



**BLUFFDALE CITY PLANNING COMMISSION
MEETING AGENDA**

September 7, 2016

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, September 7, 2016**, at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah. Notice is further given that access to this meeting by Planning Commissioners may be by electronic means by telephonic conference call. The Agenda will be as follows. Please note that all times listed on the Agenda are provided as a courtesy and are approximate and subject to change.

PLANNING COMMISSION BUSINESS MEETING 7:00 PM

1. Invocation and Pledge. *
2. Public comment (for non-public hearing items).
3. Approval of minutes from August 17, 2016 meeting of the Planning Commission.
4. **PUBLIC HEARING, CONSIDERATION AND VOTE** to amend the Zoning Map for HC Heavy Commercial to GC-1 General Commercial for 4.66 acres shown as Plat J located at approximately 15200 South Pony Express Road, 4 Independence, LLC, Applicant.
5. **PUBLIC HEARING, CONSIDERATION AND VOTE** on a Preliminary and Final Subdivision Plat Applications for Highlands II for 5.11 acres to create four (4) residential lots located in the R-1-43 Residential (1 acre) Zone at approximately 14132 South 1850 West, Skye Phase V, Applicant.
6. City Council Report.
7. Planning Commission Business (planning session for upcoming items, follow up, etc.).
8. Adjournment.

Dated: August 31, 2016

Grant Crowell, AICP
City Planner/Economic Development Director

In compliance with the American Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City at least 24 hours in advance of this meeting at (801)254-2200. TTY 7-1-1.*Contact Gai Herbert if you desire to give the Invocation.

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Present:

Members: Connie Pavlakis
Kory Luker
Nick Berry
Johnny Loumis, Jr.
Von Brockbank

Others: Grant Crowell, City Planner/Economic Development Director
Jennifer Robison, Senior Planner
Caitlyn Miller, Associate Planner
Dan Tracer, Staff Engineer
Gai Herbert, Community Development Assistant

Excused: Brad Peterson

BUSINESS MEETING

In the absence of Chair Brad Peterson, Vice Chair Connie Pavlakis called the meeting to order at 7:00 p.m.

1. Invocation and Pledge.

Nick Berry offered the invocation. The Pledge of Allegiance was recited.

2. Public Comment.

There were no public comments.

3. Approval of Minutes from the August 17, 2016, Meeting of the Planning Commission.

Kory Luker moved to approve the minutes from the August 17, 2016, meeting of the Planning Commission, as amended. Von Brockbank seconded the motion. Vote on the motion: Nick Berry-Aye; Kory Luker-Aye; Von Brockbank-Aye; Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye. The motion passed unanimously.

4. PUBLIC HEARING, CONSIDERATION AND VOTE to Amend the Zoning Map from Heavy Commercial to GC-1 General Commercial for 4.66 Acres Shown as Plat J Located at Approximately 15200 South Pony Express Road, 4 Independence, LLC, Applicant.

Senior Planner, Jennifer Robison, presented the staff report and reported that the subject property is part of the Independence project and part of a future commercial area. In March 2015, the Planning Commission reviewed the subject property, known as Plat J. A variety of parties have shown

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interest in the property over the past few years. The property owner has the potential of selling the property to someone who would like to develop storage units. The subject property was originally zoned Sand and Gravel (SG). It was then changed to its current zoning of Heavy Commercial (HC). Storage units are not an allowed use in the HC zone, but they are conditional uses in the GC-1 zone. Therefore, the applicant was requesting the zone change to accommodate the proposed use. Mrs. Robison next presented a map of the City and identified where the Point of the Mountain Storage Units are currently located in relation to the residential area called Bluffdale Heights.

Mrs. Robison noted that storage units used to be allowed uses in the HC zone; however, the City Council did not want to see a proliferation of them in the HC zone. As a result, the City Council opted to limit storage units to the GC-1 zone as conditional uses. Mrs. Robison next overviewed the few areas in Bluffdale that are zoned GC-1. She observed that some of the uses that are allowed in the HC zone would not be allowed in the GC-1 zone.

Mrs. Robison concluded her presentation by stating that the planning commission should determine whether the zone is appropriate and whether the GC-1 uses are appropriate for the subject property. The applicant was present to address questions or concerns that Planning Commission may have with regard to the application.

In response to Commissioner Luker's question regarding the zoning of the property to the south of Plat J, Mrs. Robison stated that it is currently zoned SG, however, the Project Plan calls for it to be some type of commercial use. There were no specific plans currently proposed. Plat J has attracted considerable interest because there is already access to it and it can be developed fairly readily. She clarified that Plat J would still be subject to a subdivision process because a lot would have to be created. In addition, if the zone change were approved, the property would be subject to the conditional use regulations, as required by the zoning, and the site plan approval process. In response to Commissioner Pavlakis' question regarding the elevation of the property, Mrs. Robison confirmed that the subject property sits up higher than the rest of the property.

Vice Chair Pavlakis opened the public hearing.

Nate Shipp identified himself as a representative of 4 Independence, LLC and stated that Mrs. Robison had done a good job of explaining what 4 Independence, LLC, is requesting. Mr. Shipp stated that he and his associates have been looking for an active use on the subject property for several years. They determined that setting up a gravel crusher would not be in the best interest of the nearby homeowners. The HC use under the existing zone still does not fit into the transition that 4 Independence, LLC, would like to see in that location. The objective is to determine what would make the most sense with the rest of the property and would be viable as the City and UDOT work together to connect Porter Rockwell Boulevard.

Mr. Shipp reported that his company believes that the storage units would be a good option for the neighboring residential area and that DAI would own and maintain them. There is a prospective storage unit company that has shown interest in the subject property. The company sees its business as retail and is very proactive in making sure that it is service oriented so that customers have a

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positive experience. Mr. Shipp added that his company is committed to ensuring that its commercial property remains viable for future development. A site plan for the storage units would have to be reviewed and approved by the Planning Commission and City Council. The site plan review would verify and ensure that the proposed facility is in compliance with the City's requirements for storage unit businesses. The access points would have to be determined, taking into account the grade changes and the high-pressure gas line that runs diagonally through the property. A storage unit would allow the most flexibility with the physical constraints that currently exist.

Noting that the City had already rezoned the subject property from SG to HC, Vice Chair Pavlakis asked if the proposed zone change would make development of the property even more viable. Mr. Shipp stated that at the time the zone change was approved, his company had a contract to sell the property but the buyers did not perform on their contract and chose to build in a different location in Bluffdale. Prior to that time, 4 Independence, LLC, had not had a user like that for the subject property. Mr. Shipp stated that the new contract is to himself and will not require him to rely on a third party. However, as a result of the site plan review process, both he and the City may conclude that there is a different use for the subject property that is even better.

In response to Commissioner Brockbank's question about the basis for determining the need for and type of storage units in that area, Mr. Shipp stated that the site plan will have all of the requirements that are specified in City Code. The majority of the property will consist of covered storage.

Ulysses Flynn gave his address as 15192 South Skyfall Drive and addressed the transition from commercial property to residential property, as he had previously done when the Smith's project was discussed by the Planning Commission. Mr. Flynn stated that the City has not set a specific expectation for the height of the walls that separate commercial property from residential. He believed that a standard needs to be established on properties where there is a transition from commercial to residential. Mr. Flynn also addressed the issue of parking. He pointed out that there are storage units where customers park on the street and walk to their storage units. He stated that if storage units are built on the subject property, there needs to be off-street parking. Mr. Flynn also addressed his concerns with regard to the road access to the subject property.

Adam Haymond gave his address as 15204 South Skyfall Drive and indicated that he lives directly across from the subject property. He asked Mr. Shipp when construction will begin once all of the approvals are secured. Mr. Haymond then stated that there is currently a lot of dead grass near his home, which puts his home at risk to brush fires. As a result, he indicated that Mr. Shipp's proposal is actually good for him and his family. He added that he appreciates Mr. Shipp's commitment to being neighborly. Mr. Haymond echoed his concerns about the roads and access to Mr. Shipp's property. He remarked that currently people drive erratically through his neighborhood, so he has safety concerns for his children. Mr. Haymond concurred with Mr. Flynn's concerns with regard to the transition from commercial to residential property. He concluded by stating that storage units are probably the quietest use of the subject property, especially late into the evening.

There were no further comments. Vice Chair Pavlakis closed the public hearing.

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Vice Chair Pavlakis noted that the Planning Commissioners will have most of their questions answered when the site plan comes before them.

In response to Commissioner Brockbank's request for clarification of Finding # 3 "That the development of the subject property will provide opportunities to the City to provide necessary road connections and infrastructure to support future development consistent with the Bluffdale City Master Transportation Plan and Vehicular Circulation Master Plan of the Independence at the Point project." in the staff report, Mrs. Robison explained that in the City's Master Transportation Plan, there is a connection that eventually comes from Porter Rockwell Boulevard to Pony Express Road. It will be involved with this property when the City does the subdivision and it will encourage that connection to be made. Mrs. Robison reviewed other elements of the Master Transportation Plan to clarify how the different roads will interface with each other.

In response to Commissioner Loumis' question regarding Mr. Shipp's feelings about the road plan in relation his proposed development, Mr. Shipp indicated that he had no objection to the City's road design. Commissioner Loumis did not want Mr. Shipp to say in the future that the City was making his land unusable. Mr. Shipp stated that he was planning for the road connection to come up through his property. He added that he will need a good engineer to help him determine how to make a parking lot work with a smaller building. Ultimately, Mr. Shipp stated that he sees an office building or commercial pad of sorts. City Planner/Economic Development Director, Grant Crowell, stated that it would take a few years for the City and UDOT to determine the precise location of the road connection. It was noted that there are many factors that still need to be determined.

Nick Berry moved to forward a positive recommendation to the City Council for the Zoning Map Amendment Application 2016-35, based on the following:

Findings:

- 1. That the application complies with the General Plan for commercial uses for the subject property.**
- 2. That the application complies with the Independence at the Point Development Agreement for development of property.**
- 3. That the development of the subject property will provide opportunities to the City to provide necessary road connections and infrastructure to support future development consistent with the Bluffdale City Master Transportation Plan and Vehicular Circulation Master Plan of the Independence at the Point project.**

Johnny Loumis, Jr., seconded the motion. Vote on the motion: Nick Berry-Aye; Kory Luker-Aye; Von Brockbank-Aye; Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye. The motion passed unanimously.

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5. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Preliminary and Final Subdivision Plat Applications for Highlands II for 5.11 Acres to Create Four (4) Residential Lots Located in the R-1-43 Residential (1 Acre) Zone at Approximately 14132 South 1850 West, Skye Phase V, Applicant.

Prior to the staff report, Vice Chair Pavlakis invited the new Associate Planner, Caitlyn Miller, to introduce herself.

Mrs. Robison presented the staff report and indicated that the application has been discussed over the past couple of years, particularly with regard to access. The City Council has discussed the various unique properties in Bluffdale that have private accesses and are more difficult to develop under current City standards. The City Council finally adopted an ordinance that creates standards for developments on pre-existing private rights-of-way. Mrs. Robison stated that the projects that will come before the City will be unique. The City's standards strive to preserve property rights while addressing safety concerns at the same time.

Mrs. Robison next reviewed a map of the area. She identified the location of the private lane and the subject property, which is 5.11 acres in size. She then pointed out the property that the applicant owns, which includes a narrow piece of land that will be used to provide access to the property. The subject property is currently zoned R-1-43, which requires one-acre minimum per lot. Each of the four lots is one acre in size. With regard to the private rights-of-way, Mrs. Robison stated that once the access is gained to the subdivision property, the improvements must be up to City standards.

Mrs. Robison next reviewed the plat. She explained that the current City Ordinance doesn't allow a dead-end street to be more than 1,000 feet long and include more than 30 lots. From the point on Redwood Road where the access starts, the length to the end of the cul-de-sac is 1,510 feet. The total number of lots that would be accessed off the private right-of-way is 17. There are currently 13 homes that access the current right-of-way. The revised City Ordinance allows the City to deviate from some of the restrictions due to the uniqueness of the property. In this case, the deviation would apply to the 1,000-foot rule.

Mrs. Robison next provided an overview of how the access to the subject property will take place. Each of the lots meets the setback requirements. The requirement for the width of the access is 20 feet. Staff reviewed the width of the road with the Fire Chief, who has determined that the road should be 20 feet wide and should be paved with asphalt. The applicant owns 16.5 feet of property for the access, as shown in red in the packet. Mrs. Robison also identified the location of a ditch that runs on the south side of the road. The property owner is working on acquiring easements from the property owners so that the ditch doesn't interfere with the road. Mrs. Robison pointed out the proposed location of the 20-foot asphalt road that will go into the subdivision. The owners of the proposed four lots will be required to own and maintain the road as part of an HOA.

Mrs. Robison next presented slides showing the current conditions, including the power lines. With regard to storm drainage, Mrs. Robison stated that each lot will be required to retain its own drainage. That is one of the conditions of approval that has been recommended by staff.

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Mrs. Robison highlighted some of the other conditions of approval for the proposed subdivision, noting in particular that the requirements for the secondary water shares have also been specified.

In response to Vice Chair Pavlakis' question about fire hydrants, Mrs. Robison identified the locations for the three fire hydrants. She also confirmed that the HOA will be responsible for snow removal on the private road.

In response to Commissioner Brockbank's request for clarification on the location of the paved road, Mrs. Robison stated that for the land area that the applicant does not actually own, he will have an easement on the property where the asphalt will be placed. Mrs. Robison deferred the explanation of the details to the applicant.

In response to Commissioner Loumis' question regarding the potential disruptions to services that might occur with the new road, Mrs. Robison stated that the applicant is responsible for taking care of any disruptions so that the nearby property owners are not negatively impacted. In response to Commissioner Loumis' question regarding the metering of secondary water that is taking place in Salt Lake County, Staff Engineer, Dan Tracer, explained that Bluffdale is currently not participating in, and is not affected by, that initiative. Discussion ensued on the ramifications of the initiative. The City Council is in the process of preparing to review the Water Master Plan. When that plan is ready for review by the City Council, it will be noticed to the public.

Mr. Tracer indicated that none of the current homeowners are going to be serviced by the new utilities. A dry line will be installed to provide secondary water to the new homes. In addition, a new water line will be run to service the new homes. The new homes will not have secondary water right away. The dry line is being installed for future use.

Vice Chair Pavlakis opened the public hearing.

The applicant, Ken Milne, gave his address as 13037 South 1050 West, in Riverton and stated that he has been working on this project for several years. Originally his plans were to live on the property; however, when a previous mayor told him that the plan was to place commercial development near the property, he decided it would not be desirable to live there and sold part of the property. The private lane has always been the issue with the subject property because the City did not have a private lane ordinance. Now that such an ordinance is in place, he is ready to develop the property with one-acre lots. He wants to keep the road private, not public. He also wants to improve the safety of the area. By building the 20-foot-wide asphalt road to City standards, he believes the safety will be enhanced substantially for the neighborhood. The owners of the four residential lots will be responsible for maintaining the road.

On an illustration, Mr. Milne identified the irrigation ditch that must be accounted for in the paving of the road. It was noted that the current road is a dirt road that will be improved but not changed. As has been previously noted, the asphalt road will be 20 feet wide, per City standards, and will run the entire 1,500-foot length of the road. Some power poles will need to be moved to accommodate the road. Signage will be posted to state that the road is a dead end. Mr. Milne stated that he has

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met with the current homeowners to secure easements so that he can improve the road onto their property. He will grant easements to the homeowners to use his portion of the road and they will grant him easements to place part of the road on their property.

In response to Commissioner Pavlakis' request for clarification on the responsibility for maintaining the road, Mr. Milne stated that the current homeowners who will have access to the private road will not be asked to assist with maintaining it, including the portion that is part of the easement. That responsibility will fall to the owners of the four lots he plans to develop.

Kayleen Allred gave her address as 1937 West 14200 South and indicated that she lives on the lane that leads to the subject property. Ms. Allred expressed surprise that Mr. Milne owns the lane because she had never known that previously.

Bryan Frederickson gave his address as 14047 South 2055 West and asked if the ordinance for ingress and egress has changed. It was his understanding that the property was originally intended for one home, not multiple home lots. In response to Mr. Frederickson's question regarding ingress and egress, Mrs. Robison stated that the City Council adopted a new ordinance that allows development off of existing private rights-of-way. It allows for some of the provisions to be modified. She confirmed that the City Council followed due process in changing the ordinance. Mr. Frederickson did not believe that the subdivision was in the best interest of the citizens. He added that he measured the lots and does not believe they are one acre. Mrs. Robison countered by stating that a licensed engineer prepared the plat and each lot was confirmed to be at least one acre in size. Mr. Frederickson stated that his measurements don't agree with what has been indicated. He also expressed concern with contaminants that might run off of the asphalt road into the irrigation canal. He commented that if safety is truly of concern, sidewalks should also be installed.

Mike Phillips gave his address as 14147 South 1850 West and identified on the map displayed where he has lived for the past 25 years. He did not understand how all of a sudden a developer was not required to provide curb, gutter, and sidewalk with a road. He felt that if the road is going to be put in, it should be nice and include curb, gutter, and sidewalk. Mr. Phillips stated that he has documents that prove that he owns property to which Mr. Milne would not have access for the road. That means that he would have to remove the irrigation ditch, which would be a blessing because the water wouldn't run down the middle of the road. He suggested burying the irrigation ditch and putting in storm drains. He acknowledged that a dust-free environment would be good, but controlling the speed limit on an asphalt road might be problematic. Mr. Phillips opined that a 20-foot road would be inadequate. Mr. Phillips stated that he has made improvements to the property along the lane using his own funds. He believes the road should be dedicated to Bluffdale. In response to Vice Chair Pavlakis' question regarding the width of the dirt road, Mr. Phillips stated that right now it is 45 feet wide. One problem with the road is that it has north drainage, which can be a problem in the winter.

Denny Neilson gave his address as 1761 West 14200 South and stated that the irrigation ditch cannot be taken out because it goes across Redwood Road and services the people in that area. He had major safety concerns for his family's property because there is a ditch that is 6.5 feet high that

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poses a visual hazard for drivers that puts the lives of his grandchildren and great-grandchildren at risk. Having additional homes in the area would only exacerbate the risk.

William Webb gave his address as 1740 West 14200 South and stated that he owns property to the north of the road. He identified property owned by himself and his father. He then identified the location of an easement he and his family are giving Mr. Milne for the widening of the road. Mr. Webb stated that he has lived on the lane his entire life and has always lived with dust, which he is tired of it. Mr. Webb stated that Mr. Milne's proposed project is probably the only opportunity people will get to see the road improved because the City isn't going to widen it. In fact, his father preserved a 30-foot strip along the Webb property because he was planning to donate it to the City so that the road could be widened and improved. He noted that there are only four homes over which to spread the cost of the road project, so it is not feasible for Mr. Milne to bury the ditch with all of the problems that would go along with it.

Mr. Phillips countered Mr. Webb's comments by noting that Mr. Webb lives at the beginning of the lane. Those who live farther down the lane will be greatly inconvenienced by the additional traffic generated by four new homes at the end of the lane. Mr. Phillips stated that a 20-foot paved road is not wide enough. Mr. Webb countered by stating that a 20-foot paved road is better than what the residents currently have. He concluded by stating that he is in favor of the proposal because he doesn't believe the residents will get another chance to have a paved road, which he believes will be better for the residents and emergency service vehicles.

Kristin Streeter gave her address as 14104 South 1850 West and stated that if dust is a concern, she has a good duster that takes care of everything. She believes that using dust abatement as the sole reason for putting in an asphalt road for four more houses is ridiculous. She commented that safety has not been a concern with the gravel road. Ms. Streeter identified property that her family owns and indicated that they have not been asked to provide an easement for the road. In response to her question to Mr. Milne regarding the width of the road property he actually owns, Mr. Milne identified 16.5 feet that he has owned it for eight years. Ms. Streeter noted that Mr. Milne has done nothing to maintain the road portion that he has owned over the past 8 years.

Ken Groves gave his address as 14021 South 2055 West and stated that he owns the property directly north of Mr. Milne's property. He and his family moved to Bluffdale after living in South Jordan for 28 years and he hoped that what has happened in South Jordan doesn't happen in Bluffdale. Thus far, Bluffdale has done a great job of preserving its rural nature and supporting the livestock industry. Every lot that adjoins the subject property is agricultural or livestock.

Lee Dzierzanowski gave his address as 1879 West 14200 South and stated that he has concerns with the ownership and width of the road. He understands very well the nature of the road being proposed and has serious concerns with the fact that four families will be responsible for ownership and maintenance of it. He noted that there are key logistical and technical questions that need to be resolved before the subdivision and accompanying road are approved.

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Ulysses Flynn stated that he doesn't live in the neighborhood but shares the residents' concerns. In response to Vice Chair Pavlakis' question regarding Mr. Flynn's profession, he indicated that he is an engineer. When Mr. Flynn asked if the area residents have City water and utilities, they replied in the affirmative. Mr. Flynn then asked why the subject property wouldn't also have City sewer. Mrs. Robison stated that the applicant would have to pursue that with the South Valley Sewer District. It was clarified that the issue at hand is secondary water, along with drainage and retention of water, which would have to take place on each of the lots. Mr. Flynn reviewed how water drainage and snow removal are handled in different parts of Bluffdale, which can be complicated, especially when property changes hands. The maintenance cost of the private road is going to be substantial.

Matthew Roller gave his address as 14109 South 2055 West and indicated that he loves one-acre lots and was pleased to hear that the proposed lots will be one acre as well. He asked if there will be a height limit for the houses because he loves his current view of the mountains. He also indicated that his irrigation ditch runs through the south end of the property, so his water dumps out and goes across the south end. Therefore, he wanted to know what the plans are for dealing with the substantial amount of water that can accumulate once it leaves his property.

Jamie Roller gave her address as 14109 South 2055 West and stated that she moved to her current home because she wanted to live in a rural area and not in a subdivision. She noted that one reason the irrigation water floods is because Mr. Milne has not taken care of his part of the irrigation ditch. With regard to the road, Ms. Roller stated that she's glad it is gravel and not a private lane with asphalt because it is easier and less costly to fix gravel roads than potholes in asphalt.

George Pemberton gave his address as 14016 South at the end of 1850 West, the dead end. He stated that he very much would like to see the lane paved. His main concern was what will be done with the edge of the new road to protect the asphalt from breaking off over the years and not being kept in good repair. A concrete curb and sidewalk would be a tremendous advantage. It was Mr. Pemberton's understanding that the City water line is going to be replaced on 1850 West because it has broken up a number of times. As a result, his home is getting a build-up of silt. Mrs. Robison stated that she will speak to the City Engineer to get a better time frame of when that will take place. Mr. Pemberton stated that the line should be installed before the road is paved. He added that he and his wife raised 11 children and when they reached their teen years, most of them had vehicles. He did not think the four additional homes will make the traffic situation any worse than it was when his children were growing up.

Stuart Wright gave his address as 1850 West 14200 South, which is in the corner where the water accumulates. He stated that he worked in road maintenance for UDOT for many years and knows what weather does to roads. There needs to be a way to drain the water so that it doesn't compromise the road. He noted that a gravel road is easier and much cheaper to maintain than an asphalt road, which was his primary concern with the road proposal.

There were no further public comments. Vice Chair invited Mr. Milne to address the questions and concerns voiced. She clarified to the audience that the Planning Commission will only make a

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recommendation to the City Council who will make the final decision. She urged the citizens to attend the City Council Meeting. Tonight, she hoped to get answers to some of the questions and concerns brought up with the hope of arriving at a win-win solution. After Mr. Milne has spoken, the public will have an opportunity make further comments.

Mr. Milne first addressed his ownership of the lane portion of his property. The legal description states that he owns 16.5 feet of the lane that goes from Redwood Road to his proposed subdivision. He purchased the property about eight years ago and has the legal documentation to prove it. In response to Commissioner Loumis' question about right-of-way ownership, Mr. Milne clarified that he actually owns the 16.5 feet of the lane land itself and not just the right-of-way. Mr. Milne added that to his knowledge, there are no easements on the 16.5-foot portion that he owns.

Mr. Milne next addressed water run-off from the asphalt. He identified the location of the irrigation ditch, which will be one foot from where the asphalt begins. The asphalt will slope to the north and on the north side there will be a trench before it hits the fence. The trench will collect any water that comes off the road. It will then be piped under the driveway that belongs to the MacDuffs and then discharged into a field to the north. When Vice Chair Pavlakis sought to confirm that Mr. Milne will prepare and perform on all of the needed grading, Mr. Milne answered in the affirmative, adding that it would require an easement to do so. In response to Commissioner Loumis' question as to whether Mr. Milne has an agreement with the landowner to allow the water to discharge into the field he referenced, Mr. Milne replied in the affirmative.

With regard to the height of the ditch on the south side, Mr. Milne stated that there are places on the south side that are six feet higher, but he has no particular plans for that area because he is not changing the ditch. Mr. Milne then described the current irrigation system in the area.

In response to Commissioner Brockbank's question regarding Mr. Milne's ownership of the lane property in relation to the irrigation ditch, Mr. Milne stated that the ditch is within the 16.5 feet that he owns. Commissioner Brockbank asked if Mr. Milne is responsible for maintaining the ditch since he owns the land where it runs. Mr. Milne stated that he is not responsible for maintaining it unless he is using it, and he is not using the water from the ditch.

Mr. Milne next addressed the edge of the road. He stated that there have not been ordinances for private roads until recently. He plans to put a bevel on the side of the asphalt so that it runs flush with the ground. In response to Commissioner Loumis' suggestion for a rolling curb, Mr. Milne replied in the negative stating that there isn't room for a rolling curb. Commissioner Loumis countered by stating that he has one foot in which to install one. Mr. Milne stated that the one foot does not run the entire length of the lane. In addition, the City doesn't require him to put in a curb. The City requires just the 20 feet. Further discussion ensued on the idea of the rolling curb. Mr. Milne explained why he can't do it.

Mr. Milne next addressed the issue of the size of his property that was called into question by one of the residents. Mr. Milne stated that third-party engineering and surveying companies measured and marked the land that he owns. The legal description of his property is based on the County records.

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In response to the question raised, Mr. Milne stated that the four families that live in the subdivision will have the responsibility of maintaining the road. If the other neighbors want to sign an agreement to be a part of the process, Mr. Milne was open to that possibility.

Mr. Milne next addressed how continuity will be sustained for maintaining the road when the property turns over beyond the original owners. Mr. Milne stated that the HOA will be recorded on the plat. Before anyone closes on the property, they will be required to read and sign the HOA Road Maintenance Agreement. Mr. Milne added that there will be no shared driveways, but the private road will be a shared responsibility.

In response to the question regarding the water in the south irrigation ditch, which is next to the new lots, not south of the road, Mr. Milne stated that he is going to pipe the ditch. He then showed where it will run. With regard to the City's requirements for home heights, City Planner/Economic Development Director, Grant Crowell, stated that it is 35 feet to the roof plate. With a steep-pitched roof, a builder could go much higher.

Vice Chair Pavlakis noted that the City is requiring the easements, so the City is trying to help take care of some of those issues, as well. Because it is a requirement of the city, Mr. Milne will follow through.

Mr. Milne noted that each homeowner will be required to maintain their own water retention on their property.

Vice Chair Pavlakis next asked Mr. Milne to address the water run-off on the road, especially the areas where it collects during the winter. Mr. Milne said that the road is designed so that it doesn't pool and the water will be collected in one place. He explained that he will put in an 8-inch water line that can be tapped into.

The City asked Mr. Milne to run the line to the Pemberton's property at the City's expense.

Commissioner Brockbank observed that the current residents are going to put more wear and tear on the road than the four lot owners so if he bought one of the lots, he would be annoyed that just he and the other three home owners are responsible for maintaining the road. He believed that the solution would be to get the other residents to participate in the maintenance. Mr. Milne noted that some of the residents won't have the budget to participate. Commissioner Brockbank felt that eventually there will be a fight over who is responsible for maintaining the road. Mr. Milne reiterated that there will be an HOA to address that issue and other residents will have the option of joining.

Discussion next ensued on the speed limit for the private lane. Mr. Milne stated that he will place signage at the beginning of the road clearly indicating that it is not a through street and that it is a private road. He will also post a speed limit that is agreeable to the residents. The standard for residential streets is 25 mph, which he believes is still too fast for the lane.

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Vice Chair Pavlakis noted that with the gravel road, the residents have a fair amount of leeway when hauling trailers. She asked what the impact of the asphalt lane would be when people have trailers, especially on corners. Mr. Milne stated that there are portions of the road that are not 20 feet wide. The road is two-way, so it will be imperative that people not park on the street. At the corner, he will widen the road to accommodate trucks and trailers.

Mr. Dzierzanowski whether the easements are in place or if there are still some that need to be obtained. If all of the easements are not in place, the road cannot even begin to be built. Mr. Milne identified the location of the required easements and stated that they have been agreed to, but still need to be signed.

Shawn Hughes gave his address as 14075 South 2055 West and noted that the South Valley Sewer District has its own easements going down 14200 South before any pipes are laid in the ground. The same applies to the gas lines. Commissioner Loumis clarified that for them it is an easement and not ownership of the road. Mr. Hughes expressed surprise that the road doesn't include curb and gutter because that's how subdivisions are done.

Mike Phillips asked if Mr. Milne rents the ditch that he owns to the water company and if the water company maintains it. Mr. Milne responded that the irrigation ditch has an easement on that parcel. Therefore, he owns the land it is on but he is not responsible for maintaining it because he is not taking water from it.

There were no further public comments. Vice Chair Pavlakis closed the public hearing.

Vice Chair Pavlakis thanked the citizens for attending the meeting and expressing their feelings and stated that there is a balance between a landowner's property rights and the interests of the surrounding citizens. If developers meet all of the City's requirements, it is difficult not to let them proceed with their proposal. The input of citizens is extremely important to help the Planning Commission make suggestions on how a proposal can be implemented to be more in line with the wishes of the citizens. However, regardless of what the Planning Commissioner recommends, the City Council has the final authority to make decisions because it is the City's legislative body. She urged the citizens to sit down with the developer and work through their concerns.

Commissioner Brockbank stated that for some of the residents along the lane, the asphalt is not seen as an improvement. His concern was that when the 20-foot road ordinance was passed, it was for private lanes on a deeded right-of-way on property that is owned, and not placed on land with an easement. Therefore, he had a difficult time forwarding a positive recommendation for a road that is on an easement. In addition, he had concerns with the complications of maintaining it when that responsibility ultimately falls just to the four families that will live in the subdivision. If Mr. Milne is able to get participation from the other residents along the lane in addition to the HOA, the problem would be resolved. If, however, Mr. Milne doesn't get participation from the other residents, Commissioner Brockbank felt there would be an eventual fight with the City.

Commissioner Berry shared the same concerns as Commissioner Brockbank.

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Commissioner Luker stated that he lives on a private road that is maintained by an HOA. He sits on the HOA board that determines how the maintenance takes place. Although his road is not as long as the proposed lane, he knows how the process works and does not have an issue with the proposed private lane.

Commissioner Loumis did not object to the proposal and felt that Mr. Milne had answered all of the questions posed. He commented that time will tell how the HOA is structured. There will likely be additional recommendations stipulated by the City Council before they grant approval. He believed in property rights and did not think it would be right to reject the proposal because Mr. Milne has met all of the requirements that have been specified by the City.

Vice Chair Pavlakis liked the private lane and trees that run along it. She added that several years ago Mr. Milne sent her a copy of a plat for the property that included five lots because it was close to the one-acre requirement. She told Mr. Milne that she did not like five lots and would never be in favor of that much density. She added that Mr. Milne has done everything the City has asked of him. She wished a better public noticing system was in place so that when the road ordinance was considered by the City Council, the residents would have been better informed and had the opportunity to express their opinions.

Kory Luker moved to forward a positive recommendation to the City Council for The Highlands Phase 2 Preliminary and Final Subdivision Plat Applications 2016-14, subject to the following:

Conditions:

- 1. That all requirements of the City Code and adopted ordinances or modifications made by the Planning Commission and City Council are met and adhered to for the proposed subdivision.**
- 2. That the final plat and all relevant construction drawings comply with the Bluffdale City Engineering Standards and Specifications and all recommendations by the City Engineer and Public Works Department prior to recordation of the final plat.**
- 3. That the project adheres to all requirements of the International Fire Code.**
- 4. That all private and public easements be conveyed in a form acceptable to the City Attorney prior to the recordation of the final plat.**
- 5. That information regarding private drainage systems on individual lots be included on the final plat drawing and approved by the City Engineer prior to recordation of the final plat.**

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6. **That prior to any grading of property or construction, a Land Disturbance Permit and SWPPP Permit be approved and construction activities be coordinated with the City Engineer's office.**
7. **That adequate secondary water shares be provided to the City prior to recordation of the final plat.**
8. **That an ownership and maintenance plan for the private right of way be provided to the City prior to recordation of the final plat.**

Johnny Loumis, Jr., seconded the motion. Vote on the motion: Von Brockbank-Nay; Nick Berry-Nay; Kory Luker-Aye; Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye. The motion passed on a 3-to-2 vote.

Vice Chair Pavlakis urged the citizens to attend the City Council meeting on Wednesday, September 14th, at 6:30 p.m. to voice their opinions and concerns.

Mr. Crowell shared the numerous complexities associated with developing and implementing the new private road ordinance that the City Council adopted in February 2015. Discussion ensued on how the HOA for the project might manage the maintenance of the private road. There was then discussion on how ownership of a private road is verified and the easements for the private road and the legal liabilities associated with private roads when there are accidents.

6. City Council Report.

The Light Industrial zoning application is on the September 14 City Council agenda.

7. Planning Commission Business (Planning Session for Upcoming Items, Follow Up, Etc.).

There was no discussion on the above agenda item.

8. Adjournment.

The Planning Commission Meeting adjourned at 9:44 p.m.



Courtney Lemperle
Community Development

Approved: 10/11/2016