

**COUNTY OF ALBEMARLE  
TRANSMITTAL TO BOARD OF SUPERVISORS**

<b>AGENDA TITLE:</b> ZTA 2019-05 Submittal of Special Use Applications	<b>AGENDA DATE:</b> December 4, 2019
<b>SUBJECT/PROPOSAL/REQUEST:</b> Amend the Zoning Ordinance to permit non-profit rural electrical cooperatives to apply for Special Use Permits.	<b>STAFF CONTACTS:</b> Lea Brumfield, Bill Fritz, Bart Svoboda <b>Presenter:</b> Lea Brumfield, Senior Planner

**BACKGROUND:** This zoning text amendment was initiated by the Board of Supervisors on July 17, 2019 to allow electric cooperatives to submit a special use permit application prior to acquiring easements on all properties impacted by proposed infrastructure. Currently, rural electric cooperatives must acquire easements or exercise the power of eminent domain prior to applying for a special use permit for energy and communications transmission facilities.

The Planning Commission held a public hearing regarding this text amendment on October 15, 2019. The staff report and minutes from this public hearing are provided as Attachments A and B. The Commission recommended approval of ZTA 2019-05 and did not request any changes. The County Attorney's office made a few non-substantive changes to the proposed ordinance (Attachment D).

**DISCUSSION:** The proposed ordinance (Attachment D) would permit electrical cooperatives to file applications for a special use permit for energy or communications transmission facilities prior to acquiring the required easements or exercise of eminent domain that would permit them to build the proposed infrastructure. This proposed ordinance would not remove any level of legislative, public, or administrative review from the process.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached proposed ordinance (Attachment D).

**ATTACHMENTS:**

- A. Staff report for October 15, 2019 PC Public Hearing
- B. PC Action Memo from October 15, 2019 PC Public Hearing
- C. PC Minutes from October 15, 2019 PC Public Hearing
- D. Proposed Ordinance.