PLANNING COMMISSION AGENDA

Thursday, May 3, 2018

NOTICE IS HEREBY GIVEN that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at 5355 W Herriman Main Street, Herriman, Utah.

6:00 PM - Work Meeting (Fort Herriman Conference Room)
1. Training
2. Review of Accessory Buildings Chapter
3. Review of City Council Decisions
4. Review of Agenda Items

7:00 PM - Regular Planning Commission Meeting
1. Call to Order
   1.1 Invocation/Thought/Reading and Pledge
   1.2 Roll call
   1.3 Approval of Minutes for: February 15, 2018
   1.4 Conflicts of Interest

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: Review of a permitted use for Jordan School District Elementary School #6
      Applicant: Jordan School District
      Address: 14120 S Greenford Ln
      Zone: R-2-10
      Acres: 12.5
      File Number: P2018-001

   2.2 Request: Subdivision Amendment to Add One Lot to the Herriman Corners Subdivision (Public Hearing)
      Applicant: Steve Cloward
      Address: 5708 W 13400 South
      Zone: C-2
      Acres: 1.395
      File Number: S2018-009

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 Regarding Planning Commission and Appeals Authority Appointments *(Public Hearing)*
Applicant: Herriman City
File Number: Z2018-008

4. **Chair and Commission Comments**

5. **Future Meetings**
   5.1 City Council – Wednesday, May 9, 2018 @ 7:00 PM
   5.2 Planning Commission Meeting – May 17, 2018 @ 7:00 PM

6. **Adjournment**

   The Planning Commission Rules of Procedure and Ethical Conduct can be found on the City website at www.herriman.org.

   In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting.

   **Electronic Participation:** Members of the planning commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

   **Public Comment Policy and Procedure:** The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the commission will be asked to complete a written comment form and present it to Wendy Thorpe, Deputy Recorder. In general, the chair will allow an individual three minutes to address the commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

   I, Wendy Thorpe, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body, on the Utah State Website www.utah.gov/pmn/index.html and on Herriman City’s website www.herriman.org.

   Posted and Dated this 26th day of April, 2018

   Wendy Thorpe
   Deputy Recorder
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 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
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 geotech 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.
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.

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 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
be determined. Commissioner 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.

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
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 G2018-001 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 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
The motion passed unanimously.

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

Wendy Thorpe
<table>
<thead>
<tr>
<th><strong>Date of Meeting:</strong></th>
<th><strong>05/03/2018</strong></th>
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<tbody>
<tr>
<td><strong>File #</strong></td>
<td>P2018-001</td>
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<tr>
<td><strong>Applicant</strong></td>
<td>Jordan School District</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>14120 S Greenford Ln</td>
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<tr>
<td><strong>Request</strong></td>
<td>Herriman Elementary #6</td>
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DATE: April 25, 2018

TO: Planning Commission

FROM: Bryn McCarty, AICP, Assistant City Planner

MEETING: Planning Commission May 3, 2018

REQUEST: Permitted use for a Jordan School District Elementary School
Applicant: Jordan School District
Address: 14120 S Greenford Lane
Zone: R-2-10
Acres: 12.48
File Number: P2018-01

Request

The applicant is requesting a permitted use for a Jordan School District Elementary School.

State Statute

(3) A municipality may not:
   (a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, municipal building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;
   (b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;
   (f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety;

(4) Subject to Section 53A-20-108, a school district or charter school shall coordinate the siting of a new school with the municipality in which the school is to be located, to:
   (a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and
   (b) maximize school, student, and site safety
Discussion

In Herriman City Code, a public school is a permitted use and is subject only to review of traffic patterns and site safety.

Engineering staff has coordinated the site layout and access with Jordan School District Staff during the design process. To address vehicle and pedestrian safety, Blake Thomas, City Engineer, has stipulated the requirements:

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<tr>
<th>Item</th>
<th>Requirement</th>
<th>Status</th>
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<tbody>
<tr>
<td>1</td>
<td>No access to Autumn Crest Boulevard</td>
<td>Access driveways to school site offset from Autumn Crest to minimize backing onto Autumn Crest Boulevard</td>
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<tr>
<td>2</td>
<td>Access road must meet or exceed the 60-foot standard road cross section</td>
<td>Sidewalks must be installed to provide continuous access from Autumn Crest Boulevard and Greenford Land</td>
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<tr>
<td>3</td>
<td>School district will provide boundary information to the City by November 2018 to establish the school safe walking route and install appropriate safety measures as per the Manual on Uniform Traffic Control Devices (MUTCD)</td>
<td>Pending</td>
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Recommendation

Staff recommends approval of the elementary school with the following engineering requirements:

1. A plat for a one lot subdivision shall be approved and recorded before issuance of a building permit.
2. No access permitted on Autumn Crest Boulevard.
3. Access road must meet or exceed the 60-foot standard road cross section.
4. School district will provide boundary information to the City by November 2018 to establish the school safe walking route and install appropriate safety measures as per the Manual on Uniform Traffic Control Devices (MUTCD).

Attachments

A. Application
B. Vicinity Map
C. Site Plan
D. Building Elevations
Land Use Application

Address or location of site: 14120 South Greenford Lane Herriman, UT
Size of Parcel(s): 12.48 Acres

What is Requested (explain in detail): Leveling out the site for a new elementary school. We will be spreading some of the spoils out on the SLR property to the East and North of the school site. This was approved by SLR (Don McIntyre)

If applicable, square footage of proposed building(s) or addition (all stories combined): 75,255

If the request is residential, how many and what type of units (apartment, condo, etc.).

Property Owner’s Name: Jordan School District
Mailing Address: 7387 South Campus View Drive
City: West Jordan State: UT Zip Code: 84088
Telephone: 801-567-8148 Cell Number: E-mail: john.larsen@jordandistrict.org

Applicant/Agent: John Larsen
Mailing Address: Same as above

City: State: Zip Code: 
Telephone: Cell Number: E-mail: 

Subject to Purchase or Lease: or Present Owner of Property: X

Yes I am the authorized agent or owner of the subject property: X

Current Use of Subject Property: Vacant lot

Proposed Development Name: School name will be selected at a later date

For Herriman Use Only

Date of Submittal: Filing Fee: File Number: 
Receipt Number: Accepted by: DRC: 

Herriman City • 5355 West Herriman Main St, Herriman UT 84060 • o. 801.446.5323 • email: planning@herriman.org
APPLICANT'S AFFIDAVIT

State of Utah  
City of Herriman  

I (we), ___________ JOHN LARSEN ___________, being duly sworn, depose and say that I (we) am (are) the owner(s) or authorized agent(s) of owner, of property involved in the attached application and that the statements and answers contained herein in the attached plans and other exhibits thoroughly, to the best of my (our) ability, present the argument in behalf of the application requested herewith and that the foregoing statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

Signed ____________________________

STATE OF UTAH  
COUNTY OF SALT LAKE

On this 19th of April, in the year 2018, before me ___________ JOHN LARSEN ___________ personally appeared ___________, proved to me through satisfactory evidence of identification, which was ___________, to be the person whose name is signed on the preceding document in my presence.

Notary Signature

*May be owner of record, contract owner, party to valid earnest money agreement, option holder or have other legal control of the property.

AGENT AUTHORIZATION

I (we), _______________, the owner(s) of the real property at ___________________________ Herriman, Utah, do hereby appoint _______________ as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize _______________ to appear on my (our) behalf before any City Boards considering this application.

Signed ____________________________

STATE OF UTAH  
COUNTY OF SALT LAKE

On this ___________ of ___________, in the year 20 ___________, before me ___________, personally appeared ___________, proved to me through satisfactory evidence of identification, which was ___________, to be the person whose name is signed on the preceding document in my presence.

Notary Signature
<table>
<thead>
<tr>
<th>File #</th>
<th>S2018-009</th>
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</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Steve Cloward</td>
</tr>
<tr>
<td>Address</td>
<td>5708 W 13400 S</td>
</tr>
<tr>
<td>Request</td>
<td>Subdivision Amendment to Add One Lot</td>
</tr>
</tbody>
</table>
DATE: April 25, 2018

TO: Planning Commission

FROM: Bryn McCarty, AICP, Assistant City Planner

MEETING: Planning Commission May 3, 2018

REQUEST: Subdivision plat amendment to add one lot to the Herriman Corners Subdivision

Applicant: Steve Cloward
Address: 5708 W 13400 South
Zone: C-2 (Commercial)
Acres: 1.395
File Number: S2018-009

Request
The applicant, Steve Cloward, owner of the subject property, is requesting a subdivision plat amendment to add one lot to the Herriman Corners Subdivision.

Site
The lot is located at 5708 W 13400 South. It is Lot 2 of the Herriman Corners Subdivision.

Zoning
The site is zoned C-2 (Commercial).

Notices
Staff mailed notices to all property owners within 300 feet of the subject property. Notices were mailed to 24 property owners on April 6, 2018. At this time, staff has not received any public comments on the request.

Process
A subdivision is an administrative decision. The Planning Commission will hold a public hearing and make a decision based on compliance with applicable ordinances.

Discussion
The applicant is requesting to divide Lot 2 of the Herriman Corners subdivision into two lots. The city previously approved this property for a car wash and a quick lube. The owner would now like to subdivide the lot so that each of the proposed buildings will be located on separate lots.
Recommendation

Staff recommends approval of the subdivision plat amendment to add one lot to the Herriman Corners Subdivision with the same requirements as the original subdivision approval with the following additional requirements:

1. Final subdivision plat to be reviewed and approved by the City Engineer.
2. Any utilities, utility boxes, or street lights that need to be relocated shall be done at the expense of the property owner.

Attachments

A. Application
B. Vicinity Map
C. Amended Plat
Land Use Application

Address or location of site 5708 W 13400 Herriman, UT 84096

Size of Parcel 1.395 acres

What is Requested (explain in detail)?
Split of existing lot into two lots. Each lot to serve two separate businesses and buildings.

If applicable, square footage of proposed building(s) or addition (all stories combined).

If the request is residential, how many and what type of units (apartment, condo, etc).

Property Owner’s Name Prime Wash Properties, LLC
Mailing Address 3409 W Shiloh Creek Circle
City Bluffdale State UT Zip Code 84065
Telephone 801-814-1016 Cell Number E-mail steve@clowardweb.net

Applicant/Agent Steven Cloward
Mailing Address 3409 W Shiloh Creek Circle
City Bluffdale State UT Zip Code 84065
Telephone Cell Number 801-814-1016 E-mail steve@clowardweb.net

Subject to Purchase or Lease: or Present Owner of Property: X

Yes I am the authorized agent or owner of the subject property: X

Current Use of Subject Property Vacant
Proposed Development Name Car Wash and Quick Lube

For Herriman Use Only

Date of Submittal 3/30/18 Filing Fee $160 File Number S2018-009
Receipt Number 052303 Accepted by CE DRC

Herriman City, 13011 S Pioneer St, Herriman UT 84096 Phone: (801)446-5323 Email: planning@herriman.org
APPLICANT'S/OWNER'S AFFIDAVIT

State of Utah  
City of Herriman  

I (we), Steven P. Allward, being duly sworn, depose and say that I (we) am (are) the owner(s) or authorized agent(s) of owner, of property involved in the attached application and that the statements and answers contained herein in the attached plans and other exhibits thoroughly, to the best of my (our) ability, present the argument in behalf of the application requested herewith and that the foregoing statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

Signed

Subscribed and sworn before me this 30 day of March, 2018

Shelly M. Peterson, Herriman City  
Notary Public, Residing at  
Shelly M. Peterson  
My Commission Expires Jul 28, 2020

*May be owner of record, contract owner, party to valid earnest money agreement, option holder or have other legal control of the property.

AGENT AUTHORIZATION

I (we), ____________________________, the owner(s) of the real property at ____________________________, Herriman, Utah, do hereby appoint ____________________________, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize ____________________________, to appear on my (our) behalf before any City Boards considering this application.

Signed ____________________________

Dated this ______ day of ____________________________, 20____, personally appeared before me ____________________________, the signer(s) of the above instrument who duly acknowledged to me that he/she (they) executed the same.

Notary Public, Residing at ____________________________

My Commission Expires ____________________________
Proposed Subdivision
File# S2018-009
<table>
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<th>Date of Meeting:</th>
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<td>Herriman City</td>
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<td>Address</td>
<td></td>
</tr>
<tr>
<td>Request</td>
<td>Text Change to the Land Development Code Regarding Planning Commission and Appeals Authority Appointments</td>
</tr>
</tbody>
</table>
Herriman City

Staff Report

DATE: April 25, 2018

TO: Planning Commission

FROM: Bryn McCarty, AICP, Assistant City Planner

MEETING: Planning Commission May 3, 2018

REQUEST: Text Change to the Land Development Code regarding Planning Commission and Appeals Authority Appointments
Applicant: Herriman City
File Number: Z2018-008

Request
Herriman City is proposing a text change to Title 10 of the Herriman City Code, which is the Herriman Land Development Code, regarding Planning Commission and Appeals Authority Appointments.

Notice
The public hearing notice was posted in the newspaper and the City website on April 23, 2018. As of the date of this report, staff has not received any public comments regarding the proposed text change.

Process
A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council will then hold a public meeting to discuss the item and make the final decision.

Discussion
This change was drafted by John Brems, City Attorney, at the request of the City Council. The proposed text change modifies the ordinance to establish how Planning Commission members are appointed. The ordinance currently states that the Planning Commission is appointed “by the Mayor, with the advice and consent of the City Council.” The proposed change will state that the Planning Commission is “appointed by the City Council.” This amendment also affects the process of appointing and removing members from the Planning Commission and Appeals Authority.

If the City Council approves the amendment, staff will prepare a subsequent amendment to the Herriman Planning Commission Rules of Procedure for Planning Commission review and recommendation to the City Council.

Recommendation
Staff recommends approval of the proposed text change regarding Planning Commission and Appeals Authority appointments.
Chapter 4
DECISION-MAKING BODIES AND OFFICIALS

10-4-1: Purpose

The purpose of this chapter is to set forth the authority of decision-making bodies and officials responsible for administering the provisions of this title.

10-4-2: Scope

The authority of decision-making bodies and officials set forth in this chapter shall apply to the entirety of this title, subject to its various provisions.

10-4-3: Definitions

Certain words and phrases in this chapter are defined in chapter 3 of this title.

10-4-4: City Council

A. Powers Not Enumerated in this Title. See city council powers and duties set forth in chapter 6 of the Herriman city code.

B. Powers and Duties Related to this Title. In addition to the powers and duties of the city council set forth in subsection A of this section, in administering this title the city council shall have the powers and duties set forth below. Each of such powers and duties shall be exercised pursuant to applicable provisions of this title.

1. Adopt, modify, or reject a proposed general plan or any amendment thereto for all or part of the city and its surroundings;

2. Adopt, modify, or reject proposed amendments to the text of this title and to the zoning map; and

3. Establish a fee schedule for land use applications required by provisions of this title.

10-4-5: Planning Commission

A. Established. Pursuant to the terms of the Municipal Land Use, Development, and Management Act, Utah Code § 10-9a-101, et seq., a planning commission is hereby established to exercise the powers and duties specified in this title.
B. Appointment and Term of Office. The planning commission shall consist of seven persons who shall be appointed by the mayor, with the advice and consent of the city council.

1. It is the intent of the city council that the planning commission will represent diverse citizen groups, as well as the broad interests of the city as a whole; that membership should include balanced representation in geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well planned community should be sought when appointing commission members. Interests from which expertise might be selected include banking, development, contracting, engineering, geology and seismology, law, ecology, behavioral sciences, historic preservation, architecture, and landscape architecture. It is not, however, intended that planning commission members be limited to professionals, but rather, that members represent a cross section of the community.

2. Planning commission members shall be bona fide city residents and qualified electors of the city.

3. Each planning commission member shall be appointed for a term of three years which shall begin upon appointment.

4. Planning commission members may be reappointed for successive terms.

5. The mayor, with the advice and consent of the city council may remove any member of the planning commission whenever it appears that such removal would be in the best interests of the city, as determined by the city council.

6. Any vacancy occurring on the planning commission by reason of death, resignation, or removal shall be promptly filled by the mayor, with the advice and consent of the city council, for the unexpired term of such member.

7. Any vacancy occurring on the planning commission by reason of expiration of term shall be promptly filled by the mayor, with the advice and consent of the city council.

8. The mayor, with the advice and consent of the city council, may appoint three alternate planning commission members who shall serve terms of one year. The reappointment, removal, and vacancy of alternate planning commission members shall be the same as for regular planning commission members. Alternate members of the planning commission may serve on the planning commission in the absence of a planning commission member.

9. Members and alternate members of the planning commission shall be deemed “volunteers” for purposes of city ordinances, rules, regulations, and policies concerning personnel; provided, however, they shall be included in the definition of “employee” for purposes of the Utah Governmental Immunity Act, Utah Code § 63-30-1, et seq.

10. Planning commission and alternate members may be compensated for performing their duties as may be approved by the city council.

C. Powers and Duties. The planning commission shall have the following powers
and duties which shall be exercised pursuant to the provisions of this title:

1. Prepare and recommend a general plan and general plan amendments to the city council as provided in section 10-5-7 of this title;

2. Recommend land use regulations to the city council as provided in section 10-5-8 of this title;

3. Act as a land use authority as provided in this title; and

4. Advise the city council on matters requested by the council, including but not limited to, programs for public improvements and the financing thereof; and

D. Organization and Procedure. The planning commission shall be organized and exercise its powers and duties as follows:

1. The planning commission shall select one member as chair to oversee the proceedings and activities of the planning commission and one member as vice-chair to act in the absence of the chair. The chair and vice-chair shall serve for a term of one year and may be reelected for successive terms.

2. The planning commission shall adopt policies and procedures, consistent with the provisions of this title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purpose considered necessary for the functioning of the planning commission. Such policies and procedures shall be approved by the city council before taking effect.

3. The planning commission shall hold regular meetings and any necessary public hearings on the first and third Thursday of each month in the Herriman Community Center Building located at 5355 W. Herriman Main Street, Herriman, Utah, unless otherwise changed by the planning commission as the need may arise and permitted by law.

   a. All planning commission meetings and public hearings shall be held after regular working hours of the city.

   b. Such meetings and public hearings shall be noticed and held in accordance with the Open and Public Meetings Act, Utah Code § 52-4-1, et seq. and section 10-5-5 of this title.

4. No official business shall be conducted by the planning commission unless a quorum of its members is present.

   a. Four members of the planning commission shall constitute a quorum.

   b. The minimum number of yes votes required for the planning commission to take any action shall be the majority of members present, unless otherwise prescribed by law.

5. The planning commission shall transmit reports of its official acts to the
6. Written minutes and a recording of planning commission meetings which are required by the Utah Open and Public Meetings Act, Utah Code § 52-4-1, et seq., shall be filed in the office of the city recorder. Such records shall be available for public review and access in accordance with the Government Records Access and Management Act, Utah Code § 63G-2-101, et seq.

7. The city and its authorized agents may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

   a. Preparation of the general plan; or
   b. Preparation or enforcement of the provisions of this title.

10-4-6: APPEAL AUTHORITY:

A. Established. Pursuant to the terms of the Municipal Land Use, Development, and Management Act, Utah Code § 10-9a-701, et seq., an appeal authority is hereby established.

B. Appointment and Term of Office. The appeal authority shall consist of one person who shall be appointed by the mayor, with the advice and consent of the city council.

   1. The person serving as the appeal authority shall be appointed for a term determined by the city council which shall begin upon appointment.
   2. Such person may be reappointed for successive terms.
   3. Any vacancy occurring on the appeal authority shall be promptly filled by the mayor with the advice and consent of the city council.
   4. A person serving as the appeal authority shall be deemed a “volunteer” for purposes of city ordinances, rules, regulations, and policies concerning personnel; provided, however, such person shall be included in the definition of “employee” for purposes of the Utah Governmental Immunity Act, Utah Code § 63G-7-101, et seq.

C. Powers and Duties. The appeal authority shall have the powers and duties given by Utah law, including but not limited to the following, which shall be exercised pursuant to the provisions of this title and applicable state law.

   1. The appeal authority shall hear and decide:
      a. Appeals from decisions applying the provisions of this title as provided in section 10-5-24 of this title;
      b. Appeals from a fee charged in accordance with Utah Code § 10-9a-510; and
      c. Requests for variances from the terms of this title as provided in section 10-5-21 of this title.
2. The appeal authority:
   a. Shall:
      i. Act in a quasi-judicial manner; and
      ii. Serve as the final arbiter of issues involving the interpretation or application of the provisions of this title and
   b. May not entertain an appeal of a matter in which the appeal authority had first acted as the land use authority.

D. Organization and Procedure. The appeal authority shall be organized and exercise its powers and duties as follows.

   1. The appeal authority shall adopt policies and procedures, consistent with the provisions of this title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the authority.

   2. Public hearings and meetings of the appeal authority shall be held at the call of the authority in the Herriman Community Center Building located at 13011 South Pioneer Street (6000 West), Herriman, Utah, unless otherwise changed by the authority as the need may arise and permitted by law.
      a. Public hearings and meetings shall be noticed and held in accordance with the Open and Public Meetings Act, Utah Code § 52-4-1, et seq. and section 10-5-5 of this title.
      b. At the meeting of any matter before the appeal authority, the parties affected may appear in person with or without an attorney.
      c. The appeal authority shall administer oaths, provide an opportunity for cross examination, and direct the proceedings of the authority in a quasi-judicial manner so that the due process rights of each participant are respected.
      d. The appeal authority shall not have ex parte contacts.

   3. The appeal authority shall transmit reports of its official acts to the city council, planning commission, and community development director.

   4. Written minutes and a recording of appeal authority meetings which are required by the Utah Open and Public Meetings Act, Utah Code § 52-4-1, et seq., shall be filed in the office of the city recorder. Such records shall be available for public review and access in accordance with the Government Records and Access Management Act, Utah Code § 63G-2-101, et seq.

10-4-7: COMMUNITY DEVELOPMENT DIRECTOR:

   A. Appointment. The community development director, or a person designated by
the director, is responsible for administering and enforcing the provisions of this title.

B. Interpretation. Upon request, the community development director shall make a written interpretation of the text of this title pursuant to section 10-5-18 of this title.

C. Administrative Duties. The community development director shall accomplish or cause to be accomplished all administrative actions required by this title, including the giving of notice, holding of hearings, preparation of staff reports, and receiving and processing of appeals.

D. Appeal. Any person adversely affected by a final decision of the community development director made in the exercise of the provisions of this title may appeal that decision to the appeal authority as provided in section 10-5-24 of this title.

10-4-8: PLANNING COMMISSION REFERRAL:

A. Referral to Staff. The planning commission may direct that any matter over which it has jurisdiction be referred to the staff of the planning commission for review and preparation of recommendations. Such action shall be taken either by motion of the planning commission or pursuant to duly adopted policies and procedures of the planning commission. The authority for such referrals may be revoked at any time by motion of the planning commission or amendment of its policies and procedures as the case may be.

B. Appointment of Hearing Officer. In the event a matter is referred to the planning commission staff which requires a public hearing, the city manager shall appoint a hearing officer to conduct the hearing in accordance with applicable requirements of this title.

C. Review and Recommendation. If a matter is referred to the planning commission staff as permitted by this section, the staff shall conform to any instructions or limitations contained in the referral, and subject thereto shall review the referred matter, conduct any necessary hearings, and prepare written recommendations for the planning commission.

E. Decision. Unless the planning commission shall otherwise direct, any person who has applied for authorization to develop property under the terms of this title may in writing consent to the staff recommendation and waive further action by the planning commission. If the applicant waives further action by the planning commission, the staff recommendation shall be deemed approved by the planning commission. Thereafter, necessary permits may be issued subject to the terms of this title and any applicable conditions of approval.

F. Limitation. This section shall not apply to any action where the planning commission is required by law to take direct action.