

Midway City Council
15 January 2019
Regular Meeting

Ordinance 2019-02 /
Transmission Lines



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: January 15, 2018
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Amendment of Title 16

ITEM: 12

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Title 16.13.47 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 an ordinance 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 to regulate new or upgraded transmission lines. 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.

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 consideration based on the goals of the community outlined in our guiding document.

Staff has prepared two draft ordinances for the City Council to consider. The first is the Planning Commission's recommendation. The second is staff's revision, based on the Planning Commission's recommended version, but also includes edits based on working with Heber Light & Power to address their concerns.

PLANNING COMMISSION'S MOTION:

Motion: Commissioner Streeter: I move that we recommend to the City Council, the approval of code text amendment Midway City's Land Use Code of Title 16.13.10 regarding restrictions for transmission lines. With the following changes, under the heading A that it would state that third party, paid for by the applicant and independent studies. In B- noticing requirement of 600 foot on either side of proposed transmission lines. And then on B-2 city require distribution and communication lines to be buried, maintain the option for transmission lines subject to City Attorney review and Sub 3 remove the brown or rust color options.

Seconded: Commissioner O'Toole

Chairman Kohler: Any discussion on the motion?

Chairman Kohler: All in favor.

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

Nays: None

Motion: Passed

PLANNING COMMISSION'S RECOMMENDED CODE:

Prior to beginning actual design work on any new proposed power transmission, distribution, and communication 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. All submitted studies must be from third parties and paid for by the applicant. 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. Notice of the date, time, and place of all City Council public hearings concerning a proposed transmission line shall be mailed not less than ten calendar days before the hearing to all record owners of property within 600' of the proposed route of the transmission line. The applicant shall furnish a draft notice and stamped, addressed envelopes with the correct names and addresses of all record owners to the City no less than 14 calendar days before the hearing.

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 or replacement transmission power lines, distribution

lines, and communication 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 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: Preference for the lowest poles allowed by industry standards though all options will be considered for aesthetics and for harmonizing with the vision of Midway as described in the General Plan.*
- 3) Aesthetic restrictions: No galvanized or other reflective materials shall be used. Wood poles will also be considered.*
- 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.

EDITED VERSION OF PLANNING COMMISSION'S RECOMMENDATION:

16.13.47 TRANSMISSION LINES

A. The purpose of this section is to regulate all electric transmission lines that exceed 55 feet in pole height. It is not the intent of this section to regulate the replacement or maintenance of existing transmission lines that exceed 55 feet in pole height. So long as existing transmission poles are replaced with a pole of identical height, diameter, and material, no permit nor approval shall be required. A proposal to alter the height, diameter, or material of existing

transmission lines that exceed 55 feet shall require an application under this section.

B. Prior to beginning actual design work on any new or proposed power transmission line that exceeds 55 feet in pole height, and that crosses through any portion of the Midway City boundaries, a power company shall:

1. Submit an application to the Planning Department, in a form established by the City Planner, providing all information, design criteria, and studies deemed necessary by the City Planner. Any requested studies shall be thorough and shall include but not be 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. All costs incurred by third party studies shall be born by the applicant.

2. Once the application is complete, the applicant shall appear before the Midway City Planning Commission. A public hearing shall be conducted regarding the application. Notice of the date, time, and place of all Planning Commission public hearings concerning a proposed transmission line shall be mailed not less than ten calendar days before the hearing to all record owners of property within 600' of the proposed route of the transmission line. The applicant shall furnish a draft notice and stamped, addressed envelopes with the correct names and addresses of all record owners to the City no less than 14 calendar days before the hearing. The Planning Commission shall have the authority to review the application, and to request additional information or studies should they be deemed necessary. After reviewing the application and conducting the public hearing, the Midway City Planning Commission shall recommend approval, approval with conditions, or denial of the application.

3. Once a recommendation has been issued by the Planning Commission, the application shall be presented to the Midway City Council. A public hearing shall be conducted regarding the application. Notice of the date, time, and place of all Midway City Council public hearings concerning a proposed transmission line shall be mailed not less than ten calendar days before the hearing to all record owners of property within 600' of the proposed route of the transmission line. The applicant shall furnish a draft notice and stamped, addressed envelopes with the correct names and addresses of all record owners to the City no less than 14 calendar days before the hearing. The City Council shall have the authority to review the application, and to request additional information or studies should they be deemed necessary. After reviewing the application and conducting the public hearing, the Midway City Council shall approve or deny the application. Approval may include requirements of the

applicant that can be documented in an installation agreement between the applicant and the City.

C. City's option to require burial of transmission lines, or distribution lines that share the transmission line pole.

It is Midway City's objective to minimize the visual and aesthetic impact of above ground transmission lines within Midway City. Midway City Council shall have the option of requiring transmission power lines approved under this section to be buried within the Midway City limits. Midway City Council shall also have the option of requiring just the distribution lines that commonly share the poles of transmission lines to be buried, if such a requirement would lower the overall height of the transmission poles. Applicant shall be required to submit studies that establish: 1) the cost and pole height of standard transmission poles with distribution lines included; 2) the cost difference and pole height difference of burying just the distribution lines; and 3) the cost difference of burying both the transmission and distribution lines. Prior to making any decision, the City shall carefully review the different costs associated with each option. Any requirements imposed by the City to bury some or all of either the transmission line or distribution lines shall be subject to then existing law that may require the City to cover some or all of the costs. In making the decision to bury some or all of the transmission or distribution lines, Midway City Council shall be allowed to consider all reasonable information available to it, and shall not be limited to just an analysis of cost as the determining factor.

D. Restrictions on any above ground 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) Existing Easement Restrictions: New lines shall be restricted to corridors where existing 46kv lines are already in place;*
- 2) Height and Span Restrictions: There shall be a preference for the shortest poles allowed by industry standards, taking into account the impact a shorter or longer span between poles may have on the view corridor. All options will be considered for aesthetics and for harmonizing with the vision of Midway City as described in the General Plan.*
- 3) Aesthetic Restrictions: No galvanized poles, or poles with other reflective materials shall be used. Pole color and material shall be focused on minimizing the visual impact of the transmission line. Wood poles will also be considered.*
- 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.

ALTERNATIVE ACTIONS:

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



ORDINANCE 2019-_____

AN ORDINANCE GOVERNING THE INSTALLATION OF UNDERGROUND HIGH VOLTAGE TRANSMISSION POWER LINES, RESTRICTING THE INSTALLATION, CONSTRUCTION AND USE OF HIGH VOLTAGE TRANSMISSION POWER LINES WITHIN THE BOUNDARIES OF MIDWAY CITY, AND RELATED MATTERS.

WHEREAS, the Midway City has adopted a General Plan which includes provisions regarding the promotion of open space and preservation of the rural feel of Midway City; and

WHEREAS, the General Plan also places a premium on the “scenic views of the surrounding Wasatch Mountains, rustic farmland along the Provo River, and wildlife”; and

WHEREAS, the Code Amendment contained herein will further the direction and intent of the Midway City General Plan; and

WHEREAS, the proposed Code Amendment contained herein was presented to the Midway City Planning Commission who voted to recommend the Code amendment to the City Council; and

WHEREAS, as a part owner of the municipal electrical power company known as Heber Light & Power Company, Midway City has the authority to impose conditions on any construction, maintenance or operation of HL&P facilities located in Midway City; and

WHEREAS, notice regarding this proposed ordinance has given as provided by law; and

WHEREAS, the City Council accepts the recommendation of the Midway City Planning Commission, and agrees that it is in the best interest of the citizens of Midway that the Midway City Code be amended as contained herein:

NOW THEREFORE, for the reasons stated above, the City Council of the City of Midway, Wasatch County, Utah, hereby adopts, passes and publishes the following:

BE IT ORDAINED, by the City Council of Midway City, Wasatch County, State of Utah:

Any new or replacement high voltage power transmission line proposed or planned to be construction through any portion of the Midway City boundaries shall be subject to the following requirements and restrictions:

16.13.47 TRANSMISSION LINES

- A. The purpose of this section is to regulate all electric transmission lines that exceed 55 feet in pole height above grade. It is not the intent of this section to regulate the replacement or maintenance of existing transmission lines that exceed 55 feet in pole height. So long as existing transmission poles are replaced with a pole of identical height, diameter, and material, no permit nor approval shall be required. A proposal to alter the height, diameter, or material of existing transmission lines that exceed 55 feet shall require an application under this section.*

- B. Prior to beginning construction on any new or proposed power transmission line that exceeds 55 feet in pole height within any portion of the Midway City boundaries, a power company shall:*

- 1. Submit an application to the Planning Department, in a form established by the City Planner, providing all information, design criteria, and studies deemed necessary by the City Planner. Any requested studies shall be thorough and may include 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. All reasonable costs incurred by third party studies shall be borne by the applicant.*

- 2. Once the application is complete, the applicant shall appear before the Midway City Planning Commission. A public hearing shall be conducted regarding the application. Notice of the date, time, and place of all Planning Commission public hearings concerning a proposed transmission line shall be mailed not less than ten calendar days before the hearing to all record owners of property within 600' of the proposed route of the transmission line. The applicant shall furnish a draft notice and stamped, addressed envelopes with the correct names and addresses of all record owners to the City no less than 14 calendar days before the hearing. The Planning Commission shall have the authority to review the application and to request additional information, if necessary. After reviewing the application and conducting the public hearing, the Midway City Planning Commission shall recommend approval, approval with conditions, or denial of the application.*

- 3. Once a recommendation has been issued by the Planning Commission, the application shall be presented to the Midway City Council. A public hearing shall be conducted regarding the application. Notice of the date, time, and place of all Midway City Council public hearings concerning a proposed transmission line shall be mailed*

not less than ten calendar days before the hearing to all record owners of property within 600' of the proposed route of the transmission line. The applicant shall furnish a draft notice and stamped, addressed envelopes with the correct names and addresses of all record owners to the City no less than 14 calendar days before the hearing. The City Council shall have the authority to review the application, and to request additional information or studies should they be deemed necessary. After reviewing the application and conducting the public hearing, the Midway City Council shall approve or deny the application. Approval may include requirements of the applicant that can be documented in an installation agreement between the applicant and the City.

C. City's option to require burial of transmission lines, or distribution lines that share the transmission line pole.

It is Midway City's objective to minimize the visual and aesthetic impact of above ground transmission lines within Midway City. Midway City Council shall have the option of requiring transmission power lines approved under this section to be buried within the Midway City limits. Midway City Council shall also have the option of requiring just the distribution lines that commonly share the poles of transmission lines to be buried, if such a requirement would lower the overall height of the transmission poles. Applicant shall be required to submit studies that establish: 1) the cost and pole height of standard transmission poles with distribution lines included; 2) the cost difference and pole height difference of burying just the distribution lines; and 3) the cost difference of burying both the transmission and distribution lines. Prior to making any decision, the City shall carefully review the different costs associated with each option. Any requirements imposed by the City to bury some or all of either the transmission lines or distribution lines shall be subject to then existing law that may require the City to cover some or all of the costs. In making the decision to bury some or all of the transmission or distribution lines, Midway City Council shall be allowed to consider all reasonable information available to it and shall not be limited to just an analysis of cost as the determining factor.

D. Restrictions on any above ground 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) Existing Easement Restrictions: New lines shall be preferred in corridors where existing 46kv lines are already in place;

2) Height and Span Restrictions: There shall be a preference for the shortest poles allowed by industry standards, taking into account the impact a shorter or longer span between poles may have on the view corridor. All options will be considered for aesthetics and for harmonizing with the vision of Midway City as described in the General Plan.

3) *Aesthetic Restrictions: No galvanized poles, or poles with other reflective materials shall be used. Pole color and material shall be focused on minimizing the visual impact of the transmission line. Wood poles will also be considered.*

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.

This ordinance shall be effective immediately upon passage. A copy of this ordinance shall be posted at each of three (3) public places within the corporate limits of Midway City and a summary published in a paper of local circulation.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this _____ day of _____ 2019.

	AYE	NAY
Council Member Ken Van Wagoner	_____	_____
Council Member Lisa Christen	_____	_____
Council Member Bob Probst	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Jared Simonsen	_____	_____

APPROVED:

(SEAL)

Celeste Johnson, Mayor

ATTEST:

APPROVED AS TO FORM:

Brad Wilson, City Recorder

Corbin Gordon, City Attorney