CORRESPONDENCE SUMMARY

DATE: August 3, 2012

CORRESPONDENCE NUMBER: ZCOR-2012-0112

SUBJECT: Confirmation of Substantial Conformance for ZMAP-2009-0005, SPEX-2009-0009 & CMPT-2009-0001 (Green Energy Partners/Stonewall Hybrid Energy Park)

1993 Ordinance Reference Numbers:

1972 Ordinance Reference Numbers:

Other Applicable Reference Numbers: ZMAP-2009-0005*
SPEX-2009-0009*
CMPT-2009-0001

Applicable Tax Map/PIN Numbers:
/60////////38/ (MCPI# 193-38-4362)
/60////////38A/ (MCPI# 193-49-0539)
/61////////12/ (MCPI# 193-39-3665)
/60////////39/ (MCPI# 194-48-6020)
/61////////14/ (MCPI# 193-29-6778)

Correspondence Summary: Determination of Substantial Conformance for the above referenced applications associated with the Stonewall Hybrid Energy Park.

PROPERTY OWNERS:

LTI LTD PARTNERSHIP
C/O CAPITOL PROPERTIES, INC
P.O. BOX 740
WARRENTON, VA 20188

JOHN A. ANDREWS, II, TRUSTEE
P.O. BOX 660
39100 E. COLONIAL HIGHWAY
HAMILTON, VA 20159

EVERGREEN LOUDOUN-ONE LTD PARTNERSHIP
C/O WAYNE T. DAY
8511 RAPLEY PRESERVE CIRCLE
POTOMAC, MD 20854

Author: Kelly Griffin

*Indicates where to file

Is this a determination? Check one: Yes _√_ No ___

Loudoun County, Virginia
www.loudoun.gov

Department of Building and Development
Zoning Administration / MSC# 60A
1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000
Main: 703-777-0220 • Fax: 703-771-5215

August 3, 2012

Kimberlee Welsh Cummings
Land Use Planner
Walsh Colucci Lubeley Emrich & Walsh PC
1 E. Market Street, Third Floor
Leesburg, VA 20176-3014
Sent Via Email to: kcummings@ldn.thelandlawyers.com

Re: Request for determination of Substantial Conformance
Green Energy Partners/Stonewall Hybrid Energy Park
ZMAP 2009-0005, SPEX 2009-0009 & CMPT 2009-0001
/60////////38/ (MCPI# 193-38-4362)
/60////////38A/ (MCPI# 193-49-0539)
/61////////12/ (MCPI# 193-39-3665)
/60////////39/ (MCPI# 194-48-6020)
/61////////14/ (MCPI# 193-29-6778)

Dear Ms. Cummings:

This correspondence is sent in response to your letter, dated July 18, 2012, addressed to Nicole Dozier, Zoning Administrator, in which you requested a determination of substantial conformance for the above referenced applications and subject property. According to your letter, the layout of certain elements has been modified due design changes to accommodate the latest technology. You requested written confirmation for four items, each of which is provided below. This determination is based on the review of the approved Proffers, Special Exception Conditions of Approval and submitted exhibit titled "Substantial Conformance Exhibit-B ZMAP 2009-0005/SPEX 2009-0009/CMPT 2009-0001. Exhibit B was revised and resubmitted via email on July 27, 2012.

On April 20, 2010, the Board of Supervisors ratified the Commission Permit and approved the Zoning Map Amendment and Special Exception applications for Green Energy Partners/Stonewall Hybrid Park, subject to the April 19, 2010 Proffer Statement and the April 5, 2010 Conditions of Approval. As stated in the proffer text below, Proffer I.1 provides that the subject property will be developed in substantial conformance with Sheets 1, 2,5 and 6 of the Concept Plan.

I. **LAND USE**

1. CONCEPT PLAN/ZMAP/SPEX/CMPT PLAT

The development of the Subject Property shall be in substantial conformance with Sheets 1, 2, 5 and 6 ("Concept Plan") of the plan set titled "Green Energy Partners/Stonewall Hybrid Energy Park Zoning Map Amendment Application 2009-0005, Special Exception Application 2009-0009 & Commission Permit Application 2009-0001", dated July, 2009, and revised through March 30, 2010, prepared by William H. Gordon Associates, Inc. and shall be in substantial conformance with the conditions set forth below. The Concept Plan shall control the general development layout of the Subject Property. The Applicant shall have reasonable flexibility in the final design during site plan review to accommodate minor modifications necessitated by grading, drainage, environmental, cultural and natural features, development ordinance requirements, and other final engineering considerations. The Applicant shall develop the Subject Property, excepting only that approximately 10-acre portion containing the permanent private travelway providing access to Syentin Road, with a "*Utility generating plant and transmission facility, pursuant to 4-607(H)*" as a principal use, as listed in Section 4-604(I) of the Zoning Ordinance, with related accessory uses as permitted by approved special exception in the PD-GI zoning district. No other PD-GI uses as listed in Section 4-600 of the Zoning Ordinance either permitted by right or allowed by special exception shall be permitted on the Subject Property.

The development of the Subject Property shall also be subject to the advertised zoning modification of Section 4-606 (B) of the Zoning Ordinance which is shown on Sheet 2 of the Concept Plan and pursuant to Section 6-1504 of the Zoning Ordinance. Said zoning modification specifically pertains to the "STEAM TURBINE", as shown on Sheet 5 of the Concept Plan, and allows for the "STEAM TURBINE", if enclosed, to be built to a maximum height of one hundred (100) feet without the additional setback specified in Section 4-606 (B) of the Zoning Ordinance.

As a proffered commitment in addition to the requirement for substantial conformity with the Special Exception Plat imposed in the SPEX 2009-0009 development conditions, the Applicant shall install an active solar electrical power generating array on the Subject Property within the area identified on the Concept Plan as "Solar Array Area". The solar electrical power generating cells within this solar array shall be mounted on individual poles that will reduce ground impacts and enhance the establishment and sustainability of the meadowland habitat within this "Solar Array Area" required under the SPEX 2009-0009 development conditions.

Special exception condition 1 provides for substantial conformance with the Special Exception Plat consisting of sheets 1, 2, 5 and 6.

1. *<u>Substantial Conformance</u>. The approved Special Exception Use, a utility generating plant and transmission facility, shall be developed in substantial conformance with the Special Exception Plat, consisting of four (4) sheets numbered as 1, 2, 5 and 6 and labeled as "COVER SHEET", "REZONING PLAT/NOTES, TABULATIONS & REQUIREMENTS", "CONCEPT PLAN (ZMAP/SPEX/CMPT PLAT)", and "CONCEPT PLAN OVER EXISTING CONDITIONS", respectively, and dated July 2009, as revised through March 30, 2010, and prepared by William H. Gordon Associates, Inc. (the "SPEX Plat"). Approval of this application for Tax Map #s /60////////38/ (PIN # 193-38-4362), /60////////38A (PIN # 193-49-0539), /61////////12/ (PIN # 193-39-3665), /61////////14/ (PIN # 193-29-6778), and a portion of /60////////39/ (PIN # 194-48-6020) (collectively the "Property") shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any Zoning Ordinance, Codified Ordinance, or applicable requirement. As used in these conditions, "Applicant" includes the owner of the Property subject to this Special Exception approval, its successors, and*

parties developing, establishing or operating the approved Special Exception Use.

Request 1: That the proposed layout, as depicted on Exhibit B, is in substantial conformance with the Proffers, Conditions of Approval, and Concept Plan approved pursuant to ZMAP 2009-0005, SPEX 2009-0009 & CMPT 2009-0001.

Determination:
The changes listed in the July 18, 2012 letter and shown on Substantial Conformance Exhibit-B ZMAP 2009-0005/SPEX 2009-0009/CMPT 2009-0001, are found to be in substantial conformance with the approved Concept Plan and Special Exception Plat. It is noted that compliance with the items listed below must be demonstrated at time of site plan.

1. **Proffer I. 1. Substantial Conformance:** The heights listed in the Key on sheet 5 of 6 of the approved CDP apply for all structures. Exhibit B does not grant permission for taller structures, only the horizontal shifting of structures. Switchyard 2 may only be utilized in 1 location (final location to be determined at site plan).

2. **Proffer II.5. Reservation of Right-of-Way for Future Dedication – Cochran Mill Road, Relocated** – Please label at time of site plan.

3. **Proffer III.10. River and Stream Corridor Resources Management:** The revised location of the steam turbine (Key #17), aqueous ammonia storage, emergency generator and auxiliary boiler (Key #3, 7 and 9) results in land disturbance activities closer to the 50 foot management buffer than shown on approved ZMAP 2009-0005/SPEX 2009-0009/CMPT 2009-0001. At time of site plan, the applicant must demonstrate compliance with Proffer III.10. River and Stream Corridor Resources Management.

4. **Proffer V. 19. and Condition #25 Emergency Access:** The redesign of the Guard House/Visitor Center (Key #12) may not interfere with Fire and Rescue Emergency access.

5. **Condition #16 Very Steep Slopes Areas**: The revised location of the combustion turbine HRSG#2 (Key #15) results in land disturbing activities closer to the existing very steep slopes than shown on approved ZMAP 2009-0005/SPEX 2009-0009/CMPT 2009-0001. At time of site plan, the applicant must demonstrate compliance with Condition #16 – Very Steep Slopes.

6. **Condition #18: A minimum of 65% Open Space shall be provided on the Property.** The final travel way location may not encroach into the Open Space/Replanting Area located to the south of the travel way and the Multimedia Water Filters (Key #19) may not encroach into

the adjacent Tree Save Area #1. At time of site plan, the following open space areas shall be labeled:

a. "Open Space Area" – between the future easement area for the Public Park and Gant Lane.
b. "Open Space Replanting Area" – between the Cochran Mill Right of Way reservation and cooling tower (Key #10).

Request 2: That the proposed Emergency Fire Pump and Emergency Generator are in Substantial conformance with the Proffers, Conditions of Approval, and CDP approved pursuant to ZMAP 2009-0005, SPEX 2009-0009 & CMPT 2009-0001.

Determination:
The revised location of the Emergency Fire Pump is in substantial conformance with the approved CDP.

The emergency generator fuel source has been changed to diesel fuel and is in substantial conformance with the Proffers, Conditions of Approval, and CDP. Diesel fuel shall be used only to fuel the generator and not for the production of electric power per SPEX Condition #9. See Attachment A regarding Loudoun County's policy on Stormwater "Hotspots". The emergency generator will be considered a Stormwater Hotspot and subject to the Loudoun County Facilities Standards Manual, Section 5.320.E.4 at site plan submission.

Request 3: That the proposed Hydrogen Storage Tank instead of the Propane Storage Tank is in substantial conformance with the Proffers, Conditions of Approval, and CDP approved pursuant to ZMAP 2009-0005, SPEX 2009-0009 & CMPT 2009-0001.

Determination:
The Hydrogen Storage Tank is in substantial conformance with the Proffers, Conditions of Approval, and CDP and must comply with all Local, State and Federal standards and guidelines.

Request 4: That the proposed pole-mounted solar array is in substantial conformance with the Proffers, Special Exception Development Conditions, and CDP approved pursuant to ZMAP 2009-0005, SPEX 2009-0009 & CMPT 2009-0001.

Determination:
The location of the pole mounted solar array is in substantial conformance with the Proffers, Special Exception Development Conditions, and CDP provided that it is located within the solar array/open space area.

A portion of the Guard House/Visitor Center (Key #12) is not located in the solar array/open space area (final location will be determined at time of site plan). If a solar array is provided on the Guard House/Visitor Center it must be located on the portion of the structure located in the solar array or open space area. The maximum height may not exceed the height shown in the Key on sheet 5 of 6 of the approved CDP.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, August 3, 2012 and such proffers may be amended by a subsequent Zoning Concept Plan Amendment.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any zoning applicant or any other person aggrieved by an order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement of the conditions attached to a rezoning or amendment to a zoning map may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of $350.00 within 30 days from the date of this letter.

If you have any questions concerning this correspondence, please contact me via email (kelly.griffin@loudoun.gov) or you may call me at 703-777-5219.

Sincerely,

Kelly Griffin

Kelly Griffin
Proffer Auditor
Attachment: Stormwater Hotspot Technical and Procedural Newsletter

Cc via email: Nicole Dozier, Zoning Administrator
Geary Higgins, Catoctin District Supervisor
Scott K. York, Chairman-At-Large
Terry Wharton, Director, Building & Development
Marilee Seigfried, Deputy Zoning Administrator
Robyn Bailey, Economic Development
Judi McIntyre Birkitt, Senior Planner, Loudoun County Department of Planning

Cc via US Mail: L T I Limited Partnership, Property Owner
EVERGREEN LOUDOUN-ONE LTD PARTNERSHIP, Property Owner
Mr. John A. Andrews II, Property Owner

Attachment A

Loudoun County, Virginia

Department of Building and Development
1 Harrison Street, S.E., P.O. Box 7000, Mailstop #60A Leesburg, VA 20177-7000
(703)777-0220
FAX Numbers: Permits (703)771-5522- Engineering (703)737-8993
Zoning and Administration (703)771-5215

Technical and Procedural Newsletter

February 22, 2012

To: Members of the Land Development and Home Building Community

From: Terrance Wharton, Director

The purpose of this correspondence is to inform the Land Development and Home Building Community of technical and procedural updates that have recently transpired. Please distribute this information to applicable personnel within your organization.

IN THIS EDITION:

Guidance on the County's Stormwater "Hotspot" requirements as they relate to the fuel storage and dispensing for emergency (backup) generators. This guidance only applies to emergency generator applications.

APPLICABLE STANDARDS:

Loudoun County Facilities Standards Manual (FSM), **Section 5.320.E.4**

DISCUSSION:

Emergency generator installations typically involve the placement of above-ground fuel tanks and fuel dispensing (filling of the tanks with petroleum-based fuels) at somewhat regular intervals. Under the "Hotspot" section in the facilities manual (FSM 5.320.E), **FSM 5.320.E.4** requires oil/water separators for all facilities that engage in activities such as fuel storage and dispensing. Additionally, this section addresses the need for secondary containment for fuel tanks, detection of material loss, and an emergency response plan.

We are finding that with many installations of emergency generators which serve facilities such as data centers, hospitals, public safety sites, etc., the frequency of tank refueling is low, typically driven by generator testing. In addition, most fuel tanks today satisfy the secondary containment criteria as they are "double-walled" and contain sensors that detect fuel loss. Finally, industry templates for the aforementioned Emergency Response Plan are readily available to applicants.

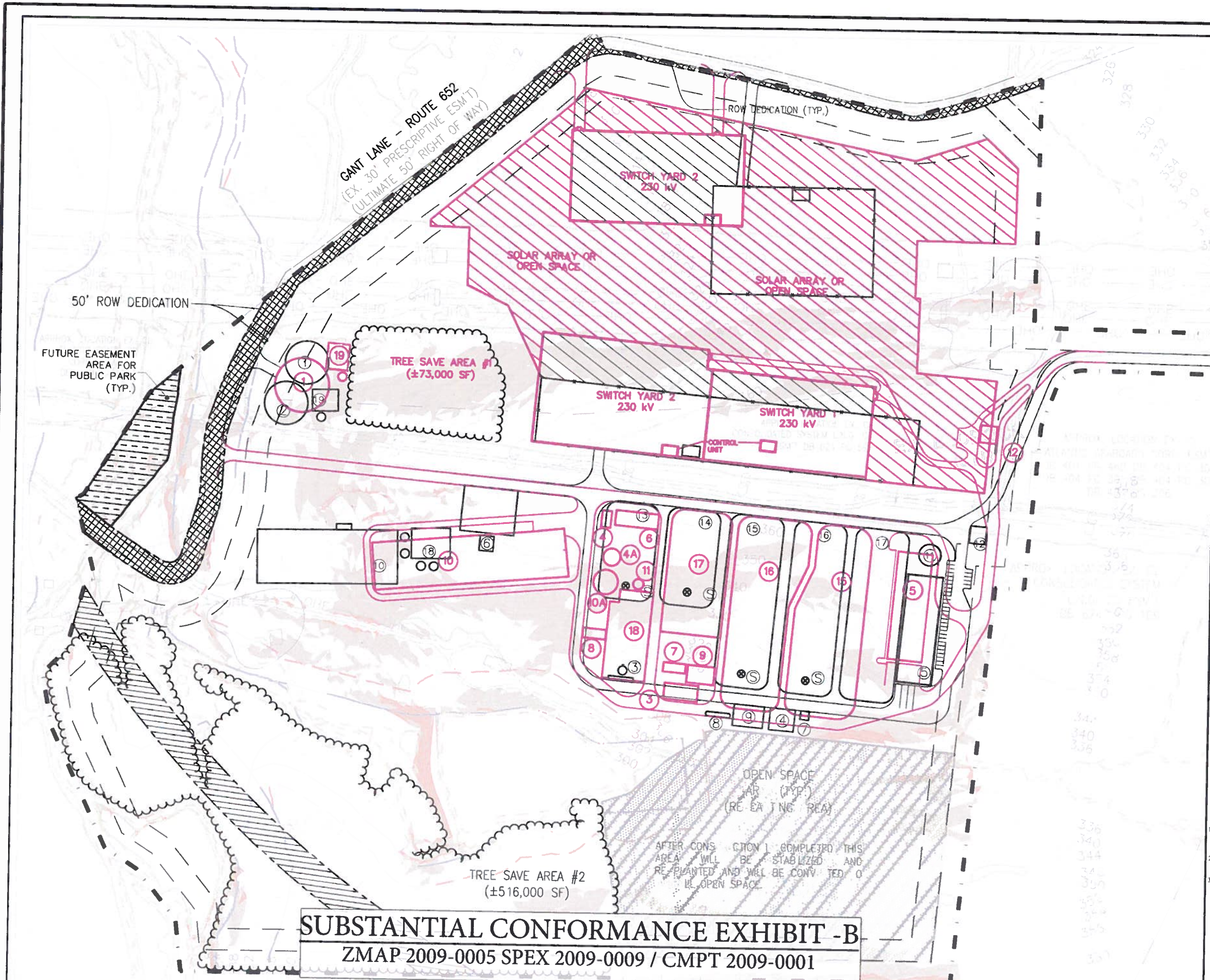
Based upon the limited number of times per year that fuel dispensing will occur, the chance for oil-laden runoff from the operation to be conveyed (through storm sewer systems, ditches, etc.) to receiving waters is low – as long as incidental spills are cleaned up quickly (before they reach a storm drain inlet) and the area adjacent to the fuel tank is vigorously inspected and maintained.

Hence, the third (3rd) item in the following table provides an option to the installation of a typical oil/water separator or to the modification of existing storm sewer appurtenances with oil separator mechanisms for emergency generator locations. *(Note: for clarity, the other two design requirements are included in the chart.)*

FSM Section / Description	Acceptable Design Element
FSM 5.320.E.4.b – Provide secondary containment for fuel tank serving generator and material loss detection.	Double-walled fuel tank with fuel loss sensor; or other methods such as berms, walls, dikes, etc. that provide storage for the tank volume plus precipitation and a means for detecting fuel loss.
FSM 5.320.E.4.c – Provide an approved Emergency Response Plan.	Submit the plan to the Loudoun County Dept. of Fire & Rescue prior to initial operation of the emergency generator.
FSM 5.320.E.4.a – Provide an oil/water separator to serve the fuel tank and dispensing area.	• Provide a hydrocarbon-type "spill kit" adjacent to the fuel tank and generator installation (a "mobile" spill kit is acceptable) to quickly mitigate incidental or larger spills, should they occur. • Provide an inspection and maintenance narrative as part of the water quality (BMP) narrative or "site notes" which portrays a regular schedule of inspections and clean-up of oil slicks and/or oily sludge that could build up over time.

EFFECTIVE DATE: These options for meeting the Hotspot requirements for emergency generator installations are available immediately.

For questions or additional information please contact Jimmy Edmonds of my staff at 703-737-8052.



SUBSTANTIAL CONFORMANCE EXHIBIT -B

ZMAP 2009-0005 SPEX 2009-0009 / CMPT 2009-0001

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

ID #	EQUIPMENT DESCRIPTION
1.	WATER STORAGE TANK
2.	NOT USED (WATER STORAGE TANK)
3.	AQUEOUS AMMONIA STORAGE
4.	FIRE PUMPS
4A	FIRE WATER STORAGE TANK
5.	ADMINISTRATION BUILDING INCLUDING: WAREHOUSE, MAINTENANCE SHOP & WATER TREATMENT BUILDING
6.	GAS HEATER/METERING STATION
7.	EMERGENCY GENERATOR
8.	HYDROGEN STORAGE TANK
9.	AUXILIARY BOILER
10.	COOLING TOWER
10A.	COOLING TOWER BLOWDOWN TANK
11.	DEMIN WATER TANK
12.	GUARD HOUSE/VISITOR CENTER
13.	NOT USED COMBUSTION TURBINE (SIMPLE CYCLE)
14.	NOT USED COMBUSTION TURBINE (SIMPLE CYCLE)
15.	COMBUSTION TURBINE & HRSG #2 (COMBINED CYCLE)
16.	COMBUSTION TURBINE & HRSG #1 (COMBINED CYCLE)
17.	STEAM TURBINE
18.	COOLING TOWER ZLD WATER TREATMENT
19.	MULTI MEDIA FILTERS/RAW WATER EQUIPMENT

LEGEND

- MAJOR FLOODPLAIN
- MINOR FLOODPLAIN
- QUARRY NOTIFICATION OVERLAY
- AIRPORT OVERLAY
- PROPERTY SUBJECT TO REZONING
- ADJACENT PROPERTY BOUNDARY
- WETLANDS DELINEATION
- EX. ZONING LINE
- SCENIC CREEK VALLEY BUFFER (SCVB)
- EXISTING TREE LINE
- TREE SAVE AREA
- SOILS DELINEATION
- PROPOSED ZONING LINE (PD-GI)
- MODERATELY STEEP SLOPES (15-25%)
- VERY STEEP SLOPES (25% OR GREATER)
- RIVERS AND STREAM CORRIDOR RESOURCES MANAGEMENT BUFFER

EXISTING APPROVED LAYOUT.....

PROPOSED LAYOUT.....

NOTES

- EXHAUST STACK MAX. HEIGHT 140'
- A SECURITY FENCE IS PROPOSED AROUND THE LIMITS OF THE SITE AND THE ULTIMATE LOCATION WILL BE DETERMINED AT FINAL ENGINEERING AND DESIGN
- (Ⓢ= EXHAUST STACK LOCATION)

NOTES

1. THE FINAL LOCATION OF THE VARIOUS ELEMENTS ARE SUBJECT TO THE FINAL DEVELOPMENT PROGRAM AND FINAL ENGINEERING / DESIGN REQUIRED TO MAXIMIZE THE EFFICIENCY AND OVERALL OPERATION OF THE FACILITY.
2. THE EXISTING PARCELS INCLUDED IN THIS APPLICATION ARE SUBJECT TO FUTURE CONSOLIDATION OR BOUNDARY LINE ADJUSTMENTS.
3. PUBLIC USES OR PUBLIC ACCESS WILL NOT BE ALLOWED. ACCESS TO THE SITE WILL BE ALLOWED ONLY FOR AUTHORIZED EMPLOYEES, CONTRACTORS AND VISITORS. THE ACCESS WILL BE CONTROLLED THROUGH DEFINED SECURITY MEASURES.

CIVIL ENGINEERING • SURVEY • LANDSCAPE ARCHITECTURE • LAND PLANNING • SITE SECURITY CONSULTING GIS
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