

# The Recorder

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## Pipe storage yard denied

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BY JOHN BRUCE • STAFF WRITER

MONTEREY — Roaring applause ensued when Highland County supervisors voted 2-1 last Thursday to deny an application to rezone the Jack Mountain Village property to allow a contractor storage yard for the proposed Atlantic Coast Pipeline.

### **‘Business decision’**

Amid strong complaints over the public address system in the Highland High School gymnasium, a cordial public hearing on April 26 started out with some news: Project managing partner Dominion chose to switch to Mike McCray’s Davis Run LLC property for its contractor storage yard instead of following its original plan to use the Neil property in McDowell.

Dominion external affairs manager Emmett Toms said “it was a business decision on our part” to pursue an alternate location for a storage yard, instead of the Neil property, after county staff recommended denying the application.

Toms said he was approached in the school parking lot by McCray, owner of the Davis Run land, which is zoned industrial. Dominion chose to use the industrial property located about two miles west of the Neil parcel.

### **Plans for village**

County consultant Darren Coffey of the Berkley Group outlined the application for rezoning the Jack Mountain Village property south of Monterey and proffers, or conditional uses, including a site plan, hours of operation from Monday to Saturday 6 a.m. to 9 p.m., no lighting, dust control, traffic control, buffering, project closure and compliance with applicable laws.

There would be 60 trips per day during pipeline construction and 20-30 per day during operation. There would be no generators. Coffey said supervisors and planners should consider the impact and whether the applicant’s proffers mitigate the impact. He said the proffers appear to mitigate adverse impacts.

Supervisor David Blanchard said he did not see anything about generators in the application.

Toms said Dominion would agree not to add generators. He said the pipe would be brought to Frost, W.Va. from Morgantown, W.Va. and from Culpeper. The company needs the yards in Highland because it doesn't have enough room along the right of way to store the pipes, Toms said.

Planning commission chair Casey Thaler asked how long the pipes are. Typically 40 feet, Toms replied. Thaler asked if work would be done only in daylight. Toms said the company agreed to 6 p.m. to 9 p.m.

Supervisor Kevin Wagner asked how the pipe from Morgantown was entering the county. Toms explained the pipe from Morgantown would go to Frost, and some pipe would come from Staunton as well. He said the contractor would use Bullpasture River Road, Route 678.

Bud Cook, speaking on behalf of adjacent landowner Emogene Tidd, was the first citizen to speak at the hearing. He asked for removal of boundary stakes at the Jack Mountain Village site because it was hard to mow grass around them.

### **Scrubbing the banks**

Barry Marshall said Route 678 is inappropriate for tractor-trailer traffic. He said his pickup was a total loss after being hit by an oncoming tractor-trailer, and he received multiple injuries.

"Everyone who lives in the area knows that these roads are not wide enough or straight enough for tractor-trailer traffic. We have all met them swinging wide on our sharp turns so that the trailer doesn't scrub the bank ... If two trucks are coming at each other at 25 mph, their combined speed is 50 mph, and if they are heavily loaded, they can't stop very quickly," he said.

"If they are empty, like the truck that hit me, and they slam on the brakes, they will slide and lose control. We already don't have very good odds with the heavy truck traffic from logging, turkey feed trucks, turkey litter hauling trucks, milk trucks and the construction dump trucks," Marshall said.

Harley Gardner, who lives near Jack Mountain Village, said he was concerned about public safety. It has been mentioned there would be welding, but in order to weld, generators are necessary, he said. He asked about a truck staging area and whether trucks would be scheduled to arrive at the appropriate time to avoid lining up at the gates and worsening traffic safety.

### **Devaluation greater than expected**

Lew Freeman, speaking as president of Highlanders for Responsible Development, explained he is executive director of the Allegheny-Blue Ridge Alliance, a coalition of conservation organizations in Virginia and West Virginia.

He said an early 2016 HRD study on the impact the proposed pipeline would have on the county's economy found the project would lower property values by \$2.5 million to \$3 million.

“However, the route that was studied – 25 miles across the northern portion of Highland – changed and the proposed pipeline was moved to the southeast, crossing only 10 miles of the county. One might think that any negative effect on property values would be diminished. Think again,” he said.

Of actual decreased assessment values, “a significant factor was the dampening impact of the proposed ACP project in the county, with a particularly serious impact on property that is closer to the pipeline route. In fact, the percentage decrease in values in the most recent assessment from the previous assessment was greater than the projections in our 2016 study. This is not surprising, for many of us have known for some time that prospective buyers were changing their minds about purchasing property in Highland County because of the prospect of the pipeline. This is not rumor. This is fact,” he said.

“It is reasonable to presume that the existence of two contractor storage yards for 2-plus years in the county will have a decidedly further negative impact on Highland property values, not only for property proximate to the yards but for property along the roads and highways that the increased truck traffic will travel,” Freeman said.

Priscilla Melchior cited traffic counts on Route 678 resulting from the proposed yard with trucks up to 55 feet long, added to transportation department figures ranging from 350 vehicles per day on the northern end at McDowell and 90 per day on the southern end at Williamsville. She said there are places on the road that fail to meet legal width requirement.

Chris Little said everyone who has driven on Route 678 has had close calls. He distributed copies of photos of dangerous stretches to supervisors, planners and county staff.

Rhett Wilson questioned highway department statistics because they include any vehicle hauling a trailer as a tractor-trailer. “The data is erroneous,” she said, adding she knows the county’s hands were tied. She commended the county staff for objecting to the yard in McDowell. She described the traffic situation on Route 678 as a “clear and present danger.”

Reading a letter from himself and on behalf of his neighbors near Jack Mountain Village, Kirk Billingsley expressed concern over the long-term impact on property market values. “We are concerned over permanent rezoning to industrial” of Jack Mountain Village, he said.

## **Why Highland?**

Dave Smith said he travels every day on Route 678, which is considered one of the most dangerous roads in Highland County. He described the road width as very narrow. Passing is difficult, and sighting distances in many locations is very poor.

Tight curves, steep banks and a lack of guardrails are compounded by the fact that it’s impossible for a tractor-trailer to turn left in front of McDowell Presbyterian Church from Route 678 onto U.S. 250. Having a storage yard 20 miles from the work site is not good business sense, he said, and most of the construction is in Bath, not Highland. “Why should Highland County be the storage site?” he asked. “I’ve driven that road with a 63-foot trailer, and I know how dangerous it is.”

Wayne Marshall asked why there was opposition to the project and its economic benefits. “If we don’t have somebody here working, we’ll be in bad shape,” Marshall said. “This thing can help everybody. I don’t understand why there’s so much trouble with it. When it’s over and done, it will be a grassy spot. It’ll be a lot better. I don’t understand why everybody’s against a man making a living.”

Speaking on behalf of the Dominion Pipeline Monitoring Coalition and the Allegheny-Blue Ridge Alliance, Rick Webb called attention to the fact that Dominion has not submitted erosion and sediment control plans to the county for review.

“Instead, Dominion and our Virginia Department of Environmental Quality have both advised the county that it doesn’t have a responsibility to review erosion and sediment control plans, as it would for any other such construction site. In this case, we have a construction site of about 30 acres that will involve around 15 acres of gravel parking lot. The DEQ takes the position that this contractor yard is ancillary to the pipeline and therefore it is covered by the same generalized DEQ approval program that applies to pipelines, electric transmission lines, and other linear construction projects.

“There is a logic for state-level review of linear projects that cross multiple jurisdictions, but it’s not a logic that applies to geographically distant staging areas,” Webb said. “This is more than simply a legal question about jurisdiction. The plans that Dominion has submitted to the DEQ are flawed in important ways. The erosion and sediment control plans do not meet standards, and stormwater management plans are missing. The jurisdictional question, however, is also important. There is nothing in state law or regulations that justifies DEQ assumption of county responsibility, and there is nothing that relieves the county of responsibility based simply on advice from DEQ.

“The county is responsible for ensuring that the erosion and sediment control plans for both of the proposed contractor yards are compliant and enforced ... I request that Dominion’s application for rezoning be denied, and that any future review of such an application address actual criteria for rezoning and consider the type of detail that should be provided in erosion and sediment control plans,” Webb said.

### **‘Asking for disaster’**

“You are asking for disaster,” Steve Shumate said of Route 678. “It doesn’t make any sense at all to run something like that (pipeline traffic) with that much traffic every day.”

On the proposed ACP storage yard near Monterey, Bill Limpert urged the county to reject both the request to rezone the property and the storage yard. They should be rejected because property values near the yard would fall substantially, further reducing county tax revenue below the lost revenue from already reduced property values along and near the proposed pipeline itself, he said. “There are many other places in the Highlands to purchase property or a home, and prospective buyers will go elsewhere to do that. Nearby property owners would suffer a great loss on what is likely the biggest investment of their lives. That is unfair.”

The applications for the zoning change and the ACP's description of the yard and its impact on the community are flawed, Limpert continued. The application for rezoning only mentions convenience as the criteria to justify rezoning the site, and it does not clarify how convenience would influence the decision. It does not mention public necessity, general welfare, or good zoning practice, the other criteria for evaluating a rezoning request, he said.

Limpert noted the ACP comments regarding the proposed storage yard are misleading and incorrect in a number of instances. They state that a 75-foot depth of pine trees will effectively screen the majority of the site from U.S. 220, and the public view. "I just drove past the site this evening and I saw a single row of pine trees," he said. "They state that Route 220 is straight and flat with good sight distance at the proposed yard. Yet, one of the most horrific accidents in recent memory occurred very near this location just two years ago. They state that there will be an average of 20-30 trips per day from the site, but I would not count on the accuracy of that statement. There could be many more.

"I agree with all others this evening who earlier stated that Route 678 is not appropriate for large construction vehicles," Limpert said.

### **'Ugly reality'**

Lynn Limpert said people choose where to live in large part due to the zoning, and the conditions that zoning brings to their area. The yard would bring hardship to those living near it, and would betray the trust that they have put in their public officials, she said.

"The contractor yard would be an eyesore that would detract from this beautiful location. It would be an ugly reality for those living nearby. It would detract from the beautiful scenery for those traveling on Route 220. Scenic Route 220 is a favorite of those visiting our area from Richmond, Washington, and elsewhere. The eyesore of the contractor yard, heavy equipment on the road, and our mountains being blasted away would be a deterrent for visitors that bring much-needed revenue to the area.

"The contractor yard would bring water pollution, air pollution, and noise pollution. Rather than seeing clean water running off the fields into local streams following a rainstorm, local residents would see muddy water, or water with a rainbow sheen from diesel fuel and construction oils and lubricants. Rather than smelling freshly cut fields, they would smell diesel fuel. Rather than waking up to bird songs, they would wake up to heavy machinery," she said.

"With the contractor yard, heavy equipment traffic volume would increase substantially. The heavy equipment would damage the local roads, as it did when Dominion built the pumped storage facility in Bath County. It would bring a significantly increased safety risk, with the volume of traffic, the size of the construction vehicles, vehicles entering and exiting the yard, and dangerous mud tracking onto 220. The travel distance to the proposed pipeline crossing is about 12 miles, and there are a large number of sharp turns with limited sight distance. To reach the proposed access road on Route 220 at the summit of Wilson Mountain the travel distance would increase to about 18 miles, with many more sharp turns. This site would support large areas of the pipeline that are not in Highland County," she said.

Toms responded to concerns over Route 678, saying the company has bonds with the highway department, and escort vehicles would be used with tractor-trailers.

Supervisor Kevin Wagner asked if Dominion could describe what Route 678 would look like so the board could picture what folks will have to deal with.

Dominion engineer Brittany Moody explained most of the pipe would be delivered directly to the right of way, and every truck would have an escort.

### **Bath not bearing brunt**

Planner Casey Thaler asked Moody if she had driven Route 678.

“Yes, sir,” Moody replied.

Supervisor David Blanchard asked why traffic would be flowing down Route 678 instead of up from Route 39 where roads are better. “Bath is not bearing the brunt of this,” Blanchard charged.

Toms defended the routing, saying it would be the more efficient plan. “We certainly want to use better roads,” he said.

Planner Randy Richardson asked if it was unusual for a storage yard to be 20 miles from a work site. Toms said Dominion was trying to be efficient working with contractors. “It’s a function of business,” he said.

In response to Billingsley’s concern over the permanency of rezoning, Thaler said temporary rezoning was not possible.

“I realize we need industry in this county,” Blanchard said. “But it needs to be responsible industry. I’m not in favor of rezoning.”

Wagner, who dissented, said he was concerned the Jack Mountain Village property was already used for industrial purposes when it served as a housing facility for Bath County Pumped Storage Station workers. “It’s not a great fit, but I don’t know what would be a better fit,” he said.

Chair Harry Sponaugle agreed with Blanchard the proposed pipe yard would conflict with existing land use. He felt Dominion would not be overburdened and he didn’t feel it was a problem for the company to haul pipes and equipment 50 miles out-of-the-way.