

Midway City Planning Commission Regular Meeting Minutes August 13, 2019

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., August 13, 2019, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jim Kohler – Chairman
Kevin Payne– Vice Chairman
Jeff Nicholas
Bill Ream
Rob Bouwhuis
Nancy O’Toole
Natalie Streeter
Heather Whitney

Staff

Michael Henke – City Planner
Melannie Egan – Admin. Assistant
Wes Johnson – City Engineer
Corbin Gordon – City Attorney
Celeste Johnson - Mayor

Excused

Jon McKeon

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Commissioner Nicholas
 - Chairman Kohler led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of July 9, 2019.

Motion: Commissioner Ream: I make a motion to approve the regular planning commission minutes of July 9, 2019.

Seconded: Commissioner Streeter

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners:

Nays: None

Motion: Passed

Review and possibly approve the Closed Planning Commission Meeting of July 9, 2019.

No motion was made as some changes were requested. This motion has been continued for the September Planning Commission meeting to give commissioners a chance to review those changes.

Item 2:

Rocky Mountain Power and Heber Light and Power are requesting a Conditional Use Permit to rebuild an existing Heber Light and Power transmission line and install a 138kV line for Rocky Mountain Power that will be located on the Heber Light and Power poles. The proposal will establish a second transmission interconnection which will strengthen service reliability and increase capacity in Midway and the surrounding area. The portion in Midway is about one mile in length and will follow the existing transmission line along Wards Lane, Stringtown Road, and 970 South. The proposed tangent poles range in height from 70'-85' above ground and the dead-end poles and crossing poles range in height from 80' – 110' above ground.

Planner Henke gave a presentation

Heather Whitney has recused from this item.

Corbin Gordon stated that he received a letter at 3:30pm from Snell & Wilmer Law Offices asking for a continuance. Corbin stated that because there was no evidence presented that the commission could still vote for recommendation and that Snell & Wilmer would have an opportunity to present that evidence to the City Council.

Proposed Conditional Use

- Rebuild existing HL&P (46-138kV)
- Install RMP lines on the same poles (138kV)
- Establish a second transmission line interconnection
 - Strengthen reliability
 - Increase capacity in Midway and surrounding area
- About 1 mile of transmission line in Midway
 - Follow historic route
 - Stringtown Road, Wards Lane, and 970 South
- Pole heights would range from 65' – 85'

Distribution lines would be buried by HL&P

City Code

- Midway adopted a transmission line code on 1-15-2019
- Transmission lines allowed as a conditional use
- Resident concerns
 - Aesthetics
 - Health

- Property values
- Potential other options (lack of)

Transmission Lines in Midway

- Judge Line (west of Homestead Drive)
 - Rocky Mountain Power
 - 1 mile
- 500 South
 - Heber Light & Power
 - 0.8 miles
- 970 South
 - Heber Light & Power
 - 1 mile

Michael Henke showed slides of the affected lines for a visual on 970 South, Stringtown Road and Wards Lane

Submitted Documents

- Underground Transmission Cost/Feasibility Study
- Transmission Lines and Property Values: Review of the Research
- EMF Electric and Magnetic Fields Associated with the Use of Electric Power
- Powering Our Future: Summit Wasatch Electrical Plan Local Planning Handbook

Code-Route- Section 13.7 (D) (1)

- Prefers transmission lines follow historic routes
- Proposal is to follow existing route

Code-Pole Height- Section 13.47 (D) (2)

- Prefers the shortest poles allowed by industry standards
 - All options should be considered for aesthetics and for harmonizing with the vision of the General Plan
- Taller poles may reduce the number of poles required
- Shorter poles may require the most amount of poles
- Proposal is to replace existing 55'-65' poles with poles that are 65'-85' in height
- All distribution and, possibly, communication lines will be buried

Code- Types of Poles- Section 13.47 (D) (3)

