



**COUNTY OF ALBEMARLE PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP202200020 Esmont - Scottsville Transmission Line Rebuild Project	<b>Staff:</b> Scott Clark, Natural Resources Program Manager
<b>Planning Commission Public Hearing:</b> January 10, 2023	<b>Board of Supervisors Hearing:</b> TBD
<b>Owner:</b> Appalachian Electric Power holds easements over the parcels listed below.	<b>Applicant:</b> Appalachian Power Company
<b>Acreage:</b> 2,227 acres (total acreage of parcels)	<b>Special Use Permit/Zoning Map Amendment for:</b> Energy and communications transmission facilities under Section 26.2(a) and Section 10.2.2(6) of the Zoning Ordinance, crossing 47 parcels of land totaling approximately 2,277 acres. No dwelling units proposed.
<b>TMPs:</b> 11100-00-00-074A0, 12800-00-00-01300, 12800-00-00-013A0, 12800-00-00-05600, 12800-00-00-05700, 12800-00-00-05900, 12800-00-00-08800, 12800-00-00-088A0, 12800-00-00-09000, 12800-00-00-09100, 12800-00-00-09400, 12800-00-00-12400, 128A2-00-00-00800, 128A2-00-00-00900, 128A2-00-00-01300, 128A2-00-00-01400, 128A2-00-00-01500, 128A2-00-00-015A0, 128A2-00-00-01800, 128A2-00-00-01900, 128A2-00-00-02100, 128A2-00-00-02200, 128A2-00-00-02300, 128A2-00-00-02400, 128A2-00-00-02500, 128A2-00-00-025B0, 128B0-00-00-01600, 128B0-00-00-01700, 12900-00-00-00600, 12900-00-00-00700, 12900-00-00-007A0, 12900-00-00-007C0, 12900-00-00-007D0, 13000-00-00-007N0, 13000-00-00-007NN, 13000-00-00-007P0, 13000-00-00-007Q0, 13000-00-00-007R0, 13000-00-00-007T0, 13000-00-00-00800, 13000-00-00-011A0, 13000-00-00-01500, 13000-00-00-04000, 13000-00-00-040A0, 13000-00-00-040C0, 13000-00-00-04100, 13000-00-00-041C0, 13000-00-00-041C1  <b>Location:</b> Between Esmont and Scottsville, largely to the south of Route 6 (Irish Road)	<b>Zoning/by-right use:</b> RA – Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
<b>Magisterial Districts:</b> Samuel Miller, Scottsville	<b>Conditions:</b> Yes <b>EC:</b> Yes
<b>School Districts:</b> Scottsville Elementary – Walton Middle – Monticello High School	
<b>Proposal:</b> Replace existing power-line support poles with an average height of approximately 40 feet with new poles with an average height of approximately 60 feet in order to install a new 46-kiloVolt powerline, on an existing transmission line route of approximately 6 miles within an existing utility easement.	<b>Requested # of Dwelling Units:</b> n/a
<b>DA:</b> <b>RA: X</b>	<b>Comp. Plan Designation:</b> Rural Area

<b>Character of Property:</b> The utility easement crosses a mix of large farm parcels and residential properties.	<b>Use of Surrounding Properties:</b> Surrounding properties include both large farm parcels and residential uses.
<b>Positive Aspects:</b> 1. The proposed upgrade would increase the reliability of electrical utility service to area residents. 2. The proposed pole materials and locations would minimize visual impacts on the area. 3. 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.	<b>Concerns:</b> None
<b>RECOMMENDATION:</b> Staff recommends approval of SP202200020 with one condition.	

**STAFF CONTACT:**  
**Manager**

**Scott Clark, Natural Resources Program**

**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**January 10, 2023**  
**TBD**

### **PETITION**

PROJECT: SP202200020 Esmont - Scottsville Transmission Line Rebuild Project

MAGISTERIAL DISTRICT(S): Samuel Miller, Scottsville

TAX MAP/PARCEL(S): 11100-00-00-074A0, 12800-00-00-01300, 12800-00-00-013A0, 12800-00-00-05600, 12800-00-00-05700, 12800-00-00-05900, 12800-00-00-08800, 12800-00-00-088A0, 12800-00-00-09000, 12800-00-00-09100, 12800-00-00-09400, 12800-00-00-12400, 128A2-00-00-00800, 128A2-00-00-00900, 128A2-00-00-01300, 128A2-00-00-01400, 128A2-00-00-01500, 128A2-00-00-015A0, 128A2-00-00-01800, 128A2-00-00-01900, 128A2-00-00-02100, 128A2-00-00-02200, 128A2-00-00-02300, 128A2-00-00-02400, 128A2-00-00-02500, 128A2-00-00-025B0, 128B0-00-00-01600, 128B0-00-00-01700, 12900-00-00-00600, 12900-00-00-00700, 12900-00-00-007A0, 12900-00-00-007C0, 12900-00-00-007D0, 13000-00-00-007N0, 13000-00-00-007NN, 13000-00-00-007P0, 13000-00-00-007Q0, 13000-00-00-007R0, 13000-00-00-007T0, 13000-00-00-00800, 13000-00-00-011A0, 13000-00-00-01500, 13000-00-00-04000, 13000-00-00-040A0, 13000-00-00-040C0, 13000-00-00-04100, 13000-00-00-041C0, 13000-00-00-041C1

LOCATION: From the northwest side of the intersection of Route 6 (Irish Rd) and Route 715 (Esmont Rd), running eastward on the south side of Route 6 to the Scottsville Substation on Route 726 (James River Rd), a corridor of approximately six miles.

PROPOSAL: Replace existing power-line support poles with an average height of approximately 40 feet with new poles with an average height of approximately 60 feet in order to install a new 46-kiloVolt powerline, on an existing transmission line route of approximately 6 miles, along an existing utility easement.

PETITION: Energy and communications transmission facilities under Section 26.2(a) and Section 10.2.2(6) of the Zoning Ordinance, crossing 47 parcels of land totaling approximately 2,277 acres. No dwelling units proposed.

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT(S): Steep Slopes Overlay district, Flood Hazard Overlay district

COMPREHENSIVE PLAN: 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 SURROUNDING AREA**

The eastern portion of the existing utility corridor passes through a slightly rolling open Piedmont agricultural landscape with some scattered residential lots. To the west, the corridor passes through a more wooded area with a somewhat higher density of residential lots. The western half of the corridor falls within the Southern Albemarle Rural Historic District.

### **PLANNING AND ZONING HISTORY**

The existing utility corridor predates the Zoning Ordinance.

### **DETAILS OF THE PROPOSAL**

The electrical transmission line running from the Scottsville substation to Esmont has been in place since the 1920s. As part of a larger project to increase reliability and address future power needs in the region, the applicant proposes to replace the existing, age-degraded poles and lines, and to replace the pole-mounted switching mechanism at the Esmont end of the line. This line upgrade would largely occur within the existing 80- to 100-foot-wide utility easement, with the exception of a small expansion near the Yancey Community Center that is needed to provide sufficient safety clearances. The applicant has already acquired the necessary addition to the utility easement.

The new transmission structures (H-poles) would be located in approximately the same locations as the existing poles. The application narrative and conceptual plan (Attachment 2) provide a detailed project description and a diagram of the existing and proposed pole designs. The plan also provides photo-simulations of the visibility of the proposed facilities.

### **COMMUNITY MEETING**

An open-house community meeting was held at the Scottsville library on November 7, 2022. The applicant provided maps and graphics showing the project, and answered questions for the attendees. Seventeen members of the public attended the open house. Of the three comment forms submitted by attendees, none expressed objections to the project. One commenter said that they had initial concerns about noise and visibility, but that those concerns had been addressed by the applicants.

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

***Section 33.8(A) states that the Commission and the Board of Supervisors will consider the following factors when reviewing and acting on an application for a special use permit:***

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

The proposed utility structures would replace existing poles, and new ground disturbance would be limited to the removal of old poles and the installation of new poles. The new structures would not prevent access to any parcels. 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.

- 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 applicant has stated that completion of the line upgrade “will enhance system reliability by replacing assets installed in the 1920s that are at the end of their useful lives.”

***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 replacement would not create new hazards. As the project would be located almost entirely within the existing utility easement, no new safety issues would be created. Increased line heights from the taller poles would increase safety margins. In the one area where the existing utility corridor is being expanded, that expansion is being done to increase safety clearances.

*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 reseeding shall be required to the satisfaction of the zoning administrator;*

These measures are not necessary, as no buildings or structures other than the pole replacements are proposed.

*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.

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

Increasing transmission-line height above ground increases safety margins. 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 Route 6 (Irish Road), which is a designated Entrance Corridor. Also, approximately the western three-quarters of the utility corridor is located within the Southern Albemarle Rural Historic District. The proposed pole extensions would be minimally visible from the Entrance Corridor (see photo-simulations in Attachment C).

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.

The proposed replacement poles would be taller than the existing poles. However, their distance from Route 6 and the proposed material to be used (a dulled metal surface) would minimize their visibility and their contrast with sky. Also, where the corridor most closely approaches Route 6, in the western third of its length, the corridor is generally screened from Route 6 by trees, except where it crosses over the road near the Esmont Substation. Overall, staff finds that the pole replacement would have minimal impact on the visual character of the Entrance Corridor or the Rural Historic District.

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:

Positive Aspects to this request include:

1. The proposed upgrade would increase the reliability of electrical utility service to area residents.

2. The proposed pole materials and locations would minimize visual impacts on the area.
3. 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.

Staff found no concerns.

### **RECOMMENDED ACTION**

Based on the findings described in this report and factors identified as favorable, staff recommends approval of special use permit application SP202000020 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 "Esmont-Scottsville Transmission Line Rebuild Aerial Mapbook," prepared by Appalachian Power, and dated 7/13/2022. At a minimum, to be in general accord with the conceptual plan:
  - Supporting structures for the electrical transmission lines must remain within the right-of-way shown on the plan.
  - New transmission poles, not including the switch structure at the Esmont substation, must be steel H-frame structures with a dulled, galvanized finish.

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

### **POSSIBLE PLANNING COMMISSION MOTIONS – SP202200020:**

A. Should the Planning Commission **choose to recommend approval** of this special use permit:

I move to recommend approval of SP202200020 for "Esmont - Scottsville Transmission Line Rebuild Project" 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 SP202200020 for "Esmont - Scottsville Transmission Line Rebuild Project" for (state reasons for denial).

### **ATTACHMENTS**

1. Location Map
2. Project Narrative and Conceptual Plan