

Albemarle County Planning Commission
FINAL Minutes February 2, 2021

The Albemarle County Planning Commission held a public hearing on Tuesday, February 2, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Daniel Bailey; Corey Clayborne; and Luis Carrazana, UVA representative.

Members absent: Jennie More.

Other officials present were Scott Clark; Bill Fritz; Steve Allshouse; Amelia McCulley; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins 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." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org or on the County calendar, when available. He called the meeting to order.

Mr. Rapp called the roll. All Commissioners indicated their presence except for Ms. More, who was not present.

Consent Agenda

Mr. Keller moved to approve the consent agenda.

Mr. Clayborne seconded the motion, which carried unanimously (6:0). (Ms. More was absent.)

Public Hearings

SP202000007 Rappahannock Electric Cooperative

Mr. Scott Clark, Senior Planner with Community Development, presented. He said this item was a public hearing for a special use permit request for a powerline upgrade. He said the applicants were in attendance in case there were any questions for them after the presentation.

Mr. Clark said the proposal is a special use permit request to upgrade an existing redistribution line, which is a by-right level of electrical line that typically carries power between neighborhoods in local areas. He said this request is to upgrade the corridor and those poles into a transmission line, which requires a special use permit.

Mr. Clark said specifically, this would install pole topper extensions of existing powerline poles to increase the height of the poles from an average of 46 feet to a new height averaging about 82 feet. He said that on those new extensions, they would install a 115-kilovolt powerline in the existing corridor that is about 1.6 miles long on the west side of US-29, along the parcels shown

on the map on the slide in red. He said the gray areas on the map represented the County's Development Areas, and the white areas were the Rural Areas. He indicated on the northern portion of the map, noting that it was the Greene County line.

Mr. Clark said the overall width of the easement of the corridor would increase from 40 feet to 75 feet in order to accommodate the larger safety zones needed for the higher-voltage lines.

Mr. Clark said he would present a few pictures of the corridor as it currently exists. He said the photo on the screen was a view from Advance Mills Road, looking south. He said it shows that portions of the corridor are open to the highway, Route 29, which is an entrance corridor. He said one could also see in the photo how the poles have been built out of metal, with a flat space on top where the extensions can be added on. He said he would show a graphic of this momentarily.

Mr. Clark presented a photo of a grassy area farther south with a narrow band of trees between the highway, which was on the right, looking north.

Mr. Clark presented a view from the road, noting there was a thin band of trees along the edge of the road. He said there is an open area behind that for the existing powerline corridor. He said in some cases, there were more open areas behind that, but in this case, there were more wooded areas.

Mr. Clark presented another view of the existing corridor and the poles from the highway itself.

Mr. Clark presented a page of the conceptual plan for the project. He said this new corridor would run north from the Rivanna Substation north to the Greene County line. He noted that the blue dashes represent the existing 40-foot utility easement and bracketing that (in the lighter green color) was the proposed 75-foot easement. He said the difference shown was 17.5 feet on each side, on the east side, which was shown down in the view. He said the extension is into the VDOT right-of-way, so it is already clear area and doesn't make any difference except for places along the very edge, where there are some individual trees.

Mr. Clark said that on the west side of the corridor, there is another 17.5-foot extension of the easement. He said this covers a variety of land cover types, from residences and yards to woods as one goes along the corridor. He said later, if the Commission needed to see them, he could show them the remaining pages of the plan. He noted that what was shown on the slide was only the first page.

Mr. Clark said to give a sense of scale, the west side increase (which is the one that would mainly impact vegetation) is about 17.5 feet wide and about 1.6 miles along, which gives a rough area of about 3.4 acres in that expanded easement for the entire length of the proposed transmission facility.

Mr. Clark presented a graphic from the applicants showing what they propose to add. He said the lower half showed the existing structure height and what the posts currently look like, along with the additional increase in height on top of that which would be bolted onto the higher-voltage poles. He said at the bottom, one could see that the poles are currently centered in the 40-foot easement and remain centered in the 75-foot easement as it is expanded.

Mr. Clark said the applicant also provided a photo simulation of the change. He said some Commissioners may recognize the driveway shown, which is on the property that abuts the

Greene County line. He said the “before” view was shown at the top, with the existing poles, and the “after” view showed what it would look like after the addition of the extensions that would carry the higher-voltage transmission lines.

Mr. Clark said in analysis of the special use permit request, the main factor focused on whether the review was consistent with the Comprehensive Plan. He said this is in a heavily traveled, very important entrance corridor, and so staff wanted to look at how scenic resources would be impacted. He said the Comprehensive Plan has several goals that talk about protecting scenic resources not only in the County in general, but especially in these entrance corridors, and using design guidelines to help maintain the integrity of those corridors to the County.

Mr. Clark said this project has been to the Architectural Review Board twice, in May and in November 2020. He said he wanted to briefly explain how staff approached the review. He said as stated in the staff report to the ARB, there are clear limitations associated with screening utility lines. He showed the slide with the before and after pictures and said to imagine how ineffectual it would be to apply typical ground-level screening centers to a pole like this. He said it was not an effective approach.

Mr. Clark said typical building design and infrastructure screening techniques cannot be effectively applied to utility poles 85 feet in height. He said over the course of the review with the applicants and the ARB, staff’s focus was rather than trying to hide these pole extensions or screen them from view, they find a way to offset their visual impacts. He said they certainly have impacts on the corridor, and staff acknowledges that, but a simple attempt to block the view of them was not going to work, so they tried to find a way to offset that.

Mr. Clark said that after several rounds of discussion, staff talked with the applicants about their proposal and ways that they can use their integrated vegetation management technique to offset the visual impacts of the poles. He said the picture on the screen showed that the existing corridor, where it is open to the road, is essentially mowed clear at the moment. He said this is a typical management technique for utility corridors like this, but it is somewhat expensive for the utilities and obviously not very scenic for the community.

Mr. Clark said the idea here is to improve the visual character of the utility easement by having taller and more varied vegetation in those currently fairly featureless corridor areas by allowing a select suite of native (not invasive) species of shrubs and low trees that could grow there without causing a hazard to the overhead lines.

Mr. Clark said to give a couple of examples of what this looks like, he would show pictures of examples from other parts of the country. He said he knows this is not the site, or even in Albemarle, but they were a couple of examples of what integrated vegetation management looks like on the ground. He said the example shown on the screen was aimed at more of a pollinator habitat and some perennial (but short-lived) plants rather than trees that would come up every year. He said one could see how this would benefit the habitat of insects and other animals that use that kind of territory, and that it was more visually pleasing than being mowed flat to dirt.

Mr. Clark showed a picture of another example, this time from the Eversource Energy Company in New England. He said he did not know what the flowering trees in the photo were, but the idea was that this gives an array of shrubs and smaller trees under the corridor. He said even the poles there were very different, but the vegetation would be similar to what is proposed under the integrative vegetation management approach (IVM).

Mr. Clark said there are a couple of caveats to this he wanted to mention. He said the utility's easement allows the applicant to manage vegetation under these lines. He said they can control what comes up and what doesn't, and they can use management techniques to affect the array of vegetation there, but they do not control the right of an underlying landowner to remove what they want. He said as he mentioned earlier, there are some places along this corridor where the line is going over residential yards. He said those residential yards would probably stay that way, or could stay that way, because the underlying landowners always have the right to also manage that vegetation.

Mr. Clark said another thing he should point out is that some of the individual trees that stand between the utility lines on US-29 are likely to be removed, depending on the exact clearances once the poles are up and the wires are in place. He said it is hard to say exactly which ones would stay and which would go and, of course, they will change over time as they grow, but he should acknowledge that there will be changes on the edge of the highway itself.

Mr. Clark said staff believes, however, that the gradual change from bare soil and grass to shrubs and small trees will significantly improve the appearance of the utility easement along the entrance corridor.

Mr. Clark said when this request went to the ARB in November 2020, the board voted 3-1 to forward a recommendation of no objection to the proposal, with the condition that the IVM plan be included as a requirement for the special use permit, and that this plan include proactive management to promote native species such as meadows, shrub landscapes, and pollinator species, as well as low-growing trees and other native vegetation as compatible with safety needs and that are visually pleasing in the entrance corridor. He said staff has adopted this direction into the conditions that he would present to the Commission.

Mr. Clark said regarding the Comprehensive Plan, the Rural Areas are generally focused on protecting natural resources and the viability of rural land for agriculture and forestry. He said the good thing about this project is because it is reusing an existing corridor rather than carving a new one through the landscape, it is not creating any additional footprint, nor is it blocking access to any agricultural or forestry land.

Mr. Clark said in summary, staff has identified two favorable factors. He said he should have mentioned these in more detail at the beginning, but the proposed upgrade would increase the reliability of electric service to area residents. He said what he should have mentioned at the beginning was the rationale for this particular project is the final step in a loop of transmission line connections that would allow the electric cooperative to significantly shorten power outages by having multiple transmission routes to their customers. He said if one line goes down, they will have another route to get there.

Mr. Clark said using the existing corridor is an improvement over creating a new corridor that would impact natural resources and agricultural lands.

Mr. Clark said the factors unfavorable include the pole height increase along the entrance corridor. He said the recommended condition requires IVM to help offset that visual impact by creating more visually pleasing vegetation in the corridor.

Mr. Clark said staff's recommendation is that the Planning Commission recommend approval of the special use permit, with the following conditions: general accord with the plan he showed earlier with the pole remaining within the existing 40-foot right-of-way, making sure there is a color match on the pole extensions; and requiring exactly the IVM plan that the ARB called for. He offered to answer any questions, adding that if there was a need for details about the operations, representatives for the applicant were available.

Mr. Clayborne said Mr. Clark had showed an image of the right-of-way and asked if on VDOT's side or the property owner's side, there is an instance along the 1.6-mile corridor where an individual property owner is negatively impacted, outside of the visual impacts already stated. He asked if there are any other negative impacts that a property owner could experience.

Mr. Clark replied that the underlying landowners would have to agree to this expanded easement. He said if the County approves this special use permit that includes the widened corridor, then the utility would have to work one-on-one with all of those landowners to acquire that expanded right-of-way. He said it is possible that there would be some impacts, and generally, this would mean that the utility would have the ability to cut or trim vegetation that protrudes into the 75-foot easement. He said the work being done on the ground is only to haul the equipment in and (he assumes) to shut down the lower lines, add the pole toppers, and add the new lines on. He said there are not a lot of new entrance roads, and there were no grading or landscaping changes going on. He said it was literally just adding poles and wires.

Mr. Clark said the wider easement allows maintenance to keep vegetation away from those higher-voltage lines.

Mr. Clayborne said he believed he read in the materials that the existing poles are already designed to accommodate this proposal, which looked as if it had started back in 2009. He said this has been a long process and asked if it was fair to say that this was not a surprise that this proposal would be coming, as a newcomer on the Commission.

Mr. Clark replied that he did not know if they in Community Development had been aware of the full proposal for that long, but certainly, the utility was looking ahead to the upgrade potential, and they do have bolt plates on top of those poles where they can go ahead and do that. He said this has been in the works for a while, and he thinks this has been under review with the County for about a year now.

Mr. Carrazana said he wanted to make sure that in the images Mr. Clark shared, there were added lines along with this. He said there are lower lines that exist today. He asked if more lines would be added with the higher lines, or if the lower lines would go away.

Mr. Clark said as far as he knew, there would be more lines. He said the distribution lines on the lower lines would stay, and the transmission lines would be an additional function added on top. He said he could pull up the graphics again after going through the questions to show how this is set up.

Mr. Bivins asked Mr. Clark to show the graphic before moving on to the applicant.

Mr. Clark presented the graphic on the screen showing the existing and extended poles. He indicated on the graphic to the connector plate. He said down below are the existing distribution

lines, and then three mounts up higher for the phases of the high-voltage lines for the transmission facility that go on top of that. He said all of that would be there.

Mr. Clark again showed the before and after pictures, which showed lines on both.

Mr. Bivins asked to hear from the applicant.

Ms. Valerie Long said she was representing the applicant, Rappahannock Electric Cooperative (REC). She said joining her were a number of representatives from REC's project team, who would all be available to answer questions: Lee Brock, Manager of Engineering and Power Supply; Sam Wilson, Director of Substation and Transmission Engineering; Cindy Musick, Director of Vegetation Management Services and a Certified Utility Corridor Arborist; Jeff Powell, the executive who manages REC's key commercial accounts; and Gary Durdock, Director of System Planning and Engineering Design.

Ms. Long thanked Mr. Clark for his excellent presentation and said he covered the vast number of issues in a way that was clear to her and seemed to be clear to everyone else as well. She thanked Mr. Clark for the time he took in understanding the proposal and its unique aspects.

Ms. Long said she had a few additional slides to show. She said many of them had already been seen, but she would have them available.

Ms. Long said she would first speak briefly about the purpose of the proposal. She said REC is a rural electric cooperative, and its territory covers portions of 22 counties within Virginia. She said only a very small portion of their territory is in Northern Albemarle, which is the 1.6-mile span of their distribution line along the Route 29 South roadbed. She said REC does have over 2,000 customers in Albemarle County, which are a mixture of residences, commercial businesses, institutional entities (including Rivanna Station and a number of other businesses), and agricultural enterprises in the community.

Ms. Long said this would add a 115-kilovolt transmission line on top of the existing distribution lines. She said to answer Mr. Carrazana's question, Mr. Clark was exactly correct in stating that the existing lines will remain, and an additional pole toppler will be added. She said she had a few additional photo simulations that she could show the Commission.

Ms. Long said this is an energy infrastructure project that will enhance the resiliency and viability of REC's system in this area. She said it will enable REC to restore outages much more quickly to any of their member customers in the area.

Ms. Long presented a map of the project corridor, showing that essentially, the starting point is around Dickerson Road. She said REC has a substation at the outer edges of the Development Area. She said there is a small sliver of the G.E. Intelligence Platforms Systems property that fronts on Route 29, but really, the substation is the start of the project. She said it extends all the way up the 29 Corridor, up to the Greene County line.

Ms. Long presented a map that was included in the application package, for which she would provide a brief overview to help orient everyone. She indicated on the map to the Rivanna Substation, Dickerson Road, Route 29 North, the Greene County line, and the Madison County line. She indicated to the project span, approximately 1.6 to 1.7 miles. She said this was not the southern boundary of REC's service territory but was just the southern boundary of the project.

She said they do have additional member customers whose parcels are to the south, and a number of member customers whose parcels are on the east and west of Route 29. She said they have an existing substation off of Proffit Road, which already has an 115-kV transmission line that was put in about 10 years ago.

Ms. Long said if the proposed line is approved and constructed, it will enable REC to improve the resiliency of their system and provide the ability for them to restore outages more quickly. She said if there is, for instance, an issue on the line between the Rivanna and Proffit substations, they can backfeed power back from Preddy Creek and Pratts Substations, and vice-versa. She said if there are outages, they can backfeed back and forth, and so it is an upgrade to their infrastructure. She said it does not increase the amount of power loads, but merely supports them.

Ms. Long pointed out that REC does not generate any electricity. She said it merely distributes it to its member customers. She said they buy it wholesale from other generators and then distribute along its network. She said this line will not increase any generation in power because REC does not generate power. She said all it does is enable them to transmit and distribute it to their members in a more efficient and expeditious fashion.

Ms. Long said it is a critical infrastructure upgrade that reduces the time of power outages when they occur due to severe weather or other circumstances. She said with the unfortunate increase in climate change, as she was sure everyone has experienced, there has been an increasing number of severe storms and outages, particular in the area. She said they are seeing more and more examples of that, and so this project is as important as ever.

Ms. Long said Mr. Clayborne was correct that this project has been in the works since essentially 2009. She said REC first approached the County at that time with this project, but unfortunately, there was a procedural issue with the Zoning Ordinance. She said that because REC is not an owner of any of these parcels, it did not have the ability under the County Zoning Ordinance to submit a special use permit application that is needed for the project.

Ms. Long said they could not find a solution to that problem in 2009, but they did go ahead and replace the poles, which were wood at the time, with metal poles, as they needed to be upgraded anyway. She said they were planning ahead, knowing that they would come back at some point in the near future with the request for the transmission lines, so they went ahead and upgraded them. She said the foundations are ready and do not need any further work.

Ms. Long said essentially, REC continued working on the plans and approach her firm in 2017 or 2018. She said her firm then started working with REC in trying to find a solution to the procedural problem. She said ultimately, with the assistance of the Community Development Department staff, Commission, and Board, they did work with the County on a Zoning Text Amendment that authorized a rural electric cooperative to submit an application. She said this was approved in December 2019, and the special use permit application was submitted in February 2020. She said she was happy to explain this further.

Ms. Long presented the graphic of the proposal, noting that the Commission had already seen this, but what she believed was most helpful was showing the 40 feet of the existing easement would be increased by 17.5 feet on either side. She said one half is mostly on the VDOT side, and the rest is on the landowners' side. She said Mr. Clark was correct in saying that there would be no other impacts imposed on any of those landowners, aside from widening of the easement area. She said there would be no grading, no additional roads, and no additional infrastructure of

any kind other than needing to keep a wider easement area due to the taller poles and higher voltage involved.

Ms. Long presented other exhibits that had been previously shown. She said she had these slides to present the variety of types of frontage along the corridor. She indicated to Rivanna Substation, some residences, open areas and wooded areas, a church, a number of parcels that are almost entirely wooded, and the Greene County line. She said near the Greene County line, there are a variety of conditions in this area, from fairly wide-open residential parcels to a commercial store, along with a few residential parcels with some vegetation. She said this was to show the variety of conditions involved.

Ms. Long presented one of the same photos the Commission already saw, reiterating that nothing that exists there now will go away or change. She said everything new will be up above, vertically.

Ms. Long presented a second photo simulation, looking to the north. She said for point of reference, this was taken from the intersection of Dickerson Road. She said there were just pole toppers on top, with no additional grading or construction. She said she did not believe there was any impact on the ground, as there was no grading, clearing, or any earth disturbance in installing the pole toppers.

Ms. Long said there was some information in the application package about IVM, which is what the applicant is proposing to use along the corridor to manage the vegetation. She said she has learned a lot about it over the last year, and it is the industry standard for how to manage vegetation in utility corridors. She said the most important thing is avoiding conflicts between vegetation and the powerlines. She said it is particularly important when dealing with higher-voltage lines, like this transmission line. She said it is a method to manage the vegetation and promote pollinator areas, meadows, and compatible low-growing species in working to avoid and eliminate tall-growing, fast-growing, and invasive species that will be in conflict with the lines.

Ms. Long said Ms. Cindy Musickj, the Vegetation Management Specialist and Arborist for REC, was present to answer questions about the process. She said IVM is, again, the industry standard for how to manage and balance the goal of safety of the lines with an attractive utility corridor that promotes animal habitat, meadows, and low-growing plants.

Ms. Long presented some photos that were taken by the applicant from the corridor in September 2020, around the same time as the photos Mr. Clark showed earlier were taken. She said there was maintenance that took place on the corridor over the summer, in July and August, and these photos were taken in mid-September, showing how the vegetation grows back fairly quickly. She said these photos also show the variety of conditions that exist along the corridor. She said in some areas, lower-growing trees that are not a risk to injuring the lines are allowed to stay, and the vegetation grows fairly quickly.

Ms. Long presented a photo of an example, looking south. She said it showed a dead tree covered in vines. She said it was a little distorted and looked as if it was up in the lines due to the angle the picture was taken from, but it actually was not. She said it was a dead tree covered with vines and was not growing any taller, so REC allowed it to stay there. She said it does not cause any safety problems, and the crew still has plenty of room to work around it. She said it provides a nice habitat for birds and other species, and it helps to add vegetation to the right-of-way.

Ms. Long presented additional photos that were taken soon after the maintenance, which showed some other vegetation that was left in place and some smaller trees that will not be in conflict with the lines.

Ms. Long presented another example, which Ms. Musick had flagged to her as being significant. She said the picture was of a dead tree that REC intentionally left there because it provides habitat for birds but is not growing or getting taller.

Ms. Long presented a photo that was taken prior to maintenance and shows how, at the three-year or four-year mark, how some of the low-growing trees were able to continue growing while adding interest to the corridor, yet not competing with the lines at all or posing a danger. She said the other picture on the slide was taken post-maintenance and showed the vegetation already growing back fairly significantly.

Ms. Long presented a photo and said although it was shown earlier, she wanted to include it because it demonstrates the point that Mr. Clark made that obviously, the landowners retain the right to manage their property as they wish, so long as it does not conflict with REC's needs in the corridor. She said some landowners choose to mow their lawn and keep it open while others want it wooded. She said this slide demonstrated pre- and post-maintenance with no difference, but for others, it will be more significant.

Ms. Long presented another photo from the same spot, taken from a slightly different angle from Google Earth Street View. She said this was just before maintenance took place at about the 5-year or 5.5-year mark. She said this was very soon thereafter, showing how the vegetation grows back fairly quickly, particularly in the first year.

Ms. Long presented a similar photo from a couple of weeks later to show how the vegetation continues to grow in quickly. She presented another photo that was taken about a month after maintenance.

Ms. Long presented another photo to show how a property owner has a lease with the billboard company and chooses to keep the area open and mowed so that the billboard is visible. She said the easement would go back a little bit further, but the photo shows how in many portions of the corridor, the views will not be substantially different.

Ms. Long presented a photo of a landowner's property that showed an open area.

Ms. Long said there had been discussion and questions from some members of the public and others questioning why this has to be done along Route 29 and why it cannot be put in a different location so that it is not along an entrance corridor. She said REC did consider that issue, but ultimately decided that utilizing the existing poles along an existing corridor was by far the lowest impact of the alternatives.

Ms. Long said the map on the right showed the approximate location of the alternate route that is workable for REC, which would require easements and clearing along a very long span, disrupting a number of other landowners. She said that along the existing corridor, REC can add this line with relatively minimal impact on those landowners, other than the widening of the easement area. She said they believe that, for many reasons, this is the best solution for this issue. She said there are also streams and stream buffers along the alternate area, and that utilizing the existing line would not have any impact on streams, stream buffers, or any sensitive areas.

Mr. Bivins informed Ms. Long that her speaking time was up. He asked the Commissioners if they had any questions for the applicant before the public hearing.

Mr. Keller said he had a question for Ms. Long, and one for Ms. Musick. He said Ms. Long knows a great deal about what can be done with both high tension lines and cell towers. He asked if there is the possibility of a cell tower array being added to the top of any of these poles, once the pole topper has been put on them.

Ms. Long replied that she did not know if the foundation was designed for that. She said she knew it was not designed for that, and it was designed for the addition of the pole toppers. She said she would guess that if there was a wireless provider that was interested, and REC was willing to do a study and look at whether the foundations were strong enough to support the additional weight of wireless antennae and equipment, they could potentially consider that. She said the weight of the equipment, the antennae, and the lines required for those are incredibly heavy and usually are not able to be added to existing structures that have not been intentionally designed for that, but she could not speak to that issue.

Ms. Lee Brock said that they would have had to been specifically designed for that. She said they would be allowed to install fiber optics below, and she believed there already was some of that, but as far as on top, they were not designed for that.

Mr. Keller asked if there was a request from a cell tower that involved reworking just one tower, if this is something that would be considered.

Ms. Brock replied that the cell company would have to pay for the whole thing, and REC would certainly look at it, but she would think that they would have to replace the whole thing. She said it would surprise her if it was economical for them.

Mr. Keller said Mr. Fritz was still on the line to answer his question. He asked if this was possible, how many feet it would be able to go up, and if there would be any recourse on the part of the County.

Mr. Bill Fritz said there were two options. He said one would be to do a Tier I facility, which is an attachment to an existing structure, and it could not be any taller than the existing structure. He said they could propose to expand the structure, and this would be a special use permit (Tier III) and whatever the application was, it would be reviewed and may or may not be approved. He asked Mr. Keller if this answered his question.

Mr. Keller replied yes. He told Mr. Bivins he would bring this back during discussions later, but he wanted that information for the public and for the Commissioners. He said his second question was about tree pruning. He said those who travel to other parts of the country are amazed that the Commonwealth of Massachusetts seems to have such more sympathetic pruning of trees along powerline rights-of-way than what is seen in the Commonwealth of Virginia, and he wondered if the IVM person could speak to that, as it is another component and the higher visual component that forms the backdrop people will be looking at as they progress north and south on Route 29.

Ms. Cindy Musick replied that in Massachusetts, she believes there are different statutes that apply to state road rights-of-way, and there may or may not be larger easements. She said if there

is a larger easement then obviously, not as much of a pruning cut is needed because the trees simply do not exist, meaning they are further back, and it is not as obvious as they have been pruned.

Ms. Musick said that in Virginia, they tend to stick to the smaller easements that the trees may be closer, and so they have to be pruned. She said it sounded as if Mr. Keller is interested in this, and of course, certain species grow faster than others. She said if there is a maple, they can have anywhere between 6-7 feet of growth per year. She said if there is something like an ailanthus, they could have that in the early season. She said it is a prescriptive approach that is very specific to species. She said as Ms. Long mentioned, REC and most utilities take an IVM approach, and pruning is part of that, as well as allowing certain species to grow larger if they are not getting up into the wire zone.

Mr. Clayborne said he had a question on the overall project and the future of it. He said he saw a slide where it showed the line going through the neighboring counties of Greene and Madison. He asked if the intent is that this upgrade would go to those counties and, if so, what the timetable is.

Ms. Long replied that this is part of an overall infrastructure upgrade that REC is working on, and so it is just the Albemarle County segment of the upgrade. She said there are portions that exist in Greene. She said there is a segment where it does not exist, and it does not yet exist in Madison. She said in those counties, there will also be upgrades. She said in those counties, however, the transmission line is allowed by right, as compared to Albemarle, which requires a special use permit. She said REC wanted to be sure that it could get the special use permit approved in Albemarle in order to then move forward with the rest of the project.

Ms. Long said in terms of a timetable, assuming that the special use permit is approved sometime in the next few months, it will take approximately a year to work with each of the landowners who own property within the project area to negotiate easements and terms with each of them. She said after that, it is about a 4- to 6-month project to get the new pole toppers installed and the line. She said thus, it would be roughly 1.5 years from the date of the approval to finish the Albemarle County section. She said she would look to Ms. Brock and Mr. Wilson at REC if they had anything to add. She said she did not know if the Greene and Madison portions that are not already built will come after that, and if this would be about another 6-month process before everything is complete.

Ms. Brock said they would continue on up, and Mr. Wilson could talk about the timing.

Mr. Wilson said timing-wise, he assumed they would start from both sides. He said they would start working with landowners on both sides because they have to go with easements on the rest of the lot, and so they will continue to process. He said it will be several years before it is all done. He said he could not remember the total mileage, but it would take a little while. He said they will be going in parallel so that while they are working on Albemarle, they will be working on the others, if they get final approval.

Mr. Randolph asked Ms. Long if it was safe to say that what she was looking at here in terms of a project is the extension of a spur that goes from the main transmission line down into Albemarle County. He said it is equivalent to a railroad in that they have a unidirectional line, and it terminates there at Dickerson Road. He said when conceiving of it in that way, one gets a better understanding that it isn't that any energy being generated is going from Albemarle, north, but it

is quite the opposite. He said where the energy is generated by Dominion Power is, in fact, going down this spur, coming into the critical infrastructure that exists in the business park, which hold strategic growth industries for Albemarle County.

Mr. Randolph said another thing he feels would have been helpful in looking at the application, especially for new members of the Planning Commission that may not have had exposure to this before, is to have cited the fact that the major reason for this project is because they are upping the overall kilowatts of energy that is going to be distributed on these powerlines.

Mr. Randolph said the reason why there is therefore a need for the powerlines to be higher is for the safety factor that the increased power, with the electromagnetic currents generated there, is a safer distance for any humans and animals that would be below. He said they certainly saw that on the Cunningham-to-Dunes project with Dominion Power, when he was on the Board 2017-2018, where they upped the overall power generation to 500 kv on that line, and so the towers had to get much taller, and the lines had to be separated.

Mr. Randolph said it was not a criticism, but he was simply pointing out that he did not think the narrative emphasized the public safety aspect enough as to why this project is being initiated in Albemarle County to protect human life along this improved corridor, with increased power coming into the Rivanna Station area.

Ms. Long said she appreciated Mr. Randolph pointing this out. She said he was correct that it will certainly utilize the portions of the infrastructure that are in other jurisdictions for the great benefit of Albemarle County and its institutions and businesses. She said it is about safety for everyone as well.

Mr. Bailey said he believed the height for safety was covered, and this was clearly about putting in a transmission line versus a distribution line to create a network of substations. He said he did not think it was called out, but when Governor Northam signed the Virginia Clean Economy Act, which was to promote the adoption of renewable energies, one key part of that was modernization of the infrastructure and the transmission and distribution to allow utility-scale solar or commercial solar to connect into distribution lines, meaning the substation has to have enough capacity to handle those interconnectivity requests, then has to be distributed to other parts or wherever it will be serviced.

Mr. Bailey said he would like to understand the fault tolerance and multiple paths, and if the applicant could add something to the narrative about how this may help REC and others in the County and in Virginia assist in the goals to decarbonize and adopt clean energy.

Ms. Long said she would need to draw on the resources of the REC team to address that specifically. She said she could speak to one issue. She said Mr. Bailey was exactly right about the Virginia Clean Economy Act, incentives, and other provisions it includes to upgrade, modernize, and promote renewable energy. She said she would ask Ms. Brock, Mr. Wilson, or others on the team to address Mr. Bailey's specific questions about those details, as she was not sure those were in her wheelhouse.

Ms. Brock said that as far as generation goes, REC is a distribution electric cooperative, meaning they do not generate power. She said they buy the power at wholesale, sell it, and distribute it to their members. She said this project is not going to increase generation, nor load. She said it will

make it available through a backfeed or second source to this area. She said the load will all stay the same, but during an outage, one will not be out of power for as long.

Mr. Bivins said he believed Mr. Bailey had an additional point he was making. He asked Mr. Bailey to expand on his question, as he did not believe it was about what Ms. Brock spoke to, but it was about whether or not the system upgrade allows for diversification of the receipt of power as opposed to the distribution of power.

Mr. Bailey said this was exactly it. He said it was more about trying to understand if this enables an increased ability not just to distribute power, but to transmit power through the transmission lines and [inaudible] substation. He said he knows he is not a solar producer, but he has worked with many of them, and one of the things they look for is whether or not there are parcels near substations and distribution lines to push it to up transmission lines and other lines. He said he understands that REC does not install solar fields, but they would supposedly purchase from a vendor like Apex or many others in Albemarle County who do this.

Ms. Brock said REC does not purchase from the. She said they will interconnect them.

Mr. Bailey said this is what he had meant.

Ms. Brock said this could be possible. She said given the area along Route 29, however, it would surprise her if anyone would want to connect right on Route 29. She said REC is bound by state law to at least entertain their application, and they would.

Mr. Bailey asked if this particular site in Albemarle County, then, would not produce any knock-on clean energy opportunities, based on what Ms. Brock just said. He said it did not mean that it would not work in the full infrastructure they are working on in the grand plan.

Ms. Brock said if she understood Mr. Bailey correctly, this was correct.

Mr. Bailey said he was trying to understand if there were opportunities for clean energy to comply with the Comprehensive Plan, and it did not sound as if this particular project had those.

Ms. Brock replied that it could, but it depends. He said what solar developers are looking for is a very large area of flat land that is right near a transmission line. She said she did not know if she could see that in this area of Albemarle, but should someone come in and want to clear-cut a lot of land to put in solar, and the County is okay with it, and they want to connect into REC's transmission line, they would entertain that because they have to. She asked Mr. Bailey if this answered his question.

Mr. Bailey replied yes, more, or less.

Mr. Bivins said he had one clarifying question for Ms. Musick. He asked if with the additional 17.5 feet, looking towards the property line, they should expect that the trees there would be eliminated.

Ms. Musick replied this was correct.

Mr. Bivins added this was so that they do not interfere with the transmission lines.

Ms. Musick replied yes. She said along those lines, there would also be natural regeneration that goes on immediately afterwards. She said like Ms. Long's pictures had showed, regeneration occurs rather rapidly, and so there will be low-growing shrubs and [inaudible] trees allowed to remain after they resprout. She said if one has ever seen an area that has been cleared like that, it happens rapidly.

Mr. Bivins said one of the things they are talking about is a native Virginia meadow. He said some of this doesn't happen all by itself but has to be encouraged and managed. He said in those places in the County where they do have pollinator fields, they are actually intentional and have been planted and looked after. He said although he was pleased to see that staff put in Item #2, he did not see in the IVM that they were going to intentionally be engaged in managing or creating a natural area.

Ms. Musick replied that IVM actually is an intentional way of managing property. She said if they look at powerline corridors that are managed in this way, what it does is that it suppresses forest successions. She said after clearing, one would naturally have a plethora of trees. She said the seed source is existing in the soil, and they are going to regenerate along with ferns, forms, and pollinator species.

Ms. Musick said in order to have a pollinator habitat, one must suppress the trees, which suppresses forest succession, which achieves the meadow. She said it can be done through planting, but it can be done almost as efficiently by simply using the existing seed sources in the soil. She said this is something that has been done forever, naturally. She said this is done through IVM.

Mr. Bivins opened the public hearing.

Mr. Robert Ray Messick said his family has owned this property for about 120 years. He said his grandmother originally gave the right-of-way to Rappahannock Power Company in the early 1950s. He said this was a distribution line, which was fine. He said his mother, in the early 1970s, gave them more right-of-way for more distribution lines, with the understanding that there was not going to be a transmission line. He said now, they are getting a transmission line, supposedly without arm extensions. He said these lines will be very close to the pole, but no one will guarantee him that they will not put (either on these poles or some other poles) arm extensions.

Mr. Messick said this is the beginning of Albemarle County. He said his family has left it green. He said he and his sister loved growing up there when they were kids, and it has not changed much since they were young. He said he feels that this powerline now has become an industrial eyesore at the entrance of Albemarle County.

Mr. Messick said in the local generation of electricity, there has been a revolution in the last 4-5 years, since this whole thing was planned, for solar and wind energy. He said they are going to have to get off of burning fossil fuels. He said Lake Anna's power plant is now about 50 years old and may be extended for another 25, but at some point, North Anna is not going to be in service.

Mr. Eric Myers said he was representing Bree M. Myers, who is the property owner on 29 North, at the Frays Mill Road/29 South intersection. He said his uncle is Mr. Robert Messick, who just spoke. He said they have a great appreciation for this property. He said he was driving home that day, looked over, and saw mature oaks, of which many would have to be taken down. He said

they are as tall or taller than the current transmission line and, in his opinion, help blend the current transmission line.

Mr. Myers said he wanted to give a few facts. He said REC was talking about the regrowth under there, but in looking at the Climate Action Plan and the biodiversity plan for the County, he wanted to quote a few scientific facts about mature oak trees. He said a mature oak tree can produce 10,000 acorns per year, which helps support wildlife forage. He said during growing season, a mature oak can transpire up to 40,000 gallons of water, which helps cool the atmosphere, including their canopies. He said it takes 35 years for an oak tree to produce its first small crop of acorns, and a 100-year-old oak (which some of these are) has sequestered 5,000 pounds of carbon during its life. He said one could multiply that figure by the number of trees there.

Mr. Myers said he did not quite agree with saying there is little environmental impact. He said he has a degree in environmental science, and although there would be grasses and the like, the loss of transpiration and canopy does not seem to go along with the Climate Action Plan from October 2020 that Albemarle County is committed to.

Mr. Myers said he has a great appreciation for the property, walks it many times a year, and has seen a lot of wildlife. He said his family tends to keep it wild if they can. He said he greatly appreciated the opportunity to speak on behalf of his mother, this property, and the environment.

Mr. Bivins closed the public hearing. He asked the applicant if they wanted to respond.

Ms. Long said she would make a few brief comments in response. She said Mr. Messick is correct that the solar and renewable energy market is continuing to increase. She said as Mr. Bailey indicated, it is a key component of the Virginia Clean Economy Act that was just enacted in 2020. She said certainly, this was likely to continue to increase. She said some of the power that REC purchases now from wholesalers is generated from renewable sources, so while they do not generate the power (as they have said) and they purchase it at wholesale, some of it is renewable, and it is very likely that this will only increase in the future.

Ms. Long said regardless, this does not diminish the need for this transmission line, going forward. She said this is about enhancing the infrastructure, being able to restore power to REC's member customers in a very timely fashion, to reduce outages whenever possible. She said it would not have an impact on that issue.

Ms. Long said Mr. Messick also made a comment, which he had shared with the applicant previously, about some concerns. She said she believed what he was concerned about was that these poles would be replaced with much taller poles with arms. She said these are the types of structures that one sees with a 230-kilovolt line that Dominion Power might run, but this is not at all what is planned here. She said the images the applicant showed the Commission of the pole toppers are exactly what is proposed, and what the foundations for these poles are designed to hold. She said REC did not have any plans to increase the size of the structure, and she does not think they would be able to, anyway.

Ms. Long said with regard to Mr. Myer's comments, the applicant does not dispute the value of vegetation and trees to the economy and climate, in general. She said it is unfortunate that the larger transmission lines do require a larger easement area. She said one thing she did not mention is that typically, REC's standard easement width for a transmission line is actually 100 feet wide. She said some were on the Commission when Central Virginia Electric Cooperative

(CVEC) obtained a special use permit for their project they called Cash Corner in the Keswick area. She said this had an existing 100-foot easement already.

Ms. Long said this is REC's standard, but because they are able to utilize this existing line and for a variety of other reasons, such as the goal for trying to minimize the impact on these property owners as much as possible, they were able to secure permission to reduce the easement width to the full 75 feet. She said it is just 17.5 feet of additional land for all the parcels which to those individual landowners, is absolutely significant, and the applicant appreciates that. She said this is why REC worked hard to minimize the impact and are using this existing corridor instead of resorting to a brand-new corridor that would impact a whole other group of landowners. She said they believe this has the least impact.

Ms. Long said she knows Ms. Myers and her family are fortunate to own what is over 100 acres of what looks to be mostly wooded land in the project area, and perhaps even more. She said there will be substantial wooded areas remaining as a result of the stewardship of the property for all these decades, and likewise with Mr. Messick's property.

Ms. Long said the applicant wishes they did not have to expand the easements and do any more tree clearing but unfortunately, this is part of the requirements of this infrastructure upgrade. She stressed that they were trying to minimize this to the extent possible.

Mr. Bivins brought the discussion back to the Commission.

Mr. Randolph moved approval of SP202000007 Rappahannock Electric Cooperative as recommended in the staff report.

Mr. Clayborne seconded the motion.

Mr. Bivins encouraged some discussion.

Mr. Keller said he would start off by saying that he would support the request, but he finds the vegetation management plan almost disingenuous. He said he does not know if it is particularly different than what is done along many of these corridors, which they bushhog and then, sprouts come up, and they bushhog later. He said perhaps they will allow it to be there a bit longer, but he would need to know more.

Mr. Keller said in response to Mr. Bivins' question, they did not get a real response as to whether there is then going to be selective elimination of invasives and allowing natives to grow up and mature in the fashion they elect to be (e.g., ferns in a shaded area, rhododendrons in a different kind of shaded area). He said the photographs shown by Mr. Clark of rhododendrons in the rolling hillsides they can find in some of the corridors in Southwest Virginia are certainly appealing.

Mr. Keller said they need to understand that it is still going to be rugged, and what has historically been a beautiful entrance corridor on 29 North is being degraded for many different planned use [inaudible] and is going to continue. He said that every time something like this happens, they lose a bit of that scenic quality that makes Albemarle special.

Mr. Keller said the fact that it is next to the corridor and that it is not going through a number of parcels, however, is beneficial. He said while he does not think he will live long enough to see an alternative to the cell towers and high-tension lines, he does believe they will see energy fixes,

and just as the telegraph and telephone poles have gone away for much of the American landscape over the last 100 years, they will see these disappear in the next 100 years. He said he was ready to second Mr. Randolph's motion if there were no other comments.

Mr. Bivins noted that Mr. Clayborne had seconded the motion. He asked if there were other comments or discussion.

Mr. Herrick said before the vote was taken, he wanted to clarify Mr. Randolph's motion. He asked if it was to approve with the conditions recommended by staff.

Mr. Bivins replied yes. He said it was then seconded by Mr. Clayborne.

Mr. Bailey said he was also in support of the request, given that power is a need. He said that in addition to the IVM plan, as Mr. Keller pointed out, there is a significant visual impact, as it is doubling the size, and so he does believe it will have an impact on the character of the entrance corridor. He said anything that can be done with IVM and more specificity to bring back some of the vegetation and soften the man-made structures would be impactful in trying to keep the character that Mr. Keller alluded to that makes Albemarle special.

Mr. Bailey said he would also state that he looked at the REC website, saw some things about the clean energy, and got an understanding of the substation and transmission. He mentioned there being a better understanding before going to the Board.

Mr. Bailey said he was not an electric expert by any means and did not pretend to be, but he knows they are a consumer of electricity, and they also have an existing infrastructure and substations that need to be able to handle load that is produced by solar and wind farms. He said they have to be able to receive it somewhere and then transmit it to where it is consumed. He said understanding how this (perhaps not just in Albemarle, but in the grand plan of REC in this modernization) can help support that would be nice to know from a Planning Commission perspective of trying to support clean energy and decarbonization.

The motion carried unanimously (6-0). (Ms. More was absent.)

Mr. Bivins said he believed the applicant had an idea of how to fine-tune their presentation before going to the Supervisors. He said hopefully, they would inwardly digest that as they go forward.

Ms. Long said the applicant appreciated the comments and feedback.

Adjournment

At 8:04 p.m., the Commission adjourned to February 16, 2021, 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 and transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 02/16/2021
Initials: CSS