



## **DOMINION ENERGY'S GENERAL GUIDELINES**

### **CONSTRUCTION AND USE AGREEMENT**

#### **I. General Requirements**

The purpose of the Construction and Use Agreement process is to establish an understanding of acceptable usage between the adjacent owners to Dominion Energy's shore land surrounding Lake Anna or Waste Heat Treatment Facility.

This document has been revised in an effort to advise all applicants of their responsibility in exercising the reserved Recreational and Agricultural Rights retained within the Dominion Energy's shore land and into the referenced bodies of waters.

These procedures are general guidelines established in the consideration of granting adjacent owners proposals a favorable review in accordance with the local, state, federal regulations, subdivision covenants and Dominion Energy's requirements.

All structures are to be constructed within an owner's legally reserved and apportioned recreational and agricultural (R & A) rights area across the Dominion Energy's shore land. In situations where R & A Rights have not been legally subdivided and assigned to an individual lot owner, the applicant will be required to establish these side extension property lines, prior to Dominion Energy's final consideration of any proposal. All structures shall be constructed between the owner's documented side extension property lines across Dominion Energy's shore land to the fluctuating waterline, generally at right angles to the shoreline. If these lines do not affect the fair division of water space with your neighbors, then the Dominion Energy Representative will consider each affected neighbors rights regarding potential usage.

Offsets established by Dominion Energy will comply with current zoning regulations except for piers, floating docks, boat shelters, etc. which shall establish a fifteen (15) feet offset from the owner's side extension property line at the fluctuating waterline. Structure placement in the water shall consider right of navigability, fair division of water space, reasonable in nature and acceptable in the Dominion Energy Representative's opinion as meeting all of these requirements.

In certain situations, the fifteen feet offset can be waived if, in Dominion Energy's opinion, good judgment warrants that this decision is required and the adjacent neighbor agrees to this reduction, should Dominion Energy's Representative require such a consent, prior to final consideration.

Property owners are advised that water level in Lake Anna does fluctuate above or below normal lake level elevation of 250.00 feet above mean sea level. Normal fluctuations experienced to date have been two (2) feet high or low, however, maximum heights of 255 feet above mean sea level or maximum low of 242.00 feet above mean sea level could be experienced. Lake level readings are measured at the dam.

The water level in the Waste Heat Treatment Facility fluctuates above or below the median operating level of 250.8'. Docks in the WHTF should be constructed above the original design limit of 251.5'. The level in the WHTF will fluctuate based on Lake Anna level and the number of circulating water pump that are in service to support North Anna Power Station operations. The level in the WHTF will decrease during the winter months when 2 circulating water pumps are secured due to cold lake water temperatures.

Structures shall not be used for human habitation whether located over water or on Dominion Energy's shore land. Household furnishings, such as sinks, toilets, showers, window heating/cooling units, etc are not permitted on these structures or on Dominion Energy's shore land.

All storage sheds are prohibited from being located on Dominion Energy's shore land.

Owners should be fully aware that Dominion Energy's Agreement is revocable and non-transferable to a new owner. Further failure to comply could result in corrective actions deemed appropriate by Dominion Energy in protecting our legal interests.

Applicant shall review additional agencies section, prior to final submission to Dominion Energy.

Owners are responsible to obtain all required Local, State and Federal permits that maybe required.

## II. Design Standards

### 1. Safe Navigation

- a. Water access entrances and travel-ways into coves shall be at least thirty (30) feet until the cove reaches a width of 90 feet or less. The one-third rule shall be the determining factor in any cove less than 90 feet in width.
- b. Structures shall not protrude more than one third of the distance across a cove, to a maximum of 150 feet. The travel-way must be a minimum of 30 feet to ensure safe navigation.
- c. Structures shall only extend to the point where safe navigation is achieved and not protrude more than 150' into the main lake or WHTF.

### 2. Structures

#### a. District Uses

- Agricultural / Residential

The following is the maximum square footage (SF) permitted, excluding the area from land to the structure:

- 0-54 linear feet of waterfront = no slip or piers\*
- 55-99 linear feet of waterfront = 10 SF / linear foot of shoreline
- 100-300 linear feet of waterfront = 2,000 SF
- Over 300 linear feet of waterfront = 3,000 SF

\*Parcels in existence prior to April 2, 2007 shall be limited to no more than 550 SF.

- Commercial and Common Areas

The following is the maximum square footage (SF) permitted over water:

- 0-99 linear feet of waterfront = 90 SF per linear foot of shoreline
- 100-500 linear feet of waterfront = 75 SF per linear foot of shoreline
- >500 linear feet of waterfront = 55 SF per linear foot of shoreline

- Resort Development and Planned

If lake structures are included as part of the proffered conditions during the rezoning process, the maximum square footage shall be included. The standards set forth in this section should be used in the development of the proffered conditions regulating lake structures.

- b. The maximum height of structures on land within the Dominion Energy easement in all zoning districts shall be twenty (20) feet for flat roofs and twenty-eight (28) feet for pitched roofs as measured from the lowest fished grade. Weathervanes and telecommunication antennas do not count against the structure's height.

The maximum height of structures over the water within the Dominion Energy easement in all zoning districts shall be twenty (20) feet for flat roofs and twenty-eight (28) feet for pitched roofs as measured from normal lake level (250 feet above mean sea level for the lake, 251 feet above mean sea level for the WHTF). Weathervanes and telecommunication antennas do not count against the structure's height.

Waterfront construction may have second story but it may not be enclosed. Screened areas are not considered to be enclosed. Maximum height limits shall apply.

## III. Application Procedure Steps

### Initial

1. Applicant should review the appropriate activity section, prior to proceeding.
2. Applicant shall prepare two (2) sketches on 8-1/2" x 11" size paper showing the owner's name, subdivision, lot number and county.
3. Required dimensions and lengths:
  - a. Indicate on the sketch or plat the overall dimensions of this proposed recreational, protective structure or activity in relationship to the owner's property and shoreline.
  - b. Indicate on the sketch or plat the distance of the proposed outmost structure to the nearest structures, right and left.
  - c. Indicate on the sketch or plat the distance from shoreline to the opposing shoreline.
  - d. Indicate on the sketch or plat the distance from the outermost proposed structure to the opposing shoreline.

4. Submit two (2) legible copies of these sketches and plats.
5. Date/Sign the Construction and Use Agreement enclosed.
6. Date/Sign before a Notary the Recreational & Agricultural Rights Certification enclosed. Please do not forget to include a copy of your deed.
7. Application should be mailed to:

Peery Agee  
Reservoir Coordinator  
Dominion Energy  
North Anna Power Station  
P.O. Box 402  
Mineral, Virginia 23117  
Telephone Number (540) 894-2307 (Voice Mail)  
Fax Number (540) 894-2683  
Office Hours 8:00 AM - 4:30 PM (Monday – Friday)

8. After receipt of the application, a site visit will be conducted verifying current conditions and any special requirements Dominion deemed appropriate to be affixed to the sketch. The applicant will receive signed copy showing Dominion's consent. The contractor will receive a signed copy for the appropriate agencies' review, documenting Dominion's consent. This office will file a copy for permanent record of this transaction.

#### **IV. Amended Construction and Use Agreement**

1. Applicant shall submit two (2) sketches in accordance with the initial steps procedure. (Exclude Steps 5 & 6 only, unless otherwise advised).

#### **V. Dominion Energy's Specifications for Proposed Pier – Floating Dock – Boat Shelter Structure**

1. These types of structures shall comply with Dominion's offset General Requirement Section.
2. Floating docks floatation units shall be constructed of material which will not become waterlogged or sink when punctured.
3. Submission in accordance with Sections III and IV.

#### **VI. Dominion Energy's Specifications for Proposed Ramp Structures**

1. This type of structure offset can be five (5) feet off side extension property line.
2. Concrete, wood or metal ramps are acceptable, with minor excavation required for placement of the same over Dominion Energy's shore land and into the waters
3. Submission in accordance with Sections III and IV.

#### **VII. Dominion Energy's Specifications for Bulkhead or Rip-Rap**

1. Bulkhead or rip-rap shall be placed channel ward of the side extension property lines. Positioned in a reasonable alignment of normal lake level elevation, for the sole purpose of bank stabilization.
2. Bulkhead fill must be clean material, with fabric cloth and gravel placed landward of bulkhead, prior to clean fill placement.
3. Excavation is acceptable for installation of bulkhead, deadmen, cables, etc.
4. Dominion Energy recommends placement of rocks channel ward of bulkhead into the lake waters. Vegetative plantings also are suggested to enhance the aquatic life forms existing on the lake bed
5. Bulkhead shall be structurally tight driven into lake bed to prevent seepage into waters of the lake.
6. Debris, tires, etc. are not acceptable for banks stabilization activity along Dominion Energy's shore land.
7. Submission in accordance with Sections III or IV.

### **VIII. Dominion's Specification for Dredging**

1. The applicant shall contact Dominion Energy requesting permission to dredge. This application should be in the form of a letter directed to Dominion Energy and signed by the Applicant. Dominion Energy will instruct the applicant to proceed without failure to contact Department of Environmental Quality (DEQ) for a Joint Permit Application (JPA).
2. Upon receipt of the approved JPA from DEQ, Dominion Energy will in return send a letter describing in detail the necessary requirements for the dredging approval process. As a minimum the application must include:
  - a. Dredging plan:
    1. Dredging method
    2. Drawings of the area to be dredged
    3. Volume of dredge materials to be removed
    4. Drawings a description of dredge material disposal pit area.
      - The dredge material disposal pit shall be located above the flood stage line and must remain undisturbed unless prior permission is obtained from Dominion Energy.
      - Dredging will only be allowed between October 1 to March 15 and completed within 1 year of permit issuance.
      - The basic contour of the shoreline will not be altered by the dredge project.
3. Most importantly, a copy of the land owner's deed of the associated lot, along with name, mailing address, telephone number, fax number and electronic mail address of the Applicant's contractor.
4. If the application is approved, Dominion Energy will issue a Construction and Use Agreement for your signature. The Construction and Use Agreement will include, and be subject to, several conditions. For example, and to assist you in your advanced planning, the Applicant's contractor will be required to procure and keep in force certain specified types and amounts of insurance, naming Dominion Energy as an additional insured in each case.
5. Upon return of the signed agreements final review of the package will be performed by Management.
6. Once the Construction and Use Agreement receives Managements signature the approval process is complete. This agreement will be returned to the Applicant or contractor as deemed appropriate to begin the project.