- Limits the types of poles and focuses on the visual impact
 - No galvanized poles or reflective material is allowed
 - Pole color and material will focus on minimizing the visual impact
 - Wood poles or metal poles are both options
 - Wood poles would be taller than metal poles
 - If metal poles are chosen, then the City may determine the color

- Section.13.47 (D)(4)
 - Any reasonable conditions may be imposed

Code- Burial of Transmission Lines- Section 13.47 (E)

- Section.13.47 (E)
 - Allows the City to require the burial of transmission lines and distribution lines
 - Application states that distribution and communication lines will be buried
 - If transmission lines area required to be buried
 - Cost must be considered
 - The City or some other source must pay the difference in cost
 - Must be paid within 30 days after construction has commenced
 - Limited time allowed to pay the difference in cost creates complications that would need to be considered

Planning Commission Motion- June 2019

- Alternative route study
- Provide cost and size of easements
- Easement locations
- Visual impacts
- Number and height of poles
- Property lines

Motion- Pole Height and Number of Poles

- Option A
 - 16 poles
 - 70' -85'
 - 6 steel poles and 10 wood poles
- Option B
 - 21 poles
 - 65' – 83'
- 6 steel poles and 15 wood poles

Motion- Alternative Route Study

- Prefers transmission lines follow historic routes
- Proposal is to follow existing route

Corbin Gordon explained that the code clearly states that the city prefers follow historic routes and that it is beyond the scope of what should be considered by asking for an alternate route study.

Motion- Provide cost and size of Easements

Michael Henke provided information regarding the cost and size of easements calculations.

	Short	Long	Underground
Wards Lane	0 sf	0 sf	134 sf
Stringtown Road	1401 sf	1729 sf	1298 sf
970 S West	4676 sf	5489 sf	329 sf
970 S East	7046 sf	7734 sf	813 sf
Total	13123	14952	2574
Fee Acre Price	\$150,000	\$150,000	\$150,000
Percentage of Fee	0.5	0.5	0.5
Estimated Cost	\$22,594.70	\$25,743.80	\$4,431.82

Commissioner Streeter stated that the new easement information is different from what was presented in June. Would like RMP and HLP explain the discrepancy.

Chairman Kolher stated that he would prefer Michael Henke finish his presentation and asked the applicant to take note of the question.

Wes Johnson stated that the map does not consider that the poles on 970 S will have to be moved north due to the condition of the Saddle Creek Subdivision to widen the road. There is no actual information regarding that at this time, but Wes Johnson stated that the poles would move north approximately 15 feet.

Michael showed side by side renderings (picture simulations) of the existing conditions vs the new conditions via view conditions.

Michael showed a map and rendering of the Typical Span Lengths Proposals of the two options and he identified the height of each pole and the material of the poles (wood/steel).

Bill Ream stated that perhaps a good idea to bury the lines on major roads, such as along Stringtown and crossing Center Street so that people traveling to Midway will not see the pole. Michael Henke stated that he did not believe that the costs would be worth it. If we ask for any parts to be buried the City would be required to pay for it.

Vegetation-

Michael Henke showed some examples of various vegetation that can be used under the poles and explained the Bramble & Byrnes Right-of-Way Method.

Possible Findings

- The proposal is an administrative review and approval
- The proposed use is a conditional use and the city may impose reasonable conditions to mitigate identified issues
- The proposal includes taller poles that will be visible to the residents of Midway, visitors of Midway, and the surrounding residents of Wasatch County
- The distribution and possibly communication lines will be buried to help declutter the

current transmission line situation, and reduce the weight being carried by the poles, thus reducing poles in the area

- The proposal will create a second point of power access that will benefit the residents of the valley
- The proposal will allow more power to enter the valley that will benefit the entire community by meeting community needs

Proposed Conditions

As the review process continues, conditions will be created based on public comment, Planning Commission discussion, and City Council discussion.

Corbin Gordon gave some remarks regarding the Conditional Use Permit and the purpose and scope of the Commissioners responsibilities.

Michael Henke explained the noticing requirement of state code.

Comments and Questions

Ben Clegg was asked to provide some information regarding the size and diameter of the poles and explained that the differences are not substantial, and the differences are inches. Nichole Kindall engineer for RMP explained the diameter. Class 1 poles

Commissioner Nicholas asked if there anyway to eliminate the steel poles? Nichole Kindall explained that in order to get rid of the steel poles you would need 2 poles plus two sets of Guying for each pole.

Nichole Kindall explained that the galvanized pole was a dull darker grey, and it plus the rusting steel can be purchased today.

Commissioner Streeter asked about white poles and Nichole Kindall stated that those poles are finished with lead-based paint and the EPA will not allow that any longer and not available any longer.

It was asked if the widening of 970 So is that going to affect the number of poles? Nichole Kindall stated that it could be possibly add one small angle pole but not necessarily.

Commissioner Streeter asked about poles being near driveways and were there going to be problems? Ben Clegg stated that if the commission would like to place a condition on them to work with our engineering department to work with pole placement that are near driveways, they would be willing to do that. Nichole Kindall stated that moving a pole 5 to 10 feet should not affect anything and would not require additional poles.

There was a discussion regarding the placements and the right of way lines. Ben Clegg stated that they would work with Engineering.

Chairman Kohler stated that it would be a good condition to add to any motion that the poles be placed on the right of way line.

Commissioner Payne asked about one of the trees and the height of the tree. Ben Clegg stated that the tree may have to be cut down or pruned. The preference is to prune, but sometimes a tree may need to be cut down.

Right of way requirements are? RMP standard. NESC standard one.

Commissioner Payne asked for clarification regarding how much of the pole is underground and Ben Clegg explained that poles typically come in 5 feet lengths and that the buried part of the pole is 10% of the height plus 2 feet.

Nichole Kindall explained the national safety requirements of Bramble and Byrnes Right of Way Method and how could a developer figure out a possible berm and the vegetation. It depends on the design. Refer to the recording.

Commissioner Payne asked About the negative health studies. Ben Clegg stated that he provided the information and they stand by those studies. Corbin Gordon stated that any studies that perhaps could be negative have not been presented. Therefore, without evidence the committee must only consider what has been presented.

Mayor Johnson explained the differences of the City Council.

Michael Henke clarified that the next meeting would have to be no sooner than September 17th because of the legal noticing process.

Commissioner Streeter asked about financing and asked for actual numbers from staff in order to make any decision.

Michael Henke explained that there would have to be a vote and special assessment. To bury was 6 million and above ground is 1 million so the difference would be 5 million. Staff would have to work with the financial officer. Corbin Gordon stated that it could be a condition or recommendation to do a financial analysis but is not a basis legally to hold up the Conditional Use Permit Application.

Commissioner Bouwhuis stated that he preferred the long span and the rust colored poles. He would rather see the millions used for improvements within the city as opposed to the cost of the burying the lines.

Commissioner Payne stated that he would prefer burial as a first option. And denial would be his second option.

Commissioner O'Toole stated that he preferred the long span and the rust colored poles is preferred. She would rather see the millions used for improvements within the city.

Commissioner Nicholas opposes burial due to the cost aspect. Not in favor of it and agrees with Commissioner Bouwhuis.

Commissioner Ream stated that he would like to at least consider a mix of burial and above ground. Prefers the tall poles, color he would need to see the dull galvanized.

Commissioner Streeter prefers the Long Spans are less visually impactful and prefers the dull galvanized. But prefers burial, and would not want to vote without those numbers.

Public Comment Open

Ted (unintelligible)- The gentleman asked about prescriptive easements. The recording is unintelligible; however, Attorney Corbin Gordon answered his question that it does not.

Morgan Lynch who lives on Stringtown. Is 970 South going to go all the way through to Stringtown Road? Michael stated that it is on the master road plan. With that however, it does not mean that it will actually go through, it all depends on if those properties develop and is the more likely way for it to actually be built.

Clark Brewer the president of the HOA for Cascades of Soldier Hollow. He encourages to see what the special assessment is and have some input regarding it.

Tina Buell (unintelligible), lives on Stringtown- Stated that her husband has stage 4 cancer and she encourage that the commissioners dive into the controversy of the health.

Mary Bradford who lives in Turnberry- She would like to see the assessment and she would be possibly willing to pay for the lines to be buried. Would like cost clarifications. Corbin Gordan stated that he would be happy to provide the information.

Bruce Bernard, lives on 570 South- Would like RMP or HPL to put the above and below bid out so we would know how much the options would cost because no one really knows at this point.

Scott Lewis, lives on Merryweather Way- Wants to know Analysis. Michael explained. #5 Health Safety but does not list property values. It should be a conversation.

State statute states the city has 30 days from the start of construction to pay the difference.

Public Comment Closed

Motion: Commissioner Bouwhuis: I make a motion to recommend approval to City Council for Rocky Mountain Power and Heber Light and Power for a Conditional Use Permit to rebuild the existing Heber Light and Power transmission line and install a 138kV line for Rocky Mountain Power that will be located on the Heber Light and Power poles, accept staff findings with the following conditions. That Rocky Mountain Power and Heber Light and Power work with the City Engineer to ensure that the pole placement will be located outside of the right of way and including the widening of 970 South and address the impact of the sight triangles. Recommend the long span option, and before going to City Council have staff compile a narrow look at a local special assessment.

Seconded: Commissioner Nicholas

Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Ream, Nicholas, O'Toole, Bouwhuis

Nays: Payne
Inaudible: Streeter
Motion: Passed

Item 3:

Berg Engineering, agent for Watts Enterprises, is requesting a Master Plan amendment of Remund Farms which includes three phases. The proposal is to replace the three phases with eight phases. The number of units, location of units, location of open space and roads do not change with this amendment. Only new phase lines are being proposed except for an adjust to unit 84 and its driveway. The property is located at 200 East 600 North and is in the R-1-15 zone.

Planner Henke gave a presentation

Land Use Summary

- 50.76 acres
- R-1-15 zoning
- Proposal contains 96 building pads (PUD)
- Proposal contains 1 lot (standard subdivision)
- Three phases
 - Phase I – 39 units (1 lot, 38 pads)
 - Phase II – 37 units (37 pads)
 - Phase II – 21 units (21 pads)
- Private roads maintained by the HOA
- The lots will connect to the Midway Sanitation District sewer and to the City’s water line.
- Sensitive lands of the property include wetlands, springs, stream corridors, high water table, and wildlife habitat

Amending a Master Plan

- Remund Farms Master Plan Agreement
 - Section 5
 - Agreement may be amended only by mutual consent by the City and the developer
 - The City is under no obligation to change the approved master plan

Master Plan Approval

- Master Plans must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed
 - Sufficient property
 - Water rights
 - Roads (traffic circulation)
 - Sensitive lands protection

- Open space

Proposed Amendments

- Proposed amendments
 - Add limited common areas behind 37 units
 - Each limited common area is 12' deep
 - Adjust the pad dimensions and driveway of unit 84
 - Current dimensions – 55' x 60'
 - Proposed dimensions – 55' x 70'
 - Increase of 550 sq. ft.
 - Amend the 3 phases in the master plan to 8 phases

Items to Consider

- Adding additional phases
 - Require more staff time and Planning Commission and City Council meetings
 - Increasing from 3 to 8 phases will increase the minimum number of public meeting from 12 to 32
 - Potentially the number of Water Board meetings will increase

Possible Findings

- The proposed master plan appears to meet the requirements of the code
- The number of phases will increase from three to eight
- Amending the master plan is discretionary and the City is under no obligation to approve the proposal even if it complies with the land use code

Proposed Conditions

None

Comments and Questions

Commissioner Bouwhuis asked about Limited common area.

Paul Berg stated that the reason to add the 12-foot area to allow the homeowner to build a pergola, deck or something else. Those areas do not affect the open space requirement.

Paul explained the phasing.

Motion: Commissioner Streeter: I make a motion that we approve the proposed Master Plan amendment 1 and 2 of Remund Farms, to add limited common areas behind 37 units and that each limited common area is 12' deep, and that we adjust the pad dimensions and driveway of unit 84 to 55x70 feet from the current of 55x60 feet. Also, to remove the private trail that runs south from lot 84 to 87.

Seconded: Commissioner O'Toole

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, Nicholas, O'Toole, Bouwhuis

Nays: None

Motion: Passed

Motion: Commissioner Ream: I move that we approve the proposed master plan amendment 3 changing the number of phases from 3 to 6 by combining 3a, 3b and 3c into one phase. Accept staff findings and one condition of recording all the phases with sequential numbering from 1 to 6.

Seconded: Commissioner Payne

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Payne Ream, Nicholas, O'Toole, Bouwhuis

Nays: Streeter

Motion: Passed

Item 4:

Stephen Quesenberry, agent for Jeannette S. Higginson Trust and T&M Holdings LLC, is requesting preliminary/final approval of Haven Farms, a rural preservation subdivision. The proposal is for a 13-lot subdivision on 67.43 acres and is in the RA-1-43 zone. The property is located at 1170 South Center Street.

Planner Henke gave a presentation

Land Use Summary

- 67.43-acre parcel
- RA-1-43 zoning
- Proposal contains 13 lots
- Shared private driveways
- Public trail
- FEMA floodplain

All homes will be connected to the sewer line and culinary water
100-foot setback of Highway 113

Discussion Items

- Well water rights
- Irrigation in the FEMA flood zone

Possible Findings

- 67.43-acre parcel
 - Area of parcel

- 2,937,250 sq. ft.
- Impervious area
 - Lots
 - 104,000 sq. ft. (13 x 8,000)
 - Driveways and trail
 - 82,328.4 sq. ft.
- Irrigated lot area
 - 65.04 acres (2,937,250 – 104,000 – 82,328.4 = 2,750,921.6)
- Total irrigated acreage
 - 63.15 x 3 = 189.45 acre feet
- 13 culinary connections
 - 10.4 acre feet (13 x .8)
- 199.85 acre feet requirement

Possible Recommendation

- The proposed lot meets the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district
- The proposal does comply with the requirements for the Rural Preservation Subdivision code
- The subdivision helps comply with the vision states in the General Plan to preserve open space and a rural atmosphere
- All 13 lots will be deed restricted so they can never be further subdivided
- The subdivision will build a public trail that will help complete the master trail plan which will make pedestrians safer by allowing them a place to recreate off of Hwy 113

Proposed Conditions

- CCRs must be submitted to the City for review
- Deed restrictions that will be recorded towards all 13 lots must be submitted to the City for review

Comments and Questions

There was a discussion regarding the trail along Snake Creek.

FEMA flood plain on the southern area of the property and if the culvert is bigger and if there would be any future issues such as adding more units? The answer was no.

Commissioner Bouwhius stated that allowing a trail along snake creek would have been a great thing for the community and that area of the city, and he understands that it is a done deal, but he wanted to state it publicly.

Motion: Commissioner Streeter: I make a motion of recommendation and approval of preliminary/final approval of Haven Farms, a rural preservation subdivision. That we accept findings of staff, accept staff conditions and that we accept the altered water board recommendation.

Seconded: Commissioner Ream

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, Nicholas, O'Toole, Bouwhuis

Nays: None

Motion: Passed

Adjournment:

Motion: Commissioner Ream: I motion to adjourn

Second: Commissioner Streeter

10.00 pm

Chairman – Jim Kohler

Admin. Assistant – Melannie Egan

Approved