

AUG 21 2015

Zoning Evaluation Division



County of Fairfax, Virginia

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

August 14, 2015

Corrected
(Application Number on
Header)

Frank W. Stearns
Donohue and Stearns, PLC
201 Liberty Street
Leesburg, VA 20175

RE: Special Exception Amendment Application SEA 91-S-031

Dear Mr. Stearns:

At a regular meeting of the Board of Supervisors on July 28, 2015, the Board approved Special Exception Amendment Application SEA 91-S-031 in the name of Milestone Tower Limited Partnership III, Cellco Partnership D/B/A Verizon Wireless and Virginia Electric and Power Company D/B/A Dominion Virginia Power. The subject property is located at 12895 Clifton Creek Drive, on approximately 95.11 acres of land zoned R-C and WS in the Springfield District [Tax Map 75-3 ((1)) 10]. The Board's action amends Special Exception Application SE 91-S-031 previously approved for an electric substation to permit a telecommunications facility and a change in land area. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

1. This Special Exception Amendment (SEA) is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This SEA is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.*
3. This SEA is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this SEA shall be in conformance with the approved SEA Plat entitled "Clifton Creek Substation," prepared by NB+C Engineering Services, LLC and consists of 20 sheets dated December 15, 2014, and revised through June 5, 2015 and these conditions. Since this SEA proposes no modifications to the existing Clifton Creek Electrical Substation Facility, the existing electrical substation facility, which is subject to the approved Special Exception Plat for SE 91-S-031, entitled Clifton Substation and prepared by Virginia Power/North Carolina Power, dated April 25, 1991 and revised through February 21, 1992, has been carried forward as Sheets SE-1 through SE-4 in this SEA Plat, and these conditions, except where specifically superseded.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

July 29, 2015

4. Landscaping shall be installed and maintained as shown on the Landscape Plan prepared by Virginia/North Carolina Power and dated November 19, 1991, as revised through February 21, 1992, subject to final approval by the Urban Forest Management Division (UFMD) in the Department of Public Works and Environmental Services (DPWES) and as follows:*
- A. Evergreen plantings shall be provided along the entire eastern boundary of the property adjacent to Lots 3, 5, 7, 9 and 10 in order to provide a continuous year-round screen between the substation property and the residential lots. The location, type and number of plantings shall be determined by UFMD at the time of Site Plan review. The location of these supplemental plantings shall, to the maximum extent possible, minimize the disturbance of existing quality vegetation.*

In several instances due to topography, the most strategic planting location for the mitigation of visual impacts along the eastern boundary may be on the adjacent residential lots. If the permission of the individual property owners can be obtained, the supplemental evergreen plantings may be provided on the respective residential properties instead of along the boundary of the application property as shown on the SEA Plat.*

- B. For the portion of the eastern property boundary which is adjacent to Lots 2A and 2B, supplemental evergreen plantings as defined in Paragraph A above shall be provided on the residential lot, if the permission of the property owner can be obtained.*
- C. For the portion of the eastern property boundary which is adjacent to Lot 7, supplemental evergreen plantings as defined in Paragraph A above shall be provided on the residential lot, if the permission of the property owner can be obtained. Plantings on this lot shall at a minimum consist of seven (7) white pine trees (or equivalent), having a height of 16 to 18 feet at the time of planting, and additional evergreen trees to be planted on either side ranging from 6 to 12 feet in height at the time of planting.*
- D. For the portion of the eastern property boundary which is adjacent to Lot 5, supplemental evergreen plantings as defined in Paragraph A above shall be provided on the residential lot, if the permission of the property owner can be obtained.*

Plantings on this lot shall at a minimum consist of fourteen (14) evergreen trees (white pine or equivalent) having a height of 12 feet at the time of planting, and additional evergreen trees to be planted along the boundary of the application property having a minimum height of 6 feet at the time of planting.*

- E. The permission of individual property owners to allow landscape plantings on the residential lots, as referenced in Paragraphs A, B C, and D above, shall be in the form of an executed private agreement acceptable to the landowner and to Virginia Power and shall be provided prior to first Site Plan submission. For a period of two years from the time of planting, any plantings installed on the adjacent residential properties under the terms of this condition, which do not survive, shall be replaced at the expense of the applicant. Planting schemes for the individual residential properties shall be subject to final approval by UFMD at the time of Site Plan review.*
- F. Landscape plantings to be provided on-site along the eastern boundary shall be installed at the beginning of the first planting season after the completion of construction of the access road. Landscape plantings, which may be planted on adjacent properties, shall be installed at the beginning of the planting season prior to the commencement of any construction on the site, or if not possible due to the fact that construction of the access road is commenced prior to the planting season, the plantings shall be installed at the beginning of the next possible planting season.*
- G. Supplemental plantings shall be provided to the north and east of the entrance road, as determined by UFMD in order to provide a year round screen of the railroad siding as viewed from Clifton Creek Drive and the adjacent properties.*
5. Slats (made of vinyl, plastic or other material) shall be provided in the southeastern section of the chain link fence around the substation platform to give it the appearance of a solid barrier. The slats shall be colored in earthen tones of green, brown or black. The chain link fence shall be seven (7) feet in height, with an additional possible extension of one (1) foot comprised of wire without slats for a total height of eight (8) feet.*
6. Under the provisions of the Open Space Land Act (Section 10.1-1701 of the Virginia Code) an open space/conservation easement to the Board of Supervisors shall be recorded in the land records of Fairfax County for the area designated as an Environmental Quality Corridor (EQC) on the Special Exception Amendment Plat. The easement shall specify that this area shall remain undisturbed, with the exception of the location of the existing and proposed transmission lines, access road and stormwater management ponds, as shown on the SEA Plat, stormwater easements required by DPWES, the removal of "danger trees" which may be located too close to power lines, and an area fifty (50) feet east and sixty (60) feet north of the transmission line right-of-way running south from the substation and west along the property boundary which may be needed in the future for the addition of a second transmission line. With the exception of the above, the easement shall specify that there shall be no clearing of any vegetation within the preservation area, except for dead or dying vegetation, as determined by UFMD,

and that no structures or utilities of any kind shall be located within this area. The easement shall be subject to the approval of the County Attorney.*

7. Limits of clearing and grading shown on the SEA Plat shall be adhered to. Minor adjustments which may be necessary due to final engineering considerations may be approved subject to approval by DPWES. Should any such adjustments be approved, revegetation of the additional cleared area and/or equivalent additional save areas shall be provided on the site as determined by DPWES.*

Within the clearing areas shown for transmission lines running south of the substation facility and then west along the railroad right-of-way, the applicant shall, where possible, reduce the amount of clearing and grading on steep slopes from the limits shown on the SEA Plat and allow the shrub layer to remain, as determined by DPWES, subject to the requirements of the National Electrical Safety Code and considering Virginia Power's normal maintenance cycle. The applicant shall also employ "tree topping" techniques rather than total removal of trees where possible, as determined by DPWES, subject to the requirements of the National Electrical Safety Code and considering Virginia Power's normal maintenance cycle.*

8. The County Archaeologist shall be notified five working days prior to any clearing and grading activity on the subject site and shall be permitted to inspect the site during and immediately after these operations are completed.*
9. To mitigate environmental impacts resulting from highly erosive soils on steep slopes, erosion and sedimentation controls shall be provided prior to and during construction activities, including oversized catchment basins or redundant perimeter controls if necessary, as determined by DPWES.*
10. Appropriate measures shall be taken during the construction process to protect existing trees designated for preservation within the limits of clearing and grading as shown on the SEA Plat, as determined by DPWES. Any tree designated for preservation, which fails to be preserved during construction, shall be replaced as determined by UFDM, DPWES.*
11. In order to replace portions of the natural habitat disturbed by the development of this site, habitat mitigation areas shall be provided as shown on the Special Exception Amendment Landscape Plan, subject to final approval by UFMD, DPWES at the time of Site Plan review.*
12. Lighting of the substation shall be limited to four (4) lights at the locations shown on the SEA Plat. The maximum height of the three lights within the substation fence shall be 30 feet. These lights shall be operated with a manual on/off switch and shall be used only when necessary for night inspections of the property or in case of emergency. The fourth light, located at the substation gate, shall have a maximum height of 14 feet and shall be operated by a photo cell control for the

security of the facility. All lights shall be of a low splash design (e.g. shoe-box design as in model UCS Concourse III by McGraw Edison or its equivalent) and have a maximum illumination of 7000 lumens each, subject to the final approval by DPWES.*

13. Transformers, breakers, transmission line structures and the control building shall have nonreflective finishes. Transformers and breakers shall be painted with ASA grey 70 paint, or its equivalent; transmission line structures shall be made of weathering steel; and the control building shall be painted in earthen tone.*
14. The maximum height of the transformers shall not exceed forty-five (45) feet. The maximum height of the control building shall not exceed thirteen (13) feet.*
15. Best Management Practices (BMPs) for stormwater management shall be provided as shown on the SEA Plat in accordance with the Water Supply Protection Overlay District (WSPOD) requirements of the Public Facilities Manual subject to approval by DPWES.*
16. All requirements established by the U.S. Environmental Protection Agency and the Virginia Water Control Board for oil spill prevention, control and emergency response procedures shall be met. Copies of the emergency response procedures shall be provided to the Department of Fire and Rescue and the Town of Clifton.*

In addition, given the environmental sensitivity of the site and its location within the WSPOD, a self-contained oil containment system shall be installed for each transformer, as shown on the SEA Plat, to capture any oil that may leak in the event of a spill in order to prevent any adverse impacts on groundwater quality. The system shall encompass an area around the transformers of sufficient size to collect and contain the full volume of oil in a transformer. The system shall be constructed of a material impervious to transformer oil in order to prevent penetration of oil into the ground surface. Final design of the containment system shall be subject to the approval by DPWES for conformance with this condition. Written documentation shall be provided which demonstrates the specific inclusion of this spill containment system in an emergency response spill containment plan to the satisfaction of the Department of Fire and Rescue.*

In the event that any spill occurs on the property, notification shall be provided within twelve (12) hours to the County Department of Fire and Rescue, the Town of Clifton, and the Presidents of the Clifton Ridge and the Clifton Creek Civic Associations.*

17. In order to mitigate the potential of a pipeline accident, Miss Utility shall be contacted to mark the location of existing gas pipelines clearly on the property. These lines shall be marked prior to the start of clearing and grading activity and shall remain identified during all construction work on the site.*

18. In the event any blasting occurs on the property, the applicant shall prior to blasting: (A) ensure that the Fairfax County Fire Marshal has reviewed the blasting plans and all safety recommendations of the Fire Marshal, including the use of blasting mats, shall be followed; and (B) provide independent, qualified inspectors approved by DPWES to inspect the wells on the adjacent properties. The inspector shall check the flow rate of the inspected wells before and after blasting. Any damage to the inspected wells, determined by the inspector to have resulted from blasting on the property, shall be repaired by the applicant.*
19. Site access from Clifton Creek Drive shall be designed to allow access to parcel 75-4 ((4)) 2B subject to final approval by VDOT at the time of Site Plan review.*
20. After construction of the facility is complete, there shall be no storage of materials or equipment, or repair or servicing of vehicles or equipment, or the parking of vehicles except those needed by employees connected with the operation of the facility on the site.*
21. A security gate, supplemented by treated wood timbers placed on ten-foot centers and joined by heavy duty cable, shall be located at the site entrance.*
22. The direction and location of transmission lines exiting and running through the site shall be as shown on the SEA Plat, that is, no new transmission lines will be routed through the Town of Clifton.*
23. The initial height of the monopole shall not exceed 130 feet inclusive of all antennas and other appurtenances. The maximum width of each platform shall be 15 feet measured from each end of the platform to the other end of the same face of the platform. The design of the monopole shall be in accordance with Sheet A-1 of the SEA Plat.
24. The equipment compound for the telecommunications facility shall be enclosed with a locked 8-foot tall chain link fence with privacy slats, as shown on the SEA Plat. The area of the compound shall not exceed 2,450 square feet.
25. The privacy slats shall be made of plastic, vinyl, or other material and the color of the slats shall be coordinated with the fence that surrounds the electric substation located on the subject property so that the two fences are compatible in color.
26. All antennas and supporting hardware mounted on the telecommunications monopole shall be of a material or color that closely matches and blends with the monopole structure.
27. All antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.

28. No commercial advertising or signs shall be allowed on the telecommunications monopole or equipment on the site.
29. There shall be no outdoor storage of materials, equipment, or vehicles.
30. If any additions, changes, or modifications are to be made to the proposed monopole, the Director of DPWES shall have the authority to require proof, through submission of engineering and structural data, that the addition, change, or modifications conform to structural wind load and all other requirements of the Virginia Statewide Building Code.
31. Prior to site plan approval, an emergency vehicle access easement shall be recorded and all necessary permissions received to ensure legal access to the site across the subject property and the neighboring property Tax Map 75-4 ((4))2B, as depicted on the Special Exception Amendment Plat.
32. Prior to installation of landscape material to meet the requirements of the approved Landscape Plan, the contractor/developer shall coordinate a pre-installation meeting on-site with the landscape contractor and a representative of UFMD. Any proposed changes to the location or planting, size of trees or shrubs, and any proposed plant substitutions for species specified on the approved plans shall be reviewed at this time and shall be approved prior to planting. The installation of plants not specified on the approved plan, and not previously approved by UFMD, may require submission of a revision to the Landscape Plan and removal and replacement of approved material, prior to bond release. UFMD shall be contacted a minimum of a week prior to the meeting on the site.
33. Field location of planting material, when required by the approved plan, shall be reviewed at the pre-installation meeting. The landscape contractor shall stake proposed individual planting locations in consultation with the contractor/developer prior to the pre-installation meeting, for review by UFMD. Stakes shall be adjusted, as needed, during the course of the meeting as determined by UFMD based on discussions with the contractor/developer and the landscape contractor.
34. The applicant shall coordinate with the Fairfax County Department of Transportation and the Virginia Department of Transportation at the time of site plan review to assure that truck traffic will have minimal impact on the traffic flow through the Town of Clifton.
35. Clifton Road and Clifton Creek Drive shall not be used by trucks for the delivery of construction materials for the telecommunications facility during the morning and afternoon peak hours (6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 7:00 p.m.), Monday through Friday.

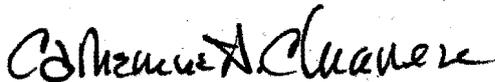
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established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

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 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 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.

The Board also:

- Modified Sect. 13-303 of the Zoning Ordinance for the transitional screening requirement in favor of the existing vegetation on the site, the landscape plantings shown on the Special Exception Amendment Plat, and the development conditions
- Waived Sect. 13-304 of the Zoning Ordinance for the barrier requirement along all property lines

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Pat Herrity, Springfield District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Michael Davis, Section Chief, Transportation, Planning Division
Donald Stephens, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX
 Department of Planning and Zoning
 Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SEA 91-S-031
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

JAN 23 2015

APPLICATION FOR A SPECIAL EXCEPTION Zoning Evaluation Division
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Milestone Communications, Cellco Partnership d/b/a Verizon Wireless), Virginia
	MAILING ADDRESS Milestone Communications Power and Electric Company 12100 Sunset Hills Road Reston, Virginia 20107
	PHONE HOME (N/A) WORK (703)-262-2555
	PHONE MOBILE (N/A)
PROPERTY INFORMATION	PROPERTY ADDRESS 12895 Clifton Creek Drive Clifton, Virginia 20124
	TAX MAP NO. 0753 01 0010 SIZE (ACRES/SQ FT) 95.11
	ZONING DISTRICT R-C (WS) MAGISTERIAL DISTRICT Springfield
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 9-104
	PROPOSED USE Amend SE 91-S-031 for an electrical substation use to permit a telecommunications facility consisting of a 140 feet tall monopole and related equipment in a 2,450 sf compound area and
AGENT/CONTACT INFORMATION	NAME Frank W. Stearns, Esq. <i>change in land area</i>
	MAILING ADDRESS Donohue and Stearns, PLC 201 Liberty Street Leesburg, Virginia 20175
	PHONE HOME (N/A) WORK (703) 726-2547
	PHONE MOBILE (N/A)
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Frank W. Stearns, Esq.</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT SIGNATURE OF APPLICANT/AGENT</p>	

DO NOT WRITE IN THIS SPACE

Deborah L. Lusk

SEA 2014-0395

MPC 1/26/15

Date Application accepted: January 26, 2015 Application Fee Paid: \$ 16,375.00