The following are the minutes of the Planning Commission Meeting held on Thursday, February 15, 2018 at 6:00 p.m. in the Herriman City Community Center, 5355 W. Herriman Main Street (12090 South), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City’s website, and delivered to members of the Commission and media.

Presiding: Chair Jessica Morton

Commission Members Present: Chris Berbert, Andrea Bradford, Adam Jacobson
Commission Members Excused: Curtis Noble

City Staff Present: City Planner Michael Maloy, Assistant City Manager Gordon Haight, Assistant City Planner Bryn McCarty, Communications Specialist Jon LaFollette, Planning Coordinator Craig Evans, City Engineer Blake Thomas, Assistant City Engineer Jonathan Bowers, City Attorney John Brems and Deputy Recorder Wendy Thorpe.

6:00 PM – Work Meeting (Fort Herriman Conference Room)

1. Review of City Council Decisions

City Planner Bryn McCarty reported that Council approved the Dansie project last night. Council added 35 half acre properties and reduced total units to 799, contingent on charter school. Adalyn (Teton Ranch) was approved for 787 units, reduced from 50 acres to 30 acres commercial, 19 acre lots and a large number of half acre lots. Storage unit amendment back to C-1 was also approved by City Council.

2. Discussion of Accessory Buildings

City Planner Bryn McCarty stated accessory building codes have been in multiple places in the code. Staff would like to make it consistent, she recommended having a chapter created for accessory buildings with a
table for setbacks. Commissioners agreed that would be useful. New ordinance changed height measurements, previously it was measured from original grade to midpoint, and currently it’s measured from average grade to peak. Commissioner Adam Jacobson recommended it should be measured from original grade. Assistant City Planner McCarty stated defining original grade has been confusing to determine and that a definition for grade would be useful. City Planner Mike Maloy recommended having an established grade for a subdivision to be used as point of reference and explained engineering requirements that would require approval. Commissioner Adam Jacobson indicated the midpoint would provide flexibility and pitch of accessory building should match house. City Planner Mike Maloy said some properties have designed pitch to improve efficiency for solar panels, and established grade may need to be determined. City Engineer Blake Thomas stated a grading plan has been done for entire subdivision and the Building Department has required a plot plan which would include elevations. Assistant Planner Bryn McCarty reported City Engineering Department has updated standards which will be provided to Commission as a text change.

Commissioner Adam Jacobson stated he thought mass excavations needed approval from Planning Commission. City Engineer Blake Thomas reported the City has been handling them as land disturbance permits for previously approved subdivisions.

Assistant City Planner Bryn McCarty reported that March 1st meeting has no items on agenda, that work meeting will consist of table discussions.

Assistant City Planner Bryn McCarty reported the City has started interviews of potential Planning Commission members, should be appointed within the month.

Commissioner Jessica Morton notified the Commission that she will be out of town and will not be at the meeting March 14th.

3. Review of Agenda Items

Item 2.1 Conditional Use for an LDS Meeting House
Assistant Planner McCarty explained the Church in Creek Ridge is standard. Staff recommended approval with requirements.

Item 2.2 Request for 4 Lot Commercial Subdivision
Commissioner Andrea Bradford asked if she would need to recuse herself from discussion regarding four lots, as she is related to applicant. Assistant City Manager Gordon Haight stated she could state her conflict, explain relationship with applicant and notate she would not benefit from the decision, after which she could still vote. Assistant City Planner Bryn McCarty explained that if only four Commissioners are present without City Attorney John Brems then Chair Jessica Morton would vote. Request is for layout only, not for use. Staff recommended approval with requirements.

Item 2.3 Approval for Rockwell Landing Phase 2 Grading Plan
City Engineer Blake Thomas was present to answer questions. Commissioner Adam Jacobson expressed
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concern with ten percent grade. Assistant Planner Bryn McCarty stated the City would not approve until after Planning Commission approves the plan. Engineer Blake Thomas stated geo tech findings would need to be submitted, due to slope, with possible addition of retaining walls. Applicant has coordinated with utility companies. Commissioner Adam Jacobson expressed concern that road function was too steep and curvy, slope around a corner could be dangerous and asked about slope for gas and water lines. City Engineer Blake Thomas reported gas line has two easements and power line just to the East of that. Staff recommended approval with requirements.

**Item 2.4 Conditional Use for a PUD Amendment to Reduce Rear Yard Setbacks of Miller Crossing Pod 5, Lots 563, 564 and 565**

City is applicant, Commissioner Jacobson discussed building setbacks, lot sizes and proximity of houses to trails. City Engineer Blake Thomas explained trail access in the area. Assistant City Manager Gordon Haight stated with solid, vinyl fence distance of house to trail would not be as noticeable. City Planner Maloy stated the resident would be compromised, not the users of the trail. City Engineer Blake Thomas explained Conditional Letter of Map Revision for channel pushed trail to the South. Assistant City Planner Bryn McCarty stated the agreement was made with the builder at the time. Staff recommended approval.

**Legislative Item 3.1 Amendment to the 2025 General Plan**

Assistant Planner Bryn McCarty explained open house last week, described residents comments, most of whom lived in Miller Crossing. City Planner Mike Maloy, added most comments were concerned with area three, some concerned with area four. He also reminded the Commissioners the item was a land use amendment in the General Plan and area three was already zoned commercial. Assistant City Manager Gordon Haight stated area was zoned commercial and three owned by the City. Commissioners and Staff discussed zoning for multiple areas and concerns. Assistant City Manager Gordon Haight mentioned 22 acres off Mountain View Corridor that are owned by Jordan School District and are unsure of what will be done with the property. He also stated Kennecott reached out to meet with City regarding area ten and requested for more planning.

**Items 3.2, 3.3 & 3.4 Text changes to Land Development Codes**

Assistant City Planner Bryn McCarty explained text change items. City Planner Mike Maloy explained Church zones could impact commercial development, businesses that sold liquor could be affected, due to separation required by the State. Usually more of an issue with smaller churches in strip mall type developments.

4. **Discussion of Chapter 16, Table of Uses**

Assistant City Planner Bryn McCarty stated Table of Uses would be discussed at next work meeting, March 1, 2018 at 5:30.

*Planning Commission work meeting adjourned by consensus at 6:58 p.m.*
7:00 PM - Regular Planning Commission Meeting

1. Call to Order
Chair Jessica Morton called the meeting to order at 7:04 p.m. and welcomed those in attendance.

1.1 Invocation/Thought/Reading and Pledge
Resident Bryon Kroff led the audience in the Pledge of Allegiance.

1.2 Roll call
Full Quorum Present.

1.3 Approval of Minutes for: December 7, 2017
Commissioner Berbert moved to approve item 1.3 Approval of Minutes for December 7, 2017. Commissioner Bradford seconded the motion.

The vote was recorded as follows:

- Commissioner Jessica Morton: Aye
- Commissioner Chris Berbert: Aye
- Commissioner Andrea Bradford: Aye
- Commissioner Adam Jacobson: Aye

The motion passed unanimously.

1.4 Conflicts of Interest
Commissioner Andrea Bradford stated she is related by marriage to applicant for items 2.2 and 2.3, but did not believe there would be a conflict.

2. Administrative Items
Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the applications compliance with the ordinance.

2.1 Request: Conditional Use Permit for an LDS Meetinghouse

- Applicant: Evans & Associates Architecture
- Address: 6593 W Herriman Blvd
- Zone: R-2-10
- Acres: 3.72
- File Number: C2018-004

Assistant City Planner Bryn McCarty explained the applicant requested a conditional use for an LDS Meetinghouse. The lot is located at 6593 W Herriman Blvd and contains 3.72 acres. The applicant submitted layout and building elevations which show a brick building with stone accents. The layout also included the fencing on three sides and landscaping, as required by City Ordinance. Applicant Chad Spencer representing EA Architecture approached the podium. He presented brick and stone samples for Commission review.
Requirements
1. Meet with the Development Services Staff for review and final approval of the site plan.
2. Receive and agree to the recommendations from other agencies.
3. Submit landscaping plans showing types, sizes and placement of plant material to the Staff for review and final approval. At least five percent of the parking lot must be landscaped, and at least 20 feet of landscaping along Herriman Blvd.
4. Building elevations are approved as submitted, including the stone accents as shown.
5. Install curb, gutter, street lights, and sidewalk along Herriman Blvd.
6. Provide a six foot vinyl privacy fence along the south, west, and east property lines.
7. All air conditioning units, dumpsters, and outside utilities shall be fenced with masonry enclosures.
8. Parking shall be provided at one space for each 6.5 feet of linear pew, or 3.5 seats in the meeting hall; except when used by two congregations, 1.5 parking spaces shall be provided for each 3.5 seats in the meeting hall.

Commissioner Chris Berbert moved to approve Item 2.1 File No. C2018-004 Conditional Use Permit for an LDS Meetinghouse at 6593 W Herriman Blvd. with listed requirements, Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Adam Jacobson  Aye
Commissioner Jessica Morton  Aye
The motion passed unanimously.

2.2 Request: 4 Lot Commercial Subdivision (Public Hearing)

Applicant:  Kim Rindlisbacher
Address:  15000 S Academy Parkway
Zone:  C-2
Acres:  8.0
File Number:  S2018-002

Assistant City Planner Bryn McCarty explained the applicant is requesting a 4 lot commercial subdivision. The lot is located at approximately 15000 S Academy Parkway. Proposed layouts have been submitted by applicant, but no uses are being discussed at this time. Chair Morton invited applicant to the podium. John Linton approached the podium, stated he is not the applicant, but the applicant would be here shortly.

Chair Jessica Morton reviewed the public comment policy and procedure and opened the public hearing.

Steve Jackson spoke as a representative of Alpine Homes. He stated they are in favor of commercial in that
area but Alpine Homes is building homes across the street. Their primary concern is related to the gas station in the area due to affect it could have on the homes being built directly across the street. They were concerned traffic would have an impact on driveways for adjacent homes, along with light and noise pollution to the area. The increased traffic could affect their ability to sell homes in the future. They would prefer other options to be considered for gas station location, maybe move it down to the access road and face it away from homes and with additional landscape buffering to create privacy for homeowners.

Chair Jessica Morton closed the public hearing.

A Representative from Holiday oil representing the applicant stated they assumed homes to the North would be rear facing; however, secondary access is important and is part of the fire access code. Would be happy to work with Alpine Homes and would be willing to add landscaping buffer and directional lighting, dimming lights at night. He pointed out the layout conforms to commercial zone. Assistant City Planner Bryn McCarty reminded the Commission that at this point they are reviewing the four proposed lots, but not the use for the said lots. Commissioner Jacobson stated all of the amenities for the subdivision should be installed with the infrastructure. He recommended the addition with staff requirements. Access road and easements were discussed and Assistant Planner McCarty stated access road would be a private road with permanent public access. Commissioner Jacobson clarified that the lots were being approved today. Assistant City Planner McCarty stated there would be a requirement for traffic study to be done in the area. City Engineer Blake Thomas stated immediately to the East is Pod 4 Wasatch South Hills Subdivision, 50 homes would access the intersection and carry as much traffic, if not more than a gas station.

Requirements:

1. Meet with the Staff for review and final approval of the site plan.
2. Receive and agree to the recommendations from other agencies.
3. Install curb, gutter, street lights, and sidewalk on all public streets. Work with engineering on the timing of the installation of these improvements.
4. Provide a storm drain study. There is no outfall for this area, so full retention must be provided. All on-site retention is required to have a maintenance agreement.
5. Retention ponds should be landscaped per City standards.
7. Install landscaping (including irrigation system) and lighting along all public and private roadways.
8. Coordinate with other utilities at the time of road improvements in order to minimize future road cuts.
9. Provide adequate right of way for a future signal at the intersection of 15000 South.

Commissioner a Jacobson moved to approve Item 2.2 File No. S2018-002 for 4 Lot Commercial Subdivision with staff recommendations and additional number 10 to require pre-cast solid fence along the perimeter of the subdivision South and East sides of the lots, to be installed prior to occupancy and an additional requirement that the proposed uses and layouts of buildings have yet to
The vote was recorded as follows:

Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Adam Jacobson  Aye
Commissioner Jessica Morton  Aye

The motion passed unanimously.

2.3  Request: Approval for Rockwell Landing Phase 2 Grading Plan

Applicant:  Kim Rindlisbacher
Address:  16000 S 2150 W
File Number:  39C15-01

Assistant City Planner Bryn McCarty stated this item had been approved several months ago and first phase is under construction. At that time, the Commission requested for final grading plan to be submitted for review. Chair Jessica Morton invited the applicant to come to the podium.

Jason Thompson, Engineer for JT Engineering spoke on behalf of the applicant who is stuck in traffic, stated he could answer questions. Commissioner Jacobson asked what would be located in phase three. Mr. Thompson responded that area would be small storage units, south of this development. Commissioner Jacobson expressed concern with large trucks on the steep road that had 10 percent slope. Applicant has not modeled that but stated he would and the majority of grading would be cut, location of retaining wall was clarified. City Engineer Blake Thomas stated anything greater than 2 – 1 slope would require a retaining wall and geo-tech report. Commissioner Jacobson would like to make sure trucks can make it up before approving grading.

Commissioner Adam Jacobson moved to continue Item 2.3, File No. 39C15-01 Approval for Rockwell Landing Phase 2 Grading Plan with request for information to be provided to Planning Commission. Commissioner Bradford seconded the motion.

The vote was recorded as follows:

Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Adam Jacobson  Aye
Commissioner Jessica Morton  Aye

The motion to continue passed unanimously.

2.4  Request: Conditional Use for a PUD Amendment to Reduce Rear Yard Setbacks of Miller Crossing Pod 5, Lots 563, 564, and 565

Applicant:  Herriman City
Address: 5296 W Croyden Ln
Zone: R-2-10
Acres: .40
File Number: C2014-038-11

Assistant City Planner Bryn McCarty explained the applicant, Herriman City, is requesting a Planned Unit Development amendment to reduce the rear yard setback for three lots in Miller Crossing pod 5. The lots are located on Croyden Lane. The request is for lots 563, 564, and 565. These lots were recently amended in order to align the property line with the trail and wall built to the north. The amendment decreased the depth of the lots. The builder is now requesting to reduce the rear yard setback for the three affected lots. The request is to reduce the rear yard setback from 20 feet to 15 feet for the home, and from 15 feet to ten feet for a covered patio/deck. A six foot vinyl fence would be required.

Commissioner Chris Berbert moved to approve Item 2.4 File No. C2014-038-11 Conditional Use for a PUD Amendment to Reduce Rear Yard Setbacks of Miller Crossing Pod 5, Lots 563, 564 and 565, with staff recommendations. Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert Aye
Commissioner Andrea Bradford Aye
Commissioner Adam Jacobson Aye
Commissioner Jessica Morton Aye
The motion passed unanimously.

3. Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.

3.1 Request: Amendment to the 2025 General Plan (Public Hearing)
Applicant: Herriman City
File Number: G2018-001

City Planner Mike Maloy explained on January 10, 2018, the Herriman City Council authorized staff to initiate an amendment of the Herriman City 2025 General Plan Amendment to facilitate planning for commercial growth within the City. More specifically, the City Council requested the Planning Commission, City staff, and the general public, consider the following amendments to the Future Land Use Map for approximately 1,332 acres of property: Approximately 34 residents signed in, about 20 comment forms were received at the Open House meeting held by Planning Division staff at Herriman City Hall on Wednesday, February 7, 2018, from 6:30 p.m. to 8:30 p.m. Most comments were concerned with area three, which is owned by the City and zoned commercial. Some residents were also concerned with areas three and four. Residents expressed support for developing a public park or some other form of open
space on the property. Kennecott representatives expressed interest to work with the City regarding potential land use map. He also stated this was a public hearing and Commission could make a recommendation to the City Council. The Planning Commission may recommend approval, denial, or modification of the proposed amendment. City Planner Mike Maloy explained that Z-C would indicate additional zoning conditions that could limit type of commercial allowed and could eliminate certain types of uses.

Chair Morton opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Andrew Pederson, stated his family has 15 acres where the proposed Herriman Main Street would come through his property. Land Use to the west is proposed commercial, east proposed as single family homes. His family is opposed to west being commercial, and would prefer it to be mixed use.

James Bryan said he lived in the area north of section three and mentioned area that has a higher concentration of children with many schools and many kids walking. He does not think the City should draw more traffic to that area. He stated a lot of people moved in with impression that this land would be public works, for which he expressed support.

Kyle Anderson indicated he also lived in area north of section three and is in the process of building a new home. He explained his desire to build because master plan stated area would be public works or green space, and expressed his sadness to hear it could be commercial and does not want that to be a high traffic area. He spoke to Mayor Watts who talked about revenue. The government should be here to support the residents, provide services and commercial would not benefit those in the area. The development to the east has many vacant shops and noted his desire not to have the area be zoned commercial. The cost of parks is supposedly very expensive, and doesn’t think cost to remove berm is best use of City funds. On the proposed 2025 Master plan, the only park is across Mountain View Corridor, and thought they would have a closer park when he moved in.

Sarah Anderson spoke indicating she reached out to Jordan Valley Water Conservancy District regarding grants that could be available for the City if water wise landscaping was used, which could offset expenses. She encouraged a park in that area, and discouraged commercial.

Sonny Mortensen spoke regarding the burden on City for removing berm. He suggested proposed commercial for the area would remove responsibility to remove berm from City to save money. He thought a bmx track, or green space or solar field would be viable for this property. He’s opposed to high traffic and stated pedestrian bridges cost has been in described as three or four lives. If that area were commercial City would need three or four entrances, which could be dangerous to pedestrians.

Josh Winn, representing Pederson, Thomas and Hefner Associated Trust, asked the Commission to not recommend the amendment, and would like the City to consider other alternatives. He understood the commercial plan in zone four, and would like specific areas set aside for different uses. He would like areas three and four to not be included with this amendment and be decided at a later time. He said he would be in
favor of most City recommendations, but would like this on the record and look forward to meeting with City regarding the General Plan.

Chair Morton closed the public hearing.

Commissioner Berbert asked for clarification of public works facility. City Planner Mike Maloy stated he had not discussed that with City management but the facility would typically consist of vehicle storage, public works employees, offices, some emergency response vehicles, storage of equipment and staging of material. He added the City wanted to develop a public works yard, but was unsure of how large of an area would be needed. Commissioner Jacobson thought area three should not be included in the recommendation. City Planner Mike Maloy clarified the City does not expect a decision tonight. Management would be working with community regarding General Plan and zoning. Commissioner Jacobson expressed a desire to know what Riverton has planned for the area near five. The Commissioners would also like more information with regards to area seven. The Commissioners stated this proposal is still under review and encouraged residents to stay actively involved throughout the General Plan development process.

Commissioner Adam Jacobson moved to continue Legislative Item 3.1, Amendment to the 2025 General Plan, File Number G2018-001Commissioner Bradford seconded the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Aye
Commissioner Andrea Bradford Aye
Commissioner Adam Jacobson Aye
Commissioner Jessica Morton Aye

The motion passed unanimously.

3.2 Request: Text Change to the Land Development Code Regarding Open Space in the Planned Development Overlay Zone (Public Hearing)

Applicant: Herriman City
File Number: Z2018-002

Assistant Planner Bryn McCarty explained the Code to allow developers to pay a fee in lieu if they cannot provide the required 20 percent of open space in a Planned Unit Development (PUD). As part of the revision, the options to meet the 20 percent open space requirement using land outside of the PUD, or paying a fee in lieu for required open space was inadvertently excluded from the newly-revised ordinance.

Chair Morton opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

No comments were offered.

Chair Morton closed the public hearing.
Commissioner Adam Jacobson moved to approve Legislative Item 3.2 File No. Z2018-002 Planned Development Overlay Zone, Commissioner Chris Berbert seconded the motion.

The vote was recorded as follows:

Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Adam Jacobson  Aye
Commissioner Jessica Morton  Aye

The motion passed unanimously.

3.3 Request: Text Change to the Land Development Code Regarding Backyard Chickens in Residential Zones (Public Hearing)
Applicant: Herriman City
File Number: Z2018-003

Assistant City Planner Bryn McCarty explained to the Commission the Text Change to re-insert the backyard chickens ordinance into the current version of the code. This was already approved, based on lot size and how many chickens and lot size. In response to Commissioner Jacobson’s questions, Chair Morton confirmed the chickens would be in all residential zoning. Assistant Planner McCarty clarified it would not be allowed on smaller lots and where Home Owner associations have restricted the use.

Chair Jessica Morton reviewed the public comment policy and procedure.

Chair Morton opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Sonny Mortenson indicated he has a 4500 square foot lot, wanted to know where 5000 lot size came from. Commissioner Adam Jacobson explained it had been researched. Smaller than that size residents were putting chickens very close to neighbor’s property due to setbacks.

Chair Morton closed the public hearing.

Commissioner Andrea Berbert moved to approve Legislative Item 3.3 File No. Z2018-013 Text Change to the Land Development Code Regarding Backyard Chickens in Residential Zones, Commissioner Chris Berbert seconded the motion.

The vote was recorded as follows:

Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Adam Jacobson  Aye
3.4 Request: Text Change to the Land Development Code to Allow Churches in All Zones

*Public Hearing*

Applicant: Herriman City

File Number: Z2018-005

Assistant City Planner Bryn McCarty explained the text change to the Land Development Code to allow Churches as a Conditional Use in all zones.

Chair Jessica Morton reviewed the public comment policy and procedure.

Chair Morton opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

No public comments were offered

Chair Morton closed the public hearing.

Commissioners Berbert and Jacobson asked for clarification on how this could limit restaurant development, and requested further discussion.

*Commissioner Chris Berbert moved to continue without date Legislative Item 3.4 File No. Z2018-005 Text Change to the Land Development Code to Allow Churches in all Zones, Commissioner Andrea Bradford seconded the motion.*

The vote was recorded as follows:

Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Adam Jacobson  Aye
Commissioner Jessica Morton  Aye

The motion to continue without date passed unanimously.

4. Chair and Commission Comments

5. Future Meetings

5.1 City Council – Wednesday, February 28, 2018 @ 7:00 PM

5.2 Planning Commission Meeting – March 1, 2018 @ 7:00 PM, work meeting will begin
6. **Adjournment**

Commissioner Adam Jacobson moved to adjourn the Planning Commission meeting at 8:16 p.m. and all voted aye.

I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 15, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe