

PLANNING COMMISSION MINUTES

Wednesday, April 19, 2023
Approved July 5, 2023

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, April 19, 2023, at 6:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Commission, media, and interested citizens.

Presiding: Chair Andy Powell

<u>Commissioners Present:</u> Darryl Fenn, Heather Garcia, Brody Rypien, Jackson Ferguson, Adam Jacobson, Adam Jacobson, Andrea Bradford, Alternate Forest Sickles, Alternate Terrah Anderson, and Alternate Preston Oberg

<u>Staff Present:</u> Communications Specialist Destiny Skinner, Assistant City Manager Clint Spencer, Planner II Sheldon Howa, Assistant City Attorney Matt Brooks, Deputy Recorder Wendy Thorpe, Engineer Josh Petersen, and Planner I Laurin Hoadley

1. **6:00 PM - Work Meeting** (Fort Herriman Conference Room) Chair Andy Powell called the meeting to order at 6:02 p.m.

1.1. Review of City Council Decisions – Clint Spencer, Planning Manager

Planning Manager Spencer reported the Council approved the decision for the renaming of the Gamepoint development to Mountain View Plaza.

Commissioner Jacobson arrived at 6:06 p.m.

The City Council also approved the final NDA (non-disclosure agreement) for the project. The site plan for Mountain View Plaza was presented, highlighting the placement of buildings, the addition of a corner plaza, open plaza areas, and a drive-thru area with creative design elements. Concerns were raised about the functionality of the drive-thru area, particularly regarding the potential congestion and the need to



accommodate both drive-thru customers and other users such as daycare facilities. Overall, the project was well-received, with positive feedback given to the developers for incorporating suggestions and being easy to work with.

The discussion then shifted to office space, with the observation that many developers were currently avoiding it due to high vacancy rates in other cities. The proposed project did not include specific provisions for office space, but it was noted that medical offices, such as dental labs, are often included in developments.

1.2. Review of Agenda Items – Planning Staff

Planning Manager Spencer said the daycare had begun construction. The public hearing comments were mentioned.

1.3. Update to the Salt Lake County Butterfield Canyon Trail and Trailhead Project – Dustin Wiberg, Salt Lake County Parks & Recreation

Salt lake County Parks and Rec Dustin Wiberg discussed the update on the Butterfield Canyon Trailhead project in Salt Lake County. The project managers and design consultant presented the progress made on the trail construction.

Phase one of the project, which started the previous year, included the construction of 12 miles of multiuse trail, with an additional three miles planned for completion that summer. The trailhead area and parking were described, including asphalt paved parking, restroom facilities (initially vault toilets), and a maintenance building. The plan also accounted for future expansion, including a larger restroom facility with flushable toilets and additional parking areas.

The presentation covered the trail network, with connections to Yellow Fork Canyon and plans for equestrian use. Separation of use between mountain bikers and equestrians was prioritized, leading to the designation of separate parking areas for each group. The master plan included future phases with additional trails and smaller day use areas.

1.4. Discussion regarding the use of residential accessory structures for home occupations – Laurin Hoadley, Planner I

Planner I Hoadley briefly reviewed the main topics of discussion when last discussed at the August meeting. The Commissioners revisited the topic and explored various aspects of the issue. They examined what improvements and facilities were currently allowed in accessory structures and what would be needed to make them habitable spaces. The question of whether to allow detached accessory dwelling units (ADUs) first and then permit home occupations within them, or vice versa, was also raised.



The Commissioners reviewed the regulations of neighboring cities and discovered that their restrictions varied. Most cities allowed homeowners to construct structures in their backyards as long as they met certain criteria. Planner Hoadley shared a partial list of common uses and prohibited activities in home accessory structures, indicating what was acceptable and what was not, such as cosmetic services, offices, artists, and consulting services being generally permitted, while cremation services and medical practices were not allowed.

There was a discussion about the distinction between fabrication shops and artists, with the former involving activities like welding and the latter focusing on painting and crafting. The Commissioners also debated the need for restrooms in accessory structures and whether compliance with health code regulations should be the standard. The topic of detached ADUs came up, with considerations about the square footage requirements and which zones they should be allowed in.

The Commissioners expressed varying opinions about allowing ADUs and home occupations. Some felt that different regulations should be established for each, while others supported the idea of both being permitted. Concerns were raised about potential abuse of the system and the compatibility of short-term rentals with ADUs. The meeting concluded with the acknowledgement that ADUs and home occupations were already occurring in the city, albeit unofficially, and there was a need to establish a process for tracking and regulating them. Overall, the meeting involved a detailed exploration of the current regulations and potential modifications to accommodate residential accessory structures for home occupations, emphasizing the need for further examination and defining specific guidelines.

2. Adjournment

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

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

Chair Andy Powell called the meeting to order at 7:02 p.m.

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

Deputy Recorder Thorpe led the audience in the Pledge of Allegiance

3.2. Roll Call

Full Quorum Present.

3.3. Conflicts of Interest

No conflicts were reported.

3.4. Approval of Minutes for the February 15, 2023 Planning Commission Meeting

Commissioner Garcia motioned to approve the Minutes for the February 15, 2023 Planning Commission meeting; Commissioner Jacobson seconded and all voted aye.

4. Administrative Items

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

4.1 Consideration of preliminary plat approval for the Ramirez Subdivision containing one (1) residential lot located generally at 14820 S Majestic Oak Lane in the FR-1 Forestry Recreation Zone (Public Hearing)

Applicant: Jose Ramirez (property owner)

Acres: ±5.01

File No: S2022-067

Chair Powell reviewed the public hearing guidelines.

Planner II Howa presented the subdivision proposal for a property located on the west end of the city. The Commission had previous concerns about access to the southern property to prevent it from becoming landlocked. The proposed subdivision was for one lot on approximately five acres of land. The Commission reviewed two conceptual road options submitted by the applicant for access, one across an easement and another across a potential road. Engineering had reviewed the proposal and found it met their standards, although substantial retaining walls would be required for the first option. The staff recommended approval of the subdivision.

Applicant Ramirez had nothing to add.

Chair Powell opened the public hearing.

<u>Brent Wilson</u> expressed concern with which road would be used for access. He stated the condition of the County road was not adequate to allow for construction and access to an additional property. They had weeks with no garbage pickup, due to the County not plowing the snow. He said they were promised the road would dead end and be gated. He thought access to the new property should be through The Cove.

<u>Sue Scallion</u> said the County told her no one else could use that road for access and she thought the new property should be accessed through Majestic Oaks Lane. The County would not pave the road until utilities were in place and she asked if the new resident would pay for that to happen. She was interested in a timeline and how to get more information.



Commissioner Garcia motioned to close the public hearing, Commissioner Ferguson seconded, and all voted aye.

Applicant Jose Ramirez clarified access to his property had been approved by County Engineers, which had been provided to him by email. He added the Salt Lake County road was a public right of way. It was his impression the County expressed an interest in paving the road, but they did not proceed due to opposition from the neighbors. The County informed him further subdivision would be a more involved process. He was told he could construct one house if fire authority requirements were met.

The Commission discussed the future improvement possibilities and the possibility of assessments for Herriman residents using the county road. It was clarified that Herriman City could not impose any conditions for road improvements on a County road, but the applicant would need to comply with any County standards set for accessing the property. Commissioners clarified that the access would be from the Salt Lake County Road and not through Majestic Oaks Lane.

Commissioner Jacobson moved to approve item 4.1 Consideration of preliminary plat approval for the Ramirez Subdivision containing one (1) residential lot located generally at 14820 S Majestic Oak Lane in the FR-1 Forestry Recreation Zone with staff recommendations and an additional requirement of official documentation from the County allowing access, and use plans for Majestic Oak Lane:

- 1. Compliance with current Herriman City standards and ordinances.
- 2. Receive and agree to the recommendations from other City departments.
- 3. Provide official documentation from the County allowing access from Majestic Oak Lane.
- 4. Comply with Salt Lake County requirements for access off of Majestic Oaks Lane.
- 5. Hard surface road is required as per IFC D102.1 for driveway access to the dwelling. A code modification request can be made to provide fire sprinklers in lieu of paving.
- 6. As per the Uniform Fire Authority, all dwellings shall have fire sprinklers if the public right-of-way that is used to access the dwelling is unpaved.
- 7. Existing access easement to the adjacent southern property is to remain. Commissioner Garcia seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn Yes
Commissioner Jackson Ferguson Yes
Commissioner Heather Garcia Yes
Commissioner Brody Rypien Yes
Commissioner Adam Jacobson Yes
Commissioner Andrea Bradford Yes

Alternate Commissioner Forest Sickles Not Voting
Alternate Preston Oberg Not Voting



Alternate Terrah Anderson

Not Voting

The motion passed unanimously.

4.2 Consideration of a Conditional Use Amendment request to modify the approved site plan and building elevations for the Serendipity Preschool being constructed at W Herriman Main Street in the MU-2 Mixed Use Zone

Applicant: David George (authorized agent)

Acres: ±0.83

File No: C2023-019

Planner II Howa presented the request, which pertained to a site plan for the Serendipity daycare in the Herriman Towne Center (HTC). The original proposal included a 7,900 square foot building with 24 parking stalls, but the applicant requested expansion of the building to accommodate more students for the preschool. The proposed expansion involved adding a 2,500 square foot addition attached to the east side of the existing building, providing classroom space for the preschool and additional storage. To meet the parking requirement, the applicant increased the number of parking stalls to 27.

The design standards from the initial building were maintained, requiring approval from HTC, which was obtained. The expansion aimed to maintain the same finishes and design standards. The proposal complied with the conditional use standards and the HTC design standards. Concerning parking, the overall footprint increased, leading to an increase in the number of parking stalls. The parking calculation was based on the classroom space used by the children. A condition was imposed to ensure that any converted space would require additional parking.

The site circulation for student pickup and drop-off remained the same as in the original proposal. One concern raised was the proposed gate access to the cul-de-sac behind the daycare. The applicant submitted new site plans to provide pedestrian access and address the concern. Minor corrections were made to the landscaping, including additional shrubs and coverage.

The staff recommended approval for the amendment to the site plan, with certain conditions. During the discussion, questions were raised regarding the previous adjacent area, which was initially planned as a commercial pad. The elevations presented did not show the new addition, and it was clarified that the correct elevations were in the full plan set.

Commissioner Rypien moved to approve item 4.2 Conditional Use for the Kiddie Academy site plan located generally at 12043 Carlsbad Way in the C-2 Commercial Zone with the following conditions:

- 1. Receive and agree to all remaining corrections from City departments.
- 2. Meet all landscaping requirements, including:
 - a. Fifty percent (50%) coverage in all landscaped areas



- b. Add two (2) shrubs to the parking lot landscape diamond per City Code.
- 3. Provide on-site bicycle parking.
- 4. The storage space shall not be converted or used for childcare functions or services unless additional parking can be provided.
- 5. Work with staff to ensure a safe pedestrian route to the building if access from the adjacent cul-desac is needed.
- 6. No signs are approved with this request.
- 7. Satisfy all Planning Commission conditions of approval required for Conditional Use Permit No C2022-064:
 - a. Work with the Engineering Department to finalize approval of the stormwater detention system.
 - b. Minor corrections to the culinary water system, including the addition of concrete saddles over pipe crossings and a service tap detail.
 - c. Provide dumpster elevations.
 - d. Provide waivers for the vacation of the public utility easement where the dumpster is located. If the applicant is unable to receive waivers, the applicant shall provide plans to the City to relocate the dumpster as per City Code.
 - e. Acquire an approval letter from the Herriman Town Center Architectural Review Committee for the proposed building elevations.

Commissioner Fenn seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn Yes
Commissioner Jackson Ferguson Yes
Commissioner Heather Garcia Yes
Commissioner Brody Rypien Yes
Commissioner Adam Jacobson Yes
Commissioner Andrea Bradford Yes

Alternate Commissioner Forest Sickles Not Voting
Alternate Preston Oberg Not Voting
Alternate Terrah Anderson Not Voting

The motion passed unanimously.

5. Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.



5.1 Discussion and consideration of a recommendation to adopt the 2022 West Traverse Mountain Compatibility Area Study for Camp W.G. Williams in Bluffdale, Utah, as an element of the Herriman City General Plan to implement requirements of Utah Code Section 10-9a-537, which mandates municipalities adopt a compatible use plan and notify the military of any land use application within 5,000 feet of military land to determine compatibility with military operations on military land (Public Hearing)

Applicant: Herriman City

File No: G2023-037

Planning Manager Spencer presented item 5.1, which involved the West Traverse Mountain Plan, specifically the compatibility area study for Camp Williams. He highlighted the recent change in state code that required municipalities within 5,000 feet of a military installation to work with that installation on compatibility. The study aimed to identify, reduce, and prevent encroachment on Camp Williams while strengthening relationships between municipalities and the camp. Various maps were shown, illustrating the buffer zone, the uses of Camp Williams, and the areas where the camp wished to acquire easements or property for preservation purposes. The Commission discussed the implications for future developments within the buffer zone and the need for implementing policies outlined in the study. The study had short-term recommendations for Herriman, with ongoing and priority-based actions. The establishment of a Camp Williams advisory member on the Planning Commission was proposed.

Chair Powell opened the Public Hearing.

No comments were offered.

Commissioner Garcia motioned to close the public hearing. Commissioner Ferguson seconded and all voted aye.

Commissioner Jacobson moved to recommend approval to City Council of item 5.1 Discussion and consideration of a recommendation to adopt the 2022 West Traverse Mountain Compatibility Area Study for Camp W.G. Williams in Bluffdale, Utah, as an element of the Herriman City General Plan to implement requirements of Utah Code Section 10-9a-537, which mandates municipalities adopt a compatible use plan and notify the military of any land use application within 5,000 feet of military land to determine compatibility with military operations on military land (Public Hearing)

Commissioner Rypien seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn Yes
Commissioner Jackson Ferguson Yes
Commissioner Heather Garcia Yes
Commissioner Brody Rypien Yes
Commissioner Adam Jacobson Yes



Commissioner Andrea Bradford Yes

Alternate Commissioner Forest Sickles Not Voting
Alternate Commissioner Terrah Anderson Not Voting
Alternate Commissioner Preston Oberg Not Voting

The motion passed unanimously.

5.2 Discussion and consideration of a request to amend the Official Herriman City Zoning Map for ±545 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway in the FR-2.5 Forestry Recreation Zone to apply the Large Project Master Planned Community Zone for the development of a residential planned community known as Laguna. (Public Hearing)

Applicant: John Lindsley (authorized agent)

Acres: ±545

File No: M2022-049

Planning Manager Spencer reported items 5.2 and 5.3 would be presented simultaneously, but each item required its own public hearing and motion. He informed the Commission the items focused on two proposals regarding the Laguna Malibu property known as The Preserve. The proposal aimed to rezone the property to the Large Master Plan Community (LMPC) Zone, allowing for a maximum of 1,300 housing units on approximately 815 acres of land. The presentation addressed various aspects of the proposal, including design guidelines, architectural requirements, landscape design, and amenities such as parks and trail connections.

The commission analyzed four key considerations: consistency with the general plan, harmony with existing development, adverse effects on adjacent property, and adequacy of facilities and services. They found that the proposal did not comply with the current general plan, which allowed for a lower density of 0.4 units per acre. The increase in density and the impact on the hillside overlay zone were also discussed, with concerns about the preservation of natural beauty and the compatibility with Camp Williams. Additionally, the Commission noted the potential financial burden on the city to provide necessary services to the proposed development. Questions arose regarding the impact of the Camp Williams issue on the decision, but it was clarified that the future adoption of a general plan accommodating Camp Williams should not be considered in the decision-making process. The applicant was given an opportunity to provide additional information, emphasizing the extensive planning and analysis they had conducted.

Chair Powell opened the public hearing.

<u>Paul Butler</u> He agreed with the staff recommendations for denial and added the applicant had not addressed the adverse effects on existing properties such as dust from the construction area for many years. The existing roads would be damaged by the construction vehicles. The area had very few flat areas, contained mostly hills, gullies, and exposed rock. Blasting the rock to create buildable areas would greatly



impact the existing neighborhoods. Increased traffic in the area would have long-lasting effects. He heartily endorsed a recommendation for denial of both items 5.2. and 5.3.

<u>Connor Buxton</u> Stated this was an irresponsible development. There were not enough north/south and east/west corridors to handle current traffic. He also thought developers were only concerned with profits. Infrastructure would not be provided by the applicant.

The following comments were received online:

<u>Marelle Brewer</u> - I strongly disapprove of the additional home construction for the Laguna and Malibu communities. I think it will increase traffic in an area that currently only has a crosswalk for children. A light would be necessitated out of Graystone on the west end at least, and from an emergency preparedness perspective, the more homes you build up here, the greater the fire danger and the greater the casualties if mass evacuation were ever required. There is not enough structure in place to get everyone out easily or quickly. This also goes along with water needs. Water towers would need to be built to supply this many more homes and we've been told it's already a struggle. I'm a CERT member and community volunteer for emergency preparedness and I see adding more homes up here as a recipe for disaster. Thank you for your time.

<u>Shanda Sleater</u> - My comment and request is that these (Laguna & Malibu) developments only be approved if they are for single family homes and lots, not more townhomes, apartments or similar.

<u>Yancy Turner</u> I apologize in advance, As i'm sure you have already received a ton of emails about this. The new community that has been proposed and is being discussed at the planning commission tonight needs to be stopped. Our once beautiful, amazing little city has become a pile of trash. Living in Herriman used to be a dream, that has now turned in to a nightmare. We do not have the infrastructure to support 815 acres of stuff. Traffic out of town this morning should be more than enough proof. We don't have the roads, schools, first responder resources... just to name a few. I would love to know whose pockets are being lined When decisions like this are being made. NOBODY in their right mind, would approve this without a healthy check being deposited in their bank account.

<u>Kristin Duvall</u> - Please please do not build anymore! Our beautiful hills covered with more houses! When we moved to Herriman 6 months ago. It felt a little bit more like country is been nonstop Building since! The traffic is absolutely terrible!

<u>Tabitha Robertson</u> - This is in regard to the agenda items 5.2 and 5.3. As a resident of Herriman, I have to ask the Planning Commission and the City Council to please take another look at our general plan and STOP with the HDH projects, the LMPCs and the re-zoning of forestry land to residential. There are so many housing units in Herriman and we simply do NOT have the infrastructure to withstand and support them.



Look at what happened today when one of our main artery roads was shut down, an added stress to community members that already live here, added 15 minutes to my commute alone. What happens when there are MORE residents? What happens when we add the ridiculous number of people who will live in Olympia Hills to our roads? Or the new residents of the addition to West Daybreak? Where are all of these people going to go?!!! If you, as a planning commission, insist that the land be developed, please make it commercial and give us some relief on our tax bills, which I might add, are ridiculous. No more housing units until we have more infrastructure. And no more housing units until we have more commercial! Start thinking of your residents that you already have living here.

Jason Bachelor - Before any further rezoning of land from forestry to ANY other zone, Herriman must be able to show a timeline for infrastructure completion prior to ground breaking of any residential or commercial project. This shall include road construction, school construction, plumbing, environmental impact, water use impact, etc. All support construction to include schools must be complete PRIOR to development ground breaking. Stop with the \$\$\$ chasing. When we purchased here two years ago we didn't realize how far behind the city planners were with respect to support infrastructure. This is a major near and far term problem for our city.

<u>Astrid Arias</u> - Today, it took me 45 minutes to go to work. I work in Daybreak. It usually takes me 6 minutes but today it took me 45. I don't think adding another master community is a good idea until you solve the traffic situation for your existing residents.

<u>Brandon Dettmers</u> - Herriman does not have resources that support this zone change and mass housing. Let's not put the carriage ahead of the horse. Schools are already past capacity and traffic on supporting streets is terrible. Let's not get in to more water shortages and power issues. Adding more housing will dramatically increase these issues.

<u>Drea Dettmers</u> - This master planned community would create more of a strain on Herriman resources and financially to maintain the roads and serives to go up to so many proposed property. There is no land there owned by the south Jordan school district for new schools. There is over crowding of the schools nearby. As a resident of juniper bend I'm personally against the rezoning.

Commissioner Garcia motioned to close the public hearing. Commissioner Jacobson seconded and all voted aye.

Commissioner Jacobson moved to recommend denial to City Council, due to the staff's recommendations but also highlighting that it goes against the General Plan, of item 5.2 Discussion and consideration of a request to amend the Official Herriman City Zoning Map for ±545 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway in the FR-2.5 Forestry Recreation Zone to apply



the Large Project Master Planned Community Zone for the development of a residential planned community known as Laguna,

Commissioner Garcia seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn Yes
Commissioner Jackson Ferguson Yes
Commissioner Heather Garcia Yes
Commissioner Brody Rypien No
Commissioner Adam Jacobson Yes
Commissioner Andrea Bradford Yes

Alternate Commissioner Forest Sickles Not Voting
Alternate Commissioner Terrah Anderson Not Voting
Alternate Commissioner Preston Oberg Not Voting

The motion passed with a vote of 5 to 1..

5.3 Discussion and consideration of a request to amend the Official Herriman City Zoning Map for ±270 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway in the FR-2.5 Forestry Recreation Zone to apply the Large Project Master Planned Community Zone for the development of a residential planned community known as Malibu. (Public Hearing)

Applicant: John Lindsley (authorized agent)

Acres: ±270

File No: M2022-050

This item and the previous item were presented together.

Chair Powell opened the public hearing.

Paul Butler stated for the record that the comment he made for item 5.2 also applied to item 5.3.

Connor Buxton reiterated his previous comment.

Commissioner Garcia motioned to close the public hearing. Commissioner Fenn seconded and all voted aye.

Commissioner Jacobson moved to recommend denial to City Council, highlighting that it is contrary to the General Plan, of item 5.3 Discussion and consideration of a request to amend the Official Herriman City Zoning Map for ±270 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway in the FR-2.5 Forestry Recreation Zone to apply the Large Project Master Planned Community Zone for the development of a residential planned community known as Malibu. Commissioner Garcia seconded the motion.



5355 W. Herriman Main St. • Herriman, Utah 84096

Herriman City

The vote was recorded as follows:

Commissioner Darryl Fenn Yes Commissioner Jackson Ferguson Yes Commissioner Heather Garcia Yes Commissioner Brody Rypien Yes Commissioner Adam Jacobson Yes Commissioner Andrea Bradford Yes

Alternate Commissioner Forest Sickles Not Voting Alternate Commissioner Terrah Anderson Not Voting Alternate Commissioner Preston Oberg Not Present

The motion passed unanimously.

6. Chair and Commission Comments

Chair Powell requested that comments be provided to the applicant prior to future meetings to allow them the opportunity to respond.

7. Future Meetings

Wednesday, April 26, 2023 - City Council Meeting Wednesday, May 3, 2023 - Planning Commission Meeting Wednesday, May 10, 2023 - City Council Meeting

Wendy Thorpe

8. Adjournment

Commissioner Garcia moved to adjourn the meeting at 9:19 p.m. Commissioner Jacobson seconded and all voted aye.

I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on April 19, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.

Wendy Thorpe, CMC

Deputy City Recorder

