

DRAFT AMENDMENT

Chapter 86. Land Development Regulations
Conditional Use Permits for Electric Transmission Facilities

The purpose of this amendment is to establish conditional use permit criteria for electric transmission facilities; which is intended to accomplish the following:

1. Provide for the orderly siting of electric transmission facilities;
2. Minimize adverse impacts on residential areas, agricultural lands, and rural character;
3. Ensure compatibility with existing and planned land uses;
4. Protect public infrastructure, including roads and utilities;
5. Establish reasonable conditions for construction and operation; and
6. Ensure compliance with applicable state and federal regulations.

THESE REGULATIONS APPLY THROUGHOUT ALL OF LOUISA COUNTY; and are proposed pursuant to Va. Code §§ 15.2-2285 and 15.2-2286.

(Add the following section – currently “reserved”)

Sec. 86-44. Conditional use permits for Electric Transmission Facilities

A. Purpose and Intent

The purpose of this section is to:

1. **Provide for the orderly siting of electric transmission facilities;**
2. **Minimize adverse impacts on residential areas, agricultural lands, and rural character;**
3. **Ensure compatibility with existing and planned land uses;**
4. **Protect public infrastructure, including roads and utilities;**
5. **Establish reasonable conditions for construction and operation; and**
6. **Ensure compliance with applicable state and federal regulations.**

B. Applicability

1. **A Conditional Use Permit (CUP) shall be required for:**
 - **All associated substations, switching stations, and related infrastructure for electric transmission lines operating at 69 kilovolts (kV) or greater;**
2. **This section shall apply to:**
 - **New transmission facilities;**
 - **Expansions or modifications of existing facilities that materially increase capacity or footprint.**

C. General Standards

All applications shall demonstrate that the proposed facility:

1. **Is consistent with the Comprehensive Plan;**
2. **Minimizes impacts to adjacent properties and the surrounding community;**
3. **Is designed and located to reduce visual, environmental, and land use impacts to the maximum extent practicable;**
4. **Is compatible with existing and planned land uses in the vicinity.**

D. Siting and Routing Requirements

1. **The applicant shall evaluate and document alternative routes, including:**
 - **Use of existing transmission corridors;**
 - **Co-location within existing utility easements;**
 - **Alignment along transportation corridors where feasible.**
2. **The selected route shall demonstrate:**
 - **Minimization of impacts to residential areas;**
 - **Avoidance of unnecessary fragmentation of agricultural and forestal lands;**
 - **Reduction of impacts to scenic and historic resources.**

E. Setbacks and Buffers

1. **Transmission structures shall be located to provide reasonable separation from:**
 - **Residential dwellings;**
 - **Agricultural operations;**
 - **Schools, parks, and public facilities.**
2. **A minimum setback shall be established by the Board based on:**
 - **Voltage level;**
 - **Structure height;**
 - **Surrounding land use.**
 - **Vegetative buffering and screening shall be provided where practicable to minimize visual impacts.**

F. Visual and Design Standards

- **Structures shall utilize non-reflective materials.**
- **Structure color and finish shall be selected to minimize visual contrast with the surrounding environment.**
- **Consistency in structure type and design shall be maintained within project segments where feasible.**
- **The applicant shall provide visual simulations from key viewpoints identified by the County.**

G. Environmental and Agricultural Protection

The applicant shall demonstrate efforts to:

- **Avoid prime farmland and active agricultural operations where practicable;**
- **Minimize soil disturbance and compaction;**
- **Restore disturbed land to pre-construction or improved condition.**
- **A post-construction restoration plan shall be required.**
- **The applicant shall comply with all applicable environmental regulations and permits.**

H. Construction Management Plan

A detailed Construction Management Plan shall be submitted and approved, including:

1. **Construction schedule and phasing;**
 - **Hours of operation (with allowances for emergencies and safety requirements);**
 - **Traffic management and haul routes;**
 - **Staging areas and material storage locations;**
 - **Dust, noise, and lighting control measures;**
 - **Worker parking and access provisions.**

I. Road and Infrastructure Protection

1. **A pre-construction condition survey shall be conducted for:**
 - **Public roads;**
 - **Private roads and driveways impacted by construction.**
2. **The applicant shall repair or replace any damaged infrastructure.**
3. **The County may require financial assurance to guarantee repairs.**

J. Property Owner Coordination

1. **The applicant shall provide advance notice to affected property owners regarding:**
 - **Construction timing;**
 - **Access requirements;**
 - **Potential disruptions.**
2. **The applicant shall designate a local contact for complaint resolution.**

K. Vegetation Management

1. **A vegetation management plan shall be submitted.**
2. **Property owners shall be notified prior to vegetation clearing activities.**
3. **Vegetation management practices shall seek to minimize environmental impacts while maintaining system reliability.**

L. Decommissioning and Maintenance

- 1. The applicant shall identify the responsible party for long-term maintenance.**
- 2. In the event of abandonment, facilities shall be removed or secured in accordance with applicable regulations.**

M. Waivers and Modifications

The Board of Supervisors may modify or waive specific requirements of this section where the applicant demonstrates that:

- 1. Compliance is not feasible due to engineering, safety, or regulatory constraints; or**
- 2. Such modification is necessary to comply with requirements imposed by the Virginia State Corporation Commission or other governing authority.**

N. Compliance with Other Regulations

Nothing in this section shall be construed to conflict with or supersede the authority of:

- The Virginia State Corporation Commission;**
- The Federal Energy Regulatory Commission;**
- Any applicable state or federal law.**