



## PLANNING COMMISSION MINUTES

Wednesday, June 7, 2023

Approved August 2, 2023

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, June 7, 2023, at 6:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Commission, media, and interested citizens.

**Presiding:** Chair Pro Tempore Andrea Bradford

**Commissioners Present:** Darryl Fenn, Heather Garcia, Brody Rypien, Alternate Preston Oberg, and Alternate Terrah Anderson

**Commissioners Excused:** Andy Powell, Jackson Ferguson, Adam Jacobson, and Alternate Forest Sickles

**Staff Present:** Planning Director Michael Maloy, Communications Specialist Mitch Davis, Planning Manager Clint Spencer, HPD Deputy Chief Cody Stromberg, Planner II Sheldon Howa, Assistant City Attorney Matt Brooks, Community Development Director Blake Thomas, and Deputy Recorder Wendy Thorpe

### 1. **6:00 PM - Work Meeting** (Fort Herriman Conference Room)

The meeting began with Deputy Recorder Thorpe requesting for the Commission to appoint a Chair Pro Tempore for tonight's meeting. Commissioner Oberg motioned for Commissioner Andrea Bradford to act as Chair Pro-Temp for tonight's meeting. Commissioner Garcia seconded and all present voted aye.

Chair Pro-Temp Bradford called the meeting to order at 6:03 p.m.

#### 1.1. **Review of City Council Decisions** – Michael Maloy, Planning Director

Planning Director Maloy reported Alternate Forest Sickles was reappointed to the Planning Commission, and the two-year budget process was being reviewed by City Council, but no decision had been made. The South Hills subdivision and possible Rosecrest water expansion plans were reviewed at the joint meeting.

#### 1.2. **Review of Agenda Items** – Planning Staff

Planner Howa reviewed neighborhood concerns received regarding the stealth cell phone tower. Potential loss of property value and stealth monopole options, such as water tower or pine tree, were discussed. The current allowable height was fifty feet, but a taller tower could be approved with Commission approval. The applicant requested a height of one hundred feet to provide better coverage.

**1.3. Land Use Training and Discussion** – Michael Maloy, City Planner  
City Planner Maloy expressed appreciation to the Commissioners for their dedication and presented a land use training video.

**2. Adjournment**

The Commission adjourned the work meeting by consensus at 6:59 p.m.

**3. 7:00 PM - Regular Planning Commission Meeting (Council Chambers)**

Chair Pro-Temp Andrea Bradford called the meeting to order at 7:03 p.m.

**3.1. Invocation, Thought, Reading and/or Pledge of Allegiance**

Deputy Recorder Thorpe led the audience in the Pledge of Allegiance

**3.2. Roll Call**

Full Quorum Present.

**3.3. Conflicts of Interest**

No conflicts were reported.

**4. 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.*

**4.1 Consideration of a Special Exception regarding the location and size requirements of an accessory building at 14463 S Muirwood Circle in the R-1-15 Residential Zone**

**Applicant: Scott Swett (property owner)**

**Acres: ±1.05**

**File No: P2023-046**

Planning Manager Spencer presented the request for an accessory dwelling building/garage on an irregular lot, with steep topography, situated along a hillside. He reviewed the property location, driveway width, lot size, site plan and the conditions of approval. The structure would be 25'6" tall at the highest point and cover 1,350 square feet. It would be constructed of stucco and stone materials to match the home. The proposed setback was eight feet from the property line, which was one foot smaller than the code requirements for the structure. Staff recommended approval of the setback reduction, along with modification to the driveway configuration as explained in the conditions of approval. The rear of the structure would be dug into the hillside and the building itself would act as a retaining wall. Notices were sent, and no comments have been received.

Commissioners asked about sewer line placement and depth. Planning Manager Spencer responded that would be ascertained during the building permit process to ensure proper placement.

Applicant Scott Swett added he has spoken to his neighbors, and they expressed no concerns. He thought the addition would make the area look nicer. He offered to comply with all requests from the Commission and the conditions of approval.

Commissioner Rypien moved to approve item 4.1 Consideration of a Special Exception regarding the location and size requirements of an accessory building at 14463 S Muirwood Circle in the R-1-15 Residential Zone with the following conditions:

1. Additional concrete must flare from the existing drive approach to the garage.
2. All vehicles must be parked in a garage or on the driveway.
3. Secure a public utility easement (PUE) waiver for building encroachments (if required).
4. Additional modification to building height or footprint shall require Planning Commission approval.
5. To ensure architectural compatibility, applicant shall refine building elevations and specify exterior materials and architectural details that match primary structure.
6. Applicant shall provide an approval letter from Rosecrest Design Review Committee (RDRC) with building permit applications.

Commissioner Oberg seconded the motion.

The vote was recorded as follows:

|                                       |                |
|---------------------------------------|----------------|
| Commissioner Darryl Fenn              | Yes            |
| Commissioner Jackson Ferguson         | Not Present    |
| Commissioner Heather Garcia           | Yes            |
| Commissioner Brody Rypien             | Yes            |
| Commissioner Adam Jacobson            | Not Present    |
| Commissioner Andrea Bradford          | Chair Pro Temp |
| Alternate Commissioner Forest Sickles | Not Present    |
| Alternate Preston Oberg               | Yes            |
| Alternate Terrah Anderson             | Yes            |

The motion passed unanimously.

**4.2 Consideration of a Conditional Use Permit for a wireless communication facility and monopole installation located at 7280 W Herriman Highway in the A-1-43 Agricultural Zone**

**Applicant: Meredith Hewett (authorized agent)**

**Acres: ±6.7**

**File No: C2023-061**

Planner Il Howa presented the request for a conditional use permit to construct a new wireless communication facility and monopole on property owned by Herriman City. The applicant would lease a 50' X 50' (2,500 square feet) tract of land to construct the wireless facility and monopole. The City initially acquired the subject property to construct a future fire station to expand fire services within the City. However, in 2021, the City amended this agreement, and its obligations to UFA for a future fire station were removed. The City currently used the site's front portion for stormwater detention to collect runoff. As shown in the Master Transportation Plan, 7300 West would be extended connecting into U-111. Upon completion of the 7300 West extension the detention pond would be relocated to the north end of the site, and the current area used for detention would likely be considered surplus. The proposed wireless facility would be built just north of the existing detention pond. The applicant also requested a monopole height of one hundred (100) feet and has provided renderings showing both stealth and non-stealth monopole installations, but they have requested a non-stealth monopole. The applicant requested a 100-foot monopole to avoid interference with future power lines, which would be

upgraded to transmission lines during the expansion of Herriman Highway. The subject property for the proposed wireless facility was adjacent to residential development. Therefore, the distance from the monopole to neighboring residential structures and public right-of-way must be greater than 150' to comply with the City Code.

Meredith Hewitt, representing J5 Infrastructure Partners and Richard Lee spoke on behalf of AT&T. They explained the advantages of the taller tower were for expanded coverage and co-location by other carriers. The taller towers were less susceptible to signal degradation from nearby power lines. They have looked at various sites in the area, and this site met multiple requirements.

Concerns were also raised about the impact on property values and health effects of cell towers. The topic of Radio Frequency (RF) emissions and health effects were mentioned. Although this was not a public hearing the Commission agreed to allow public comment and a public hearing was held.

Thomas Dehaan said he used to install cell towers and was aware of long-term effects. Some of his concerns were the lowering of his property value and the addition of more antenna clusters. He thought a fire station would be there. His neighbor had health concerns from proximity to cell towers and his coworker who worked on towers died from a brain tumor. He said the health ramifications were unknown.

Applicant Lee responded that due diligence was conducted while choosing a site and this seemed like the best location. Concerns were raised about the tower's visual impact, property values, and potential health effects. The applicant addressed these concerns, citing the difficulty of predicting property value changes and the tower's compliance with federal regulations regarding RF emissions. He stated no conclusive evidence had shown detrimental health effects. The tower would benefit the community with improved cell phone coverage and expanded emergency services. The topic of stealth options for the tower was brought up, and the applicant explained that while they designed the site as a monopole for efficiency and visibility, they could consider other stealth options if requested by the Commission.

Discussion among the commissioners focused on the possibility of moving the tower to another location within the same property to minimize its impact on nearby residences and potential future developments. They also requested the applicant to provide more information, including additional photo simulations showing the tower in context with the future transmission lines, as well as exploring the feasibility of different stealth options. The Commission also asked for clarification on whether moving the tower further west within the property would affect future development plans. Additionally, the commission requested renderings showing an eight-foot precast fence around the tower instead of the chain-link fence presented in the original proposal.

*Commissioner Oberg moved to continue without date item 4.2 Consideration of a Conditional Use Permit for a wireless communication facility and monopole installation located at 7280 W Herriman Highway in the A-1-43 Agricultural Zone.  
Commissioner Rypien seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Darryl Fenn*

*No*

*Commissioner Jackson Ferguson*

*Not Present*

|  |                |
|--|----------------|
| <i>Commissioner Heather Garcia</i>           | Yes            |
| <i>Commissioner Brody Rypien</i>             | Yes            |
| <i>Commissioner Adam Jacobson</i>            | Not Present    |
| <i>Commissioner Andrea Bradford</i>          | Chair Pro Temp |
| <i>Alternate Commissioner Forest Sickles</i> | Not Present    |
| <i>Alternate Preston Oberg</i>               | Yes            |
| <i>Alternate Terrah Anderson</i>             | Yes            |

*The motion passed with a vote of 4 to 1.*

#### 5. Chair and Commission Comments

No comments were offered.

#### 6. Future Meetings

Next City Council Meeting: Wednesday, June 14, 2023

Next Planning Commission Meeting: June 21, 2023

Next City Council Meeting: June 28, 2023

#### 7. Adjournment

*Commissioner Garcia moved to adjourn the meeting at 8:09 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 June 7, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



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Wendy Thorpe, CMC  
Deputy City Recorder