

## MEETING 26- May 13

At a Continued Meeting/**Public Hearing** of the Madison County Board of Supervisors on May 13, 2015 at 7:00 p.m. at the Madison Firehouse located at 1223 N. Main Street, Madison, Virginia:

PRESENT: Doris G. Lackey, Chair  
R. Clay Jackson, Vice-Chair  
Jonathon Weakley, Member  
Robert W. Campbell, Member  
Kevin McGhee, Member  
V. R. Shackelford, III, County Attorney  
William Tidball, Interim County Administrator

### **Agenda:**

#### **Call to Order**

#### ***Pledge of Allegiance & Moment of Silence***

#### **Determine Presence of a Quorum**

Chairman Lackey called the meeting to order and advised that a quorum was present.

#### **1. Adopt Agenda**

Suggested additions to the Agenda: Add Item 2b [8:00 p.m. Public Comment]

Supervisor Weakley moved the Board adopt today's Agenda as amended, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Absent: Lackey. Nays: (0).*

#### **2. Discussion Item:**

##### ***a. Dominion Power/First Energy (Proposed Power line)***

Chairman Lackey noted the purpose of tonight's meeting is to discuss concerns associated with the Dominion Power/First Energy power line proposal. The session will begin with highlights provided by the County Attorney regarding possible options for the Board of Supervisors and Planning Commission.

The County Attorney noted that time is of a critical nature regarding tonight's matter, as it's felt that Dominion Power would like for there not to be too much comment until after the application is filed with the SCC, although he urged the County to move forward to provide comments/concerns prior to the application being filed. It was further noted the focus of the County's authority begins with the comprehensive plan, as initiated through the Planning Commission. A Planning Commission workshop session is scheduled for Wednesday, May 20<sup>th</sup>, and could be an appropriate time to discuss formulating a letter, should this be something both governing boards would like to entertain for discussion. He further noted the statutory scheme calls for the initiative to begin with the Planning Commission.

The enabling statutes of the Virginia Code key of concern are as follows:

- *Virginia Code Section 15.2-2202 (Sub-section E) [deals with electric transmission lines]*

Reference was also made regarding a letter sent from Dominion Power dated March 26, 2015 to the former Administrator; the letter discussed upgrading and specifically mentioned the aforementioned code section; therefore, it's assumed compliance is in place.

- *Virginia Code Section 15.2-2223 (Sub-section C-8) [deals with corridors]*
- *Virginia Code Section 15.2-2232A*

The County Attorney feels there is a distinction in the County's Zoning Ordinance regarding transmission lines and relay booster stations. In closing, he feels that when the Virginia Code speaks of a 'public utility facility', it isn't referring to transmission lines, but of the sub-station. He further noted the comprehensive plan does contain a section that relates to 'public utilities' (page 90-91) that makes reference to 'communications/energy utilities' and 'water and sewer utilities.' Goals noted in the comprehensive plan indicate:

- *Goal: Assure that the actions of publicly regulated energy, gas transmission and distribution companies and communication companies, including cable TV and wireless communications companies, are consistent with and supportive of the County's Comprehensive Plan.*

- ✓ *Objective 1: To prevent disruption of land use activities by utility transmission and distribution building and facilities.*
- ✓ *Objective 2: To minimize the intrusion of utility facilities and equipment on the scenic qualities of Madison County*

The County Attorney referred to the County's Zoning Ordinance with regard to the transmission lines and the sub-station, and noted that transmission lines would be a use 'permitted by right'. Reference was made to uses allowed in C-1, A-1 and B-1 zones, transmission lines are allowed 'by right.' A public service corporation generating booster or relay stations (Main) is a use allowed by special use permit in A-1 and B-1 zones.

Betty Grayson, Zoning Administrator, advised that upon the recent adoption of the Ordinance in the B-1 zones (on April 1, 2015), the use being discussed was changed to a 'by right' use.

The County Attorney advised the during the last upgrade at the Pratts sub-station, rezoning request (from R-1 to B-1) was provided with an accompanying special use permit request – the company was found at that time to be in full compliance with the comprehensive plan – application request was therefore granted. Approvals were specifically for no more than 150kv.

Discussions focused the specific parcel that's linked to the proposed sub-station location (i.e. Tax Map 48-56 – zoned Business, B-1). It was also noted that in M-1 and M-2 zones, transmission lines are allowed 'by right' – the proposed sub-station would be allowed by special use permit. It was further noted the existing sub-station is located in a B-1 zone.

Additional discussions focused on the amount of acreage that may be required for specific zones.

The County Attorney noted there hasn't been any type of submissions to the County from Dominion Power to date.

The Zoning Administrator noted the substation currently involves two (2) tracts of land (Tax Map #48-56 and Tax Map #48-56A) with a total amount of 2.84 acres. She also noted there is no minimum lot size in a B-1 zone.

The County Attorney noted its unknown as to how much acreage Dominion Power/First Energy will need for the proposed substation, as no input has been provided to date.

Discussions focused on whether the County would face any liability issues in the event a site plan (submitted by Dominion Power/First Energy) isn't approved based on the request not adhering to the comprehensive plan.

The County Attorney noted that if site plan requirements are met, the application would be approved. He further noted the County has more authority in the area of rezoning and special use permit requests.

Chairman Lackey suggested the Board move forward with other items and return to discuss the proposed power line matter.

### **Open Discussion**

- *Supervisor McGhee verbalized concerns regarding energy utilities' requirements (as noted in Virginia Code Section 15.2-22-2 – subsection E) and questioned whether this is something that could trigger the Commission to lay out a corridor.*
- *The County Attorney noted the Planning Commission is the authority to request reasonable information, as noted in the code section.*
- *Supervisor Jackson noted that representatives from Dominion Power have conversed with a local landowner about a piece of property; it has been proposed the transmission line will run along with the existing substation. He questioned what the County's position is on the matter (i.e. corridors), and feels that looking at establishing a corridor shifts away from preserving historic districts and will place the line on someone else's property that may be deemed to be less historic, and whether there are other available option that could be assessed.*
- *Lloyd Williams, Commission member, noted that Dominion Power has a transmission line project they'd like to pursue. In closing, he suggested the County and Commission establish a systematic plan to assess what's known, what's unknown and what issues will need to be resolved on this matter.*
- *Supervisor Campbell noted that PJM hasn't made any designations on the transmission line; he questioned whether their suggestions have already been approved by Dominion Power and the intent is to lock in some details that can be incorporated with another company if the deal falls through.*

- *Supervisor Weakley questioned comments that called for a new line to be put into place; recent correspondence challenged the prior information.*
- *The Interim Administrator noted that the PJM need requirement should be requested, and needs to be done by someone able to sign a 'confidentiality agreement' (i.e. Board of Supervisors, Planning Commission, County Attorney) before anything will be provided to the County, as there is apparently a desire not to make this document public information.*
- *Mr. Alexander noted the packet he presented to the governing boards) contains documentation submitted to Dominion Power, First Energy, PJM, Rappahannock Electric Co-op, in addition to a time-delay letter for the County to consider; there is a statutory provision that requires the locality a reasonable opportunity before the application is filed with the SCC – a draft letter has been provided to request a delay in submitting the application until September 30, 2015.*

Concerns were verbalized regarding:

- *Development of corridors*
- *Recent zoning amendment (i.e. booster stations now being a 'by right' use)*
- *PJM hasn't approved the proposed plan (as proposed by Dominion Power)*
- *Application hasn't been submitted to the SCC*
- *County doesn't want a substation that creates havoc for the locality*
- *Working (in zoning ordinance) that pertains to 'by right' and 'by special use permit' need to be massaged*
- *Dominion Power noted the line is being proposed because of the increased power load in Pratts*

Additional comments:

- *The County Attorney advised he feels the way to stop the proposed transmission line is to disprove the substation request, as it appears the locality has more control over the substation than the actual line, and suggested the locality attain information that would help locate denial of applicable local permits for a proposed substation (i.e. if the substation can't be expanded, that will kill the installation of an additional line). He also noted that an application can't simply be turned down without the appropriate data to show the county will not benefit from the proposed local zoning request, and also noted the County has recently approved a zoning amendment to allow booster stations by right, which had nothing to do with the proposal from Dominion.*
- *Supervisor Jackson: Questioned whether an additional amendment could be initiated to pull the portion regarding 'booster station', as the request by Dominion Power hasn't actually been approved by PJM, nor has the application been presented to the SCC.*
- *Lloyd Williams: Suggested a change be initiated as a top priority and that a special use permit; the County doesn't want a substation that creates havoc; unsure if the item would be considered as a 'relay station', which is a step down from a substation.*
- *The County Attorney questioned whether the wording noted in the zoning ordinance for 'by right' uses (i.e. transmission lines) and the categories 'by special use permit' need to be massaged.*
- *Chairman Lackey feels if the substation isn't built for the sole purpose of supporting the local community, there must be something in the Virginia Code or federal statute that one cannot employ imminent domain.*
- *Lloyd Williams: Noted that Dominion Power indicated the line was being brought in because the load at Pratts was pushing the area.*

