

**ORDINANCE NO. 2024-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, AMENDING BLUFFDALE CITY CODE SECTIONS 11.20, 11.160.180, 11.160.250, 12.80.020, 12.80.030, AND THE ADOPTION OF A NEW LAND USE AND CITY STANDARDS DRAWING RELATED TO THE PRIVATE RIGHTS OF WAY, PRE-EXISTING PRIVATE RIGHTS OF WAY, SHARED DRIVEWAYS, AND ASSOCIATED ADMINISTRATIVE PROVISIONS**

**WHEREAS**, Utah Code § 10-9a-102 grants the City of Bluffdale (the “City”) authority to enact ordinances that the Bluffdale City Council (the “City Council”) considers necessary or appropriate for the health, safety, and welfare of the City; and

**WHEREAS**, the City has enacted various sections of the Bluffdale City Code related to the development and standards for various types of private rights of way; and

**WHEREAS**, the City has determined that amendments to Titles 11 and 12 of the Bluffdale City Code and to the City’s adopted standards drawings are necessary and desirable; and

**WHEREAS**, the Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed amendments; and

**WHEREAS**, the City Council finds it is in the best interest of the City to enact the proposed amendments to the City’s land use ordinances and standards.

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

**SECTION 1.** Amendment. Bluffdale City Code is hereby *amended* as shown on Exhibit A and the adopted Bluffdale City Standards are hereby *amended* as shown in Exhibit B to add an additional private right of way standard detail.

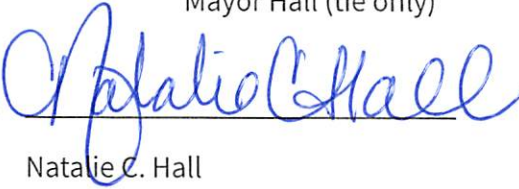
**SECTION 2.** Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.


**SECTION 3.** Amendment of Conflicting Ordinances. If any ordinances, resolutions, policies, or zoning maps of the City heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION 4.** Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, ON THIS 22nd DAY OF MAY, 2024, BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Councilmember Aston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Austin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Crockett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Lord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Wilding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Hall (tie only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mayor:   
Natalie C. Hall

Attest:   
City Recorder

**Exhibit A – Bluffdale City Code Amendment**

## Exhibit A – Private Right of Way Amendments

### 11.160.180 Shared Driveways

~~1.—Scope: Except as otherwise provided in the City's land use ordinances, no building permit shall be issued for a dwelling located on a lot or parcel accessed by a shared driveway other than a dedicated and improved public street or approved private right-of-way.~~

~~2.1. Circumstances Permitting:~~ The creation of or the issuance of a building permit for a lot or parcel accessed from a shared driveway may be approved by the ~~Zoning Administrator~~Land Use Authority under the following circumstances:

1. There exists certain unique circumstances that directly impact the lots or parcels to be accessed by the shared driveway as follows:
  1. The lots or parcels are isolated from any presently existing public streets or private rights of way and will be isolated from any future public streets or private rights of way; and
  2. The property ~~is bounded by~~has certain physical or legal barriers that isolate the proposed lots or parcels which preclude future expansion and development and deny through access to public streets or private rights of way.
2. For purposes of this section, ~~physical~~ barriers may include: existing canals with recorded easements and rights-of-way that prohibit public access and crossing; railroad rights-of-way; terrain that prevents conventional access by public streets or private rights of way; utility easements which prohibit street access and crossing; existing developments of improved real property or easement restrictions contiguous to the subject property that prohibits extension of through public streets or private rights of way to or from the lots or parcels; existing or proposed drainage requirements which include storm drain channels, retention/detention ponds, or natural creek beds which prohibit public street access or private right of way access; or limited access roads which prohibit a public or private street connection.

~~3.2. Restrictions, Limitations:~~ The creation of or the issuance of a building permit for a lot or parcel accessed by a shared driveway approved by the ~~Zoning Administrator~~Land Use Authority shall comply with the following restrictions and limitations:

1. Be located within a Residential R-1-87, R-1-43, R-1-10 or Agricultural A-5 Zoning District;
2. The shared driveway shall provide access to a maximum of three (3) lots or parcels;
3. The lot or parcel to be accessed off of the shared driveway meets all the standards and requirements under the City subdivision ordinance and land use ordinance;

4. Required minimum yard setback requirements shall apply to all buildings fronting, siding or rearing on the shared driveway or private land and shall be measured from the boundary of any such right-of-way nearest the building;
5. The shared driveway has a minimum recorded right-of-way width of at least twenty five feet (25') and all weather surface of at least twenty feet (20'), which meets all applicable standards of the adopted Fire Code;
6. The shared driveway shall be improved in compliance with City standards and specifications for the number and intensity of lots or parcels served;
7. The shared driveway shall have provide a turnaround which complies with the all applicable standards of the adopted Fire Code as determined necessary by the Fire Department;
8. No parking is permitted within the shared driveway;
9. The shared driveway shall only be used to access single-family residences;
10. Each adjoining lot or parcel using the shared driveway shall have recorded ownership or right-of-way access to such driveway or private lane by easement or fee title;
11. All dwellings on the lots or parcels shall have access to a fire hydrant and be within the distance specified by the adopted Fire Code, but in no case greater than five hundred feet (500'). ~~four hundred feet (400')~~ of a fire hydrant approved by the Fire Department and access to the fire hydrant shall comply with the applicable Fire Codes adopted by the City;
12. The shared driveway abuts and is accessed off of a fully improved and dedicated public street or approved private right of way or pre-existing private right of way which meets adopted City standards found in BCC 11.160.250;
13. The shared driveway is not necessary to be dedicated as a public street to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purpose determined to be necessary and appropriate, as determined by the Land Use Authority with a recommendation from City Engineer including specific findings.

**11.160.250 Development On Preexisting Private Rights-Of-Way and Private Rights of Way**

- A. Scope And Applicability: In order to facilitate property rights, fairness, and safety within the community, subdivision and lot development on ~~preexisting~~ private rights-of-way which do not meet ~~differs from~~ the City's adopted typical minimum residential street standards dimensions may be ~~is~~ allowed ~~under certain limited circumstances, and~~ subject to the requirements of this section and other applicable ordinances and standards. "Preexisting private rights-of-way" are defined as any private right-of-way, legally established to provide access to parcels of land created ~~before the adoption of this provision of the City's land use ordinance prior to~~ January 1, 2015.

B. Determination ~~Of Necessity~~ To Utilize A ~~Preexisting~~ Private Right-Of-Way: The City reserves all rights to determine where public streets shall be located within the community, and may require public streets to be created or continued within subdivisions to promote the public health, safety, and welfare and to provide for the reasonable development of property within the community. Private rights-of-way should ~~not~~ be utilized ~~just as a preference, but~~ to address ~~a~~ particular needs in ~~limited~~ circumstances where ~~property configuration and~~ preexisting private rights-of-way ~~limit access to or create barriers to creating new public streets exist as access to developable properties~~ and ~~where~~ public streets are not deemed necessary to serve the public's health, safety, and welfare.

Private rights-of-way, ~~when determined necessary as access to a proposed development,~~ may also be approved by the Land Use Authority ~~and the City Engineer~~ for two- and multiple-family dwelling developments, and commercial, mixed use, institutional, and industrial uses consistent with applicable provisions of this Code, ~~relevant City standards,~~ and applicable provisions of the adopted Fire Code and shall be located in a manner that does not endanger the public's health, safety, and welfare. All development accessing from private rights-of-way shall also comply with all applicable subdivision, use permit, and site plan processes.

C. Maximum Number Of Accessing Lots And Through Street Considerations: In any residential subdivision or development of parcels on lots of record, a preexisting private right-of-way ~~or newly created private right of way~~ shall provide access for no more than thirty (30) single-family lots, which includes all developable lots or parcels in existence before ~~in addition to~~ any proposed subdivision ~~lots~~, as measured from the closest point of public street access.

~~D.~~ ~~Each newly created private right of way in a subdivision shall meet the cross section and construction standards for private rights of way shown in ST-7D.~~

E. All development ~~on pre-existing private rights of way and newly created private rights of way~~ shall adhere to ~~the minimum requirements~~ all applicable ~~requirements~~ of the adopted Fire Code, which in some circumstances may impose additional safety requirements. ~~Lots of record on, which otherwise meet all zoning requirements, do not require a subdivision or lot line adjustment, and were established legally, shall meet the requirements of the adopted fire code to obtain a building permit for a single family dwelling, regardless of the width and length of the pre-existing private right of way.~~

F. Connections to public street networks :~~Preexisting p~~Pre-existing private rights of ~~and newly created~~ private rights-of-way which do not meet the City's adopted ~~public~~ street standards shall not be utilized as through streets which connect adjacent ~~public~~ neighborhood streets. Where it is anticipated to connect neighborhood ~~public~~ street networks, streets and rights-of-way shall conform to adopted City ~~public~~ street standards.

G. Access and Ownership: ~~Private rights of way may be owned in common or owned wholly or in part by individual lots or parcels Each adjoining lot or parcel using the~~

shared driveway shall have recorded ownership or right-of-way access to such driveway or private lane by easement or fee title;

G. \_\_\_\_\_

H. Width And Cross Section: ~~In order to address unique situations which currently exist in the City, new~~ New subdivisions which have frontage or gain access on preexisting private rights-of-way may gain access to their property from the preexisting private right-of-way if the right-of-way meets the minimum applicable standards of the adopted Fire Code ~~or can be brought into compliance with applicable standards, as determined by the local Fire Code official.~~ The minimum standard of the pre-existing private right of way from which the new subdivision accesses shall require the right-of-way to be paved with asphalt or concrete to the minimum adopted Fire Code accessway width requirements, in addition to all other applicable fire code provisions.

I. New subdivision standards. From the point where the new subdivision property boundary fronts or gains access from ~~a~~ pre-existing private right-of-way, the minimum right-of-way width and cross section design of a newly created private right-of-way shall meet the City's adopted ~~street dimensional and structural requirements for public streets~~ standards for private streets found in standard ST-7D. ~~A new public street cannot gain access pre-existing private right of way or newly created private right of way,~~ regardless of whether the new subdivision street is approved as public or private. ~~In cases where the proposed subdivision is single loaded on one side of a preexisting private right of way, the proposed subdivision must conform to the subdivision requirements of providing right of way for a minimum of one-half (1/2) width of a standard street, plus ten feet (10'), consistent with the City's subdivision ordinance requirements.~~

Development standards for non-single family lots, developments, or parcels accessing from any type of private right of way shall be determined by first adhering to the minimum applicable standards of the adopted Fire Code; secondly, by a traffic analysis prepared by a licensed professional engineer; and finally, by general considerations found in the City's use permit, site plan, parking, and subdivision ordinances, and other applicable adopted standards as applicable. When it is determined that a private right-of-way is not necessary or desired and is not allowed for access to a development, all street rights-of-way shall be constructed as public streets and shall comply with all applicable adopted public street standards.

D.

E.J. Compliance With Standards And Specifications: Each newly created private right-of-way shall be fully paved and the structural pavement section shall be constructed in compliance with the City of Bluffdale development standards and technical specifications and a geotechnical analysis of the load bearing capacity of the soils under the proposed roadway, as-if required by the City's standards. Engineer. All private right-of-way improvements shall be completed and inspected for compliance with the approved plans prior to any applicant applying for a building permit. Drainage from the private right-of-way shall be provided for in accordance with City standards and ordinances.

F.K. Underground Utilities To Provide Required Public Utility Easements: Water and stormwater utilities underneath a private right-of-way shall provide recorded public easements as necessary for storm drain, culinary and secondary water utilities. In some cases, certain infrastructure may be deemed private utilities for ownership and maintenance purposes, at the discretion of the City in accordance with City standards. The City shall retain the right to require public utility and drainage easements to be recorded on private rights-of-way as a condition of subdivision or building permit approval, as the case may be. Utilities under a private right-of-way which are provided by special service districts or private or public utility companies are subject to their rules and regulations.

G.L. Fire Hydrants And Turnaround: Each private right-of-way more than one hundred fifty feet (150') in length shall have fire hydrants and a turnaround or a hammerhead constructed to standards in the as required by the -adopted Fire Code, and shall be approved by the Fire Chief.

H.M. On Street Parking: On street parking shall be prohibited on a private right-of-way asphalt cross section less than thirty feet (30') wide. Enforcement of on street parking restrictions shall be the responsibility of the owners of the private right-of-way. Appropriate signage stating these restrictions shall be required as part of the required improvements for any development approved on a private right-of-way.

I.N. Easement: Each private right-of-way shall be established or verified in the form of an easement acceptable to the Bluffdale City Attorney and recorded with the County Recorder.

J.O. Maintenance: An applicant proposing a subdivision or development with access from a private right-of-way shall submit a document detailing the method for maintaining the private right-of-way, private utilities, required street lighting, and any common areas, and estimating the annual expenses therefor, including a snow plowing and storage plan. The document shall be in a form acceptable to the Bluffdale City Attorney and shall be recorded in the County Recorder's Office.

K.P. Setbacks: Minimum setback requirements shall apply to all buildings fronting, siding or rearing on any private right-of-way and shall be measured from the boundary of the private right-of-way nearest the building and its extension through the applicable lot.

L.Q. Expansion Of Existing Subdivisions: Residential subdivisions approved prior to 2018 (the effective date of this section ordinance section) and which are

accessed by a private right-of-way may add more residential lots consistent with all applicable provisions subsection B of this section.

~~M.R. Council's~~ Process To Require A Public Street: The establishment or utilization of a private right-of-way shall be evaluated by the City Engineer and may, at the direction of the City Council Land Use Authority with appropriate findings, be required to be dedicated as a public street constructed to City street standards to make logical street connections or to provide access to abutting properties that may otherwise have no access or limited access to the detriment of the property.

~~N.S.~~ Deviations From Strict Compliance; Fire Code Modifications; Length Of Single Access Dead End Streets, Curb, Gutter, And Sidewalk, Delay Agreements: In certain circumstances, preexisting accessways or unique geographical features may limit the ability to strictly comply with the dimensional width standards or maximum length for pre-existing private rights-of-way or new private streets. Deviations from strict compliance may be approved by the City Council Land Use Authority where the Fire Chief Marshal can has determined an appropriate Fire Code modification which complies with provisions of the International Fire Code (IFC), as adopted. Fire Code modifications may include items such as requiring automatic fire extinguishing systems, turnouts for passing and evacuation, and other appropriate safety items provided for as alternatives in the adopted Fire Code.

~~Deviations from strict compliance for City curb, gutter, and sidewalk requirements may be made by the City Council with appropriate findings regarding public health, safety, welfare, and necessity. Delay agreements, requiring future construction of full improvements may be required by the City Council as necessary in such cases. (Ord. 2018-05, 3-14-2018)~~

### **12.80.030 Streets**

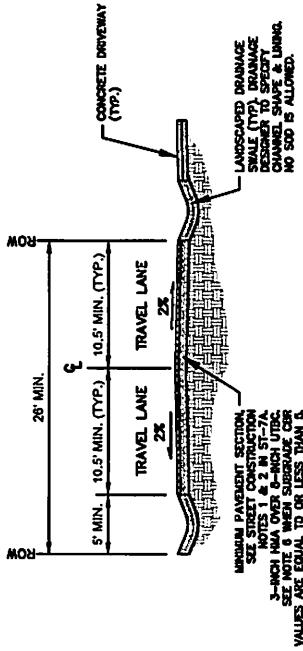
1. Location: Streets shall be located within a subdivision so they connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Development on pre-existing private rights-of-way and newly created private rights of way is permitted in accordance with BCC 11.160.250. Prior to final preliminary plat approval, the city shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.
  1. Public Sstreet systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half streets. The city engineer may authorize a new perimeter street, however, the applicant shall be required to improve half the width of the right of way plus ten feet (10'), and dedicate the entire required street right of way width, if it is in the applicant's control to do so.
  2. Where a subdivision borders an existing narrow road or where the general plan, transportation plan, or capital facilities plan indicates plans for realignment or widening a road that would require use of some of the land

in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by this title.

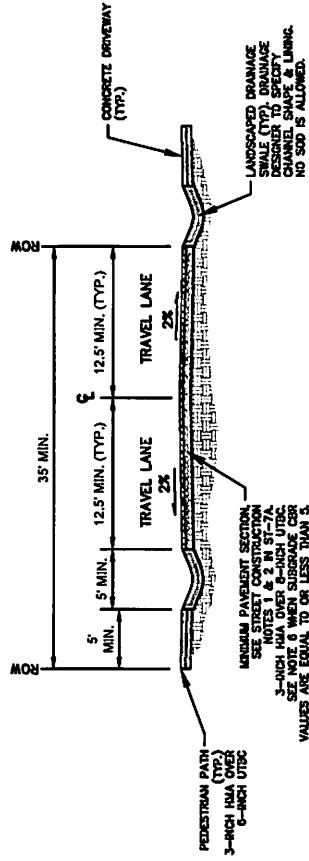
2. Cross Section: All streets, whether public or private, shall conform to the cross section designated by the city's adopted transportation plan and adopted standards and specifications. ~~At present it is the preference of the city for all subdivision streets to be dedicated public streets. However, if private street rights of ways may be proposed and are approved if they meet the City's adopted regulations and standards for private rights of way, they must be constructed to meet all requirements of public streets in case the city is required to maintain the streets in the future.~~ The land area for streets or right-of-way may not be included in or counted toward the minimum area required for a lot.
3. Curbs, Gutters, Sidewalks: Curbs, gutters, and sidewalks shall be installed on existing and proposed streets and rights of way by the applicant in all subdivisions in accordance with adopted standards and specifications.
4. Cul-De-Sacs And Dead End Streets: In order to provide adequate emergency access to and from the development and proper circulation, two (2) points of ingress and egress shall be required in all subdivisions with the following exceptions:
  1. Any subdivision, or portion of a subdivision, which cannot provide two (2) points of ingress and egress in a practical manner shall be limited to no more than thirty (30) single family residential lots or units or one hundred (100) multi-family units; provided, that in no case may the single ingress/egress exceed a maximum of one thousand feet (1,000') in length, regardless of the number of dwelling units accessing from it, unless specifically allowed by other applicable provisions of the city land use ordinances or the adopted building or fire codes. This measurement shall begin at the point at which a person last has a choice between at least two (2) public streets or rights-of-way for travel.
  2. A subdivision, or portion of a subdivision, which will be served by more than one (1) point of ingress and egress in the future may receive approval for no more than thirty (30) single family residential lots or units or one hundred (100) multi-family units until a second point of ingress and egress is provided and so indicated on the final plat; provided, that in no case may the single ingress/egress exceed a maximum of three thousand feet (3,000') in length, regardless of the number of dwelling units accessing from it, unless specifically allowed by other applicable provisions of the city land use ordinances. This measurement shall begin at the point at which a person last has a choice between at least two (2) public streets or rights of way for travel. The second access, when built, shall be constructed in accordance with adopted standards and specifications.
5. Bridges: Bridges of primary benefit to the applicant shall be constructed at the full expense of the applicant without reimbursement from the city. The sharing of

expense for the construction of bridges not of primary benefit to the applicant shall be in accordance with adopted state law provisions.

**Exhibit B – New City Standard Detail ST-7D**



**PRIVATE RIGHT-OF-WAY FOR 4 TO 6 LOTS**

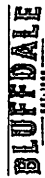


**PRIVATE RIGHT-OF-WAY FOR 7 TO 10 LOTS**

- PRIVATE RIGHT-OF-WAY NOTES**
1. USE STANDARD ST-7D FOR DEVELOPMENTS OF 4 LOTS OR GREATER UTILIZING A PRIVATE RIGHT OF WAY.
  2. PRIVATE RIGHTS OF WAY - DEDICATE A PUBLIC UTILITY EASEMENT FOR THE AREA WITHIN THE STANDARD CROSS-SECTION TO THE CITY OF BLUFFDALE AS NECESSARY FOR SUBDIVISION DESIGN.
  3. USE THE RESIDENTIAL STANDARD CROSS-SECTION ST-7B FOR DEVELOPMENTS INCLUDING MORE THAN 10 LOTS.
  4. POST "NO PARKING" SIGNS ON ALL PRIVATE RIGHT-OF-WAY.
  5. MEET ALL REQUIREMENTS OF THE INTERNATIONAL FIRE CODE.
  6. WHEN CBR OF SUBGRADE IS EQUAL TO OR LESS THAN 5, PROVIDE A GEOTECHNICAL ANALYSIS AND RECOMMENDATION FOR ADDITIONAL BASE THICKNESS.

STANDARD DETAIL  
**PRIVATE RIGHT-OF-WAY**

City of Bluffdale  
Engineering Standards  
Approved \_\_\_\_\_ Date \_\_\_\_\_  
City Engineer





2222 West 14000 South  
Bluffdale, UT 84065  
801.254.2200(o) 801.446.8642(f) TTY 7-1-1

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**STAFF REPORT**  
**26 April 2024**

**To:** City of Bluffdale Planning Commission  
**Prepared By:** Grant Crowell, AICP, Community and Economic Development Director

**Re:** Private Rights of Way Land Use Ordinance Text Amendments  
Application No.: 2024-11  
Applicant: City of Bluffdale  
Locations: Throughout Bluffdale City  
Zone: Affects residential subdivision design throughout various zones  
Requests: To amend various sections of the Bluffdale City Land Use Ordinances (Zoning and Subdivision Ordinances) pertaining to requirements for developing and accessing from pre-existing private rights of way and newly created private rights of way.

**SUMMARY & BACKGROUND**

In 2014, the City conducted extensive research and had significant discussion regarding allowing development from private rights of way and pre-existing private rights of way. At that time, the City had two basic road standards: 1. Use a shared driveway (25' right of way) for up to two lots (and not referred to as flag lots; or 2. Build a full standard street – public or private – for any subdivision of three or more lots (52' or 55' right of way at the time, depending on the underlying zone). No middle ground existed for street or right of way widths in between those two widths and no real option existed for the multitude of properties who had ample developable land but were located on a pre-existing private right of way, like 14200 South or Pine Hollow, for example. Most pre-existing private rights of way were much less than 52', many are in the 20' width range.

Private rights of way currently exist in many forms within the City of Bluffdale. We can find gravel roads; shared private driveways, new and old, paved and not; gated private streets; private commercial accesses; private access ways to multi-family projects; clustered homes on short private drives; and private alley ways. Prior to the 2015 ordinance work, modified road standards were found in flexible subdivision tools in the mixed-use zone, the Clustered Residential Overlay (CRO) zone, Clustered Residential Developments, the Infill Overlay Zone, and negotiated development agreements. Various approaches to right of way development exist in the community utilizing these types of tools.

On February 11, 2015, Ordinance 2015-01 was adopted which addressed some of these issues. This ordinance established what is now Bluffdale City Code 11.160.250 – Development on Pre-existing Rights of Way. This provision established that a pre-existing private right of way, which meets the minimum

standards of the adopted fire code and is paved can be used as an approved access to get to the boundary of a new subdivision. This promoted property rights for many landowners and still addressed safety standards. Other provisions in BCC 11.160.250 emphasized the importance of proper utility easements and addressed myriad other concerns. However, that ordinance still required a full standard road size (min. 52' ROW and large cul-de-sac, typically) from the beginning of the new subdivision boundary in subdivisions of three lots or greater. One subdivision, The Highlands at Bluffdale, was recorded in 2019, utilizing this provision on a pre-existing single access pre-existing private right of way over 1000' in length, for four lots with a full standard residential street right of way with curb, gutter, and sidewalk created for the lots.

Since the 2015 adoption of the pre-existing right of way provisions, several land use development tools which allow different street or access way types or related items have been adopted or discussed, such as:

- 2016: Adoption of enabling legislation for Special Districts, which allow development to propose development standards – including road standards
- 2022: City Council and Planning Commission work session discussion modifications to private lane standards
- 2022: Adoption of General Plan which discusses infill development and context sensitivity related to that as potential housing strategies
- 2023: City Council approved ordinance increasing the number of lots allowed on a private shared driveway from two to three
- March 13, 2024: Working draft of current private lane amendments presented to City Council in work session with few suggested changes. Staff were directed to move forward through the formal review and hearing process for ordinance and Planning Commission review
- The Infill Overlay Zone has been utilized to create modified private and public cross sections – including a new gated street for the Estates at Quail Ridge – in the last several years

The current code amendment proposal modifies standards for development from pre-existing private rights of way and creates new private right of way standards which provide alternative accessway development for subdivisions from four to ten lots. Pre-existing private rights of way may still be utilized to access new subdivisions, pursuant to the 2015 policy. However, where the new subdivision begins, new subdivision right of way cross-sections would be allowed for private access. No scenario that Staff has anticipated can be completely addressed in code language as properties, circumstances, and existing legal rights are all unique in each application we receive, but care was taken to reach an appropriate balance of property rights, acknowledgment of unique existing Bluffdale land patterns in the large lot areas of the community while remaining focused on adequate safety.

Many properties within Bluffdale are large enough to develop under current zoning but do not have available access to existing public streets. In many of these areas, the City may not desire to continue or create a new public street network for various reasons. It is in these scenarios where the updated ordinances will primarily apply. If it is determined that a public street is necessary, then the City retains that right to see development occur in that fashion. That question should always be answered before any private right of way is approved for development. Typical residential public streets require 52 feet of dedicated public right of way and proper cul-de-sac design. The existing shared driveway ordinance – which is being retained – allows three lots to be accessed off a 25 feet driveway (six lots were allowed to utilize a paved shared driveway standard in the Bluffdale Heights subdivision) which does not have to be paved. Collector and arterial roads should never be considered for private ownership.

In this proposal, there is a tiered approach to road width, based on the number of units accessing the facility, ranging from 26 for four or five lots to 35 feet size to ten lots (See Attached Standard ST-7D). Subdivision in excess of 10 lots will need to meet the standard residential street widths, whether private or

public. Total number of developable lots off pre-existing private right of way remains at 30, as adopted in 2015.

The definition of Private Street in Bluffdale City Code is as follows:

**STREET, PRIVATE:** A right-of-way or shared private driveway which has been reserved by dedication unto the subdivider, lot owners, or homeowners' association to be used as a private access to serve property and complying with the adopted street, private right-of-way, or private shared driveway cross section standards of the City. All private streets shall be approved by the City and maintained by the subdivider or other private entity.

The proposed modifications to the City's private right of way ordinances necessitate changes to various land use ordinance sections, found in Title 11, Title 12, and the City's adopted standards (See Attached Exhibit A).

Some key points, modification and policy considerations found in this draft include:

- Verification that lot size in the underlying zone is exclusive of all right of way types (no change from existing ordinances proposed regarding this)
- Use of the term Land Use Authority where applicable to be consistent with State Code subdivision and land use administration requirements
- Use references to adopted codes rather than position titles where appropriate (ex. Meet adopted fire codes, rather than get approval from Fire Chief or Fire Code Official); we currently use a Fire Marshal to administer development review with respect to adopted fire codes
- Limitation on total number of lots on pre-existing private rights of way maintained at 30 lots
- New street standards illustration created (ST-7D)
- Use word applicable vs. minimum [standards] throughout
- No longer required to build full residential street standard in subdivisions of 4-10 lots, if using a private right of way
- No change to 2015 provisions which allow fire code modifications for unique and specific circumstances

#### ANALYSIS

City Staff has drafted this proposal, which has been circulated for review by several departments. With respect to the individual comments, the spirit of the existing 2015 code, the professional administration of the adopted Fire Code and the City Council work session have been considered in this draft.

#### RECOMMENDATION ON PROPOSED TEXT CHANGES

Staff recommends that the Planning Commission forwards a positive recommendation to the City Council for the Private Rights of Way Land Use Ordinance Text Amendments, application 2024-11, based on the following findings:

1. That the current proposal builds on the 2015 private lane code and adds additional options for property rights which otherwise meet underlying zoning requirements.
2. That the City retains the right to require the development of standard public streets when circumstances warrant.
3. The proposed text changes will not be detrimental to the health, safety, or general welfare of persons or property within the community.

**MODEL MOTIONS FOR TEXT CHANGES**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Private Rights of Way Land Use Ordinance Amendments, application 2024-11, based on the findings presented in the staff report dated April 26, 2024, (*and as modified by the additional or revised findings*):”

1. List any additional findings...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Private Rights of Way Land Use Ordinance Amendments, application 2024-11, based on the following findings:”

1. List all findings...