



## PLANNING COMMISSION AGENDA

**Thursday, June 03, 2021**

NOTICE IS HEREBY GIVEN that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at  
5355 W HERRIMAN MAIN STREET, HERRIMAN, UTAH

**\* THIS MEETING WILL ALSO BE CONDUCTED ELECTRONICALLY \***

PUBLIC HEARINGS FOR THIS MEETING WILL BE CONDUCTED BOTH IN PERSON AND ELECTRONICALLY. ANY PERSON INTERESTED IN ADDRESSING THE COMMISSION MAY SUBMIT A COMMENT BY EMAILING [RECORDER@HERRIMAN.ORG](mailto:RECORDER@HERRIMAN.ORG) OR BY VISITING [HERRIMAN.ORG/PC-AGENDA-MINUTES/](http://HERRIMAN.ORG/PC-AGENDA-MINUTES/) WHERE THERE WILL BE A PUBLIC COMMENT FORM BUTTON. YOUR STATEMENT WILL BE READ INTO THE PUBLIC RECORD. ALL COMMENTS MUST INCLUDE THE RESPONDENT'S NAME AND THE PUBLIC HEARING FILE NUMBER.

1. **6:00 PM - Work Meeting (Council Chambers)**
  - 1.1. **Review of City Council Decisions - Michael Maloy, City Planner**
  - 1.2. **Review of Agenda Items - Planning Staff**
  - 1.3. **Discussion regarding ordinance amendments for Accessory Structures.**  
[Item 1.3 Draft Accessory Structures Staff Memo.pdf](#)
  - 1.4. **Discussion regarding amendments to current Flag Lot requirements.**  
[Item\\_1.4 Flag\\_Lot\\_Memo\\_06032021.pdf](#)

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## **2. 7:00 PM - Regular Planning Commission Meeting**

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

### **2.2. Roll Call**

### **2.3. Conflicts of Interest**

### **2.4. Approval of Minutes for the April 1, 2021 and April 15, 2021 Planning Commission Meetings**

[2021\\_04\\_01 PCM Minutes DRAFT.pdf](#)

[2021\\_04\\_15 PCM Minutes DRAFT.pdf](#)

## **3. 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.

### **3.1. Request: Preliminary Plat Approval for Walker Family Subdivision with One Residential Lot at 6368 West Rose Run Way in the A-.25 ZC (Agricultural with Zoning Conditions) Zone. (Public Hearing)**

**Applicant: William and Rosalie Walker**

**Acres: 0.50**

**File Number: S2021-048**

[Item 3.1 S2021-04 \\_Walker\\_Sub\\_Jun\\_3.pdf](#)

## **4. 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.

### **4.1. Request: Recommendation of Approval to Amend Title 10 Regarding Design Standards for Multi-Family Developments. (Public Hearing)**

**Applicant: Herriman City**

**File Number: Z2021-052**

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[Item 4.1 Z2021-052\\_MultiFam\\_Standards\\_Staff\\_Report\\_June\\_2021.pdf](#)

**4.2. Request: Recommendation of Approval to Amend 10-13-5.E to Modify Minimum Master Plan Area Requirement Provisions in the T-M Zone. (Public Hearing)**

**Applicant: Herriman City**

**File Number: Z2021-055**

[Item\\_4.2 T-M\\_Zone\\_Amend\\_Staff\\_Report.pdf](#)

**4.3. Request: Recommendation of Approval to Amend 10-13 Manufacturing Zones Pertaining to Uses and Establishment of the M-2 Zone. (Public Hearing)**

**Applicant: Herriman City**

**File Number: Z2021-051**

[Staff Report Manufacturing Zones M2 Amd June 2021.pdf](#)

**4.4. Request: Recommendation of Approval to Amend 10-29 Regarding Provisions for Use of Shipping Containers. (Public Hearing)**

**Applicant: Herriman City**

**File Number: Z2021-045**

[Item\\_4.4 Staff\\_Report\\_on\\_Shipping\\_Containers.pdf](#)

**5. Chair and Commission Comments**

**6. Future Meetings**

Wednesday, June 9, 2021 ~ City Council Meeting

Thursday, June 17, 2021 ~ Planning Commission Meeting

Wednesday, June 23, 2021 ~ City Council Meeting

**7. Adjournment**

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting.

ELECTRONIC PARTICIPATION: Members of the Planning Commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

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PUBLIC COMMENT AND POLICY PROCEDURE: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the commission will be asked to complete a written comment form and present it to Wendy Thorpe, Deputy Recorder. In general, the chair will allow an individual two minutes to address the commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

I, Wendy Thorpe, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body, on the Utah State Website [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html) and on Herriman City's website [www.herriman.org](http://www.herriman.org)

Posted and dated this 27th day of May, 2021

Wendy Thorpe,  
Deputy Recorder

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## Staff Report

**DATE:** May 27, 2021  
**TO:** Planning Commission  
**FROM:** Michael Maloy, AICP, Planning Director  
**MEETING:** June 3, 2021  
**REQUEST:** Discussion of Draft Accessory Structure Regulations  
**Applicant:** Herriman City  
**File Number:** Z2021-054 Draft Accessory Structure Regulations

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**Summary**

Discussion of draft accessory structure amendments in Title 10 Land Development Code.

**Discussion**

Accessory structure regulations are currently found in various Chapters of City Code. Occasionally, there have been unintended conflicts between these standards. The various applicable sections of City Code are often difficult for residents and builders to locate, understand, and apply.

Another issue that staff has observed is the difficulty of applying the strict standards of City Code on properties that have an unusual shape, location, or relationship with surrounding development. In the past, staff has—unsuccessfully—attempted to draft standards that would accommodate these situations.

The attached document is a “first draft” that attempts to consolidate accessory structure regulations into a single chapter and introduces a “special exception” process for reviewing requests that have unusual conditions (see Attachment – Draft Accessory Structure Regulations).

**Recommendation**

Whereas this item is on for discussion only, no formal action is required at this time. However, Planning Commission members are encouraged to identify concerns and ask questions regarding the design and placement of accessory structures in Herriman, and the attached draft.

**Attachments**

- A. Draft Accessory Structure Regulations

# **Attachment A**

## Draft Accessory Structure Regulations

## **Chapter 31** **ACCESSORY STRUCTURES**

10-31-1: Purpose

10-31-2: General Requirements

10-31-3: Location of Accessory Structures

10-31-4: Height, Area and Lot Coverage

10-31-5: Architectural Standards

10-31-6: Standards Unique to Structures in Agricultural Zones

10-31-7: Special Exceptions

### **10-31-1: PURPOSE:**

The purpose of this chapter is to establish uniform regulations for accessory structures within the City. These requirements are intended to ensure that accessory structures are compatible with the character of the neighborhood and do not unduly disturb or impact adjacent property owners.

### **10-31-2: GENERAL REQUIREMENTS:**

In addition to the use limitations and other regulations for the zoning district in which the accessory structure is proposed to be located, no accessory building or structure shall be allowed unless it complies with the following general standards:

- A. All accessory structures are permitted in all zones provided they are incidental and subordinate to the principal use and/or structure on the property, and compliant with the provisions of this chapter and the zone wherein they are located.
- B. An accessory structure shall be under the same ownership or control as the principal structure and/or use on the property.
- C. Except for agricultural zones, no accessory structure shall be established or constructed before the main dwelling or structure is under construction. Said accessory structure shall not be used prior to the issuance of a certificate of occupancy for the main dwelling or structure.

- D. No accessory structure shall include a residential dwelling or kitchen facilities, nor may an accessory structure be rented, sold, or otherwise used as a separate living space, except as may be provided elsewhere in this Title.
- E. Accessory structures shall not be used for a home occupation except as provided in Section 10-22-6 of this Title.
- F. All accessory structures shall comply with any and all applicable standards and requirements of the International Building and Fire Codes.
- G. Recreational play structures less than 15 feet in height are exempt from all general restrictions of this chapter, except they shall comply with required setbacks as other accessory structures.
- H. Open roofed structures, while lacking a solid roof, shall still be setback a minimum of three (3) feet from side and rear property lines.

**10-31-3: LOCATION OF ACCESSORY STRUCTURES:**

- A. For setback purposes, measurements shall be from the foundation of the accessory structure to the property line, or to foundation of the main dwelling or other building. Roof eaves and overhangs of one (1) foot or less are not included in the required setback.
- B. Accessory structures shall be located a minimum of six (6) feet from the main dwelling or building, and any other approved accessory structure. Accessory structures shall be located a minimum of ten (10) feet from a dwelling on an adjoining lot.
- C. Unless placed on the ground on movable skids, accessory structures may not encroach onto any public utility or other easement. However, as the sole responsibility of the property owner, construction may occur within said easement if permission is granted from the utility companies and any other entity holding rights to public utility or other easements on the property.

D. The following setbacks standards are required within specific yard areas on an approved lot:

1. Front Yards. Accessory structures are not allowed within any required front yard area.
2. Side Yards. Accessory structures shall be located a minimum of three (3) feet from the side property line, except as follows:

(a) All accessory structures located between the main structure and the side property line shall maintain the same minimum side yard setback as the main structure, as required in the underlying zone.

(b) All accessory structures on corner lots shall maintain the minimum corner side yard setback as required for the main dwelling or building in the underlying zone.

(c) Accessory structures of 80 square feet or less in area, eight (8) feet or less in height, and not permanently attached to the ground, may be located a minimum of one foot from the side property line, provided no portion of the building extends over the property line and runoff is contained on the property.

3. Rear Yards. Accessory structures shall be located a minimum of three (3) feet from the rear property line, except as follows:

(a) On a corner lot which rears upon the side yard of an adjacent lot, the rear yard setback shall be at least the minimum setback required for the side yard of main dwellings or buildings in the underlying zone.

(b) Accessory structures of 80 square feet or less in area, eight (8) feet or less in height, and not permanently attached to the ground, may be located a minimum of one foot from the rear property line, provided no portion of the building extends over the property line and runoff is contained on the property.

**10-31-4: HEIGHT, AREA AND LOT COVERAGE:**

- A. Lots of ½ acre or less shall not have accessory structures in excess of sixteen (16) feet in height and eight hundred (800) square feet in area. Nor shall any total of accessory structures exceed 25% of side and rear yard area, OR be less than the main building footprint, whichever is less.
- B. Except for Agricultural Zones, lots greater than ½ acre shall not have accessory structures in excess of twenty (20) feet in height, nor shall any total of accessory structures exceed 25% of the side and rear yard area, OR be less than the main building footprint, whichever is less.

**10-31-5: ARCHITECTURAL STANDARDS:**

- A. Except for accessory structures in Agricultural Zones that are used for agricultural purposes, accessory structures exceeding 150 square feet in size shall be compatible with the main dwelling or building in regards to materials, colors, and roof lines.
- B. Exposed plywood or particle board or similar materials are prohibited as exterior materials.
- C. Accessory structure openings, such as windows, doors, skylights, etc. shall be minimal on elevations visible from the street or adjacent properties.
- D. Accessory structures shall be maintained in such a manner as to not detract from the existing neighborhood. Setback areas between accessory structures and property lines shall be maintained in a weed-free condition.

**10-31-6: STANDARDS UNIQUE TO STRUCTURES IN AGRICULTURAL ZONES**

- A. Accessory structures used for agricultural purposes must be designed such that the primary function of the structure is the keeping of farm animals, and the storage of feed, farm equipment, etc.
- B. The maximum height of agricultural structures shall be thirty-five (35) feet.

- C. Accessory structures in excess of twenty (20) feet in height shall be located a minimum of 10 feet from side and rear property lines.
- D. If located on a corner lot, accessory structures shall comply with standard corner lot setback requirements of the underlying zone.
- E. Agricultural structures with animals may not be located within forty (40) feet of any residential dwelling.
- F. Agricultural structures may utilize such exterior building materials that are appropriate to the use, while still being compatible with the main dwelling and to the surrounding agricultural community.

**CHART 10-31 ACCESSORY STRUCTURE DEVELOPMENT STANDARDS**

| <b><u>Requirement</u></b>                                                     | <b><u>Residential Zones<br/>w/ Lots ½ Acre or<br/>Less</u></b>                             | <b><u>Residential Zones<br/>w/ Lots &gt; ½ Acre</u></b>                                    | <b><u>Agriculture<br/>Zones</u></b>                                                        |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b><u>Distance from<br/>Dwelling or other<br/>Accessory<br/>Structure</u></b> | <u>Minimum 6 feet</u>                                                                      | <u>Minimum 6 feet</u>                                                                      | <u>Minimum 6 feet, 40<br/>feet from dwelling for<br/>structures w/ animals</u>             |
| <b><u>Distance from<br/>Dwelling on<br/>adjoining Lot</u></b>                 | <u>Minimum 10 feet</u>                                                                     | <u>Minimum 10 feet</u>                                                                     | <u>Minimum 10 feet, 40<br/>feet for structures w/<br/>animals</u>                          |
| <b><u>Front Yard<br/>Setback</u></b>                                          | <u>Not allowed</u>                                                                         | <u>Not allowed</u>                                                                         | <u>Not allowed</u>                                                                         |
| <b><u>Side Yard<br/>Setback</u></b>                                           | <u>Minimum 3 feet</u>                                                                      | <u>Minimum 3 feet</u>                                                                      | <u>Minimum 3 feet, 10<br/>feet for structures &gt; 20<br/>feet in height</u>               |
| <b><u>Side Yard,<br/>between dwelling<br/>and property line</u></b>           | <u>Minimum side yard<br/>setback as the<br/>main structure, in<br/>the underlying zone</u> | <u>Minimum side yard<br/>setback as the<br/>main structure in<br/>the underlying zone</u>  | <u>Minimum side yard<br/>setback as the main<br/>structure in the<br/>underlying zone</u>  |
| <b><u>Side Yard<br/>Setback, Corner</u></b>                                   | <u>Minimum side yard<br/>setback as the<br/>main structure in<br/>the underlying zone</u>  | <u>Minimum side yard<br/>setback as the<br/>main structure, in<br/>the underlying zone</u> | <u>Minimum side yard<br/>setback as the main<br/>structure, in the<br/>underlying zone</u> |

|                                                                                                       |                                                                                                    |                                                                                                    |                                                                                  |
|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <u>Side Yard Structures &lt; 150 sq. ft, and &lt; 8 ft. height not permanently attached to ground</u> | <u>Minimum 1 foot</u>                                                                              | <u>Minimum 1 foot</u>                                                                              | <u>Minimum 1 foot</u>                                                            |
| <u>Rear Yard Setback</u>                                                                              | <u>Minimum 6 feet</u>                                                                              | <u>Minimum 6 feet</u>                                                                              | <u>Minimum 6 feet, 10 feet for structures &gt; 20 feet in height</u>             |
| <u>Rear Yard adjoining an Interior Lot</u>                                                            | <u>Minimum setback as the side yard of main structure in the underlying zone</u>                   | <u>Minimum setback as the side yard of main structure in the underlying zone</u>                   | <u>Minimum setback as the side yard of main structure in the underlying zone</u> |
| <u>Rear Yard structures &lt; 150 sq. ft, and &lt; 8 ft. height not permanently attached to ground</u> | <u>Minimum 1 foot</u>                                                                              | <u>Minimum 1 foot</u>                                                                              | <u>Minimum 1 foot</u>                                                            |
| <u>Height</u>                                                                                         | <u>Maximum 16 feet</u>                                                                             | <u>Maximum 20 feet</u>                                                                             | <u>Maximum 35 feet</u>                                                           |
| <u>Area</u>                                                                                           | <u>Maximum 800 sq.ft.</u>                                                                          | <u>No maximum</u>                                                                                  | <u>No maximum</u>                                                                |
| <u>Lot Coverage</u>                                                                                   | <u>Maximum 25% of side and rear yards OR less than main building footprint, whichever is less.</u> | <u>Maximum 25% of side and rear yards OR less than main building footprint, whichever is less.</u> | <u>Maximum 70% of total lot</u>                                                  |

### **10-31-7: SPECIAL EXCEPTIONS**

- A. In addition to any other special exceptions authorized elsewhere in this Title, an application for a special exception to specific requirements of this chapter may be approved. In determining the appropriateness of a special exception, additional requirements, conditions, and limitations may be imposed to prevent or minimize adverse effects on adjoining properties. These conditions may include, but are not limited to, the use, construction, operation, character, location, screening, and landscaping, as may be required as part of a special exception.
- B. The Community Development Director may approve a special exception to the specific requirements of this chapter with conditions and limitations as may be appropriate. The Director may also require a hearing before the Planning



Commission to determine if an application for a special exception is appropriate. Adjoining property owners shall receive notice of said hearing for a special exception.

C. In any case, the following may be considered by the Director and the Planning Commission in determining the appropriateness of a special exception:

1. The special exception does not materially impact the goals and policies of the City's General Plan.
2. The special exception is not in conflict with adopted restrictive covenants governing the property.
3. The special exception will not affect the character of the immediate neighborhood or subdivision, and is in keeping with the development block pattern of the area.
4. The special exception will not have an adverse effect upon public health, safety, or general welfare of the community.
5. Additional height greater than maximum allowed can be mitigated by requiring additional setback from the property line or adjacent buildings.
6. Additional height of an accessory structure is for architectural or storage purposes only.
7. Impacts on adjoining properties can be mitigated by adjusting architectural elements, i.e. reducing or eliminating doors, windows, etc. that are visible from adjoining properties and streets.
8. The accessory structure does not violate the sight visibility triangle on corner lots.
9. Other development requirements that could be required that will further mitigate the impact of the special exception.
10. Other mitigating circumstances that may be appropriately considered.

### **Chapter 3 DEFINITIONS**

ACCESSORY BUILDING STRUCTURE: A detached, subordinate building structure clearly incidental to the main use, or structure building in area and purpose, and located upon the same lot occupied by the main building. An accessory building structure also includes a building clearly incidental to an agriculture or animal care land use located on a lot in an agricultural zone, which lot meets the minimum lot size for such zone and is not ~~under~~ less than one acre in area.

HEIGHT, BUILDING: The overall vertical distance above the lowest approved finish grade at any point on the perimeter of a building to the highest point of the coping of a flat roof, or to the highest point of the ridgeline of a pitched, hipped, or mansard roof.

- a) Buildings may be stepped to accommodate the slope of the terrain, provided that each step has a horizontal dimension of at least twelve feet (12) feet. The height of each horizontal segment shall be measured as required in subsection A of this definition.
- b) Finished grade shall be the ground elevation of a structure approved during site plan review, assuming that all grading, cuts, fills, or other man-made alterations are in compliance with City requirements. When uncertainty exists, the Community Development Director, in consultation with the City Engineer as necessary, will determine such based upon the best information available.



## Staff Memorandum

**DATE:** May 27, 2021  
**TO:** Planning Commission  
**FROM:** Michael Maloy, AICP, Planning Director  
**MEETING:** Planning Commission Work Meeting June 3, 2021  
**REQUEST:** Discussion of Potential Amendments to “Flag Lot” Regulations

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**Discussion**

During the May 26, 2021, City Council Work Meeting, the Council directed staff to engage the Planning Commission in a discussion of potential amendments to “flag lot” regulations and draft an ordinance for a future Planning Commission public hearing and recommendation. Staff has illustrated a few key issues in the attached PowerPoint for consideration during the June 3, 2021, Planning Commission Work Meeting.

**Background**

The existing ordinance was approved by the City Council in September 2017. The amendment's intent was to impose greater restrictions on flag lots in areas where they may not be suitable. One of the changes prohibited flag lots on a collector or arterial street. Herriman street classification includes both “minor” and “major” collectors and arterials, but the flag lot ordinance does not distinguish between these types (see Attachment A – Street Classification Map).

Current street standards are:

- Minor Collector: 66 foot right of way (example - 7300 West)
- Major Collector: 80 foot right of way (example - Rosecrest Road)
- Minor Arterial: 106 foot right of way
- Major Arterial: 116 foot right of way (example - Herriman Boulevard)

Another feature of the 2017 amendment was a “flag lot shall not be created as part of a subdivision where there are more than two (2) lots in the subdivision or from an illegally divided lot or parcel.” According to staff, this standard was meant for recorded subdivisions—not future—but the “plain reading” of this standard does not match intent.

For reference, the current text of the flag lot ordinance is quoted below:

**10-29-18: FLAG LOTS:**

A. Purpose: Flag lots are intended to apply only to exceptionally deep or odd shaped parcels that are isolated from public streets and would be difficult to develop or utilize in any other way. An applicant shall demonstrate that a flag lot is the most appropriate development option and that it will not detract from the surrounding neighborhood.

- A. Purpose: Flag lots are intended to apply only to exceptionally deep or odd shaped parcels that are isolated from public streets and would be difficult to develop or utilize in any other way. An applicant shall demonstrate that a flag lot is the most appropriate development option and that it will not detract from the surrounding neighborhood.
- B. Minimum Requirements: A flag lot shall meet the following minimum requirements:
  - 1. The staff portion of a flag lot shall front on and be contiguous to a dedicated local public street. Flag lots shall not front on a collector or arterial street.
  - 2. The minimum width of the staff portion of a flag lot shall be twenty feet (20'). On properties where the length of the staff is greater than one hundred fifty feet (150'), the width of the staff shall be no less than twenty-five feet (25') of drivable surface unless otherwise recommended by the City Engineer and Fire Marshal and approved by the Planning Commission.
  - 3. The maximum length of a flag lot shall be two hundred twenty feet (220') unless otherwise approved by the Planning Commission upon recommendation of the unified fire authority.
  - 4. The flag lot shall have a hard surfaced driveway from a public street to the required parking area for the flag lot. Adequate provisions shall be made for drainage of the driveway such as curb and gutter, berming, or swales.
  - 5. A flag lot shall not be created as part of a subdivision where there are more than two (2) lots in the subdivision or from an illegally divided lot or parcel.
  - 6. A flag lot shall not gain access via an easement on an adjacent property.
  - 7. No building or construction, except for driveways, shall be allowed on the staff portion of a flag lot unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed by the zone in which the flag lot is located (excluding entrance features and streetlights).
  - 8. The front side of the flag portion of a flag lot shall be deemed to be that side nearest to the dedicated public street upon which the staff portion fronts, unless otherwise determined by staff on a case-by-case basis.
  - 9. The staff portion of a flag lot shall be deemed to end, and the flag portion of the lot shall be deemed to commence, at the extension of the front lot line.
  - 10. The square footage of a flag lot shall be at least one-half ( $\frac{1}{2}$ ) acre. The square footage located in the flag portion of the lot, which shall be exclusive of the square footage located in the staff portion of the lot, shall be at least one-third ( $\frac{1}{3}$ ) acre.
  - 11. The front, side, and rear yard requirements of the flag portion of a flag lot shall be the same as required by the zone in which the lot is located.
  - 12. Only one single family dwelling shall be allowed on a flag lot.
  - 13. The approved building envelope of a flag lot shall be illustrated upon the final subdivision plat.
  - 14. A six foot (6') solid vinyl fence shall be installed on all sides of a flag lot, including along both sides of the staff portion of the lot, subject only to the requirements of section 10-21-3 of this title regarding front yard fencing.
  - 15. All applicable street improvements, including curb, gutter, and sidewalk, shall be installed along the front of both the flag lot and the lot or parcel from which it is being subdivided.

## **Discussion**

The draft amendments shown in the attached PowerPoint addresses the following issues (see Attachment B – PowerPoint):

- Clarify intent and language of existing City Code.
- Allow a flag lot on a minor collector street.
- Allow more than one flag lot in a subdivision.
- Allow Planning Commission modification of fence standards to avoid conflicts, such as “double fencing.”

Additional options or questions that may warrant discussion or direction are:

- Should the City allow more than one single-family lot to be accessed from a shared access?
- If so, should it be limited to two lots? Or three lots?
- Should the City remove or modify the standard for fencing?
- Should the City prohibit a flag lot in a previously recorded subdivision?
- What conditions would the development of a flag lot be appropriate on a minor collector street?
- Other concerns, issues, or recommendations?

## **Recommendation**

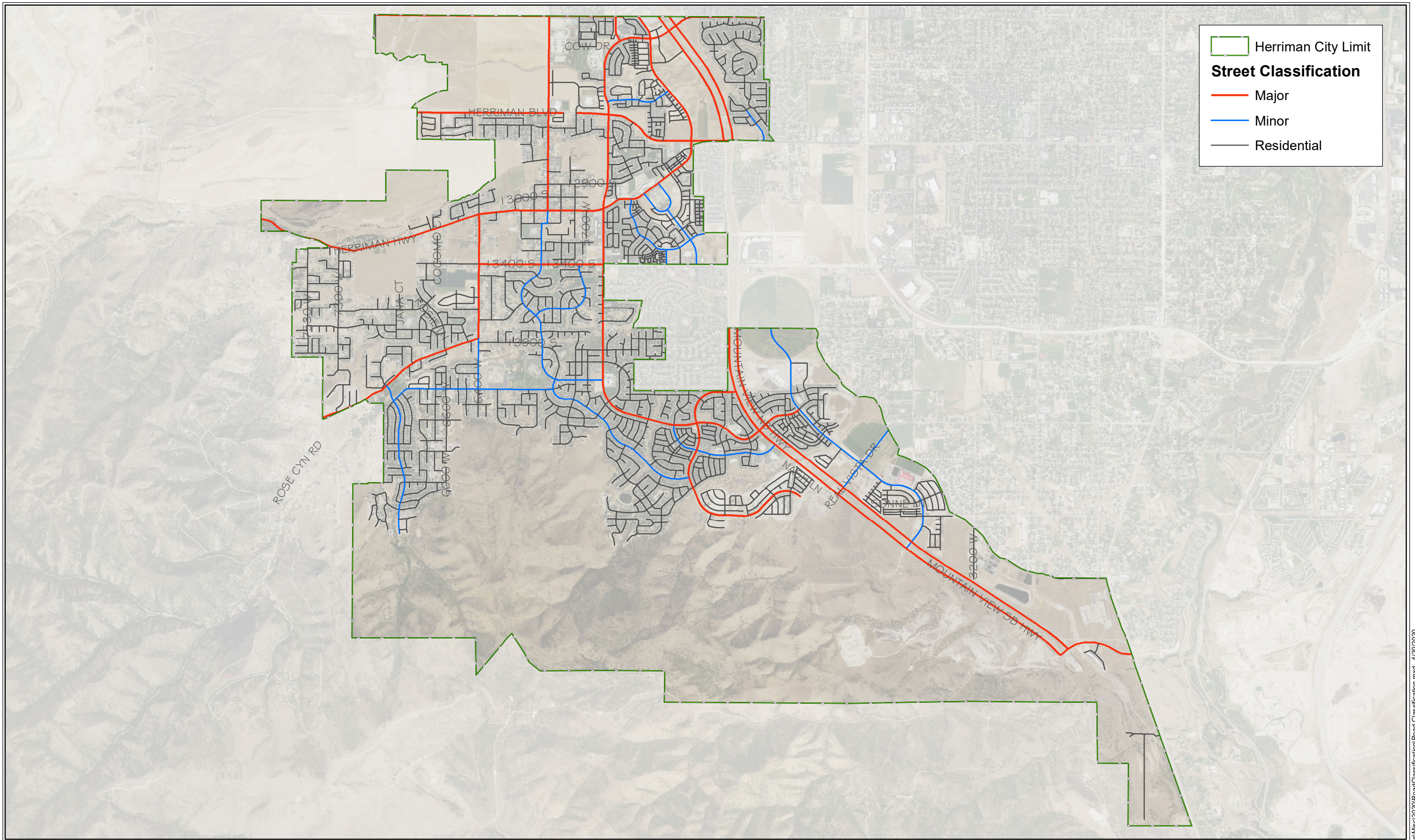
Whereas this item is on the Planning Commission Meeting agenda, no formal action or decision is required at this time. Following this discussion, staff will prepare a draft ordinance and schedule a Planning Commission public hearing on the proposal.

## **Attachments**

- A. Street Classification Map
- B. PowerPoint

**Attachment A**  
Street Classification Map





Herriman City Limit

**Street Classification**

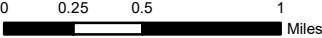
Major

Minor

Residential



HERRIMAN CITY  
STREET CLASSIFICATION





## **Attachment B**

### PowerPoint



# Planning Commission Work Meeting

Discussion of Potential Flag Lot Amendments

June 3, 2021



# Sample “Flag Lot” Development Concepts, Issues, & Options

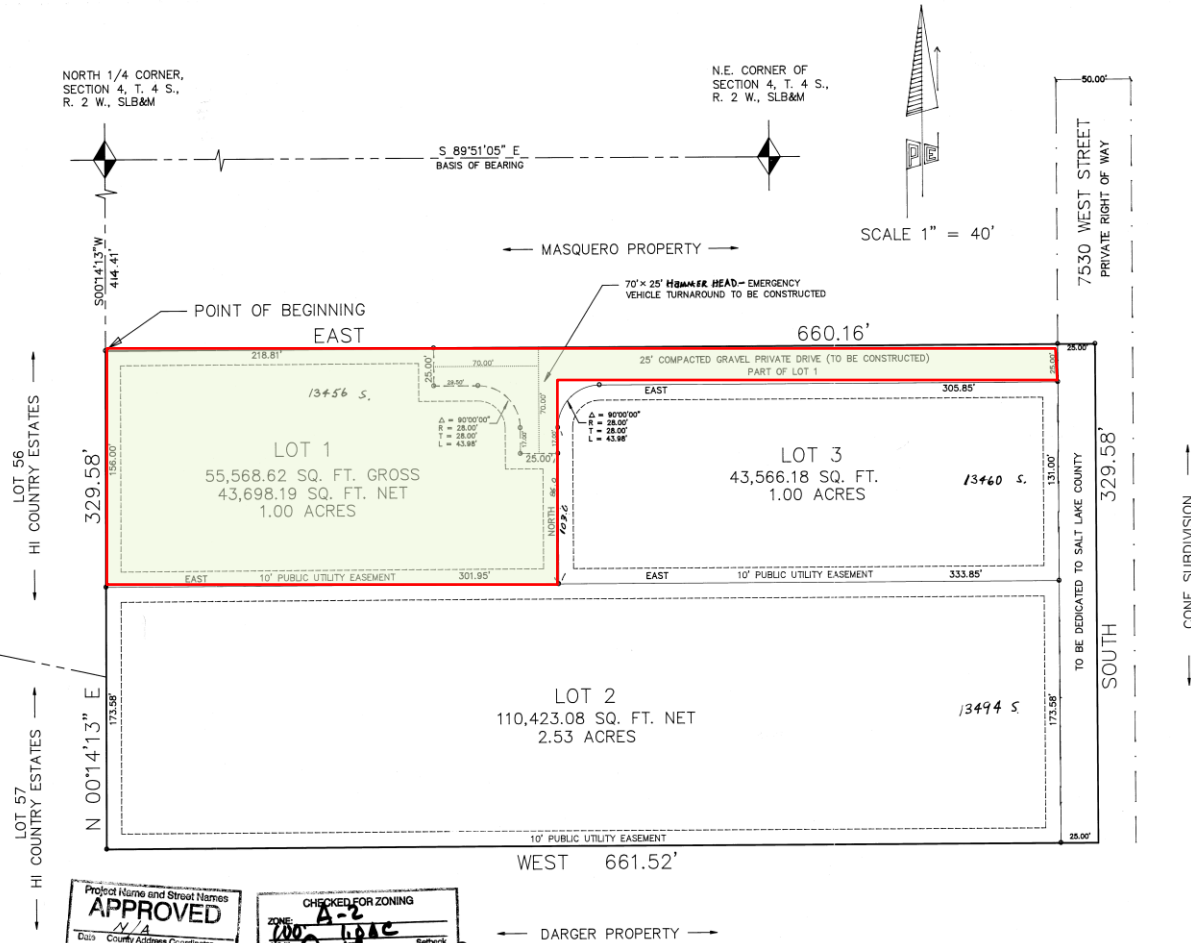
KNOW ALL MEN BY THESE PRESENTS that Mountain Fuel Supply Company, the undersigned owner of an easement or right-of-way which traverses the property herein subdivided, hereby subordinates to SALT LAKE COUNTY its interest in the subdivision plat, provided that if it becomes necessary to relocate said easement at the instance or request of any public entity, the costs and expenses incurred thereby will be borne by the entity requiring or requesting the same, it being specifically understood and agreed that said easement is not subordinated to the subdivider or to purchasers of lots or to any other person or entity.

DATED this 04 day of October, 1997

MOUNTAIN FUEL SUPPLY COMPANY

By Donald D. Moore, Jr.  
title Property Agent

ACKNOWLEDGEMENT  
STATE OF UTAH  
COUNTY OF SALT LAKE  
ON THE 9th DAY OF October, 1997  
PERSONALLY APPEARED BEFORE ME Donald D. Moore, Jr.  
WHO BEING BY ME DULY SWORN OR AFFIRMED, DID SAY THAT HE PREPARE THE  
Property Agent  
OF Mountain Fuel Supply Company AND THAT  
THE WITHIN SUBDIVISION WAS FORGED IN BEHALF OF SAID  
OF Mountain Fuel Supply Company AND THE  
SAID Donald D. Moore, Jr. ACKNOWLEDGE TO  
ME THAT SAID Mountain Fuel Supply Company EXECUTE  
THIS SAME  
My Commission Expires 12/31/2001 Notary Public  
Paul M. Morgan  
Residing in Utah



Protect Name and Street Names  
**APPROVED**  
Date 10/10/97 County Address Coordinator  
Development Services Division

CHECKED FOR ZONING  
ZONE A-2  
DATE 10/10/97  
SIGNED Paul M. Morgan Notary Public  
Residing in Utah

PL89-1038

|                                                                                                                                                                         |                                                                                                                                                                 |                                                                                                                                                       |                                                                                                                                                                                                                           |                                                                                                                                                                  |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION</b><br>APPROVED THIS <u>23</u> DAY OF <u>October</u> , A.D. 19 <u>97</u><br><u>Paul M. Morgan</u><br>CHAIRMAN, SALT LAKE CO. PLANNING COMMISSION | <b>BOARD OF HEALTH</b><br>APPROVED THIS <u>23</u> DAY OF <u>October</u> , A.D. 19 <u>97</u><br><u>Paul M. Morgan</u><br>CHAIRMAN, SALT LAKE CO. BOARD OF HEALTH | <b>FLOOD CONTROL DEPT.</b><br>APPROVED THIS <u>23</u> DAY OF <u>October</u> , A.D. 19 <u>97</u><br><u>Paul M. Morgan</u><br>FLOOD CONTROL COORDINATOR | <b>DEVELOPMENT SERVICES DIVISION</b><br>I HEREBY CERTIFY THAT THIS OFFICE HAS<br>RECEIVED THIS PLAT AND IT IS CORRECT IN<br>ACCORDANCE WITH INFORMATION OF FILE<br>IN THIS OFFICE.<br>DATE <u>10/10/97</u> FOR SUBMISSION | <b>APPROVAL AS TO FORM</b><br>APPROVED AS TO FORM THIS <u>23</u> DAY OF <u>October</u> , A.D. 19 <u>97</u><br><u>Paul M. Morgan</u><br>SALT LAKE COUNTY ATTORNEY | <b>COUNTY COMMISSION</b><br>PRESENTED TO THE BOARD OF SALT LAKE COUNTY COMMISSIONERS<br>THIS <u>23</u> DAY OF <u>October</u> , A.D. 19 <u>97</u> AT WHICH TIME THIS SUBDIVISION WAS APPROVED<br>AND ACCEPTED<br><u>Paul M. Morgan</u><br>ATTORNEY, SALT LAKE COUNTY | <b>RECORDED # (771)232</b><br>STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF<br>THIS <u>23</u> DAY OF <u>October</u> , A.D. 19 <u>97</u> TIME <u>4:13 P.M.</u> BOOK <u>21-10 P</u> PAGE <u>324</u><br>*33.00<br>CHIEF DEPUTY, <u>Paul M. Morgan</u><br>SALT LAKE COUNTY RECORDER |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### SURVEYOR'S CERTIFICATE

I, DUANE M. PETERSON, do hereby certify that I am a Registered Civil Engineer and or Land Surveyor, and that I hold certificate No. 6188 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as OHLWILER SUBDIVISION #2 and that same has been correctly surveyed and staked on the ground as shown on this plat.

### BOUNDARY DESCRIPTION

| COURSE                                   | DISTANCE | REMARKS                                                                                                                                                                                                                 |
|------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EAST                                     | 660.16   | BEGINNING AT A POINT WHICH IS SOUTH 001°41'3" WEST ALONG THE CENTER SECTION LINE 414.41 FEET FROM THE NORTH QUARTER CORNER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE |
| SOUTH                                    | 329.58   | FEET; THENCE                                                                                                                                                                                                            |
| WEST                                     | 661.52   | FEET; THENCE                                                                                                                                                                                                            |
| N001°41'3"E                              | 329.58   | FEET TO THE POINT OF BEGINNING.                                                                                                                                                                                         |
| CONTAINS THREE LOTS TOTALING 5.00 ACRES. |          |                                                                                                                                                                                                                         |

I FURTHER CERTIFY THAT ALL LOTS MEET THE FRONTAGE WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCE.

DATE

### OWNER'S DEDICATION

Known all men by these presents that we, the two undersigned owner (s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.  
In witness whereof, we have hereunto set our hands this 04 day of October, A.D. 1997

Donald D. Moore, Jr. Judy Ann Ohlweiler  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### ACKNOWLEDGEMENT

STATE OF UTAH : S.S.  
County of Salt Lake :  
On the 04 day of October, A.D. 1997, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, the signer (s) of the above Owner's dedication two in number, who duly acknowledged to me that they signed it freely and voluntarily and for the uses and purposes therein mentioned.  
MY COMMISSION EXPIRES: 12/31/2001  
\* Steven J. Ohlweiler NOTARY PUBLIC  
Judy Ann Ohlweiler RESIDING IN SALT LAKE COUNTY

### OHLWILER SUBDIVISION #2

LOCATED IN THE NORTHEAST 1/4 OF SECTION 4,  
TOWNSHIP 4 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER  
97-10P-324

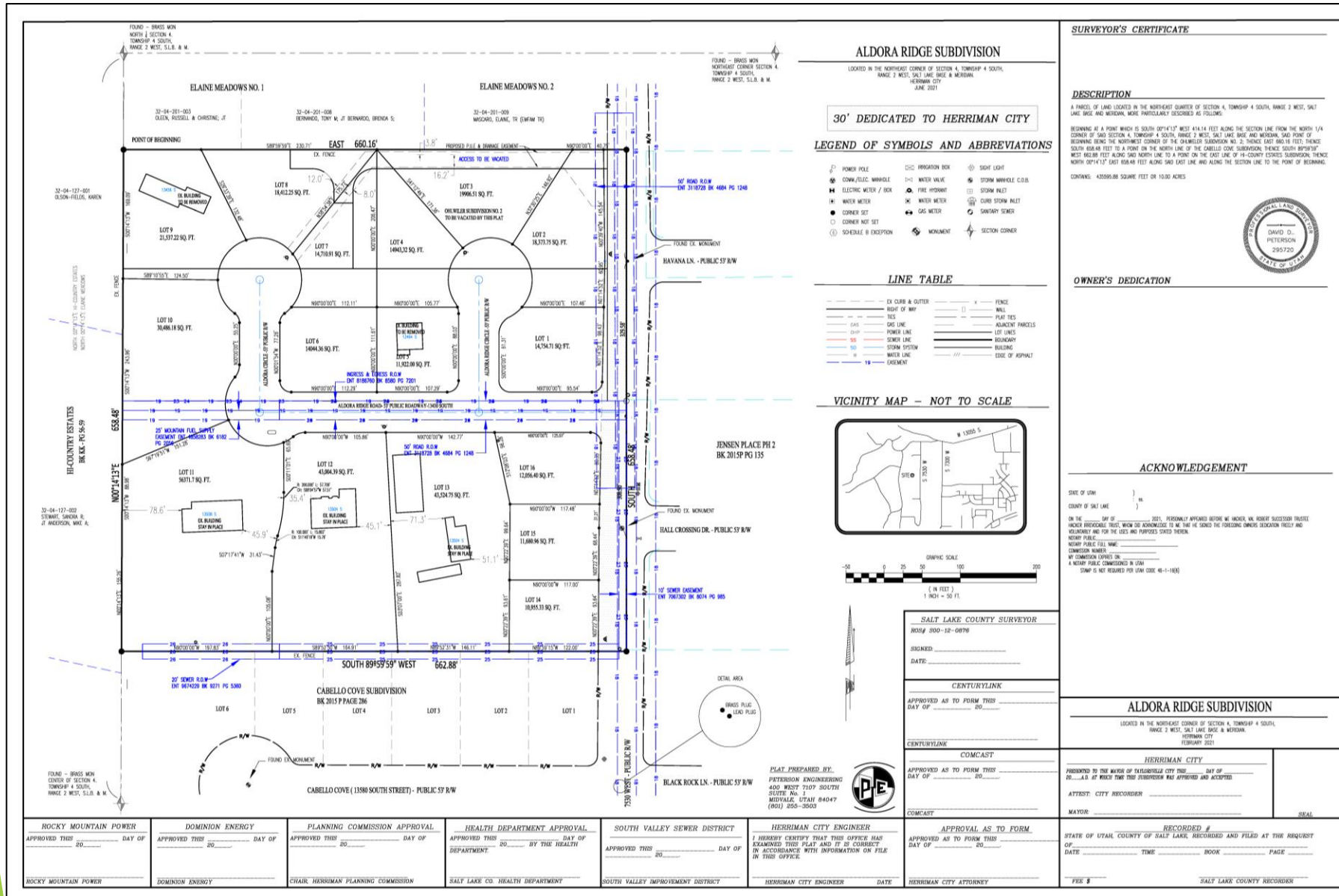
DRAWING NUMBER

## Issue: Lot Limit



“A flag lot shall not be created as part of a subdivision where there are more than two (2) lots in the subdivision...”

## Result: Lost Lots





# Issue: Shared Access Prohibited



**“A flag lot shall not gain access via an easement on an adjacent property.”**



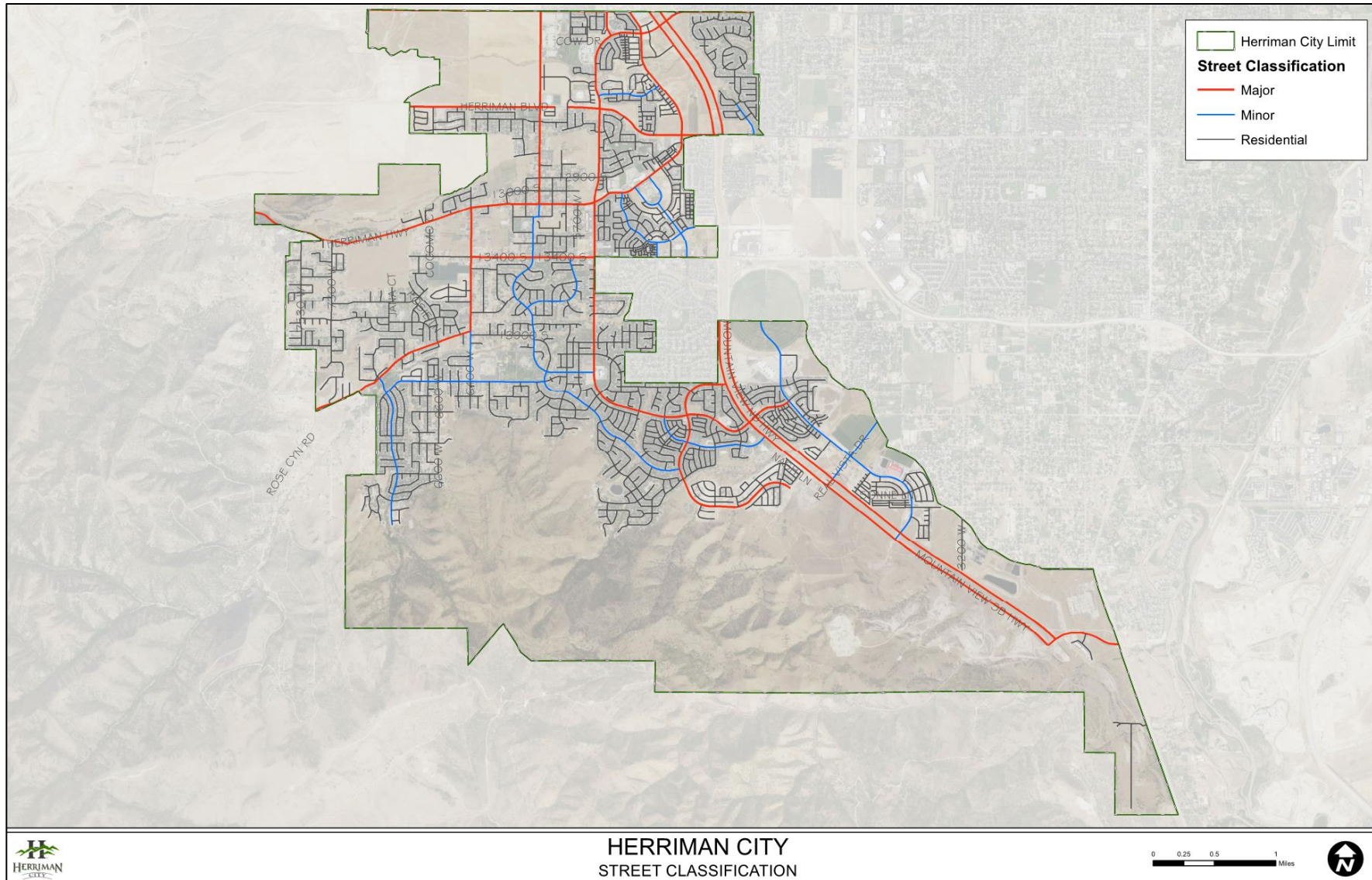
## Result: Reduced Efficiency



Current City Code would require more drive approaches, which increases conflict points and storm water runoff



# Issue: Prevents Infill



“The staff portion of a flag lot shall front on and be contiguous to a dedicated local public street. Flag lots shall not front on a collector or arterial street.”



## Issue: Lack of Discretion



“A six foot (6') solid vinyl privacy fence shall be installed on all sides of a flag lot, including along both sides of the staff portion of the lot”

# Reasons For and Against

- ▶ **FOR** Improves City revenues for City services through property taxes
  - ▶ **FOR** Increases population, which increases indirect revenue sources
  - ▶ **FOR** Increases private property value through development potential
  - ▶ **FOR** Fosters preservation and sustainability, and discourages demolition
  - ▶ **FOR** Other?
- 
- ▶ **AGAINST** Discourages property accumulation and subdivision development
  - ▶ **AGAINST** Changes historic or agricultural use of private property
  - ▶ **AGAINST** Potential privacy impacts
  - ▶ **AGAINST** Increases vehicular traffic, congestion, and emissions
  - ▶ **AGAINST** Other?

# Flag Lot Regulations: Context

| City          | Allow?                        | Dwelling Limit? | Street?                                   | Minimum Acreage?                                  | Fencing?      | Additional Standards?           |
|---------------|-------------------------------|-----------------|-------------------------------------------|---------------------------------------------------|---------------|---------------------------------|
| Bluffdale     | Yes (R-1-10, A-43, A-87, A-5) | No              | Collector and arterial with shared access | Limited by zone                                   | Not specified | Turn-around may be required     |
| Herriman      | Yes                           | One             | Residential only                          | ½ acre                                            | Privacy fence | Typical engineering             |
| Riverton      | Yes                           | Not specified   | Not specified                             | Limited by zone                                   | Not specified | Typical engineering             |
| South Jordan* | Yes                           | Two             | Not specified                             | Twice area of lot minimum in recorded subdivision | Not specified | Shared driveway may be required |
| West Jordan   | Yes                           | One             | Not specified                             | Limited by zone                                   | Not specified | Stem may not exceed 330 ft      |

*\* It is not the intent of this chapter to allow the proliferation of multiple flag lots along a given street within a subdivision, or to change the zoning or character of a subdivision.*

# Current Ordinance

- ▶ Adopted in 2017
- ▶ Intended to increase restrictions on flag lot development
- ▶ Added several new standards



# Potential Amendments

- ▶ Clarify intent and language of existing City Code
- ▶ Allow a flag lot on a minor collector street (with conditions)
- ▶ Allow more than one flag lot in a subdivision
- ▶ Allow Planning Commission modification of fence standard to avoid conflicts, such as “double fencing”



# Definition

**Flag Lot:** A lot in an agricultural or residential zone that does not have required frontage on a public street, and ~~which~~ has two (2) distinct parts: the flag, which contains buildable area and is located behind another lot; and the staff, which connects the flag to the street, provides the only street frontage for the lot, and contains less than the minimum lot frontage requirement for the zone.

# Standards

1. The staff portion of a flag lot shall front on and be contiguous to a dedicated local public street. Flag lots shall not front on a major collector or arterial street.
2. The minimum width of the staff portion of a flag lot shall be twenty feet (20'). On properties where the length of the staff is greater than one hundred fifty feet (150'), the width of the staff shall be no less than twenty-five feet (25') of drivable surface unless otherwise recommended by the City Engineer and Fire Marshal and approved by the Planning Commission.
3. The maximum length of a flag lot shall be two hundred twenty feet (220') unless otherwise approved by the Planning Commission upon recommendation of the unified fire authority.
4. The flag lot shall have a hard surfaced driveway from a public street to the required parking area for the flag lot. Adequate provisions shall be made for drainage of the driveway such as curb and gutter, landscaped berms, or swales, and fencing.
5. A flag lot shall not be created ~~as part of a subdivision where there are more than two (2) lots in the subdivision or~~ from an illegally divided lot or parcel.

# Standards

6. A flag lot shall not gain access via an easement on an adjacent property.
7. No building or construction, except for driveways, shall be allowed on the staff portion of a flag lot unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed by the zone in which the flag lot is located (excluding entrance features and streetlights).
8. The front ~~side of the flag portion yard~~ of a flag lot shall be deemed to be that side nearest to the dedicated public street upon which the staff portion fronts, unless otherwise determined by ~~staff on a case-by-case basis~~ the Planning Director or designee.
9. The staff portion of a flag lot shall be deemed to end, and the flag portion of the lot shall be deemed to commence, at the extension of the front lot line.
10. The square footage of a flag lot shall be at least one-half (1/2) acre. The square footage located in the flag portion of the lot, which shall be exclusive of the square footage located in the staff portion of the lot, shall be at least one-third (1/3) acre.

# Standards

11. The front, side, and rear yard requirements of the flag portion of a flag lot shall be the same as required by the zone in which the lot is located.
12. Only one single family dwelling shall be allowed on a flag lot.
13. The approved building envelope of a flag lot shall be illustrated upon the final subdivision plat.
14. A six foot (6') ~~solid vinyl~~ privacy fence shall be installed on all sides of a flag lot, including along both sides of the staff portion of the lot, subject only to the requirements of section 10-21-3 of this title regarding front yard fencing. Planning Commission may remove or modify standard to avoid double fencing.
15. All applicable street improvements, including curb, gutter, and sidewalk, shall be installed along the front of both the flag lot and the lot or parcel from which it is being subdivided.

# Options

- ▶ Maintain current City Code
- ▶ Consider additional or different amendments:
  - Should the City allow more than one single-family lot to be accessed from a shared access?
  - If so, should it be limited to two lots? Or three lots?
  - Should the City remove the standard for fencing?
  - Should the City prohibit a “flag lot” in a previously recorded subdivision?
  - Under what conditions may the development of a “flag lot” be appropriate on a minor collector street?
  - Other





## PLANNING COMMISSION MINUTES

**DRAFT**

**Thursday, April 1, 2021**  
**Awaiting Formal Approval**

The following are the minutes for the Herriman City Planning Commission meeting held on **Thursday, April 1, 2021 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 Council, media, and interested citizens.

**Presiding:** Chair Chris Berbert

**Commissioners Present In Person:** Lorin Palmer, and Heather Garcia

**Commissioners Present Electronically:** Andrea Bradford, Joy Kaseke, Jackson Ferguson, Andy Powell, and Adam Jacobson

**Commissioners Excused:** Brody Rypien

**Staff Present In Person:** City Planner Michael Maloy, HPD Deputy Chief Cody Stromberg, Deputy City Recorder Wendy Thorpe, Communications Specialist Mitch Davis, City Attorney Chase Andrizzi, Planning Manager Clinton Spencer, City Engineer Josh Petersen, Community Development Director Blake Thomas, Planner II Sheldon Howa, Engineer II Josh Petersen, Planner I Nick Whittaker, and Water Resources Engineer Benjamin Nelsen

**Staff Present Electronically:** Landscape Architect Heidi Shegrud, and Water Manager Luke Sieverts

### **6:00 PM - WORK MEETING: (Council Chambers)**

#### **1. Work Meeting**

Chair Berbert called the meeting to order at 6:02 p.m.

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

Assistant City Planner Maloy stated FFKR Susie Petheram apprised the Council of the Draft General Plan status and explained the next public outreach phase. The Council would be ready for a recommendation from

the Commission after the public hearings were completed. Commissioners Andrew Powell, Brody Rypien and Jackson Ferguson were reappointed to the Planning Commission for three-year terms. Their new terms expire March 24, 2024.

## **1.2. Review of Agenda Items – Michael Maloy, City Planner**

Commissioners had no comments or questions.

## **1.3. Presentation of a proposed Rosecrest Master Development Agreement 4<sup>th</sup> Amendment – Michael Maloy, City Planner**

City Planner Maloy presented the fourth amended Rosecrest Master Development Agreement proposal. He reviewed the original agreement and the previous amendments. Key reason for this amendment was realignment of proposed collector roads, Juniper Crest and Mountain View Corridor (MVC). It also added 169 acres of property to the MDA and 219 dwelling units. The amendment would also reduce the multi-family dwelling units by 22.9 acres and 373 units and increase the quantity and location of medium density developments. The amendment would increase open space by 14 acres. Future annexations would be included at the option of the master developer. City Planner Maloy explained a coordinated development approach would be best for contiguous development and the addition of utilities. He presented a side-by-side comparison with the 2008 General Plan and identified changes and park locations. An amendment to the CDA was needed to support the rezone. Open space, trails, right of way sections and park concepts were provided. He reviewed the amendment process, procedural guidelines, and legal limitations. Commissioners requested clarification for the number of units allowed per the general plan, compared to the development agreement, and asked which trumped the other. City Planner Maloy responded ideally the developer and City to work together to determine the number of units. Commissioners agreed with placing higher density near Mountain View Corridor (MVC). Chair Berbert offered the concern parks and recreation were lacking in the area west of MVC and more athletic field space was needed. Commissioners Berbert and Palmer would prefer reducing density and adding more soccer and baseball fields. City Attorney Andrizzi recommended discussing changes with the applicant. Developer Mike Bradshaw offered further background on the area. He stated the area was very steep, topographically challenged, and a difficult area to build. They chose the largest spot available for the middle park. Adding another large, flat space would be cost prohibitive. Their intention was to focus on trails and connectivity with the proposed Laguna and Malibu subdivisions in the steeper areas. They have tried to incorporate more single-family homes and more product type variety. He stated they proposed 650 units lower than they could have requested. Technical and design guidelines were utilized to ensure compliance with the general plan. Commissioner Ferguson asked if the homes would be part of a Homeowners Association (HOA). Developer Bradshaw responded the area would be a combination. Commissioner Ferguson identified small lots with less than 3,200 feet and small setbacks and requested their type. Developer Bradshaw responded that area would be detached single family homes with small setbacks. Commissioner Jacobson asked what type of development was planned at the southeastern end. Developer Bradshaw responded the area was mixed use with 70% residential and 30% commercial and would not contain mixed-use units. Developer Bradshaw added the interchange was shifted to the south by UDOT, which moved the commercial up a hill with sixty-foot grade elevation, which prevented connectivity with Juniper Crest Road. Commissioners wanted quality commercial areas that made sense.

## **1.4. Training – Michael Maloy, City Planner**

City Planner Maloy stated American Planning Association national training would take place May 5-7, 2021. He asked Commissioners to reach out to him if they wished to attend the online training.

*The work meeting was adjourned by consensus at 6:53 p.m.*

## **2. 7:00 – Regular Planning Commission Meeting**

Chair Chris Berbert called the meeting to order at 7:02 p.m.

### **2.1. Invocation/Thought/Reading or Pledge of Allegiance**

Cody Crowell led the audience in the Pledge of Allegiance.

### **2.2. Roll Call**

Full Quorum Present.

### **2.3. Conflicts of Interest**

No conflicts were offered

## **3. Administrative Reports**

*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.*

### **3.1. Request: Preliminary Plat for Midas Crossing Commercial Plat, Phase 2 (Public Hearing)**

**Applicant: Larry Myler (authorized agent and owner)**

**Address: Approx. 4874 West 12600 South**

**Zone: C-2 (Community Commercial)**

**Acres: 7.79 ±**

**File Number: S2021-016**

Planner Nick Whittaker reviewed the application for nine commercial lots. He identified the location and zoning. Conditions were updated earlier today to remove repetitive statements, nothing new was added. Staff requested Commissioners specify the corrected recommendations shown in the meeting presentation, when making a motion. Staff identified which recommendations were changed. Lot thirteen contained a utility pump-house, and would be a City easement, not a separate lot, per staff recommendation 1.b.

Applicant Larry Myler spoke in person. The phase one plat had been signed by all parties and would be recorded tomorrow. The Garage Grill should begin construction in a couple weeks. They look forward to opening the Gorilla Carwash in phase two

Chair Berbert opened the public hearing.

No comments were offered.

Chair Berbert closed the public hearing.

### **Recommendations:**

#### **1. Regarding Midas Crossing Plat and Civils**

- a. Provide right-of-way for future signal infrastructure at southeast corner of Lot 5.

- b. Lot 13 shall be easement to city for pump-house use (and not separate lot).
  - c. Proved cross access easement for shared lot between Lots 11 and 5-6.
  - d. Reduce right-of-way dedication for 12530 South Street to 60'.
    - Remove landscaper buffer from dedicatino area along 12530 South.
  - e. Re-stripe left turn lanes in Herriman Main Street to accommodate left turn movements from 12530 South and internal spine road.
  - f. Provide right turn lane pocket at 12530 South intersections with Herriman Main St. and Herriman Auto Row.
  - g. 12530 South right-of-way should be City standard 60' cross section.
  - h. All public street improvements to be city standard, including street lighting, sidewalk, park strip landscaping, and street trees.
2. At all stages of development, the Developer shall act in compliance with Herriman City Code and Ordinances.
  3. Final plat to be reviewed and approved by the Engineering Department.
  4. Final elevations and design standards to conform with city standards and receive approval from Planning Commission prior to issuing building permits.
  5. Developer to pay any and all applicable fees.

*Commissioner Heather Garcia MOVED to approve item 3.1 file number S2021-016 Preliminary Plat for Midas Crossing Commercial Plat, Phase 2 (Public Hearing) with five staff recommendations as illustrated in the slide show presentation. Commissioner Lorin Palmer SECONDED the motion.*

*The vote was recorded as follows:*

|                               |            |
|-------------------------------|------------|
| Commissioner Heather Garcia   | <i>Aye</i> |
| Commissioner Andrea Bradford  | <i>Aye</i> |
| Commissioner Lorin Palmer     | <i>Aye</i> |
| Commissioner Adam Jacobson    | <i>Aye</i> |
| Commissioner Andy Powell      | <i>Aye</i> |
| Commissioner Jackson Ferguson | <i>Aye</i> |

*The motion passed unanimously.*

### **3.2. Request: Preliminary Plat of 33 lots in the Valhalla Subdivision (Public Hearing)**

**Applicant: James Horsley (property owner and authorized agent)**

**Address: 14410 S 6475 W**

**Zone: A-.25 (Agricultural – 10,000 square feet minimum), and A-1 (Agricultural – 1 acres minimum with a Zoning Condition and Hillside Overlay**

**Acres: 17.5±**

**File Number: S2020-047**

City Planner Clint Spencer expressed appreciation to the applicant for making recent modifications requested by the City. The applicant proposed 32/33 total lots. 28/29 lots would be zoned A-.25, four lots would be zoned A-1ZC. The Engineering Department has addressed drainage issues. A deviation from standard for road grade required a 25-mph speed limit. This would be the first public street in the city with 12% grade. Any remaining details would be worked through between the Engineering Department and the applicant. The southeast hillside overlay zone required no physical disturbance of areas with more than 30% slope, and this non-buildable area



affected four plots. All lots in the A-.25 zone met minimum zoning compliance. Three lots in the A-1ZC zone did not meet the 100-foot lot width requirement. The applicant proposed 85-foot lot widths and has sought variance approval, due to the topography, from the Appeals Authority. A decision should be made in the next week or two. Planning Manager Spencer reviewed the proposed conditions of approval. Density bonus points may increase the density to 2.5 units per acre. The applicant requested 0.1 density bonus points for dedicating and installing a ten-foot park strip behind the sidewalk adjacent to 6600 West. 0.2 density bonus points were requested for dedicating and installing infrastructure that is identified as a system improvement by the City. 0.05 for combining two or more properties, from different property owners, to create one larger project of at least ten acres. 0.1 for providing half acre lots that buffer existing larger lots or agricultural zones. 0.1 for developing at least ten percent of the lots as half acre lots. Based on these calculations the applicant requested a total density of 2.35 units per acre, which would allow 33 lots total. The plat would state no further subdividing of any lot in the subdivision would be allowed. If Mr. McCleve were not willing to dedicate the ten-foot park strip the total quarter acre lots would drop from 29 to 28, with 32 overall lots, and condition of approval number four would no longer apply. Commissioner Bradford asked if the fire department had signed off on the 12% road grade. Community Development Director Blake Thomas responded a new process for deviations from standard included a meeting with the Public Works Director, and the City Engineer, who had met with the fire department, and their approval was received.

Applicant James Horsley with Riverside Development approached the podium. Recently, the ten-foot park strip had been reviewed, and it was his understanding Mr. McCleve was more comfortable with it. He anticipated reducing the ditches in front of the McCleve lots and xeriscaping the park strip to conserve water. He was excited to move forward with the project and work with staff to meet all requirements. If Mr. McCleve were not comfortable with it, they would reduce the development to 28 lots. They have worked with staff to minimize the 12% slope. He was appreciative of the comments received from the Planning Commission.

Chair Berbert opened the public hearing.

Deputy Recorder Thorpe read the following comment from Blake Marsh:

My family has lived in the Herriman Towne Center for almost ten years and our home was one of the first built in the Towne Center. I have seen many subdivisions be approved by this commission and rarely have seen this many delays as with the Valhalla Subdivision. That being said, the developer along with his engineer has taken the city feedback from last month's meeting to address your concerns. The professional city staff has recommended approval with a few conditions that seem very reasonable, and I ask that you move forward with the approval tonight. I have reviewed the packet in detail and wanted to comment on some of the conditions: 1) The bonus density should be granted given the improvements that will be completed as described in the packet and a much needed sidewalk on 6600 West, 2) The professionals will work to determine the best and safest grade after preliminary plat approval on the road when factoring in the topography and trying to reduce the amount of digging required on the hillside, 3) The applicant should be granted the variance of 85 foot wide lots on 9, 10, and 11 as this will be consistent with the other proposed cul-de-sac, 4) the 10 foot park strip will be well designed with city input prior to final plat approval, and 5) A tree planting plan will be part of the final plat as agreed upon. These are items that can and should be resolved during the next phase of the process and prior to final plat approval. This is a beautifully designed subdivision, and we need more of these in Herriman with single-family homes and larger lots. Unfortunately, there is never going to be a perfect design, but I believe the currently designed subdivision will be a great addition to Herriman and a blessing for many families for years to come. I appreciate each of your time and dedication to the city and look forward to seeing this subdivision get approved and move forward.

Deputy Recorder Thorpe read the following comment from Randall Isham:  
Public Hearing on Preliminary Plat of 32 Lots of Valhalla Subdivision:  
File S2020-047



My name is Randall Isham, I live at 14431 South 6600 West, Herriman, which is adjacent to the proposed Valhalla Subdivision. I wish to revise my previous comments that were read into the record of the March 4, 2021 Public Hearing for the Preliminary Plat of 35 Lots of Valhalla Subdivision because parts of this Subdivision plan have been changed. My property abuts the west side of the Valhalla Subdivision Lots 3, 4, and 5 for 339 feet and on the south side of the Valhalla Subdivision Lot 20 for 333 feet. Because of the immediate proximity of these lots of the proposed Valhalla Subdivision, I am concerned about flooding, erosion control, dust control, and fencing of the Subdivision. Specifically, according to the map on page 16 (Slope Analysis) of the Planning Commission Packet, Lots 3, 4, and 5 have slopes of 10% to 20% and the terrain of those three lots are higher in elevation than my property causing the potential flood waters to flow onto my property and house. Lots 6, 7, 8, 9, and 10 are immediately further east with equal and higher percent slopes 20% to 30%+ that flow onto Lots 3, 4, and 5 contributing to higher water flows. On pages 20, 21, and 23 of the packet (Grading and drainage plan) indicates that there appears to be an drainage swale going north and parallel with the west edge of property lines of Lots 1, 2, and 3 into a retention pond between Lots 17, 18, 19, and 20. My concern that there appears to be no drainage swale/berm against lot 3, 4, and 5 to contain any flood waters from entering my property to the west. This is also the case on the south side of lots 5, 6, 7, and 8 which will flood the property of my neighbors, Jim and Myrna Warr, and then flow onto my property. Referring back to pages 16 (Slope Analysis) and 20 (Grading and drainage Plan), the rough/finished grade of the subdivision is not displayed so as to make a prudent review the potential water flows from these lots with steep slopes. In addition, the drainage needs to be sized for at least a 10 year storm as required in the Herriman City Ordinances. Please have this concern addressed in the Subdivision Erosion Control Plan. Living adjacent to the subdivision, grading the slopes to flatten the steep contours to place a road and houses for these upper lots will subject our property as well as six other neighboring properties to construction dust. Please include in the stipulations of the subdivision approval, a reasonable dust control plan that includes frequent use (every ½ hr) water truck watering at the grading locations. I am concerned that establishing a 10-foot paved parking strip on 6600 West (one of the developer's bonus points) is setting a precedent for the seven other owners living along 6600 West. We, as seven other owners of property along 6600 West, are having our future property rights being impacted and dictated by the City to allow this subdivision to take place. We as the seven owners of property along 6600 West should have some input as the future development requirements on this road not just one developer. Lastly, the proposed subdivision borders on over 672 feet on the east and north sides of my property and I am concerned that the proposed subdivision will provide proper fencing of the property lines as per Herriman City Ordinance 10-21-7 A. Please include the fencing requirements in the approval stipulations. Thank you for your time and consideration.

The following comments were offered in person:

Sharnell Villagrana stated she and her family were eager to become new Herriman residents and wanted to see positive progress on final approval for her future home/neighborhood. The delays have been frustrating. They strongly ask for approval for her family's future. They were excited to experience what the city has to offer.

Ron Kohler explained he wrote a letter three weeks ago out of frustration after watching the March 4, 2021 meeting. He worked for Murray City for 37 years and he had never seen a project take this long. He thought families were held hostage to get stuff from developers. He thought the volunteer Commissioners should follow staff recommendations, as they were professionals that do this work every day. His son was trying to build a home in the subdivision, and they just want to see it built. He expressed the opinion that at the latest meeting ten more restrictions were brought up, which put everything off. He thought they should be responsible volunteers, listen to the professionals and think of the families. In Midas Creek they have had dust for over a year, and he has seen no dust mitigation. Please approve it, so people can get on with their lives. He apologized for being disrespectful in his letter.

Brian Weaver explained he lived in a nearby neighborhood for eight years and has been waiting since July to build a new home. They have lost time and money as mortgage rates and lot premiums have increased. He

thought initially nearby neighbors had safety concerns, but discussions devolved into a circus with someone requesting an amphitheater. It was his understanding safety concerns were addressed with the circle, and Mr. Horsley had accommodated multiple requests. A nearby home was built into the mountainside and had two retaining walls and 25 steps to the door, but months have been spent talking about this neighborhood. A Solemn Way lot has 87 feet of frontage which diminishes to 85 feet because the house to the north could buy extra footage. The inconsistency frustrated him. He wanted to address the ethics of the builder and wondered what was normal in the current real estate market. When he moved to Hamilton Farms 18 years ago, he was told the Hamilton family struggled with selling but agreed many good families needed homes. These families need homes and will bless the Herriman area, so please approve it.

Cody Crowell stated he requested the amphitheater but only did that to max out the bonus density. He spoke representing a group, they liked the layout, and felt the double cul-de-sac resolved the safety concerns. If engineering can sign off on drainage and retention plans, he felt their concerns have been met. He thanked the Commissioners and staff for their time. They liked the current plan and felt comfortable with it. They hoped the families could get in their new homes soon.

Chair Berbert closed the public hearing.

Commissioners expressed they thought most issues have been resolved, except for the bonus density calculations. They have never approved anything contingent on density or with a variance before and felt the Commission was obligated to talk through the issues. They worried about long term effects of approving unknown actions. In the future they would prefer issues be resolved before presentation to the Commission. They were not comfortable with unknowns being included in motions. Commissioners requested possible outcomes for the variance situation. Attorney Chase Andrizzi clarified a variance was a separate Legislative procedure that would be heard by the Appeals Authority. His interpretation of recommendation three was the 100-foot lot width could be approved, on the condition they be 85, if the variance were granted. He explained the code allowed for minor administrative changes, after Commission approval. Planning Manager Clint Spencer agreed. If the applicant did not go through with the variance the 100-foot lot width would remain in place. He added the Commissioners may not accept variations, but the appeals authority could. If the 85-foot variance were not approved, the subdivision would lose a lot. The Commissioners discussed potential changes and options for approval. Staff could remove the ten-foot park strip on the preliminary plat and the final plan would come back with 32 lots. City Planner Maloy added, with a reduction in lots, impacts would be reduced, lots would get bigger, and no part of it would be contrary to the zoning conditions. A reduction in lots could be approved by staff and the changes addressed with final plat approval. Commissioners wanted the lot purchasers aware that their lots may change. Commissioners requested storm drain placement clarification. Community Development Director Blake Thomas informed them engineering standards allowed storm drain placement on a property, with approval from the engineering department and recordation of an easement. The easement would allow City access to ensure no changes to drainage. Commissioner Ferguson asked how drainage onto lots three, four and five would be addressed. Community Development Director Thomas responded a wall, and the road slope would direct overflow to storm drain ponds.

### **Recommendations:**

1. The applicant receive approval from the Planning Commission for the desired bonus density requested of 2.35 units per acre with a ten (10) foot park strip behind the sidewalk, OR 2.25 units per acre without said park strip for the A-.25 zone.
  - a. Difference of 29 lots as shown tonight, or 28 lots without the park strip.
2. The applicant receive final determination of road grade and slope from the City Engineering department before plat recordation.
3. The applicant provide 100 feet of lot widths for Lots 9, 10, and 11 **OR** the applicant receive approval from the Appeal Authority for a variance for eighty-five (85) foot lot widths in the A-1ZC zone.
4. With an agreement from the McCleve's to provide the ten (10) foot park strip behind the sidewalk, the

applicant show how the ten (10) foot park strip behind the sidewalk along 6600 West will affect the lots along 6600 West and ensure that all lots still meet minimum zoning requirements.

- a. Without agreement this requirement does not apply.
5. With any revision of the proposed plat, the applicant maintain the necessary lot sizes for the desired density bonuses.
6. In order to maintain required densities, a note on the final plat is required to indicate that no future subdividing of any lot in the proposed subdivision will be allowed, including proposed Lot 20, which is 1.23 acres.
7. The applicant maintain the current layout, which includes Cul-de-sacs for Solemn Way on the north and south sides of 14400 South.
8. The applicant provide dimensions of the proposed building envelopes which comply with the respective zones.
9. A tree planting plan be provided and approved by Staff.
10. The applicant shall comply with all other ordinance requirements.

*Commissioner Adam Jacobson MOVED to approve item 3.2 file number S2020-047 Preliminary Plat of 33 lots in the Valhalla Subdivision (Public Hearing) with staff 10 recommendations as per the slide. Commissioner Heather Garcia SECONDED the motion.*

*The vote was recorded as follows:*

|                                      |            |
|--------------------------------------|------------|
| <i>Commissioner Heather Garcia</i>   | <i>Aye</i> |
| <i>Commissioner Andrea Bradford</i>  | <i>Aye</i> |
| <i>Commissioner Lorin Palmer</i>     | <i>Aye</i> |
| <i>Commissioner Adam Jacobson</i>    | <i>Aye</i> |
| <i>Commissioner Andy Powell</i>      | <i>Aye</i> |
| <i>Commissioner Jackson Ferguson</i> | <i>Aye</i> |

*The motion passed unanimously.*

### **3.3. Request: Conditional Use Amendment of Entry Monument Signs within Big Bend Planned Development**

**Applicant: Dylan Young, Toll Southwest, LLC (authorized agent)**

**Address: 12289 South Mustang Trail Way**

**Zone: R-2-10 (Residential)**

**Acres: N/A**

**File Number: C2021-025**

City Planner Michael Maloy explained staff recommended denial of the monument sign request to maintain design throughout the nearly completed project. The consistent use of the existing signs produced a unique sense of place and neighborhood identity. The current monuments were shown and compared to the proposed gateway monument sign. The applicant intended to emphasize Denali Estates' uniqueness and architectural designs in the final luxury phase of the development. Applicant Dylan Young with Toll Brothers stated they hoped to differentiate themselves from the rest of the development. Denali Estates featured luxury homes with bigger lots, a different product, extra landscaping, multiple elevations, and entry monument signs were important to them. The master developer approved the sign change, and they were hopeful the Commission would grant a deviation. If not, they would leave them the way they were originally approved. Commissioners debated consistency and design standards and agreed they liked the monument sign change. They asked staff why denial was recommended. City Planner Maloy explained staff were impressed with the consistency of other signs and materials in the development. He emphasized the Planning Commission had the authority to do what they



thought was best for the City. He explained all the monument signs were on City property. The engineering team approved sight placement and size and said it would not impact clear view sight requirements. Commissioners recommended keeping the size compatible with existing City signs, have them no taller than other community signs, and they must not impact site lines for traffic. Planner Howa stated the sign could not be wider, but they could be taller, with a maximum height of six feet per code. Applicant Dylan Young stated they would prefer a taller monument.

*Commissioner Jackson Ferguson MOVED to approve item 3.3 file number C2021-025 Conditional Use Amendment of Entry Monument Signs within Big Bend Planned Development with the condition they are allowed to go as tall as the other entry signs within the Big Bend development. Commissioner Adam Jacobson SECONDED the motion.*

*The vote was recorded as follows:*

|                                      |            |
|--------------------------------------|------------|
| <i>Commissioner Heather Garcia</i>   | <i>Aye</i> |
| <i>Commissioner Lorin Palmer</i>     | <i>Aye</i> |
| <i>Commissioner Andrea Bradford</i>  | <i>Aye</i> |
| <i>Commissioner Adam Jacobson</i>    | <i>Aye</i> |
| <i>Commissioner Andy Powell</i>      | <i>Aye</i> |
| <i>Commissioner Jackson Ferguson</i> | <i>Aye</i> |

*The motion passed unanimously.*

### **3.4. Request: Conditional Use for 14 Wireless Communication Towers**

**Applicant: Herriman City**

**Address: 12085 S Midas Park Rd, 12454 S 6000 West, 5355 W Herriman Main St, 13912 S 7300 West, 6562 W Cora B Ln, 14998 S Cedar Heights Dr, 5603 W Emmeline Dr, 14806 S Summit Ridge Cir, 15310 Mountain View Cor, 13789 S Harness Cv, 4400 W Juniper Crest Rd, 3750 W Real Vista Dr, 15926 S Rockwell Park Cv**

**Zone: R-1-10 (Residential), A-1 (Agricultural), MU-2 (Mixed Use), A-.25 (Agricultural), FR-1 (Forest Recreation), R-1-15 (Residential), FR-2.5 (Forest Recreation), R-2-15 (Residential), R-1-21 (Residential), R-2-15 (Residential), R-2-10 (Residential), M-1 (Manufacturing)**

**Acres: N/A**

**File Number: C2021-024**

Planner Nick Whitaker reviewed the request and tower locations. The fourteen Advanced Metering Infrastructure (AMI) towers spanned multiple zones and allowed water meter information to be collected remotely. They would not be taller than fifty feet and colors would match City lampposts. Most lampposts were thirty to forty feet high. Ten would be installed initially, the other four would be installed in a couple years. Rooftop towers would be in the center of the roof to be less visible from the street. Most were placed in parks, but some were close to residential homes. Commissioners requested the use of powder coated paint. Engineer Ben Nelson approached the podium and informed the Commission Water Manager Luke Sieverts was available online to answer questions. It was explained the locations were chosen because of their proximity to electrical connections or power boxes, and they look like flagpoles with a small antenna on top. Some may hold security cameras. Pictures of towers in other cities were provided. Commissioners asked if solar powered antennas were an option, to allow for placement away from residences. Water Manager Luke Sieverts replied solar was a more expensive option and would require more maintenance. The solar panel would also make them more visible. Water Manager Sieverts stated staff would have to trench utilities across the park to the electrical hookups. They were located near trees to make them less noticeable. Commissioners asked if they could be moved near buildings in other parks. Water Manager Sieverts responded if they were moved to other parks, they would not perform

the needed function. Planner Whittaker stated staff could research options and costs for moving some to different locations in the same park if Commissioners wanted them relocated away from homes. Water Manager Sieverts offered to meet with residents and see if they had concerns. He explained towers needed to be fifteen feet taller than nearby trees to properly function. One of the parks had a restroom, and he would see if it could be moved closer to that building. Commissioners requested for staff to research moving towers to less conspicuous locations in Hamilton park and Prairie Oaks park.

The fourteen 14 AMI Telecommunication pole locations:

| Name                                   | Owner         | Address                       | Zone   |
|----------------------------------------|---------------|-------------------------------|--------|
| Copper Creek Park                      | Herriman City | 12085 S Midas Park Rd         | R-1-10 |
| Cemetery                               | Herriman City | 12454 S 6000 W                | A-1    |
| City Hall                              | Herriman City | 5355 W Herriman Main Street   | MU-2   |
| Prairie Oaks Park                      | Herriman City | 13912 S 7300 W                | A-.25  |
| Hamilton Park                          | Herriman City | 6562 W Cora B Ln              | A-.25  |
| Cove Tank                              | Herriman City | 14998 S Cedar Heights Dr      | FR-1   |
| Rosecrest PS                           | Herriman City | 5603 W Emmeline Dr            | R-1-15 |
| Hardlick                               | Herriman City | 14806 S Summit Ridge Circle   | FR-.25 |
| Riverton Tank Riverton City within ROW | Herriman City | 4742 W Highfield Circle       | R-1-15 |
| E.H. Culinary Tank                     | Herriman City | 15310 Mtn View Corridor HWY   | A-1    |
| Premier Lane Trailhead                 | Herriman City | 13789 S Harness Cove          | R-1-21 |
| Juniper Crest PRV Within ROW           | Herriman City | Juniper crest rd & Royston Wy | R-2-15 |
| E.H Secondary PS                       | Herriman City | 3750 W Real Vista Dr          | R-2-10 |
| Rockwell Landing Within ROW            | Herriman City | 15926 S Rockwell Park Cv      | M1     |

### **Recommendations:**

1. All AMI Poles must be **covered in a powder coating finish** that is black and, preferably a tone that is like that which is used on city lamp posts.
2. All efforts must be made by the applicant to maximize the distance between AMI and residential dwellings - specifically the placement of AMI located at Prairie Oaks Park, Hamilton Park, Riverton Tank, and Juniper Crest.
3. Prior to erecting each AMI pole, the applicant must follow all building application procedures and processes as required by the city.
4. The applicant must adhere to any additional conditions and/or recommendations set forth by the Planning Commission.
5. AMI attached or erected on roof top surfaces must be placed in such a way that minimizes – if not eliminates - visibility from the sidewalk and street.

*Commissioner Adam Jacobson MOVED to approve item 3.4 file number C2021-024 Conditional Use for 14 Wireless Communication Towers with staff recommendations. Commissioner Lorin Palmer SECONDED the motion.*

*The vote was recorded as follows:*

|                              |     |
|------------------------------|-----|
| Commissioner Heather Garcia  | Aye |
| Commissioner Lorin Palmer    | Aye |
| Commissioner Andrea Bradford | Aye |
| Commissioner Adam Jacobson   | Aye |



### **3.5. Request: Conditional Use for Water Tanks & Pump House**

**Applicant: Herriman City**

**Address: 15310 S Mountain View Corridor (approximate)**

**Zone: R-2-15 (Residential), R-1-5 (Residential), and FR-2.5 (Forestry Recreation)**

**Acres: 251.61**

**File Number: C2021-023**

Planner Sheldon Howa explained the purpose for the request was to expand the City water infrastructure to support future development in the south hills area. The project consisted of two tanks in the hillside overlay zone that would hold two million gallons, and a pump house. The pump house would be next to an existing water tank. A subdivision has been proposed to the west of the pump house. The City and property developer discussed the installation of a six-foot precast wall and trees for buffering sounds from the exhaust fans. There would be no water onsite for landscaping, so native plants were recommended. Grading for Zone 2 tank site cross section showed the partially buried water tank. At time of subdivision development, the developer would landscape the access road entrance. Both tanks would be fenced. Staff requested recommendations for noise buffering. The exhaust fans would be sixteen feet above grade and may be too high for a berm. The nearby subdivision had not been approved yet and will be installed after the water pumphouse and tanks. Andrew McKinnon was present remotely to answer questions.

#### **Recommendation:**

1. Install additional landscaping, such as trees, along the west boundaries of the pump house site to mitigate noise and visual impact.
2. Site lighting for Zone 2 & 3 tanks and pump house comply with City standards for outdoor lighting. (Ord. 10-19-34)
3. Development in the FR 2.5 zone shall comply with standards outlined in 10-11-6 of City code.
4. Work with Engineering to ensure standards for road grades, grade cuts, and soil retaining are met.
5. Provide storm drain calculations for detention basin.
6. Provide engineering plans and separate permits for any rock walls over 4 feet in height.

*Commissioner Adam Jacobson MOVED to approve item 3.5 file number S2021-023 Conditional Use for Water Tanks & Pump House with staff 6 recommendations. Commissioner Heather Garcia SECONDED the motion.*

*The vote was recorded as follows:*

*Commissioner Heather Garcia*                      *Aye*  
*Commissioner Lorin Palmer*                      *Aye*  
*Commissioner Andrea Bradford*                      *Aye*  
*Commissioner Adam Jacobson*                      *Aye*  
*Commissioner Andy Powell*                      *Aye*  
*Commissioner Jackson Ferguson*                      *Aye*

*The motion passed unanimously.*

### **3.6. Request: Conditional Use for Herriman Historic Park**

**Applicant: Seth Vance, Focus Engineering, on behalf of Herriman City**

**Address: 6822 W Herriman Highway****Zone: R-1-15 (Residential)****Acres: 4.15****File Number: C2020-064**

Planning Manager Clint Spencer reviewed the conditional use request for Herriman Historic Park, located at 6822 W Herriman Highway. The applicant was Herriman City, in cooperation with Seth Vance at Focus Engineering. Proposed amenities included a pavilion, bike rack, restroom, amphitheater, historic buildings, wagon feature, an amphitheater, a garden demonstration area, and more. The Hidden Oaks MDA specified this area for parks and recreation. The area directly north was planned residential and a future church site, which were compatible uses. The Engineering study recommended forty stalls in the parking lot off Herriman Highway. This application was received before the water efficiency standards were adopted in March 2021. However, the City was working with Jordan Valley Water Conservancy District (JVWCD) to make the park as water efficient as possible. The park tree requirement was 310 trees; however, one tree may be replaced with five shrubs. Architect Heidi Shegrud stated the Kidd, Eastman and Dansie cabins would all be moved to the park. All of them were in a state of disrepair and would require lots of restoration for people to visit inside. After historical designation, grant funding could be requested to restore them so people could go in them. Commissioner Heather Garcia expressed worry that children may fall off the fence bordering the drop-off. Landscape Architect Shegrud said they were planning a concrete three rail fence for more structure and stability at the drop-off, with a two-rail fence further west where the landscape changed. The fence would look wooden to fit in with the historic feel of the park. There will be centrally located restrooms and a plaza with a historical monument. A play structure was not planned but pocket parks were nearby. The Commissioners liked the design and park concept. They had no concerns regarding the number of trees. Landscape Architect Shegrud stated she had put in as many trees as possible.

#### **Recommendation:**

1. The applicant be granted a waiver of strict compliance for the total number of trees to be planted on the site from 310 to 105 (138 with shrub substitution provision) as proposed.
2. A subdivision be provided which includes one lot for the entire area of the park.

*Commissioner Lorin Palmer MOVED to approve item 3.6 file number C2020-064 Conditional Use for Herriman Historic Park with staff recommendations. Commissioner Adam Jacobson SECONDED the motion.*

*The vote was recorded as follows:*

*Commissioner Heather Garcia                      Aye*

*Commissioner Lorin Palmer                      Aye*

*Commissioner Andrea Bradford                      Aye*

*Commissioner Adam Jacobson                      Aye*

*Commissioner Andy Powell                      Aye*

*Commissioner Jackson Ferguson                      Aye*

*The motion passed unanimously.*

#### **4. Chair and Commission Comment**

Commissioner Jacobson stated the issues with the Valhalla Subdivision were challenging with putting contingencies in motions, and he asked that future issues be resolved before presentation to the Commission. City Planner Maloy agreed and appreciated the concern. He added some were due to applicants resisting staff requests and others were to make the expectations clear in the letter of approval. He agreed balance was necessary. Commissioner Jacobson asked for staff to not recommend approval if more discussion was needed.

Commissioners said more information would have been helpful with the presentation tonight. Planning Manager Spencer said the staff were working on more specific timelines for applications. All were in favor of slowing down the process to prevent mistakes, and stressed the importance of presentations matching the final product. Commissioners expressed appreciation to staff.

## 5. Future Meetings

Wednesday, April 14, 2021 – City Council Meeting

Thursday, April 15, 2021 – Planning Commission Meeting

Wednesday, April 28, 2021 - City Council Meeting

Wednesday, March 31, 2021 Joint CC/PC Meeting has been tentatively rescheduled to Thursday, April 29, 2021

## 6. Adjournment

*Commissioner Lorin Palmer MOVED to adjourn the meeting at 9:34 p.m. 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 1, 2021. This document constitutes the official minutes for the Planning Commission Meeting.*



Wendy Thorpe



## PLANNING COMMISSION MINUTES

### DRAFT

Thursday, April 15, 2021  
Awaiting Formal Approval

The following are the minutes of the Planning Commission Meeting held on **Thursday, March 18, 2021 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 Council, media, and interested citizens.

**Presiding:** Chair Chris Berbert

**Commissioners Present In Person:** Brody Rypien, and Lorin Palmer

**Commissioners Present Electronically:** Andrea Bradford, Heather Garcia, Andy Powell, Adam Jacobson, Jackson Ferguson, and Joy Kaseke

**Commissioners Excused:**

**Staff Present In Person:** City Planner Michael Maloy, Engineer II Josh Petersen, Interim City Manager Wendy Thomas, HPD Deputy Chief Cody Stromberg, Deputy City Recorder Wendy Thorpe, Planner II Sheldon Howa, City Engineer Jonathan Bowers, and Communications Specialist Destiny Skinner

#### 6:00 PM - WORK MEETING: (Council Chambers)

##### 1. Work Meeting

Chair Berbert called the meeting to order at 6:01 p.m.

##### 1.1. Review of City Council Decisions – Michael Maloy, City Planner

Assistant City Planner Maloy informed the Commission that Appeals Authority David Church heard the variance request from James Horsely and his decision was offered today. The variance to allow 85-foot lot width was approved.

*Commissioner Brody Rypien arrived at 6:03*

Emergency orders approved by Council at the start of the Covid-19 pandemic were reviewed. Council chose to renew enforcement of temporary sign regulations beginning June 1, 2021. Council agreed to continue the business license renewal fee waiver. The proposed Laguna Malibu development was presented during the work session and Council requested more information. Development in the southern foothills area has been boosted by the addition of water tanks. Council also requested exhibits and case studies regarding flag lots.

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

Commissioners stated no discussion was needed for tonight’s agenda item.

### **1.3. Presentation of New Elementary School in the Hidden Oaks Development – Dave Rostrum, Jordan School District**

Jordan School District Representative David Rostrum announced a new elementary school in the Hidden Oaks Development. He stated the design would be 75,000 square feet and the same as Bastian and Ridge View Elementary schools. City Planner Maloy provided the vicinity map, land use plan, site plan, and open space summary. Rendering designs and the floor plan were displayed. No timeline had been determined for construction of the adjacent middle school. A temporary cul-de-sac was to provide a turnaround for emergency services vehicles. The groundbreaking was scheduled for May 13<sup>th</sup>, 2021, and it was projected to open for students in autumn of 2022. Commissioner Jacobson asked if grading of nearby land would restrict residential development. It was stated there was a 28-foot decent between the southwest and northeast corners, and the slope would create a drop-off near the sports fields. The school district worked with staff and nearby home builders to minimize impacts on road configuration and future residential development. A perimeter drain system would be installed to limit runoff. Commissioner Jacobson asked if runoff would impact nearby basements. The applicant replied they had no concerns with that potential issue. School opening was contingent on the completion of roads and utilities.

### **1.4. Training – Michael Maloy, City Planner**

City Planner Maloy presented training videos. Commissioners discussed urban design, guiding principles, neighborhood block plans, planned development sizes and equestrian areas.

*The work meeting adjourned by consensus at 6:58 p.m.*

## **2. 7:00 – Regular Planning Commission Meeting**

Chair Chris Berbert called the meeting to order at 7:05 p.m.

### **2.1. Invocation/Thought/Reading or Pledge of Allegiance**

Deputy Recorder Thorpe led the audience in the Pledge of Allegiance.

### **2.2. Roll Call**

Full Quorum Present.

### **2.3. Conflicts of Interest**

No conflicts were offered.



## 2.4. Approval of Minutes for the March 4, 2021 Planning Commission Meeting

*Commissioner Lorin Palmer MOVED to approve item 2.4 Approval of Minutes for the March 4, 2021 Planning Commission Meeting, Commissioner Adam Jacobson SECONDED and all voted aye.*

## 3. Administrative Reports

*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.*

### 3.1. Request: An Approval of a Conditional Use and Site Plan for an indoor recreational use known as Sommer Sports Complex (Athletics Facility)

**Applicant:** David Peterson (authorized agent)

**Address:** 5693 Mirabella Drive

**Zone:** C-2 Commercial

**Acres:** 2.66

**File Number:** C2021-015

Planner Sheldon Howa reviewed the request. The centrally located site was a permitted use in a C-2 zone, which was consistent with the General Plan. Phase one proposed a 12,000 square foot indoor recreation facility. It would contain two indoor basketball courts to be rented as training facilities. Phase two would contain Professional office space. The site plans and floor plans were displayed. The exterior building elevations met the 60% brick or stone requirement. The 100 + ft. long building required three design elements such as texture, color, building materials or architectural features. The landscape plan met City standards and water efficiency requirements. They proposed 60 parking stalls, which exceeded the 51 spaces required for both phases, by the trip study. Staff requested the addition of columns on the north/rear elevation to break up the facade, due to the visibility from the right of way. The building would be for practice sessions only and no tournaments would be held on site. Fifty-foot landscaping and a precast wall buffered the residential area. Staff expressed concern with the dumpster location in the northwest corner. They thought it was too close to homes and recommended relocation to the northeast corner of the lot. Discussions need to take place with a nearby resident regarding replacement of a vinyl fence with a precast wall.

Gerald Sommer spoke on behalf of the applicant David Peterson. They requested the dumpster remain in the proposed location due to traffic flow. Another dumpster would be added with phase two construction. The facility would not have bleachers. It may be rented for athletic uses only, possibly volleyball or pickleball. It would not be rented for parties or wedding receptions. City Planner Maloy stated staff initially expressed concern with competitions or events taking place that would overwhelm the parking. The applicant assured staff it would be for sports practice only. Commissioners discussed adding a recommendation requiring use for sports only and limiting parking as a condition of approval. Commissioner Powell thought the trip study for phase two looked low. He asked if staff had reviewed it. Engineer Josh Petersen responded staff had reviewed the study and were comfortable with the numbers. The hours of operation were anticipated from 6 a.m. to 11 p.m., however they may be cut back dependent upon usage. Commissioner Bradford was concerned with traffic and asked if another light was planned on Rosecrest Road. Engineer Petersen responded there were no plans for another signal and the traffic study indicated no offsite actions were needed. Commissioners expressed concern the trip generation would increase with phase two. Commissioners had no concerns with the dumpster location. The applicant may add additional windows along the top around the building. Commissioner Ferguson noted the dumpster was located the same distance from homes as the adjacent church dumpster.

### **Recommendations:**

Staff recommends granting conditional use approval for Sommer Sports Complex with the following conditions:

1. This approval is for Phase 1 of the development. Phase 2 of the development must come back to Planning Commission for approval.
2. Columns or other architectural features to be added to north elevation to break-up long wall expanse.
3. All lighting shall be shielded so as not to shine into surrounding residences.
4. Provide amenities for onsite bicycle parking.
5. Any rooftop mechanicals should be placed on the north slope of the roof, screened, and at a height below the ridgeline.
6. No signs are approved with this request, separate approval will be required. No signs are allowed on public property. All signs must be located on private property.
- ~~7. Move trash receptacle location to the northeast corner of site. Outdoor trash receptacle shall be screened to standards outlined by City Code 10-23-13.~~
8. Receive and agree to the recommendation of other Administrative bodies, agencies and/or City departments.
9. The facility shall be used for sports and recreational uses only and only at a capacity that does not exceed the facility's on-site parking

*Commissioner Lorin Palmer MOVED to approve item 3.1 file number C2021-015 Conditional Use and Site Plan for an indoor recreational use known as Sommer Sports Complex (Athletic Facility) removing recommendation item #7 and adding #9 stating that it only be used for sports and recreation and not exceed the current parking. Commissioner Adam Jacobson SECONDED the motion.*

*The vote was recorded as follows:*

|                                      |            |
|--------------------------------------|------------|
| <i>Commissioner Lorin Palmer</i>     | <i>Aye</i> |
| <i>Commissioner Andrea Bradford</i>  | <i>Aye</i> |
| <i>Commissioner Adam Jacobson</i>    | <i>Aye</i> |
| <i>Commissioner Andy Powell</i>      | <i>Aye</i> |
| <i>Commissioner Jackson Ferguson</i> | <i>Aye</i> |
| <i>Commissioner Brody Rypien</i>     | <i>Aye</i> |

*The motion passed unanimously.*

#### **4. Chair and Commission Comment**

City Planner Maloy explained most of the potential foothills development property was zoned Forestry Recreation (FR) and in need of a text change to remove dwelling groups from the zone. Text changes may only be requested by specific entities including the Commission, but not by staff. Commissioners agreed to direct staff to initiate the text amendment to clarify the language. Chair Berbert asked Commissioners and staff to look at the windows in the Herriman Town Center and confirm they were those requested by the Commission. He also requested for staff to report the results back to the Commission.

#### **5. Future Meetings**

- 5.1 Wednesday, April 28, 2021 – City Council Meeting
- 5.2 Thursday April 29, 2021 – Joint City Council / Planning Commission Meeting
- 5.3 Thursday, May 6, 2021 - City Council Meeting

#### **6. Adjournment**

*Commissioner Adam Jacobson moved to adjourn the meeting at 7:36 p.m. 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 15, 2021. This document constitutes the official minutes for the Planning Commission Meeting.*

  
\_\_\_\_\_  
Wendy Thorpe

DRAFT

**DATE:** May 25, 2021  
**TO:** Planning Commission  
**FROM:** Clinton A. Spencer, AICP, Planning Manager  
**MEETING:** Planning Commission June 3, 2021  
**REQUEST:** Preliminary Plat Approval for Walker Family Subdivision with One Residential Lot at 6368 West Rose Run Way in the A-.25 ZC (Agricultural with Zoning Conditions) Zone. (Public Hearing)  
**Applicant:** William and Rosalie Walker (owner)  
**Address:** 6368 West Rose Run Way  
**Zone:** A-.25 ZC (Agricultural- 10,000 sq ft min with zoning conditions)  
**Acres:** 0.49  
**File Number:** S2021-048

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### Request

The applicant is requesting preliminary plat approval for The Walker Subdivision with one (1) single family lot in the A-.25 ZC (Agricultural- 10,000 sq ft min with zoning conditions) Zone.

### Notices

Staff mailed notices to all property owners within 300 feet of the subject property. Forty-three (43) notices were mailed May 24, 2021, which includes twenty-three (23) notices to effected entities. (Attachment G)

### Neighborhood Meeting

All subdivisions require a neighborhood meeting be held prior to scheduling a Planning Commission meeting. A neighborhood meeting for this application will be held June 1, 2021. Information from that meeting will be presented to the Commission at the June 3, 2021 public hearing.

### Process

A subdivision is an administrative decision. The Planning Commission will hold a public hearing and make a decision based on compliance with approval standards listed in section 10-5-15.E of the Land Development Code. As per Staff review, the proposed subdivision meets all minimum requirements for approval with some minor modifications.

### Discussion

The property in question was included in a rezone which was approved by the City in August 2015. The rezone included a condition that if the property was to be subdivided, each lot would be required to be a minimum of 20,000 square feet. Since the rezone was approved, the property has been subdivided through the County without having City approval. In order to construct a building on the property, the subdivision is required to be approved by the City, which this current subdivision process will provide. The proposed one lot subdivision includes a lot with 21,600 square feet. The remaining



lot includes over 23,000 square feet as well, although it is not included in the proposed subdivision.

### **Items for Consideration**

#### **Engineering:**

**Staff Comments:** Engineering has reviewed the subdivision proposal and has minimal concerns with the proposed subdivision. At a minimum the concrete in the park strip will need to be removed and planted with trees at thirty (30) feet on center.

#### **Zoning Ordinance Compliance:**

##### Zoning Conditions

**Staff Comment:** The property was recently rezoned to the A-.25 zone in August of 2015. The condition of approval was that if subdivided the lots must maintain a minimum of 20,000 square feet, which both lots do once the subdivision is completed.

##### Density

**Staff Comment:** Development in the A-.25 zone allows a density of 1.8 units per acre. With the existing property (previously separated) being just over one acre it would not be allowed to subdivide because of the minimum density requirement of 1.8 units per acre. However, because the zoning conditions included a provision to subdivide if the lots maintained the 20,000 square foot minimum, the proposed subdivision meets the conditions necessary.

##### Lots

##### **Design Standards**

**Staff Comment:** The proposed lot in the A-.25 zone meets the minimum requirements for the zone in regards to size and width.

##### **General Plan**

**Staff Comment:** The General Plan for this area shows future land uses to be Residential with densities from 1.8 – 2.5 units per acre. The proposed subdivision complies with the recent rezone and General Plan provisions.

#### **Staff Recommendation**

Finding that the proposed preliminary plat for Aldora Ridge Subdivision is:

- Compliant with required city zoning ordinances, and zoning conditions; and
- Compliant with the General Plan.

Staff recommends **approving** the Walker Family Subdivision with one residential single family lots at 6368 West Rose Run Way in the A-.25 Zone with the following requirements:

1. All Engineering review comments be addressed and satisfied before the final plat is recorded.
2. The concrete in the park strip be removed and planted with trees at thirty (30) feet on center as required by ordinance.



## **Attachments**

- A. Subdivision Standards
- B. Vicinity Map
- C. County Plat Maps
- D. Preliminary plat drawings
- E. Community Meeting Notice
- F. Zoning Condition Approval
- G. Public Notice

# **Attachment A**

## Subdivision Standards

## **CITY CODE 10-5-15 PRELIMINARY PLATS**

- E. Approval Standards: All preliminary plat applications shall be reviewed for compliance with the submittal requirements set forth in this section and applicable provisions of this title, this Code, Construction Codes, and City standards and specifications.
- D. A preliminary plat application shall be reviewed and processed as provided in this subsection and as required by applicable provisions of sections 10-5-4, "General Requirements", 10-5-5, "Public Hearings and Meetings", and 10-5-6, "General Decision-Making Standards", of this chapter.
2. The application shall include at least the following information:
- a. The name, address, and telephone number of the applicant and the applicant's agent, if any;
  - b. Existing conditions inventory as required by chapter 17 of this title;
  - c. The proposed preliminary plat, drawn as required by City standards and specifications, showing on each sheet of the set, the name of the subdivision, scale, sheet number, preparation date, and north arrow; including:
    - (1) The boundary lines and legal description of the property to be subdivided, with all dimensions shown;
    - (2) The location of existing permanent buildings and structures on or within fifty feet (50') of the proposed subdivision;
    - (3) The layout of streets, showing location, widths and other dimensions of proposed streets (designated by actual or proposed names and numbers), crosswalks, alleys, easements, and streetlights;
    - (4) The layout, numbers, and typical dimensions of lots;
    - (5) Land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
    - (6) Minimum building setback lines;
    - (7) Easements proposed for water, sewer, drainage, utility lines, and other purposes;
    - (8) The location of the subdivision as it relates to any associated lot owned by the applicant, including a sketch of the prospective future street system on any unplatted portion of the property, and the street system proposed within the subdivision in accordance with the future street system of the surrounding area and the General Plan;
    - (9) The boundary lines of adjacent unsubdivided land within one hundred feet (100') of the property proposed for subdivision, showing ownership and property monuments;
    - (10) A vicinity map of the subdivision, drawn at a scale of 500 feet to the inch, showing all lots and streets in the subdivision, and all abutting streets with street names;
    - (11) The names and addresses of the applicant, the engineer or surveyor of the subdivision, and the owners of land immediately adjoining the subdivision;
    - (12) A contour map at intervals of at least two feet (2'), showing all unusual topographic features with verification by a qualified engineer or land surveyor;
    - (13) The location of existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains, and culverts and other utilities within the property or within one hundred feet (100') thereof, indicating pipe sizes, grades, and manholes;
    - (14) The location, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots with the size and buildable area of each proposed lot in square footage and proper labeling of spaces to be dedicated to the public;
    - (15) The location, principal dimension, and names of all existing and recorded streets, alleys, and easements, both within the proposed subdivision and within one hundred feet (100') of the boundary thereof, showing whether recorded or claimed by usage;
    - (16) The location and dimensions to the nearest existing bench mark or monument, and section line;

- (17) The location and principal dimensions of all water courses, public utilities, and other features and existing structures on the land adjacent to the proposed subdivision, including railroads, power lines, and topography;
- (18) The location of existing bridges, culverts, surface or subsurface drainage channels, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within two hundred feet (200') thereof, and all known wells or springs, and location of any 100-year floodplain as delineated by the Federal Emergency Management Agency;
- (19) Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants;
- (20) A plan showing how the applicant proposes to handle stormwater drainage for an event with a 10-year return interval, as determined by the City Engineer;
- (21) A plan for providing street lighting in the subdivision;
- (22) Plans showing any required landscaping and/or parkstrip tree planting;
- (23) A soil erosion and sedimentation control plan prepared by a registered civil engineer; if the site requires substantial cutting, clearing, grading, or other earthmoving operations in the construction of improvements if required by the City Engineer; and
- d. The following documents:
  - (1) Certification of the accuracy of the preliminary plat by the landowner;
  - (2) Certification of the accuracy of the preliminary plat and any traverse to permanent survey monuments by a land surveyor registered to practice in the State of Utah;
  - (3) Copies of any agreements with adjacent property owners relevant to the proposed subdivision;
  - (4) A geologic hazards, geotechnical, and/or soils report prepared by a qualified engineer based upon adequate test borings or excavations in accordance with City standards and specifications, if required by the City Engineer;
  - (5) Evidence that all utilities and services will be available for the subdivision;
  - (6) A traffic report prepared by a qualified traffic engineer, if required by the City Engineer;
  - (7) Evidence of compliance with other applicable Federal, State and local laws and regulations, if requested by the Community Development Director; and
  - (8) A copy of proposed protective covenants, if subsurface drains or common open space are to be located within the subdivision.

## **CITY CODE 10-28 SUBDIVISION AND SITE DEVELOPMENT STANDARDS**

**10-5-12. E. Approval Standards** (for Site Plans): The following standards shall apply to the approval of a site plan.

- 1. The entire site shall be developed at one time unless a phased development plan is approved. A phased development plan shall show:
  - a. The planned development of the entire site; and
  - b. The timing and sequencing of improvements to be completed with each phase, particularly amenities, open space, and public improvements.
- 2. A site plan shall conform to applicable standards set forth in this title and other applicable provisions of City standards and specifications. Conditions may be imposed as necessary to achieve compliance with applicable requirements.
- 3. In order to assure development shown on an approved site plan will be constructed to completion in an acceptable manner, the applicant shall enter into an improvement completion assurance and warranty agreement and shall conform to the requirements set forth in chapter 20 of this title.

### **10-28-4: CITY STANDARDS AND SPECIFICATIONS:**

- C. Subdivision Design Generally: The design of preliminary and final plats of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards adopted by the

City and shall include provisions set forth in this chapter. Where trees, groves, waterways, scenic points, historic spots, or other City assets and landmarks, as determined by the Planning Commission, are located within a proposed subdivision, reasonable steps should be taken to preserve these features.

- D. Compliance: Any installation, construction, alteration, repair, maintenance, or other work on infrastructure improvements within the City, or within any public right-of-way, shall comply with City standards and specifications and the requirements set forth in this chapter.
- E. Compliance with General Plan: The layout of lots in a subdivision, which includes the size, placement and number of lots, and street design shall comply with the intent and purpose of the General Plan. (Ord. 2017-54, 12-13-2017)

**10-28-7: PROTECTION STRIPS:** The use of protection strips shall be prohibited.

**10-28-8: LOTS:**

- A. Arrangement: Lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.
- B. Zones: All lots shown on the preliminary and final plats shall conform to the minimum requirements of the zone in which the subdivision is located, and to the minimum requirements of the Health Department for water supply and sewage disposal.
- C. Streets: Each lot shall abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than twenty six feet (26') wide. Double frontage lots shall be prohibited, except where unusual conditions make other designs undesirable.
- D. Lot Lines: Side lines of lots shall be approximately at right angles, or radial to the street lines.
- E. Remnants: In general, all remnants of lots below minimum size shall be added to adjacent lots, rather than allowed to remain as unusable parcels.
- F. Flag Lots: All flag lots shall meet the requirements of section [10-29-18](#) of this title. (Ord. 2017-54, 12-13-2017)

**10-28-11: STORM DRAINAGE:**

No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use. The applicant shall remove such waterways from property to be so dedicated prior to the construction of required off site improvements. (Ord. 2017-54, 12-13-2017)

**10-28-13: ARRANGEMENT OF STREETS:**

The arrangement of streets in new subdivisions shall provide for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access is necessary as reasonably determined by the Planning Commission. New streets shall connect with existing public streets. (Ord. 2017-54, 12-13-2017)

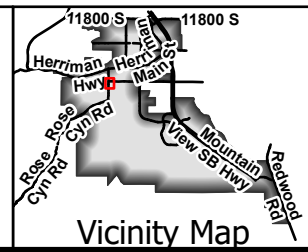


# **Attachment B**

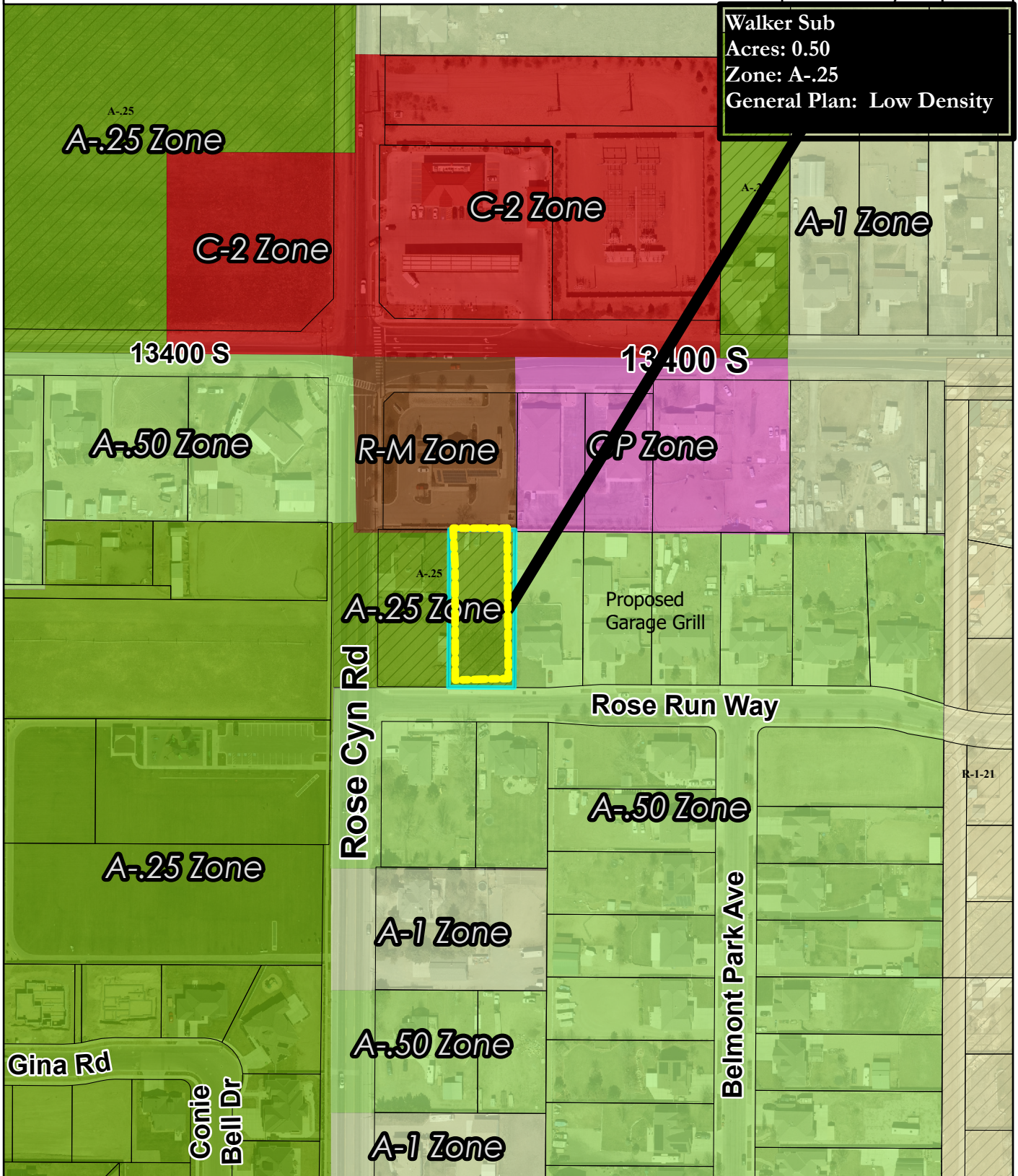
## Vicinity Map

# Walker Subdivision

## 6368 Rose Run Way



**Walker Sub**  
 Acres: 0.50  
 Zone: A-.25  
 General Plan: Low Density



Herriman Planning & Zoning



# **Attachment C**

## County Plat Maps



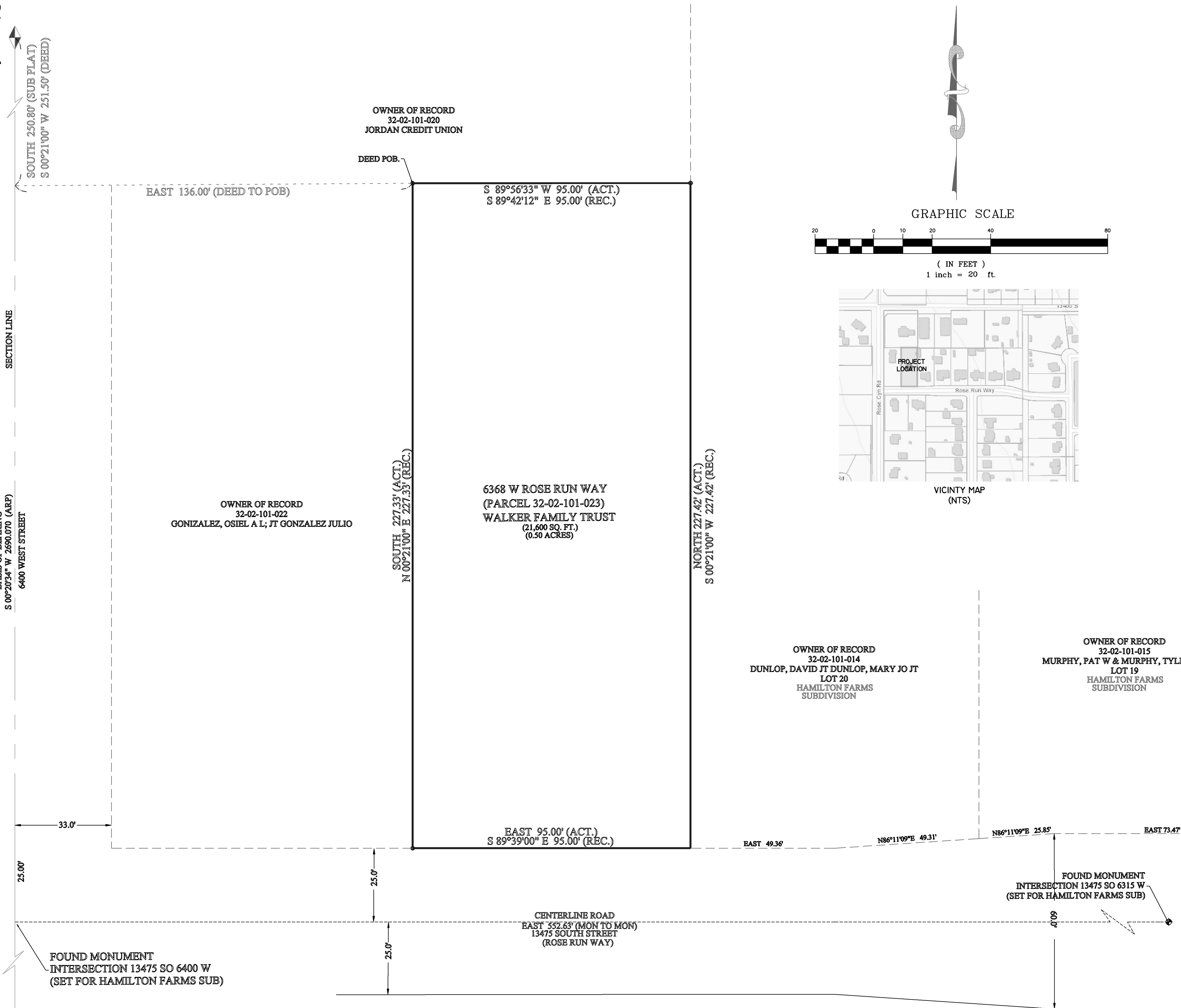


# **Attachment D**

## Preliminary Plat Drawings



FOUND  
STREET INTERSECTION  
MONUMENT NW. COR SEC. 2.  
T.4 S. R.2 W. SLB&M.  
13400 SOUTH & 6400 WEST

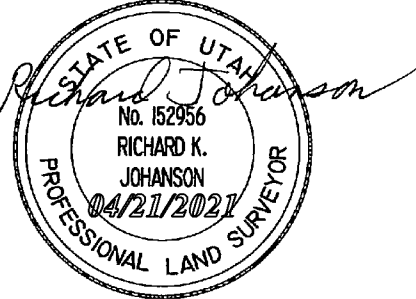


SURVEYOR'S CERTIFICATE

I, RICHARD K JOHANSON, do hereby certify that I am a Registered Civil Engineer, and or Land Surveyor, and that I hold certificate No.152956, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as THE WALKER FAMILY SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

BEGINNING S 00°21' 00" W 251.50 FEET AMD EAST 136 FEET FROM THE NW CORNER OF SECTION 2, T.4 S., R. 2 W. SLB&M: THENCE S 89°42'12" E 95.00 FEET; THENCE S 00°21' 00" W 227.42 FEET: THENCE N 89°39'12" W 95.00 FEET: THENCE N 00°21' 00" E 227.42 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.5 AC. MORE OR LESS.  
(PARCEL: (32-02-101-023))



OWNER'S DEDICATION

Known all men by these presents that \_\_\_\_\_, the undersigned Owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

THE WALKER FAMILY SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use. Owner(s) hereby agree to warrant and defend and save the City harmless against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance, and operation of the street. In witness whereof \_\_\_\_\_ have hereunto set \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_

WILLIAM R. WALKER  
(TRUSTEE)

ROSALIE WALKER  
(TRUSTEE)

ACKNOWLEDGEMENT

STATE OF UTAH : S.S.  
County of Salt Lake :  
On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_, personally appeared before me, \_\_\_\_\_ the signer of the above instrument, who duly who duly acknowledged to me that he or she executed the same.

NOTARY PUBLIC  
RESIDING AT: \_\_\_\_\_

THE WALKER FAMILY SUBDIVISION  
LOCATED IN THE W. 1/2 , NW. 1/4 SECTION 2  
TOWNSHIP 4 SOUTH, RANGE 2 WEST  
SALT LAKE BASE AND MERIDIAN  
SALT LAKE COUNTY, UTAH

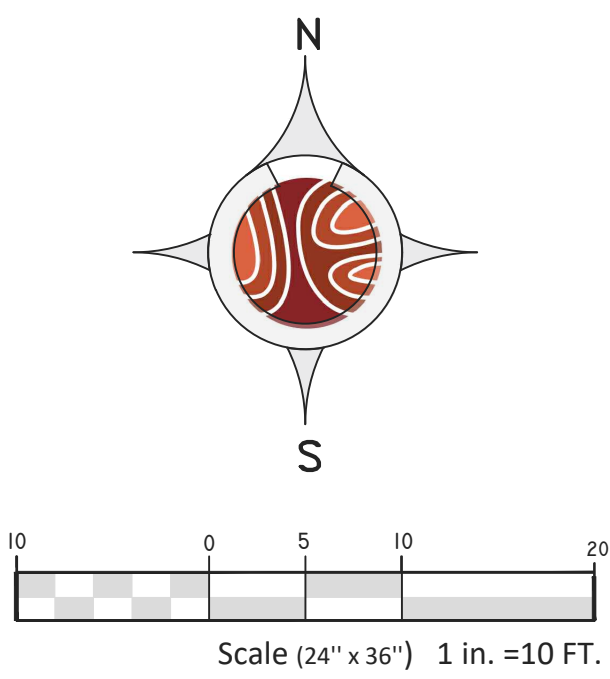
|                                                                     |                                                                                |                                                                                 |                                                                                                                                  |                                                            |                                                                  |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------|
| HEALTH DEPARTMENT                                                   | COMCAST                                                                        | CENTURY LINK COMMUNICATION                                                      | ROCKY MOUNTAIN POWER                                                                                                             | SOUTH VALLEY SEWER DISTRICT                                | QUESTAR GAS                                                      |
| APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY HEALTH DEPARTMENT | APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY COMCAST                      | APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY CENTURY LINK COMMUNICATIONS   | APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY ROCKY MOUNTAIN POWER                                                           | APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY S.V.S.D. | APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY QUESTAR GAS    |
| DIRECTOR, SALT LAKE CO. HEALTH DEPARTMENT                           | COMCAST                                                                        | CENTURY LINK COMMUNICATIONS                                                     | ROCKY MOUNTAIN POWER                                                                                                             | S.V.S.D.                                                   | QUESTAR GAS                                                      |
| CHECKED FOR ZONING                                                  | PLANNING COMMISSION                                                            | HERRIMAN CITY MUNICIPAL WATER                                                   | HERRIMAN CITY ENGINEER                                                                                                           | APPROVAL AS TO FORM                                        | HERRIMAN CITY                                                    |
| ZONE: _____ DATE: _____                                             | APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY HERRIMAN PLANNING COMMISSION | APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY HERRIMAN CITY MUNICIPAL WATER | I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE | APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 20 _____  | APPROVED THIS _____ DAY OF _____ A.D. 20 _____ BY HERRIMAN CITY. |
| AREA: _____ WIDTH: _____                                            | CHAIRMAN, HERRIMAN PLANNING COMMISSION                                         | HERRIMAN CITY                                                                   | DATE HERRIMAN CITY ENGINEER                                                                                                      | HERRIMAN CITY ATTORNEY                                     | ATTEST: RECORDER MAYOR                                           |
| NAME: _____                                                         |                                                                                |                                                                                 |                                                                                                                                  |                                                            |                                                                  |

|                                             |                                                                              |
|---------------------------------------------|------------------------------------------------------------------------------|
| RECORD #                                    | STATE OF UTAH COUNTY OF SALT LAKE RECORDED AND FILED AT THE REQUEST OF _____ |
| DATE _____ TIME _____ BOOK _____ PAGE _____ |                                                                              |
| FEE \$ _____                                | SALT LAKE COUNTY RECORDER                                                    |



UTILITY CONNECTION  
PLAN

6376 WEST 13475 SOUTH  
HERRIMAN, UTAH



UTILITY PLAN

6376 WEST  
13475 SOUTH  
HERRIMAN CITY, UTAH

SHEET NUMBER

C-1

CLIENT

ADAM PARK  
ALP CONSTRUCTION  
801-243-6625

CIVIL ENGINEERING

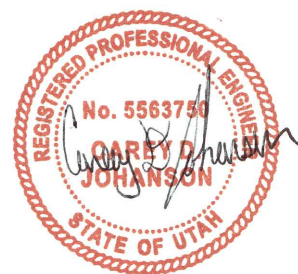
UTILITY EXTENSION

6376 WEST 13475 SOUTH  
HERRIMAN, UTAH

ISSUE DATE: 3-30-2021

REVISIONS:

STAMP



JOHANSON  
ENGINEERING



ENGINEERING

70

INSTALL 1" WATER  
METER TO APWA STD  
PLAN 521 OR AS PER HERRIMAN CITY  
STDS

CONNECT INTO EXISTING  
WATER LINE WITH A NEW  
1" SERVICE LINE AS PER  
SLCPU STANDARDS

PROPERTY  
ADDRESS  
6376 WEST  
13475 SOUTH

EAST 95.00' (ACT.)  
S 89°39'00" E 95.00' (REC.)

4" SDR 35 PVC  
SEWER LATERAL  
L=34' SLOPE 2.0%

CONCRETE

CONCRETE DRIVE

EAST 74.93'

PROJECT BENCHMARK  
SEWER MH. (RING = 5034.33)  
(INV. DOWN 11.33')  
(INVERT= 5023.0)

EXISTING SANITARY  
SEWER MANHOLE  
PAV GRADE: 5034.22  
INV IN: 5023.15 8" PVC  
INV OUT: 5023.00 8" Out

SANITARY SEWER  
Const. 8" SDR 35 PVC  
L=89.64 S=2.06%

255  
CP-504

WYE IN  
TO PROPOSED  
8" SANITARY SEWER  
LINE AS PER  
SOUTH VALLEY  
SEWER STANDARDS

CONSTRUCT SEWER  
MAHOLE TO SOUTH VALLEY  
SEWER DISTRICT  
PAV GRADE: 5036.51 +/-  
INV OUT: 5025.00 8" PVC Out

CONNECT 4" SDR 35 PVC PIPE  
INTO EXISTING SEWER LATERAL  
AS PER SOUTH VALLEY  
DISTRICT STDS

NOTICE TO CONTRACTOR

CAUTION TO THE CONTRACTOR NOTE THAT THE ELEVATION AND OR LOCATION OF EXISTING UTILITIES SHOWN ON THESE PLANS IS BASED ON RECORDS FROM PUBLIC UTILITIES AND PRIVATE UTILITY COMPANY MARKINGS AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR IS RESPONSIBLE TO CONTACT THE UTILITY LOCATION COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. THE CONTRACTOR SHALL ALSO NOTE THAT ANY UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHALL BE RELOCATED.

GENERAL NOTES

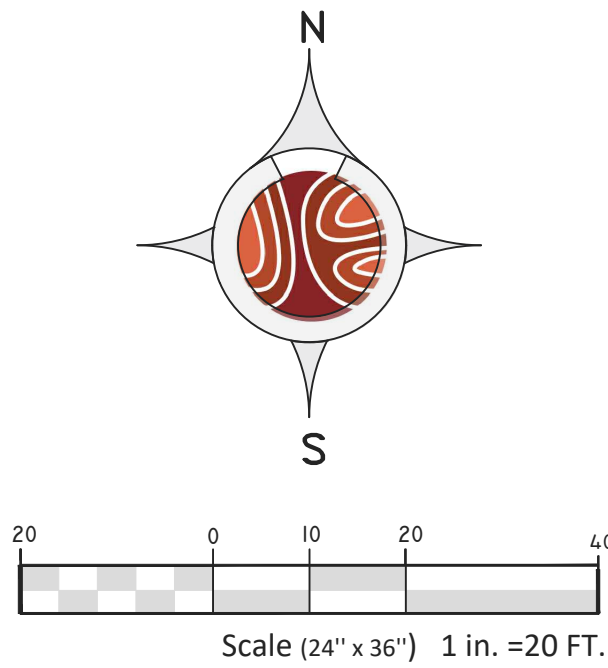
1. INSTALL IMPROVEMENTS TO HERRIMAN CITY STANDARDS. WHEN WORKING WITHIN UDOT RIGHT OF WAY IMPROVEMENTS NEEDS TO MEET THE CURRENT UDOT, AASHTO AND MUTCD STANDARDS.
2. MAINTAIN A MINIMAL 10' DISTANCE BETWEEN WATER AND SEWER LINES.
- 2A. WATER IMPROVEMENTS ARE TO BE HERRIMAN CITY STANDARDS, THE SEWER ARE TO SOUTH VALLEY SEWER DISTRICT SANDARDS. A MINIMAL 18" OF CLEARANCE IS REQUIRED WHERE SEWER AND WATER CROSS.
4. A MINIMAL 12" OF CLEARANCE IS REQUIRED WHERE CROSSING EXISTING GAS LINE.
5. CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND INVERT ELEVATIONS OF EXISTING MANHOLES AND OTHER UTILITIES BEFORE STAKING OR CONSTRUCTING ANY NEW UTILITY LINES.
5. A MINIMUM OF FOUR FEET OF COVER REQUIRED OVER ALL WATER LINES.
6. CONTRACTOR RESPONSIBLE FOR OBTAINING HERRIMAN CITY AND APWA 2017 SPECIFICATION AND CONSTRUCTION STANDARDS.
7. CONTRACTORS RESPONSIBILITY TO OBTAIN AND FOLLOW THE SOILS REPORT AND ITS RECOMMENDATIONS.
8. CONTRACTOR RESPONSIBILITY TO VERIFY CIVIL SITE PLAN AND BUILDING DIMENSIONS MATCH BUILDING PLANS BEFORE STARTING CONSTRUCTION.
9. ALL SANITARY SEWER CONSTRUCTION SHALL COMPLY SOUTH VALLEY SEWER DISTRICT STANDARDS.
11. ALL UTILITY LINES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS APES 2017 STANDARDS.
11. UTILITIES WITHIN THE UDOT RIGHT OF WAY NEEDS TO BE BACKFILLED TO UDOT STANDARDS.
12. CONTRACTOR TO REPLACE ANY AREAS AROUND CONSTRUCTION SITE THAT IS DAMAGED DURING CONSTRUCTION.
13. THERE SHALL BE NO CHANGES TO THESE PLANS WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER OF RECORD.
14. REVIEW AND INCORPORATE THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
15. LOCATION (HORIZONTAL AND VERTICAL) OF UNDERGROUND UTILITIES SHALL BE UNCOVERED BY THE CONTRACTOR AT THE BEGINNING OF THE PROJECT TO SEE IF THEY IMPACT THE DESIGN.
16. THE CONTRACTOR IS RESPONSIBLE FOR SAFETY ON THE SITE AT ALL TIMES AND SHALL OBTAIN THE NECESSARY PERMITS TO ACCOMPLISH THE JOB.
17. CALL BLUE STAKE BEFORE YOU DIG.
18. THE LOCAL AUTHORITY RULES, REGULATION AND SPECIFICATION GOVERN. IF THERE IS CONFLICT WITH THE SPECIFICATION THE MORE STRICT SPECIFICATION GOVERNS.





UTILITY CONNECTION  
PLAN & PROFILE

6376 WEST 13475 SOUTH  
HERRIMAN, UTAH



SHEET NUMBER

C-2

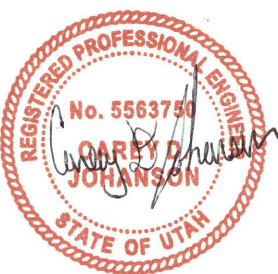
CLIENT  
ADAM PARK  
ALP CONSTRUCTION  
801-243-6625

CIVIL ENGINEERING  
UTILITY EXTENSION  
6376 WEST 13475 SOUTH  
HERRIMAN, UTAH

ISSUE DATE: 3-30-2021

REVISIONS:

STAMP



JOHANSON  
ENGINEERING



ENGINEERING

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T INTERSECTION  
NW. COR SEC. 2,  
S. R.2 W. SLB&M.  
TH & 6400 WEST

6400 WEST STREET

5+00

5+00

5+00

5+00

5+00

5+00

5+00

5+00

5+00

5+00

5+00

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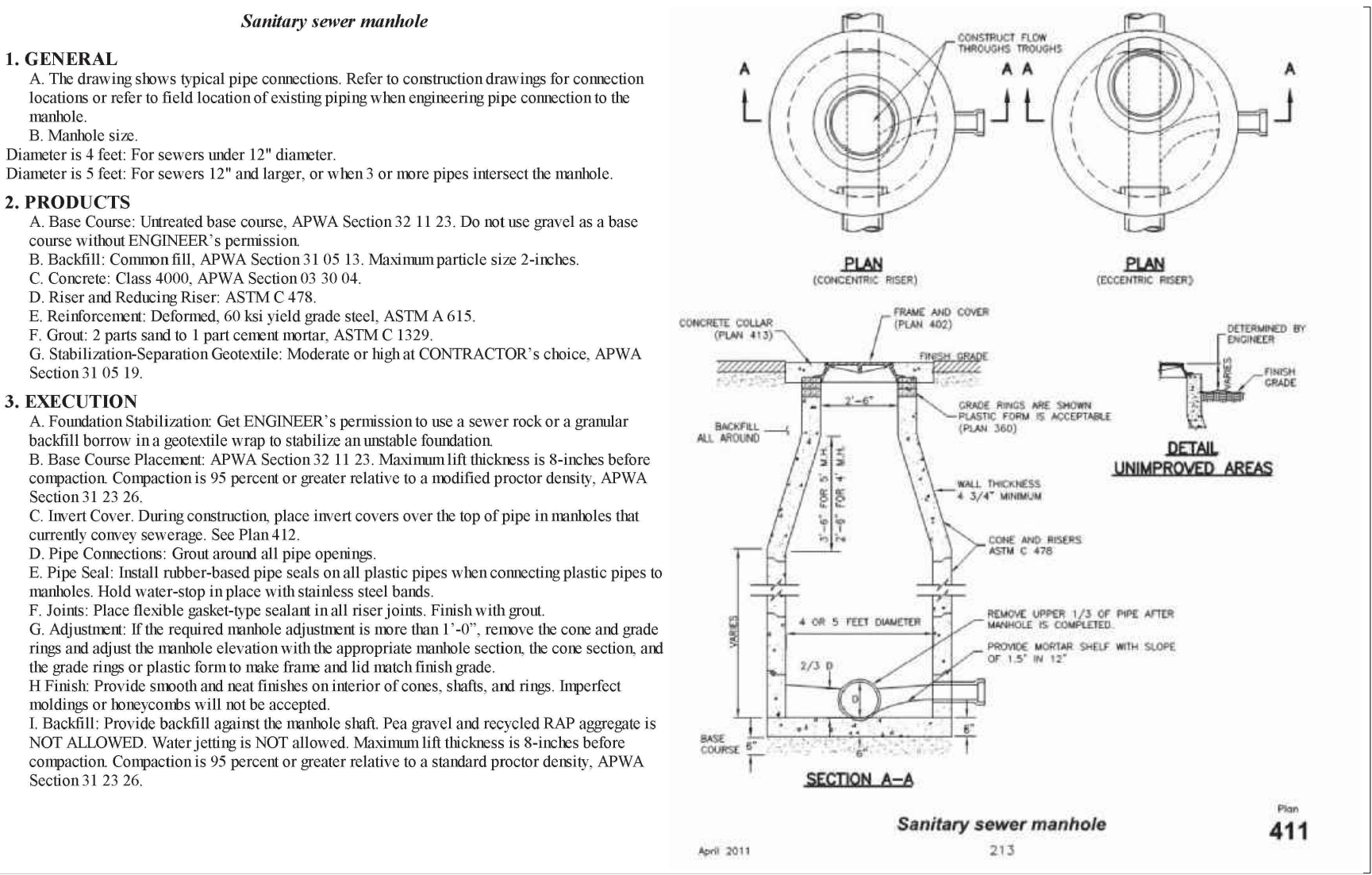
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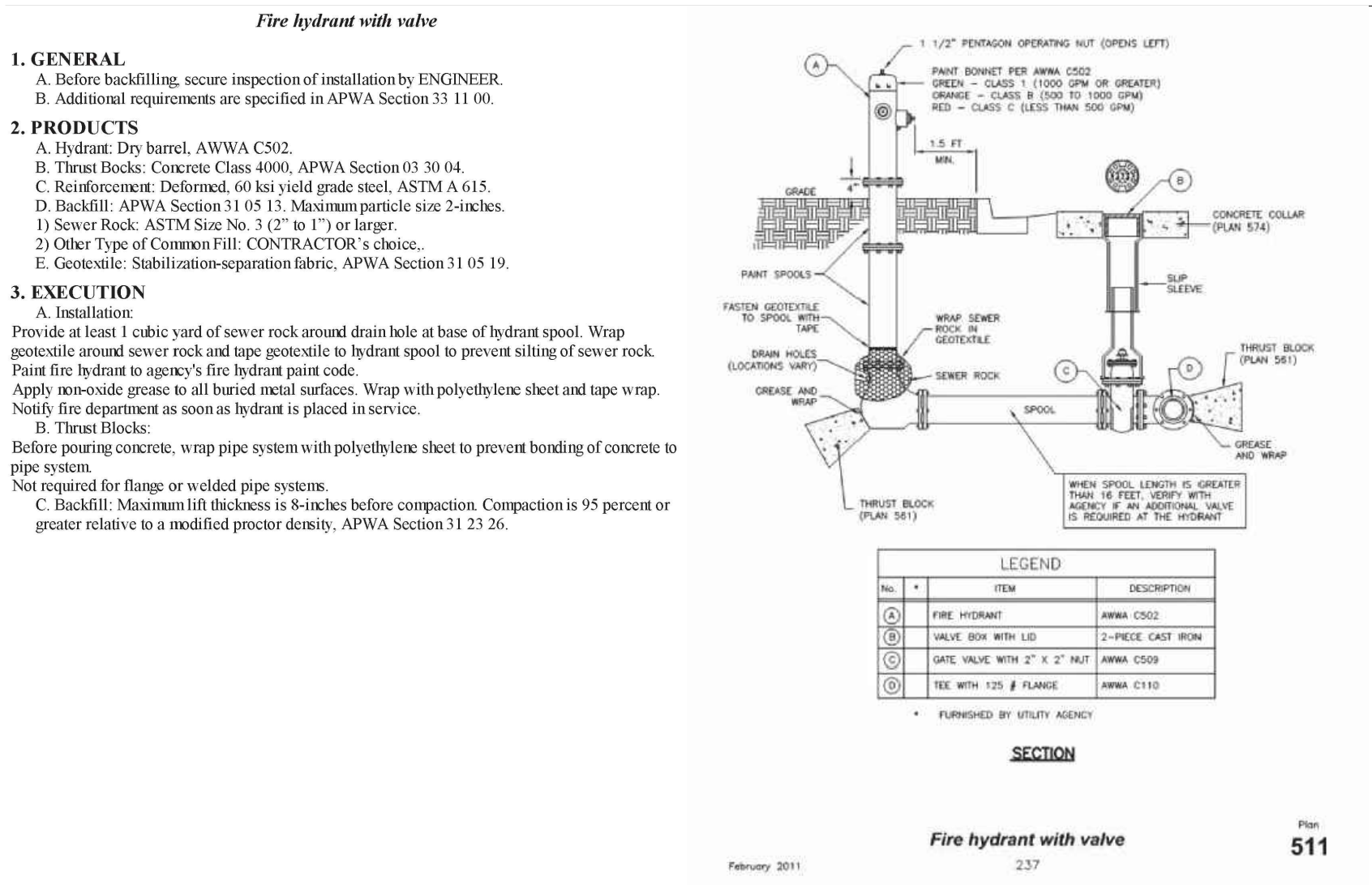






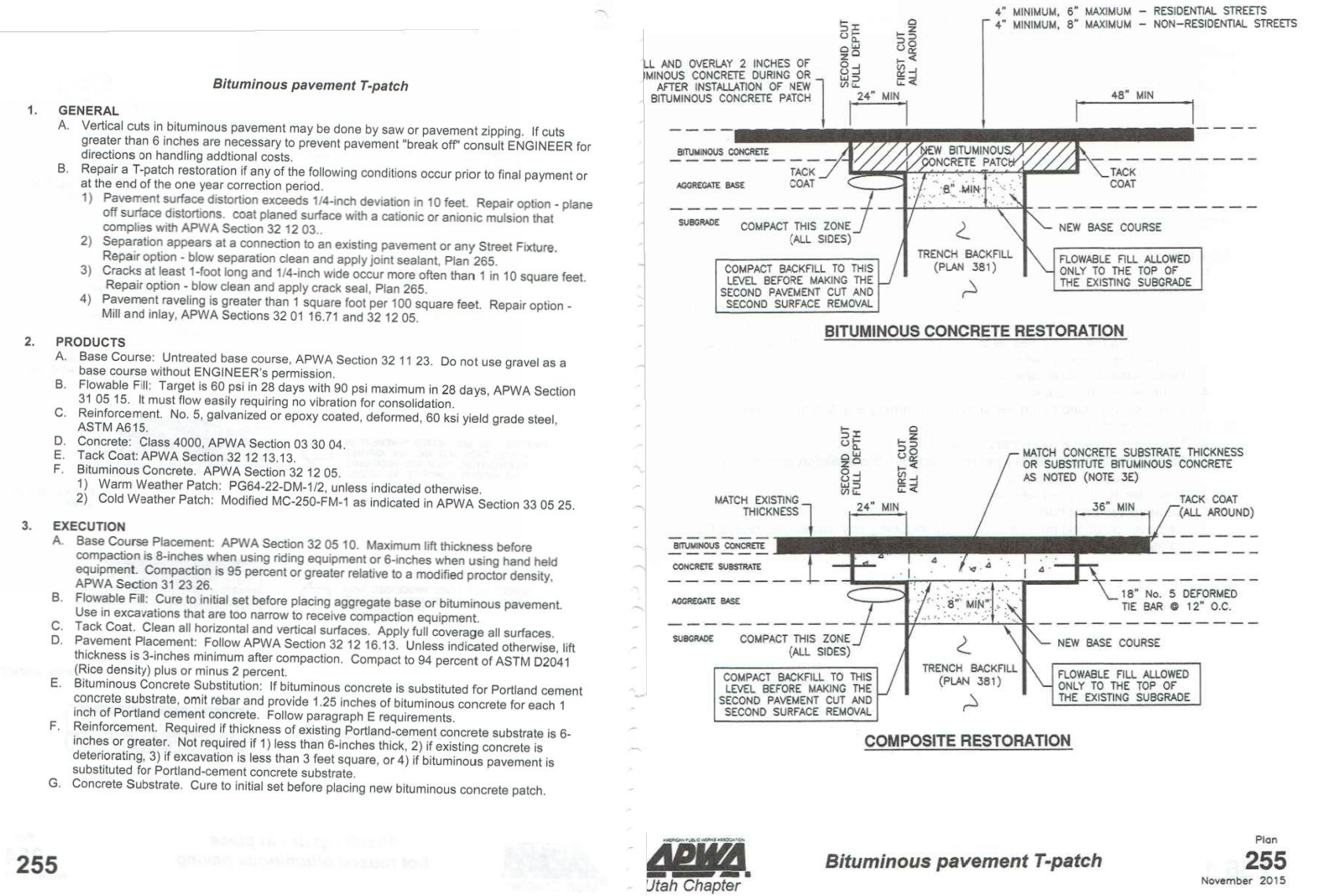
411 SEWER MANHOLE

SCALE: NTS



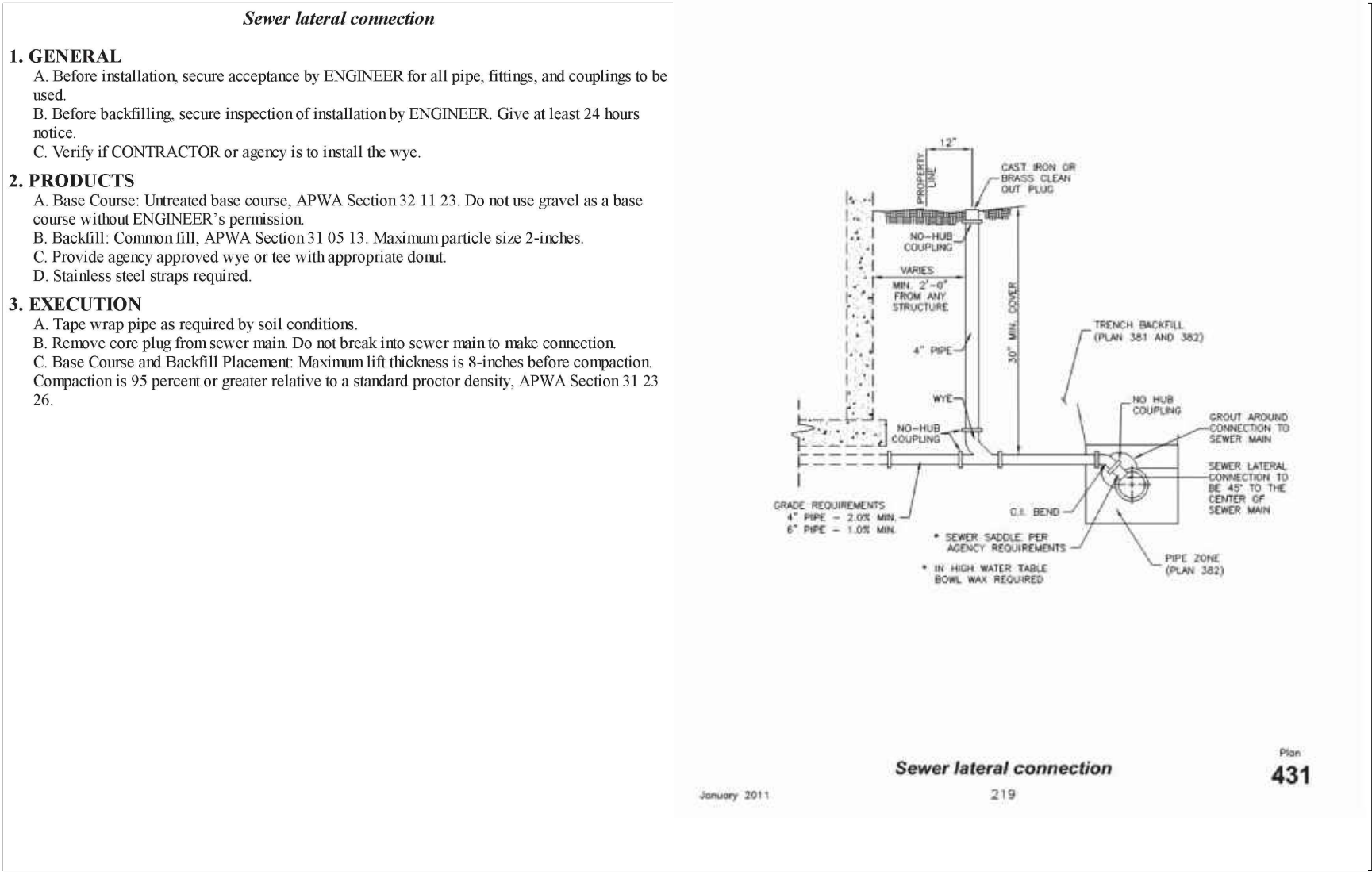
511 FIRE HYDRANT

SCALE: NTS



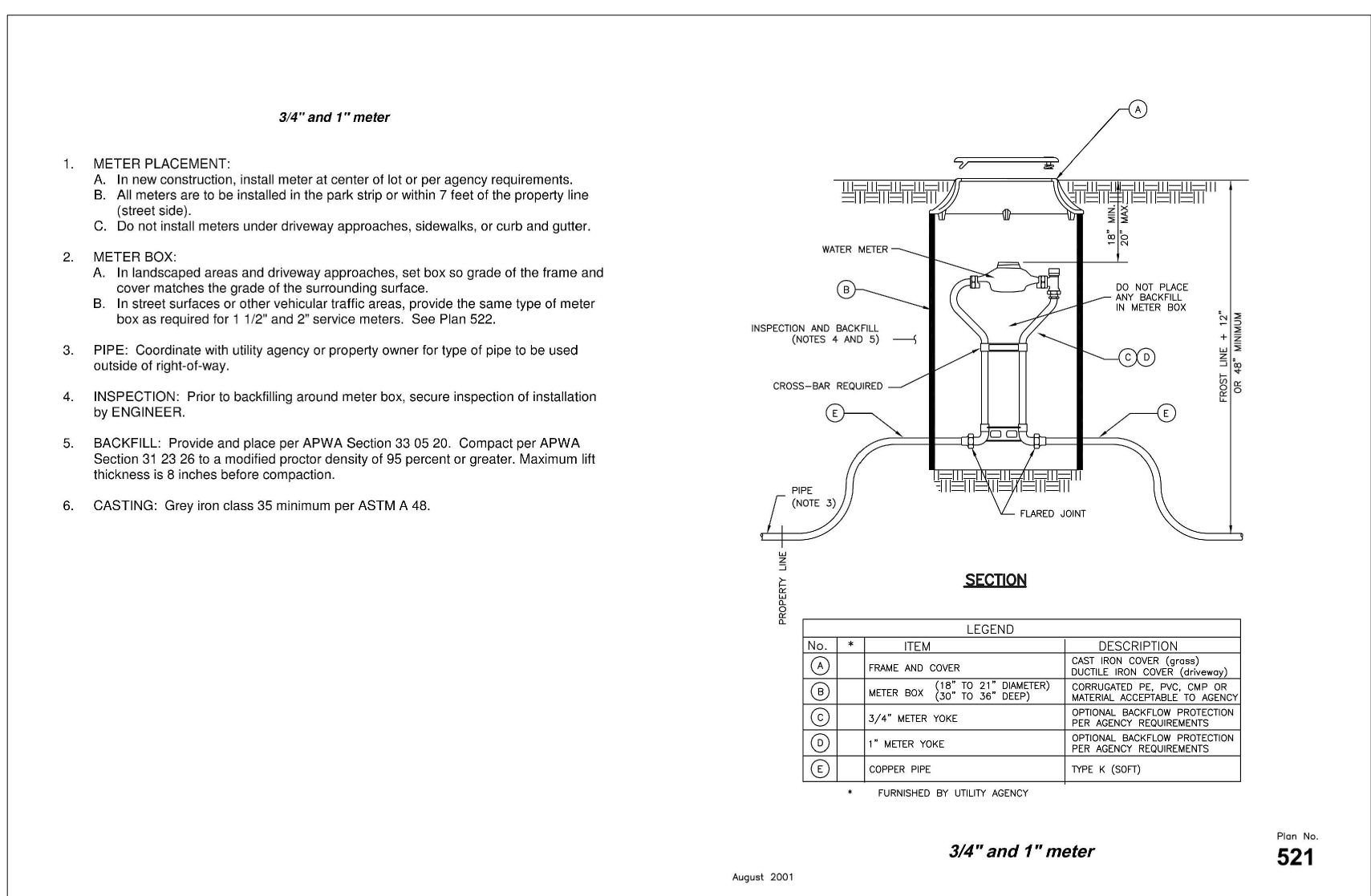
255 ASPHALT CONCRETE T-PATCH DEEP

SCALE: NTS



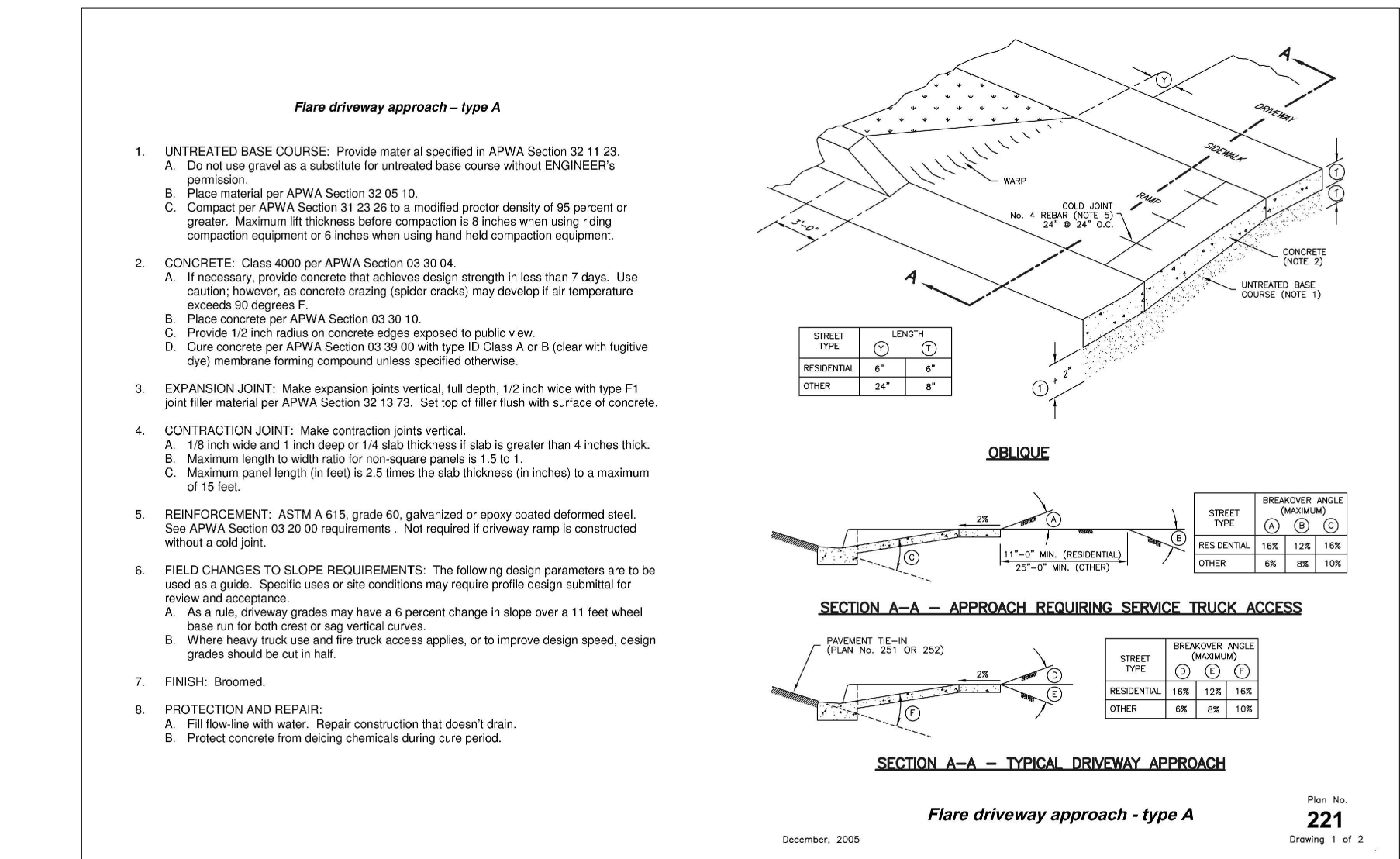
431 SEWER LATERAL CONNECTION

SCALE: 1:4



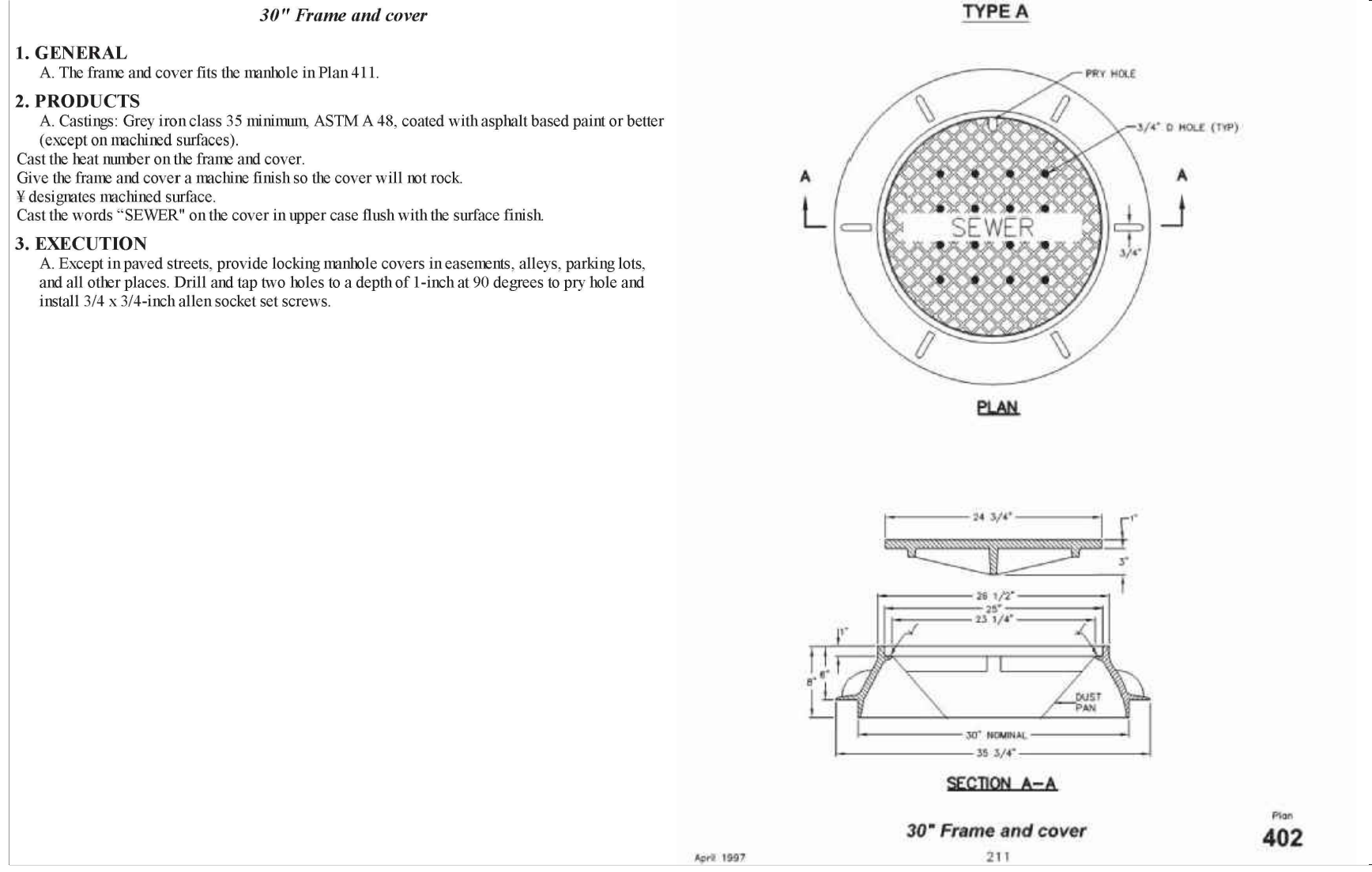
521 1" WATER METER

SCALE: NTS



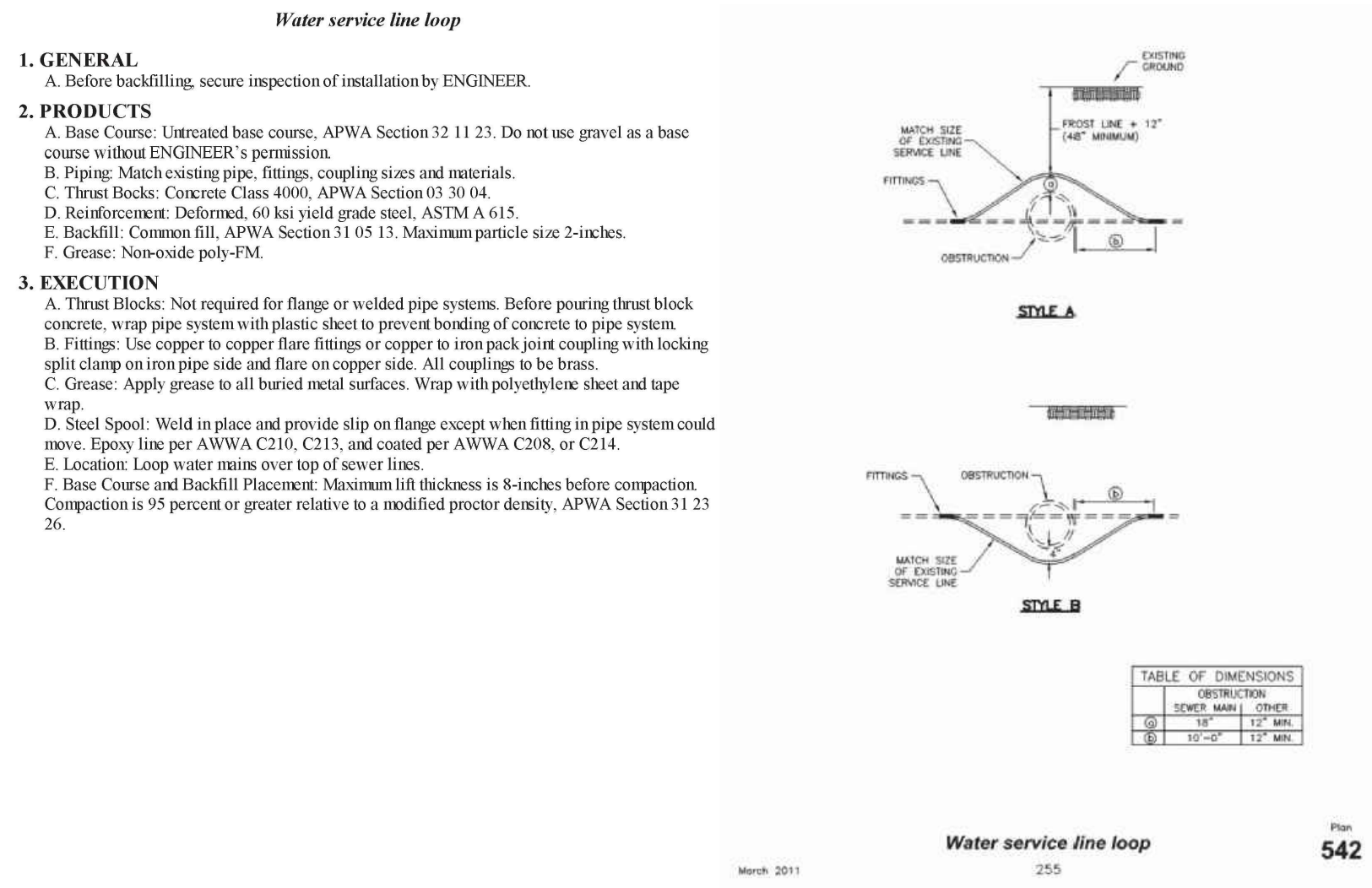
221 FLARE DRIVEWAY APPROACH

SCALE: 1:4



402 30IN FRAME AND COVER

SCALE: NTS



542 WATER SERVICE LOOP

SCALE: NTS

SHEET NUMBER

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CLIENT

ADAM PARK  
ALP CONSTRUCTION  
801-243-6625

CIVIL ENGINEERING

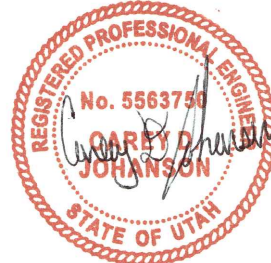
UTILITY EXTENSION

6376 WEST 13475 SOUTH  
HERRIMAN, UTAH

ISSUE DATE: 3-30-2021

REVISIONS:

STAMP



JOHANSON  
ENGINEERING





# **Attachment E**

## Community Meeting Notice



# *NOTICE OF COMMUNITY MEETING*

*May 19, 2021*

*Re: Rose Run Subdivision*

My name is Rosalie Walker, and I am applying for a subdivision of my property located at approximately 6368 W Rose Run Way. This property is approximately .5 acres in size. The current zoning is A-.25, and I am requesting a subdivision of 1 single family lot.

A community meeting regarding this proposal will be held on June 1, 2021 at 6:00 p.m. at L&L Hamilton Park (13475 S 6400 W). During this meeting I, the applicant, will present a brief overview of the proposed project. Afterward, questions and comments will be addressed.

Included with this notice is a vicinity map of the property.

If you are unable to attend, but would like to submit a question, please send an email to [communityoutreach@herriman.org](mailto:communityoutreach@herriman.org) within 48 hours of the meeting.

Should you desire further information, you may contact:

Rosalie Walker (Applicant) – [diamondagent@yahoo.com](mailto:diamondagent@yahoo.com)  
(information regarding the project)

Renee Laws (Community Outreach Facilitator) (801) 707-6158  
(information regarding the application process or city code requirements)

Sandra Llewellyn (Community Outreach Coordinator) (801) 446-5323  
(information regarding the application process or city code requirements)

**THE PUBLIC IS ENCOURAGED TO ATTEND**

# **Attachment F**

## Zoning Condition Approval

**Herriman, Utah**  
**Ordinance No. 2015-28**

**Rezone property located at approximately 13457 S Rose Canyon Road from A-1 to A-.25  
(Agricultural) (File No. 18Z15)**

**WHEREAS**, the City of Herriman, pursuant to state law, may enact a land use ordinance establishing regulations for land use and development; and

**WHEREAS**, pursuant to City of Herriman Ordinance, the Planning Commission shall hold a public hearing and provide reasonable notice at least 10 days prior to said public hearing to prepare and recommend to the City Council the proposed land use ordinance map changes; and

**WHEREAS**, notice of the Planning Commission public hearing on the land use ordinance map change was sent to property owners within 300 feet on July 27, 2015, noticing of the August 6, 2015, public hearing at 7:00 p.m.; and

**WHEREAS**, the Planning Commission recommended approval of the land use ordinance map change in the meeting held on August 6, 2015, at 7:00 p.m. in the Community Center; and

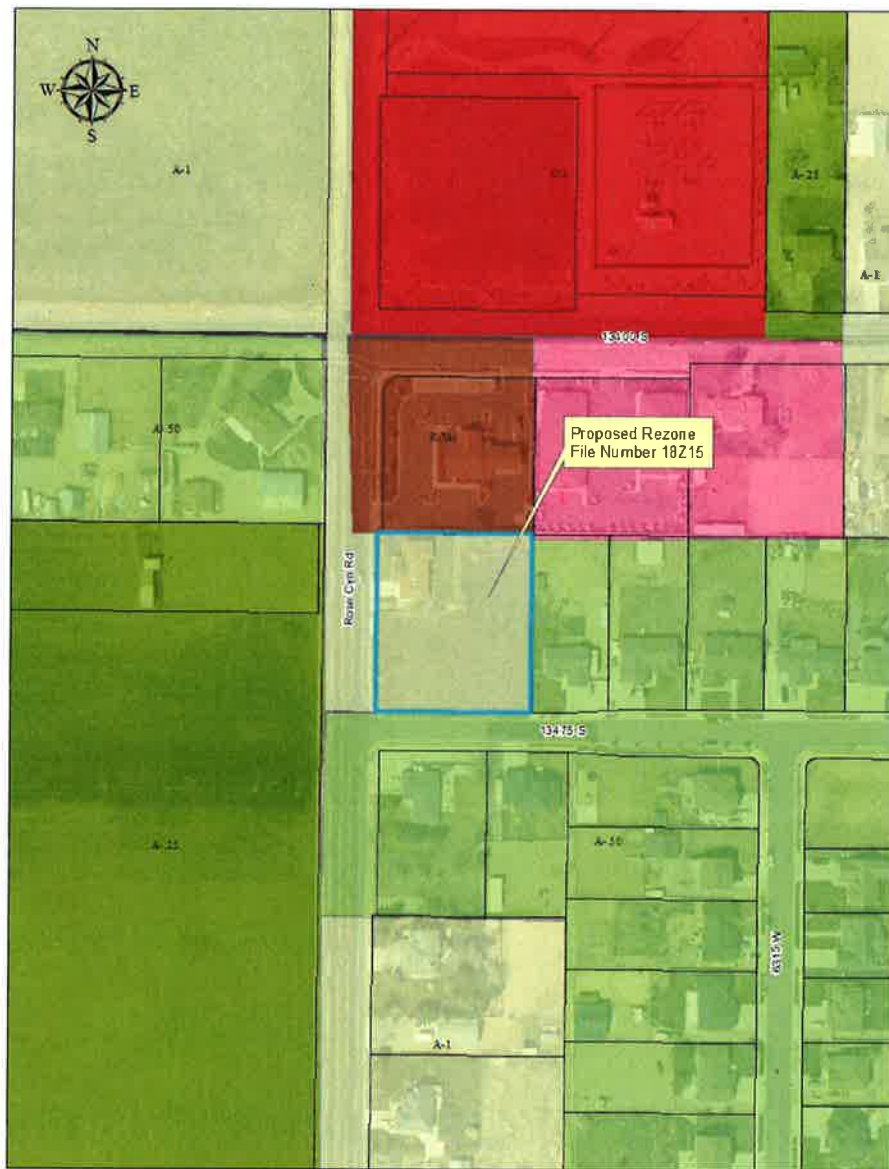
**WHEREAS**, pursuant to City of Herriman Ordinance, the City Council must hold a public meeting allowing public input at said public meeting; and

**WHEREAS**, the City Council public meeting on August 26, 2015, was held at 7:00 p.m. in the Community Center; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of Herriman to adopt the land use ordinance map change as recommended by the Planning Commission;

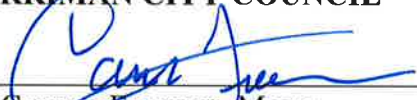
**NOW THEREFORE**, be it ordained by the Herriman City Council that the following area be adopted as a map change from A-1 to A-.25 with a zoning condition (z/c) of a minimum lot size of 20,000 square feet.

Parcel number        32-02-101-013  
                              1.03 acres



**PASSED AND APPROVED** this 26<sup>th</sup> day of August, 2015.

**HERRIMAN CITY COUNCIL**

By:   
Carmen Freeman, Mayor

**ATTEST:**

  
Jackie Nostrom, City Recorder





## Herriman City

ORDINANCE NUMBER: **2015-28**

**SHORT TITLE:** AN ORDINANCE AUTHORIZING A REZONE LOCATED AT 13457 SOUTH ROSE CANYON ROAD FROM A-1 TO A-.25 WITH THE ZONING CONDITION TO REQUIRE A MINIMUM LOT SIZE OF 20,000 SQUARE FEET

### PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

| NAME                  | MOTION | SECOND | FOR | AGAINST | OTHER  |
|-----------------------|--------|--------|-----|---------|--------|
| Carmen Freeman        |        |        | X   |         |        |
| Mike Day              |        |        | X   |         |        |
| Matt Robinson         | X      |        | X   |         |        |
| Craig B. Tischner     |        |        |     |         | Absent |
| Coralee Wessman-Moser |        | X      | X   |         |        |
|                       | TOTALS |        | 4   | 0       | 1      |

This ordinance was passed by the City Council of Herriman City, Utah on the 26<sup>th</sup> day of August, 2015, on a roll call vote as described above.

# Planning Commission Meeting

**S2021-048:** Preliminary Plat Approval for Walker Family Subdivision  
with One Residential Lot at 13500 S 7530 West

A-.25 ZC

0.50 Acres

Applicant: William and Rosalie Walker (owners)

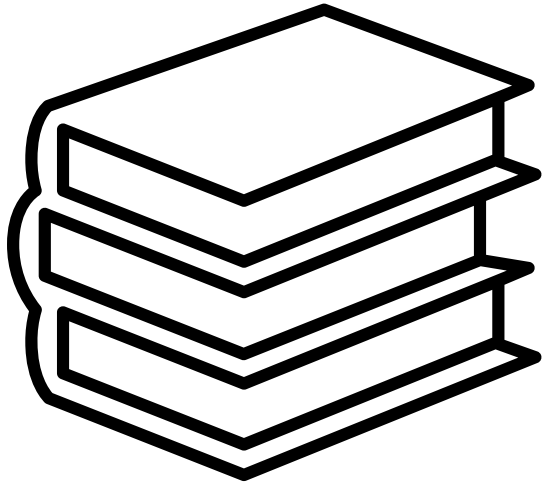
June 3, 2021

# Preliminary Plat

- ▶ Applicant's Proposal
  - ▶ Create 1 new single-family lot
  - ▶ Lot has been recorded with County on June 4<sup>th</sup>, 2018 (did not go through City approval process)



# Consideration of Issues for Preliminary Plat



**General  
Plan**



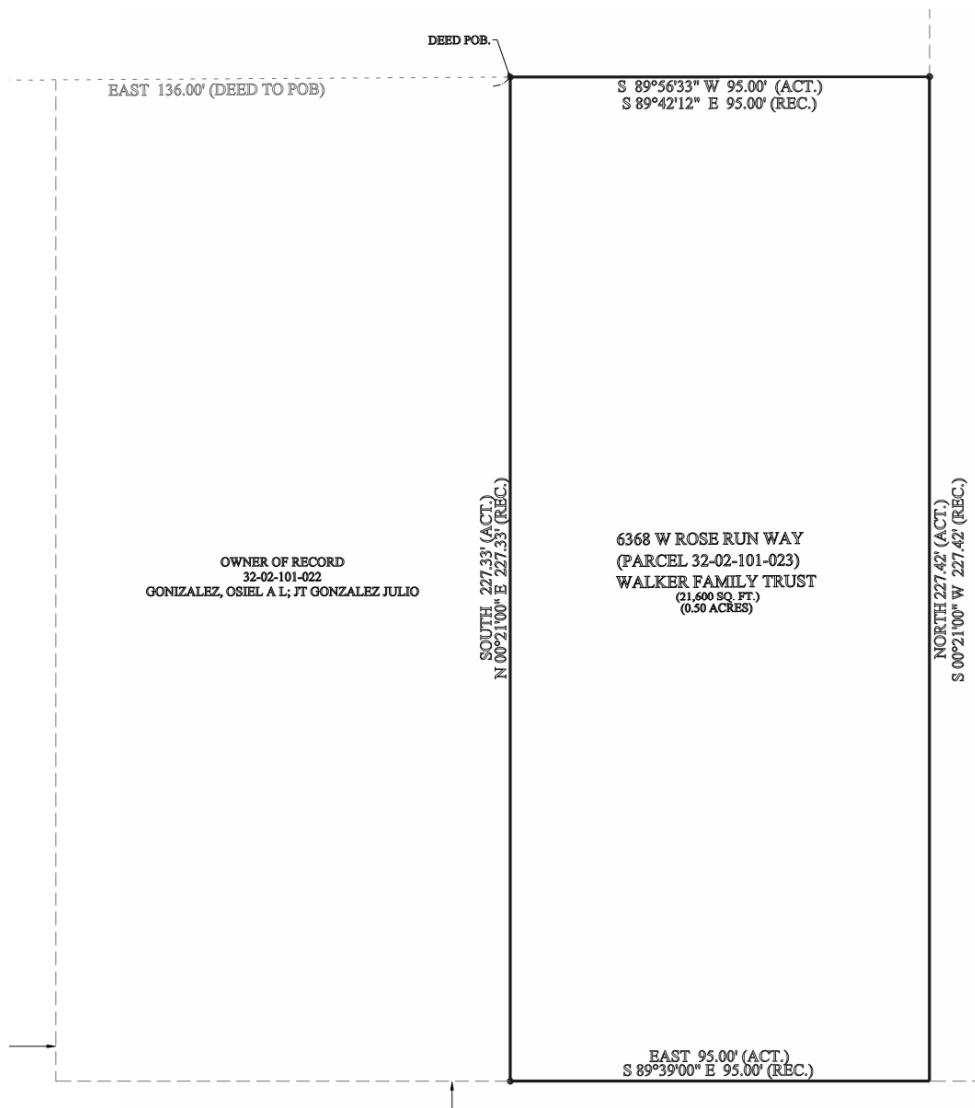
**Zoning ordinance  
compliance  
(Engineering  
comments)**



## Consideration of Issues - General Plan

- ▶ Area shown in GP as Low Density Residential with 1.8 - 2.5 units/ acre
- ▶ Proposed lot meets General Plan requirement





## Consideration of Issues Zoning Conditions

- ▶ Zoning completed  
Aug. 2015
- ▶ 20,000 square foot  
min. lot size
- ▶ Plat complies with  
ZC

# Consideration of Issues - Engineering

## Park Strip & Street Trees:

- ▶ Existing park strip is concrete
- ▶ Requires street trees 30' on center



## Recommendation - Findings

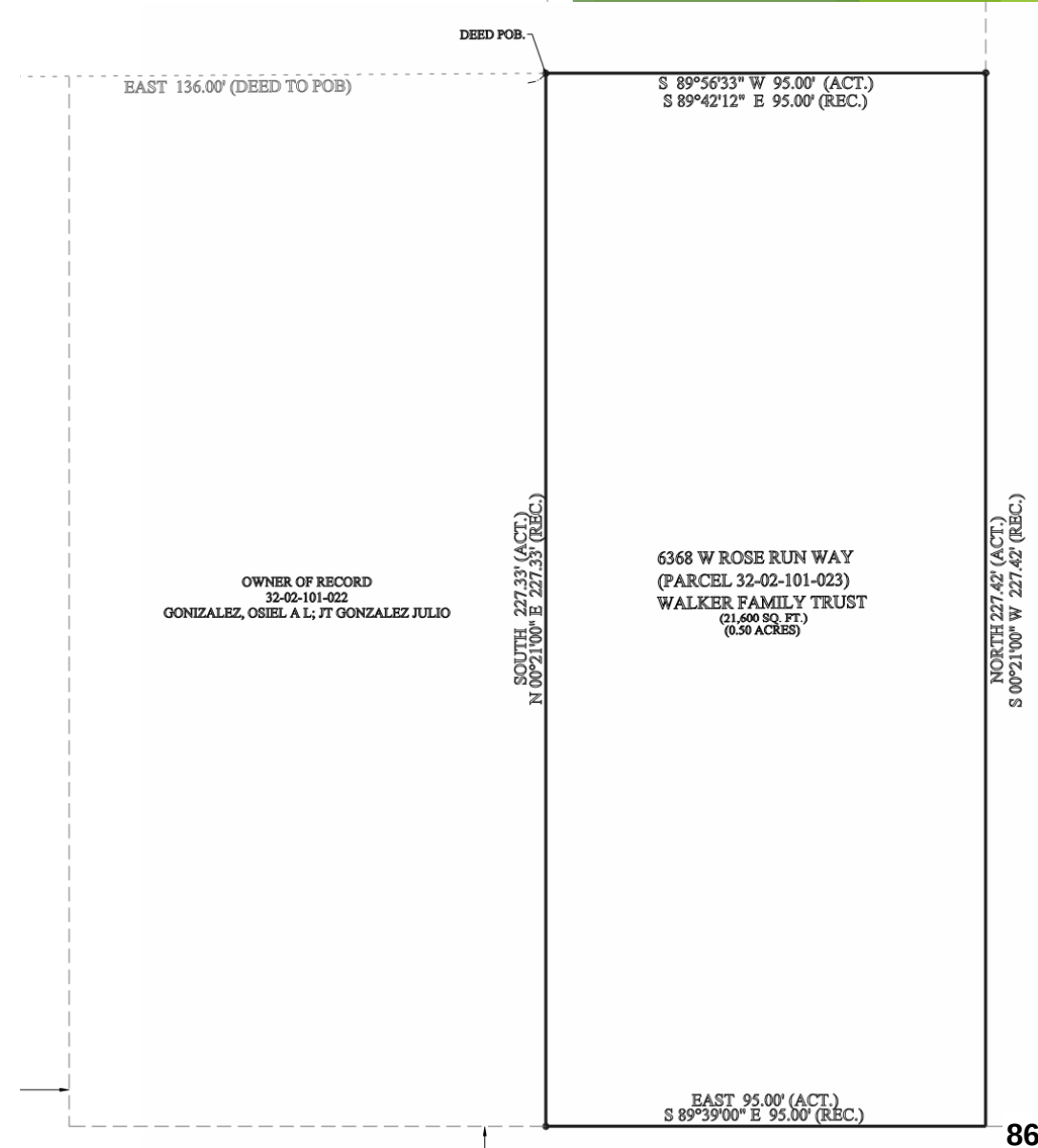
Finding that with the staff-proposed requirements of approval, the proposed preliminary plat of Walker Subdivision will be compliant with:

- General Plan
- Zoning ordinance, including zoning conditions



# Staff Proposed Conditions of Approval:

1. All Engineering review comments be addressed and satisfied before the final plat is recorded.
2. The concrete in the park strip be removed and planted with trees at thirty (30) feet on center as required by ordinance.



# Consideration of Issues - Engineering

## Park Strip & Street Trees:

- ▶ Existing park strip is concrete
- ▶ Requires street trees 30' on center



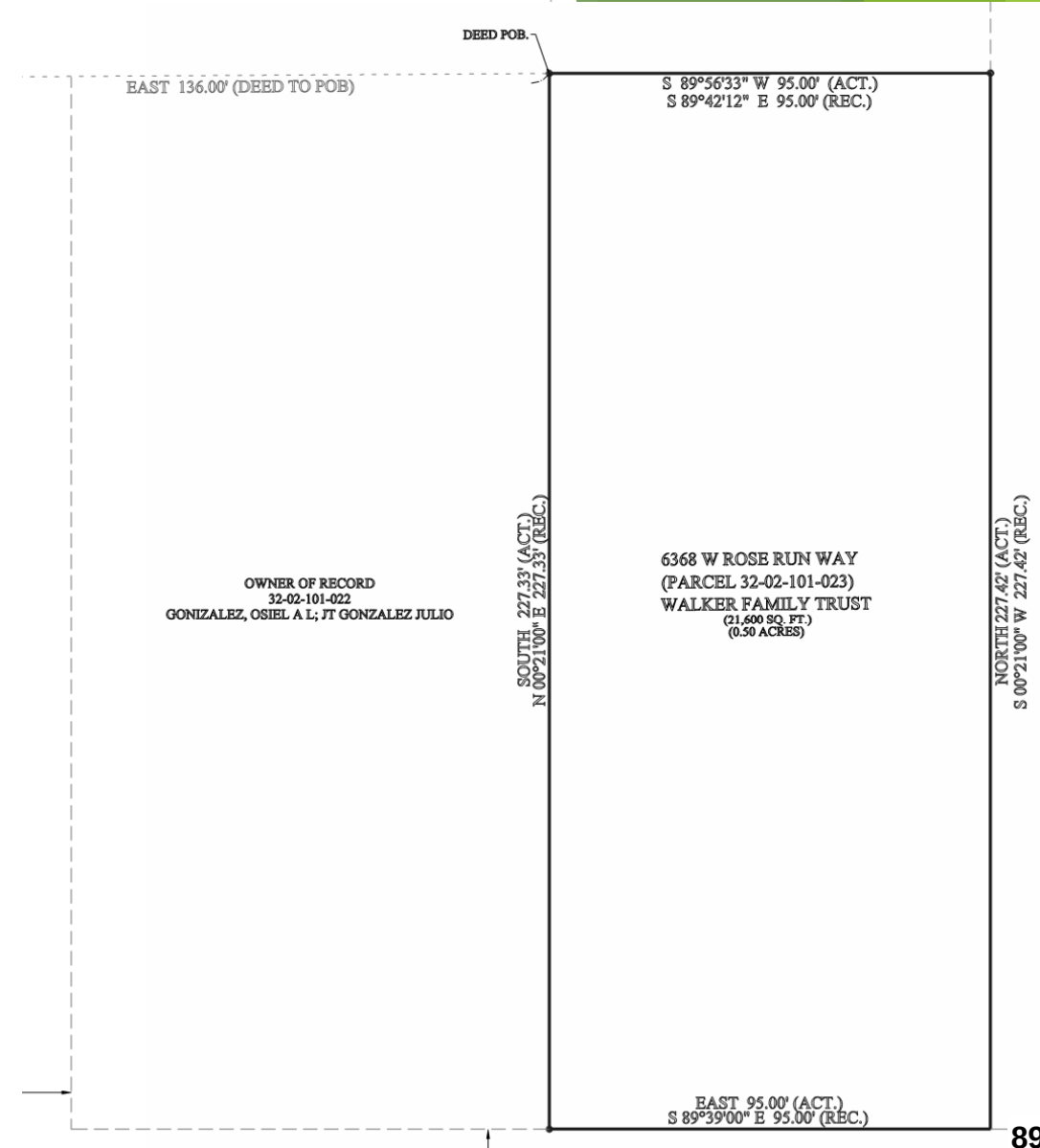
## Recommendation - Findings

**Finding that with the Staff-proposed requirements of approval, the proposed preliminary plat of Walker Subdivision will be compliant with:**

- General Plan
- Zoning ordinance, including zoning conditions

# Staff Proposed Conditions of Approval:

1. All Engineering review comments be addressed and satisfied before the final plat is recorded.
2. The concrete in the park strip be removed and planted with trees at thirty (30) feet on center as required by ordinance.







## Staff Report

**DATE:** May 27, 2021  
**TO:** Planning Commission  
**FROM:** Clinton Spencer, AICP, Planning Manager  
**MEETING:** Planning Commission Meeting June 3, 2021  
**REQUEST:** Recommendation of Consideration to Amend Title 10-10-6(D) Regarding Design Standards for Dwelling Group Developments. (Public Hearing)  
**Applicant:** Herriman City  
**File Number:** Z2021-052

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**Summary**

Discussion of a draft Zoning ordinance proposed by the City pertaining to design standards for multi-family developments in the Dwelling Group standards. (see Attachment A – Proposed Text Amendment).

**Notice**

On May 21, 2021 Staff posted notices in thirty-three (33) public locations in the City as required by State noticing provisions. (See Attachment C)

**Process**

Amending the text of Herriman City Code requires legislative action by the City Council. As per City Code, the Planning Commission must first hold a public hearing and then vote to recommend approval, denial, or modification of the proposal to the City Council. The City Council will then hold a public meeting to discuss the item and make the final decision.

**Discussion**

There are several multi-family developments in the City. Some of those developments include quality architecture, and design while other developments fall short creating buildings and large developments that are unattractive and undesirable. Herriman is unique in that many of the areas where multi-family housing is found is located in areas where Master Development Agreements (MDA) have been made. Standards are typically established within those individual MDA's which address standard design criteria. The proposed ordinance includes revisions to the existing

Dwelling Group ordinance that has impacts in the R-2-10, R-2-15, R-M and MU zone as proposed. During work sessions with the Commission and City Council issues were discussed in how to approach accomplishing better design for these large buildings and developments. It is expected that the proposed ordinance amendments will help establish a higher minimum design standard for future MDA's as well.

### **Standards for Consideration**

As stated in City Code 10-5-8.E. Approval Standards, "A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6A of this chapter. In making an amendment, the following factors should be considered:"

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;

#### **GOALS:**

- **To extend the positive design and unified appearance of commercial uses to other uses in the city.**
  - **Policy: Develop new design standards for residential, industrial, and other uses in the city.**

***Staff Comment:** The desire to improve the design standards for residential areas is stated in the General Plan. The proposed changes do not dictate architectural design, but provide higher standards of materials, and general design to help improve and avoid design that is not in character with the City. The desire is to provide a place for residents who live in multi-family developments a place where they can be proud of, and to improve the appearance of the City to its residents and others.*

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

***Staff Comment:** The proposed changes to the Dwelling Group ordinance will help to bring the design standards up from where they currently are. The proposal includes providing more brick and stone on the exterior, addressing all sides of the building for minimum design, including projections to avoid long flat walls, and requires different building types as developments increase. These proposals will increase design and variety in developments making them more interesting and enjoyable for those that occupy them, as well as adding to the quality developments that currently exist in the City. The following provisions are proposed with this amendment:*

- *Increasing brick, rock and stone to 40% for the front façade, and 20% on all other facades.*
- *Requiring standards that were previously only applicable to the R-M zone to the R-2-10, R-2-15, and MU zones. MU-2 zones design standards are typically addressed in an MDA.*
- *Requiring variations in wall planes on a building. Minimum 2' per 25' linear feet of building.*
- *Requiring additional building types as developments get larger:*
  - *For developments less than 2 acres: 1 building type*
  - *Between 2 – 4 acres: 2 building types*

- Larger than 4 acres: 3 building type

3. The extent to which the proposed amendment may adversely affect adjacent property; and

**Staff Comment:** *Proposing improvements to the current standards for Dwelling Groups will reduce the negative impact of unattractive architectural design on adjacent properties. Quality architecture benefits the community by attracting other development, and maintaining the character of the surrounding community for future development.*

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

**Staff Comment:** *This provision speaks more to when property is actually developed. In this case this provision will be more adequately addressed when an actual application for a Dwelling Group is made.*

### **Recommendation**

Whereas there is a need for the proposed text amendment, and the amendment as proposed is compliant with the General Plan, and Zoning Ordinance, Staff requests the Commission provide a positive recommendation of approval to the City Council of the proposed amendments for Dwelling Group design standards as proposed. If there are additional changes the Commission would like to make, please include those in a motion of approval as well.

### **Attachments**

- A. Proposed Text Amendments
- B. Public Notice

# **Attachment A**

## Proposed Text Amendments



**10-10-6(D)**

**D. Dwelling Group Design Criteria:**

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1. All Dwelling Groups: The following requirements shall apply to all dwelling groups:

a. ~~The distance between the building and a public street shall be at least the front yard required in the zoning district.~~ The distance between principal buildings and the nearest perimeter lot line shall be at least fifteen feet (15'). ~~The distance between the building and a public street shall be at least the front yard required in the zoning district;~~ except, on corner lots, the side yard which faces on a public street shall be at least twenty feet (20').

b. ~~Driveway Access~~ shall be provided ~~from by~~ a private street or right-of-way from a public street; such ~~private street or right-of-way~~ ~~driveway width~~ shall be at least twenty feet (20') wide for one or two (2) rear dwelling units, and at least thirty feet (30') wide for three (3) or more dwelling units.

1. Driveway locations shall be selected to promote pedestrian friendly pathways.

c. No parking areas shall include any part of the required front yard or side yard adjacent to a street. Driveways may traverse front yard areas, but only perpendicularly to the street to access parking areas behind the front yard area.

d. Parking areas adjacent to residential uses shall be screened with a six foot (6') high solid visual barrier.

e. Entrances from a private development to a public street shall maintain a "clear view", as defined in section 10-29-48 of this title.

f. Public access to the dwelling group shall be from a sixty foot (60') or wider street.

g. Front and side yards next to a public street shall be landscaped in accordance with applicable provisions of chapter 23 and 32 of this title and the following:

(1) A minimum of two (2) trees per one thousand (1,000) square feet of the ground or main floor level.

(2) One shrub per six (6) linear feet of building foundation. Shrubs may be grouped.

(3) Grass or other plantings installed in all areas not used for building, parking, walks or drives.

h. A five foot (5') wide landscaped area shall be required between the drive and parking area adjacent to residential property lines. This area shall be planted with a minimum of one tree per twenty five feet (25') of linear landscaped area.

i. Open space shall be provided on the site equal to twenty five (25) square feet per unit in the dwelling group.

j. Exterior lighting shall be provided as follows:

(1) Each parking area shall be illuminated for safety by installing lighting fixtures which emit light at least equivalent to that of one (1) 100-watt incandescent bulb per one hundred feet (100') in all directions.

(2) All lighting shall be shielded so as not to shine into surrounding residences.

k. Residential structures proposed greater than one story adjacent to existing single- or two-family dwellings may add one additional floor to the height of the proposed structure for each additional thirty foot (30') increase in rear yard or side yard greater than the fifteen foot (15') perimeter yard requirement.

l. Buildings which face each other shall be separated by fifty feet (50') or more. Buildings which side on another building shall be separated by sixteen feet (16') or more.

2. R-2-10-~~And~~, R-2-15, and R-M Zones: The following additional requirements shall apply to dwelling groups in the R-2-10-~~and~~, R-2-15, MU, and R-M Zones.

a. The land on which the dwelling group will be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group.

~~—b. A minimum of two (2) parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet City standards.~~

~~b.~~ On any public road where street lighting is not in place, lighting shall be provided at least equivalent to light produced by a one hundred (100) watt incandescent bulb per each fifty feet (50') of frontage, or fraction thereof. Lighting is to be provided by a freestanding fixture, in the yard space between the building and public street, or attached to the wall of the building which is not more than thirty feet (30') from the street property line.

~~c.~~ Applications for each building higher than one story shall be evaluated on the basis of the proposed building height, mass, materials, spacing and privacy considerations. Harmony and compatibility with existing and future residential structures in the area shall also be evaluated as part of a Conditional Use review.

~~3. R-M Zones: The following additional requirements shall apply to dwelling groups in the R-M Zone.~~

~~a.~~ A minimum of two (2) parking spaces shall be provided for each dwelling unit for units with less than three (3) bedrooms and 2.4 spaces for units with three (3) or more bedrooms. Additional stalls may be located in designated parking areas. Parking areas associated with a clubhouse or sales center shall have six (6) spaces per one thousand (1,000) square feet. Parking spaces and vehicular maneuvering areas shall meet the requirements of chapter 24 of this title.

~~b.~~ If a six foot (6') high visual barrier fence is proposed in the yard next to a public street, the barrier shall be placed no closer than ten feet (10') to the sidewalk.

~~c.~~ Brick, rock, or stone shall be used for the finish ~~system exterior material on all sides of the front~~ building, ~~facade~~ and shall make up a minimum of ~~fifteen percent (15%)~~ forty percent (40%) of the total area of the front facades of the complex, and a minimum of twenty percent (20%) on all other sides of the building including the base portion of the building. If the building incorporates a front porch across the entire front facade of the ~~house~~ dwelling structure, the brick, rock, or stone may be reduced to ~~ten percent (10%)~~ thirty percent (30%).

~~dg.~~ Brick or stone shall be used on the front elevation to show significant masonry architectural detail in the form of vertical accents. However, other architectural details may be used in lieu of brick or stone, if approved by the City. Manufactured materials may be substituted for real stone products.

~~eh.~~ The remainder of the front and side elevations may be finished with a combination of stucco, fiber cement material, or brick products. The use of vinyl and aluminum siding is prohibited.

~~fi.~~ Building trim should be applied consistently with the architectural style of the home. Trim should be applied so that it adds dimension to the front facade.

~~gi.~~ All finished materials used and their placement on the facade shall be indicated on the elevation rendering when submitted for review to the City.

~~hk.~~ When living space is added above a garage, the front facade shall include windows and other treatments to avoid a large blank wall space above the garage doors.

l. Variations in wall projections are required along all sides of the building. A minimum two (2) foot projection is required for every twenty-five (25) linear feet of building.

~~i. Driveway locations shall be selected to promote pedestrian friendly pathways.~~

#### E. Steep Slopes:

1. No development, including clearing, excavation and grading, is permitted where the slope exceeds thirty percent (30%), except roads and trails. The entirety of any areas with slopes greater than thirty percent (30%) shall remain in natural private or public open space, except as expressly allowed in this section.

2. Slopes over thirty percent (30%) may be part of a lot, but may not be included in the building envelope.

3. Roads and other vehicular routes shall not cross slopes greater than thirty percent (30%) unless the Planning Commission determines:

a. Appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this chapter; and

b. The environment and aesthetics of the area will not be significantly affected.

4. Roads shall not cross slopes over thirty percent (30%) without review by the Planning Commission. In no case shall roads cross slopes greater than fifty percent (50%). (Ord. 2017-54, 12-13-2017)

#### F. Development Variation

1. For developments larger than two (2) acres, the development shall provide a mix of at least two (2) alternative building types if the development is between two (2) and four (4) acres, and at least three (3) alternative building types if the development is more than four (4) acres, selected from the following:

a. Garden units (Brownstone, Cottage/ Grand Home Style, etc);

b. Stacked units (owner occupied);

c. Townhomes:

d. Apartments



**Attachment B**  
Public Notice Information



**PUBLIC NOTICE**  
**Planning Commission Meeting**  
**June 3, 2021 – 7pm**

**NOTICE IS HEREBY GIVEN** that the Herriman Planning Commission shall assemble for a Public Hearing in the City Council Chambers, located at  
**5355 W HERRIMAN MAIN STREET, HERRIMAN, UTAH**

Application information is available at the Herriman City Hall Building at the above address.  
Protests may be mailed to the above address, or submitted to [planning@herriman.org](mailto:planning@herriman.org)

**The following applications will be reviewed by the Planning Commission:**

**Multi-Family Design Standards Amendments**

Request: Recommendation of Approval to Amend Title 10 Regarding Design Standards for Multi-Family Developments. (Public Hearing)

Applicant: Herriman City

File Number: Z2021-052

**T-M Zone Amendments:**

Request: Recommendation of Approval to Amend 10-13-5.E to Modify Minimum Master Plan Area Requirement. Provisions (Public Hearing)

Applicant: Herriman City

File Number: Z2021-055

**Manufacturing Zone Amendments**

Request: Recommendation of Approval to Amend 10-13 Manufacturing Zones Pertaining to Uses and Establishment of the M-2 Zone. (Public Hearing)

Applicant: Herriman City

File Number: Z2021-051

**Shipping Container Standards**

Request: Recommendation of Approval to Amend 10-29 Regarding Provisions for Use of Shipping Containers. (Public Hearing)

Applicant: Herriman City

File Number: Z2021-045

# Planning Commission Regular Meeting

Item 4.4 Public Hearing: Recommendation of Consideration to Amend Title 10-10-6(D) Regarding Design Standards for Dwelling Group Developments.

June 3, 2021



# Multi-Family Design Standards

- Proposal to increase architectural design standards



VS.



# Standards for Consideration:

1. To extend the positive design and unified appearance of commercial uses to other uses in the city.
  - Policy: Develop new design standards for residential, industrial, and other uses in the city.
  - Proposal doesn't dictate design, increases standards of materials, and general design to improve/ avoid design not in character with community.



# Standards for Consideration:

2. Harmonious with overall character of development
  - Proposal reduces issues of compatibility

*The following provisions are proposed with this amendment:*

- *Increasing brick, rock and stone to 40% for the front façade, and 20% on all other facades.*
- *Requiring standards that were previously only applicable to the R-M zone to the R-2-10, R-2-15, and MU zones. MU-2 zones design standards are typically addressed in an MDA.*
- *Requiring variations in wall planes on a building. Minimum 2' per 25' linear feet of building.*
- *Requiring additional building types as developments get larger:*
  - *For developments less than 2 acres: 1 building type*
  - *Between 2 - 4 acres: 2 building types*

# Standards for Consideration:

## 3. Affect on property

- Increases design characteristics in City

## 4. Adequacy of services

- Issue addressed during site plan/ conditional use process

# Proposed Amendment

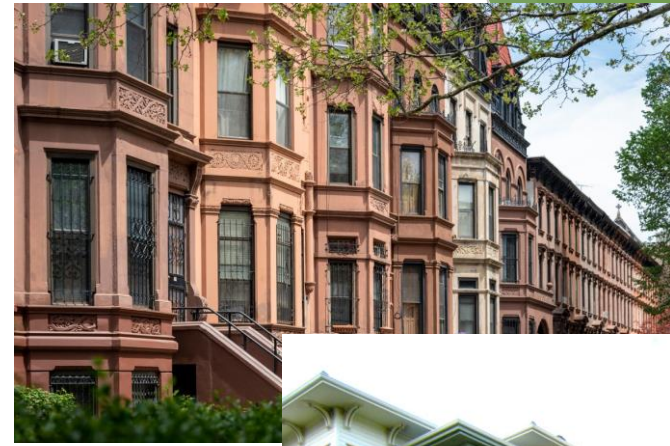
## 10-10-6

- Increasing brick, rock and stone to 40% for the front façade, and 20% on all other facades.
- Requiring standards that were previously only applicable to the R-M zone to the R-2-10, R-2-15, and MU zones. MU-2 zones design standards are typically addressed in an MDA.
- Requiring variations in wall planes on a building. Minimum 2' per 25' linear feet of building.
- Requiring additional building types as developments get larger:
  - For developments less than 2 acres: 1 building type
  - Between 2 - 4 acres: 2 building types
  - Larger than 4 acres: 3 building types

# Proposed Amendment

## Building Types:

- Garden units (Brownstone, Cottage/ Grand Home Style, etc);
- Stacked units (owner occupied);
- Townhomes;
- Apartments



## Staff Recommendation

Finding that the proposal is compliant with 10-5-8(E):

Staff recommends *approval* of proposed amendments pertaining to design standards for Dwelling Group buildings.

*Include any revisions to Staff proposal in recommendation to City Council*





## Staff Report

**DATE:** May 27, 2021  
**TO:** Planning Commission  
**FROM:** Michael Maloy, AICP, Planning Director  
**MEETING:** June 3, 2021, Regular Meeting  
**SUBJECT:** Z2021-055 T-M Technology Manufacturing Zone Amendment

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**SUMMARY:**

City Code 10-13-5. E requires a “Master Plan” for “all development in the (Technology Manufacturing) T-M Zone, and the “Master Plan shall cover at least fifty (50) acres” (see Attachment A – Manufacturing Zones). The Economic Development Department has requested this code be amended to facilitate future development projects. The Planning Department has scheduled a public hearing to facilitate public comment and Planning Commission review of the proposal.

**DISCUSSION:**

The Technology Manufacturing (T-M) Zone was adopted by the City Council on December 13, 2017. According to City Code, the purpose for the T-M Zone is:

**10-13-1: PURPOSE:**

- A. T-M Zone: The purpose of the T-M Zone is to provide for and encourage the development of well-planned and designed technological and manufacturing parks characterized by uses such as research, development, office, data centers, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. These zones are to be located in proximity to adequate transportation facilities and infrastructure so that the needs of these users may be met in an efficient manner with consideration to adjoining uses, whether uses are existing or included in the General Plan.

On January 1, 2019, Herriman City annexed ±36.66 acres of property located approximately at 7000 W 11800 South. Upon annexation, the property was zoned T-M Technology Manufacturing. After these actions, the property was subdivided into four lots, and Lot 1 was approved by the Planning Commission for the construction of Bullfrog Spas. However, because the property acreage was less than the minimum area requirement in the T-M Zone, a master plan was not developed. To resolve this issue and facilitate the development of remaining lots in the T-M Zone, the Economic Development Department has requested the minimum area requirement for a master plan be removed from the T-M Zone. The Planning Commission may also consider removing the Master Plan requirement altogether (see Attachment B – PowerPoint).

**STANDARDS:**

As stated in City Code 10-5-8. E. Approval Standards, “A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6A of this chapter. In making an amendment, the following factors should be considered:”

1. *Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;*

**Finding.** Whereas the proposed amendment seeks to resolve an unintended conflict in City Code, which has been identified as a barrier to pending commercial development in Herriman, staff finds the proposal supports the following goal and action statement found on page 5-5 of the Herriman City 2025 General Plan Amendment:

**7. Light Industrial/ Business Park Goals:**

- Employment center for assembly, distribution, and logistics jobs to balance retail and service jobs.
- Balance the City's economic base.

2. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*

**Finding.** The proposal does not amend land use or reduce established regulations designed to protect the character of existing development within the vicinity of the T-M Zone.

3. *The extent to which the proposed amendment may adversely affect adjacent property; and*

**Finding.** In addition to the stated provisions in Chapter 13 Manufacturing, Title 10 Land Development Code requires the following between potentially incompatible land uses:

**10-21-7: FENCING BETWEEN INCOMPATIBLE USES:**

Whenever a lot is developed with a use that is incompatible with a use located on an abutting lot or parcel, the new development shall include installation of a fence or wall along the property line between the incompatible uses as provided in this section.

- D. Warehousing or Manufacturing and Residential, Commercial, or Professional Office Uses: A minimum six-foot (6') high solid vinyl, simulated wood, wrought iron or masonry fence is required between warehousing or manufacturing uses and residential, commercial, or professional office uses. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses.
- E. Higher Fence or Wall: Notwithstanding the foregoing provisions, the Planning Commission may require a higher fence or wall under the following circumstances:
  1. Unusual topography.
  2. For a major utility.

**10-23-7: LANDSCAPING DESIGN STANDARDS:**

- B. Buffer Landscaping Between Residential and Non-Residential Development: A landscaped buffer, at least fifteen feet (15') wide, shall be installed alongside and rear lot lines which abut a Residential Zone.
  1. Evergreen landscaping anticipated to grow to more than six feet (6') in height shall be provided at distances sufficient to provide a visual and noise reducing barrier. Such landscaping shall consist of at least one tree for every twenty feet (20') of fencing.
  2. A minimum of one tree shall be provided for every five hundred (500) square feet of landscaped area.

Whereas Title 10 includes standards that mitigate impacts caused by incompatible land uses, and the proposal does not remove or modify any existing standards, staff finds the proposed amendment does not adversely affect properties adjacent to the T-M Zone.

4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.*

**Finding.** Whereas the proposed amendment does not impact public facilities or services, staff finds this standard is not applicable.

**RECOMMENDATION:**

Staff recommends the Planning Commission conduct a public hearing on the proposed amendment (or alternate amendment) and forward a positive recommendation to the City Council for further consideration and final decision.

**ATTACHMENT:**

- A. Manufacturing Zones
- B. PowerPoint

## **Attachment A**

### Manufacturing Zones

## CHAPTER 13

### MANUFACTURING ZONES

#### SECTION:

#### 10-13-1: Purpose

#### 10-13-2: Scope

#### 10-13-3: Definitions

#### 10-13-4: Uses Allowed

#### 10-13-5: Development Approval

#### 10-13-6: Development Standards

#### 10-13-7: Other Applicable Regulations

#### 10-13-1: PURPOSE:

A. T-M Zone: The purpose of the T-M Zone is to provide for and encourage the development of well-planned and designed technological and manufacturing parks characterized by uses such as research, development, office, data centers, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. These zones are to be located in proximity to adequate transportation facilities and infrastructure so that the needs of these users may be met in an efficient manner with consideration to adjoining uses, whether uses are existing or included in the General Plan.

B. M-1 Zone: The purpose of the M-1 Zone is to provide areas in the City for light industrial uses. (Ord. 2017-54, 12-13-2017)

#### 10-13-2: SCOPE:

The provisions of this chapter shall apply to real property located in a manufacturing zone as shown on the official zoning map. (Ord. 2017-54, 12-13-2017)

#### 10-13-3: DEFINITIONS:

Certain words and phrases in this chapter, including uses, are defined in chapter 3 of this title. (Ord. 2017-54, 12-13-2017)

#### 10-13-4: USES ALLOWED:

A. Permitted And Conditional Uses: Permitted and conditional uses allowed in manufacturing zones shall be as set forth on the table of uses in chapter 16 of this title. Permitted and conditional uses are indicated by "P" or "C", respectively. Uses not permitted are indicated by an empty box.

B. Accessory Uses: Permitted and conditional uses set forth in chapter 16 of this title on the table of uses shall be deemed to include accessory uses and activities customarily associated with and incidental and subordinate to a permitted or conditional use, subject to applicable provisions of this title, including section 10-29-5 of this title.

C. Prohibited Uses: Any use not shown on the table of uses shall be prohibited unless the Community Development Director determines the use is substantially the same as a permitted or conditional use as provided in section 10-5-10, "Permitted Uses", of this title.

D. Businesses And Uses; Conditions:



1. Metal buildings shall be prohibited.

2. Outdoor storage of materials, products and equipment in the T-M Zone shall be allowed only when incidental to an allowed use. Outside storage shall be screened by a minimum six foot (6') high decorative precast masonry wall consistent with fencing requirement set forth in chapter 21 of this title. (Ord. 2017-54, 12-13-2017)

#### **10-13-5: DEVELOPMENT APPROVAL:**

A. Generally: The use and development of land located in manufacturing zones shall be approved according to applicable administration and development review procedures set forth in chapter 5 of this title.

B. Site Plan Approval: Any development in manufacturing zones shall be subject to approval of a site plan as provided in section 10-5-12 of this title.

C. Conditional Use Approval: The conditional use permit procedure set forth in chapter 5 of this title shall be applied to industrial development over one acre in the M-1 Zone.

D. Ownership: All master planned development shall be under unified control at the time of application and shall be planned and developed as a whole to provide for full supervision and control of development, and to ensure conformance with these provisions and all conditions imposed upon development plans.

E. Master Plan Required For T-M Zone: All development in the T-M Zone shall require submission of a Master Plan for review by the Planning Commission.

1. The Master Plan review shall include, but not be limited to, architectural design and theme, building materials, building elevations, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors, and natural and manmade hazards. The conditional use permit procedure set forth in section 10-5-11 of this title shall be used to approve the Master Plan.

2. The Master Plan shall cover at least fifty (50) acres and shall establish where types of uses will be located and the compatibility of adjacent uses in the development. The Master Plan should create natural buffering through the location of compatible uses and should include the following elements:

- a. Building orientation, size, height, and type;
- b. A Land Use Plan that determines where technology, manufacturing, office, and commercial uses will be located;
- c. Identification of buffering, screening, or distance used to mitigate possible noncompatible uses;
- d. Parking areas, internal traffic patterns, and vehicle access to the site, including designated truck routes;
- e. Engineering issues, including grading, drainage, sewer, and other utilities; and
- f. Compatibility with uses on adjacent properties, whether uses are existing or included in the General Plan.

F. Zoning Conditions: Zoning conditions, as provided in subsection 10-5-8F of this title, may be placed on property at the time of zoning to restrict or prohibit uses or building heights that would not be compatible with adjoining uses, notwithstanding whether such uses are existing or future uses as shown in the General Plan.

G. Development Agreement: Development in the T-M Zone may require a development agreement to be reviewed and approved by the City Council. (Ord. 2017-54, 12-13-2017)

**10-13-6: DEVELOPMENT STANDARDS:**

A. Generally: The use and development of land located in manufacturing zones shall conform to the standards set forth in this section and in section 10-13-7, chart 10-13 of this chapter except as may be authorized by another provision of this title.

B. Design Criteria: All development, including accessory buildings, in the T-M Zone and all retail development in the M-1 Zone shall comply with the development standards set forth in section 10-12-6 of this title. The following additional requirements shall apply in the T-M Zone:

1. Development shall conform to the Master Plan approved pursuant to subsection 10-13-5E of this chapter and any applicable zoning conditions.

2. Metal buildings shall be prohibited. (Ord. 2017-54, 12-13-2017)

**10-13-7: OTHER APPLICABLE REGULATIONS:**

To the extent that use and development of land located in manufacturing zones includes any matter governed by other applicable regulations set forth in this title, such regulations shall apply in addition to the requirements of this chapter.

**CHART 10-13****MANUFACTURING ZONE DEVELOPMENT STANDARDS**

A. Minimum lot area and width:

| Zone | Lot Area | Lot Width |
|------|----------|-----------|
| T-M  | None     | None      |
| M-1  | None     | None      |

B. Minimum yard for all buildings:

| Zone | Front Yard                                                      | Side Yard                                                             | Rear Yard |
|------|-----------------------------------------------------------------|-----------------------------------------------------------------------|-----------|
| T-M  | Determined as part of Master Plan, but in no case less than 30' |                                                                       |           |
|      | None, except as follows:                                        |                                                                       |           |
| M-1  | None                                                            | Any commercial or industrial building or structure from a street: 20' | None      |

C. Maximum building height:

| Zone | All Buildings                     |
|------|-----------------------------------|
| T-M  | Determined as part of Master Plan |
| M-1  | None                              |

D. Lot coverage for all buildings:

| Zone | Maximum Coverage     |
|------|----------------------|
| T-M  | 70% of lot or parcel |
| M-1  | 80% of lot or parcel |

(Ord. 2017-54, 12-13-2017)

## **Attachment B**

### PowerPoint

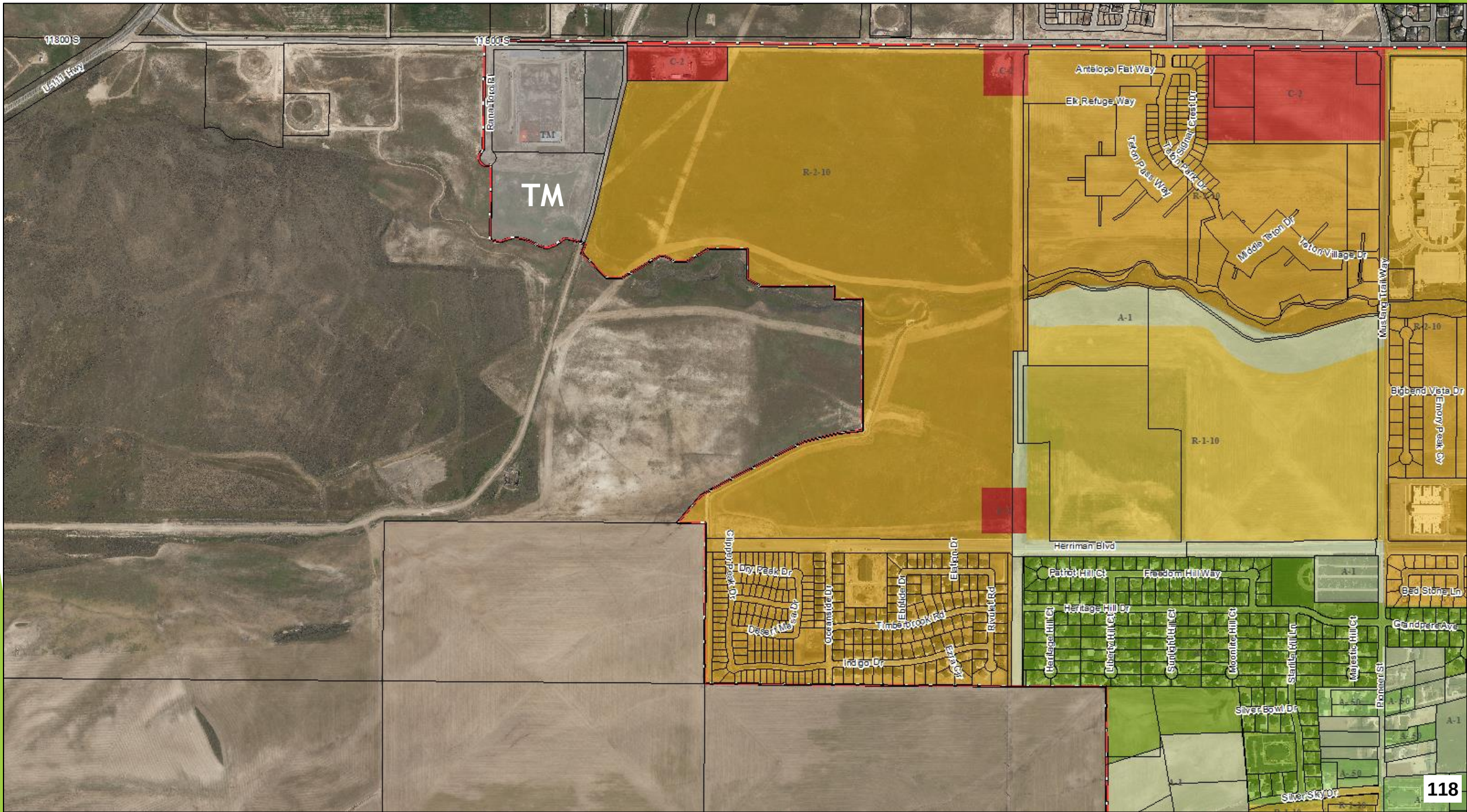
# Planning Commission Regular Meeting

Item 4.2 Public Hearing: T-M Technology Manufacturing Zone Amendment

June 3, 2021

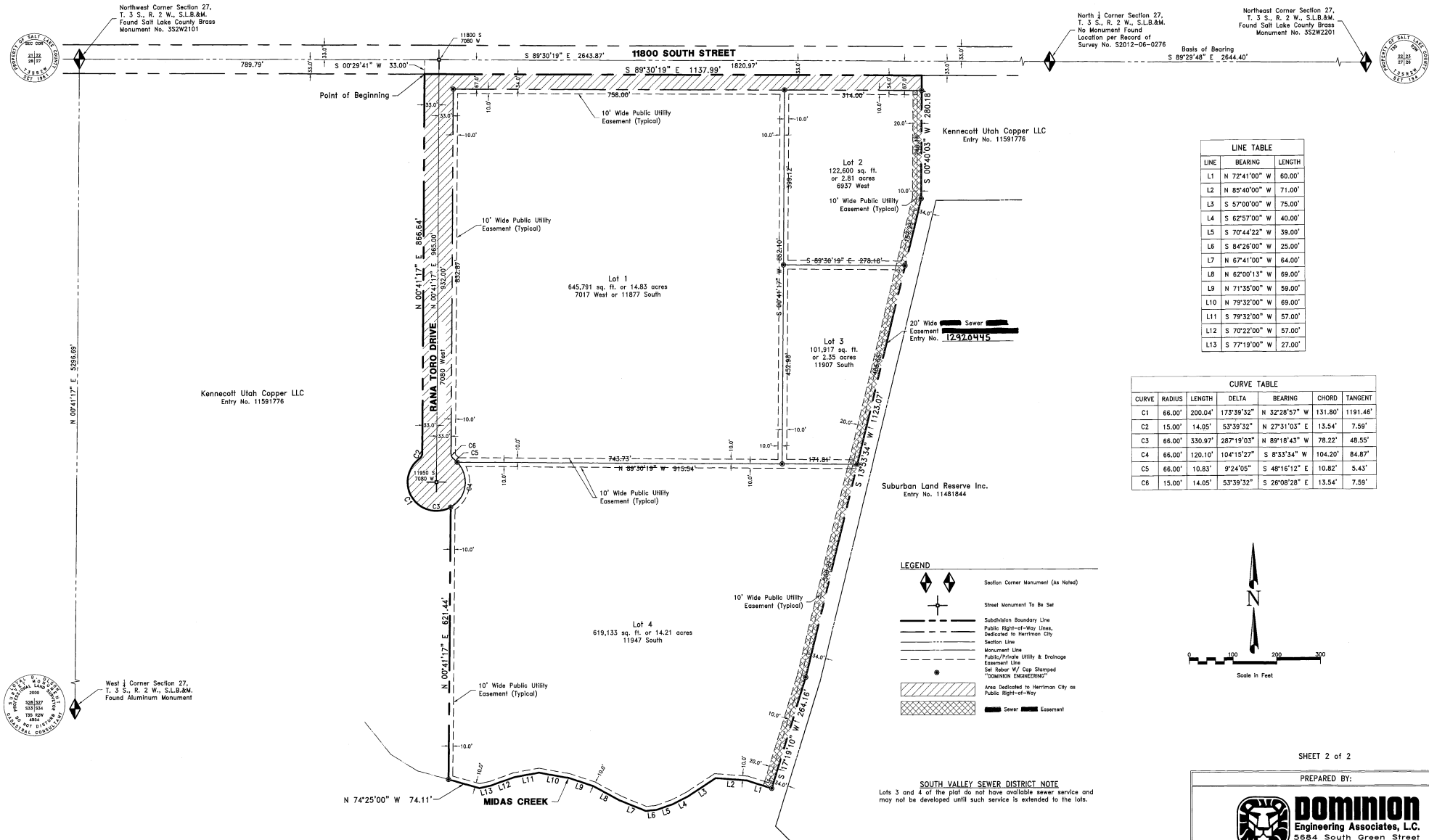








Located in Northwest Quarter of Section 27, Township 3 South, Range 2 West,  
Salt Lake Base and Meridian, Herriman City, Salt Lake County Utah



PREPARED BY:



**Dominion**  
Engineering Associates, L.C.  
5684 South Green Street  
Murray, Utah 84123 801-713-3000

SALT LAKE COUNTY RECORDER # 12921327

State of Utah, County of Salt Lake, recorded and filed at the request of \_\_\_\_\_

Date 01-18-2019 Time 2:29 PM Book 2019 P Page 026

\$ 64.00  
Fees

*[Signature]*  
Salt Lake County Recorder



7017

balfrog  
spas

# Proposed Amendment

## 10-13-5: DEVELOPMENT APPROVAL:

- A. Generally: The use and development of land located in manufacturing zones shall be approved according to applicable administration and development review procedures set forth in chapter 5 of this title.
- B. Site Plan Approval: Any development in manufacturing zones shall be subject to approval of a site plan as provided in section 10-5-12 of this title.
- C. Conditional Use Approval: The conditional use permit procedure set forth in chapter 5 of this title shall be applied to industrial development over one acre in the M-1 Zone.
- D. Ownership: All master planned development shall be under unified control at the time of application and shall be planned and developed as a whole to provide for full supervision and control of development, and to ensure conformance with these provisions and all conditions imposed upon development plans.
- E. Master Plan Required For T-M Zone: All development in the T-M Zone shall require submission of a Master Plan for review by the Planning Commission.
  - 1. The Master Plan review shall include, but not be limited to, architectural design and theme, building materials, building elevations, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors, and natural and manmade hazards. The conditional use permit procedure set forth in section 10-5-11 of this title shall be used to approve the Master Plan.
  - 2. The Master Plan shall ~~cover at least fifty (50) acres and shall~~ establish where types of uses will be located and the compatibility of adjacent uses in the development. The Master Plan should create natural buffering through the location of compatible uses and should include the following elements:



# Alternate Amendment

## 10-13-5: DEVELOPMENT APPROVAL:

~~E. Master Plan Required For T-M Zone: All development in the T-M Zone shall require submission of a Master Plan for review by the Planning Commission.~~

- ~~1. The Master Plan review shall include, but not be limited to, architectural design and theme, building materials, building elevations, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors, and natural and manmade hazards. The conditional use permit procedure set forth in section 10-5-11 of this title shall be used to approve the Master Plan.~~
- ~~2. The Master Plan shall cover at least fifty (50) acres and shall establish where types of uses will be located and the compatibility of adjacent uses in the development. The Master Plan should create natural buffering through the location of compatible uses and should include the following elements:~~
  - ~~a. Building orientation, size, height, and type;~~
  - ~~b. A Land Use Plan that determines where technology, manufacturing, office, and commercial uses will be located;~~
  - ~~c. Identification of buffering, screening, or distance used to mitigate possible noncompatible uses;~~
  - ~~d. Parking areas, internal traffic patterns, and vehicle access to the site, including designated truck routes;~~
  - ~~e. Engineering issues, including grading, drainage, sewer, and other utilities; and~~
  - ~~f. Compatibility with uses on adjacent properties, whether uses are existing or included in the General Plan.~~





## Staff Report

**DATE:** May 27, 2021  
**TO:** Planning Commission  
**FROM:** Clinton Spencer, AICP, Planning Manager  
**MEETING:** Planning Commission Meeting June 3, 2021  
**REQUEST:** Recommendation of Approval to Amend 10-8-1(E), 10-13 Manufacturing Zones and 10-16-1 Uses Pertaining to Uses and Establishment of the M-2 Zone.  
**Applicant:** Herriman City  
**File Number:** Z2021-051

---

**Summary**

Discussion of a draft Zoning ordinance proposed by the City pertaining to appropriate uses in the manufacturing zones with and including the establishment of the M-2 zone. (see Attachment A – Proposed Text Amendment).

**Notice**

On May 21, 2021 Staff posted notices in thirty-three (33) public locations in the City as required by State noticing provisions. (See Attachment C)

**Process**

Amending the text of Herriman City Code requires legislative action by the City Council. As per City Code, the Planning Commission must first hold a public hearing and then vote to recommend approval, denial, or modification of the proposal to the City Council. The City Council will then hold a public meeting to discuss the item and make the final decision.

**Discussion**

The City currently includes two (2) manufacturing zones, the M-1 and T-M zone which encompass two percent (2%) of the overall acreage of the City (337 Manufacturing Acres/ 13,809 Acres in City Boundary). Recently there has been interest from the City to designate areas of higher manufacturing intensities as some higher intensity uses have recently located adjacent to other uses which may not be compatible. The proposed ordinance creates the M-2 zone, and removes heavier, more impactful uses from the M-1 zone while adding those uses to the proposed M-2 zone. An

example of non-compatible uses next to each other would be allowing personal instruction services, such as a dance studio, next to a sexually oriented business. As the City continues to grow, additional uses will be desired and services requested in the area, and adding the M-2 zone will help accommodate those uses in an appropriate area.

The proposed amendment does not apply the M-2 zone to any property in the City, it only creates the opportunity for such zoning, or rezoning, to take place. All existing uses in the M-1 zone will be allowed to continue to operate as legally established, however, if a use category (Permitted, Conditional, Not Permitted) has changed with this proposal, those uses will be considered as legal non-conforming uses. Staff has researched and reviewed other city ordinances which have both an M-1 and M-2 zone to help determine which uses are appropriate in each zone. (See Attachment B)

### **Standards for Consideration**

As stated in City Code 10-5-8.E. Approval Standards, “A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6A of this chapter. In making an amendment, the following factors should be considered:”

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;

#### **GOALS:**

- **Provide support services to commercial areas.**
- **Employment center for assembly, distribution and logistics jobs to balance retail and service jobs.**
- **Balance the city’s economic base**
- **Lower intensity development with infrastructure to support industry and distribution**

***Staff Comment:** The proposal supports the above mentioned goals of the General Plan by increasing the types of zoning for new uses that have potentially high impacts that would not be in character with other uses. Further, many uses in the proposed M-2 zone could draw several job opportunities as well.*

*The current and future General Plan Land Use maps show the southeast area of the City to be utilized as an employment and light manufacturing area. The proposed M-2 zone supports uses for heavier uses with more potential impacts. If the zoning amendment were approved, a new application to rezone to the M-2 would also need to include a General Plan Land Uses amendment to show areas that the M-2 zone could be applied to.*

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

***Staff Comment:** The proposed changes to the M-1 zone attempt at reducing the potential conflicts that are caused by adjacent uses that are not compatible with each other. In addition to Staff’s edits, the Commission may at their discretion, suggest other measures which will help ensure compatibility of uses. If established, it is likely that the M-2 zone will be located in the southeast portion of Herriman adjacent to the future Mountain View Corridor and the*

M-1 zone.

3. The extent to which the proposed amendment may adversely affect adjacent property; and

**Staff Comment:** *The intent of the proposed ordinance amendment is to reduce the adverse effects of non-compatible uses. There is currently an application for a soil processing use which is vested under the M-1 zone. If this ordinance is approved as proposed, the use applied for would be considered legal non-conforming, but would be able to continue operating as the M-1 zone allows for today. There are restrictions to future expansions of the use as a non-complying use however.*

*One change in the proposed uses for each zone pertains to Sexually Oriented Businesses (SOB's). Currently they are permitted as conditional uses in the M-1 zone. The proposed ordinance removes that use from the M-1 zone and allows it in the proposed M-2 zone. Legal input is required to determine if this amendment is possible as SOB's have some legal protections based in State law.*

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

**Staff Comment:** *This provision speaks more to when property is actually rezoned. In this case this provision will be more adequately addressed when an actual application for rezoning to the proposed M-2 zone is made.*

### **Recommendation**

Whereas there is a need for the proposed text amendment, and the amendment as proposed is compliant with the General Plan, and Zoning Ordinance, Staff requests the Commission provide a positive recommendation of approval to the City Council of the proposed amendments to the Manufacturing zones and uses as proposed. If there are additional changes the Commission would like to make, please include those in a motion of approval as well.

### **Attachments**

- A. Proposed Text Amendments
- B. Proposed Use Table with City Comparisons
- C. Public Notice

# **Attachment A**

## Proposed Text Amendments

### **10-13-1: Purpose**

### **10-13-2: Scope**

### **10-13-3: Definitions**

### **10-13-4: Uses Allowed**

### **10-13-5: Development Approval**

### **10-13-6: Development Standards**

### **10-13-7: Other Applicable Regulations**

#### **10-13-1: PURPOSE:**

A. T-M Zone: The purpose of the T-M Zone is to provide for and encourage the development of well-planned and designed technological and manufacturing parks characterized by uses such as research, development, office, data centers, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. These zones are to be located in proximity to adequate transportation facilities and infrastructure so that the needs of these users may be met in an efficient manner with consideration to adjoining uses, whether uses are existing or included in the General Plan.

B. M-1 Zone: The purpose of the M-1 Zone is to provide areas in the City for light industrial uses. (Ord. 2017-54, 12-13-2017)

C. M-2 Zone: The purpose of the zone is intended to ensure that the City continues to encourage a broad mix of industry which requires large areas for the use and may have some noise or other byproducts but does not pose a threat to the environmental quality of the community.

#### **10-13-2: SCOPE:**

The provisions of this chapter shall apply to real property located in a manufacturing zone as shown on the official zoning map. (Ord. 2017-54, 12-13-2017)

#### **10-13-3: DEFINITIONS:**

Certain words and phrases in this chapter, including uses, are defined in chapter 3 of this title. (Ord. 2017-54, 12-13-2017)

#### **10-13-4: USES ALLOWED:**

A. Permitted And Conditional Uses: Permitted and conditional uses allowed in manufacturing zones shall be as set forth on the table of uses in chapter 16 of this title. Permitted and conditional uses are indicated by "P" or "C", respectively. Uses not permitted are indicated by an empty box.

B. Accessory Uses: Permitted and conditional uses set forth in chapter 16 of this title on the table of uses shall be deemed to include accessory uses and activities customarily associated with and incidental and subordinate to a permitted or conditional use, subject to applicable provisions of this title, including section [10-29-5](#) of this title.



C. Prohibited Uses: Any use not shown on the table of uses shall be prohibited unless the Community Development Director determines the use is substantially the same as a permitted or conditional use as provided in section [10-5-10](#), "Permitted Uses", of this title.

D. Businesses And Uses; Conditions:

1. Metal buildings shall be prohibited.
2. Outdoor storage of materials, products and equipment in the T-M Zone shall be allowed only when incidental to an allowed use.

3. [All](#) outside storage shall be screened by a minimum six foot (6') high decorative precast masonry wall consistent with fencing requirement set forth in chapter 21 of this title. (Ord. 2017-54, 12-13-2017)

#### **10-13-5: DEVELOPMENT APPROVAL:**

A. Generally: The use and development of land located in manufacturing zones shall be approved according to applicable administration and development review procedures set forth in chapter 5 of this title.

B. Site Plan Approval: Any development in manufacturing zones shall be subject to approval of a site plan as provided in section [10-5-12](#) of this title.

C. Conditional Use Approval: The conditional use permit procedure set forth in chapter 5 of this title shall be applied to industrial development over one acre in the M-1 [or M-2](#) Zone.

D. Ownership: All master planned development shall be under unified control at the time of application and shall be planned and developed as a whole to provide for full supervision and control of development, and to ensure conformance with these provisions and all conditions imposed upon development plans.

E. Master Plan Required For T-M Zone: All development in the T-M Zone shall require submission of a Master Plan for review by the Planning Commission.

1. The Master Plan review shall include, but not be limited to, architectural design and theme, building materials, building elevations, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors, and natural and manmade hazards. The conditional use permit procedure set forth in section [10-5-11](#) of this title shall be used to approve the Master Plan.

2. The Master Plan shall cover at least fifty (50) acres and shall establish where types of uses will be located and the compatibility of adjacent uses in the development. The Master Plan should create natural buffering through the location of compatible uses and should include the following elements:

- a. Building orientation, size, height, and type;
- b. A Land Use Plan that determines where technology, manufacturing, office, and commercial uses will be located;

- c. Identification of buffering, screening, or distance used to mitigate possible noncompatible uses;
- d. Parking areas, internal traffic patterns, and vehicle access to the site, including designated truck routes;
- e. Engineering issues, including grading, drainage, sewer, and other utilities; and
- f. Compatibility with uses on adjacent properties, whether uses are existing or included in the General Plan.

F. Zoning Conditions: Zoning conditions, as provided in subsection 10-5-8F of this title, may be placed on property at the time of zoning to restrict or prohibit uses or building heights that would not be compatible with adjoining uses, notwithstanding whether such uses are existing or future uses as shown in the General Plan.

G. Development Agreement: Development in the T-M Zone may require a development agreement to be reviewed and approved by the City Council. (Ord. 2017-54, 12-13-2017)

#### **10-13-6: DEVELOPMENT STANDARDS:**

A. Generally: The use and development of land located in manufacturing zones shall conform to the standards set forth in this section and in section [10-13-7](#), chart 10-13 of this chapter except as may be authorized by another provision of this title.

B. Design Criteria: All development, including accessory buildings, in the T-M Zone and all retail development in the M-1 Zone shall comply with the development standards set forth in section [10-12-6](#) of this title. The following additional requirements shall apply in the T-M Zone:

1. Development shall conform to the Master Plan approved pursuant to subsection 10-13-5E of this chapter and any applicable zoning conditions.
2. Metal buildings shall be prohibited. (Ord. 2017-54, 12-13-2017)

#### **10-13-7: OTHER APPLICABLE REGULATIONS:**

To the extent that use and development of land located in manufacturing zones includes any matter governed by other applicable regulations set forth in this title, such regulations shall apply in addition to the requirements of this chapter.

#### **CHART 10-13**

#### **MANUFACTURING ZONE DEVELOPMENT STANDARDS**

A. Minimum lot area and width:

| Zone                | Lot Area             | Lot Width            |
|---------------------|----------------------|----------------------|
| T-M                 | None                 | None                 |
| M-1                 | None                 | None                 |
| <a href="#">M-2</a> | <a href="#">None</a> | <a href="#">None</a> |

B. Minimum yard for all buildings:

| Zone       | Front Yard                                                      | Side Yard                                                                                                             | Rear Yard                                                  |
|------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| T-M        | Determined as part of Master Plan, but in no case less than 30' |                                                                                                                       |                                                            |
| M-1        | None                                                            | None, except as follows:<br><br>Any commercial or industrial building or structure from a street: 20'                 | None, <u>except 20' when adjacent to residential zone.</u> |
| <u>M-2</u> | <u>10 Feet</u>                                                  | <u>None, except as follows:</u><br><br><u>- Any commercial or industrial building or structure from a street: 20'</u> | <u>None, except 20' when adjacent to residential zone.</u> |

C. Maximum building height:

| Zone       | All Buildings                                                    |
|------------|------------------------------------------------------------------|
| T-M        | Determined as part of Master Plan                                |
| M-1        | <del>None</del> <u>50'</u>                                       |
| <u>M-2</u> | <u>None, except 50' when adjacent to non-manufacturing zone.</u> |

D. Lot coverage for all buildings:

| Zone       | Maximum Coverage            |
|------------|-----------------------------|
| T-M        | 70% of lot or parcel        |
| M-1        | 80% of lot or parcel        |
| <u>M-2</u> | <u>90% of lot or parcel</u> |

**10-8-1: ZONES ESTABLISHED:**

In order to accomplish the purposes of the Herriman General Plan and this title, the following zones, along with their accompanying zoning map designations, are hereby established as follows:

E. Manufacturing Zones:

T-M Technology Manufacturing Zone

M-1 [Light](#) Manufacturing Zone

[M-2 Manufacturing Zone](#)

**Attachment B**  
Proposed Use Table with City Comparisons



Proposed Uses in Manufacturing Zones

| Uses                                | Herriman |     |     | South Jordan |     | Bluffdale |     | Draper |     | Riverton |     |
|-------------------------------------|----------|-----|-----|--------------|-----|-----------|-----|--------|-----|----------|-----|
|                                     | M-1      | T-M | M-2 | M-1          | M-2 | M-1       | M-2 | M-1    | M-2 | M-1      | M-2 |
| Agricultural:                       |          |     |     |              |     |           |     |        |     |          |     |
| Agricultural business               | €        |     | C   |              |     |           |     | P      | P   | P        | P   |
| Agricultural processing             | €        |     | C   |              |     | C         | C   |        | P   |          |     |
| Agriculture                         | P        |     | P   |              |     | P         | P   |        |     | C        | C   |
| Cannabis production establishment   | €        |     | C   |              |     |           |     | P      | P   |          |     |
| Soil products                       | €        |     | C   |              |     |           |     |        |     |          | C   |
| Stable, public                      | €        |     | C   |              |     |           |     |        |     |          |     |
| Public and Civic:                   |          |     |     |              |     |           |     |        |     |          |     |
| Government service                  | €P       | C   | P   | P            | P   | P         | P   | P      | P   |          |     |
| Operations center                   | €P       | C   | P   |              |     |           |     |        |     |          |     |
| Resource recycling collection point | P        |     | P   |              |     |           |     | P      |     |          |     |
| Charter school                      | P        | P   |     |              |     |           |     | C      |     | P        | P   |
| School, vocational                  |          | C   |     | C            |     | P         |     | P      |     | P        | P   |
| Utility, major                      | C        | C   | C   | C            | C   | C         | C   | P      | P   |          |     |
| Utility substation                  | C        | C   | C   | C            | C   | C         | C   | P      | P   | C        | C   |
| Commercial:                         |          |     |     |              |     |           |     |        |     |          |     |
| Airport lounge                      | P        | P   | P   |              |     |           |     |        |     |          |     |
| Banquet catering                    | P        | P   |     |              |     |           |     |        |     | P        | P   |
| Bar establishment                   | P        | P   | P   |              |     |           |     |        |     |          |     |
| Beer wholesaler                     | P        | P   | P   |              |     |           |     |        |     |          |     |
| Brewery manufacturing               | P        | P   | P   |              |     |           |     |        |     |          |     |
| Hotel                               | P        | P   |     |              |     |           |     |        |     | P        | P   |
| Off premise beer retailer           | P        | P   | P   |              |     |           |     |        |     | C        | C   |
| Package agency                      | P        | P   | P   |              |     |           |     |        |     |          |     |
| Reception center                    | P        | P   |     | C            |     |           |     |        |     |          |     |
| Restaurant - beer only              | P        | P   | P   |              |     |           |     |        |     |          |     |
| Restaurant - full service           | P        | P   |     |              |     |           |     |        |     |          |     |
| State liquor store                  | C        |     | P   |              |     |           |     |        |     | C        | C   |
| Tavern                              | P        | P   | P   |              |     |           |     |        |     | C        | C   |
| Animal care service                 | P        |     | P   |              | C   |           |     | P      | P   | P        | P   |
| Bank or financial institution       | €P       | C   |     |              | P   |           |     |        |     | P        | P   |
| Business equipment rental and sales | P        | C   | P   | P            | P   |           |     | P      | P   | P        | P   |
| Car wash                            | €P       | C   | P   |              |     |           |     | P      | P   |          |     |
| Construction services and sales     | P        |     | P   |              |     |           |     | P      | P   | P        | P   |
| Convenience store                   | P        | C   | P   |              |     |           |     | P      | P   | P        | P   |
| Data center                         | P        | C   | C   |              |     | P         | P   |        |     |          |     |
| Fireworks stand                     | C        |     | C   |              |     |           |     |        |     |          |     |
| Food truck                          | P        | P   | P   |              |     |           |     |        |     | P        | P   |
| Garage, public                      | P        |     | P   |              |     |           |     |        |     |          |     |
| Gas and fuel, storage and sales     | C        |     | C   |              |     |           |     | P      | P   |          |     |
| Gasoline service station            | P        | C   | P   | C            | C   |           |     | P      | P   |          |     |
| Hotel/ motel                        | P        | C   |     |              |     |           |     |        |     | P        | P   |



# **Attachment C**

## Public Notice Information



**PUBLIC NOTICE**  
**Planning Commission Meeting**  
**June 3, 2021 – 7pm**

**NOTICE IS HEREBY GIVEN** that the Herriman Planning Commission shall assemble for a Public Hearing in the City Council Chambers, located at  
**5355 W HERRIMAN MAIN STREET, HERRIMAN, UTAH**

Application information is available at the Herriman City Hall Building at the above address.  
Protests may be mailed to the above address, or submitted to [planning@herriman.org](mailto:planning@herriman.org)

**The following applications will be reviewed by the Planning Commission:**

**Multi-Family Design Standards Amendments**

Request: Recommendation of Approval to Amend Title 10 Regarding Design Standards for Multi-Family Developments. (Public Hearing)

Applicant: Herriman City

File Number: Z2021-052

**T-M Zone Amendments:**

Request: Recommendation of Approval to Amend 10-13-5.E to Modify Minimum Master Plan Area Requirement. Provisions (Public Hearing)

Applicant: Herriman City

File Number: Z2021-055

**Manufacturing Zone Amendments**

Request: Recommendation of Approval to Amend 10-13 Manufacturing Zones Pertaining to Uses and Establishment of the M-2 Zone. (Public Hearing)

Applicant: Herriman City

File Number: Z2021-051

**Shipping Container Standards**

Request: Recommendation of Approval to Amend 10-29 Regarding Provisions for Use of Shipping Containers. (Public Hearing)

Applicant: Herriman City

File Number: Z2021-045



## Staff Memorandum

**DATE:** May 27, 2021  
**TO:** Planning Commission  
**FROM:** Michael Maloy, AICP, Planning Director  
**MEETING:** June 3, 2021, Regular Meeting  
**SUBJECT:** Z2021-045 Public Hearing of Draft Land Use Regulations of Shipping Containers

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**SUMMARY:**

In response to recent discussions with the City Council and Planning Commission, staff has prepared a draft amendment to City Code to regulate the reuse of metal shipping containers in Herriman (see Attachment A – Draft Amendment).

**DISCUSSION:**

City staff often receives inquiries from residents about the reuse of metal shipping containers as an accessory use. Shipping containers are structurally sound, waterproof, and often economical for reuse. Generally, shipping containers have been reused for storage, but more recently they have been reused for residential and commercial purposes.

Current regulations do not prohibit the reuse of metal shipping containers, but requires accessory structure to include building materials and colors that compatible with the principal building when visible from a street.

For Planning Commission public hearing and consideration, Planning staff has prepared a draft amendment of Title 10 Land Development Code. The attached draft does *not* allow conversion of a shipping container as an accessory dwelling unit, but does allow reuse for accessory storage or habitable space such as a detached home office, craft room, or “she shed”—among other permitted land uses (see Attachment B – PowerPoint).

**STANDARDS:**

As stated in City Code 10-5-8. E. Approval Standards, “A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6A of this chapter. In making an amendment, the following factors should be considered:”

1. *Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;*



2. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
3. *The extent to which the proposed amendment may adversely affect adjacent property; and*
4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

**RECOMMENDATION:**

Staff recommends the Planning Commission conduct a public hearing on the proposed amendment, and:

- Direct staff to conduct further research and refinement of the proposed amendment, or
- Forward a recommendation to the City Council for further consideration and final decision.

**ATTACHMENTS:**

- A. Draft Amendment
- B. PowerPoint

# **Attachment A**

## Draft Amendment

**Herriman City Code**  
**Title 10 Land Use Development**  
**Chapter 29 Supplementary and Qualifying Regulations**

**10-29-33 Reuse of Metal Shipping Container as Accessory Structure**

It is the intent of this section to limit, except as provided herein, the placement and use of any shipping container as an accessory building, storage building, or living unit on residentially zoned and other zoned land where residential uses are established. This limitation is to protect the public health, safety, and aesthetic quality of the city.

Placement and use of shipping containers shall be subject to the following limitations:

- A. Accessory Use. Metal shipping containers may be allowed as an accessory use for storage or living space but shall not be used as an accessory apartment or dwelling unit.
- B. Temporary Use. Except as otherwise provided, metal shipping containers shall be allowed in all zones as a temporary use during construction, grading operations, or agricultural operations when utilized solely to store supplies and equipment used for the construction, grading, or agricultural operations on that site.
- C. Commercial Site Plan Approval. In commercial and manufacturing zones, placement of metal shipping containers as an accessory use is permitted provided a site plan has been approved pursuant to other provisions of this title or the placement of metal shipping containers has been approved as part of an approved site plan or conditional use permit.
- D. Building Permit. An approved building permit shall be required for the placement and use of a metal shipping container.
- E. Placement Standards. Except as otherwise provided in this section, the placement of metal shipping containers shall be allowed in all zones as an accessory use subject to the following development standards:
  - 1. No more than one metal shipping container is allowed on lots less than two (2) acres.
  - 2. No more than two metal shipping containers are allowed on lots two acres or greater but less than five acres.
  - 3. No more than three metal shipping containers are allowed on lots five acres or greater but less than ten (10) acres.
  - 4. No more than five metal shipping containers are allowed on lots ten (10) acres or greater.
  - 5. The size of a metal shipping container shall not exceed forty (40) feet (length) by ten (10) feet (width) by ten (10) feet (height) and the storage area shall not exceed four hundred (400) square feet.
  - 6. No metal shipping container shall be placed on the top of another metal shipping container.
  - 7. A principal building, dwelling unit, or agricultural operation shall be located on the lot.
  - 8. Placement shall be to the rear of the principal building or dwelling unit on the rear half of the lot unless screened so as to not be visible from the street and finished in a manner which minimizes visibility from abutting properties.
  - 9. The minimum side and rear setback shall be governed by the designated zone and other provisions of this title.
  - 10. Metal shipping containers shall be rust-free and painted a neutral earth-tone color or a color consistent with the principal building or dwelling unit.
  - 11. Metal shipping containers shall not be located within an area that includes sensitive lands, natural hazards, or historical resources.
  - 12. Metal shipping containers shall be located on at least a three (3) inch deep layer of gravel contained by a border to facilitate drainage away from the structure. An alternate system may be approved by the Building Official.
  - 13. Metal shipping containers shall be secured from entry by children and the general public when not attended.

# **Attachment B**

PowerPoint

# Planning Commission Regular Meeting

Item 4.4 Public Hearing on Shipping Container Regulations

June 3, 2021



























# Draft Ordinance

- A. Accessory Use.** Metal shipping containers may be allowed as an accessory use for storage or living space but shall not be used as an accessory apartment or dwelling unit.
- B. Temporary Use.** Except as otherwise provided, metal shipping containers shall be allowed in all zones as a temporary use during construction, grading operations, or agricultural operations when utilized solely to store supplies and equipment used for the construction, grading, or agricultural operations on that site.
- C. Commercial Site Plan Approval.** In commercial and manufacturing zones, placement of metal shipping containers as an accessory use is permitted provided a site plan has been approved pursuant to other provisions of this title or the placement of metal shipping containers has been approved as part of an approved site plan or conditional use permit.
- D. Building Permit.** An approved building permit shall be required for the placement and use of a metal shipping container.

# Draft Ordinance, cont.

**E. Placement Standards.** Except as otherwise provided in this section, the placement of metal shipping containers shall be allowed in all zones as an accessory use subject to the following development standards:

1. No more than one metal shipping container is allowed on lots less than two (2) acres.
2. No more than two metal shipping containers are allowed on lots two acres or greater but less than five acres.
3. No more than three metal shipping containers are allowed on lots five acres or greater but less than ten (10) acres.
4. No more than five metal shipping containers are allowed on lots ten (10) acres or greater.
5. The size of a metal shipping container shall not exceed forty (40) feet (length) by ten (10) feet (width) by ten (10) feet (height) and the storage area shall not exceed four hundred (400) square feet.
6. No metal shipping container shall be placed on the top of another metal shipping container.
7. A principal building, dwelling unit, or agricultural operation shall be located on the lot.
8. Placement shall be to the rear of the principal building or dwelling unit on the rear half of the lot unless screened so as to not be visible from the street and finished in a manner which minimizes visibility from abutting properties.
9. The minimum side and rear setback shall be governed by the designated zone and other provisions of this title.
10. Metal shipping containers shall be rust free and painted a neutral earth-tone color or a color consistent with the principal building or dwelling unit.
11. Metal shipping containers shall not be located within an area that includes sensitive lands, natural hazards, or historical resources.
12. Metal shipping containers shall be located on at least a three (3) inch deep layer of gravel contained by a border to facilitate drainage away from structure. An alternate system may be approved by the Building Official.
13. Metal shipping containers shall be secured from entry by children and the general public when not attended.

# Options

- Should reuse of shipping containers—for all uses—be a permitted use?
- Should reuse of shipping containers as living space be a conditional use?
- Should reuse of shipping containers be included in the Land Use Table and restricted to specific zones?
- Should maximum size of shipping containers be reduced?
  - “Regular” containers are less than 9 feet tall, 8 feet wide, and often shorter than 40 feet in length
- Should reuse as living space (not storage) require additional exterior building materials to increase compatibility with residential design standards?