



**ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY**

Project Name: SP202000007 Rappahannock Electric Cooperative	Staff: Scott Clark, Senior Planner
Planning Commission (PC) Hearing: February 2, 2021	Board of Supervisors (BOS) Hearing: to be determined
Owner: Rappahannock Electric Cooperative holds an easement over the parcels listed below and proposes to expand that easement.	Applicant: Rappahannock Electric Cooperative
Acreage: 216.62 (total acreage of parcels)	Special Use Permit(s) for: Energy and communications transmission facilities under Section 26.2(a) and Section 10.2.2(6) of the Zoning Ordinance, on 19 parcels of land totaling approximately 216.62 acres. No dwelling units proposed.
Tax Map Parcels (TMPs): 02100-00-00-01200, 02100-00-00-012D0, 02100-00-00-01500, 02100-00-00-015G0, 02100-00-00-015B0, 02100-00-00-016C0, 02100-00-00-01600, 02100-00-00-017C0, 02100-00-00-017A0, 02100-00-00-01900, 02100-00-00-007A0, 02100-00-00-007A0, 02100-00-00-00700, 02100-00-00-006B0, 02100-00-00-006E2, 02100-00-00-006D0, 02100-00-00-006I1, 02100-00-00-006H0, 02100-00-00-006A0	Zoning/by-right use: LI – Light Industrial, which allows industrial, office, and limited commercial uses (no residential use). RA – Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial Districts: Rio, White Hall, Rivanna	Location: Parallel to the west side of Route 29 (Seminole Trail) from the southwest side of the intersection of Dickerson Lane and Route 29, north to the Greene County municipal boundary, a corridor of approximately 1.6 miles.
School Districts: Baker-Butler Elementary; Sutherland Middle; Albemarle High School	Conditions: Yes
Development Area: No	Requested # of Dwelling Units/Lots: N/A
Proposal: Install “pole topper” extensions on existing power line poles to increase the height of the poles from an average of 46 feet to a new height of an average of 82 feet in order to install a new 115-kiloVolt powerline, on an existing transmission line route of approximately 1.6 miles, along an existing utility easement proposed to increase from 40 feet in width to 75 feet in width.	Comp. Plan Designation: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density), within the Community of Piney Mountain of the Places29 Master Plan area. Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).
Character of Property: The utility easement crosses a mix of large wooded parcels, residential properties, and small commercial properties along the west wide of US 29.	Use of Surrounding Properties: Forest, residential, and retail uses
Factors Favorable: <ol style="list-style-type: none"> 1. The proposed upgrade would increase the reliability of electrical utility service to area residents. 2. Use of the existing corridor for the installation of a transmission line, rather than a new corridor, avoids new land-cover and water impacts in the Rural Areas. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. The pole-height increase necessary to carry the new transmission lines would increase the already-significant visual impacts of the utility poles on the US 29 Entrance Corridor. The recommended condition requiring Integrated Vegetation Management would help to offset the visual impact by encouraging taller native vegetation rather than mowed open areas in the utility corridor.
Recommendation: Staff recommends approval of SP202000007 with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Scott Clark, Senior Planner
February 2, 2021
TBD

PETITION:

PROJECT: SP202000007 Rappahannock Electric Cooperative

MAGISTERIAL DISTRICT(S): Rio, White Hall, Rivanna

TAX MAP/PARCEL(S): 02100-00-00-01200, 02100-00-00-012D0, 02100-00-00-01500, 02100-00-00-015G0, 02100-00-00-015B0, 02100-00-00-016C0, 02100-00-00-01600, 02100-00-00-017C0, 02100-00-00-017A0, 02100-00-00-01900, 02100-00-00-007A0, 02100-00-00-007A0, 02100-00-00-00700, 02100-00-00-006B0, 02100-00-00-006E2, 02100-00-00-006D0, 02100-00-00-006I1, 02100-00-00-006H0, 02100-00-00-006A0

LOCATION: Parallel to the west side of Route 29 (Seminole Trail) from the southwest side of the intersection of Dickerson Lane and Route 29, north to the Greene County municipal boundary, a corridor of approximately 1.6 miles.

PROPOSAL: Install “pole topper” extensions on existing power line poles to increase the height of the poles from an average of 46 feet to a new height of an average of 82 feet in order to install a new 115-kiloVolt powerline, on an existing transmission line route of approximately 1.6 miles, along an existing utility easement proposed to increase from 40 feet in width to 75 feet in width.

PETITION: Energy and communications transmission facilities under Section 26.2(a) and Section 10.2.2(6) of the Zoning Ordinance, on 19 parcels of land totaling approximately 216.62 acres. No dwelling units proposed.

ZONING: LI – Light Industrial, which allows industrial, office, and limited commercial uses (no residential use).

RA Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT(S): Airport Impact Area; Steep Slopes – Managed

COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density), within the Community of Piney Mountain of the Places29 Master Plan area. Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/acre in development lots).

CHARACTER OF THE AREA:

The area includes large forested rural parcels with low-density residential uses and occasional retail uses. US 29 is a heavily-travelled highway corridor.

PLANNING AND ZONING HISTORY:

Previous to this request, this utility corridor has been a by-right electric distribution that required no legislative approvals or site development plans.

DETAILS OF THE PROPOSAL:

The existing electric line from the Greene County boundary to the Dickerson Road substation (see Attachment A map) is a distribution line. The proposed upgrade (see narrative in Attachment B and conceptual plan in Attachment C) would add “pole toppers” to each existing pole (see Attachment D for illustration). These toppers, which are metal pole extensions that connect directly to the tops of the existing poles, average 35 feet in height. (The existing poles average 50 feet in height.) The new pole sections would carry higher-voltage (115kV) transmission lines. In order to provide the necessary clear area around the transmission lines, the utility proposes to increase the existing 40-foot utility easement to 75 feet, with an additional 17.5 feet in the VDOT right-of-way (east side) and an additional 17.5 feet on private property (west side). No earth disturbance or grading is proposed. No additional poles

are proposed.

The applicants have stated that this proposed upgrade is the final stage of an expanded electricity-transmission network that would significantly reduce power-outage times by providing multiple routes to connect generation facilities to substations.

COMMUNITY MEETING

The community input for this proposal was gathered in the early portion of the County’s Covid-19 response, when in-person community meetings were temporarily replaced with information posted on the internet and responses collected through public-input forms.

One response was received with questions from a landowner located on the east (opposite) side of US 29. The response contained a question about revenue impacts and another on an unrelated tower east of US 29, but expressed neither support nor opposition (see Attachment F). Staff responded to the respondent’s questions.

Staff also received one letter from a citizen expressing concern about this project (see Attachment F).

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40(B):

1. *No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.*

The proposed utility structures would add on to existing poles, and would not create any new ground disturbance or prevent access to any parcels. The proposed expansion of the utility easement would permit the utility to manage and remove trees, branches, and other vegetation for an additional 17.5 feet west of the existing corridor. No substantial detriment is expected from the proposed upgrade.

2. *Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.*

Increase in pole heights within an existing electrical-utility corridor is not expected to change the overall character of the area. Surrounding land uses could continue unchanged outside of the relatively small increase in width of the utility corridor.

3. *Harmony.*

Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

Section 1.4(D) of the Zoning Ordinance states that one of the purposes of the Ordinance is to:

“Facilitate providing adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;”

The applicants have stated that completion of the upgrade to 115kV “will provide system resiliency by allowing REC’s existing substations to backfeed when outages occur on the existing lines, which will enable REC to restore power to its customers more quickly. It will also help REC meet its members’ needs for more power in the future.”

with the uses permitted by right in the district,

Public utilities are in harmony with and supportive of agricultural and residential uses in the district.

with the regulations provided in Section 5 as applicable,

5.1.12 PUBLIC UTILITY STRUCTURES/USES

a. The proposed use at the location selected will not endanger the health and safety of workers and/or residents in the community and will not impair or prove detrimental to neighboring properties or the development of same;

The proposed pole toppers would be attached to the existing poles. Access to the subject properties and the neighboring properties would not be changed.

b. Public utility buildings and structures in any residential zone shall, wherever practical, have the exterior appearance of residential buildings and shall have landscaping, screen planting and/or fencing, whenever these are deemed necessary by the commission;

In addition, trespass fencing and other safety measures may be required as deemed necessary to reasonably protect the public welfare;

In cases of earth-disturbing activity, immediate erosion control and reseeded shall be required to the satisfaction of the zoning administrator;

These measures are not necessary, as no buildings or structures other than the pole extensions are proposed. No earth-disturbing activity would be needed.

c. Such structures as towers, transmission lines, transformers, etc., which are abandoned, damaged or otherwise in a state of disrepair, which in the opinion of the zoning administrator pose a hazard to the public safety, shall be repaired/removed to the satisfaction of the zoning administrator within a reasonable time prescribed by the zoning administrator;

Any future removals or repairs could be ensured through enforcement of this ordinance requirement.

d. In approval of a public utility use, the commission shall be mindful of the desirability of use by more than one utility company of such features as utility easements and river crossings, particularly in areas of historic, visual or scenic value, and it shall, insofar as practical, condition such approvals so as to minimize the proliferation of such easements or crossings, as described by the comprehensive plan.

No new crossings are proposed, and the new facilities would use the existing corridor, with the requested 35-foot horizontal expansion.

and with the public health, safety, and general welfare.

The only new safety issue generated by this proposal would be the larger area required by higher-voltage lines to prevent tree contact with the line. That issue is addressed by the proposed wider utility easement. Provision of upgraded power-transmission lines can increase general welfare by ensuring more consistent service during periods of high demand.

4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.

Scenic Resources: The existing utility corridor is located along US 29, which is a designated Entrance Corridor and high-volume travel route through the County. The proposed pole extensions would be visible

from the Entrance Corridor (see photo-simulations in Attachment D).

The “Historic, Cultural, and Scenic Resources” chapter of the Comprehensive Plan contains several policies related to visual impacts on scenic resources:

- Objective 6: Continue to protect and enhance scenic resources for residents and tourists.
- Objective 7: Maintain or improve the visual quality of all of Albemarle’s roadways.
- Objective 8: Maintain the visual integrity of Albemarle’s Entrance Corridors.
- Strategy 8b: Continue to use the Entrance Corridor design guidelines to help maintain the integrity of Entrance Corridors in Albemarle County.

This proposal was presented to the Architectural Review Board (ARB) on May 11, 2020, and November 2, 2020. As stated in the staff memo presented to the ARB, “[t]here are clear limitations associated with screening utility lines.” Measures typically used to make structures compatible with regional designs or to block the view of necessary infrastructure cannot be effectively applied to utility poles eighty feet in height. Over the course of the ARB review, staff, the applicants, and the ARB focused on offsetting the visual impacts of the pole-height increases rather than concealing the new construction.

At the November ARB meeting, the applicants proposed that the planned change in corridor landcover management from mowing to “integrated vegetation management” (IVM) could also be used to offset the visual impacts of the heightened poles. This form of management, as detailed in the applicants’ proposed Integrated Vegetation Management Plan (see Attachment E), would involve actively selecting for low-growing native shrubs and trees. The visual character of the utility easement would be improved by taller, more varied vegetation in place of featureless mowed areas.

However, please note that (1) the utility’s easement does not include the right to prevent underlying landowners from clearing their property, so the vegetation may vary from one property to the next; and (2) some trees that currently stand between the utility lines and US 29 are likely to be removed, depending on the exact clearances between the trees and the new transmission lines. It is difficult to predict the exact outcome of vegetation changes over time. Regardless, staff believes that the gradual change from bare soil and grass to shrubs and small trees will significantly improve the appearance of the utility easement.

The ARB voted 3:1 to forward a recommendation of no objection to the proposal with the condition that the IVM plan include proactive management to promote:

- 1) Native Virginia meadows, low growing shrub landscapes, and native species pollinators in the existing and proposed utility easement areas by suppressing forest succession, and
- 2) Lower growing trees, grasses, wildflowers, and other vegetation that is compatible with safety needs and regulations and that is visually pleasing when viewed from the Entrance Corridor.

Staff has included this direction in the proposed conditions of approval.

Rural Areas:

Rural Area policies generally focus on protecting natural resources and protecting the viability of the County’s rural land for agriculture and forestry. This proposed upgrade minimizes impacts on the Rural Areas by using an existing corridor rather than creating a new corridor that would fragment existing habitats and create new water impacts.

SUMMARY:

After review of this request, staff have identified the following factors of this proposal which are favorable and unfavorable:

Factors favorable to this request include:

1. The proposed upgrade would increase the reliability of electrical utility service to area residents.
2. Use of the existing corridor for the installation of a transmission line, rather than a new corridor, avoids new land-cover and water impacts in the Rural Areas.

Factors unfavorable to this request include:

1. The pole-height increase necessary to carry the new transmission lines would increase the already significant visual impacts of the utility poles on the US 29 Entrance Corridor. The recommended condition requiring Integrated Vegetation Management would help to offset the visual impact by encouraging taller native vegetation rather than mowed open areas in the utility corridor.

RECOMMENDED ACTIONS:

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of special use permit application SP202000007 with the following conditions.**

1. Development must be in general accord, as determined by the Director of Planning and the Zoning Administrator, with the conceptual plan titled "Proposed 75' R/W Easement" shown on the plan titled "Rappahannock Electric Cooperative Transmission Line Improvement - Special Use Permit Plans SP2020-00007," prepared by Alan Franklin, PE, LLC, and dated February 18, 2020. At a minimum, to be in general accord with the conceptual plan:
 - Supporting structures for the electrical transmission lines must remain within the "Existing 40' R/W Easement", as shown on the plan.
 - All pole extensions added to the existing poles must be similar in color to the existing poles.

Minor modifications to the plan that do not conflict with the above elements may be made to ensure compliance with the Zoning Ordinance.

2. Vegetation within the "Proposed 75' R/W Easement" must be managed according to an Integrated Vegetation Management Plan in general accord with the draft plan titled "Integrated Vegetation Management Plan to Accompany SUP 2020-00007", date December 11, 2020. Vegetation must include the following target vegetation types:
 - Native Virginia meadows, low growing shrub landscapes, and pollinator-friendly native species by suppressing forest succession, and
 - Lower-growing trees, grasses, wildflowers, and other vegetation compatible with safety needs and regulations.

POSSIBLE PLANNING COMMISSION MOTIONS – SP201800007:

- A. Should the Planning Commission choose to recommend approval of this special use permit:
I move to recommend approval of SP202000007 Rappahannock Electric Cooperative with the conditions outlined in the staff report.

B. Should the Planning Commission choose to recommend denial of this special use permit:

I move to recommend denial of SP202000007 Rappahannock Electric Cooperative for (state reasons for denial).

ATTACHMENTS:

Att. A – Location Map

Att. B – Application Materials: Project Narrative

Att. C – Application Materials: Conceptual Plan

Att. D – Application Material: Illustrations

Att. E – Application Material: Draft Integrated Vegetation Management Plan

Att. F – Public Comments