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Taking pipeline stand important, HRD says

BY JOHN BRUCE • STAFF WRITER

MONTEREY — The head of a Highland citizens group cited a decision last week by the state's highest court as proof of a county's influence over regulators to require that a major utility project comply with local zoning law.

The Virginia Supreme Court ruled the State Corporation Commission wrongly excused Dominion from requiring local zoning approval in a Tidewater electric transmission project.

The ruling is “an example of how important a local government's taking a stand can be,” said Lew Freeman, president of Highlanders for Responsible Development.

Freeman emailed Highland supervisors a link to an article about a local government that required a pipeline company to carry pollution insurance, but got no response.

“That is another example of a county board showing initiative in the face of a pipeline,” Freeman said. He added he “received no acknowledgement” from supervisors.

Highland's board has informally taken a neutral position on the Atlantic Coast Pipeline that would cross Highland.

In the recent state Supreme Court case, another county joined with citizens groups and a corporate landowner in appealing a state regulatory ruling allowing Dominion to move forward on an electric utility project without local consent.

James City County, Save the James Alliance Trust, James River Association, altogether named JCC, and BASF Corp. challenged a regulatory decision to issue Dominion certificates of public convenience and necessity authorizing the construction of electric transmission facilities.

The BASF property is a former manufacturing site under remediation that would be crossed. JCC presented expert testimony that a transmission line would disrupt scenic vistas and historic landmarks.

The court held that Dominion would have to adjust the route of the transmission line until all local zoning authorities permit locations for all such stations and that commission approval must satisfy local zoning ordinances.

“Clearly, the commission’s approval of the line also must satisfy local zoning ordinances with respect to everything necessary for the transmission line to function as such,” the ruling states.

Freeman said he did not know whether Highland supervisors would consider the planning commission’s recommendation to require conditional use permits for pipelines.

“The last I heard is that the board of supervisors did not intend to act on it,” Freeman said.