HERRIMAN CITY COUNCIL AND PLANNING COMMISSION JOINT WORK MEETING AGENDA

Wednesday, May 29, 2024

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

Work Meeting - 6:00 p.m.

1. **Call to Order**

   1.1. Review of this evening's agenda

   1.2. Approval of the August 30, 2023, Joint City Council/Planning Commission meeting minutes

2. **Discussion Items**

   2.3. Discussion of Ordinances Related to Residential Development of Infill and Redevelopment – Blake Thomas, Community Development Director and Michael Maloy, Planning Director

3. **Future Meetings**

   3.1. Next Planning Meeting: June 5, 2024

   3.2. Next City Council Meeting: June 12, 2024

4. 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 City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

PUBLIC COMMENT POLICY AND PROCEDURE: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Council will be asked to complete a written comment form and present it to the City Recorder. In general, the chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.

I, Jackie Nostrom, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body, at the principal office of the public body, on the Utah State Public Notice website www.utah.gov/pmn/index.html and on Herriman City's website at www.herriman.org,

Posted and dated this [enter date]. /s/ Jackie Nostrom, City Recorder

HERRIMAN CITY COUNCIL AND PLANNING COMMISSION JOINT WORK MEETING AGENDA

Wednesday, August 30, 2023
Pending Formal Approval

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, August 30, 2023, at 6:00 p.m**. in the Herriman City Hall Community Room 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: Mayor Lorin Palmer

Councilmembers Present: Jared Henderson, Teddy Hodges, Sherrie Ohrn, Steven Shields

Planning Commission Members Present: Brody Rypien, Daryl Fenn, Alternate Terrah Anderson, Alternate Preston Oberg, Andrea Bradford, and Alternate Forest Sickles

Excused: Adam Jacobson, Heather Garcia, Andrew Powell, and Jackson Ferguson

Staff Present: City Manager Nathan Cherpeski, Assistant City Manager Wendy Thomas, Record Specialist Angela Hansen, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, City Attorney Todd Sheeran, Assistant City Attorney Matt Brooks, Assistant City Engineer Bryce Terry, Lauren Hoadley Planner I

1. **Work Meeting - 6:00 pm**
   Call to Order

Mayor Lorin Palmer called the meeting to order at 6:06 pm

1.1. Review of this Evening's Agenda

1.2. Approval of the May 31, 2023, Joint City Council/Planning Commission meeting minutes

Councilmember Sherrie Ohrn moved to approve the May 31, 2023; Joint City Council/Planning Commission meeting minutes as written. Councilmember Teddy Hodges seconded the motion, and all voted Aye.

2. Discussion Items

2.1. Discussion regarding a proposed Housing and Transit Reinvestment Overlay Zone (HTROZ) – Michael Maloy, Planning Director

Planning Director Maloy disclosed discussion has been on going with Olympia's development partner and city administration about Housing and Transit Reinvestment Overlay Zone (HTROZ). The project would potentially modify the land use map for Olympia by adding a new HTROZ. It would include an overlay tool which the city would create and adopt. If the plan was applied the city would need to discuss how it would affect the land use, the design standards, and the MDA itself for Olympia. There are multiple steps involved in creating this project. The project potential amends the number of dwelling units allowed in Olympia. H TROZ requires an average minimum of 50 units per acre within an 1/3 mile of a transit hub. The city doesn't have a transit hub yet so we would need to work with the State to create a future transit hub. There are a lot of hurdles to get there. Planning Director Maloy asked the Commission and Council to discuss the options for moving forward with the project. Discussion needs to include amending the MDA to align, reviewing the state code requirements, the benefits to the city and the developer, and are there any risks.

City Manager Nathan Cherpeski divulged there is a limited number of Bus Rapid Transit (BRT) lines in state law. The development team has already met with staff and talked to the council a few times. A consultant would need to be hired to proceed with the project. If we are interested in doing this, we need to get a plan set in the near future. The State only considers HTROZ's a few times a year and the zone must be established before you can apply for the HTROZ.

Planning Director Maloy pointed out creating the overlay tool is only one step. Applying the overlay would be the second step. The city only needs to create the overlay tool to apply for the HTROZ.

