



Development Advisory - 25

January 12, 2015

Amendment to September 17, 2014 Development Advisory - 24

Policy Change – Effective Immediately

Development Within Electric Transmission Easements and Rights-of-Way

After further review of Development Advisory 24 as originally implemented on September 17, 2014, the policy has been refined to reduce the instances in which mandatory, unqualified consent of a Franchise Utility is required. The prior version of Development Advisory 24 applied to all private transmission line easements and rights of way, and this amended version applies only to Electric Transmission Easements and Rights-of-Way (ETE).

The City Attorney's and City Manager's Offices have reviewed the Development policies of the City related to projects that have the potential to affect ETEs. This review was triggered in part by pending litigation regarding the construction of public facilities within an ETE and in part due to new policies implemented by Dominion Virginia Power (Dominion Power). The City wants to ensure that its policies meet utility safety concerns, and minimize the risk of City liability associated with the construction of public facilities within any ETE. The City also wants to assist developers in minimizing their risks of proceeding with improvements without the desired Franchise Utility Approvals.

Effective immediately, the City will be requiring consent letters for all proposed stormwater detention facilities (both wet and dry ponds/BMPs), and above ground structures or buildings to be dedicated to the City, that are wholly or partially within an ETE prior to construction plan approval. Consent letters may also be required for other types of structures and improvements, if proposed for public dedication or required by the City Code, that may not be compatible with the known safety requirements of an ETE or the language of a recorded electrical transmission easement. Consent letters are not required but strongly recommended for any structures or improvements wholly or partially within an ETE that are not addressed by this policy.

In the event the development is already under construction, the consent letter, if required, must be provided before the City takes any new action on the development (i.e. plan approval, permit issuance, plat recordation, certificate of occupancy, or acceptance of public facilities). For new developments, the City will continue to review plans, but will withhold plan approval until any required consent letter is received. Dominion Power has assured the City Manager's Office that its approvals will not be unreasonably withheld and that its reviews will take approximately 3 weeks (which may occur with the concurrent review of plans by the City if the approvals of Dominion Power, or any other appropriate electrical transmission company, and the City are

sought simultaneously). The contact for Dominion Power is Joe Ragland and he can be contacted at 1-800-215-8032, Option 1.

In addition to the above, the City will also be requiring consent letters from the appropriate electrical transmission company for the relocation, resizing, or reconfiguration of any existing stormwater detention facilities (both wet and dry ponds/BMPs) and above ground structures that are presently existing, wholly or partially, in an ETE.

This policy has been revised with input from the development community. The City is working with Dominion Power in an attempt to streamline the consent process and issue guidance on the maximum uses of property that are not inconsistent with the purpose and use of an ETE.

Any engineering and construction questions should be directed to jtate@cityofchesapeake.net. Legal questions should be directed to Kelly Lackey at 382-6586 in the City Attorney's Office.