#### **b. Public Comment**

Chairman Lackey opened the floor for public comment:

The following citizens/individuals provided input on the proposed transmission line:

- *Steve Murphy*
- *Bill Sanford*
- *Mike Mosko*
- *Larry **Beatty***
- *Thorne McCarty*
- *Angelique Wynkoop*
- *Eric Conti (letter read by Ms. Wynkoop)*
- *Bob Wilbanks*
- *Anne Ridgeway*

*Additional comments/concerns were verbalized by:*

*Planning Commission:*

- *Lloyd Williams*
- *Carton Yowell*

*Board of Supervisors:*

- *Doris G. Lackey*
- *Robert Campbell*
- *Jonathon Weakley*
- *R. Clay Jackson*

*Regarding:*

- ✓ *Corridors*
- ✓ *VDOT right-of-way*
- ✓ *Comprehensive plan goals/objectives*
- ✓ *Utility needs (of Madison County)*

*With no further comments being brought forth, the public comment opportunity was closed.*

Supervisor Campbell questioned if the Board is in agreement with the Planning Commission moving forward with the overall concept.

After discussion, it was noted that the Madison County Planning Commission will act on the initiative as suggested by the Madison County Board of Supervisors, and plans to assess the existing zoning ordinance and review of the comprehensive plan based on discussions. In closing, it was noted that a public hearing will need to be scheduled, after which time, a recommendation will be made on this matter.

It was noted the following localities are involved in the alliance:

- Madison
- Orange
- Culpeper

And all have formulated a strategy for their Planning Commissions to move forward.

The County Attorney suggested the County attain copies of letters submitted by the other participating localities on the proposed transmission line.

Chairman Lackey suggested the Board elect to have a meeting with all involved parties to discuss and share information about the proposed transmission line issue.

Supervisor Jackson suggested the County Attorney review the letter as submitted by Mr. Alexander, and that the County attain input from Ms. Ridgeway on the process to invite representatives of the SCC to attend an upcoming meeting.

After discussion, the County Attorney suggested a letter be forwarded to Dominion Power and copy the SCC, and First Energy. In closing, he questioned if there are any techniques that can be utilized to slow the process with PJM.

Mr. Alexander noted that the transmission advisory committee is still reviewing the proposed project, and has submitted a letter to PJM. In closing, he noted the current statute provides the Planning Commission with the authority to request specific information – the Board can submit a letter to request a delay be considered for the proposed project.

The County Attorney questioned if the delay should be longer (than September 30, 2015) than what's being suggested.

After discussion, it was the consensus of the Board to request the County Attorney and Interim Administrator to draft a letter and provide a draft to the Chairman for review/consideration, and forward a copy to the SCC, state legislators, and other parties of interest.

Chairman Lackey urged the Board to investigate and request that our legislators assist the County and local landowners to receive annual compensation in lieu of taxes for any property utilized by the power companies.

The Board thanked all the citizens who took the time to attend and provide input.

**3. Information/Correspondence (if any) – None.**

**4. Adjournment**

With no further action being required by the Board, on motion of Supervisor Jackson, seconded by Supervisor Weakley, Chairman Lackey adjourned the meeting. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

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Doris G. Lackey, Chairman  
Madison County Board of Supervisors

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Interim Clerk of the Board of Madison County Board Supervisors

Adopted on: June 9, 2015

Copies: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin, McGhee,  
V.R. Shackelford, III, & Constitutional Officers



**Agenda**  
**Continued Meeting & Public Hearing**  
**Madison County Board of Supervisors**  
**Wednesday, May 13, 2015 at 7:00 p.m.**  
**Madison County Firehouse**  
**1223 N. Main Street, Madison, Virginia 22727**



**Agenda Items**

Call to Order

*Pledge of Allegiance & Moment of Silence*

Determine Presence of a Quorum

1. Adopt agenda

2. Discussion Item:

a. Dominion Power/First Energy (Proposed Power Line)

**b. 8:00 p.m. – public comment**

3. Information/Correspondence (if any)

4. Adjournment