Imaging, Reading File

SEP 22 2011

Zoning Evaluation Division

September 20, 2011

Ms. Barbara C. Berlin
Zoning Administrator
Fairfax County
12055 Government Center Parkway - 8th Floor
Fairfax, Virginia 22035

Re: **Dominion Virginia Power – Reddfield Substation**
SEA 85-D-033-03
Zoning Interpretation Request

Dear Ms. Berlin:

This office represents Dominion Virginia Power regarding the above-referenced Special Exception Amendment approved by the Board of Supervisors on February 8, 2011. A copy of the approved Development Conditions and SEA Plat are attached. The purpose of this letter is to request your determination of the following:

1. Whether portions of the proposed Conservation Easement as required by the approved Development Conditions may be replaced with a Floodplain (Storm Drainage) Easement as requested by DPWES; and
2. Whether the location of the proposed Pedestrian Path within the Conservation Easement satisfies the requirements of the approved Development Conditions.

Conservation Easement

As background, a 7,300 square foot Tree Save Area was shown on the approved SEA Plat and proposed in the Development Conditions to be preserved as a Conservation Easement (Condition #10).

The Applicant was required to submit a Floodplain Study prior to site plan approval pursuant to Condition #5. As a result of the Floodplain Study, DPWES is requesting that portions of the proposed Conservation Easement Area be covered instead by a Floodplain/Storm Drainage Easement conveyed to the County. For your reference, I have attached a copy of the Site Review Development Comments showing the request.

Pedestrian Path

Condition #14 requires the Applicant to provide a Pedestrian Access easement within the Tree Save Area. At this time, DPWES is requesting that the location of the Pedestrian Access easement be shown on the Site Plan (see Site Review Development Comments attached) which is located within the Conservation Easement area. Currently, the County has no plans to construct this path, and there are no path connections or easements on either side of the Tree Save Area. Creating an easement at this time is satisfying the requirements of the Development Conditions for any future plans the County may have to construct a path.

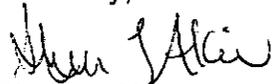
Interpretation Request

For purposes of this interpretation request, we have prepared an exhibit showing the proposed changes to the 7,300 square foot Conservation Easement area. The potential for these changes was clearly reflected in the development conditions.

As shown on the exhibit, the Conservation Easement continues to be proposed at an area of 4,486 square feet, the required 10' Pedestrian Access Easement is shown within the Conservation Easement totaling 1,062 square feet, and the 1,752 square foot Floodplain & Storm Drainage Easement is shown within the remaining portion of the tree save area. The total area for the easements is 7,300 square feet, which is the original square footage of the Tree Save Area.

The intent of the Development Conditions is met with this proposal, and at the same time satisfies the requests of DPWES. We will work with the County Attorney and DPWES to craft language and finalize the easements in a manner that continues to preserve this 7,300 square foot area.

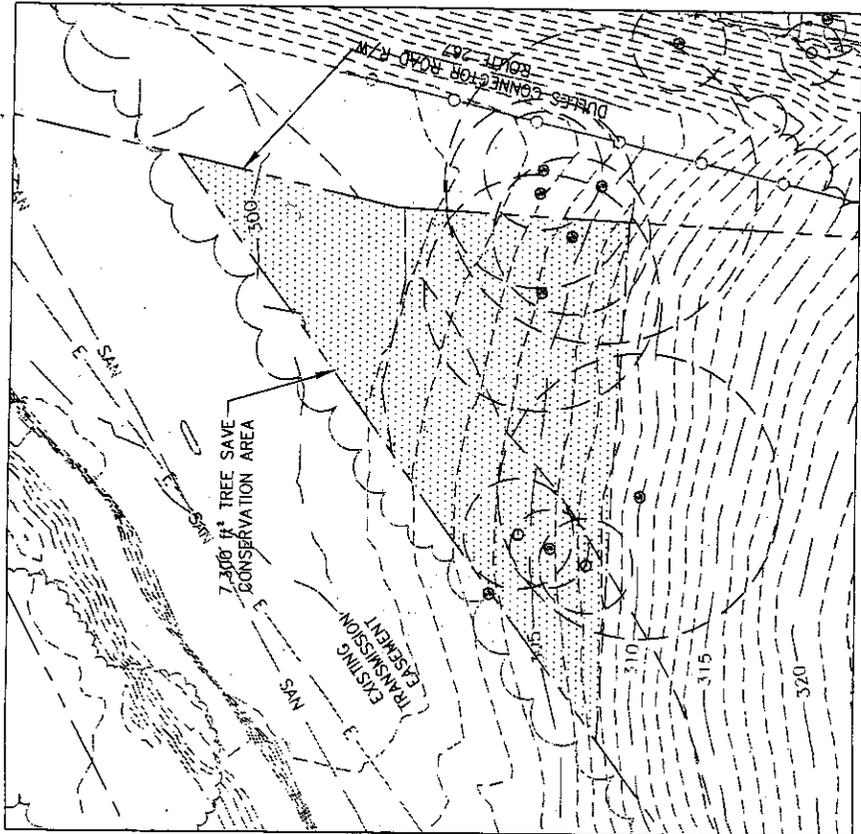
If you have any questions, please feel free to contact me.

Sincerely,

Sheri L. Akin
Land Use Planner

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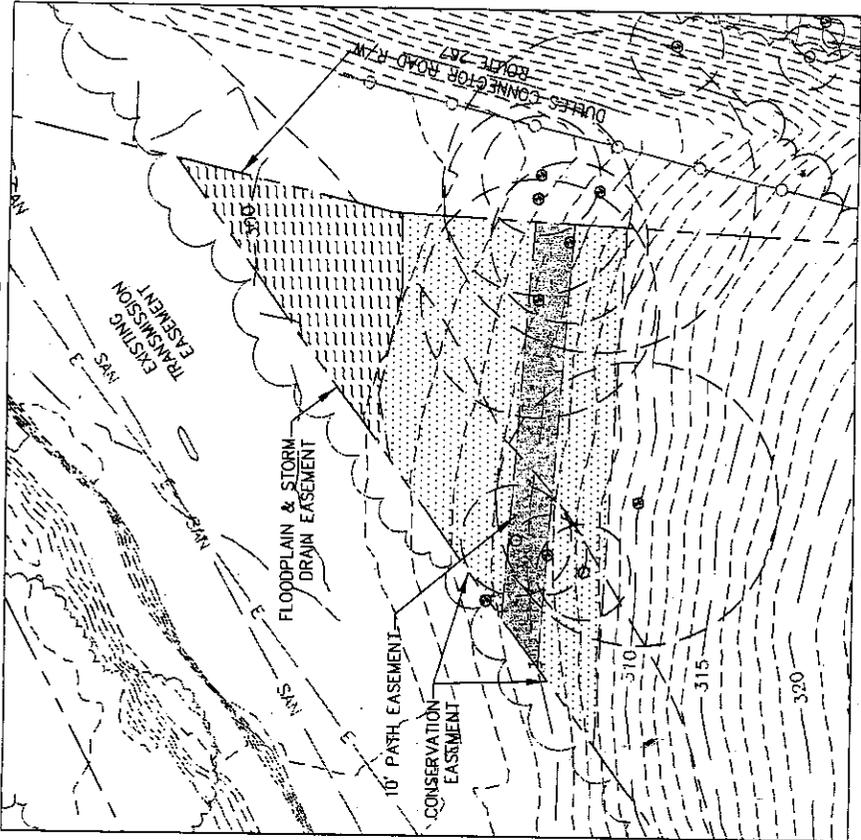
cc: David Emigh, Dominion Virginia Power
Carson Lee Fifer, Esquire, McGuireWoods LLP
Supervisor John Foust, Dranesville District

SEA as Approved



REDDFIELD SUBSTATION SITE
AT WEST FALLS CHURCH METRO YARD

SEA Development Conditions
Zoning Interpretation Diagram



REDDFIELD SUBSTATION SITE
AT WEST FALLS CHURCH METRO YARD

EASEMENT AREA TABLE

CONSERVATION EASEMENT	4,486 ft²
10' PATH EASEMENT	1,062 ft²
FLOODPLAIN & STORM DRAIN EASEMENT	1,752 ft²
TOTAL	7,300 ft²