



PLANNING COMMISSION MINUTES

Wednesday, April 15, 2026

Approved May 20, 2026

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, April 15, 2026, 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 Andrea Bradford

Commissioners Present at Work Meeting: Brody Rypien, Darryl Fenn, Andy Powell, Jackson Ferguson, Heather Garcia, Adam Jacobson, