The following are the minutes of the Planning Commission Meeting held on Thursday, June 6, 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 Excused: Brody Rypien, Jackson Ferguson

Staff Present: City Planner Michael Maloy, Assistant City Planner Bryn MacDonald, Planner I Craig Evans, Planner I Samantha DeScelhorst, Code Enforcement Officer Simeon Miller, Communication Specialist Mitch Davis, Deputy Recorder Wendy Thorpe, Staff Engineer II Josh Peterson, City Attorney John Brems

Work Meeting (Fort Herriman Conference Room)
Chair Chris Berbert called the work meeting to order at 6:01 pm.

1. Review of City Council Decisions
City Planner Michael Maloy informed the Planning Commission of the City Council zoning map amendment for the auto zone. In addition, they adopted vape shop restrictions. He mentioned that Edge is planning to attend the following Planning Commission Work Meeting, which may start at 5:30 next week to accommodate training.

2. Code Enforcement Discussion – Simeon Miller
Code Enforcement Officer Simeon Miller presented training information and pictures to the Commission.
He explained that the purpose of code enforcement was to protect property values and maintain the neighborhood appeal as directed by the City Council and Planning Commission. He also presented a list of code enforcement duties. The various duties included on and off street parking enforcement, general zoning violations, room rentals, storm water pollution prevention, and much more. In the past year, he worked on 470 total cases. A majority of these cases, 205 total, related to sign violations. He included that street parking issues, especially during snowstorms, also frequently arise. The City Council had directed him to be proactive but prioritize complaints. If an officer notes anything questionable, the City does not need to wait for a complaint. The property line encroachment example discovered in aerial view in 2018 is a perfect example of proactivity.

The City would like to maintain the integrity of open space, without vacant lots left with overgrown grass and weeds. City ordinance requires weeds and grass stay lower than six inches for fire prevention. Road and sidewalk obstructions, including boulders dumped in the street that caused damage, require removal within two hours. Any form of non-vehicle obstructing the roadway may be removed at any point with no notice given. Code enforcement also includes junk accumulations, hoarder situations, and excessive garbage collected on a property. Specifically in these situations, the issue is that the problem often returns. Enforcement proves tricky when balancing the City’s agrarian roots and current urbanization at the same time. The balance is difficult to find as the City is transitioning.

Code Enforcement Officer Simeon Miller mentioned other specifics as well. A car would be considered abandoned after 24 hours of unchanged parking. Trailers, campers, and motor boats have a 12-hr time limit for loading and unloading. Mailboxes cannot be within 5 feet of a driveway or 20 feet of an intersection. No street parking is allowed during snow events. Dumping is illegal on City property. A corner lot side yard required landscaping. All of these issues, among many others, are dealt with by code enforcement.

Commissioner Adam Jacobson asked if any City ordinance updates would help code enforcement. Code Enforcement Officer Simeon Miller responded that weekend signs often pose a problem. When a large home is for sale, realtor signs do have an ordinance in place already. The property line encroachments are seen as a civil issue and not enforced by the City. He mentioned that he has received complaints about too many animals and will bring the Planning Commission more information on the relevant areas. Another problem arises with large construction vehicles parking in front yards and damaging the infrastructure. Safety issues also surface when dealing with home businesses that include industrial equipment. Home occupations are difficult to manage and enforce. Rezoning or restricting areas may help with some of these issues. He presented the Commissioners with a photo of piles of signs he took down on a Saturday. Stormwater issues also need addressing, preferably by the means of a pollution prevention plan. The State and EPA mandate stormwater protection and he City code is currently being updated.

Code Enforcement Officer Simeon Miller is the only current staff involved with enforcement. Many cases are
awaiting follow-ups but the City does not have the staff to conduct all the inspections. Other cities of comparable size average 2-4 code enforcement officers. Ideally, Herriman City would employ two or three for the current workload. Part of the maintenance fee will go to the new inspectors. If the City continues to grow, the Planning Department can also expect a new full-time position.

Commissioner Adam Jacobson asked how many of the sign violators understood that the signs were against City code. Many of the signs come from repeat offenders. He suggested imposing the fee to help residents better understand the processes and procedures. Aside from signs, street parking violations have the next highest number of offenses. At certain levels, the City will refer the incident to the Herriman Police Department.

The Commissioners discussed if the City should change certain allowances. For example, in the Overlook Ridge lot, residents have a one-car garage, one assigned parking spot, and only five parking spaces provided for visitors. Eagle View HOA passed an ordinance to prohibit residents from using the visitor parking, which pushes the resident cars onto the street. Perhaps the City should consider a two-car garage, no driveway parking, and a small-drive approach.

The Commissioners questioned if the City is allowing a product that causes problems. Commissioner Adam Jacobson suggested having Code Enforcement Officer Simeon Miller regularly apprise the Planning Commission on enforcement issues. He mentioned that stricter requirements may help citizens better understand the laws. He added that if the City were to introduce more fees and thereby fund more workers, the City could follow through with the notices to residents.

A citation with a fee does not guarantee cooperation. Some people remain unresponsive. A small amount of abatement money is collected through liens, but quite a bit of work is required. Fines alone do not create citizen compliance. Perhaps it would be helpful to work with first-time homeowners to familiarize them with the proper protocols.

3. **Review of Agenda Items**
The City Engineer Josh Peterson reviewed utilizing an existing detention basin for the eight development lots.

The Commissioners further discussed Item 3.1, mentioning that the approval standards meet the density requirements but not the agricultural.

*Planning Commission work meeting adjourned by consensus at 6:59 p.m.*

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

1. **Call to Order**
Chair Chris Berbert called the meeting to order at 7:03 p.m. and welcomed those in attendance.

1.1 Invocation/Thought/Reading and Pledge
John Brems led the audience in the Pledge of Allegiance.

1.2 Roll call
Full Quorum Present.

1.3 Conflicts of Interest
No Conflicts were offered.

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

2.1 Request: Preliminary Plat Approval for an 8 Lot Subdivision (North View Meadows) (Public Hearing)
Applicant: Charles Riddle
Address: 6075 West Cabin Trail Way
Zone: A-.25
File Number: S2019-041

Chair Chris Berbert reviewed the public hearing guidelines.

Assistant City Planner Bryn MacDonald explained that the area is located near the Hillside Overlay Zone, but does not fall directly within the boundaries. It qualifies as a Zone A-.25. She explained the minimum lot size in this zone is 10,000 square feet, which is met by all lots on the preliminary plat. Each lot meets the minimum frontage requirement of 85 feet. The area was described as a buildable area, but future builders must be compliant with slope conditions. The Engineering Department required full improvements (sidewalk, curb, gutter and street lights) on the existing right of way (Cabin Trail Way) and the proposed cul-de-sac (Cabin Trail Court).

Assistant City Planner MacDonald explained the existing detention needs to be worked out with engineering; additional detention may need to be added.

Applicant Charles Riddle approached the podium; stated he lives in the neighborhood, wanted the lots to be similar in size to existing lots and hoped to build for himself and his family.

Chair Chris Berbert opened the Public Hearing.
Steve Haney approached the podium and mentioned that he has a lot on the corner and likes the proposal.

Chair Chris Berbert closed the Public Hearing.

Commissioner Adam Jacobson questioned if they can subdivide in the future and requested to add a requirement prohibiting the further subdivision of lot four.

**Recommendations:**

1. Receive and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department.
3. Install full improvements per Engineering Department on Cabin Trail Way and Cabin Trail Court.
4. The plat shall be approved and recorded prior to building permits being issued for the lots.
5. Building setbacks shall meet building standards:
   a. Front: 25 feet
   b. Rear: 25 feet
   c. Side: 8 and 10 feet
   d. Corner: 20 feet
6. Plat shall include easements for existing City utilities.
7. Work with engineering to manage storm water on site.
8. All homes shall meet the single family design criteria located in section 10-29-42 of the Land Development Code.

*Commissioner Adam Jacobson moved to approve item 2.1 file number S2019-041 Preliminary Plat Approval for an 8 Lot subdivision (North View Meadows) with an additional requirement (number 9) that lot number 4 will remain 78,240 square feet. (Public Hearing). Commissioner Lorin Palmer seconded the motion.*

The vote was recorded as follows:

- Commissioner Adam Jacobson  Aye
- Commissioner Andy Powell  Aye
- Commissioner Andrea Bradford  Aye
- Commissioner Joy Kaseke  Aye
- Commissioner Lorin Palmer  Aye
- Commissioner Colby Oliverson  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 5 Acres from A-1 (Agricultural) to R-1-10 (Residential) for Windrose Subdivision (Public Hearing)

Applicant: Symphony Homes
Address: 13499 South 7300 West
Zone: A-1 (Agricultural)
Acres: 5.0
File Number: Z2019-023

Assistant City Planner Bryn MacDonald stated that the applicant requested a rezone from A-1 (Agricultural) to R-1-10 (Residential – 10,000 square feet minimum) to allow for a 12-lot subdivision. Notices were mailed to 27 property owners within 300 feet of the subject property on May 23, 2019. At this point, staff has received no comments. A neighborhood meeting held on May 16, 2019 was attended by one resident; basic questions were asked regarding the type of proposed housing and a comment was offered expressing regret that the current horses located there would be moved. The ordinance does prohibit a rezone to A-.25 as it does not meet the agricultural plan. Lot sizes were included in the staff report for review. She mentioned that chickens would be allowed on the property, but no goats or horses.

Applicant Russ Wilson representing Symphony Homes approached the podium and offered to answer any questions. He mentioned that a new preliminary plan had been submitted showing a through street, rather than a cul-de-sac. The R-1-10 zone will remain consistent with the neighborhood to the north. In addition, he is working with the constraints of lining up the street with the sewer outfall. He added that the average lot size is 13,000, which he believes is a good fit for the area.

Chair Chris Berbert opened the Public Hearing.

Brooks Clark approached the podium and stated that he lives on the south side of the area. He asked for clarity on the master plan for the area as he and his neighbors own animals and horses. They worry more homes and changes may affect the land. Additionally, the pond needs maintenance. He added his opinion that it is a shame to see a beautiful area developed. Personally, he would prefer fewer homes.

City Planner Michael Maloy read an email from Councilmember Sherrie Ohrn voicing her opposition to a zoning change because it goes against the master plan. She wanted the letter documented as part of the record.

Chair Chris Berbert closed the Public Hearing.

Commissioner Adam Jacobson mentioned that the area should remain agricultural; most of the R-1-10 area was zoned this way a long time ago. He added that he does not feel comfortable approving this proposal at this time. Chair Chris Berbert stated that the plan was intended to keep it agricultural and maintain the animal areas. The purpose overall is to keep the General Plan intact. Commissioner Lorin Palmer questioned the
future of the property. If zoning changes were to be made, the need for connectivity would be considered for the analysis for a future subdivision.

Commissioner Palmer moved to continue item 3.1 file number Z2019-023 Rezone 5 Acres from A-1 (Agricultural) to R-1-10 (Residential) for Windrose Subdivision (Public Hearing) in anticipation of the proposed change to the A-.25 zone. Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:

- Commissioner Adam Jacobson  Aye
- Commissioner Andy Powell  Aye
- Commissioner Andrea Bradford  Aye
- Commissioner Joy Kaseke  Aye
- Commissioner Lorin Palmer  Aye
- Commissioner Colby Oliverson  Aye

The motion passed unanimously.

3.2. Request: Text Change to the Land Development Code to Make Various Revisions to the A-.25 (Agricultural) Zone (Public Hearing continued from May 16, 2019)  
Applicant: Herriman City  
File Number: Z2019-037

Assistant City Planner Bryn MacDonald stated that the text change would allow rezoning to the A-.25 zone and modify the density requirements to remove Planned Unit Developments. The City posted the Public Hearing notice in the newspaper on May 5, 2019 and on the Herriman City website on May 3, 2019. As of today the staff has not received any public comments regarding the proposed text change. This text change is a legislative action. The Planning Commission opened a Public Hearing on May 16, 2019 and it was left open. The Planning Commission will make a recommendation to the City Council. The City Council would then hold a public meeting to discuss the item and make the final decision. The overall intent was to encourage regular subdivisions. The minimum lot size would stay at 10,000 feet. Staff has been looking into limiting subdividing properties.

Chair Chris Berbert re-opened the Public Hearing.

No comments were offered.

Chair Chris Berbert closed the Public Hearing.

Commissioner Jacobson moved to recommend approval of item 3.2 to the City Council, file number Z2019-037 Text Change to the Land Development Code to Make Various Revisions to the A-.25 (Agricultural) Zone (Public Hearing continued from May 16,
The vote was recorded as follows:

Commissioner Adam Jacobson  Aye
Commissioner Andy Powell  Aye
Commissioner Andrea Bradford  Aye
Commissioner Joy Kaseke  Aye
Commissioner Lorin Palmer  Aye
Commissioner Colby Oliverson  Aye

The motion passed unanimously.

3.3 Request: Text Change to the Land Development Code to allow Cannabis Production as a Conditional Use in the A-1 and M-1 Zones (Public Hearing continued from May 16, 2019)

Applicant:  Herriman City
File Number: Z2019-027

Assistant City Planner Bryn MacDonald explained the text change to the Land Development Code to allow cannabis production as a conditional use in the A-1 (Agricultural) and M-1 (Manufacturing) Zones. The text change also details the standards for these developments. A Public Hearing notice was posted in the newspaper on April 21, 2019 and May 5, 2019 and posted on the Herriman City website on April 19, 2019. The text change is a legislative action which required the Planning Commission to hold a public hearing and make a recommendation to the City Council. The City Council would then hold a public meeting to discuss the item and make the final decision. The Planning Commission opened the public hearing on May 16, 2019 and left it open to allow for further comments. This item addressed the production side only, not dispensaries, which must meet various Federal and State requirements. The state dispensaries will act similarly to liquor stores.

The Utah State Legislature passed the Cannabis Production Act, codified in section 4-41a-101 et seq. to regulate the growth and processing of cannabis.

Specifically, Utah code ann. section 41-41a-404 provides as follows:

(1)
(a) If a municipality’s or county’s zoning ordinances provide for an industrial zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of industrial zone.

(b) If a municipality’s or county’s zoning ordinances provide for an agricultural zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of agricultural zone.

(2)
(a) A municipality or county may not deny or revoke a land use permit to operate a cannabis production facility on the sole basis that the applicant or cannabis establishment violates federal law regarding the legal status of cannabis.

Chair Chris Berbert re-opened the Public Hearing.

No comments were offered.

Chair Berbert closed the Public Hearing.

Commissioner Powell moved to recommend approval of item 3.3 to the City Council, file number Z2019-027 Text Change to the Land Development Code to allow Cannabis Production as a Conditional Use in the A-1 and M-1 Zones (Public Hearing continued from May 16, 2019). Commissioner Kaseke seconded the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson  Aye
Commissioner Andy Powell  Aye
Commissioner Andrea Bradford  Aye
Commissioner Joy Kaseke  Aye
Commissioner Lorin Palmer  Aye
Commissioner Colby Oliverson  Aye

The motion passed unanimously.

No comments were offered.

4. Chair and Commission Comments

No comments were offered.

5. Future Meetings

5.1 City Council Meeting – Wednesday, June 12, 2019 @ 7:00 PM
5.2 Planning Commission Meeting – Thursday, June 20, 2019 @ 7:00 PM
5.3 City Council Meeting – Wednesday, June 26, 2019 @ 7:00 PM

6. Adjournment

Commissioner Adam Jacobson made a motion to adjourn the meeting at 7:35pm 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 June 6, 2019. This document constitutes the official minutes for the Planning Commission Meeting.
Wendy Thorpe