



**Midway**

**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** October 12, 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

**ITEM: 5**

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*.

#### Section 16.4.3.M

*M. Power Lines. As a property is developed, or redeveloped, 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.*

#### Section 16.5.3.I

*I. Power Lines. As a property is developed, or redeveloped, 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.*

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, 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.*

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, 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.*

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, 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.*

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, 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.*

#### 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, 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 utilities and protecting them from storm events
- The costs associated with installation and maintenance of buried utilities is more than that of overhead utilities
- Buried utilities can be impacted by third party excavations

#### **ALTERNATIVE ACTIONS:**

1. Recommendation of Approval. This action can be taken if the Planning Commission 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 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 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