The following are the minutes of the Planning Commission Meeting held on Thursday, January 3, 2019 at 7:00 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, Adam Jacobson, Lorin Palmer, Andy Powell, Brody Rypien, Jackson Ferguson, Alternate Andrea Bradford

Staff Present: City Planner Michael Maloy, Planning Coordinator Craig Evans, Planning Intern Samantha DeSeelhorst, Communication Specialist Destiny Skinner, Deputy Recorder Wendy Thorpe, Engineer Josh Peterson, City Attorney John Brems, Assistant City Manager Gordon Haight, Community Outreach Coordinator Sandra Llewelyn

Work Meeting (Fort Herriman Conference Room)
Chair Jessica Morton called the work meeting to order at 6:04 pm.

1. Discussion Items
   1.1 Training on Ex Parte Contact – John Brems, City Attorney
City Attorney John Brems presented training on the Ex Parte Contract.

   Commissioners Bradford and Rypien arrived at 6:05 pm.
   Commissioner Ferguson arrived at 6:07 pm.

City Planner Michael Maloy stated the City would look into sending emails to the Planning Commission to notify them of all building permits weekly to keep them informed.
2. **Review of City Council Decisions**

City Planner Michael Maloy informed the Commissioners that the City Council met on December 12, 2018. They began the approval process of changing the Signature plat process as the Mayor would no longer sign them. City Attorney John Brems and City Planner Michael Maloy will sign along with City Recorder Jackie Nostrom conducting the attestation.

The City Council adopted the Auto Mall and zoning map amendments. The City intended to reach out to Auto Dealers that would take an area of the Auto Mall. The Planning Commission discussed landscape buffers and authorized a change to the TM zone and landscaping guidelines. They discussed a request to amend building heights of a C-2 zone. The possible standards for a maximum height of buildings was discussed and tabled.

The Commission discussed the annexation area study. City Planner Michael Maloy stated the key take away was the transportation issue. He mentioned the various thresholds for roads, water, and other general and responsible parties. The quality of life would be impacted if the City paid to upgrade the infrastructure in that proposed area. It would also influence density and water availability. Assistant City Manager Gordon Haight briefly spoke about the impact fee capacities for water and the increased density with the storm drain. An extremely high density is difficult to compensate for loss of quality of life. The County corridor funding was awarded ahead of schedule. City Planner Michael Maloy would distribute a report at a later date on this to the Commissioners.

3. **Review of Agenda Items**

City Planner Michael Maloy informed the Planning Commission the Charter School discussion and Public Hearing would take place during the next meeting. Chair Jessica Morton will announce it during the agenda at the next meeting. They reviewed the Anthem application and made the appropriate changes. A delay in the planned development allows for more time for developers to work with the City, ensuring a high level of detail. The Commission previously made zoning changes; Assistant City Manager Gordon Haight stated that the changes and developments would be introduced to the Planning Commission in phases.

The SLR density had been under the design guidelines for Teton. This would be considered as one subdivision. However, SLR would lose density unit counts based on how much is in current development. As a requirement in the application, Staff must report any continued items. Those items that do not meet the ordinance have been omitted. The Commission agreed that these items should be thoroughly reviewed by Staff prior to adding them to the Planning Commission agenda.

The City anticipated an eight-plex building divided with further subdivision and rental anticipated. Various units will be on Master Water and the HOA will cover the water costs for the entirety of the building. Though unusual, this is not prohibited by the ordinance. The Commission also discussed the sewer and power costs. There was also a road grade change and a fence installation requirement that could be covered with a fee rather
than removing the items from the requirements.

Planning Commission work meeting adjourned by consensus at 6:58 p.m.

7:00 PM - Regular Planning Commission Meeting

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

4.1 Invocation/Thought/Reading and Pledge
Scout Devin Filmer led the audience in the Pledge of Allegiance.

4.2 Roll call
Full Quorum Present.

4.3 Approval of Minutes for December 6, 2018
Commissioner Chris Berbert moved to approve item 4.3 Minutes for December 6, 2018 as written. Commissioner Brody Rypien seconded the motion and all voted aye.

4.4 Conflicts of Interest
No conflicts of interest were offered.

Chair Jessica Morton announced the two items for the Charter School. Commissioner Adam Jacobson made a motion to continue, seconded by Commissioner Brody Rypien. All voted aye.

5. 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.

5.1 Request: Conditional Use Approval for a Manufacturing Building
Applicant: Rob Cottle/Babcock Design
Address: 7300 W 11800 S
Zone: T-M (Technology Manufacturing)
Acres: 15.56
File Number: C2018-41
Planning Coordinator Craig Evans explained that no plans have changed with the annexation approval. Applicant Rob Cottle and Devin Belknap approached the podium. They announced that Bullfrog Spa will make their headquarters in Herriman.

Staff Recommendations
Staff recommends approval of the manufacturing building subject to the annexation and the following requirements:

1. All exterior lighting, including a photometric plan, must be reviewed and approved by the City Engineer which will mitigate or eliminate detrimental impacts of light. Final lighting plan shall prevent all light pollution and glare onto adjacent properties. Where necessary, light fixtures shall use cut-off shields to prevent light pollution and glare. Final lighting plan shall include cut sheet details and specifications for all exterior light fixtures. Approved fixtures shall not be substituted without approval of the Planning Director or designee.
2. Parking lot lights need to meet City standards.
3. A waiver of strict compliance is approved for the landscaping requirements. The landscaping is approved at 11.5%.
4. The front yard area which faces on 118th South shall be landscaped and maintained with live plant material, including shrubs, flowers and trees for a minimum distance of twenty feet (20’) which will mitigate or eliminate detrimental visual impacts. This should include 24 additional trees. All tree species to be approved by the Herriman City Landscape Architect.
5. Building elevations are approved as submitted, which will mitigate or eliminate detrimental visual impacts.
6. Install curb, gutter, sidewalk, street lights, and park strip on all public streets. This may include a fee-in-lieu for the sidewalk on 118th South.
7. No signs are approved with this request; a separate approval will be required.
8. Screen all outside trash and dumpster areas which will mitigate or eliminate detrimental visual impacts.
9. Provide 1 parking space per employee on the highest employment shift. The building will have 315 employees, with 200 per shift. The proposed plan has 367 spaces.
10. A traffic study for the development shall be reviewed as part of the engineering approval. Left-turns may be limited as recommended in the traffic study.
11. The Building department will review accessibility with the Engineering review. Provide an Accessibility Detail Sheet. The detail sheet should include an accessible route from the public street to the building.
12. Park Strip landscaping along 118th South to be installed by the applicant as per City standards.
13. Provide Fire Flow Test Report as per the Unified Fire Authority (UFA) test report requirements.
14. All detention will require a long-term maintenance agreement, form to be provided by engineering department.
15. All detention is required to be landscaped, including sod, sprinklers, and trees.
16. Any underground detention will require an injection well permit.

Commissioner Chris Berbert moved to approve item 5.1 file number C2018-41 Conditional Use Approval for a Manufacturing Building with Staff Recommendations; Commissioner Lorin Palmer seconded the motion.

The vote was recorded as follows:

- Commissioner Chris Berbert: Aye
- Commissioner Jackson Ferguson: Aye
- Commissioner Adam Jacobson: Aye
- Commissioner Lorin Palmer: Aye
- Commissioner Andy Powell: Aye
- Commissioner Brody Rypien: Aye

The motion passed unanimously.

5.2 Request: Preliminary Plat Approval for a 250 Lot Age-Restricted Subdivision (Teton Village) (Public Hearing was opened on November 1, 2018)

Applicant: Anthem Utah, LLC
Address: 6100 West 12000 South
Zone: R-2-10 (Residential – Medium Density)
Acres: 51.158
File Number: S2018-18

Planning Coordinator Craig Evans stated the revisions for the age-restricted subdivision. The development plan added gating and various elevation improvements. Applicant Cory Shupe represented the developer for Teton and Jackson. He explained the various changes that were made, including an added through street. All of the lots on the West side of the park were removed; several of them were moved to the gated portion. He added that his team agrees with the staff recommendations. The Planning Commission asked if a gated area automatically included an HOA. The applicant responded in the affirmative. The roads leading to the City are also standard size. The applicant stated that he anticipated parking spots in the City Park. A 20-foot maintenance access near the creek will be added, as well. He referred the Commission to a packet that included more information on lot sizes and dimensions. The lots in Teton will be under 4,500 feet and under 5,000 in Jackson.

Chair Jessica Morton stated the public comment guidelines and re-opened the Public Hearing that was previously opened November 11, 2018.

Robert Radfield requested for the map to be displayed again. He questioned the location of the Teton Village gated area park and verified that unit sizes would be summarized and listed. He was concerned about larger lot sizes.

Chair Jessica Morton closed the public hearing.
The Commissioners discussed the fencing timeline along 6000 West, including the need for a separation between commercial and road to deter high school parking. The applicant stated the fences are identified on a master plan and will be installed with each adjacent phase. The fence product includes large concrete around the perimeter. The Commissioners discussed the standard for road sizing. They identified the gate locations in the area.

Teton would be installed first with no more than 30 units at a time due to access and fire access. The parks and recreation committee discussed improvements needed along 11800 South. Assistant City Manager Gordon Haight identified various trails to be added in that area. The Commissioners inquired if the trails would connect to the Mountain View trail and include sidewalks. An asphalt path was proposed rather than a concrete sidewalk. The path area would need further clarification.

Commissioner Adam Jacobson asked if the master development agreement identified roads as private. Assistant City Manager Gordon Haight stated that private roads are implied when gates are installed. The addition of item 13 would identify different private roads.

Commissioner Chris Berbert talked about item 10 referencing the sidewalk and trail area. Commissioner Adam Jacobson discussed the gate locations again and the different private and public streets. Commissioner Jackson Ferguson discussed lot sized, which will be submitted with each phase. They agreed that temporary fencing creates a level of worry.

**Recommendation**

Staff recommends preliminary plat approval of 250 age-restricted lots with the following requirements:

1. Receive and agree to the recommendations from other agencies, including those included in the Development Review Committee comments dated September 12, 2018.
2. Meet with staff to review compliance with all requirements of the Master Development Agreement when each phase is submitted for final engineering review.
3. Trails between lots shall be at least a 20 feet wide with an 8 foot hard surface trail and landscaping approved by the Parks Department.
4. Provide a 20 foot wide trail along the south side of Midas Creek. The trail shall be outside the top of bank. The trail should include an 8 foot paved trail and an 8 foot unpaved/aggregate trail.
5. 6000 West shall be built adjacent to the phase being constructed. Roads shall be built with sidewalks, park strips, and street lights being installed along the phase being developed.
6. No residential driveways shall access onto 6000 W.
7. Temporary retention/detention may be used in each pod as long as it is owned and maintained by the developer and has temporary storm water easements placed over the property as well as easements for any necessary conveyance.

Staff Report
8. Comply with all recommendations from the Traffic Study, including additional right-of-way dedication for future traffic signals or turn lanes.

9. Infrastructure improvements, including but not limited to utilities, street signs, street lighting, fencing, and other required improvements, shall be provided in accordance with city standards and specifications.

10. Install curb, gutter, sidewalk, park strip, and street lights along all public streets in accordance with city standards.

11. No more than 30 building permits to be issued on one access. The second access must be connected to meet UFA requirements before more than 30 permits are issued (total of 30 for both phases).

12. Provide adequate right of way dedication for future traffic signals on 6000 West.

Commissioner Chris Berbert moved to approve item 5.2 file number S2018-18 Preliminary Plat Approval for a 250 Lot Age-Restricted Subdivision (Teton Village) (Public Hearing was opened on November 1, 2018) with all staff requirements and additional item 13 stating all private roads maintained by development and item 10 all roads public or private by city standards. Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert Aye
Commissioner Jackson Ferguson Aye
Commissioner Adam Jacobson Aye
Commissioner Lorin Palmer Aye
Commissioner Andy Powell Aye
Commissioner Brody Rypien Aye

The motion passed unanimously.

5.3 Request: Preliminary Plat Approval for a 315 Lot Subdivision (Jackson Village) (Public Hearing was opened on November 1, 2018)

Applicant: Anthem Utah, LLC
Address: 6300 West 11900 South
Zone: R-2-10 (Residential – Medium Density)
Acres: 68
File Number: S2018-19

Planning Coordinator Craig Evans explained that this motion is much the same but for Jackson Village only.

Applicant Corey Shupe stated that 6000 West was already fenced.
Chair Jessica Morton re-opened the public hearing.

Robert Radford stated that he wanted the number totals for lot sizes to remain the same. He wanted the area to match the original approval by the Council. The 11800 South walkway or paved trail does not make sense to him due to a setback in connecting further west. He would like clarification on the strip of land on the west end and who would be responsible for the installation.

Chair Jessica Morton closed the public hearing.

The Commissioners stated the requirement of four addresses needed for the trail issue. They discussed the Jackson Village changes regarding the number of lots.

**Recommendation**

Staff recommends preliminary plat approval of 315 single family lots with the following requirements:

1. Receive and agree to the recommendations from other agencies, including those included in the Development Review Committee comments dated September 12, 2018.
2. Meet with staff to review compliance with all requirements of the Master Development Agreement when each phase is submitted for final engineering review.
3. No residential driveways shall access onto 6400 W or 11800 South.
4. Temporary retention/detention may be used in each pod as long as it is owned and maintained by the developer and has temporary storm water easements placed over the property as well as easements for any necessary conveyance.
5. Comply with all recommendations from the Traffic Study, including additional right-of-way dedication for future traffic signals or turn lanes.
6. Infrastructure improvements, including but not limited to utilities, street signs, street lighting, fencing, and other required improvements, shall be provided in accordance with city standards and specifications.
7. Install curb, gutter, sidewalk, park strip, and street lights along all public streets in accordance with city standards.
8. Streets shall be public and built in accordance with city standards and specifications. All streets shall be 53 feet, except for the main street that provides access to the City park shall be 60 feet.
9. No more than 30 building permits to be issued on one access. The second access must be connected to meet UFA requirements before more than 30 permits are issued (total of 30 for both phases).
10. No driveways will be allowed within 50 ft of the right-of-way line of 118th South.

Staff Report

11. Provide adequate right of way dedication for future traffic signals on 118th South and 6400 West.

12. Indicate the location of the FEMA Floodway on the plats.

Commissioner Chris Berbert moved to approve item 5.3 file number S2018-19 Preliminary Plat Approval for a 315 Lot Subdivision (Jackson Village) (Public Hearing was opened on November 1, 2018) with staff recommendations and minor adjustment to item 7 regarding street lights, curb, option of paved trail that city chooses. Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:

- Commissioner Chris Berbert: Aye
- Commissioner Jackson Ferguson: Aye
- Commissioner Adam Jacobson: Aye
- Commissioner Lorin Palmer: Aye
- Commissioner Andy Powell: Aye
- Commissioner Brody Rypien: Aye

The motion passed unanimously.

5.4 Request: Proposed 1 Lot Subdivision for Advantage Arts Academy Charter School (Public Hearing)

Applicant: Pace CM
Address: Approximately 6200 West 11800 South
Zone: C-2 (Commercial)
Acres: 6.8
File Number: S2018-23

Commissioner Adam Jacobson moved to continue item 5.4 file number S2018-23 Proposed 2 Lot subdivision for Advantage Arts Academy Charter School. Commissioner Jackson Ferguson seconded the motion.

The vote was recorded as follows:

- Commissioner Chris Berbert: Aye
- Commissioner Jackson Ferguson: Aye
- Commissioner Adam Jacobson: Aye
- Commissioner Lorin Palmer: Aye
- Commissioner Andy Powell: Aye
- Commissioner Brody Rypien: Aye

The motion passed unanimously.

5.5 Request: Final Site Plan Review for Advantage Arts Academy Charter School
Commissioner Chris Berbert moved to approve item 5.5 file number P2018-05 Final Site Plan Review for Advantage Arts Academy Charter School. Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:

- Commissioner Chris Berbert: Aye
- Commissioner Jackson Ferguson: Aye
- Commissioner Adam Jacobson: Aye
- Commissioner Lorin Palmer: Aye
- Commissioner Andy Powell: Aye
- Commissioner Brody Rypien: Aye

The motion passed unanimously.

5.6 Request: Proposed Subdivision Amendment to Subdivide 1 Building into 4 Individual Units

- Applicant: Charles R. Frost
- Address: 14429 S Abbey Bend Lane
- Zone: MU-2 (Mixed Use)
- Acres: .07
- File Number: S2018-21

Planning Coordinator Craig Evans stated the various locations of the Paytons Quarry section. It would include an eight-plex with four units subdivided.

Applicant Charles Frost stated that he talked to Dominion and Power, all agreeing that the payment would be made by the HOA. They stated that subdividing the area would improve the tax base and increase the value of the property.

Commissioner Adam Jacobson mentioned his confusion with how subdividing will work in the situation. He mentioned that since the buildings are technically touching, that the other builder should be involved in the decision-making process and that the other owner should sign the plat. Applicant Charles Frost stated that he already reached out to the other owner and the architect responded saying that he did not need to sign the plat. Commissioner Adam Jacobson voiced his opinion that the City must research the situation more since in the past, this situation was handled differently. Applicant Charles Frost stated that two or three developments across the street are also subdivided. He anticipated that more will need to be configured by the City Staff and City Attorney.
Commissioner Adam Jacobson moved to continue without date for staff to review how to handle item 5.6 file number S2018-21 Proposed Subdivision Amendment to Subdivide 1 Building into 4 Individual Units. Commissioner Chris Berbert seconded the motion.

The vote was recorded as follows:

Commissioner Chris Berbert     Aye
Commissioner Jackson Ferguson   Aye
Commissioner Adam Jacobson     Aye
Commissioner Lorin Palmer      Aye
Commissioner Andy Powell       Aye
Commissioner Brody Rypien      Aye

The motion passed unanimously.

5.7 Request: Subdivision Amendment to Remove Condition of Approval # 9 (Fencing Requirement) for Maddy Heights Subdivision (Public Hearing)
Appliant: Herriman City
Address: 7182 West Rose Canyon Road
Zone: A-.25
Acres: 4.06
File Number: S2017-17-01

Planning Coordinator Craig Evans mentioned that upon completion of the original approval, item 9 required fencing along the proposed roadway. Engineering recently determined that the fencing at this time will not benefit the Planning Commission as anticipated.

Engineer Josh Peterson stated that the fence would be destroyed when the road along 7300 West is constructed. Upon completion, a precase wall will be built.

The Commissioners voiced concern with resident safety and proposed a possible fee and fence possibilities. They discussed these options and stated that the City must take control of the area now. They voiced concern for the slope transition. Commissioner Adam Jacobson expressed his opinion that that fence required installation in order for homeowners to know there will be a road in that area. Engineering stated that a precast wall will be installed once the road has been constructed.

Chair Jessica Morton opened the public hearing.

No comments were offered.

Chair Jessica Morton closed the public hearing.
Commissioner Adam Jacobson moved to deny item 5.7 file number S2017-17-01 Subdivision Amendment to Remove Condition of Approval # 9 (Fencing Requirement) for Maddy Heights Subdivision. Commissioner Brody Rypien seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert   Aye
Commissioner Jackson Ferguson Aye
Commissioner Adam Jacobson   Aye
Commissioner Lorin Palmer     Aye
Commissioner Andy Powell     Aye
Commissioner Brody Rypien    Aye
The motion passed unanimously.

6. 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.

6.1 Request: Text Change to the Land Development Code Regarding Fencing Materials (Public Hearing was held on October 4, 2018)
Applicant: Herriman City
File Number: Z2018-16
Planning Coordinator Craig Evans informed the Commissioners of the text change. Commissioner Adam Jacobson stated that the black vinyl-coated chain link fence is unbecoming to the City. He proposed amending the requirement.

City Planner Michael Maloy read part of the City fence code. He reminded the Commissioners that they will make recommendations to the City Council. The Commissioners expressed a desire to keep the requirements as is aside from the chain link black-coated fence.

Commissioner Adam Jacobson moved to continue item 6.1 file number Z2018-16 Text Change to the Land Development Code Regarding Fencing Materials (Public Hearing was held on October 4, 2018). Commissioner Andy Powell seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert   Aye
Commissioner Jackson Ferguson Aye
Commissioner Adam Jacobson   Aye
Commissioner Lorin Palmer     Aye
Commissioner Andy Powell     Aye
Commissioner Brody Rypien    Aye
The motion passed unanimously.
7. **Chair and Commission Comments**
Commissioner Adam Jacobson expressed his frustration with the packet formatting changes. If an item returned for changes, he would like those changes identified. Commissioner Chris Berbert requested that updates in the General Plan be included in the packets for the work meeting discussion. Commissioner Brody Rypien voiced his opinion on reviewing open-space calculations during the work meeting.

8. **Future Meetings**
8.1 City Council Meeting – **Wednesday, January 9, 2018 @ 7:00 PM**
8.2 Planning Commission Meeting – **Thursday, January 17, 2019 @ 7:00 PM**

9. **Adjournment**
Commissioner Adam Jacobson moved to adjourn the meeting at 8:29 p.m. Commissioner Brody Rypien seconded the motion and all voted aye.

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 January 3, 2019. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe