PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: March 21, 2018

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16

ITEM: 3

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Title 16.13.10 regarding restrictions for utility poles. The City would like to adopt restrictions that would govern the height and other items of distribution and transmission lines built in the City.

BACKGROUND:

Staff is proposing adding code to the Land Use Code regarding new or replacement high voltage transmission lines. Heber Light and Power and Rocky Mountain Power have proposed upgrading an existing transmission line through Heber Valley. A section of that existing line runs through Midway City. After staff review of the Land Use Code it was discovered that transmission lines are not mentioned in the current code and therefore the City would like to create a code acceptable to the residents of Midway.

The proposal of upgrading the existing transmission line is a joint venture between Heber Light and Power and Rocky Mountain Power. The plan is to use many of the existing easements which include prescriptive easements through property in the city limits. The proposed poles will be taller than the existing poles along the route in question and will carry considerably more power than what the current transmission lines carry. Heber Light and Power has stated that the main reason for this proposal is to have a second source of power into the Heber Valley.

Midway residents are concerned about how this upgraded and larger line will impact them. Staff has received comments that range from aesthetics, health concerns, property value concerns, and lack of additional options. The new code the City will adopt should take into consideration these concerns. The new code will affect any new transmission lines and any replacement of high voltage transmission lines.

Currently, there are three transmission lines that run through city limits. Rocky Mountain Power has a line that runs north and south through Midway to Park City. The line runs west of Homestead Drive and crosses areas such as Crater Springs Golf Course and Wasatch Mountain State Park. Another line is a Heber Power and Light line that runs from the Midway Substation along 500 South over to Heber. The third line runs from Heber along 970 South, Stringtown Road, and Wards Lane to the Midway substation.

Staff has reviewed the Land Use Code it was discovered that transmission lines are not mentioned in the current code and therefore the City would like to create a code acceptable to the residents of Midway. Staff did discover two items that are related to utility line regulation. The first is in the RA-1-43 zone where public utility facilities and buildings are a conditional use. The existing transmission line that is proposed for upgrade does not fall in this zone, though it is very close to the zone being on the other side of Wards Lane. The second is all new distribution lines in new development are required to be buried. Again, neither of these codes govern the current proposal of upgrading the current transmission line that runs along 970 South, Stringtown Road, and Wards Lane.

Staff has prepared a draft ordinance for consideration. The process of adopting code is a legislative process and items such as the General Plan and public comment should be carefully considered when adopting new code. The General Plan reinforces preserving view corridors and preserving a rural atmosphere and these items should be of high consideration based on the goals of the community outlined in our guiding document.

The following is a proposed draft code:

> *Prior to beginning actual design work on any new proposed high voltage power transmission lines through any portion of the Midway City boundaries, a power company shall:*
>
> *A. Conduct thorough studies, including but not limited to environmental impact studies, studies to determine costs of different options, and studies to determine the visual and aesthetic impact of the proposed transmission line project. At the City's sole discretion, the City may require outside third party providers to conduct some or all of the studies, do independent studies, or to review the studies prepared by the applicant and verify the information contained therein.*

Drafts of the studies shall be presented to the Midway City Planning Department, the Planning Commission, and the City Council for review and comment prior to finalization of the study.

B. Conduct public hearings. The applicant shall conduct public input meetings prior to finalization of any required study, and shall give consideration to the public input received.

Once any required study is finalized, it shall be presented to the City Council for acceptance, and shall become a public document.

II. City's option to require burial of new transmission lines.

Because of the directions, limitations and suggestions contained in the General Plan, Midway City shall have the option of requiring all new Transmission Power Lines to be buried within the Midway City limits. Prior to making that decision, the City shall carefully review the costs differential associated with burying the transmission lines. Cost shall be one of the factors considered, but is not the only determining factor.

III. Restrictions on any above ground high voltage transmission power lines located within the boundaries of Midway City:

In the event the City determines that it is in the best interest of the City to allow new transmission lines to be installed above ground, those new lines shall be subject to the following restrictions:

1) Restricted to corridors where existing 46kv lines are already in place;

2) Height and span restrictions: Limited to height of existing 46kv lines.

3) Aesthetic restrictions: Brown or rust colored – no galvanized or other reflective materials shall be used.

4) Other restrictions as reasonably imposed by the City.

Midway City Staff is directed to prepare additional supplemental maps, rules, forms and necessary materials to effectuate the direction contained herein.

Staff would like to gather input from the Planning Commission and public so that ideas can be formed if an amendment of the requirements is recommended.

ALTERNATIVE ACTIONS:

1. Recommendation for approval. This action can be taken if the Planning Commission feels that the proposed language is an acceptable amendment to the City's Municipal Code.

    a. Accept staff report
    b. List accepted findings

2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.

    a. Accept staff report
    b. List accepted findings
    c. Reasons for continuance
        i. Unresolved issues that must be addressed
    d. Date when the item will be heard again

3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the proposed amendment is not an acceptable revision to the City's Municipal Code.

    a. Accept staff report
    b. List accepted findings
    c. Reasons for denial