

**BLUFFDALE CITY PLANNING COMMISSION  
ELECTRONIC MEETING MINUTES  
Wednesday, May 20, 2020**

**Present:**

**Members:**   **Debbie Cragun, Chair**  
                  **Holly Brown**  
                  **Ulises Flynn**  
                  **Johnny Loumis, Jr.**  
                  **Stephen Walston**

**Excused:**   **Kory Luker**

**Staff:**       **Grant Crowell, City Planner/Economic Development Director**  
                  **Jennifer Robison, Senior Planner**  
                  **Ellen Oakman, née Xanthos, Associate Planner**  
                  **Pam von Petersdorff, Community Development Assistant**  
                  **Todd Sheeran, City Attorney**  
                  **Bruce Kartchner, Administrative Services Director**  
                  **Natalie Hall, Emergency Program Manager (Production Team)**

**Others:**     **Scott Peterson**  
                  **Dana Howland**  
                  **Lehi Rodríguez**

Chair Debbie Cragun called the meeting to order at 6:32 p.m.

The meeting was held electronically with public comments accepted via email. Comments were read and made part of the public record.

**PLANNING COMMISSION BUSINESS MEETING**

**1.     Roll Call.**

All Planning Commission members were present with the exception of Kory Luker.

**2.     Public Forum.**

There were no public comments received through email.

**3.     Approval of Minutes from the May 6, 2020, Meeting of the Planning Commission**

Stephen Walston moved to approve the minutes from the May 6, 2020, Planning Commission Meeting. Johnny Loumis, Jr. seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye; Stephen Walston-Aye; Holly Brown-Aye; Ulises Flynn-Aye; Debbie Cragun-Aye. The motion passed unanimously.

**Administrative Items**

**BLUFFDALE CITY PLANNING COMMISSION  
ELECTRONIC MEETING MINUTES  
Wednesday, May 20, 2020**

**4. PUBLIC HEARING, CONSIDERATION AND VOTE on a Preliminary and Final Plat Application for a Subdivision of 12.65 Acres for Three (3) Residential Lots in the R-1-43 Residential Zone with a Shared Driveway Located at 14460 South 2200 West. Scott E. Peterson, Applicant. (Application 2019-38). Staff Presenter, Jennifer Robison.**

Senior City Planner, Jennifer Robison, presented the staff report and provided an overview of the subject property, which is just south of City Hall. The applicant is seeking to create two one-acre lots for future homes and leave the remaining 10.18 acres as a single lot for agricultural uses. The lot includes an existing home. The two proposed lots would meet the minimum one-acre R-1-43 zoning requirement. The City ordinance regarding shared driveways allows for access to a maximum of two lots. The access must be at least 25 feet wide and include a fire turn-around in the event a fire truck needs to access the property. There would also have to be adequate water service to accommodate a fire hydrant.

Mrs. Robison next reviewed the proposed plat and stated that the width of the shared driveway will exceed the 25-foot minimum. Staff reviewed the proposal and determined that it meets the City's requirements. The property lines were adjusted to ensure that they are in the right locations.

In response to a question raised, Mrs. Robison confirmed that the width of the proposed shared access would meet the requirements for a potential future road. She noted that the lots were set far enough back to allow for the development of a future street. Mrs. Robison confirmed that whether the applicant has water shares.

Concerning the potential for future subdivision of the property, Mrs. Robison explained the owner will have to apply for additional subdivisions for the larger parcel. She confirmed that the shared driveway can only access two homes. Any additional homes would trigger the need for a public street.

Concerning the access point for the current home, Mrs. Robison reported that the access is off of 2200 West.

The applicant, Scott Peterson stated that he intends to make it possible for the future homeowners to look out their window and see agricultural scenery and not housing.

Chair Cragun opened the public hearing. There were no public comments received via email. The public hearing was closed.

**Johnny Loumis, Jr. moved to approve the Peterson Lane Preliminary and Final Subdivision Plat Applications, Application 2019-38, subject to the following:**

**Conditions:**

- 1. That all requirements of the City Codes and adopted ordinances are met and adhered to for the applications.**

**BLUFFDALE CITY PLANNING COMMISSION  
ELECTRONIC MEETING MINUTES  
Wednesday, May 20, 2020**

2. That the preliminary and final plat complies with the Bluffdale City Engineering Standards and Specifications and recommendations by the City Engineer and Public Works Department for all relevant construction and plat drawings.
3. That all construction drawings be approved and stamped by the City Engineer prior to any construction of improvements.
4. That prior to a building permit being issued, the proof of sewer service from South Valley Sewer District be provided to the City.
5. That prior to a building permit being issued, the acceptance of mailbox location from United States Postal Service be provided to the City.
6. That prior to a building permit being issued, the building permit applicant fully execute a Stormwater Covenant with the City of Bluffdale that ensures the designed stormwater system is kept in place and maintained properly by the property owner.
7. All public park strips, landscaping, irrigation, and maintenance adjacent to the property are the responsibility of the property owner.

Ulises Flynn seconded the motion. Vote on motion: Johnny Loumis, Jr.-Aye; Stephen Walston-Aye; Holly Brown-Aye; Ulises Flynn-Aye; Debbie Cragun-Aye. The motion passed unanimously.

**Legislative Items**

5. **PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION on a Proposed Zoning Text Amendment Application to Amend Title 11-2-2 Definition of "Funeral Home" to Include a Crematorium. Howland Partners, Applicant. (Application 2020-22). Staff Presenter, Jennifer Robison.**

Mrs. Robison reported that the applicant would like to develop a crematorium in conjunction with the proposed funeral home; however, the current definition of "Funeral Home" in Title 11-2-2 does not allow for such a facility. The definition would apply to any zone in which a funeral home is allowed. She enumerated said zones as follows: GC, HC, RC, NC.

Mrs. Robison identified the proposed location of the funeral home and crematorium in the Saddleback Pointe project on 2700 West. She reiterated that the application under consideration was not germane to the proposed location of a crematorium.

The applicant, Dana Howland reported that he met with the City Council in a recent work session. He presented information he felt would be helpful. He displayed a photo of the machine where

**BLUFFDALE CITY PLANNING COMMISSION  
ELECTRONIC MEETING MINUTES  
Wednesday, May 20, 2020**

cremations take place. It is 12 feet long, 5 feet wide, and 8 feet tall. The funeral home is proposing to rent 5,000 square feet from Howland Partners of which the crematorium would occupy about 200 square feet. There will be a chimney, but it would not be visible because the roof would be 24 feet high and include a three-foot parapet wall to block the view of the chimney.

With regard to noise, the machine is 55 decibels, which is minimal. The design of the chimney system is such that only heat waves will be visible from the chimney. The scrubber in the chimney ensures that no particles are emitted. The rising cost of funerals has resulted in the proliferation of cremation facilities nationwide.

Lehi Rodríguez, the owner of Serenity Funeral Homes, stated that they have locations in Draper, Lindon, Logan, and St. George. Mr. Rodríguez was looking to relocate the Draper and Lindon facilities to Bluffdale. He wants to be the first funeral home in Bluffdale and sees the potential for growth, in addition to the service they provide to veterans at Camp Williams. Mr. Rodríguez stated that he has a lot of experience with cremation centers, which tend to be misunderstood. The machines are very clean and in fact, there are more emissions from a restaurant than a crematorium. A crematory is very safe and is smokeless and odorless.

Mr. Rodríguez commented that although he prefers the traditional burial option, approximately 50% of people in Utah opt for cremation over a traditional burial. Concerning special requirements for emissions, Mr. Rodríguez stated that the EPA has determined that crematory emissions are so low that there are no special requirements or health hazards associated with crematories.

Commissioner Flynn asked if mercury is ever an issue, specifically because of dental implants people may have. Mr. Rodríguez explained that when cremation takes place, most of the dental implants remain in the chamber. When the chamber is cleaned, a special magnet is used to remove any remaining metal. The metal is then disposed of. The emission of metal from the stack is minimal. Mr. Rodríguez reported that crematories are odorless because of the extreme temperature, which ranges from 1,400 to 1,600 degrees. The chamber captures all of the odors.

Chair Cragun opened the public hearing. There were no comments received via email. The public hearing was closed.

**Stephen Walston moved to forward a positive recommendation to the City Council for the Zoning Text Amendment for Title 11-2-2 Definition for Funeral Home (2020-22) based on the following:**

**Findings:**

- 1. The revised language to add “*and cremation*” to the definition of a funeral home provides more options for funeral services to the community.**
- 2. All proposed funeral homes as a permitted use are required to comply with all City codes and ordinances.**

**BLUFFDALE CITY PLANNING COMMISSION  
ELECTRONIC MEETING MINUTES  
Wednesday, May 20, 2020**

- 3. All allowed uses on any commercial properties are subject to all ordinance enforcement measures allowed by the City code equally.**

**Holly Brown seconded the motion. Vote on motion: Stephen Walston-Aye; Holly Brown-Aye; Johnny Loumis, Jr.-Aye; Ulises Flynn-Aye; Debbie Cragun-Aye. The motion passed unanimously.**

**Discussion Items**

**6. City Council Reports.**

City Planner/Economic Development Director, Grant Crowell reported that the most recent Economic Development Meeting included discussion of a supermarket analysis that was conducted. The next step was to provide data to people in the industry to attract a supermarket to Bluffdale.

The City Council established a sub-committee to begin work on an Economic Development Strategic Plan. It will consist of City Council Members Dave Kallas and Traci Crockett and Planning Commission Members Debbie Cragun and Stephen Walston.

The City Council met informally with Dana Howland regarding the crematorium issue and will consider the Planning Commission's recommendation when making a final decision.

The City Council discussed the budget, after which they approved the application submitted by Jeremy Bitner.

In response to Commissioner Loumis' question regarding the modality/venue for the next City Council Meeting, Mr. Crowell reported that he had just been informed that the May 27 City Council Meeting will take place at City Hall. It will include a plan to meet the current social distancing guidelines. It will not be broadcast via Zoom but will be streamed via the City's website. That approach will also be applied to the Planning Commission going forward. Electronic participation, if needed, will be by telephone. Mr. Crowell reported that the Economic Development Meeting will take place once per month and will begin at 4:30 p.m.

City Attorney, Todd Sheeran, reviewed the Special City Council Meeting that took place on May 19. He has experience dealing with reasonable accommodation requests. He reviewed the City Code with the City Council to determine what the City can and cannot do and what changes should be proposed. In reviewing the City Code, he found appropriate aspects and others that need to be remedied. He explained that no clear process currently exists to make reasonable accommodations. The current restriction in the City Code is that there can be eight unrelated handicapped people in a home. That number varies from city to city. Any time there is a restriction that is unworkable for the handicapped community, a reasonable accommodation request can be made, which is similar to a variance or deviation from the City Code. It almost always occurs with the occupancy cap.

**BLUFFDALE CITY PLANNING COMMISSION**  
**ELECTRONIC MEETING MINUTES**  
**Wednesday, May 20, 2020**

Any deviation requires a list of federal requirements that must be met to exceed the cap. The City Code currently states that the City Council makes that determination, which places them in a difficult position because of the conflict between the legal and political nature of the accommodation. In addition, it is a quasi-judicial determination, so changing the approval process would protect the City Council against any claims against it.

Mr. Sheeran suggested that a Hearing Officer who is trained in legal matters be appointed to judge those matters. The purpose of the Special Meeting was to discuss and notice a pending ordinance. That means that the City Council is tentatively going to implement a text amendment to the City Code. As a result, applicants will not be able to rely on the old City Code for variances. Mr. Sheeran reported that he drafted the proposed ordinance for consideration. The occupancy remained at eight, but the City Council recommended it be changed to five. If the occupancy is less than five, the applicant would just need a business license for the permitted use anywhere there is a residential home. Anything above five would include a process for requesting a reasonable accommodation. There would also be appeal procedures.

Mr. Sheeran estimated that there are 10 facilities in Bluffdale that are grandfathered in. They would be able to continue to operate at the level at which they were originally approved. Any change in ownership or business licensing would have to comply with the new ordinance.

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

The next Planning Commission Meeting was scheduled for June 3. Those wishing to participate via telephone were asked to notify Mr. Crowell.

**8. Adjournment.**

The Planning Commission Meeting adjourned at 7:24 p.m.



Pam von Petersdorff, Community Development Assistant

Approved: June 17, 2020