



**COUNTY OF ALBEMARLE PLANNING  
STAFF REPORT SUMMARY**

<b>Proposal:</b> SP202100015 Midway-Martin's Store 115kV Transmission Line	<b>Staff:</b> Scott Clark, Senior Planner II
<b>Planning Commission Public Hearing:</b> January 18, 2022	<b>Board of Supervisors Hearing:</b> TBA
<b>Owner:</b> Central Virginia Electric Cooperative holds a utility easement over the parcels listed below	<b>Applicant:</b> Central Virginia Electric Cooperative
<b>Acreage:</b> Approximately 76 acres of right of way across multiple parcels	<b>Special Use Permit for:</b> Energy and communications transmission facilities under Section 10.2.2(6) of the Zoning Ordinance, on 29 parcels of land totaling approximately 859.68 acres. No dwelling units proposed.
<b>TMPs:</b> 07100000002500, 07100000002600, 071000000026C0, 071000000027A0, 071000000029B0, 071000000029H0, 071000000029I0, 071000000048A0, 07100000004900, 07100000005000, 07100000005200, 07100000005500, 07200000000700, 072000000010A0, 085000000016A0, 08500000001700, 085000000017B0, 08500000001800, 085000000018A0, 085000000018A2, 085000000018A3, 085000000018B0, 085000000018D0, 085000000018E0, 085000000020A0, 085000000020A1, 08500000002100, 085000000021D1, 085000000022B0 <b>Location:</b> From Midway, running southwest for approximately 3.85 miles along an existing transmission corridor that continues west and south of Batesville.	<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 District:</b> Samuel Miller	<b>Conditions:</b> Yes EC: No
<b>School Districts:</b> Brownsville Elementary – Henley Middle – Western Albemarle High School	
<b>Proposal:</b> Upgrade an existing electrical transmission line from wooden H-poles approximately 60 to 70 feet in height to single iron poles approximately 70 to 95 feet in height.	<b>Requested # of Dwelling Units:</b> n/a
<b>DA:</b> n/a <b>RA:</b> Yes	<b>Comp. Plan Designation:</b> Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).
<b>Character of Property:</b> The existing right-of-way crosses a variety of agricultural, wooded, and residential properties.	<b>Use of Surrounding Properties:</b> Surrounding properties include wooded area, open grazing land, and residences.
<b>Factors Favorable:</b> 1. The utility-line upgrade would increase electrical-service reliability without increasing physical impacts or widening the existing utility corridor.	<b>Factors Unfavorable:</b> None.
<b>RECOMMENDATIONS:</b> Staff recommends approval of SP202100015 Midway-Martin's Store 115 kV Transmission Line with conditions.	

**STAFF CONTACT:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Scott Clark  
January 18, 2022  
TBA

**PETITION**

PROJECT: SP202100015 Midway-Martin’s Store 115kV Transmission Line

MAGISTERIAL DISTRICT(S): Samuel Miller

TAX MAP/PARCEL(S): 07100000002500, 07100000002600, 071000000026C0, 071000000027A0, 071000000029B0, 071000000029H0, 071000000029I0, 071000000048A0, 07100000004900, 07100000005000, 07100000005200, 07100000005500, 07200000000700, 072000000010A0, 085000000016A0, 08500000001700, 085000000017B0, 08500000001800, 085000000018A0, 085000000018A2, 085000000018A3, 085000000018B0, 085000000018D0, 085000000018E0, 085000000020A0, 085000000020A1, 08500000002100, 085000000021D1, 085000000022B0

LOCATION: From Midway, running southwest for approximately 3.85 miles along an existing transmission corridor that continues west and south of Batesville.

PROPOSAL: Upgrade an existing electrical transmission line from wooden H-poles approximately 60 to 70 feet in height to single iron poles approximately 70 to 95 feet in height.

PETITION: Energy and communications transmission facilities under Section 10.2.2(6) of the Zoning Ordinance, on 29 parcels of land totaling approximately 859.68 acres. No dwelling units proposed.

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

ENTRANCE CORRIDOR: No

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 surrounding area includes a variety of large forested parcels, open grazing land, and rural residential parcels.

**PLANNING AND ZONING HISTORY**

No relevant history. The current utility facility is an existing non-conforming use and requires a special use permit for the proposed upgrade.

**DETAILS OF THE PROPOSAL**

The proposed project is a portion of a planned upgrade of an existing electrical transmission line that connects the Midway substation to the Martin’s Store substation in Nelson County. The existing wooden H-poles (60 to 70 feet in height) are nearing the end of their useful life, and would be replaced with steel monopoles (70 to 95 feet in height) within the same right-of-way. The portion proposed on this application extends southward from the Midway substation, along the existing right-of-way. While the current proposal does not extend along the entire length of the right-of-way, stopping at the southern end of the property where the Midway Solar utility-scale solar-generating use was recently approved (SP202100001), future phases will continue to the far end of the right-of-way (as the applicant’s funding permits). (The output from the Midway Solar facility will not use the transmission lines proposed in this permit request, but will connect directly to by-right local distribution lines.) See Attachment 2 for the application narrative and pole illustrations. See Attachment 3 for the conceptual plan.

## **COMMUNITY MEETING**

A virtual community meeting was held on November 10<sup>th</sup>, 2021. One nearby family attended the meeting. No significant concerns or objections were expressed. A video recording of the community meeting can be found by clicking [HERE](#).

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

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.40b of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined.

### **No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.**

The replacement of H-poles with taller monopoles within the existing right-of-way is not expected to cause a substantial detriment. Construction impacts will be limited and temporary, as the monopoles are the only structures needed.

Staff opinion is that the proposed use would not be a substantial detriment to adjacent parcels.

### **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.**

A utility corridor with H-poles and power lines already exists in this area. New monopoles in the same corridor are not expected to change the character of the area.

Three parcels along the right-of-way (Tax Map 71 Parcel 26; Tax Map 85 Parcel 21, 21D1, 22B) are under a conservation easement. This is an ACE easement held by the County and by the Albemarle Conservation Easement Authority. However, the utility right-of-way predates those conservation easements, and the utility has the right to maintain and upgrade its facilities within that right-of-way.

Seven parcels along the right-of-way (Tax Map 71 Parcels 26, 26C, 27A, 29H, 29I; Tax Map 85 Parcels 21, 22B) are enrolled in the Batesville Agricultural-Forestal District. Given the fact that the utility right-of-way predates that district, and that the replacement of existing poles on those parcels is not expected to reduce access to land for agricultural purposes or impact agricultural resources, staff does not anticipate any impacts to the District. Staff consulted with the Chairman of the Agricultural-Forestal Districts Committee, who agreed that the impacts on the District of a pole-replacement project were not significant.

### **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 the “existing 115 kV transmission line is 40+ years of age and needs to be replaced due to deterioration of the wood poles and wood cross -arms. The transmission line is a radial feed to four other substations serving almost 6,750 customers, including the Wintergreen Resort area. CVEC has had several outages within the past three years which affected all 6,750 customers. Rebuilding

the existing 115 kV transmission line will provide a substantial increase in reliability to the customers served.”

**Harmony. ...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.

**Harmony. ...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 replacement poles are within the existing transmission corridor. No new use is proposed.

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

These measures are not necessary, as no buildings or structures other than the replacement monopoles are proposed. Earth-disturbing activity will be minimal, as only pole bases will be required.

*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;*

The existing poles will be removed as part of the replacement process.

*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 stream crossings are proposed, as the new poles would remain within the existing corridor. In some cases, construction access to the pole locations will require temporary stream crossings within the existing corridor. The proposed crossings would be temporary and would use bridge mats that rest on the stream banks and keep vehicles and equipment out of the streams themselves.

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

Replacement of existing power lines in the same corridor does not introduce new safety issues. Provision of upgraded power-transmission lines can increase general welfare by ensuring more consistent service during periods of high demand.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

The Rural Area chapter of the Comprehensive Plan includes goals for protecting agricultural and forestal economies, as well as natural resources. As this proposal involves an existing utility corridor that would not change or expand, the availability of the corridor for grazing is unchanged. (Forestry is not possible in electric corridors, because vegetation below the lines must remain low enough not to interfere with the lines.) Also, because the decades-old corridor is not expanding, the natural-resource impacts are limited to temporary construction work.

Staff feels that the proposal does not conflict with the Comprehensive Plan.

**SUMMARY**

Staff has identified the following factors favorable to this proposal:

1. The utility-line upgrade would increase electrical-service reliability without increasing physical impacts or widening the existing utility corridor.

Staff has identified no unfavorable factors for this proposal:

**RECOMMENDED ACTION for SP**

Based on the findings contained in this staff report, staff recommends approval of SP202100015 Midway-Martin's Store 115 kV Transmission Line with the following condition.

1. Supporting structures for the electrical transmission lines shall remain within the existing right-of-way easement.

**ATTACHMENTS**

1. [SP2021-15 - Location Map](#)
2. [SP2021-15 - Application Narrative](#)
3. [SP2021-15 - Conceptual Plan](#)