



## PLANNING COMMISSION MINUTES

DRAFT

Wednesday, January 4, 2023

Pending Formal Approval

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, January 4, 2023, at 6:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Commission, media, and interested citizens.

**Presiding:** Chair Andy Powell

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

**Commissioners Excused:** Adam Jacobson

**Staff Present:** Communications Specialist Mitch Davis, Planning Manager Clint Spencer, Planner II Sheldon Howa, City Attorney Todd Sheeran, Assistant City Attorney Matt Brooks, Deputy Recorder Wendy Thorpe, Staff Engineer III Josh Petersen, HPD Deputy Chief Cody Stromberg.

1. **6:00 PM - Work Meeting** (Fort Herriman Conference Room)  
Vice Chair Andy Powell called the meeting to order at 6:01 p.m.

**1.1. Election of Planning Commission Chair and Vice Chair**

Commissioner Rypien moved to nominate Commissioner Andy Powell as Chair of the Planning Commission. Commissioner Ferguson seconded the motion, and all voted aye.

Commissioner Sickles moved to nominate Commissioner Jackson Ferguson as Vice Chair of the Planning Commission. Commissioner Fenn seconded the motion, and all voted aye.

Chair Powell introduced new Alternate Commissioners Preston Oberg and Terrah Anderson and they offered brief introductions.

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

Per City Planner Maloy reported no Council meetings have taken place since the last Commission meeting.

### 1.3. Review of Agenda Items – Planning Staff

Staff had no additions to the packet. Commissioner Sickles asked if regulations restricted the number of group homes allowed in an area. Per City Attorney Sheeran, there were no federal or state requirements that limited the number of group homes. Regulations were in place to ensure adequate square footage living and bathroom requirements for residents. Some cities had distance regulations but were in the process of removing them due to enforceability and discrimination issues. Herriman City code treated all group living arrangements the same, which limited the potential for discrimination lawsuits. Research has shown group living treatment situations provide better recovery rates.

Commissioner Fenn reported he had a conflict of interest for item 4.1. It was recommended that he should declare the conflict at the beginning of the meeting, then recuse himself, leave the dais and not participate in the discussion or vote on that item.

**1.4. Land use training on making legal conditions of approval – Todd Sheeran, City Attorney**  
City Attorney Sheeran presented land use training regarding proper conditions of approval.

## 2. Adjournment

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

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

Chair Andy Powell called the meeting to order at 7:05 p.m.

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

Julie Smith led the audience in the Pledge of Allegiance

### 3.2. Roll Call

Full Quorum Present.

### 3.3. Conflicts of Interest

Commissioner Fenn reported he had a conflict of interest with item 4.1. and stated he would recuse himself and leave the room during the discussion and vote for that item.

### 3.4. Approval of Minutes for the December 1, 2022 Planning Commission Meeting

Commissioner Garcia moved to approve the Minutes for the December 1, 2022 Planning Commission Meetings, Commissioner Sickles 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 a Conditional Use Permit for the Salt Lake Community College Institute Building and Site located at 3824 W Real Vista Dr in the MU-2 (Mixed Use) Zone**  
**Applicant: Mike Davey (authorized agent)**  
**Acres: ±2.05**  
**File Number: C2022-177**

Chair Powell introduced the item and Commissioner Fenn excused himself and left the Council Chamber.

Planning Manager Spencer reviewed the request for the SLCC Institute Conditional Use item. He identified the location of the project, vicinity map, and access from Real Vista Drive. Modern architecture with stone veneer and aluminum cladding was proposed with 121 parking stalls, which exceeded the City requirements. Pedestrian access was located on all sides of the building. The applicant requested a waiver of strict compliance to reduce tree placement on parking islands with lights. Planning Manager Spencer reviewed the findings required to approve the waiver of strict compliance. Commissioner Ferguson asked if the landscaping plan was similar to other campus locations.

Applicant Representative Mike Davey, with BHD Architects representing the Church of Jesus Christ of Latter-Day Saints, explained the waiver had been requested for the two parking islands to prevent the trees from blocking the pole light. They offered to place shrubs on those parking islands and have added extra trees to other areas in the parking area to compensate. The parking would be regulated by permit and they were providing more parking than required. They would make sure the parking areas were compatible with other campus areas and agreed to work with staff to comply with all requirements. Applicant Representative Davey added parking lights were planned around the perimeter of the area and on the two interior parking islands. Per Planning Manager Spencer, the City required one tree and two shrubs per parking island. Commissioners discussed lighting and tree placement options.

*Commissioner Ferguson moved to approve item 4.1 Consideration of a Conditional Use Permit for the Salt Lake Community College Institute Building and Site located at 3824 W Real Vista Dr in the MU-2 zone with the following requirements and with a change to requirement 2c to remove the waiver of strict compliance option:*

1. Receive and agree to all remaining corrections from City departments
2. Meet all landscaping requirements, including:
  - a. Fifty (50%) percent coverage in all landscaped areas
  - b. Planting schedule that specifies quantities and sizes of all landscape materials and plants
  - c. Planting trees as per City Code in all parking lot islands ~~or obtaining Planning Commission approval of a waiver of strict compliance for tree plantings.~~
3. No signs are approved with this request.

Commissioner Garcia seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn	Recused
Commissioner Jackson Ferguson	Yes
Commissioner Heather Garcia	Yes
Alternate Commissioner Forest Sickles	Yes
Commissioner Brody Rypien	Yes
Commissioner Andrea Bradford	Yes
Alternate Preston Oberg	Not Voting
Alternate Terrah Anderson	Not Voting
Commissioner Adam Jacobson	Absent

The motion passed unanimously.

## 5. Legislative Items

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

**5.1 Consideration and Recommendation to Amend the Herriman City Official Zoning Map for Property Located at 12400 South Mtn View Corridor from ±8.23 Acres of A-1-43 Agricultural Zone to AMSD (Auto Mall Zone (Public Hearing))**  
**Applicant: Herriman 73 Partners LLC (owners)**  
**File No: Z2022-175**

Commissioner Fenn rejoined the meeting.

Chair Powell reviewed the public hearing guidelines.

Planning Manager Spencer presented the request for the rezone. The property owner recently acquired the subject property and requested Herriman rezone it from A-1-43 (Agricultural) to AMSD (Auto Mall Special District). The property is within the Auto Mall Master Development Agreement area.

Applicant Representative Julie Smith stated they had to complete the purchase of the parcel from UDOT before they could request the rezone.

Chair Powell opened the public hearing.

There were no comments offered.

Chair Powell closed the public hearing.

*Commissioner Garcia moved to recommend approval to the City Council of item 5.1 Consideration and Recommendation to Amend the Herriman City Official Zoning Map for Property Located at 12400 South Mtn View Corridor from ±8.23 Acres of A-1-43 Agricultural Zone to AMSD. Commissioner Rypien seconded the motion.*

*The vote was recorded as follows:*

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

*The motion passed unanimously.*

**5.2 Consideration of proposed amendments to Chapters 10-3, 10-6, and 10-25 of the Land Development Code and enacting Title 11 to define and regulate “Group Living Arrangements”**

**and “Residential Treatment Facilities: and related terms and land uses in Herriman City Code. (Public Hearing)**

**Applicant: Herriman City**

**File No: Z2022-172**

City Attorney Todd Sheeran reviewed the proposed text amendment, the purpose of which was to ensure compliance with the Utah State Code and applicable Federal Regulations, as well as the protection of the health, safety, and welfare of the general public regarding residential treatment facilities. Some definitions were updated, the number of permitted unrelated persons allowed in a residence was increased to eight, and the process for obtaining a business license was clarified. The process to request a reasonable accommodation was updated and would be decided by a hearing officer who would have experience and knowledge of applicable laws. Compliance with all state and local laws and state licensures would be required. A half mile distance between all group living arrangements would be required and all facilities must maintain residential characteristics. Commissioner Rypien recommended a precise definition for residential characteristics. City Attorney Sheeran responded that was difficult to define and they should look like homes, not like buildings. Commissioner Sickles responded the requirement should be removed as a requirement if it couldn't be properly defined. Chair Powell responded residential design standards could be included as part of the definition. City Attorney Sheeran recommended the inclusion of such information in the referral to City Council. Commissioner Bradford mentioned a previous request to increase the number of people allowed in a residential home was denied based on the likelihood it could change the character of a neighborhood. She asked if that could happen again. City Attorney Sheeran was reluctant to speculate on a previous situation but added parking could be one factor for discussion as some types of homes, such as a sober living home would generate more traffic than a youth residence. He added any deviation requests would be presented to and decided by the designated Hearing Officer

Chair Powell opened the public hearing.

No comments were offered.

Chair Powell closed the public hearing.

*Commissioner Rypien moved to recommend approval to the City Council of item 5.2 Consideration of proposed amendments to Chapters 10-3, 10-6, and 10-25 of the Land Development Code and enacting Title 11 to define and regulate “Group Living Arrangements” and “Residential Treatment Facilities: and related terms and land uses in Herriman City Code with additional modification to bullet point #5 to state the facility must comply with residential characteristics as defined in Title 10 of City Code. Commissioner Sickles seconded the motion.*

*The vote was recorded as follows:*

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

*Alternate Terrah Anderson*

*Not Voting*

*Commissioner Adam Jacobson*

*Absent*

*The motion passed unanimously.*

## 6. Chair and Commission Comments

No comments were offered.

## 7. Future Meetings

Wednesday, January 11, 2023 – City Council Meeting

Wednesday, January 18, 2023 – Planning Commission Meeting

Wednesday, January 25, 2023 – City Council Meeting

## 8. Adjournment

*Commissioner Garcia moved to adjourn the meeting at 7:54 p.m. and all voted aye.*

*I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 4, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*

*Wendy Thorpe*

Wendy Thorpe, CMC  
Deputy City Recorder