



# Albemarle County

## Legislation Details (With Text)

**File #:** 19-407      **Version:** 1      **Name:**  
**Type:** Zoning Text Amendment      **Status:** Consent Agenda  
**File created:** 7/2/2019      **In control:** Board of Supervisors  
**On agenda:** 7/17/2019      **Final action:**  
**Title:** Resolution of Intent to Amend Who is Authorized to Submit Special Use Permit Applications.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Att.A - Resolution of Intent

| Date | Ver. | Action By | Action | Result |
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**AGENDA DATE:** 7/17/2019

**TITLE:**

Resolution of Intent to Amend Who is Authorized to Submit Special Use Permit Applications

**SUBJECT/PROPOSAL/REQUEST:** Adoption of a resolution of intent to consider amending the Zoning Ordinance to allow electric cooperatives the ability to submit a special use permit application prior to acquiring easements on all properties impacted by proposed infrastructure

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Herrick, McCulley, Fritz

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

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** Electric cooperatives provide necessary electrical service to the community. Expansion and improvement of the transmission system requires a special use permit. The nature of the electrical grid results in long corridors of infrastructure potentially impacting multiple parcels. Improvement of the electric grid may be consistent with the County's Climate Action Planning and Economic Development Program.

**STRATEGIC PLAN:** Infrastructure Investment: Prioritize, plan, and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs

**DISCUSSION:** Electric cooperatives are member-owned organizations. The expansion and improvement of the electric grid sometimes requires a special use permit. In some cases, existing easements may be adequate to allow the expansion, while in other cases new or expanded easements may be necessary. The current Zoning Ordinance limits who may submit a special use permit application to the owners or designees of property or to easement holders. In those cases where easements do not exist, electric cooperatives must either obtain the owner's permission to submit a special use permit application or obtain the easement.

Electric cooperatives have the power of eminent domain to obtain easements. Requiring electric cooperatives to obtain easements prior to County approval may create an unnecessary burden. The Ordinance may be amended to allow the electric cooperative to submit a special use permit application prior to obtaining the owner's permission or the necessary easements. Property owners would be notified of the submittal of a special use permit application. If the County approves a special use permit the electric cooperative would still be required to obtain the necessary easements from the property owner, either voluntarily or by exercising eminent domain.

**BUDGET IMPACT:** None

**RECOMMENDATION:**

Staff recommends that the Board of Supervisors adopt the attached resolution of intent.

**ATTACHMENTS:**

Attachment A - Resolution of Intent