



**BLUFFDALE CITY PLANNING COMMISSION
MEETING AGENDA - AMENDED
Wednesday, March 1, 2023**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting on **Wednesday, March 1, 2023, at 6:00 p.m., or as soon thereafter as possible** at the Bluffdale City Hall, 2222 West 14400 South, Bluffdale, Utah. This meeting may also be broadcast live to the public on the City's website www.bluffdale.com. Notice is further given that access to this meeting by Commission members may be by electronic means via telephone conference call.

PLANNING COMMISSION BUSINESS MEETING 6:00 PM

1. Roll Call.
2. Invocation/Thought/Reading and Pledge of Allegiance.

ADMINISTRATIVE ITEMS:

3. **CONSIDERATION AND VOTE** on a proposed Site Plan Application for the Independence Apartments on 5.03 acres including all common areas for 218 residential apartment units located at approximately 15580 South Heritagecrest Way, Independence Rock Apartments, LLC, Applicant (Application 2022-18) – Staff Presenter, Jennifer Robison.

LEGISLATIVE ITEMS:

4. **PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION** on proposed text amendments to the Bluffdale City Land Use Ordinances regarding accessory dwelling units, Bluffdale City Code (BCC) Chapter 11.340 and associated definitions in BCC 11.20, City of Bluffdale, Applicant (Application 2022-49) – Staff Presenter, Grant Crowell.

DISCUSSION ITEMS:

5. Planning Commissioner Land Use Training – Staff Presenters.
6. Planning Commission Business (planning session for upcoming items, follow up, etc.).
7. Adjournment.

Dated: February 28, 2023

**Grant Crowell, AICP
Community and Economic Development Director**

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Present:

Members: **Debbie Cragun, Chair**
Ulises Flynn
Tina Griffis
Kory Luker
Erik Swanson
Michael Kraupp, Alternate

Staff: **Grant Crowell, City Planner/Economic Development Director**
Jennifer Robison, Senior City Planner
Ellen Oakman, Associate City Planner
Kjersti Jarman, Community Development Coordinator
Courtney Larson, AV Technician

Public: **Mark Hampton**
Riley Jarrett
Chase Andrizzi

Chair Debbie Cragun called the meeting to order at 6:00 p.m.

PLANNING COMMISSION BUSINESS MEETING

1. Roll Call.

All members of the Planning Commission were present.

Chair Cragun noted that since all members were present, Alternate Planning Commissioner, Michael Kraupp, would not participate in any votes. City Planner/Economic Development Director, Grant Crowell, clarified that Commissioner Kraupp would be free to participate in the discussions and ask questions even though he would not be voting.

2. Invocation/Thought/Reading and Pledge of Allegiance.

Chase Andrizzi offered the invocation and led the Pledge of Allegiance.

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ADMINISTRATIVE ITEMS

3. **CONSIDERATION AND VOTE on a Proposed Site Plan Application for the Independence Apartments on 5.03 Acres including all Common Areas for 218 Residential Apartment Units located at approximately 15580 South Heritage Crest Way, Independence Rock Apartments, LLC, Applicant. (Application 2022-18) – Staff Presenter, Jennifer Robison.**

Senior City Planner, Jennifer Robison, presented the staff report and stated that the agenda item under consideration will be the last for the Independence at the Point Project. The project began in 2012 and is now near completion. Mrs. Robison reviewed the Land Use Master Plan and the location of the subject property. The last project will be for the 218-unit Independence Rock Apartments. The applicant was allowed 434 units in the areas labeled as P and P-2. The proposed 218 units will amount to exactly the approved number. The proposed apartments meet the specifications of the approved Land Use Plan. Mrs. Robison noted that a lighted intersection was projected for Heritage Crest Way and Porter Rockwell Boulevard, which will serve as an additional access point to the subject property. A map was displayed to identify the location of the roads and intersections. The City has partnered with DAI to make the necessary road improvements and reimbursement to DAI for the work they are doing. Because of the slope in the area, a lot of design work was done to construct the roads.

Mrs. Robison next reviewed the site plan to show the layout of the proposed buildings. There will be two buildings, each containing 109 apartment units. The buildings will be four or five stories tall depending on the topography. The height calculations were based on a formula that makes it possible to keep the weighted average height within the 45-foot maximum. The subject property is 5.03 acres in size. Since it stands on its own, it was not necessary to subdivide the property. The right-of-way and road dedication will be included and connected to Heritage Crest Way. The funding for the road improvements had already been negotiated with the City.

Mrs. Robison reviewed the proposed elevations to show what the project will look like from the front. There will be retaining walls along Heritage Crest Way to address the slope issues. There is also a retaining wall on the rear of the property to address the transition between the subject property and the Geneva property. The stalls in the back will be covered but will not be enclosed to allow the applicant to maximize the amount of parking that will be available.

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In response to Commissioner Flynn's question about drainage by the retaining walls, Mrs. Robison stated that the issue will be addressed with Civil Engineering. There will be storm drains in the public streets. She reported that 10.3% of the property will have landscaping. The City was asking for at least 10%. The top priority was to make sure there is ample parking.

Mrs. Robison reviewed some of the amenities that were planned including pool and fitness areas and a leasing office. There will also be rooftop patios. The proposed project was reviewed and approved by the Independence Design Review Committee ("IDRC"), as required with the entire Independence Project. She reviewed the materials to be used for the buildings. The challenge with the Landscaping Plan was the fact that the property consists primarily of buildings and hardscape for parking. There will be some parking islands with trees and landscaping.

Mrs. Robison reviewed the City's parking requirements and the proposed parking stalls. The location of Heritage Crest Way presented constraints due to the slope of the area. Parking stalls are located across the street in the Banner Hill West Project that could qualify and allow the developer to meet the parking requirements. Chair Cragun asked if use of the parking stalls would compromise the required parking for Banner Hill. Mrs. Robison explained that the road in the area will be a collector road so the width is mandatory and will constrain the subject project. Mrs. Robison demonstrated how the parking layout at Banner Hill West and Independence Rock will be designated. There were originally 365 parking stalls proposed for the apartments. The current requirement per City Code is 436. Apartments with one or two-bedroom units must have two parking stalls. Parking is extremely important to the City and the developer was made well aware of that concern. The conundrum was the fact that the developer was allowed to have the proposed number of units based on the Land Use Plan but parking became an issue that needed more attention.

With regard to Banner Hill West, Mrs. Robison explained that it has 30 units consisting of townhomes and stacked units. Some of the Banner Hill West units have full 20-foot driveways and others do not have a driveway.

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The parking calculations include whether the dwelling unit has a driveway. With a 20-foot driveway, one guest parking stall must be included for every four units. Without driveways, one guest parking stall must be included for every three units. There are seven units in Banner Hill West that have driveways so the parking calculations were impacted by the existence of the driveways. Mrs. Robison next noted that there are 32 stacked units in Banner Hill West. Because they have a different configuration, the developer had to provide two parking stalls inside the garage. Some of the units have garage parking but not for each unit. Therefore, credit was given for one parking stall in the garage for each unit. The diagram showed the location of the guest parking for those units. If allowed by the Planning Commission, those guest parking stalls could be used for guest overflow parking for the apartments.

Mrs. Robison showed the 30 units in Banner Hill West, along with their accompanying 60 parking stalls. She explained that there is one guest stall per three units for the 23 stacked units. They are required to have eight guest stalls but are actually providing 16 stalls. In the seven units that require one guest parking stall per four units, they are required to have two stalls. Consequently, there are enough parking stalls in Banner Hill West to cover the required number of parking stalls. In fact, they needed 70 and have 83.

Commissioner Flynn noted that the meeting packet specified 398 stalls on site, however, Mrs. Robison stated 395. Mrs. Robison explained that the handicapped stalls were moved. Since they have to include enough width for a van, the number of stalls was reduced by three.

With regard to Banner Hill West, Mrs. Robison stated that the development is required to have 64 parking stalls for the 32 units. No credit was given for the driveway. For guest parking, they need 11 stalls, but there are 53 parking stalls in the area highlighted in yellow on the diagram. That brings the total to 117, which is a difference of 42 from the required number. If the 42 parking stalls are applied to the apartments and added to the 395, the total would be 437, which would bring the apartments into parking compliance. Mrs. Robison reported that the solution is not ideal but she emphasized there would be no parking on Heritage Crest Way because it is a collector road. She asked the applicants to explain how they will manage and enforce the parking requirements for the

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apartments, including the proposed overflow parking. She also identified where the handicapped stalls will be.

Since there will be no parking on Heritage Crest Way, Commissioner Swanson asked if it would be red-curbed. Mrs. Robison reported that no decision had been made as to whether it will be red-curbed or if there will be signage. Commissioner Swanson asked if there might be a potential cross-over into The Bluffs. Mrs. Robison responded that as the Geneva property is developed, there might be some potential for some cross-over parking.

Project Architect, Riley Jarrett, gave his address as 7671 North Willow Walk Lane, in Eagle Mountain. Mr. Jarrett stated that the shared parking will be easy to access because it is across the street to the west on a level road.

Property Owner, Mark Hampton, gave his address as 11767 South 700 East in Draper and reported that apartments differ from townhomes and Homeowners Associations (“HOA”). The ownership of the project is in partnership with DAI and Independence Rock Apartments. The proposed parking across the street will be deed restricted and include a recorded cross-easement. Independence Rock Apartments will have a legal right to use the stalls for overflow parking. With regard to shared parking with the Geneva property, Mr. Hampton reported that there is a significant grade difference between the two parcels, so it would not be practical. Parking is managed by assigning a marked stall to each apartment unit. Compliance will be strictly enforced. The visitor parking will also be marked to clearly show where parking is permitted. Mr. Hampton did not anticipate problems managing the visitor parking across the street.

Commissioner Kraupp asked about the current status of the Banner Hill parking and if it is already maxed out. Chase Andrizzi gave his address as 14034 South 145 East in Draper and explained that they follow the same pattern shared by Mr. Hampton in that they have assigned parking stalls. Those assignments are clearly described to the residents along with the location of the guest parking. He stated that Banner Hill is not yet maxed out. With regard to the shared parking, if there are issues, they will be managed privately.

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In response to a question raised by Commissioner Flynn, Mr. Jarrett stated that the swimming pool will be gated for safety and security. With regard to parking enforcement, Mr. Hampton stated that Rockford Management will enforce parking. In addition, an on-site Manager will always be present to address problems that arise.

Mr. Hampton described the grading of the subject property and the reason for their proposal for four to five stories. Mr. Jarrett stated that the northern portion of the apartments is one story below, which requires another retaining wall. There will be over 3,000 linear feet of retaining walls. Mr. Hampton added that the apartments will have an urban look because of the lack of green space for children to play on. To offset the lack of green space, there will be rooftop amenities, a clubhouse, a fitness facility, and a swimming pool. The amenities will be indoors and not outdoors. Only the residents will be allowed to use the amenities.

Mrs. Robison asked that the parking analysis be included in the findings if the Planning Commission chooses to approve the application.

Chair Cragun commended the applicants for providing a solution to the parking requirements rather than asking for an exception.

Commissioner Flynn acknowledged that parking is a touchy subject. He stated that the collector road and site grading are factors that have led to the current proposal. Mrs. Robison reiterated that the 44 additional required stalls will be located across the street. Commissioner stated that in other areas of Independence, there are serious parking problems so he wanted to know if the 44 stalls will be adequate. Chair Cragun emphasized that with the additional 44 stalls, the applicants will comply with the City Code parking requirements.

Commissioner Luker commented that parking problems will be inevitable, regardless of compliance with City Code because there will be times when there will be an abundance of cars. The landowners will enforce parking on their property and the City will enforce parking issues on public streets.

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Chair Cragun reported that since the proposal is the final project in Independence, the parking issues being discussed could not have been fully anticipated. Mrs. Robison commented that the parking analysis began one year ago with this proposal in mind to facilitate the use of this last parcel.

In response to the potential subleasing of an apartment as an Airbnb, Mr. Hampton emphatically stated that that would not be allowed.

Ulises Flynn moved to APPROVE the Independence Apartments Site Plan Application 2022-18 subject to and based on the following:

Finding:

- 1. The Planning Commission approves the parking calculations presented in the staff report for the proposed shared parking between Independence Apartments and Banner Hill West.**

Conditions:

- 1. That all requirements of the City Codes, adopted ordinances, Independence at the Point Development Agreement (DA), and Project Plan (PP) are met and adhered to the Independence Apartments project.**
- 2. That the site plan for the project complies with the Bluffdale City Engineering Standards and Specifications and recommendations by the City Engineer and Public Works Department for all relevant construction drawings and be stamped for approval prior to any preconstruction activities.**
- 3. That the project adheres to all requirements of the International Fire Code.**
- 4. That all public park strips, landscaping, irrigation, and maintenance adjacent to the project are the responsibility of the property owner or management company established for the project.**

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5. **That all common/open spaces, landscaping, parking areas, and site amenities are owned and maintained by the property owner or management company established for the project.**
6. **That all building permit submittals for buildings comply with the approved design, elevations, materials, and finishes as required for site plan approval.**

Kory Luker seconded the motion. Vote on motion: Ulises Flynn-Aye, Kory Luker-Aye, Tina Griffis-Aye, Erik Swanson-Aye, Debbie Cragun-Aye. The motion passed unanimously. Alternate Planning Commission Member, Michael Kraupp, did not participate in the vote.

LEGISLATIVE ITEMS

4. **PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION on Proposed Text Amendments to the Bluffdale City Land Use Ordinances Regarding Accessory Dwelling Units, Bluffdale City Code (“BCC”) Chapter 11.340 and Associated Definitions in the BCC 1120, City of Bluffdale, Applicant. (Application 2022-49) – Staff Presenter, Grant Crowell.**

Mr. Crowell reported that the above item has been a high priority for the City Council for some time. The City has well-established policies for Internal Accessory Dwelling Units (“IADU”), which used to be a Conditional Use but are Permitted. The City Council wants to take a closer look at Detached Accessory Dwelling Units (“DADU”), especially as it is germane to the State’s requirements for cities to create their respective Moderate-Income Housing Plan.

Mr. Crowell reported that he has discussed the matter with the City Council on three separate occasions. The discussions have been replete with a wide variety of questions. As a result of those discussions, Mr. Crowell made a lengthy list of items to integrate into the proposed text amendments. The General Plan has been a significant resource for informing what the proposed text amendments might look like in concert with the City’s Moderate-Income Housing Plan. Accessory Dwelling Units (“ADU”) are a key component of the Moderate-Income Housing Plan as approved by the City Council and submitted to the State. In that vein, detached ADUs have been identified as a priority for the City Council to address in 2023 to become legal in the City Code.

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The reality is that many ADUs have been created without going through the formal approval process.

Mr. Crowell next reviewed the structure of the proposed text amendments. The starting point is to update the Definitions, particularly IADUs, and DADUs. Another term that needs to be updated and clarified is Primary Dwelling Unit.

Mr. Crowell reviewed the chapter and acknowledged that the process will likely not be completed tonight. ADUs will be permitted uses in single-family homes in any residential zone. Lot sizes could also be taken into consideration. The chapter includes a process section and the standards for ADUs. The text amendments regarding DADUs are new and constitute the biggest change to the policy and require the most focus. The text amendments also address parking permitted on lots. The section includes information about IADUs along with the noticing requirements and addressing non-conformity issues.

Commissioner Flynn suggested starting the discussion with IADUs and DADUs. The current proposal is that an IADU would only be allowed on a lot of 6,000 square feet or greater. A DADU would be allowed on a lot that is 10,000 square feet or greater. He observed that the State wants cities to do more but has not given much guidance. Consideration should be given to the maximum number of ADUs that can feasibly fit in Bluffdale. Mr. Crowell noted that analyses could be conducted to address the questions posed by Commissioner Flynn. that Bluffdale currently has no restrictions on lot sizes for IADUs. The City receives very few applications for IADUs. That either means there are not many or people are building them without going through due process with the City.

State Code grants cities the freedom to determine the lot sizes on which IADUs can be located. A Building Permit is required to finish a basement, regardless of its use. For an IADU, a Building Permit must accompany the application. For a DADU, the proposed requirement for a minimum of a 10,000-square-foot lot would place the structure in the R-1-10 or R-1-43 zones. There are very few lots in SD-X zones that would meet the size requirement. Mr. Crowell clarified that State Code does not address DADUs. Bluffdale City, however, has reported to the State that it is studying the

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viability of DADUs. If, after investigation, the City was to determine that it is not ready to have a DADU policy, the City would report that to the State.

Commissioner Flynn suggested the possibility of beginning the DADU Code at the R-1-43 zone. Mr. Crowell commented that that could be starting point. Chair Cragun liked the idea of basing a threshold on the zone or lot size and not population, which fluctuates.

Chair Cragun asked if the proposed text amendments took HOAs into account for DADUs. That is an important consideration because people who live in an HOA community must comply with City Code as well as the Covenants, Conditions, and Restrictions (“CC&Rs”). Mr. Crowell reported that the text amendments do not address HOAs. If anything, the application for a DADU could include the caveat that applicants confer with their HOA before proceeding. He noted that some HOAs have design requirements for something as basic as a garage.

Mr. Crowell reported that the current City Code addresses the off-street parking requirement for an IADU. There are several options for off-street parking. The City Council was amenable to allowing parking to occur in side yards.

Chair Cragun had questions about design guidelines because the stricter the Code is for matching the house, the greater the cost to the homeowner as well as enforcement. She states that her HOA CC&Rs state that sheds must match the house; however, half of her neighborhood has Costco sheds. If restrictions are to be established, they must be enforceable and enforced. Chair Cragun asked about the City Council’s opinion about design guidelines. Mr. Crowell stated that there was no consensus on that question. They figured the Planning Commission would deal with that issue. It was noted that the non-conformities will be grandfathered in.

Commissioner Kraupp pointed out that the Falls at Boulden Ridge HOA is very active in enforcing its CC&Rs.

Commissioner Swanson brought up the previous comment of focusing first on the R-1-43 zone. He said there are a variety of structures of both the homes and accessory buildings on the lot. He did not think it would be appropriate to restrict the design of DADUs.

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Mr. Crowell stated that if the design is not the main concern, the focus could shift to things such as setbacks, balconies, and locations of exits. Mr. Crowell stated that he would like to have things that he can enforce. At that point, he could check the paint and bricks. If another owner uses a paint color that is not consistent, he would have to wait for someone to file a complaint to enforce it. He added that roofs would also be an item to consider in the specifications. He has searched for modular ADUs online and has seen that many have flat roofs. There are many floor plans that are well-designed. There was no unanimity among the City Council Members regarding whether the ADU has to be in the garage. Considerations would also include minimum and maximum sizes, especially in light of the growing popularity of tiny homes.

Commissioner Swanson brought up the issue of tiny homes and asked if they must be attached to a permanent foundation. Mr. Crowell stated aid that "permanent foundation" was included in the list of definitions. He clarified that a building could be properly anchored without a basement.

Commissioner Flynn liked the focus on avoiding something that is cheaply done, of poor quality, and not durable. An ADU provides a way for a homeowner to make more money. If they want to pursue they need to ensure that it is a high-quality dwelling unit. That would include obtaining a Building Permit. In summary, Commissioner Flynn was less concerned about color schemes than overall quality. Mr. Crowell stated Commissioner Flynn articulated a great goal but the challenge would be to determine what constitutes "cheap." The City Building Code currently allows for corrugated metal structures, the use of hay bales inside a wall, 3-D printed concrete, stick-built buildings, flat roofs, and modular homes that are certified. Therefore, it would be difficult to define and determine what constitutes "cheap." He noted that Bluffdale is becoming an affluent community and the trend is that the design rules become more onerous in affluent communities. The current Building Code allows for considerable flexibility in the construction of homes.

Chair Cragun sought to confirm whether the Building Code and Building Permit issuance process would ensure a high level of safety and livability. Mr. Crowell replied in the affirmative and stated that the Building and Planning Departments are responsible for ensuring compliance with the City's minimum building standards for habitability. The challenge is how to deal with non-conformities.

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Safety, including the ability to get out of the structure and electrical protection, is a critical component of the permitting process.

With regard to people's negligence in obtaining a Building Permit the Assessor's Office reviews permits on a regular basis to determine whether home values need to be adjusted. Chair Cragun added that people need to remember that there is a liability issue if they do construction without obtaining the necessary permit.

In response to Chair Cragun's question regarding the City Council's expectations, Mr. Crowell stated that the City Council has not indicated a timeline for this item. It addresses the affordable housing priority, which was to be addressed in 2023. He would like assistance from the Planning Commission in vetting the policy issues that he has written thus far.

Commissioner Flynn suggested addressing the five or six items for which the City Council was still undecided. The Planning Commission could discuss each portion of the current draft. Chair Cragun stated that the Planning Commission addressed some issues tonight such as non-conformity and enforcement, experimenting with one zone, to begin with, design, parking, and property rights.

Mr. Crowell invited feedback on whether the policy issue adequately deals with ADUs. Another matter would be utility metering because having separate meters could imply that the lots have been split, which is not permitted. Addressing and metering need to be resolved without splitting a lot. Mr. Crowell noted that a new meter would require a permit from the City. With regard to addressing, he explained that an address was assigned to a parcel. Since the parcels cannot be split, the address would have to include a sub-address for the parcel. He clarified that the ordinance under review is not a subdivision ordinance.

Mr. Crowell reviewed the topics that were addressed and still need to be addressed. Commissioner Luker opined that the Planning Commission could look at the list and address some issues right away. He suggested that the easy elements be resolved first. For example, IADUs have been addressed previously, so not much change would be needed. In response to Mr. Crowell's question regarding restrictions on lot sizes, Commissioner Luker stated that for internal ADUs, he was aware of internal ADUs in his neighborhood, which has alley streets, where the lot sizes are fairly small.

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He felt there should be a lot size restriction. Commissioner Swanson stated that parking for IADUs is an important issue, especially in areas where there are small lot sizes, which makes parking challenging. Mr. Crowell stated that not everyone obtains a permit for IADUs. Lot width was an important factor because State Code allows for the use of side yards for parking.

Commissioner Flynn stated that since the DADUs are being considered for one zone, the IADUs could be addressed by setting a threshold for the square footage of the home. That threshold can be adjusted as circumstances allow. Chair Cragun did not know what that number should be, especially since there are people who are creating IADUs without going through the proper permitting process. Enforcement is a difficult challenge. Mr. Crowell stated that the new text amendments could create a starting point to move forward that would include enforcement measures. In response to Commissioner Flynn's question regarding the use of permit funds to help with enforcement, Mr. Crowell explained that Economic Development Area ("EDA") money that is set aside would need to meet the statutory definition for moderate-income housing. As a result, it might be a stretch to apply those funds to enforcement.

To mitigate enforcement challenges, consideration was given to switching from criminal enforcement, which has high standards for establishing evidence to having a Civil Enforcement Court where the fines would be lower, the hearing would not be a criminal trial, and the standards of evidence would be lower. That kind of change is about one year out. The enforcement of IADUs is practically impossible.

Commissioner Kraupp asked if the objective was to beef up the existing ADU policy as a part of this process. He also asked if there were other municipalities that are facing this same issue. Mr. Crowell stated that all municipalities are dealing with this issue. Commissioner Kraupp asked if there had been some reviews of what other cities are doing to help with Bluffdale's process. Mr. Crowell stated that the draft under consideration includes components from Draper, Riverton, Millcreek, and Ogden. Bluffdale currently does not allow DADUs and all those communities do. Chair Cragun noted that one characteristic that distinguishes Bluffdale from other communities has been the mindset that people should have ample latitude in what they do with their own property.

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Mr. Crowell explained that even though the purpose of the rewrite was to address DADUs, it seemed like the right time to take another look at IADUs as well. Even if the City does nothing with the Code under revision, the City would be fine with the current IADU regulations. The key policy to be addressed was whether the City should allow DADUs. If the answer is no, the current policy should remain as-is.

Mr. Crowell commented that one major challenge is that there is no model for Bluffdale to emulate. As a result, the City will have to decide what will work for Bluffdale. Mr. Crowell stated that he has been in regular communication with the City Council to get an idea of their vision for whether to allow DADUs. He was happy to share his written communication with the City Council to assist the Planning Commission in their vetting process. The topics the City Council wants to be addressed were included in the text amendment document.

In response to Commissioner Kraupp's question regarding the division of labor between the City Council and Planning Commission for the creation of this policy, Mr. Crowell affirmed that the Planning Commission is doing a lot of the heavy lifting. The main distinction for decisions is administrative versus legislative. The Planning Commission has the authority to make administrative decisions. Only the City Council can make legislative decisions. For legislative decisions, the City Council places a high value on the feedback they receive from the Planning Commission to assist them in making legislative decisions, especially for complicated issues such as this. Mr. Crowell stated that the City Council wants the Planning Commission to look at the entire ordinance in addition to the list that was generated. He received input from the City Council for the list of items to be addressed.

Chair Cragun stated that this information is intense and complicated and she proposed tabling the matter to allow her more time to study and ponder the proposed text amendments for the next two weeks. Commissioner Kraupp needed to be better informed on what really needs to be evaluated and determined as a recommendation to the City Council.

With regard to affordable housing, Mr. Crowell stated that a process can be developed to determine how to measure it. Property rights and safety are always considerations that need to be kept in mind.

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Chair Cragun opened the public hearing. There were no public comments or emails. The public hearing remained open.

Debbie Cragun moved to TABLE this agenda item to the next Planning Commission Meeting to provide time for processing and re-reading the draft and for Staff to get additional information on items where there was disagreement among the City Council Members. Ulises Flynn seconded the motion. Vote on motion: Ulises Flynn-Aye; Kory Luker-Aye; Tina Griffis-Aye; Erik Swanson-Aye; Debbie Cragun-Aye. The motion passed unanimously. Alternate Planning Commission Member, Michael Kraupp did not participate in the vote.

DISCUSSION ITEMS

5. Planning Commissioner Land Use Training – Staff Presenters.

Mr. Crowell reported that Land Use Training is required every year. Associate City Planner, Ellen Oakman, tracks everyone's participation and videos watched. The Planning Commission Members were asked to keep her apprised of what they do in terms of land use training.

Mr. Crowell addressed land use applications and noted that tonight the Planning Commission approved a site plan since the Planning Commission is the Land Use Authority for site plan approvals. The City has a table of the different decisions that are made and who the authority is for those decisions. The City Council designates who the Land Use Authority is for different land use applications, which includes proposed developments, use permits, Building Permits, Sign Permits, temporary use of subdivisions, etc.

There is a difference between applying the law (administrative decision) and creating a law (legislative decision). The City Council is always the body that will create new laws. The Land Use Authority might be a member of City Staff or the Planning Commission.

Mr. Crowell next reviewed the table mentioned earlier and stated that there is also an appeal authority. That position is called the Appeals and Variance Hearing Officer ("AVHO"). It is a quasi-judicial position that is occupied by an individual with extensive legal expertise. The City used to have a Board of Adjustment to consider variance requests. However, on one occasion, the

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Board of Adjustment made a decision that did not meet State Law, so the City sued its own Board and dissolved it, and replaced it with the AVHO.

Mr. Crowell identified the items that are administrative and legislative. Over the years, there have been changes regarding which entity or individual is the Land Use Authority. Appeals go to the next highest authority. If necessary, an appeal will go to the District Court. He noted that there have been very few variance requests to the AVHO. He attributed that fact to the robust City Code and the work of Staff to allay the desire for appeals. In addition, Utah has a strict set of criteria for the approval of variances. Instead of seeking variances, people have been working with the City Council to amend the City Code. As he reviewed the list, he provided historical context and identified the Land Use Authority for each item.

Mr. Crowell emphasized the importance of the work being done by the Planning Commission. He complimented Chair Cragun for stating at the outset of an agenda item what the Planning Commission's role will be.

For future training, Mr. Crowell stated that it would be good to do some traffic study training. In addition, Utah has a body called the Office of the Property Rights Ombudsman, which helps with land use or evaluation disputes. It would be beneficial to have someone from that office provide some training.

In response to Commissioner Flynn's question regarding changes to the designation of the Land Use Authority on the table just reviewed, Mr. Crowell stated that it is a legislative decision and would come from the City Council. The City Council has transferred to other entities the responsibility for being the Land Use Authority. Chair Cragun appreciated the changes made as it has taken a burden off of the Planning Commission.

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

It was noted that there were previous meeting minutes in the meeting packet but approval was not included on the agenda. Mrs. Robison stated that it was an oversight and she would include approval of those minutes on the next meeting agenda.

BLUFFDALE CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, March 1, 2023

Mr. Crowell reported that the City is going to adopt a New Parks Plan. The last one was done in 2015. Mrs. Robison will be the Project Manager for that undertaking.

Mrs. Robison reported that the next meeting will be on March 15.

7. **Adjournment.**

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

Kjersti Jarman
Kjersti Jarman, Development Coordinator
Approved: 5.3.2023

