



PLANNING COMMISSION MINUTES

Wednesday, August 16, 2023

Approved October 5, 2023

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, August 16, 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 Andy Powell

Commissioners Present: Darryl Fenn, Adam Jacobson, Jackson Ferguson, Andrea Bradford, Brody Rypien, Alternate Forest Sickles, Alternate Terrah Anderson, and Alternate Preston Oberg

Commissioners Excused: Heather Garcia

Staff Present: Communications Specialist Mitch Davis, Planning Director Michael Maloy, Planning Manager Clint Spencer, Planner II Sheldon Howa, Assistant City Attorney Matt Brooks, Deputy Recorder Wendy Thorpe, Staff Engineer III Josh Petersen, and Planner I Laurin Hoadley

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

Chair Andy Powell called the meeting to order at 6:07 p.m.

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

City Planner Maloy reported no land use items were discussed during the previous City Council meeting.

1.2. Review of Agenda Items – Planning Staff

Planner Howa explained the first three items on the agenda removed Public Utility Easements reducing drainage by two feet, due to topography.

The Commission discussed the recreational vehicle storage item. It was noted tractor trailers were covered under commercial vehicle parking regulations, not recreational vehicle storage as the City did not want to punish businesses. Commissioner Jacobson suggested an ordinance should be considered to protect commercial vehicle maintenance vehicle parking as some areas were not covered by an HOA. Discussion ensued regarding horse trailers and hay wagons being considered agricultural, not residential. Planning Manager Spencer explained staff was trying to balance the effect storage has on neighborhoods, and suggested if property owners have over an acre of property, an agricultural structure could be constructed. City Planner Maloy reviewed the public purpose of zoning and implications. The Commission concluded with the discussion of temporary occupancy in a recreational vehicle when constructing a home in the community.

1.3. Land Use training and discussion – Michael Maloy, Planning Director

City Planner Maloy conducted land use training for the Planning Commission in attendance.

2. Adjournment

The Commission adjourned the work meeting by consensus at 7:01 p.m.

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

Chair Andy Powell called the meeting to order at 7:06 p.m.

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

Carrie Self 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 request to reduce public utility easements within the rear and side yards of residential lots in the Teton Village Phase 2 Subdivision located approximately at 12067 S Teton Range Drive in the R-2-10 (Residential) Zone

Applicant: Tom Spencer, Wright Homes, LLC (authorized agent)

Acres: ±5.30

File No: S2023-092

Planner II Sheldon Howa presented the requests for items 4.1, 4.2 and 4.3 together. The plats for Jackson Phase 4A, Teton Village Phase 2, and Teton Village Phase 4 were approved by the Planning Commission January 2019 which had public utility easements recorded on all sides of the lots. The applicant has requested to reduce side and rear yard easements due to the narrow width of the lots and housing products offered by the builder, most of the homes constructed would have window wells which encroach into the easements. The applicant has been working with the Engineering Department to alleviate concerns. Planner Howa explained drainage problems were often created by residents altering the grade on the property. Commissioner Rypien relayed his concern about the drainage and Commissioner Jacobson interjected the drainage would be under the purview of the City Engineer, not the Planning Commission.

Applicant representative Thomas Spencer expressed appreciation to the Planning Commission. He recognized the amount of work getting encroachment permits for each home and assured the commission the development would continue to work closely with the Engineering Department to alleviate drainage concerns. Commissioner Fenn recognized the need to look at the size of homes and lots to address this problem in the future.

Commissioner Jacobson moved to approve item 4.1 Consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Teton Village Phase 2 Subdivision located approximately at 12067 S Teton Range Drive in the R-2-10 (Residential) Zone with the following conditions:

- 1. Receive and agree to the recommendations from other City departments.*

Commissioner Rypien seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>

The motion passed unanimously.

4.2 Consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Teton Village Phase 4 Subdivision located approximately at 11987 S Snake River Drive in the R-2-10 (Residential) Zone

Applicant: Tom Spencer, Wright Homes, LLC (authorized agent)

Acres: ±5.41**File No: S2023-093**

This item presented with item 4.1.

Commissioner Jacobson moved to approve item 4.2 consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Teton Village Phase 4 Subdivision located approximately at 11987 S Snake River Drive in the R-2-10 (Residential) Zone with staff recommendations:

- 1. Receive and agree to the recommendations from other City departments.*

Commissioner Ferguson seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>

The motion passed unanimously.

4.3 Consideration of a request to reduce public utility easements within the rear and side yards of residential lots in the Jackson Phase 4A Subdivision located approximately at 6268 W Signal Crest Way in the R-2-10 (Residential) Zone

Applicant: Tom Spencer, Wright Homes, LLC (authorized agent)

Acres: ±6.76

File No: S2023-091

This item presented concurrently with item 4.1.

Commissioner Jacobson moved to approve item 4.3 Consideration of request to reduce public utility easements within the rear and side yards of residential lots in the Jackson Phase 4A Subdivision located approximately at 6268 W Signal Crest Way in the R-2-10 (Residential) Zone with the following conditions:

- 1. Receive and agree to the recommendations from other City departments.*

Commissioner Oberg seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
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<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>
<i>The motion passed unanimously.</i>	

4.4 Consideration of a Special Exception to reduce the rear yard setback of an accessory structure on an irregularly shaped lot located at 7223 W Ansel Avenue in the R-1-10 Residential Zone
Applicant: Jeffery Cluff (property owner)

Acres: ±0.46

File No: P2023-077

Planner II Howa presented the proposed special exception to reduce the rear yard setback of an accessory structure for an irregularly shaped lot. He presented elevations for the proposed garage and highlighted the reduction to six-foot rear yard setback.

Applicant Jeffery Cluff stated he worked closely with the neighbor being impacted the most to alleviate any concerns. He noted she was in attendance tonight if there were any questions.

Commissioner Rypien suggested the lot was not irregular as every cul-de-sac had similar layouts. City Planner Maloy explained the ordinance defined irregular, and this fell within the description.

Commissioner Jacobson moved to approve item 4.4 Consideration of a Special Exception to reduce the rear yard setback of an accessory structure on an irregularly shaped lot located at 7223 W Ansel Avenue in the R-1-10 Residential Zone with the following staff recommendations:

- 1. Final plans shall comply with City Code 10-34 and all recommended conditions of approval from City departments.*
- 2. The applicant shall submit an affidavit, which will be recorded with Salt Lake County, stating that the structure will not be utilized or converted into an accessory dwelling unit (ADU).*
- 3. The accessory structure's rear elevation (south side) shall be screened from the adjacent property with a fast-growing tree species suitable for the location.*
- 4. The applicant shall secure public utility easement (PUE) waivers (where necessary) before submitting a building permit application.*

Commissioner Fenn seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>No</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>

The motion passed with a vote of 5 to 1.

4.5 Consideration of a Conditional Use Permit Amendment for Mountain Point Lot 104 Site Plan at 15093 S Maradona Drive in the C-2 (Commercial) Zone

Applicant: Jenny Tian (authorized agent)

Acres: ±1.51

File No: C2023-078

Planner I Hoadley oriented the Commission of the location of the proposed conditional use permit amendment for a new multi-tenant building which included fast food, retail and office uses. Chair Powell identified the drive-thru configuration and confirmed engineering approval.

Applicant Jenny Tian pointed out the lot was 1.51 acres and the site would be used for a preschool. The drive-thru would be utilized for childcare drop-off.

Signage was recommended to identify each drive-thru. The Commission expressed the position to not having children cross traffic to enter the preschool. It was noted that the preschool must comply with state regulations.

Commissioner Jacobson moved to approve item 4.5 Consideration of a Conditional Use Permit Amendment for Mountain Lot 104 Site Plan at 15093 S Maradona Drive in the C-2 (Commercial) Zone with the four staff recommendations:

- 1. Receive and address all recommendations from other agencies.*
- 2. Provide a cross-access easement that provides access from the northern end of lot 104 to the public right-of-way along or through lots 101, 102, and/or 103 prior to the issuance of a building permit.*
- 3. Work with engineering staff to resolve minor corrections for final plans.*
- 4. No signage shall be placed on either the south or east sides of the building.*
- 5. Submit an updated photometric plan for review and approval by engineering staff.*

6. *No signs are approved with this request.*

Commissioner Rypien seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Preston Oberg</i>	<i>Yes</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>

The motion passed unanimously.

5. 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.

5.1 Consideration and Recommendation to Amend the Herriman City Official Zoning Map for 0.72 Acres of Property Located at 6378 W 13100 South from R-1-15 (Residential) Zone to C-1 (Commercial) Zone (Public Hearing)

Applicant: Sameed Irfan (property owner)

File No: Z2022-069

Planner I Hoadley presented the proposed rezone in anticipation of future commercial being located on this site. Staff recommended a zoning condition be placed on the property to restrict the following uses, recycling collection point, gasoline service station, parking lot, transportation service, and vehicle repair.

Applicant Sameed Irfan stated he would like to have a neighborhood business at the location and informed the Commission a neighbor reached out about having a salon at the location. He hoped to be able to have four to six tenant spaces.

Chair Powell opened the public hearing.

No comments were offered.

Commissioner Jacobson moved to close the public hearing. Commissioner Ferguson seconded, and all voted aye.

Commissioner Oberg moved to forward a positive recommendation of approval to City Council of item 5.1 consideration and recommendation to amend the Herriman City Official Zoning Map for 0.72 Acres of Property Located at 6378 W 13100 South from R-1-15 (Residential) Zone to C-1 (Commercial) Zone, with the with the following conditions:

1. *A zoning condition be placed on the property to restrict the following uses:*
 - a. *Resource recycling collection point*
 - b. *Gasoline service station*
 - c. *Parking lot*
 - d. *Transportation service*
 - e. *Vehicle repair, limited*
 - i. *Exception: Window tinting allowed as a Conditional Use*

Commissioner Jacobson seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Commissioner Terrah Anderson</i>	<i>Not Voting</i>
<i>Alternate Commissioner Preston Oberg</i>	<i>Yes</i>

The motion passed unanimously.

5.2 Consideration of a recommendation to amend Title 10 of Herriman City Code to Regulate Recreational and Accessory Vehicle Storage (Public Hearing)

Applicant: Herriman City

File No: Z2023-071

Planning Manager Spencer indicated staff prepared several minor text amendments to the land development code to clarify regulatory intent, correct unintended conflicting provisions, and address non-substantive technical errors. He explained recreational vehicle storage had become more of an issue in the community and it was apparent an amendment was warranted in order to have a noticeable impact.

Manager Spencer recalled the previous meetings where potential aspects of the proposed ordinance amendment had been discussed. The proposed amendment included:

- Addresses both recreational and utility vehicles (accessory vehicles)

- Defining what is and is not an RV
- Establishing consistent standards for all single-family properties in the Residential, Agricultural, and Forest Recreational zones
- RV and accessory vehicle storage is only allowed as an accessory use. Lots must have primary use on the property first
- Limits the number of utility and recreational vehicles can be placed on a lot based on lot size
- Requires screening of RVs from adjacent homes
- Includes provisions to address access for new or widening driveways o Specifies paving materials for storage and driveway access
- Limits RV storage to behind the front of homes
- Allows occupancy of RVs when on a lot with single-family construction
- Grants residents one year from ordinance adoption to come into compliance

Commissioner Oberg suggested screening should be vinyl fencing or other solid material.

Chair Powell opened the public hearing.

Kathleen Bybee submitted an electronic comment indicating if Herriman passed the amendments as proposed, the City is advertising to everyone along the Wasatch Front that they're welcome to store their RVs in our neighborhoods. While the purpose of the proposals is to prevent the unsafe and unsightly storage of RVs in Herriman, what it effectively does is give the green light to anyone who wants to turn their yard into a small commercial RV parking lot. As the broader valley builds out, Herriman will become a magnet for anyone who loves their outdoor adventures but doesn't have a yard or doesn't want RVs in their own neighborhoods. You can be sure the demand for parking will be there. And Herriman will provide the supply. Herriman will become a dumping ground for RVs from cities that are willing to protect the appearance and property values of their own residents. Two decisions create this problem. First, the decision to ignore who is allowed to store RVs in Herriman yards, and second, the decision to allow as many as five RVs on a single lot. One might hope that limiting RVs to two of each type would prevent the problem, but it does not. For example, two Class A motorhomes, two large fifth wheelers, and one "toy hauler" (another motorhome or fifth wheeler that also has a toy garage) would be able to rent space on a small lot under the proposed amendment. This is exactly the type of eyesore the regulation is attempting to prevent. Even with a six-foot fence, more than 1,000 square feet of glinting aluminum would be visible from neighboring yards or streets. Now multiply that across Herriman. Such parking rentals cross the line into Industrial activity under the Herriman Municipal Code. They become "Recreational Vehicle Storage Yards" that are prohibited in Agricultural and Residential Zones under Chapter 10-16 Table of Uses in the Code. They are also unlicensed business or commercial activity. Most of our neighboring cities do not allow this. For example, Draper and South Jordan don't allow rental of RV storage in people's yards and they actively enforce that regulation. It has been suggested that renting space to unrelated parties should be allowed because it's too difficult to prove that RVs in yards do not belong to friends or family. The solution is not to

open up parking to anyone from anywhere. The best longterm solution is to limit RV storage to the legal occupants of the property. If the City turns a blind eye to important regulation just because it becomes inconvenient to enforce, the City is not acting in the best interests of its residents. Consider the distribution of the burden. Commercial RV storage provides a small marginal convenience to a number of RV owners at a distance. But look at who bears the disproportionately large negative impact. The hapless next-door neighbor tries to enjoy a barbeque with a series of 13 ½ foot high walls of white aluminum next to him reflecting the sunset into his backyard. Regarding the limit on number and types of RVs stored, the current proposal is inadequate. One effective way to lessen the impact of RV storage would be to simply decrease the allowed number of RVs. (One or two is a common number allowed in other jurisdictions, where RVs are even allowed.) However, an approach that would both be effective and give more flexibility to homeowners would be to limit the number of larger types of RVs -- perhaps allow one RV that includes living quarters such as a motorhome or trailer - while allowing four smaller types to maintain the overall limit of five. Another issue that affects the appearance of RV storage is setback from fences. If multiple RVs as tall as 13' 6" are lined along a property line, a 6' fence is woefully inadequate mitigation of the impact on neighbors. Either a setback or limit on height of RV would provide some relief. Draper, for example, requires a setback. An additional item to consider is the standard of maintenance for RVs. RVs are notorious for quick deterioration without adequate maintenance. Nothing in the proposed amendments would prevent deteriorating RVs from across the valley from looming over Herriman yards through the coming years. Two smaller issues should also be addressed. First, the proposed language in the amendment lists examples of type of RV as a "travel trailer, toy hauler, boat on trailer, etc." The inclusion of "toy hauler" is a source of significant ambiguity because a toy hauler is a subset across various types of RVs. (See <https://www.thorindustries.com/rv-types/toy-hauler> "Available as Class A, Class C, travel trailers, or fifth wheels, toy haulers give you a place to live and a place for your toys.") Second, the proposed amendments provide one year for residents to be in compliance. This time period makes sense for capital improvements, but the number of RVs in storage can easily be reduced to meet the requirement within a few months; six months would be more than adequate. Finally, let me share the reason I care about this issue. My house on 7300 South is surrounded by vehicles. Quite literally. From my back window I can see as many as eight large RVs lined up along my property line to the north. On the lot to the east, another eight large RVs are stored. While it's a different issue, I'll just mention that to the south I see more than 20 non-working junk vehicles sitting on an empty lot. That's my Herriman.

Commissioner Jacobson moved to close the public hearing. Commissioner Oberg seconded and all voted aye.

Commissioner Oberg opined that ownership of a recreational vehicle was not relevant if the property was in compliance. Commissioner Jacobson noted the city needed to work on mitigation efforts. It was also discussed to allow exceptions for narrow, deep lots being behind fencing. Chair Powell agreed with the variance option. City Planner Maloy expressed appreciation to the Planning Commission for their continued discussion relating to recreational vehicle storage.

Commissioner Jacobson moved to forward a positive recommendation to City Council of item 5.2 Consideration of a recommendation to amend Title 10 of Herriman City Code to regulate recreational vehicle storage and accessory vehicle storage. Commissioner Oberg seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Not Present</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Not Voting</i>
<i>Alternate Commissioner Terrah Anderson</i>	<i>Not Voting</i>
<i>Alternate Commissioner Preston Oberg</i>	<i>Yes</i>

The motion passed unanimously.

6. Chair and Commission Comments

Commissioners Adam Jacobson, Andy Powell, and Jackson Ferguson noted they would not be in attendance at the next joint City Council/Planning Commission meeting. City Planner Maloy informed the Commission he would be sending out information relating to the fall conference, and asked if members would let him know if there was a desire to attend the training.

7. Future Meetings

Wednesday, August 23, 2023 – City Council Meeting

Wednesday, August 30, 2023 – Joint City Council/Planning Commission Meeting

Wednesday, September 6, 2023 – Planning Commission Meeting

8. Adjournment

Commissioner Fenn moved to adjourn the meeting at 8:10 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 August 16, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.

Wendy Thorpe

Wendy Thorpe, CMC
Deputy City Recorder