City Manager Cherpeski directed attention to the point that the city currently doesn't have a bus rapid transit. UTA requires the city to show the ridership before they will put it in place, but the city must zone the area like it already exists.

Councilmember Ohrn queried for the ¼ mile perimeter from a BRT from station, If the units are not within the ¼ miles, how do you get within this, how far out are the numbers and does this delay any commercial development going in?
City Manager Cherpeski provided the developer is proposing to UTA that they put in a BRT and dedicate property to this area.

Commissioner Fenn reiterated since there is not an existing station, Is this a prerequisite to getting one approved? Mayor Palmer noted the city doesn't want to approve a bunch of housing for a transit that may never come to this area. There would be a contingency to approving the housing only if the BRT is approved. This will also augment the commercial area, they (Olympia) will be able to go above and beyond their minimum amounts.

Councilmember Henderson stressed UTA doesn't have to wait for the city. The city has already donated land to UTA for fixed rail, but UTA has come to meetings saying they don't have any plans to build in this direction. For anyone wondering why you would do this, the answer would be state tax money. The state has taken away the sales/property tax discounts as an incentive. This new bill gives back some incentive. It provides a way to do it "if" you fit all the criteria. There will be a mass amount of density but also a mass amount of commercial. There could be some shifting and moving of density in the area. The first step is to have this tool in motion to get to the next step. But the city doesn't have to follow through completely with approval. All we are looking at right now is to create this overlay tool.

Commissioner Fenn inquired somebody has investigated this and said this is a good idea, listing pros and cons, correct? Councilmember Hodges expressed this was originally brought to the city by the developer. Councilmember Ohrn questioned where South Jordan's zone has been approved? Mayor Palmer offered South Jordan was approved by the new ballpark, they are adding a new Trax stop.

Councilmember Henderson reiterated the city hasn't committed to any of this. We are just open to the idea. But we need to do a few of these things now to see if it is a possibility down the road.

Mayor Palmer offered at the last Wasatch Front Regional Council (WFRC) meeting the discussion of extension of the UTA red line was mentioned for the first time in a few years. If the red line does extend years down the line this would be a tool to help in this matter.
Councilmember Shields emphasized during the annexation of Olympia the city wanted to know how much commercial would need to be created. The U111 and 12600 s connection was a big decision on how much they could bring versus what

South Jordan might do. With this mapped out now there is a large area for commercial with 3 sides this intersection inside of Herriman. The conversation has now changed to whether a mass transit center could bring in more commercial, but for this to happen this tool must be in place for these things to happen.

Councilmember Henderson stated in his opinion this is worth it if it brings in the needed infrastructure and commercial for the state to help. If the state tax incentive increases, this is our opportunity to build commercial and get this revenue. Councilmember Shields affirmed South Jordan has said they are only building housing in the area across from this area more than double the density than Olympia. WFRC wants to create west side "town centers" with employment, services, and transportation so people are not traveling across the valley and stay in the southwest region. There is a potential tax rate decrease with something like Farmington Station size commercial area with large housing density across the street.

City Planner Maloy stipulated the development partners need an incentive to preserve these town centers that become the draws. He believes this is the right incentive for this growth. This tool would bring in a commitment for a transit hub. If you can't add the infrastructure, then the growth needs to go back where it already exists.

Councilmember Shields specified this isn't just about Olympia. There will be a ton of traffic when it's built out and even more with South Jordan's build. They are predicting 12600 south to look like University Parkway. This could bring 70,000 people between those two areas. If it brings a transit hub to these people, allowing them to connect to the larger public transportation infrastructure the city has to investigate the possibility. Councilmember Henderson stressed usually with a hub approval the road funding will follow. Councilmember Hodges predicted PID's will play a big role in this, get the money upfront, bond for it and get out in front of the infrastructure and when government money comes through it can get right to use. Councilmember Shields reiterated if this includes a PID, the tax dollars would be immense. Commissioner Oberg inquired if the city gets a hub to get this incentive for commercial would the hub turn into a rail line in the best-case scenario. Mayor Palmer specified no; this is only rapid transit bus. It sounds like the red line rail wants to go down the point.

Commissioner Rypien stipulated his concerns is most of us don't use mass transit, he thinks what UTA is doing isn't working. He likes the other benefits but doesn't believe this would help traffic. Commissioner Sickles noted the amount of acreage in this overlay would be minimal. This is not the entire Olympia area.

City Manager Cherpeski refined the density units per acre only applies per residential units or mixed units. Commercial doesn't count for residential density. There is a min of 40 units with a max of 49 units.

Commissioner Sickles requested the difference between what we have established and what we would need to add. City Manager Cherpeski specified in the hundred acres it's 19-20 units per acre or an additional 1400-1800 more units. They (the developer) still need to park it. The plans had some structure parking to accommodate this.

Commissioner Anderson confirmed she likes that the city is doing its part to bring the possibility to use transit and explore the options of bringing these things into the city. Whether it actually reduces the use of cars or not.

Commissioner Bradford inquired if there were any guarantees once this is approved that it could not be taken away later. Councilmember Shields suggested probably not, but to bring in this type of infrastructure is a huge dollar amount. The housing and commercial would already be built. It's a huge deal to back out of.

Commissioner Rypien acknowledged his concern is the city needs to interview people to ask what type of transit they would use -bike lanes, car share, light rail, or rapid bus. Commissioner Anderson assessed she doesn't believe a BRT will minimize traffic.

Councilmember Ohrn argued there is a culture in the west that people drive their cars. It's somewhat of a no-brainer to do this. There are so many other questions to answer. We have some people lobbying hard to get this done on the development side. A little more tax revenue would be great. But she doesn't believe the ridership of the bus would increase substantially.

Councilmember Hodges proposed this is more for after your home, it could alleviate all the multiple trips out of your community to the grocery store, soccer practice or shopping center. Commissioner Rypien believes with the culture of driving cars in Utah it would almost take a generation of people that grew up using transit to make a change. Councilmember Shields summarized if you look at housing costs and then add owning/driving a car the cost of living is high. If there is a way to take out the car from the equation your housing cost goes down. It can make the cost of living more affordable. Councilmember Henderson called attention to the southwest part of the valley having the highest cost of living due to cost of commuting, higher water rates and other things we have talked about.

Commissioner Sickles pointed out its market forces and having the density that increases the routes. UTA is not successful in Herriman because it's a suburb. They aren't going to increase the routes without the density. Councilmember Henderson agreed mass transit needs a focal point where a large number of people are moving between points. You can't compare Herriman to New York or even LA. The west is very spread-out making mass transit harder to use. Transportation is the starting point to get the right people that control the state to get more money to the roads. If there is a focal point and the right people have an interest in it they will invest money.

Councilmember Shields believes the ballpark will become a regional draw. This is a chance to get in on these opportunities. To bring the attention of the right people into this area and show the ballpark, the Riverton campus, and Olympia are a regional transportation hub together and get the money coming in.
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Commissioner Rypien affirmed his interest in this tool. This is what Olympia wanted originally, but now we actually get a benefit from participating with them.

Commissioner Oberg questioned if the transportation doesn't get approved and we only have the overlay do we get any of the tax incentives. Councilmember Shields explained the hub must be approved to get this tool; it needs to come together simultaneously.

Commissioner Bradford inquired what the time frame for developing the overlay tool? Mayor Palmer disclosed the city is trying to get it done quickly.

City Manager Cherpeski revealed only 3 BRT's are allowed in each county then you have 15 years to pay it out. This is how they are funding the infrastructure. Commissioner Oberg questioned what kind of competition we have from other cities? City Manager Cherpeski reported Farmington and Vineyard have already gone through for the light rail, but he is not aware of any wanting BRT. The approval begins with Wasatch Regional then goes up to the governor. Councilmember Shields disclosed there isn't much green space available to get this amount of density. We were kind of forced into Olympia so let's use this tool to make it better.

City Manager Cherpeski voiced tonight we are really asking the group if we want to start the process. There are a lot of steps in getting this done. We start by doing the analysis which is paid for by the developer. The analysis is given to the state and city to review and moves forward from there.

Commissioner Oberg remarked it sounds like we need a lot of lobbying to get this approved. Do we have that kind of support from the state level? Councilmember Shields disclosed looking at the amount of money they have approved for transit. The southwest has got a disproportioned amount of funds. The lobbying was on the developers and the state side. Commissioner Sickles voiced the city's main competition is just north of us. Not the ballpark but north of Olympia. Councilmember Shields pointed out they are not in the same place as us. They are 15 years behind and have a different vision for that area.

Mayor Palmer requested any concerns from the commission.

City Planner Maloy concludes the overlay is the easiest part and doesn't give us any commitment, it just gives a tool to continue the lobbying. Commissioner Fenn stated he has no concerns with the overlay study. He wants to keep analyzing what

the cities on the other side are doing. Planning is always looking for ways to add commercial. But it's hard to give up the rural feel Herriman had in the past. We just need to be smart about growth. Commissioner Oberg voiced he believes this particular area has no control and having the overlay done; I don't see a downside that would out way the good in doing the overlay. Commissioner Anderson expressed this is good option to explore.

Commissioner Bradford voiced concern with the commercial part, is there a way for the city to have say in what type goes in. Mayor Palmer mentioned if you open the MDA there is a possibility, we could change some of it. Councilmember Shields expressed the developers are bringing in high level commercial. Mayor Palmer advised there is a lot of interest in the area for shopping and restaurant.

Commissioner Rypien specified he was good with the overlay and what the city can get out of it with the density. Commissioner Sickles informed he is good with moving forward. There are lots of options including making a master plan of the area to help prevent some issues.

Mayor Palmer revealed the unanimous decision to go forward with this project.

3. Future Meetings

3.1. Next Planning Meeting: Wednesday September 6, 2023

3.2. Next City Council Meeting: Wednesday: September 13, 2023

4. Adjournment

Councilmember Steve Shield moved to adjourn the Joint City Council/Planning Commission Meeting at 7:08 p.m. and all voted Aye.

I, Angela Hansen, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 30, 2023. This document constitutes the official minutes for the Herriman City Council and Planning Commission Joint Meeting.

Angela Hansen

Angela Hansen
Deputy City Recorder

HERRIMAN CITY

STAFF REPORT

DATE: **May 17, 2024**

TO: The Honorable Mayor, City Council, and Planning Commissioners

FROM: Blake Thomas, Community Development Director and Michael Maloy, Planning Director

SUBJECT: **Discussion of Ordinances Related to Development of Infill and Redevelopment**

RECOMMENDATION:

Staff requests that the City Council and Planning Commission discuss this topic and provide staff with direction on if they would like staff to proceed with amending city ordinance(s) that would address infill development concerns and moderate-income housing requirements.

ISSUE BEFORE COUNCIL:

Should the Council and Commission consider the following items to address the need for better development tools for infill and redevelopment projects?

- Remove the "density bonus" criteria in the A-1-10 Zone.
- Create a new zone allowing for lots that are smaller than 10,000 sq. ft.
- Allow detached accessory dwelling units (ADUs).
- Remove the minimum area requirement for the Planned Unit Development (PUD) Overlay.
- Allow more opportunities to incorporate private roads in new single-family residential developments.

BACKGROUND/SUMMARY:

As Herriman anticipates a transition from experiencing development of primarily large vacant swaths of land to more infill development and redevelopment projects, staff believe current ordinances and standards may prohibit design concepts and elements that would enhance the functionality and quality of these projects. Herriman would benefit by modifying specific city ordinances and providing additional development tools that address small-scale development.

DISCUSSION:

Undeveloped and under-developed areas in Herriman are anticipated to be developed; however, landowners have found it challenging to create a development plan that complies with the

standards and ordinances currently in place. Much of the land development code was created for the purpose of guiding larger style developments like Rosecrest. Additionally, the only tool available for guidance of smaller developments is the flag lot ordinance, which can be viewed by following this link: https://herriman.municipalcodeonline.com/book?type=ordinances#name=10-29-18:_Flag_Lots

The current residential zoning code, including the flag lot ordinance, often hinders landowners ability to incorporate elements into their project(s) that create efficient use of the land for residential development. Staff believe that revising or creating new ordinances will provide tools that allow landowners flexibility resulting in better developments. The land use ordinances that could be considered to address these concerns include:

Chapter 10-9: Agricultural Zones

Proposal: Remove §10-9-6C in its entirety

Purpose: The Bonus Density Requirements introduce subjectivity into the approval process for subdivisions. This proposal removes subjectivity by allowing developments in this zone to develop without a maximum density identified but by limitations of a minimum lot size of 10,000 sq ft (~1/4 acre), clearly identified road widths, and stormwater detention facility needs.

Concerns: Staff do not have any concerns with removing the Bonus Density Requirements from the A-1-10 Zone.

Link to City Code Section:
https://herriman.municipalcodeonline.com/book?type=ordinances#name=10-9-6:_Development_Standards

Create New Residential Zone(s)/Districts

Proposal: Create a new R-1-8 Zone or a Single-Family Home Zoning District

Purpose: Encourage efficient development of infill areas and promote the development of attainable housing.

Concerns: Efficient development with attainable housing can be accomplished by creating areas in the city that allow for development of single-family home lots between the size of 5,000 to 8,000 square feet. To ensure housing costs are kept to a minimum, it is recommended that development standards be included in the ordinance to ensure the development of "starter homes" that are appropriately scaled to the lot size. To ensure the development of "moderate income" housing, the amendment will require reducing maximum building height (approximately 20 to 25 feet) and lot coverage (approximately 30 to 40%) found in existing zoning districts and the establishment of building maximums as well.

Create an Ordinance allowing detached Accessory Dwelling Units (ADU's)

Proposal: Create an ordinance allowing for detached ADU's in certain agricultural and residential zones.

Purpose: Promote affordability and encourage efficient use of property.

Concerns: Include regulations for detached ADU's that limit the size of the ADU based on the overall building coverage of the lot (including the primary home and other accessory structures). If ADU is going to be used as a rental the owner will need

to obtain a business license. Ensure that adequate parking and utility service capacity is available for increased demands on utility systems.

Chapter 10-15: Overlay Zones, Article C: Planned Development Overlay Zone

Proposal: Remove or amend §10-15C-6B, which requires PUDs to be a minimum of 15 acres.

Purpose: Promote efficient use of infill development areas.

Concerns: Reducing or removing the minimum acreage requirement will not change the permitted land uses or development density of the underlying zone but would allow the City to consider requests to modify other dimensional requirements, such as building setbacks. The PUD Overlay also requires dedication of 20% open space, which may not be required in the underlying zone. It also allows the City to negotiate other elements including architectural standards and landscaping requirements.

Link to City Code Section:
https://herriman.municipalcodeonline.com/book?type=ordinances#name=10-15C-6:_Development_Standards

Chapter 10-29: Supplementary and Qualifying Regulations

Proposal: Amend §10-29-35: Private Right-of-Way to allow for more flexibility to approve private roads for residential development(s).

Purpose: Promote efficient subdivision design for infill development

Concerns: Allowing private roads in areas outside of a PUD can result in better subdivision layouts than a cluster of multiple flag lots along a road. Private roads will need to have an entity identified, such as an HOA, that will be responsible for maintenance of the roadway. Additionally, standards will need to be included in the ordinance identifying required right-of-way improvements required and minimum widths for pedestrian and vehicle passage.

Link to City Code Section:
https://herriman.municipalcodeonline.com/book?type=ordinances#name=10-29-35:_Private_Right-Of-Way

ALTERNATIVES:

The City Council and Planning Commission may direct staff on any or all of the listed topics for discussion.

FISCAL IMPACT:

Whereas this item is for discussion only, there is no direct or indirect fiscal impact on the adopted or proposed Herriman City budget. However, the intent of the proposal is to (1) create development tools that promote efficient use of land for infill development and redevelopment, (2) encourage the development of more affordable housing options by incorporating elements of the Moderate Income Housing Plan into ordinance, (3) minimize the development of additional public infrastructure, and (5) optimize the use of existing infrastructure.