PLANNING COMMISSION MINUTES
Thursday, July 19, 2018
Approved September 6, 2018

The following are the minutes of the Planning Commission Meeting held on Thursday, July 19, 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: Adam Jacobson, Andy Powell, Andrea Bradford, Jackson Ferguson, Parry Harrison, Lorin Palmer

Commission Members Excused: Chris Berbert, Brody Rypien

City Staff Present: Assistant City Planner Bryn McCarty, Communication Specialist Jonathan LaFollette, Planner I Craig Evans, City Engineer Blake Thomas, and Deputy Recorder Wendy Thorpe.

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

Chair Jessica Morton called the meeting to order at 6:08 pm.

Newly appointed alternate Commissioner Parry Harrison was introduced. The Commissioners and Staff offered brief introductions.

1. Review of Items for and LDS Seminary
   File Number: C2018-14
   Assistant City Planner McCarty introduced the developer who presented the material and color boards for the Seminary building, which had been previously requested by the Commission.
2. **Review of materials for an LDS Church**  
   **File Number: C2018-27**  
   Assistant City Planner McCarty presented the material and color boards for the proposed LDS Church, which had been previously requested by the Commission.

3. **Discussion regarding improvements to 13200 South for the Freeman Subdivision**  
   City Engineer Thomas described that the Planning Commission had placed a requirement to install curb, gutter and sidewalk improvements along 13200 South. However, that is located in the curb/gutter exception area. The City Council passed an ordinance, which allowed for that area to have an asphalt road, gradual swell and a six or eight foot asphalt walking path. The perspective buyer asked for further clarification and the City Attorney and City Manager specified that the City Council ordinance would override the Commission requirement. City Engineer Thomas maintained that two driveways along the road would have to be installed to accommodate the swell creating a fee in lieu situation and the development would occur in phases. The trail connection would tie in with the asphalt trail from the cul-de-sac allowing access for school children to the school grounds. The Commissioners inquired as to why the City has allowed such an exception area. It was explained that City Council voted to leave an area with a rural feel, which would include no curb, gutter or sidewalk in the old town area. City Engineer Thomas added that drainage could be an issue due to the lack of outflow in the area. Improvements could affect drainage and cause flooding issues.

4. **Discussion of proposed Auto Mall Overlay Zone**  
   **File Number: Z2018-13**  
   Assistant City Planner McCarty reviewed that a zone would be created which would be limited to this specific property. The site plan of commercial areas would not be amended, as the special overlay zone would impact the dealership areas. The City would require 20 feet of landscaping along the street with some allowance in the parking lot. The Commissioners expressed concern regarding the brightness of lights at night as the lighting requirements seemed vague. City ordinance limiting brightness and dimness would be considered. Assistant City Planner McCarty stated the ordinance was a compromise between Economic Development, Planning and the Dealerships. She stated the developer was reviewing the requirements and would forward their comments to the City. Signage was still not determined, but might consist of signs on the premises with a couple larger ones along Mountain View Corridor (MVC). Some signs may be electronic. Assistant City Planner McCarty reminded the Commissioners that this was still a preliminary site plan draft. Two dedicated access points would be on MVC and one from Main Street. Sign renderings and height would be included in the ordinance. The Commissioners expressed the opinion that motion lights would be distracting and pedestal height would need to be limited. Temporary signage would still need to be determined. Assistant City Planner McCarty reminded the Commissioners this was a special district, not an overlay zone and informed them that dealerships have shown interest. This item would be discussed at a future meeting.

5. **Review of City Council Decisions**
Assistant City Planner McCarty informed the Commission that the City Council appointed Commissioner Harrison as an alternate, and Commissioners Bradford and Ferguson as would fill the full-time positions. Commissioner Jacobson would be up for re-appointment in the near future. The City Council directed staff to conduct a study regarding the carrying capacity, based on infrastructure, and logical density for the Olympia Hills area. The City would complete it within a couple of months. The Holiday Oil decision which had been appealed, was upheld by David Church which supported the Planning Commission’s recommendation. The Exxon gas station, which was appealed to District Court, will be decided by a Judge in August. That gas station had been proposed in a multi-use zone and nearby residents had concerns with lighting and noise.

6. Review of Agenda Items

Assistant City Planner McCarty discussed the dome house exception regarding single-family design criteria. The existing architectural standards allow the Planning Commission to approve a project if there were enough compensating architectural features. The exception would address the roof pitch not meeting City standards. The Commissioners discussed the dome house look and potential value. Assistant City Planner McCarty stated the applicant had not provided the cost per square foot. The Commissioners discussed they were expensive to build and highly labor intensive. More specific process and standards may be requested regarding materials and brand, comparable properties and possible effect on nearby housing values.

Planner I Evans clarified that the neighbor affected by the lot line adjustment had signed an affidavit and both neighbors would sign the recorded plat.

Assistant City Planner McCarty reviewed the requirements for the Holiday Oil along 15000 South regarding the detention area and precast wall. The Planning Commission required installation of the precast wall prior to issuance of any building permits. She directed the Commission’s attention to a section that borders an area that had not been developed and inquired if construction could begin when the bond for the precast wall and engineering were completed. Responsible parties for the wall construction were discussed.

Planning Commission work meeting adjourned by consensus at 7:03 p.m.

7:00 PM - Regular Planning Commission Meeting

1. Call to Order

Chair Morton called the meeting to order at 7:07 p.m. and welcomed those in attendance

1.1 Invocation/Thought/Reading and Pledge

Mr. James Dosdall led the audience in the Pledge of Allegiance.

1.2 Roll call

Full Quorum Present; Commissioners Chris Berbert and Brody Rypien were excused.
1.3  Approval of Minutes for: **06/07/18**
Commissioner Powell moved to approve item 1.3 Minutes for: **06/07/18**. Commissioner Palmer seconded, and all voted aye. The motion passed unanimously.

1.4  Conflicts of Interest
No conflicts of interest were offered.

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: Subdivision Amendment for a Lot Line Adjustment

**Applicant:** Jeffrey Tobler

**Address:** 14813 S Cedar Butte Dr & 6644 W Cedar Butte Cir

**Zone:** FR-1 (Forestry Recreation – 1 acre min.)

**Acres:** .41

**File Number:** S2018-14

Assistant City Planner McCarty reviewed the minimal lot line adjustment to where the fence line was located and stated the item was not a public hearing.

Applicant Jeff Tobler stated the fence was installed by the contractor slightly over the lot line, the neighbor affected by the adjustment had signed the application.

**Requirements**
1. Compliance with all recommendations received from applicable agencies.
2. Final plat to be reviewed and approved by the City Engineer.
3. Any utilities or utility boxes that need to be relocated shall be done at the expense of the applicant/property owner.

Commissioner Powell moved to recommend approval of item 2.1 file number S2018-14 for Subdivision Amendment for a Lot Line Adjustment. Commissioner Bradford seconded the motion.

The vote was recorded as follows:

- Commissioner Adam Jacobson  **Aye**
- Commissioner Andrea Bradford  **Aye**
- Commissioner Andy Powell  **Aye**
- Commissioner Jackson Ferguson  **Aye**
Commissioner Lorin Palmer  Aye
Commissioner Parry Harrison  Aye
The motion passed unanimously.

2.2  Request: Exception to the Single Family Design Standards for a Proposed Dome Home

Applicant:  James Dosdall 
Address:  6043 W Herriman View Way 
Zone:  A-.25 (Agricultural – 10,000 sq. ft.min.)  
Acres:  .88  
File Number:  P2018-02  

Assistant City Planner McCarty described the location, single design standards and exception allowances. The main exception for this request regarded the roof pitch. The Commission would decide if the architectural design standard of the dome home offered enough compensating design features to justify the exception.

Applicant James Dosdall approached podium and clarified the home did not meet the 5:12 roof pitch for 17 percent of the roof. The pitch is standard for 83 percent of the roof. He further discussed the renderings and unique hazards for the area. He stated the lot backed up to an open range and he would build with material that would not burn and would provide a fire barrier. Mr. Dosdall explained the dome home would contain a reinforced concrete construction foundation set on bedrock, and would withstand a strong earthquake. Mr. Dosdall emphasized the structure matches the curvature of nearby hills and they would landscape with local materials. There were a half dozen nearby vacant lots and he expressed the opinion that the dome home would be an example of a safe, structural home for the area. The dome home meets façade requirements, would have solar electric and heating, geothermal cooling and rainwater capture. He anticipated preliminary review approval before spending more money on architectural drawings. The driveway would wrap around the lot to the back of the house to the parking garage and a large RV sized garage. The front door would be located at the rear of the house with barrier free access. He communicated his opinion that the design was energy efficient, contained low surface area volume, and would be comprised of six inches of foam covered by concrete with Styrofoam insulation that reduced the need for air conditioning. He offered the opinion that the foam would melt but would not burn. Mr. Dosdall presented a photo of a neighborhood from another state that had all burned except for the dome house. He further stated he did not anticipate any cracks or leaks for the reinforced stucco roof. He defined the tallest area of the structure would have flat walls and windows up to the domed roof section. He further described the architectural drawings.

The Commissioners stated more material would be required to deviate from regular housing type, including window type, color boards, structure materials and architectural improvements to compensate for design standard exception. Proof of these would need to be documented by an architect and energy efficiency would need to be presented with more information.
Mr. Dosdall informed the Commission the square footage would be 1700 feet on the main level, 600 feet on the top floor, plus 1700 in the unfinished basement, in addition to the large garages.

The Commissioners expressed a desire for more engineering reports and architectural details, so the Commission could review the full scope of the project, prior to approval to ensure consistency with all exceptions. The Commissioners emphasized the necessity for them to justify the reasons for approval. They further expressed an interest in notifying neighbors and requested the presentation of color and material boards due to the drastic architectural deviation from current design standards.

Mr. Dosdall proposed the addition of a cap to the dome, to make up for the pitch.

The Commissioners discussed the front would still need to contain 40 percent brick or stone and reports regarding efficiency would need to be submitted. The Commissioners offered the possible affect non-traditional homes would have on nearby home values.

Mr. Dosdall stated he anticipated the value of the home would be higher than those nearby.

Assistant City Planner McCarty stated City Staff would be available to analyze the possible effect on nearby home values and seek feedback from the neighbors if the applicant chose to move forward.

Requirements:
The Planning Commission will need to determine whether granting a deviation from item F of the single-family design standards is warranted based on the compensating design features of the proposed home.

**Commissioner Jacobson moved to continue without date item 2.2 Exception to the Single Family Design Standards for a Proposed Dome Home with staff requirements, for applicant to bring back architectural plan, analysis of effect nontraditional homes have on nearby property values, notification of neighbors by the City, for applicant to provide information for the compensating design features for geothermal design, for applicant to bring back color board, architectural design, true schematic to ensure it can be achieved, materials boards, and for applicant to provide compensating design features, and additionally bring in historic dome structure regional information and maintenance information and features for comparable homes in Utah. Commissioner Palmer seconded the motion**

The vote was recorded as follows:
- Commissioner Adam Jacobson  Aye
- Commissioner Andrea Bradford  Aye
- Commissioner Andy Powell  Aye
- Commissioner Jackson Ferguson  Aye
- Commissioner Lorin Palmer  Aye
- Commissioner Parry Harrison  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: Text change to the Land Development Code to Create an Accessory Structures Chapter (Public Hearing)

Applicant: Herriman City

File Number: Z2018-19

Chair Morton reviewed the public hearing guidelines.

Planner I Evans explained the accessory structures chapter was amended to better explain the ordinance, which had been rather fragmented. This text change would consolidate all information regarding accessory structures. No exceptions are included at this time and provisions would need to be added separately. He requested for the Commissioners and public to make the staff aware of any changes they considered necessary.

Chair Morton opened the public hearing.

Resident Zach Bevan stated his lot was unique and he approached the City for guidance to place a garage on his property. Satellite images of his lot were presented. Mr. Bevans was concerned that a detached garage would not be allowed on his property at this time. Exceptions would need to be implemented to allow for placement of an accessory building on his lot.

Chair Morton closed the public hearing.

Assistant City Planner McCarty clarified requirements and setbacks for construction of an accessory building in a front yard. She added that this property would be an example for implementing exceptions regarding setbacks for unique lots. Commissioner Jacobson stipulated that a three-foot setback for rear and side yards were not necessary and one foot would be sufficient for a fenced yard. Assistant City Planner McCarty mentioned fire code requirements would affect placement for some accessory structures and further advised that placement would be too close to the property line would cause water to flow from the roof onto neighboring property. Commissioners discussed placement possibilities for corner lots, and that offsets would limit size for accessory structure on corner lots. Commissioner Jacobson proposed referencing the front of the house in the requirements as a measure for placement in the front yard of a corner lot. Exception possibilities for placing accessory structures in the front yards of some corner lots were recognized. Commissioner Jacobson mentioned that making the standards simpler would reduce the need for many exceptions. Setback distances from the road for placement of accessory structures and easement locations were acknowledged. The guideline
of not allowing structures larger than 25 percent of the yards would prevent small yards from being dominated by accessory structures. Assistant City Planner McCarty proposed including diagrams with examples for placement and clarified the current guidelines do not allow structures to take up more than 25 percent of the rear yard and the garage must be smaller than the house footprint. Accessory structures sizes as compared to lot sizes were discussed in detail, including different allowances in agricultural areas. Staff would continue working on the accessory structure chapter with Commissioner’s recommendations.

Commissioner Jacobson made a motion to continue without date Item 3.1 File Number Z2018-19 Text Change to the Land Development Code to Create an Accessory Buildings Chapter (Public Hearing), Commissioner Powell seconded the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson  Aye
Commissioner Andrea Bradford  Aye
Commissioner Andy Powell  Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer  Aye
Commissioner Parry Harrison  Aye
The motion passed unanimously.

3.2  **Request: Text change to the Land Development Code Chapter 16, Table of Uses (Public Hearing)**

**Applicant:** Herriman City  
**File Number:** Z2018-12

Assistant City Planner McCarty briefed the Commission of the changes to the Table of Uses. She directed their attention to the Family Food Production category that had a broader definition and included more animal types than residential areas zoned for Backyard Chickens. Home occupation was moved from commercial to residential uses. Home daycare was zoned conditional use and not allowed if a residence shared a driveway. A separate Home Occupation Chapter would be provided to the Commission at a later date. Home dance lessons definition still needed to be defined, depending upon the number of classes per day. Assistant City Planner McCarty further explained Heavy Industry was removed, and limitations were placed on Wholesale Warehousing. Assistant City Planner clarified that most home businesses with customers were conditional use and home businesses with no customers were permitted, and the home occupations chapter would be discussed at a later time.

Chair Morton opened the public hearing

No comments were offered.

Chair Morton closed the public hearing.
Commissioner Harrison made a motion to recommend approval to City Council of Item 3.2 File Number Z2018-12 Text Change to the Land Development Code, Chapter 16, Table of Uses (Public Hearing), Commissioner Palmer seconded the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson Aye
Commissioner Andrea Bradford Aye
Commissioner Andy Powell Aye
Commissioner Jackson Ferguson Aye
Commissioner Lorin Palmer Aye
Commissioner Parry Harrison Aye
The motion passed unanimously.

4. Chair and Commission Comments
No comments were offered.

5. Future Meetings
5.1 Planning Commission Meeting – August 2, 2018 @ 7:00 PM
5.2 City Council Meeting – August 8, 2018 @ 7:00 PM

7. Adjournment
Motion to adjourn by Commissioner Powell, seconded by Commissioner Jacobson all voted aye. The Meeting was adjourned by consensus at 8:29 p.m.

I, Wendy Thorpe, Deputy Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on July 19, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe