

CITY OF BLUFFDALE, UTAH

ORDINANCE NO. 2024-20

AN ORDINANCE AMENDING SECTION 11.30.060 OF THE BLUFFDALE CITY CODE TO REFLECT CHANGES IN STATE CODE REGARDING PUBLIC NOTICE, INCLUDING ESTABLISHING CLASS A AND CLASS B NOTICES, NOTICE TO MILITARY INSTALLATIONS, AND NOTICE TO THE UTAH DEPARTMENT OF TRANSPORTATION ALONG WITH RELATED HOUSEKEEPING ITEMS.

WHEREAS the Utah State Legislature passed Senate Bill 43 during the 2023 legislative session and created two classes of notices: Class A and Class B;

WHEREAS the Utah State Legislature passed House Bill 256 requiring municipalities to provide notice to military installations for any land use application within 5,000 feet of military land;

WHEREAS the Utah Department of Transportation formally requested the City of Bluffdale provide notice to the agency when pending land use applications may affect high priority transportation corridors in accordance with Utah Code § 10-9a-206;

WHEREAS Section 11.30.060 of the Bluffdale City Code outlines the public notice requirements for each type of land use application;

WHEREAS the City proposes amendments to Section 11.30.060 of the Bluffdale City Code to comply with the changes to Utah State Code along with related housekeeping items;

WHEREAS a notice of public hearing for the proposed amendments was provided pursuant to the Bluffdale City Code and Utah State Code;

WHEREAS on August 21, 2024, the Planning Commission conducted a public hearing and unanimously forwarded a positive recommendation of the proposed Text Amendment to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH AS FOLLOWS:

Section 1. Adoption. Ordinance 2024-20 is hereby adopted, amending Section 11.30.060 of the Bluffdale City Code as shown in Exhibit A.

Section 2. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND APPROVED: September 11, 2024

CITY OF BLUFFDALE



Mayor Natalie C. Hall

ATTEST:

[seal]



City Recorder



Voting by the City Council:	Yes	No	Absent
Councilmember Aston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Austin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Crockett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Lord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Wilding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

11.30.60 Notice Requirements And Public Hearings

1. Procedure: All notice requirements and public hearing notice requirements shall satisfy State law and City ordinances. ~~The public notices~~ Notices shall contain ample information to allow the general public to determine what action is being proposed, a short description of the proposal, the time, date and location of the public meeting or hearing, the type of input being requested by the City, and where additional information, if any, may be obtained. ~~Applications are and shall be noticed in the following manner:~~

The City shall comply with the Notice requirements contained in Utah Code § 10-9a-201 et seq. Utah State code generally identifies two classes of notice as follows:

- A. Class A Notice as identified in Utah Code § 63G-30-102(1) (as amended) requires the following:
 1. Posting on the Utah Public Notice Website;
 2. Posting on the City of Bluffdale’s Official Website;
 3. Posting at City Hall (2222 West 14400 South);
 4. Posting on or adjacent to the subject public street or easement if applicable (e.g. Vacation of a Public Street or Easement)
- B. Class B Notice as identified in Utah Code § 63G-30-102(1) (as amended) requires the following:
 1. All items required in subsection A above;
 2. Mailing to Affected Entities as required;
 3. Geographical Mailing as required (see specific Land Use Decision below)
- C. In the event of a disagreement between the Bluffdale City Code and the Utah State Code, the requirements of the State Code shall prevail.

2. Applications shall be noticed in the following manner:

Land Use Decision	Time	Notice Type
<u>Any Application (except building permit) within 5,000 feet of the</u>	<u>A. Pursuant to Utah Code § 10-9a-537(3), the City may not approve an application until after notice has been provided</u>	<u>(1) See Land Use Application; AND (2) As required by Utah Code § 10-9a-537(3), written notice shall be provided to UDVMA. The notice shall</u>

<u>boundary of Camp Williams</u>	<u>to the Utah Division of Veterans and Military Affairs (UDVMA). After written notice, the UDVMA shall have 90 days to provide a written response to the City.</u>	<u>be on a form provided by the UDVMA and will include information about the project proposal, specifically if the land use intensity and/or density are proposed to be increased.</u>
<u>Land Use Application impacting a High Priority Transportation Corridor</u>	<u>A. Pursuant to Utah Code § 10-9a-206, the City shall provide an electronic notice of the application to the Utah Department of Transportation in a timely manner upon receiving the application.</u>	<u>(1) As required by Utah Code § 10-9a-206, electronic written notice shall be provided to the designated Utah Department of Transportation representative.</u>
Preparation, adoption or amendments of the General Plan or General Plan Map	A. Upon inception of the initial process to generally plan or the process for any General Plan amendment B. 10 calendar days prior to first public hearing	(1) Notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a General Plan; and notice of each public meeting on the subject. (2) Notice of a public hearing must be published in a newspaper of general circulation in the area; and published on the Utah public notice website; mailed to each affected entity; and posted in at least 3 public locations within the Municipality; or on the Municipality's official website.

	<p>C. 24-hour notice of each public meeting</p>	<p>(3) Notice of a public meeting must be published in a newspaper of general circulation in the area; and published on the Utah public notice website; mailed to each affected entity; and posted in at least 3 public locations within the Municipality; or on the Municipality's official website.</p> <p>(4) In the case of an amendment to the General Plan map, an additional</p>
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		<p>notice shall be mailed to all record owners of property within 1,000 feet of the parcel(s) or property(ies) being considered for amendment.</p> <p><u>(1) Class B Notice; AND</u></p> <p><u>(2) In the case of an amendment to the General Plan map, notice mailed to all record owners of property within 1,000 feet of the parcel(s) or property(ies) being considered for amendment; AND</u></p> <p><u>(3) Notice of Intent sent to State and regional entities as noticed in Utah Code § 10-9a-203(1), as amended.</u></p>
<p>Adoption or amendments of the land use ordinances or Zoning Map (rezone)</p>	<p>A. 10 calendar days prior to first public hearing</p> <p>B. Additional notice</p> <p>C. Public meeting</p>	<p>(1) Mailed to each affected entity at least 10 calendar days before the public hearing; posted in at least 3 public locations within the Municipality; or on the Municipality's official website; and published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and published on the Utah public notice website, at least 10 calendar days before the public hearing; or mailed at least 10 calendar days before the public hearing to each property owner whose land is directly affected by the land use ordinance change; and each adjacent and nearby property owner within 1,000 feet.</p>

		<p>(2) For zoning map or map amendment: additional notice to each owner of private real property whose property is located entirely or partially within the proposed map. Must state that owner has 10 calendar days after 1st public hearing to file a written objection to the legislative body.</p> <p>-</p> <p>(3) Notice of a public meeting must be published in a newspaper of general circulation in the area; and published on the Utah public notice website; mailed to each affected entity; and posted in at least 3 public locations within the Municipality; or on the Municipality's official website</p> <p><u>(1) Class B Notice, AND</u></p> <p><u>(2) In the case of an amendment to the Zoning Map, notice mailed to all record owner(s) of property within 1,000 feet of the parcel(s) or property(ies) being considered for amendment.</u></p>
Annexation policy plan	<p>A. 14 calendar days prior to first public meeting</p> <p>B. 14 calendar days prior to first public hearing</p>	<p>(1) Provide notice of the public meeting to each affected entity at least 14 calendar days before the meeting; accept and consider any additional written comments from</p>

	<p>C. Within 30 calendar days after adopting plan</p>	<p>affected entities until 10 calendar days after the public meeting.</p> <p>(2) Provide reasonable public notice, including notice to each affected entity and submit its recommended annexation policy plan to the Municipal legislative body.</p> <p>(3) The legislative body shall submit a copy of the plan to the legislative body of each county in which any of the Municipality's expansion area is located.</p> <p>(4) Provide a copy of adopted plan to the County.</p> <p><u>(1) Class B Notice; AND</u></p> <p><u>(2) Notice mailed to all record owner(s) of property within the proposed annexation area; AND</u></p> <p><u>(3) Any additional notice required by Utah Code Part 10-2-4, as amended.</u></p>
<p>Appeal of a permit decision</p>		<p>Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application; provide to each applicant a copy of each staff report regarding the applicant or the pending application at least 3 business calendar days before the public hearing or public meeting;</p>

		and notify the applicant of any final action on a pending application
Amendment to public improvement standard in subdivision or development requirement ordinance	30 calendar day notice prior to implementing an amendment to adopted specifications for public improvements that apply to subdivision or development	Mailed notice and an opportunity to comment to anyone who has requested the notice in writing. <u>Class A Notice</u>
Conditional use permit	See Land Use Application Additional Notice:	City will mail out notice to adjacent and nearby property owners within 1,000 feet.
<u>Conditional use permit</u>	<u>See Land Use Application</u>	
<u>Development Agreement</u>	<u>10 calendar days before meeting or hearing and final action on agreement, unless excepted by Utah Code § 10-9a-532.</u>	1) <u>Class B Notice, and</u> 2) <u>In the case of Agreement provisions differing from current City Code, notice shall also be provided in accordance with Adoption or Amendments of Land Use Ordinances.</u>

Land use application	3 calendar days before meeting or hearing and final action on application	<p><u>(1)</u> Notify the applicant of the date, time, and place of each public hearing and public meeting <u>(if applicable); AND- and application;</u></p> <p><u>(2)</u> Provide Provide to each applicant a copy of each staff report or documentation regarding the applicant or the pending application at least 3 business calendar days before the public hearing or public meeting, <u>AND</u> and</p> <p><u>(3)</u> Notify Notify them of any final action on a pending application.</p>
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Nonconforming uses/non-complying structures	See Land Use Application	
Preliminary subdivision plat approval	A. See Land Use Application	
Subdivision plat approval or amendment within 100 feet of a canal	Within 20 calendar days after application is filed	Certified or registered letter to canal operator. Must wait 20 calendar days after notice to take final action on item.
<u>Road or Other Public Right of Way Dedication Plan</u>	<u>10 calendar days before meeting or hearing and final action on proposed dedication</u>	<u>Class A Notice</u>
Vacating or amending a subdivision plat	10 calendar days prior to public meeting. If public hearing is required due to exceptions, then 10 calendar day notice is required.	Notice mailed to each affected entity that provides a service on a portion of the plat being vacated or amended pursuant to Utah Code § 10-9a-608.
Vacating some or all of a public street, right-of-way or easement	10 calendar days prior to public hearing	Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement; mailed to each affected entity; posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and published in a newspaper of

		<p>general circulation in the municipality in which the land subject to the petition is located and published on the Utah public notice website pursuant to Utah Code § 10-9a-208.</p> <p>(1) <u>Class A Notice; AND</u> (2) <u>Notice mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement; mailed to each affected entity; posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and published in a newspaper of general circulation in the municipality in which the land subject to the petition is located and published on the Utah public notice website pursuant to Utah Code § 10-9a-208.</u></p>
<p>Variances</p>	<p>See Land Use Application</p>	

3. **Costs:** Any costs associated with the provisions of the notice requirements herein shall be the responsibility of the proponent of the action. If notice given under authority of this section is not challenged as provided by State law within thirty (30) calendar days from the date of the meeting for which notice was given, the notice is considered adequate and proper.
4. **Applicant Notice; Waiver Of Requirements:** For each land use application, the City shall:

1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business ~~calendar~~ days before the public hearing or public meeting; and
3. Notify the applicant of any final action on a pending application.
4. As provided in Utah Code § 10-9a-202(2) regarding a "Land use application," if the City fails to comply with Utah Code § 10-9a-202(1)(a) or Utah Code § 10-9a-202(1)(b), an applicant may waive the failure verbally or in writing before or at the meeting, so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met. If a municipality fails to comply with the requirements of subsection C1 or C2 of this section, or both, an applicant may waive the failure, verbally or in writing - at the meeting, so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met. (Ord. 2018-02, 1-10-2018)



2222 West 14400 South • Bluffdale, Utah 84065 • (801) 254-2200
Community Development Department
Planning Division

STAFF REPORT
August 16, 2024

To: Bluffdale Planning Commission
Prepared By: Caitlyn Tubbs, Planning Manager

Re: State Code Ordinance Updates: Noticing Requirements

Application No.: 2024-29
Applicant: City of Bluffdale
Request: Consider proposed amendments to Section 11.30.060 of Bluffdale’s City Code to incorporate changes made by the Utah State Legislature related to noticing requirements.

SUMMARY

During the 2023 Legislative Session, the Utah State Legislature passed [Senate Bill 43](#) with the intent of streamlining the system for providing public notices. This legislation created two classes of notices: Class A and Class B.

During the 2024 Legislative Session, the Legislature passed [House Bill 256](#) which requires municipalities and counties to provide a notice to military installations for new land use permits within 5,000 of a boundary with military land. Staff has proposed the attached amendments to Section [11.30.060](#) of Bluffdale’s City Code to incorporate the changes made by the State.

ANALYSIS

Land development entitlements in the State of Utah are divided into two categories: Legislative and Administrative. Some examples of Legislative and Administrative items are included in the table below:

Legislative	Administrative
Zone Map Amendments	Site Plan Reviews
General Plan Map Amendments	Subdivision Plats
Ordinance Amendments	Conditional Use Permits

The City has broad discretion when it comes to the consideration of Legislative items since these items are centered around the creation of policy. Administrative items, however, are tied to standards that have already been adopted. If the proposal meets the standards, an administrative application must be approved.

Public notice and input are important to the public process, and both Bluffdale City and the State of Utah have enacted minimum requirements to provide public notice of pending applications. Over the past few years, Bluffdale has updated its noticing requirements to comply with legislation and adjust the noticing provisions to match the legislative/administrative categorization of each type of application. Routine administrative applications that meet all standards proceed through a more streamlined process. Bluffdale even exceeds the State's requirements by mailing out notices to property owners within 1,000 feet of certain land use applications; these applications are typically legislative and public input is highly encouraged.

Section 11.30.060 of Bluffdale's City Code currently shows a table depicting the noticing requirements for each specific application. The proposed ordinance amendment would modify this table to include labels for "Class A" and "Class B" notices and list where each type is required.

Class A notices include all of the following:

- Posting on the Utah Public Notice website;
- Posting on the City of Bluffdale's official website;
- Posting at City Hall; and
- Posting on or adjacent to the public street/easement (if applicable; e.g. Vacation of a Public Street or Right of Way)

Class B notices require:

- Mailing to Affected Entities;
- Mailing to a specified geographical area; and
- All items required for a Class A notice

Staff has also proposed the following modifications:

- Remove newspaper notice requirement; a newspaper notice is no longer required by State Law for land use applications.
- Classified conditional use permits as administrative land use applications, removing the mail-out notice requirement.
- Include additional notices provided to State and regional entities when preparing and/or amending a General Plan.
- Revise Annexation notice provisions to include a "Class B" notice and to refer noticing procedures directly to Utah Statute governing annexations.

Staff also proposes modifications to include a new requirement to provide notice for all properties within 5,000 feet of military installations. HB 256 was passed in the 2024 Legislative Session and requires all municipalities and counties to provide a notice of land use applications within 5,000 feet of a military installation to the [Utah Division of Veterans and Military Affairs](#). Upon sending this notice, the UDVMA will have up to ninety (90) days to provide a written determination of the proposal's compatibility with the military's mission(s). During this 90-day period, the Land Use Authority cannot take final action on the application until the UDVMA's input has been received.

NOTICE AND PUBLIC INPUT:

A notice of this public hearing was provided as follows:

- Published on the Utah Public Notice Website on August 6, 2024
- Published in the Salt Lake Tribune on August 11, 2024
- Posted on the City's website and at City Hall on August 6, 2024



Figure 1: Shaded area depicting properties within 5,000 feet of Camp Williams

The City did not receive any public input regarding this item before publishing this report.

MODEL MOTIONS:

Model for **Positive** Recommendation – “I move to forward a positive recommendation of Ordinance 2024-18 to the City Council.”

Motion for **Negative** Recommendation– “I move to forward a negative recommendation of Ordinance 2024-18 to the City Council pursuant to the following findings: (list findings for negative recommendation).”

Motion to **Continue** the Item to a Date Certain/Uncertain – “I move to continue the item to a date certain/uncertain and direct Staff to provide additional information regarding the following:

1. List any additional information, analysis, or findings the Planning Commission wishes

Staff to provide in advance of the date certain/uncertain...

EXHIBITS

A: Draft Text Amendment Redlines