



AGENDA

BLUFFDALE CITY PLANNING COMMISSION

November 17, 2009

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Tuesday, November 17, 2009**, 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 (6:30 p.m.):

1. Public comment (for non-public hearing items).
2. City Council Report.
3. Approval of the minutes of the October 6, 2009, meeting of the Planning Commission.
4. **Public Hearing:** Consideration and Vote on a Zoning Map Amendment of approximately 10 acres located at 850 West 16400 South from A-5, Agricultural, to SG-1, Sand and Gravel, Salt Lake County, applicant.
5. Adjournment.

Dated: November 13, 2009.

Vaughn R. Pickell, Esq., AICP
Community 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 254-2200.

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MEETING MINUTES
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Present:

**Members: J. Lee Bertoch
Von Brockbank
Brad Peterson
Rick Ryan**

**Others: Vaughn Pickell, Community Development Director
Mayor Claudia Anderson
Gai Herbert, Planning Secretary**

BUSINESS MEETING

Vice Chairman J. Lee Bertoch called the meeting to order at 6:30 p.m.

1. Public Comment.

There were no public comments.

2. City Council Report.

Von Brockbank asked for an update on the Gateway RDA. Community Development Director, Vaughn Pickell, reported that at its last meeting, the City Council decided to pull the trigger and begin receiving increment on the project area. He noted that the first year of tax increment collected will be based on January 2010 values. A payment was not expected until March 2011. He explained that the process takes approximately 1 ½ years from the time the trigger is pulled to actually receiving increment. Mr. Pickell reported that Woodbury is the primary developer and they are continuing to work with prospective tenants. Woodbury claims to have been able to have had a number of convenience stores and fast food restaurants by now but they wanted to first find the right anchor tenant.

Von Brockbank asked about the status of the City's dealings with Saratoga Springs with regard to them providing police protection in Bluffdale. Mr. Pickell indicated that at the last meeting the Council approved a resolution directing the City Manager to negotiate a formal contract with Saratoga Springs. The status was somewhat unknown since there has been a major changeover in their city council and mayor with three new city council members and a new mayor taking office in January. Mr. Pickell stated that previously the mayor and the remaining two council members were all in favor of providing service to Bluffdale.

Brad Peterson asked about the outcome of the 9-1-1 antenna the Commission voted on previously. Mr. Pickell responded that the Commission granted the final approval and the matter never went on to the City Council.

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3. Approval of the Minutes of the October 6, 2009, Meeting of the Planning Commission.

The minutes were reviewed and modified.

Brad Peterson moved to accept the minutes of October 6, 2009, as amended. Von Brockbank seconded the motion. Vote on motion: J. Lee Bertoch-Aye, Von Brockbank-Aye, Brad Peterson-Aye, Rick Ryan-Aye. The motion passed unanimously.

4. PUBLIC HEARING: Consideration and Vote on a Zoning Map Amendment of Approximately 10 Acres Located at 850 West 16400 South from A-5, Agricultural, to SG-1, Sand and Gravel, Salt Lake County, Applicant.

Mr. Pickell presented the staff report and identified the property on an area map. He explained that most of the property consists of very steep slopes facing northwest. The current land use is very low density residential with the current zoning map designating it as A-5. He noted that there are a number of sand and gravel operations already in the area. Photos of the site were displayed.

Mr. Pickell noticed that the General Plan is still very low density residential. If a motion were made to approve the zone change, he recommended the Commission simultaneously recommend a change to the General Plan map to keep the two consistent. Mr. Pickell stated that the application mentions the County's intent to eventually develop the property into a public park. If desired, the Commission could master plan the area for a future recreational use. Another option would be to leave it as single-family residential, if deemed appropriate.

Brad Peterson asked for an estimate of how long it was expected to take to mine the site. Mr. Pickell was not sure but stated that Parsons planned to lease the property for 10 years.

Von Brockbank's understanding was that the County requires restoration to take place and asked if Bluffdale has a similar requirement. Mr. Pickell stated that in the Sand and Gravel Zone excavation and mining is a conditional use. His recollection was that a restoration plan is required with the conditional use permit. He also was of the understanding that the State Division of Oil, Gas and Mining requires restoration.

Rick Ryan asked about the distance between the subject property and the closest residence. Mr. Pickell stated that there are residences in close proximity in Lehi, along the Jordan Narrows Road, and 1400 West.

An inquiry was made with regard to tax revenue from the use to Bluffdale City. Mr. Pickell thought the property would become more valuable with the new zoning designation. From that standpoint there would most likely be increased property tax revenue. Sales tax generation would depend on whether the product is sold directly from the site. If sold elsewhere, it was possible that there would be no sales tax revenue.

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Lee Colvin gave his address as 5412 West Aspen View Drive in West Jordan and identified himself as the Real Estate Director for Salt Lake County. He indicated that the County has owned the property for a very long time. It is not usable in its current condition because of the steep slope. It was apparent that the gravel would need to be removed in order for it to become a level plain. The County granted Staker Parsons a 10-year lease that requires them to comply with all laws and ordinances, including restoration requirements. The intent at some point in the future was for the Parks and Recreation Department to develop the area and make it part of the Jordan River Corridor. Mr. Colvin suspected that the future of the parcel will depend on how the area around it is developed.

J. Lee Bertoch asked Mr. Colvin if the County or Staker Parsons will be responsible for any problems that may arise on the property. Mr. Colvin responded that any problems that arise with respect to the mining operation will be the responsibility of Staker Parsons. He noted that the County District Attorney's Office will be very interested in what takes place on the site. A provision in the lease specifies that there shall be no hazardous materials imported. He remarked that the lease was engineered by the District Attorney's Office.

Mr. Colvin indicated that the County was not aware that they were the owners of the Utah County portion of the parcel. The property was deeded to Metro West Concrete, with the deed being faulty. In good faith, Metro West began to mine the property. The County later discovered that they were the owners of the Utah County piece. They were approached by Provo River Water Users who informed them that Metro West was undermining their pipe. At that point the County demanded that Metro West stop work and sued them for back revenue from the gravel they had mined. Metro West ultimately declared bankruptcy with Staker Parsons being their successor in interest. In order to settle an outstanding lawsuit, the District Attorney's Office agreed to allow Staker Parsons to mine the property for 10 years in exchange for \$250,000 per year. Staker Parsons will be required to leave the property in a usable and level condition. The agreement settled the lawsuit, gave the County a source of revenue, and provides for a usable piece of property in the future.

Mr. Colvin indicated that the total acreage is just less than 50 acres for both the Utah County and Salt Lake County portions. He stated that the lease requires Staker Parsons to comply with all laws and ordinances. Mr. Colvin offered to provide the City with a copy of the lease.

Von Brockbank asked if the County had performed any feasibility studies with regard to constructing a park on the property. Mr. Colvin stated that they had not and expected the park to be at least 10 years in the future. In response to a question raised, Mr. Pickell expressed confidence that a provision exists in the Sand and Gravel Ordinance addressing restoration. He noted that mining is a conditional use in the Sand and Gravel Zone and will require Staker to obtain a conditional use permit in order to do business.

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Von Brockbank moved to open the public hearing. Rick Ryan seconded the motion. Vote on motion: J. Lee Bertoch-Aye, Von Brockbank-Aye, Brad Peterson-Aye, Rick Ryan-Aye. The motion passed unanimously.

There were no public comments.

Von Brockbank moved to close the public hearing. Rick Ryan seconded the motion. Vote on motion: J. Lee Bertoch-Aye, Von Brockbank-Aye, Brad Peterson-Aye, Rick Ryan-Aye. The motion passed unanimously.

In response to a question raised by J. Lee Bertoch, Mr. Pickell referred to Section 12.6.11 of the zoning ordinance which contains restrictions on sand and gravel operations. Reclamation requirements were reviewed. Sales tax and revenue issues associated with the proposed use were discussed. Mr. Pickell stated that because the property is County-owned it is most likely tax exempt even though a business is operating on it.


Brad Peterson moved to approve the amendment to the zoning map for property at 850 West 16400 South from A-5, Agricultural to SG-1, Sand and Gravel. Von Brockbank seconded the motion. Vote on motion: J. Lee Bertoch-Aye, Von Brockbank-Aye, Brad Peterson-Aye, Rick Ryan-Aye. The motion passed unanimously.

Mr. Pickell reminded the Commission Members of information provided on upcoming land use trainings.

Von Brockbank noticed that this was the second meeting that Troy Ricks has missed and questioned whether he is serious about serving as an alternate Planning Commission Member. Mr. Pickell stated that the Planning Commission Bylaws address attendance issues.

5. Adjournment.

The Planning Commission Meeting adjourned at 7:08 p.m.



Gai Herbert
Planning Secretary

Approved: December 1, 2009