

City of Fredericksburg, Virginia

City Council

AGENDA

Council Chambers

715 Princess Anne Street

Fredericksburg, Virginia 22401

January 10, 2017

5:30

Suite, Room 218

Hon. Mary Katherine
Greenlaw, Mayor
Hon. William C.
Withers, Jr., Vice-
Mayor, Ward Two
Hon. Kerry P. Devine,
At-Large
Hon. Matthew J. Kelly,
At-Large
Hon. Bradford C. Ellis,
Ward One
Hon. Timothy P. Duffy,
Ph.D., Ward Three
Hon. Charlie L. Frye,
Jr., Ward Four

1. Call To Order

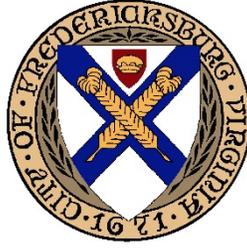
2. Topics

- A. ARB Interviews (4)
- B. Decommissioning Of Traffic Lights
- C. Main Street Agreements
- D. Dominion VA Power - Line 47

Documents:

[WS 4.PDF](#)

3. Adjournment



MEMORANDUM

TO: Tim Baroody, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: January 3, 2017 (for the January 10, 2017 meeting)
RE: Proposed Unified Development Ordinance Text Amendment– Line 47, Dominion Virginia Power

ISSUE

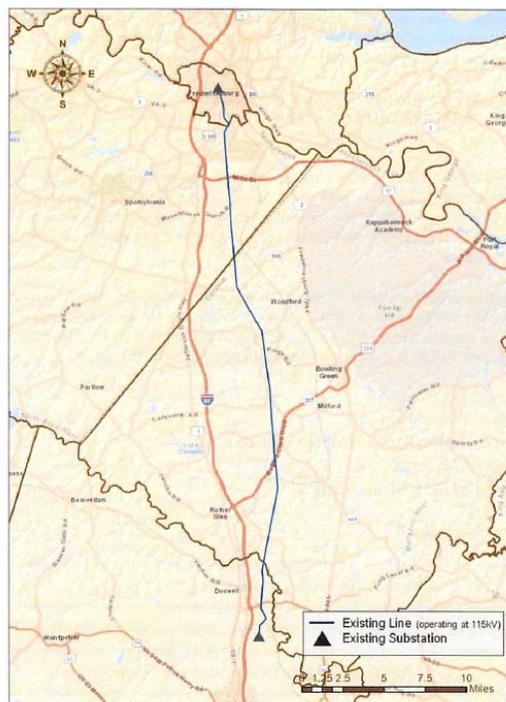
Shall the Unified Development Ordinance be amended to permit the rebuilding of existing electric power transmission lines as a nonconforming use?

RECOMMENDATION

Discuss the attached conceptual ordinance to initiate this amendment to the zoning ordinance at the January 24, 2017 City Council meeting.

BACKGROUND

In 1957, Dominion Virginia Power's predecessor's obtained private easements for and built a high voltage transmission line (now known as Line 47) from a substation in Hanover County near Ashland, through Caroline County, Spotsylvania County, and the City of Fredericksburg. The line terminates at the Powhatan Street substation within the City limits. Line 47 is a critical component of the electrical grid serving the state of Virginia. Line 47's structural components are sixty years old and are at the end of their operational life.



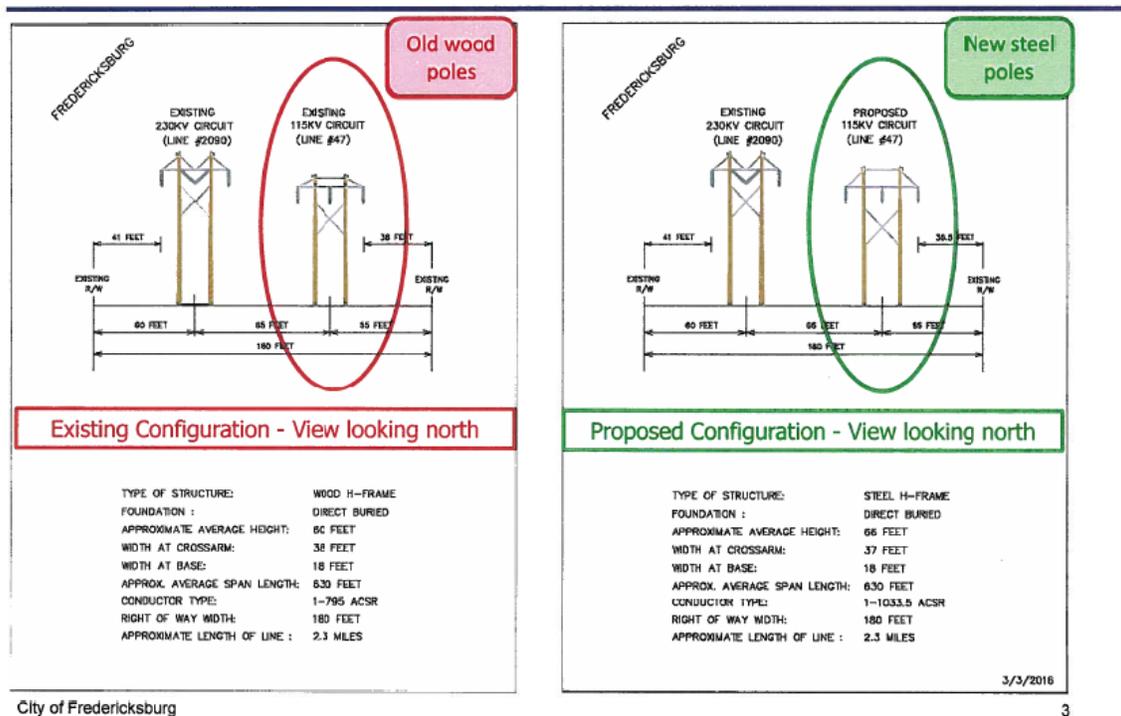
The portion of the line running through the City of Fredericksburg was constructed of a series of wooden supports. The supports are ‘H-Frame’ structures with two generally 60 foot tall wooden poles, 18 feet apart and connected by metal cross-pieces. These structures support a crossarm that is approximately 38 feet wide and carries conductors capable of transmitting 230Kv of electricity. Since 1990, however, Dominion Power has only transmitted 115 Kilovolts (Kv) of electricity through Line 47.

Within the City limits, the line is 2.3 miles long and traverses 62 properties. 51 of the properties contain residential uses and ten contain commercial uses. The line goes through the R2 Residential, R4 Residential, R16 Residential, Residential Mobile Home, Commercial Transitional – Office, and the Commercial – Highway Zoning Districts.

Dominion Power is in the process of rebuilding the transmission line. Rebuilding consists of removing and replacing the existing ‘H-Frame’ structures and the conductors:

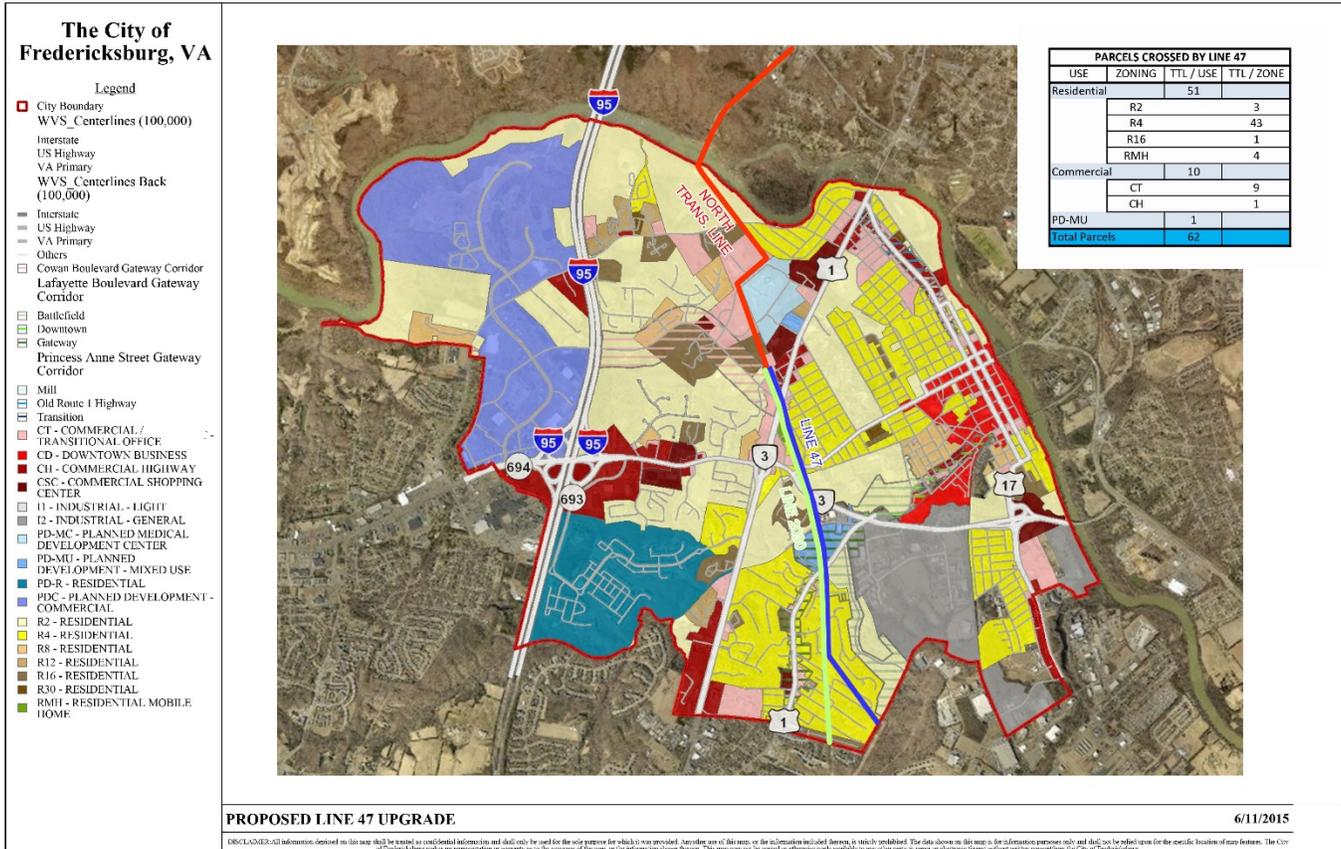


Four Rivers – Fredericksburg Proposed Transmission Structure



The new ‘H-Frame’ structures will be steel instead of wood. The structures will be six feet taller on average but will support slightly narrower cross arms. The structures may shift within the easement, however, the conductors will maintain the same offset from the edge of the easement so that they will be no closer to any house or business. Construction has already begun on portions of the line in Hanover and Caroline Counties. Dominion Power is seeking regulatory approval now from Spotsylvania County and the City of Fredericksburg so that they may complete construction of the project through those localities in 2017 and 2018.

There are three major transmission lines running through the City. Line 2090 is a 230 Kv transmission line that enters the City through the townhomes at Greenwich Village and runs north where it intersects with Line 47 in Braehead Woods. The two lines then generally runs parallel one another and in the same easement. A third transmission line leaves the Powhatan substation and runs north through the hospital campus, along the Rappahannock Canal and then crosses the Rappahannock River into Stafford County.



REGULATORY BACKGROUND

Transmission lines are regulated based on the amount of Kv that the system carries. Code of Virginia § 56-265.2 requires that any transmission line of 138 Kv or greater obtain built on private land acquire approval through the State Corporation Commission (SCC). Regulation by the State Corporation Commission supersedes local zoning review and approval. However, transmission lines of 137 Kv or less are required to conform to any applicable local zoning ordinance. Both the City and Dominion Power contacted the SCC requesting the Line 47 rebuild project go through their regulatory process, however, the SCC has declined oversight.

§ 72-84 of the Unified Development Ordinance defines a regional transmission line as a “Major Utility.” Major Utilities are only permitted in the I-1 and the I-2 zoning districts by special use. Since Line 47 only traverses residential and commercial zoning districts and never received a special use permit, it is a legal non-conforming use. Nonconforming uses have certain rights under the City’s zoning ordinance but must be maintained in their existing structural condition.

The redevelopment of Line 47 involves removal and replacement of structures. The new structures are on average ten percent taller (60 feet vs. 66 feet) than the existing structures. Currently, the zoning ordinance would only permit the redevelopment of Line 47 by Special Exception. One option before the City Council is to require that Dominion Power obtain a Special Exception. A Special Exception application for a linear project like Line 47 (as it crosses 62 individual properties) would be problematic from an authorization and public notice standpoint.

Currently, § 72-6 Nonconformities does not directly address replacement or rebuild of regional transmission lines. Another option before the City Council is to amend the text in the nonconformities section to permit the rebuilding of existing electric power transmission lines with certain parameters to ensure the new structures are somewhat similar to what is being replaced. A conceptual ordinance amending the nonconformities section of the code is attached to this memo for consideration.

CONCLUSION

The rebuilding of Line 47 is in the best interest of the City and the region. The City Council has two options, to require a Special Exception for the rebuild or to amend the zoning ordinance to permit the reconstruction of regional transmission lines. Amending the code to permit the reconstruction of existing regional transmission lines through the City of Fredericksburg is the most efficient way to enable the necessary reconstruction of the critical components of our power grid.

ATTACHMENTS

1. Conceptual UDO Text Amendment



MOTION:

SECOND:

[draft]
Regular Meeting
Ordinance No. 17 -

RE: Amending the Unified Development Ordinance Article 6, “Nonconformities,” to permit the rebuilding of existing electric power transmission lines

ACTION: APPROVED; Ayes: 0; Nays: 0

First read: _____ **Second read:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code Chapter 72, Article 6 “Nonconformities,” is amended as follows.

I. Introduction.

The City Council adopted a resolution to initiate this text amendment at its meeting on _____. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

The purpose of this amendment is to permit the reconstruction of existing, nonconforming electrical transmission facilities. The immediate context of this amendment is a proposal by Dominion Virginia Power to upgrade and modernize “Line 47,” an existing 115kV transmission line and its supporting poles, within existing easements and public rights-of-way in a 34-mile corridor from Hanover County to the Fredericksburg substation. The project will include the installation of new power line structures. The existing structures are wooden, which exposes them, over time, to degradation from environmental factors including weather and woodpeckers. The proposed new structures are steel, which are rust in color. The average height of the current structures is 60 feet. The average height of the proposed structures is 66 feet.

Line 47 is shown on the 2015 Comprehensive Plan for the City of Fredericksburg. However, it is classified by the zoning ordinance as a “major utility” which is not a permitted use in the zoning districts in which the transmission line is located. Thus, this line is classified as a non-conforming use under the City’s zoning regulations. Article 6 of Chapter 72 generally does not permit the replacement of nonconforming uses or structures, and would not permit the proposed reconstruction of Line 47.

The basic duty of public service companies such as Dominion Virginia Power is to furnish reasonably adequate service and facilities at reasonable and just rates to any person, firm or corporation along its lines desiring same, under Code of Virginia §56-234. The proposed reconstruction of Line 47 is in support of this basic duty. The project is not subject to mandatory Virginia State Corporation Commission review or jurisdiction.

In making these amendments, the City Council has considered the factors in Code of Virginia 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the amendment.

II. City Code Amendment.

Section 72-61.2, “Nonconformities, Generally, Exceptions,” is amended by adding a new subsection F, as follows:

F. The reconstruction of an existing electrical transmission line, in substantial conformance with the existing transmission line, structures and appurtenances. This exception permits the replacement, upgrade, and modernization of existing transmission lines and supporting structures and appurtenances. The replacement of wooden structures with steel structures is permitted under this exception. The height of the new structures may vary from the height of the old structures by plus or minus 15%. The location of the new structures may vary from the existing locations by up to 60 feet so long as the new structures are located within existing easements. The location of any new structures within the public rights-of-way shall be regulated by the City Manager under the appropriate franchise regulations.

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk’s Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 17-__ duly adopted at a meeting of the City Council meeting held Date, 2017 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council