

**Albemarle County Planning Commission
FINAL Minutes January 18, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, January 18, 2022 at 6:00 p.m.

Members attending were Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Julian Bivins; Fred Missel; Daniel Bailey; Luis Carrazana.

Members absent: Jennie More.

Other officials present were Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; Cameron Langille; Francis MacCall; Scott Clark; Jodie Filardo; Bart Svoboda; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Firehock said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." She said opportunities for the public to access and participate in the electronic meeting were posted at www.albemarle.org/community/county-calendar when available. She said there would be further instruction for public comment during public hearings.

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were no speakers.

Consent Agenda

Ms. Firehock said there was no consent agenda. She noted that the item SP202100016 CVEC Cash's Corner Substation was requested for deferral. She explained that the Commission did not need to vote on the request because the applicant was not the party making the request. She said the request was due to an advertising error, and the item would be deferred to the February 15, 2022 Planning Commission meeting.

Public Hearing

SP202100015 Midway – Martin's Store 115kV Transmission Line

Mr. Scott Clark said the special-use permit was for a transmission line upgrade. He displayed a map showing the area. He explained that the transmission line started in the Midway area and ran southward. He said the proposal was to upgrade an existing electrical transmission line that had been in place for several decades for the Central Virginia Electric Cooperative (CVAEC). He said the proposal would replace aging wooden H poles that carried the transmission line, which were 60 to 70 feet in height, with single metal poles 70 to 90 feet in height.

Mr. Clark said that this would be the first phase of upgrades running from Midway in the northern end to the Albemarle/Nelson boundary and onwards into Nelson as there was available funding for the utility. He said the poles would be replaced in the existing right-of-way. He said the first phase of the upgrade was in the same parcel for the Midway Solar special-use permit that was recently approved, though unrelated. He said the solar facility was intended to connect to local distribution lines.

Mr. Clark said the image showed an example of what the right-of-way looked like. He said H poles were double wooden poles with a cross bar that carried the transmission line. He displayed a graphic that compared the H poles to the proposed replacement metal poles. He noted that the metal poles came with a natural oxidized finish so they would look similar to the wooden poles.

Mr. Clark said that the proposal did not cause any substantial detriment to adjacent properties because the right-of-way did not change or expand. He noted that the right-of-way had been in place for about 40 years, so the proposal would not change the character of the area. He said that the proposal was a measure to increase reliability for a public utility to provide power to the area, and it was needed because the existing poles were degraded due to age. He said public utilities were in harmony with and supportive of the agricultural and residential uses in the district.

Mr. Clark noted that there were relevant code subsections in Chapter 5.1.12, Public Utility Structures and Uses. He said some of the subsections did not apply because they related to buildings and structures. He explained that subsection C discussed removal of poles and other similar facilities. He said the existing poles would be removed as part of the replacement process. He explained that the current distribution lines and the local poles carrying lower voltage lines would be removed so that the distribution line could be hung from the transmission poles, reducing the total amount of facilities within the right-of-way.

Mr. Clark explained that subsection D discussed minimizing new utility easements and river crossings, but there were no new river crossings in the proposal because it was in an existing right-of-way. He said there was one temporary stream crossing proposed that would cross with a bridge mat to allow equipment to cross, and there would be no disturbance in the stream itself.

Mr. Clark said that replacing poles in the existing right-of-way avoided disturbing or fragmenting other parts of the landscape, and the impacts were limited to the temporary construction work. He said that the utility line upgrade would increase service reliability without increasing the physical impacts or widening the existing corridor. He said staff had one condition along with the recommendation for approval, that supporting structures for the transmission lines shall remain within the existing right-of-way easement. He said the condition was standard for the type of service pole upgrade.

Ms. Firehock said the application was similar to other applications the Commission had processed in the past.

Mr. Bivins asked if there would be opportunities provided for cellular service equipment to be placed on the new poles. He asked if the poles could be used to enhance cellular coverage in the County.

Mr. Clark said he was not aware if the applicants planned co-locations on the facilities. He said the issue was not raised during review.

Ms. Firehock said she would remind the applicants to address Mr. Bivins' question. She asked if there were further questions for staff. She asked if the applicant had an application or wished to speak.

Mr. Bruce Maurhoff, the COO for the CVAEC, said Mr. Chuck Ward was also in attendance. He said that Mr. Clark had represented the project well. He said that regarding Mr. Bivins' question about cellular service, none of the structures were designed to have cellular communication facilities attached. He continued that there was the possibility to modify the structures if an agreement with a cellular provider were established.

Ms. Firehock clarified that the applicant did not have a presentation. She said the primary purpose of the project was to improve the performance and safety of the corridor and to improve reliability.

Mr. Ward said that Ms. Firehock was correct.

Ms. Firehock said that the average tree-height in Virginia was 67 feet. She said that the increase in pole height would make them less susceptible to limbs hitting wires, and the poles were much stronger. She said she was prepared to make a motion if there were no further comments.

Mr. Clayborne said he suspected many similar projects would come before the Commission. He said the proposal seemed like an obvious one to approve, and he wanted to know if there was an administrative process to streamline the approval of similar projects to reduce the workload.

Mr. Clark said that a new administrative process would require a change to the zoning ordinance. He explained that the local distribution lines were by-right, and the transmission lines and transmission pipelines, just like substations, required a special-use permit. He noted that the transmission line pre-dated the zoning ordinance requirements for the type of facility but still required a special use permit to perform upgrades.

Ms. Firehock said she was reminded of when the Commission had to grant approval for restaurants to install a drive-through window. She said that they created design guidance that could be used and approved if staff felt a proposal met those criteria, to streamline the process and reduce the amount of work. She asked that staff investigate administrative remedies to reduce the amount of work required to approve transmission line upgrades.

Mr. Rapp said that staff could look into those administrative routes. He mentioned similar processes had been approved for restaurant drive-throughs and veterinary clinics. He explained that when there was an item before the Board or Commission that was frequently approved with the same conditions each time, it was a good candidate to have performance standards added to the zoning ordinance to allow for administrative approval.

Ms. Firehock said she hoped to see similar projects in the future.

Mr. Bivins mentioned that there was spotty cellular coverage in the area of the proposal. He encouraged the applicant to investigate the potential for partnerships with cellular companies to install cellular facilities on the transmission poles.

Ms. Firehock said there were plans for other lines to co-locate service. She said the projects were years away because Nelson County was first for some of the improvements.

Ms. Firehock to recommend approval of SP202100015 Midway-Martin's Store 115vK Transmission Line with the condition listed in the staff report. Mr. Missel seconded the motion. The motion carried unanimously (6-0).

Old Business/New Business

Ms. Firehock said she had asked at the beginning of the year if any commissioners had travel plans to ensure a quorum at meetings. She said commissioners should email her if there were out-of-town trips scheduled. She said that she would review the days commissioners would be absent to ensure there were no conflicts. She said there would not be a Commission meeting on January 25 because there were no topics for the session.

Ms. Firehock mentioned there was the option to hold Commission meetings every other Tuesday of the month instead of on the first 3 Tuesdays of the month. She said the work session day would be held prior to a Commission meeting instead of on the fourth Tuesday. She said she wanted to open the topic up for discussion. She asked Mr. Rapp to weigh in with his opinion. She said that the format was currently demanding on staff as they had late night work sessions with the Board and with the Commission. She wanted to know if there were alternate times that would be easier for everyone involved.

Mr. Carrazana said if there was enough lead time for the work sessions, then the schedule could be managed, but if the work sessions became more sporadic, then it would be harder to manage. He wanted to know how early of notice the commissioners would receive for the meetings.

Ms. Firehock said commissioners would likely receive similar notice to the notice they currently received for work sessions—typically six weeks, by the first of the month at the latest.

Mr. Rapp said that staff attempted to release the schedule a month early. He said that the schedule was traditionally crafted with a public hearing, followed by a work session, followed by a public hearing, then followed by the fourth Tuesday of every month. He said that the Board had work sessions in the afternoon followed by public hearings, and the meetings were on the first and third Wednesday every month. He said that was nearly the same schedule for the Commission, and so it stacked work for the staff. He said the Commission could meet on the second and fourth week of every month and host the work sessions prior to the meetings in order to stagger the meetings with the Board.

Mr. Bivins said he was in support of staggering the meeting schedules to balance the workload. He said that as the County prepared for the Comprehensive Plan, a lot of the material would be presented and discussed during a work session. He said the Commission would be better served to have a Comprehensive Plan discussion separate from the public hearings.

Mr. Missel said he supported the change in meeting schedule. He said it was helpful to have a day set off every month for a potential work session. He asked if it was likely there would only be one work session a month.

Mr. Rapp said there was typically one work session a month. He explained that sometimes there was not a full work session of material, so the meetings were canceled or loaded up.

Mr. Missel asked if there could be more than one work session a month.

Mr. Rapp said he had never had more than one work session in a month, but if needed, it could be called. He said commissioners had a lot of meetings to attend and the meeting load was quite heavy.

Mr. Missel said he was not suggesting extra work sessions.

Ms. Firehock said there had been multiple weeks where she had meetings from Monday night through Thursday night for the Commission. She said the agenda would need to be balanced so that major items were not scheduled for the same night and overload the meeting. She said that the Commission did not need to meet for meeting's sake. She proposed that Mr. Rapp review the upcoming schedule and see if the suggested changes were possible. She said that the change in the schedule would not cause further delay to applications.

Items for Follow-Up

There were no items.

Adjournment

At 7:30 p.m., the Commission adjourned to February 1, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 02/15/2022
Initials: CSS