



**AGENDA  
BLUFFDALE CITY PLANNING COMMISSION  
MEETING**

**June 17, 2015**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Wednesday, June 17, 2015**, 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**

1. Public comment (for non-public hearing items).
2. Approval of minutes from June 3, 2015 meeting of the Planning Commission.
3. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a request for a conditional use permit for South Mountain Equine, a proposed equestrian facility and caretaker's dwelling to be located at 14005 S Loumis Pkwy. Lyle and Sammy Barbour, applicants.
4. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a request for a conditional use permit for Discovery Tree Preschool, a preschool/daycare center to be located at 14823 S Heritagecrest Way. Kamber Berger, applicant.
5. City Council Report.
6. Planning Commission business (planning session for upcoming items, follow up, etc.).
7. Adjournment.

**Dated: June 11, 2015**

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:** Brad Peterson, Chair  
Kory Luker  
James Wingate  
Johnny Loumis, Jr.  
Connie Pavlakis  
Von Brockbank, Alternate

**Others:** Grant Crowell, City Planner/Economic Development Director  
Alan Peters, Associate City Planner  
Gai Herbert, Community Development Assistant

**BUSINESS MEETING**

Chair Brad Peterson called the meeting to order at 7:00 p.m.

**1. Invocation and Pledge.**

James Wingate offered the invocation. The Pledge of Allegiance was recited.

**2. Public Comment.**

There were no public comments.

**3. Approval of Minutes from the June 3, 2015, Meeting of the Planning Commission.**

Johnny Loumis, Jr., moved to approve the minutes from the June 3, 2015, meeting of the Planning Commission, as amended. James Wingate seconded the motion. Vote on motion: Kory Luker-Aye; James Wingate-Aye; Connie Pavlakis-Abstained; Johnny Loumis, Jr.-Aye; Brad Peterson-Aye. The motion passed unanimously with one abstention. Alternate Planning Commission Member Von Brockbank did not participate in the vote.

**4. PUBLIC HEARING, CONSIDERATION, AND VOTE on a Request for a Conditional Use Permit for South Mountain Equine, a Proposed Equestrian Facility and Caretaker's Dwelling to be Located at 14005 South Loumis Parkway, Lyle and Sammy Barbour, Applicants.**

Associate City Planner, Alan Peters, presented the staff report and stated that the subject property consists of 4.91 acres and is zoned R-1-43. The applicant was requesting two conditional uses. The first was for an equestrian facility, which requires a minimum lot size of 4 acres. The second was for a caretaker's facility, which may not exceed 500 square feet.

The equestrian facility will include an office building, a horse barn with stalls, an indoor riding arena, an outdoor riding arena, pens, and structures for storage purposes. The equestrian facility

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will provide full-care horse boarding, riding lessons, and horse training for up to 60 horses. The number of horses on the premises at any time will range from 40 to 60. There will also be equine veterinary services provided on site. A new building will be constructed to provide for those services and include medical, surgical, lameness, reproduction, and preventive equine care. The applicants informed Mr. Peters that much of the medical care will occur off-site on the horse owners' property. As a result, there won't be much daily traffic on the subject property.

As for the caretaker's dwelling, Mr. Peters noted that the City Ordinance allows for a caretaker dwelling of no more than 500 square feet.

Mr. Peters next reviewed the proposed site plan. The subject property currently has a home on it, where the owners will live, as well as some outbuildings. The office building will be approximately 5,000 square feet in size. Upstairs will be the caretaker dwelling. Mr. Peters noted that the property will have ample space for trailer parking. The owners were considering the creation of another access on the south side of the property.

The facility will operate Monday through Saturday, from 8:00 a.m. to 5:00 p.m., and have 4 to 6 personnel on the premises. There will be 24-hour emergency care available as well. Traffic was anticipated at 0 to 10 vehicles per day, with trailers being parked on-site.

Mr. Peters concluded his report by stating that the applicants' request meets the requirements of the Zoning Ordinance. He Peters also noted that the staff report includes specifications for the approval of Conditional Use Permits. Staff recommended approval contingent on the applicants' compliance with the conditions enumerated in the staff report.

Commissioner Pavlakis asked to review the map of the area.

Commissioner Wingate sought to confirm that the trailers will enter from the south and park in the middle of the subject property.

Commissioner Loumis asked if staff had spoken with the City Engineer regarding the secondary access the applicants are considering. Mr. Peters responded that he had not yet spoken with the City Engineer. Commissioner Loumis wanted to ensure that the degree of the curve will be acceptable. Mr. Peters confirmed that the applicants will have to obtain City approval before creating that access.

Commissioner Pavlakis observed that the barn depicted on the drawing seems small for so many horses. She asked if there are any State regulations that specify the size of barns and stalls. Mr. Peters was not aware of any such regulations. Chair Peterson next asked if the number of horses allowed is regulated by State law. Mr. Peters stated that typically for residential use, the City Ordinance allows two horses per one-half acre. Based on that standard, this site would be allowed 18 horses. However, having an equestrian facility allows the owner to increase the capacity. Mr. Peters suggested that the Planning Commission consider setting a cap on the maximum number of horses allowed at the facility.

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When Commissioner Pavlakis sought to clarify that the 40 to 60 number came from the applicants and is not tied to any City Ordinance, Mr. Peters stated that the City Ordinance does not specify a maximum number of horses at an equestrian facility. The Planning Commission, however, could add a condition limiting the number of horses allowed at one time.

Discussion ensued on the size of the barn depicted on the drawing compared to other horse barns. Commissioner Loumis noted that the owners have a lot of area and could keep some of the horses outside as well. Chair Peterson stated that it would be difficult to impose a maximum number of horses because of the fluctuations in numbers that would occur with this type of facility. He also added that it would be difficult to enforce the number of horses. In response to Chair Peterson's question about whether or not Mr. Peters has looked at the standards of other cities for numbers of horses at an equestrian facility, Mr. Peters responded in the negative. Mr. Peters concurred that enforcing the number of horses would be difficult to accomplish.

Noting the type of housing and density that is contiguous to the subject property, Commissioner Wingate expressed concern that area residents might complain about the smell of manure emanating from the facility. Mr. Peters stated that the owners plan to have the manure removed weekly and stored in a bin on the site. Commissioner Loumis stated that he used to own the property and in the bluffs there is a natural barrier because of the road and the hill. To the north is Bangerter Highway and a large parking facility is to the east with the church. Therefore, he did not anticipate a problem with neighbor complaints.

Chair Peterson opened the public hearing.

Lyle Barbour, DVM gave his address as 3103 West 14865 South and identified himself as one of the applicants. Chair Peterson asked Dr. Barbour to address the manure issue first. Dr. Barbour stated that there are two typical scenarios for such facilities. The first is to put the manure in a dumpster and have it removed weekly. Another option is to have landscaping companies purchase the manure and remove it from the premises.

Chair Peterson next asked Dr. Barbour to describe the uses of the facility beyond the veterinary services. Dr. Barbour stated that the outdoor arena, the indoor arena, and the barn will be for boarding horses that are there for training, boarding, and riding lessons.

Commissioner Pavlakis reiterated to Dr. Barbour her concern regarding the size of the barn. Dr. Barbour stated that the barn is a typical size for a 12'x12' stall. He noted that the stalls are cleaned out daily. The barn will have approximately 40 stalls, arranged with four rows and two alley ways.

In light of the fact that the barn will have 40 stalls, Commissioner Brockbank asked where the other horses will be housed. Dr. Barbour stated that there is an external barn, which has just a roof, where the other stalls will be located.

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In response to Chair Peterson's question regarding possible plans to put things on the edge of the property that faces the road, such as a fence, Dr. Barbour stated that eventually they would like to put a nice fence around the property with a lockable gate.

In response to Commissioner Pavlakis' question about whether they will offer horse rentals, Dr. Barbour responded in the negative. Dr. Barber confirmed that they will sell training services in addition to veterinary services.

Chair Peterson next asked Dr. Barbour to discuss the office facility, particularly the storage of drugs. Dr. Barbour stated they will keep an array of drugs on the property. As is the case with a pharmacy, drugs are regulated and certain drugs have to be secured with two different locks. They will also have security cameras on the premises. In addition, Dr. Barbour said that he will live in the existing home and there will be a caretaker dwelling in the office building.

In answer to Commissioner Pavlakis' question regarding the current fencing on the subject property, Dr. Barbour explained that currently there is a wire fence surrounding the property. In response to Commissioner Pavlakis' question regarding gate security, Dr. Barbour stated that their plan is to have a coded gate so that people can enter after-hours. During working hours, the gate will be open. In response to Commissioner Brockbank's question regarding outdoor lights, Dr. Barbour stated that there are no plans for outdoor lighting. Commissioner Loumis noted that if the Barbours eventually install outdoor lighting, it could be directional so as not to create problems for residents going in to the south.

There were no further public comments. Chair Peterson closed the public hearing.

**Johnny Loumis, Jr., moved to approve the conditional use permit request for an equestrian facility and caretaker's dwelling incidental to equine veterinary services for South Mountain Equine, Application 2015-15, subject to the following:**

**Conditions:**

- 1. That all requirements of the City Code are met and adhered to for this conditional use permit.**
- 2. That the applicants obtain building permits for any new facilities.**
- 3. That the applicants obtain a business license for South Mountain Equine.**
- 4. That the caretaker's dwelling is no larger than 500 square feet and may only be occupied by an employee of the equine veterinary services.**
- 5. That there shall be no more than 60 horses on the site at one time.**

**Findings:**

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1. **That the proposed use is consistent with the General Plan's goals regarding rural character and animal rights.**
2. **That this application meets the requirements for conditional use approval as found in the City and State codes.**
3. **That the proposed conditional use permit will not be detrimental to the health, safety, or general welfare of persons or property within the area.**

**James Wingate seconded the motion. Vote on the motion: Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye; James Wingate-Aye; Kory Luker-Aye; Brad Peterson-Aye. The motion passed unanimously. Alternate Planning Commission Member Von Brockbank did not participate in the vote.**

5. **PUBLIC HEARING, CONSIDERATION, AND VOTE on a Request for a Conditional Use Permit for Discovery Tree Preschool, a Preschool/Daycare Center to be Located at 14823 South Heritage Crest Way, Kamber Berger, Applicant.**

Mr. Peters presented the staff report and clarified that the application is for a preschool and not a daycare center. That distinction is important because a daycare center requires state licensing, whereas a preschool does not. Additionally, preschools care for children fewer than four hours per day. The zoning of the property is I-1 Light Industrial. The preschool will be located in a 22,000-square-foot space in the back of the building. Mr. Peters identified the location of the two building entrances. He then discussed the floor plan. He reported that the space is currently occupied by an LDS Seminary, but the Seminary will be vacating the building to move to another location. As a result, the space is already set up as a learning environment. There are two large classrooms, two restrooms, storage, and some offices upstairs. The larger classroom will be used as an indoor play area. Mr. Peters displayed photographs of the space under consideration.

The preschool will operate from August to May, Monday through Friday, from 9:00 a.m. to 3:00 p.m. There will be morning and afternoon classes. There will be two classes for different age groups. Each class will have up to 12 students so there will be up to 24 students during a given class session. Currently, the preschool has one employee and will expand to up to five employees in the new larger location. Students range in age from 2½ to 40-years-old.

Mr. Peters next reviewed the drop-off and pick-up plan. The drivers enter in one lane and loop to the back of the property and exit in a different lane. The passenger door faces the building and the children are escorted into the building by one of the teachers. The parking lot is large enough that parents will be within the parking area as they wait to drop off their children. There will be enough of a gap between the morning and afternoon classes that there won't be any overlap of traffic associated with the two class sessions.

The other use of the building is for the business Impact Trainings. Many people visit the facility, but the peak hours are the evenings and weekends. There is some office staff on site during the day, however. Mr. Peters clarified that Impact Trainings deals with personal improvement. Mr. Peters

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indicated that the applicant doesn't anticipate a heavy traffic burden from the two businesses using the building.

Mr. Peters displayed photos of the parking area so that the Planning Commissioners could visualize the parking plan. The overhead door located on the building is completely blocked off, so the children would not be able to exit through it. The only time the children will be outdoors will be when they are picked-up and dropped-off. There will be no heavy machinery on the site.

Mr. Peters reviewed what is located on the surrounding properties and noted that there are not any notable hazards near the building.

In response to Chair Peterson's question regarding indoor access to the Impact Trainings side of the building, Mr. Peters said that there is no connection between the preschool and Impact Trainings.

Mr. Peters concluded by stating that staff recommends approval of the Conditional Use Permit, contingent on the conditions set forth in the staff report and any other conditions the Planning Commission may deem necessary.

Mr. Peters explained that the Bergers currently have a Home Occupation Permit to operate the preschool out of their home. They would need to obtain a Commercial Business License for the new location.

In response to Chair Peterson's question regarding any changes to the building that might be necessary to be in compliance with the Building Code, Mr. Peters stated that there is already a school in the building, so it was upgraded to be up to Code for the Seminary. Additionally, Members of the Development Review Committee, which includes the Fire Chief, expressed their approval of the proposed use of the building.

In response to Chair Peterson's question regarding the adequacy of the restrooms to accommodate young children, Mr. Peters stated that he was not aware of any problems.

Commissioner Wingate noted that the driving pattern for dropping off and picking up children includes a section of parking lot to the east of the building that is outside of the property line. It was noted that Summit Academy owns the property. There will be dedicated parking for this facility, including Impact Trainings. Commissioner Wingate was concerned that if the parcel outside of the property line becomes unavailable to the preschool, the owners will have to come up with a new traffic plan for dropping off and picking up children.

Commissioner Brockbank discussed the size of the building and asked what the total occupancy limit is for the facility, including the Impact Trainings portion of the building. Mr. Peters stated that the process for obtaining a business license will include a building inspection to ensure that occupancy limits are established. Commissioner Brockbank opined that it shouldn't be up to Code Enforcement to set the limit after the Conditional Use Permit has been granted. Commissioner Brockbank also asked if there has been any consideration given to parking limitations. Commissioner Brockbank noted that he has been to Impact Trainings and there have been occasions when there were 150 people in the building. Mr. Peters stated that the preschool and Impact

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Trainings are separate businesses, even though they have the same owners. The building has been inspected previously for a school and would need to be inspected again for the preschool.

Mr. Peters stated that the Planning Commission could impose a condition that the entire building be looked at again. As for parking, Mr. Peters indicated that a daycare, for example, requires one parking space per six occupants. The preschool will have 24 students and five employees, which necessitates five parking spaces. Currently, there are approximately 80 parking spaces on the site, and 60 additional spaces will be added. Mr. Peters added that the existing parking configuration has already been approved for Impact Trainings and the Seminary. Mr. Peters remarked that he calculated that if the entire building were used for Impact Trainings, 114 parking spaces would be needed. With the 140 parking spaces that will be available, the owners will exceed that requirement.

Chair Peterson opened the public hearing.

David Berger gave his address as 14356 Peacock Midge Drive and identified himself as one of the applicants. With regard to the parking lot to the east, Mr. Berger explained that Summit Academy needed an egress, so the Bergers granted a temporary egress. The school technically owns the property and cannot sell it to the Bergers now because the land is still on bond for the school. The Bergers have a 17½-year agreement with the school to use the parking lot. The Bergers, in fact, paid \$60,000 to install the parking lot and plan to purchase the land when the bond expires.

Commissioner Brockbank asked if the Bergers will get a license for both businesses or just for the preschool. Mr. Berger stated that Impact Trainings is not asking for a Conditional Use Permit; however, it does have a business license and has been at the current location since 2001. The preschool is the only entity seeking a Conditional Use Permit inside the space. Mr. Berger clarified that Impact Trainings and the preschool are completely separate businesses and have their own business licenses. Mr. Berger also clarified that although they will be in the same building as the preschool, Impact Trainings has nothing to do with the process of obtaining a Conditional Use Permit for the preschool.

Mr. Peters mentioned Impact Trainings in the staff report so that the Planning Commissioners would be aware of the neighbor that shared the site and so that they would be aware of the parking issues that need to be addressed on the site. He added that Impact Trainings has already been approved for its location. Commissioner Brockbank stated that his primary concern is that when he visited Impact Trainings on one occasion, there were too many people there with no exits. He even reported his concern to the City.

Mr. Berger reported that he personally walks with the Fire Marshall through the Impact Trainings portion of the building every year and each room is rated and labeled with the maximum occupancy. Mr. Berger added that Impact Trainings is hyper-conscious about being in compliance with the occupancy limits established.

Commissioner Wingate noted that Mr. Berger is personally affiliated with both businesses and sought to confirm that Mr. Berger has a plan to not have preschool graduation night at the same



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time as a major event at Impact Trainings. Mr. Berger stated that preschool graduation is a daytime event, so there won't be any conflicts between the two businesses.

Mr. Berger stated that the preschool is a good fit in the building, as was the Seminary. If the preschool cannot locate there, the Bergers will seek another business to locate there. Mr. Berger emphasized that he and his wife are committed to being good stewards of their business property.

Commissioner Pavlakis next inquired about the proposed traffic pattern as indicated in the staff report. She stated that currently, the parking lot is marked for stalls where the traffic line is drawn. She asked if the Bergers have plans to do any striping to help regulate the flow of traffic. Mr. Berger indicated that four of the stalls will be eliminated and there will be arrows that identify the traffic pattern. As for Impact Trainings events, the Bergers have parking attendants who direct the parking to ensure that there is no on-street parking.

With regard to the entrance, Mr. Berger stated that there will not be any striping because he assumes people will know to drive on the right side of the road. He did not want to confuse people with arrows at the entrance. Mr. Berger stated that parents attend an orientation where they receive a map and instructions on how to drop off and pick up their children, among other things. Mr. Berger explained that there is a designated walkway between parking stalls where the children are dropped off and picked up. Mr. Berger suggested that they could put cones out to help highlight where the children need to go and to prevent parking in that space. Mr. Berger also noted that there is never a child running free outside. A teacher takes each child by the hand and walks him/her into the school building. Mr. Berger emphasized that he is very cognizant of his liability as a preschool owner, so safety is a big concern for him and his wife.

In answer to Chair Peterson's observation that the current pamphlet advertises a discovery garden, Mr. Berger stated that the garden is part of the current location at the Bergers' home, but it will not be part of the children's experience at the new site.

There were no more public comments. Chair Peterson closed the public hearing.

Commissioner Pavlakis reiterated her concern with the traffic flow and ensuring that the traffic pattern is properly marked, especially around the drop-off area. Mr. Berger interjected that an A-frame sign would work well. Chair Peterson concurred with Commissioner Pavlakis' concern and noted that a woman was hit by a pickup in Riverton at a daycare, so pedestrian safety is extremely important. Commissioner Pavlakis' main concern was with the parking stalls adjacent to the pathway that leads to the entrance. She had seen many cars on the site at times, but did not consider the issue to be prohibitive. She just wanted to ensure that there is a clear plan in place to ensure the safety of the children.

Mr. Peters suggested that concrete wheel stops be placed in front of the two spaces directly in front of the entrance.

Commissioner Wingate stated that when the motion is made, it should include a condition that addresses this safety concern and then let the applicant decide how to meet it. Commissioner

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Pavlakis liked the plan for having teachers escort the children but stated that small children can easily slip away from their teachers. Chair Peterson thought the children would be safer if there were cars parked on either side of the entry way because it would prevent them from cutting the corner too sharply and endangering the children. Mr. Berger stated that he and his wife will be as flexible with this issue as they need to be to ensure the safety of the children. He added that “reserved” signs could be posted at the parking places on each side of the entryway so that his wife’s car or a staff member’s car would be there. Commissioner Wingate liked where the discussion was going, but wasn’t certain as to the level of detail that should be included in the conditions.

**James Wingate moved to approve the conditional use permit request for a preschool for Discovery Tree Preschool, Application 2015-26, subject the following:**

**Conditions:**

- 1. That all requirements of the City Code are met and adhered to for this conditional use permit.**
- 2. That the applicant obtains a business license for Discovery Tree Preschool.**
- 3. That the applicant limits the number of students on the property at any time to 24.**
- 4. The applicant shall be required to provide a way to enforce the pick-up and drop-off driving route for vehicles when dropping off and picking up students, which shall include safety measures to ensure that the entrance to the school is safe.**
- 5. The permit shall be contingent upon the continued cooperative agreement with the school for use of the eastern portion of the parking lot that is part of the drop-off and pick-up route.**

**Findings:**

- 1. That the proposed conditional use permit will not be detrimental to the health, safety, or general welfare of persons or property within the area.**

**Kory Luker seconded the motion. Vote on the motion: Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye; James Wingate-Aye; Kory Luker-Aye; Brad Peterson-Aye. Von Brockbank did not vote. The motion passed unanimously. Alternate Planning Commission Member Von Brockbank did not participate in the vote.**

Commissioner Wingate noted that he will have two preschoolers attending the Bergers’ preschool and asked if he should have recused himself and abstained from the vote. Chair Peterson and Commissioner Loumis stated that Commissioner Wingate does not have a business or financial interest in the preschool, so absent that type of conflict of interest, Chair Peterson assured Commissioner Wingate that it was appropriate for him to vote.

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**6. City Council Report.**

City Planner/Economic Development Director, Grant Crowell, offered to answer questions about the last City Council Meeting. Commissioner Wingate asked about agenda item number 4 regarding the General Sales Tax dedicated to transportation. Mr. Crowell explained that the City Council voted to have the County put the issue on the ballot for a vote. He added that the County has asked the cities to weigh in on the issue before it is placed on a County-wide ballot.

Chair Peterson next inquired about the park pavilion. Commissioner Pavlakis stated that it will be located just west of the chuck wagon near the playhouse stage for Old West Days. Mr. Crowell stated that it will be a permanent structure.

Commissioner Wingate asked about the Settlement Agreement between the City of Bluffdale and L&B Resources, LLC. Mr. Crowell explained that many years ago a very large building was built near the river without a building permit. It has been a historical land use dispute for a long time. After much work with many lawyers, the City finally reached a financial settlement. Over the next 12 months the landowners will pay the City \$100,000 in cash or in kind.

Commissioner Wingate next inquired about the Kilgore Impact Fee. Mr. Crowell explained that this type of request from commercial entities occurs frequently. The City assesses fees based on such things as projected transportation impact and storm drains based on square footage. Since Kilgore doesn't have a storm drain, the City Council determined that they would not have to pay that fee. The City Council did not act on the transportation fee because of inadequate data. Mr. Crowell gave a brief explanation of how impact fees are calculated and assessed to businesses.

Commissioner Loumis asked if there has been any interest expressed on Bangerter and Redwood. Mr. Crowell stated that Woodbury is still waiting to get a good anchor tenant there so there is nothing yet to report. He noted that the bridge is nearly complete.

Last, Commissioner Wingate asked about the Certified Tax Rate for Salt Lake and Utah Counties. Mr. Crowell stated that there is about 200 square feet of a random parcel that is actually in Utah County, so a trade occurred with Lehi City because Bluffdale City would accrue no tax benefit from the parcel.

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

There was no discussion on this agenda item.

**8. Adjournment.**

The Planning Commission Meeting adjourned at 8:20 p.m.

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Gai Herbert  
Community Development Secretary

Approved: 7/1/15