The following are the minutes of the Planning Commission Meeting held on Thursday, July 18, 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, Lorin Palmer, Colby Oliverson, Heather Garcia, Andrea Bradford, Adam Jacobson arrived at 6:08

**Commission Members Excused:** Jackson Ferguson, Brody Rypien, Joy Kaseke

**Staff Present:** Assistant City Planner Bryn MacDonald, Planner I Craig Evans, Communication Specialist II Jonathan LaFollette, 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 6:04 pm.

1. **Review of Planning Commission Agenda Items**

   It was explained that the Legal Nonconforming Use was necessary for the owners of the duplex to acquire a mortgage, and that Grandfathered allowances would transfer with a property. The property was originally a store, and then later converted to a duplex under Salt Lake County.

   Regarding Item 2.2, subdivision extensions have been previously approved by the Commission, and are sometimes due to the applicants’ lack of knowledge regarding the building process and timelines.
Commissioners agreed to allow the City Staff to approve future extensions without presentation to the Commission, unless staff identified issues, an ordinance had changed, or if the property included a flag lot. In this particular situation, the property was very close to completion.

2. **Discussion of creating a process for reviewing and approving Master Development Agreements**
Assistant City Planner MacDonald explained that City code did not currently outline any process for review of approval of Master Development Agreements. Staff researched several cities and found a few examples of ordinances that may be a good starting point for an amendment to City Code. The items that should be included in the duration of the agreement, the legal description, permitted uses and density, site plan, phasing schedule and height and dimensions of proposed buildings.

Gordon explained two Master Development Agreements (MDA) would be presented to the Planning Commission soon.

3. **Discussion of an ordinance or rezone to address the plat amendment issue**
Assistant City Planner Macdonald presented the map with possible areas for further subdivision, primarily half-acre lots in quarter acre zoned areas. Updating the General Plan and map to reflect community values, zoning map amendments, or requiring a legal instrument or notice to limit lot size were explained as possible options for limiting further lot subdividing.

4. **Discussion about allowing animal shelters in the City**
City Planner MacDonald explained the City had recently added animal control, definitions for kennels, shelter, in the City zoning ordinance. It was explained that the negative effects are minimal if they are well run. Animal services currently does not have a shelter in Herriman but may be added in certain zones, tied to major roads or on a larger lot.

*Brody arrived at 7:01 pm.*

5. **Review of City Council decisions**
A Joint Planning Commission / City Council meeting was scheduled for July 31, 2019.

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

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

1. **Call to Order**
Chair Chris Berbert called the meeting to order at 7:07 p.m. and welcomed those in attendance.
1.1 Invocation/Thought/Reading and Pledge
Berklee and Kennedee King 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 Minutes for June 6, 2019 and June 20, 2019
Commissioner Lorin Palmer made a motion to approve item 1.4 Minutes for June 6, 2019 and June 20, 2019. Commissioner Heather Garcia seconded 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: Recognition of a Legal-Nonconforming use for a Duplex
Applicant: David King
Address: 6351 West 13100 South
Zone: A-.25 (Agricultural)
Acres: .23
File Number: S2019-056

Assistant City Planner Bryn MacDonald explained that the applicant was requesting a determination of the existence of a nonconforming use for a residential duplex. The property encompasses .23 of an acre, is located at 6351 West 13100 South and contains a residential structure with two dwelling units. The Planning Commission had the authority to make determinations regarding the existence of a nonconforming use, noncomplying structure.

The applicant approached the podium and offered a summary of the history of the property owned by the Dansie family with a restaurant/store Dansie’s Place, which was later changed to a duplex. There was no zoning under Salt Lake County, and when it was built two family dwellings were allowed. Mr. King stated he purchased the property about one month ago and had no plans to make changes to the property other than remodeling the interior.

Commissioner Lorin Palmer moved to approve item 2.1 file number S2019-056 Recognition of a Legal-Nonconforming use of a Duplex. Commissioner Adam Jacobson seconded the motion.
The vote was recorded as follows:
Commissioner Adam Jacobson  
Commissioner Andy Powell  
Commissioner Andrea Bradford  
Commissioner Heather Garcia  
Commissioner Lorin Palmer  
Commissioner Brody Rypien
Aye  
Aye  
Aye  
Aye  
Aye  
Aye
The motion passed unanimously.

2.2 Request:  
1-year Extension for 2-Lot Subdivision

Applicant:  
Janece Dorrity
Address:  
13751 S Rose Canyon Road
Zone:  
A-1.5 (Agricultural)
Acres:  
1.2
File Number:  
S2017-002-01

Assistant City Planner Bryn MacDonald explained that the applicant had requested a one year extension for a two lot subdivision at the corner of Triple Crown and Rose Canyon Road.

Applicant Janece Pratt Dorrity approached the podium and has worked closely with the staff and engineering, she had the title report and search which had been submitted to the City. She stated the home was 98% finished.

Recommendation
Staff recommends that the Planning Commission review any extensions for longer than one year, and staff could review extensions for less than one year. Staff recommends granting a one year extension for the preliminary plat approval for this two lot subdivision, with the same conditions as the original approval, which are:

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. Both lots shall be 85 feet wide.
4. Install or pay a fee in lieu of improvements along Rose Canyon Road and Triple Crown Lane, including sidewalk, park strip, and streetlights. Work with Engineering on determining the amount of the fee. This shall be paid with the engineering fees, prior to the plat being recorded.
5. Install a 6 foot vinyl privacy fence along the entire north and east property lines. Fencing must maintain the clear view requirements for driveways.
6. The property must be brought into compliance with any code enforcement violations prior to the plat being recorded.
7. New power to home must be installed underground. Existing pole may remain but power service into home must be placed underground.
8. Provide appropriate dedication for the right-of-way along Rose Canyon Rd and Triple Crown Rd.

Commissioner Brody Rypien moved to approve item 2.2 file number S2017-002-01 1-year Extension for 2-Lot Subdivision with 8 recommendations. 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 Heather Garcia  Aye
Commissioner Lorin Palmer  Aye
Commissioner Brody Rypien  Aye

The motion passed unanimously.

2.3 Request: Discussion of proposed open space and amenities for South Hills Pod 2
Applicant: DR Horton
Address: 14867 S Beckham Drive
Zone: R-2-10 (Residential – Medium Density)
Acres: 37
File Number: 44C08-03

Assistant City Planner Bryn MacDonald explained the location was near the RSL center and displayed the conceptual plan. She identified the open space locations and trail along the canal. The proposed landscaping was displayed and all would be maintained by the HOA.

Applicant Adam Loser from DR Horton offered to answer questions.

Commissioner Andy Powell moved to approve item 2.3 file number 44C08-03 Discussion of proposed open space and amenities for South Hills Pod 2 Commissioner Heather Garcia seconded the motion.

The vote was recorded as follows:
Commissioner Adam Jacobson  Aye
Commissioner Andy Powell  Aye
Commissioner Andrea Bradford  Aye
Commissioner Heather Garcia  Aye
Commissioner Lorin Palmer  Aye
Commissioner Brody Rypien  Aye

The motion passed unanimously.
3. **Chair and Commission Comments**
No comments were offered.

4. **Future Meetings**
   4.1 Joint Planning Commission/City Council Meeting – **Wednesday, July 31, 2019 @ 6:00 PM**
   4.2 Planning Commission Meeting – **Thursday, August 1, 2019 @ 7:00 PM**
   4.3 City Council Meeting – **Wednesday, August 14, 2019 @ 7:00 PM**

5. **Adjournment**
   Commissioner Adam Jacobson made a motion to adjourn the meeting at 7:26pm 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 July 18, 2019. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe