The following are the minutes of the Planning Commission Meeting held on Thursday, April 4, 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 Chris Berbert

Commission Members Present: Andy Powell, Jackson Ferguson, Adam Jacobson, Lorin Palmer, Brody Rypien

Commission Members Absent: Andrea Bradford

Staff Present: City Planner Michael Maloy, Assistant City Planner Bryn MacDonald, Planner I Craig Evans, Communication Specialist Destiny Skinner, Deputy Recorder Wendy Thorpe, Staff Engineer II Josh Peterson, City Attorney John Brems, Community Development Coordinator Sandra Llewellyn, Director of Parks, Events and Recreation Wendy Thomas, Staff Engineer Jory Howell

Work Meeting (Fort Herriman Conference Room)

Chair Chris Berbert called the work meeting to order at 6:06 pm.

1. Review of City Council Decisions

City Planner Michael Maloy informed the Planning Commission that the City Council did not meet last week. Assistant City Planner Bryn MacDonald mentioned that 18 people sent in applications for the Planning Commission vacancies. There would be a recommendation to the City Council at the next meeting for the three open spots.
2. **Review of Agenda Items**

Assistant City Planner Bryn MacDonald reviewed the one-acre subdivision extension for item 2.4. The new process would allow for multiple extensions as long as the timeline remained the same. The Planning Commission would be able to deny the applicant; however, this would not hinder the applicant from applying again. City Planner Michael Maloy relayed the subdivision expiration date and reminded the Commission that changes at times are necessary. For example, when engineering standards change. Currently, there seems to be a great deal of spot zoning and the opinion had been offered that A-1 lots should be preserved. It was added that it would be unfortunate to dedicate land specifically to a road and realize later the land was needed for further subdivision. Properties should be treated equally but potential changes for an A-1 minimum lot size may be open for debate. Possible points of discussion include time limits and expirations for development agreements.

Currently, 7,900 units have been approved for development in Herriman City. These include half, single, family, multi-family units and high density housing. Smaller, single-family home minimum design standards may need to allow for smaller sized lots.

City Planner Michael Maloy mentioned the passage of SB34 by the Legislature, which required cities to take steps to encourage affordable housing. Due to this, various contracts require addressing and potential updating. The infrastructure should match with Herriman’s development pattern and be appropriately planned. The Commission should look into which sections of the City would be best suited for affordable housing.

3. **Training**

City Planner Michael Maloy presented a Ted Talk chosen by Commissioner Jackson Ferguson.

The Planning Commission discussed frontrunner travel times and bus routes in Herriman. They discussed that some jobs have evolved into work-from-home positions which could decrease the use of public transportation for work commutes.

Chair Chris Berbert offered to provide the Ted Talk for the next meeting.

*Planning Commission work meeting adjourned by consensus at 6:55 p.m.*

**7:00 PM - Regular Planning Commission Meeting**

1. **Call to Order**

Chair Chris Berbert called the meeting to order at 7:00 p.m. and welcomed those in attendance.

1.1 **Invocation/Thought/Reading and Pledge**

Ms. Lyndsey Fox led the audience in the Pledge of Allegiance.
1.2 Roll call
Full Quorum Present.

1.3 Conflicts of Interest
No Conflicts were offered.

1.4 Approval of the Minutes for March 7, 2019 and March 21, 2019
Commissioner Adam Jacobson moved to approve the March 7, 2019 and March 21, 2019 Planning Commission Minutes. Commissioner Andy Powell seconded the motion, and all voted aye.

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 application compliance with the ordinance.

2.1 Request: Conditional Use Permit for the Stampede, Raw Hide, and Hardlick Downhill Trails, and realignment to a portion of the Bonneville Shoreline Trail
Applicant: Herriman City
Address: 15700 South 6000 West
Zone: FR-2.5 (Forestry Recreation)
File Number: C2019-024
Assistant City Planner Bryn MacDonald explained the area and realignment locations.

Staff Engineer Jory Howell explained the trail was a dedicated bicycle lane in the canyon south of Blackridge reservoir and was a good fit for open recreational space. The solid lines shown on the presented map indicate a single track, multi-use trail. The double track shown came from old ATVs. The switchback terrain pattern may need slight adjusting.

Commissioner Lorin Palmer moved to approve item 2.1 file number C2019-024 Conditional Use Permit for the Stampede, Raw Hide, and Hardlick Downhill Trails, and realignment to a portion of the Bonneville Shoreline Trail. Commissioner Adam Jacobson seconded the motion.

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

2.2 Request: Preliminary Plat for a 2 Lot Subdivision (Public Hearing)
Assistant City Planner Bryn MacDonald explained the idea for two plots set on one acre and defined the road dedication with the distribution of acreage.

Chair Chris Berbert reviewed the Public Comment Guidelines.

Applicant Tyler Fox stated the information was straightforward and added the property would be fenced.

Chair Chris Berbert opened the Public Hearing.

No comments were offered.

Chair Chris Ber bert closed the Public Hearing.

The Commissioners asked why the engineering department required French drains for this project. Staff Engineer Josh Petersen responded that it was to retain storm water.

Other various requirements included:
1. Receive and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department.
3. Install improvements on 7530 West, including asphalt, curb, gutter, sidewalk, park strip, and street lighting as required by the Engineering Department.
4. The plat shall be approved and recorded prior to the building permit being issued for the lot.
5. Plat shall include easements for existing City utilities.
6. Work with engineering to manage storm water on site. This will require all roof drains to tie into French drains.

Commissioner Adam Jacobson moved to approve item 2.2 file number S2019-014 Preliminary Plat for a 2 Lot Subdivision with requirements. Commissioner Jackson Ferguson seconded the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson  Aye
Commissioner Andy Powell  Aye
Commissioner Brody Rypien  Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer  Aye
The motion passed unanimously.

2.3 Request: Preliminary Plat for a 2 Lot Commercial Subdivision (Public Hearing)
Applicant: James Horsley
Address: 4874, 4950, & 5000 West 12600 South; 5007, 5008, & 5010 West 12560 South; 5007 West 12500 South
Zone: A-1 (Agricultural)
File Number: S2019-011

Assistant City Planner Bryn MacDonald explained that two lot subdivisions will eventually turn completely commercial, such as the south part of the auto mall area. The applicant proposed two commercial lots to further subdivide for businesses.

Applicant James Horsley had no further comments to add and mentioned that potential business fillers included a car wash or gas station.

Chair Chris Berbert opened the Public Hearing.

No comments were offered

Chair Chris Berbert closed the Public Hearing.

The Commissioners discussed the requirement of an additional dedication to the City for the 82 foot right-of-way.

Regarding driveway access, the site plan approval for Herriman Boulevard had not yet received approval. The condition could be removed if needed; no driveway should be on Herriman Boulevard unless a traffic study complied with the need. There was a potential option for a lane leading directly out and in, with the option of an additional turn lane; however, this was also conditional on the impact of a traffic study.

Applicant James Horsley responded that he would work with these stipulations.

Other various requirements included:
1. Receive and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department.
3. Dedicate right of way for Herriman Blvd and the 82 foot access road.
4. Install improvements on Herriman Blvd, including curb, gutter, sidewalk, street lights, park strip, and street trees.
5. No driveway access will be allowed unto Herriman Blvd.
6. A traffic impact study will be required for each user as they come back for final approvals.
7. A master plan for water, storm drain, and other utilities must be approved by the Engineering Department prior to a final plat being approved or any building permits being issued.

