

Midway City Council  
16 November 2021  
Regular Meeting

Ordinance 2021-38 /  
Power Distribution Lines



**Midway**

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** November 16, 2021

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Sections 16.4, 16.5, 16.15, 16.16, 16.17, 16.18, and 16.30 of the Midway City Municipal Code

Midway City is proposing an amendment to Sections 16.4, 16.5, 16.15, 16.16, 16.17, 16.18, and 16.30 of the Midway City Municipal Code. The proposed amendment would require existing power distribution lines to be buried for new developments along public and private roads.

**BACKGROUND:**

The purpose of this item is to amend the current land use ordinance for Midway City, requiring new developments to bury existing utility poles and lines (distribution, communication, and residential services) that are located along their frontages on public and private roads.

The subdivision ordinances found in the land use code require all utilities within the development to be buried. The proposed adjustments would require a property owner, or developer, to bury the existing overhead distribution, communication and residential services poles and lines that run along the frontage of the property that is being developed. The poles and lines may be located on the property, or they may be located along their frontage within a public or private right-of-way or easement.

There is a community benefit to burying overhead utility lines. Burying them can improve the aesthetic of the area by reducing or eliminating visual clutter. There are also benefits with regard to the safety and reliability of the line when it is placed underground in areas that are often congested or are prone to storm events or wildfires. Burying utility lines does not mean that the lines are immune from weather or equipment issues.

Flooding can be a concern along with excavation damage by a third party. Generally, repair costs and time is less with overhead lines compared to underground lines.

The general plan emphasizes the importance of Main Street, historic buildings and structures, open spaces, and the mountain valley landscape that typifies Midway. These areas are important to the residents and visitors of Midway and create an aesthetic theme for the community. Many people experience these areas as they view them from our transportation corridors, many of which are often bordered by overhead utility lines. As property in the city develops, views can be enhanced is by relocating some of the visual clutter created by the overhead utilities.

Staff is proposing that the following sections within the land use code are modified to require any existing distribution lines along public or private roads in new developments to be buried. The various code sections being amended are *italicized*. The proposed code language is italicized and in *red*.

### **Business and Manufacturing Park Zone-**

#### **Section 16.4.3.*M***

*M. Power Lines. As a property is developed or redeveloped (re-subdivided or change in use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines.*

### **Commercial C-2 and C-3 Zones-**

#### **Section 16.5.3.*I and J***

*I. Power Lines. As a property is developed or redeveloped (re-subdivided or change in use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines.*

Existing subsection “I” is simply being renumbered to be subsection “J”. No other adjustments are proposed to this subsection

*~~I~~J. Mixed-Use Standards.*

1. Lots less than one acre:
  - a. Frontage: 70 feet
  - b. One single-family dwelling (above, behind or detached)
  - c. A minimum of 20 percent of the gross square feet of all structures on the lot must be deed-restricted as commercial.
2. Lots greater than one acre:
  - a. Frontage: 200 feet
  - b. Up to 20 residential units per acre
  - c. A minimum of 20 percent of the gross square feet of all structures on the lot must be deed-restricted as commercial.

## **Resort Zone-**

### **Section 16.15.4.G.9.c**

*c. All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided or change in use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

## **Planned Unit Developments and Standard Subdivisions -**

### **Section 16.16.7.A.2**

*2. All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

## **Small Subdivisions -**

### **Section 16.17.7.B**

*B. All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

## **Rural Preservations Subdivision -**

### **Section 16.18.18.B**

*B. All dwelling units shall be served by a city-approved water supply. All utilities within the Rural Preservation subdivision shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

## **Density Reduction Subdivision -**

### **Section 16.30.23.B**

*B. All dwelling units shall be served by a city-approved water supply. All utilities within the Density Reduction Subdivision shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at*

*a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

**POSSIBLE FINDINGS:**

- The proposed adjustment will enhance the views from our transportation corridors by removing visual clutter, which is supported by the general plan
- The proposed adjustment may improve reliability by burying overhead utility lines, protecting them from storm events
- The costs associated with the installation and maintenance of buried utilities is more than that of overhead utilities
- Buried utilities can be impacted by third party excavations

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Ream: I make a motion that we recommend approval of the amendment to Sections 16.4, 16.5, 16.15, 16.16, 16.17, 16.18, and 16.30 of the Midway City Municipal Code. The proposed amendment would require all overhead lines, except transmission lines to be buried for new developments along public and private roads. We also accept all of staff findings and change redevelopment be defined to re-subdivide or change of use.

**Seconded:** Commissioner Garland

**Chairman Nicholas:** Any discussion on the motion?

**Chairman Nicholas:** All in favor.

**Ayes: Commissioners:** Ream, Whitney, Wardle and Garland

**Motion: Passed**

**ALTERNATIVE ACTIONS:**

1. Approval. This action can be taken if the City Council finds 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 City Council 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. Denial. This action can be taken if the City Council finds 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



**Midway**

**ORDINANCE**

**2021-\_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTERS 16.4, 16.5, 16.15, 16.16, 16.17, 16.18 AND 16.30 OF THE MIDWAY CITY LAND USE CODE TO REQUIRE EXISTING POWER DISTRIBUTION LINES BE BURIED FOR NEW DEVELOPMENTS ALONG PUBLIC AND PRIVATE ROADS.**

**WHEREAS**, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

**WHEREAS**, the Midway City General Plan emphasizes the importance of Main Street, historic buildings and structures, open spaces, and the mountain valley landscape that typifies Midway; and

**WHEREAS**, as Midway continues to develop, burying power distribution lines can improve the City's aesthetic by reducing or eliminating visual clutter and preserving the City's mountain valley landscape; and

**WHEREAS**, the Midway City Council desires to amend certain sections of the Midway City Land Use Code to require any existing distribution lines along public or private roads in new developments be buried moving forward.

**NOW THEREFORE**, be it ordained by the City Council of Midway City, Utah, as follows:

The following Chapters and Sections of **Title 16** shall be amended to read as follows:

**CHAPTER 16.4 BUSINESS AND MANUFACTURING PARK ZONE**

**Section 16.4.3 Tract and Lot Area, Yard, Coverage, and Height Requirements**

- M. Power Lines. As a property is developed or redeveloped (re-subdivided or change in use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property



frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines.

## **CHAPTER 16.5 COMMERCIAL C-2 AND C-3 ZONES**

### **Section 16.5.3 Site Development Standards**

I. Power Lines. As a property is developed or redeveloped (re-subdivided or change in use, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines.

J. Mixed-Use Standards.

1. Lots less than one acre:
  - a. Frontage: 70 feet
  - b. One single-family dwelling (above, behind or detached)
  - c. A minimum of 20 percent of the gross square feet of all structures on the lot must be deed-restricted as commercial.
2. Lots greater than one acre:
  - a. Frontage: 200 feet
  - b. Up to 20 residential units per acre
  - c. A minimum of 20 percent of the gross square feet of all structures on the lot must be deed-restricted as commercial.

## **CHAPTER 16.15 RESORT ZONE (RZ)**

### **Section 16.15.4 Resort Master Plan**

(G)(9)(c) All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided or change in use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.

## **CHAPTER 16.16 PLANNED UNIT DEVELOPMENTS AND STANDARD SUBDIVISIONS**

### **Section 16.16.7 General Standards and Requirements**

(A)(2) All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided or change in use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.

## **CHAPTER 16.17 SMALL SUBDIVISIONS**

### **Section 16.17.7 Standards and Requirements**

(B) All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided or change of use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.

## **CHAPTER 16.18 RURAL PRESERVATION SUBDIVISION**

### **Section 16.18.18 Standards and Requirements**

(B) All dwelling units shall be served by a city-approved water supply. All utilities within the Rural Preservation subdivision shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided or change of use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.

**CHAPTER 16.30 DENSITY REDUCTION SUBDIVISION**

**Section 16.30.23**

(B) All dwelling units shall be served by a city-approved water supply. All utilities within the Density Reduction Subdivision shall be placed underground, including telephone, power and television. As a property is developed or redeveloped (re-subdivided or change of use), the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.

This ordinance shall take effect upon publication as required by law.

*[Signature Page Follows]*

**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah  
this \_\_\_\_ day of November, 2021.

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Corbin Gordon, City Attorney

(SEAL)