

Planning Commission Meeting
March 4, 2015
Verbatim Excerpt

SE 2014-PR-032/2232-P14-4 – VIRGINIA ELECTRIC & POWER COMPANY d/b/a
DOMINION VIRGINIA POWER

During Commission Matters

Commissioner Lawrence: Mr. Chairman, tonight we have the decision on SE2014-PR-032 and its accompanying 2232 plan. We had the public hearing on this matter on February 11th. There are two items I will move tonight. The first is the instant application and I will have a follow-on motion after we vote that matter. During the deferral of the decision on this application, we met with representatives of the applicant and the community. We reviewed community concerns and considered specific contributions – thoughtful contributions – they made to the development conditions. Commissioners have received the resulting set, now dated March 2nd, 2015, along with a summary of the changes made to the conditions. Mr. Chairman, I want to say that the efforts by staff, the applicant, and the thoughtful work of the community deserve many thanks. I also want to thank those who took the time to comment on the application by speaking at the hearing and through correspondence since. There are two areas of community concern that I need to address now. First, there are people who are concerned about the presence of electromagnetic fields at the power station. I must repeat what I said at the public hearing. The Planning Commission has no authority to rule on this aspect of electrical service provision. We can only consider land use rules here. Second, there is concern about the impact of the proposed expansion of the station on the value of residential properties close by. We have not been able to ascertain in any decisive way whether or to what degree or for how long there might be such effects. The grounds for deciding recommendations to the Board of Supervisors on the application those to be found in the staff analysis, the SE plat, and the development conditions in their present form. I believe we have achieved all that we can in terms of mitigating the impact of the proposed expansion of the power station capacity at this site; however, I do not believe that our recommendations on the instant application are enough or that this should be the end of the matter. For those reasons I will have a further motion to make following the ones on the case. In preparation for motions, and to report on one other item, will the applicant's representative please come forward?

Gregory Riegler, Esquire, McGuireWoods, LLP: Good evening, Mr. Chairman, members of the Commission. I'm Greg Riegler and I represent the applicant.

Commissioner Lawrence: Mr. Riegler, does the applicant accept the development conditions now dated March 2nd, 2015?

Mr. Riegler: Yes, Mr. Lawrence, we do.

Commissioner Lawrence: Thank you. Mr. Riegler, do you have something to report on a communication about further work on this site?

Mr. Riegler: I'm delighted to report on that and to give the commission context, this was something we discussed in the community meeting that was referenced and – and I would, to begin, echo your comments and your praise for the constructive tone of the discussions and the

constructive participation of all involved. If you may recall from the public hearing, we described sort of an evolutionary tale of this application where it was originally proposed to be much larger, made smaller, and we made a representation at the time of the time of the public hearing that what was in front of the commission was all that was currently in the planning process for Dominion. The community understandably has had ongoing concerns about whether or not we're going to be immediately back with something else. We've done our best to assuage those concerns and Mr. Lawrence had suggested very correctly that between now and the finish line it would perhaps be helpful for Dominion to put a declarative statement – written statement in the record from someone of responsibility in the company. And we will do that before this goes to the Board of Supervisors. And I say that not to undercut typical development conditions, but it's more of a reflection just to transparency and openness and I think the essence of that message is – is that yes, utility planning is ongoing, but we would not anticipate coming back to this site unless there is a – it's preceded by a thorough planning process, consideration of alternatives, and there's a compelling reason to need to be back. And that's certainly not where we are now, but if we want to be transparent and open with the community, we'll make sure that's in the record before we finish this process.

Commissioner Lawrence: Thank you, Mr. Riegle. If I understood you correctly, it means the community will have an interlude of peace.

Mr. Riegle: That's was know at the moment, yes, sir.

Commissioner Lawrence: Thank you very much. Mr. Chairman. I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY VIRGINIA DOMINION POWER TO REDEVELOP THE IDYLWOOD SUBSTATION AT 7701 AND 7707 SHREVE ROAD, FALLS CHURCH, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232; THEREFORE, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232-P14-4 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-P14-4, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: In addition, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-PR-032, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE NOW DATED MARCH 2ND, 2015.

Commissioners Litzenberger, Flanagan, and Hart: Second.

Chairman Murphy: Seconded by Mr. Litzenberger, Mr. Flanagan, and Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE LANDSCAPING WAIVERS AS DESCRIBED IN THE STAFF REPORT, DATED JANUARY 28TH, 2015.

Commissioners Litzenberger, Flanagan, and Hart: Second.

Chairman Murphy: Seconded by Mr. Litzenberger, Mr. Flanagan, and Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you, Mr. Chairman. I move Now, to my follow-on motion. Mr. Chairman, during the work with Dominion on the Idylwood application, it became apparent that county policies on mitigating the visual impact of power station facilities are not congruent with those of the State Corporation Commission and Dominion. While there are very good reasons for this divergence, it has the practical effect of limiting what we can do to help nearby residential. For example, we depend on vegetation screens to shield residential from the appearance of the ground equipment, but there are severe limits on the height of plantings at Dominion sites and in transmission line easements. As a second example, we encourage working equipment locations into the contours of the terrain at sites. Dominion engineers plan for level sites with a two- or three-percent grade. As the county continues to grow, and as demand per capita also grows, there will surely be expansions needed at Dominion sites in many places. I believe we should proactively seek ways to get better solutions on mitigation. Dominion has an undergrounding program in its initial stages. There is a procedure for requesting encroachments into transmission line easements, and there are procedures for determining the alignment of new easements. I believe we can use these and other avenues to gain better achievement of County goals while respecting those of our state-regulated electric power utility. Therefore, Mr. Chairman, I make the following motion: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO WORK WITH DOMINION AND STATE OFFICIALS TO EXPLORE THE FEASIBILITY AND PRACTICALITY OF VARIOUS APPROACHES TO HARMONIZING OBJECTIVES IN MITIGATING THE IMPACT ON ADJACENT AND NEARBY PROPERTIES, OF ELECTRIC POWER STATION

CONSTRUCTION OR EXPANSION, INCLUDING BUT NOT NECESSARILY LIMITED TO, THE FIVE TASKS LISTED HERE:

1. FORMULATING REQUESTS FOR ENCROACHMENT INTO DOMINION EASEMENTS IN PROXIMITY TO RESIDENTIAL AREAS AT GROUND STATIONS, WITH A VIEW TO RELIEF FROM THE “LOWEST COMMON DENOMINATOR” GROWTH HEIGHT POLICY AT AND NEAR THE EDGES OF THE EASEMENTS TO ALLOW BETTER VEGETATIVE SCREENING WHILE PRESERVING THE SAFETY AND RELIABILITY CLEARANCE REQUIREMENTS;
2. MAKING THE UNDERGROUNDING OF DISTRIBUTION LINES A PART OF EXPANSION ACTIVITIES AT DOMINION SITES IN RESIDENTIAL AREAS;
3. IDENTIFYING ANY AND ALL DOMINION STATIONS LOCATED IN COMMERCIAL OR INDUSTRIAL AREAS AND DETERMINING WHETHER AND WHAT SHARE OF SERVICE CAPACITY ADDITION FOR THE COUNTY CAN BE DONE USING THOSE STATIONS AS THE SITES TO BE EXPANDED;
4. FOR STATIONS IN RESIDENTIAL AREAS, EXPLORE THE POTENTIAL FOR RELOCATION TO COMMERCIAL OR INDUSTRIAL AREAS IN TERMS OF THE NEED FOR NEW EASEMENTS FOR TRANSMISSION LINES AND THE LIKELIHOOD OF OBTAINING THEM, AS WELL AS THE LEAD TIMES REQUIRED; finally,
5. FOR STATIONS IN RESIDENTIAL AREAS THAT ARE LIKELY TO BE EXPANDED, EXPLORE THE AVENUES FOR REDUCING THE ABOVE-GROUND PROFILE OF THE EQUIPMENT, SUCH AS PADS SUNK BELOW GRADE LEVEL.

STAFF SHOULD PERFORM A PRELIMINARY REVIEW OF THE TASKS AND REPORT TO THE BOARD ON THE PROSPECTS FOR EACH ONE, ON ANY OTHER TASKS THAT WOULD BE IN ORDER, ON THE STAFF RESOURCES NEEDED, AND ON THE TIMES REQUIRED, ON A DATE TO BE DETERMINED BY THE BOARD.

Commissioners Litzenberger and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Ms. Hedetniemi. Is there a discussion on

—

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: I'd just – I'd like to suggest a friendly amendment. Those of us in the R-C don't have Dominion. We have NOVEC. But we have the same substations. We have the same screening issues. And in the motion where it says "Dominion" –

Commissioner Lawrence: Do you want to include NOVEC?

Commissioner Hart: Let's include NOVEC, too, and –

Commissioner Lawrence: AMENDMENT ACCEPTED.

Commissioner Hart: The issue should be the same.

Commissioner de la Fe: You can just say electric providers.

Commissioner Hart: Yes, or industry or something like that.

Commissioner Lawrence: Amendment accepted.

Chairman Murphy: Seconders accept?

Commissioners Litzenberger and Hedetniemi: Yes.

Chairman Murphy: All those in favor of the motion as articulated – I won't repeat the motion, thank you. All those in favor of the motion as articulated by Mr. Lawrence, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(Each motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.)

JN