Commissioner Adam Jacobson moved to approve item 2.3 file number S2019-011 Preliminary Plat for a 2 Lot Commercial Subdivision with 7 requirements and additional alteration of number 4 to install improvements on Herriman Boulevard and the 82 foot right of way access road and number 3 to dedicate right of way for Herriman Boulevard access and any additional needs for the radius of the sidewalk, and an alteration to number 5 to say that driveway access along Herriman Boulevard be permitted as right in, right out only. Commissioner Brody Rypien seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

2.4  Request: 2 Year Extension for Samoylenko Place Subdivision

Applicant:  Natalya Samoylenko
Address:  13757 South 7300 West
Zone:  A-.50 (Agricultural)
Acres:  1
File Number:  S2017-004-01

Assistant City Planner Bryn MacDonald explained that the one lot subdivision plat had not yet been recorded and as such, the applicant had requested a two-year extension for recording the plat.

Applicant Natalya Samoylenko mentioned that the building had been delayed.

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.  Dedicate property to accommodate 33 feet of right of way from the centerline of 7300 West along entire frontage of property.
4.  Pay fee in lieu for sidewalk improvements along 7300 West Frontage.
5.  New power to the home and all utilities must be installed underground.

Commissioner Brody Rypien moved to approve item 2.4 file number S2017-004-01 for the 2 Year Extension for Samoylenko Place Subdivision with requirements. Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:
Commissioner Adam Jacobson  Aye  
Commissioner Andy Powell  Aye  
Commissioner Brody Rypien  Aye  
Commissioner Jackson Ferguson  Aye  
Commissioner Lorin Palmer  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: Rezone 1 Lot from A-1 (Agricultural) to C-2 (Commercial) (Public Hearing)
Address: 5200 W Herriman Blvd
Zone: A-1 (Agricultural)
Acres: 7.5
File Number: Z2019-018

Assistant City Planner Bryn MacDonald defined the rezone and proposed layout for the Auto Mall and commercial areas. There is no set site plan at this point but the zone to the east is anticipated to be zoned A-1.

Applicant Ken Olson offered to answer questions.

Chair Chris Berbert opened the Public Hearing.

No comments were offered.

Chair Chris Berbert closed the Public Hearing.

It was clarified that this request conforms with the General Plan.

Commissioner Adam Jacobson moved to recommend approval of item 3.1 to the City Council, file number Z2019-018 Rezone 1 Lot from A-1 (Agricultural) to C-2 (Commercial) (Public Hearing). Commissioner Lorin Palmer seconded the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson  Aye
Commissioner Andy Powell  Aye
Commissioner Brody Rypien  Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer  Aye
The motion passed unanimously.

3.2.  Request: Text Change to the Definition of “Retail Tobacco Specialty Business” to include Electronic Cigarettes and e-cigarettes (Public Hearing)

Applicant: Herriman City
File Number:  Z2019-025

Assistant City Planner Bryn MacDonald stated this ordinance addressed retail tobacco specialty businesses. As Utah State Code defines vape and electronic cigarettes as being included in tobacco products; approving the proposed text change would make the ordinance more transparent that the uses are included as a retail tobacco specialty business. She recommended adding additional phrasing for clarification purposes.

Chair Chris Berbert opened the Public Hearing.

No comments were offered.

Chair Chris Berbert closed the Public Hearing.

Commissioner Andy Powell moved to recommend approval of item 3.2 to the City Council, file number Z2019-025 Text Change to the Definition of “Retail Tobacco Specialty Business” with Utah Code corrected to Section 26-38-2. Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson  Aye
Commissioner Andy Powell  Aye
Commissioner Brody Rypien  Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer  Aye
The motion passed unanimously.

4.  Chair and Commission Comments
A zoning map detailing the proposed zoning layers was requested by the Planning Commission.

5.  Future Meetings
5.1  City Council Meeting – Wednesday, April 10, 2019 @ 7:00 PM
5.2  Planning Commission Meeting – Thursday, April 18, 2019  Cancelled

6.  Adjournment
Commissioner Adam Jacobson made a motion to adjourn the meeting at 7:31pm 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 April 4, 2019. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe