



# Albemarle County

## Legislation Text

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**File #:** 18-282, **Version:** 1

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**AGENDA DATE:** 5/9/2018

**TITLE:**

Strawberry Hill ACE Easement

**SUBJECT/PROPOSAL/REQUEST:** Consider approval of an electric utility easement across an existing County open-space (ACE) easement.

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Herrick, Gast-Bray, Maliszewski, Goodall

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** In 2008, the Virginia Outdoors Foundation (VOF) and the County jointly acquired an open-space (ACE) easement on Tax Map Parcel 05000-00-00-04500, a property known as Strawberry Hill Farm, a 330 acre cattle farm near Cismont. VOF helped fund this acquisition through a \$565,000, or 50%, matching grant.

A Central Virginia Electric Cooperative (CVEC) electric transmission line runs along the eastern boundary of the property to a small substation. This line is the final portion of a proposed transmission network upgrade from Cash's Corner Substation to Zions Substation. The upgrade, from a 46kV to 115kV line, would enhance the reliability and redundancy to growing areas served by this line. Because the new line would require a utility pole height increase from 55 feet to 75 feet and an enlargement of the right-of-way (ROW) by 0.106 acres (over which the new lines would hang), it is subject to the review and approval of VOF and the County, as easement co-holders. Specifically, Section II(2)(iv) of the deed of easement provides: "Public and private utilities that do not serve the Property shall not cross the Property unless Grantees [VOF and the County] determine that the construction and maintenance of such utilities will not impair the conservation values of the Property and give its prior written approval for such construction and maintenance."

Because of VOF's experience in responding to similar utility requests statewide, County staff agreed that VOF should take the lead in reviewing this request. After consultation with County staff, the owners of Strawberry Hill, and CVEC project managers and engineers, Brian Fuller, VOF's Assistant Director of Stewardship for VOF, presented his review and recommendations on behalf of VOF at the March 12 ACE Committee meeting.

**STRATEGIC PLAN:** Natural Resources Stewardship: Thoughtfully protect and manage Albemarle County's ecosystems and natural resources in both the rural and development areas to safeguard the quality of life of current and future generations.

Rural Areas Character: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

**DISCUSSION:** Based on Mr. Fuller's extensive analysis (Attachment A), VOF concluded that the proposed upgrades would not impair the conservation values of the property. VOF therefore recommended approval of CVEC's upgrade request subject to the following conditions:

1. A proposed Deed of Amendment for the ROW to increase the height limitation from 55' to 75' and to add the required 0.106 acres for review and approval by VOF Counsel.
2. No above-ground structures or uses other than aerial electric transmission lines shall be permitted within the expanded ROW.
3. Additional screening (landscape buffer of evergreen trees) shall be required along the fencing of the southern side of the Cash's Corner Substation to better minimize the visual impacts of the substation from the open-space easement property and farmhouse.

Again, because the County is the co-holder of this easement, this request is also subject to County review and approval. At its March 12 meeting, with the concurrence of County staff, the ACE Committee unanimously recommended acceptance of VOF's recommendations.

Following the March 12 ACE Committee meeting, CVEC requested that communications and electric distribution lines also be permitted within the expanded right-of-way. The request to allow communication lines is part of CVEC's endeavor to provide fiber optic, broadband internet along its electrical distribution system. The proposed communication line would add another small "cable/wire" to the existing and/or proposed electric towers. VOF has always been a supporter of co-location of utilities, where possible, and reliable internet is an increasing need in rural areas. Neither VOF nor County staff objects to this additional request either.

All of the above recommendations are now before the Board for its consideration.

**BUDGET IMPACT:** No budget impact is expected.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the proposed CVEC lines across a portion of Strawberry Hill Farm, subject to the conditions listed therein.

**ATTACHMENTS:**

- A - Virginia Outdoors Foundation analysis and background materials
- B - Resolution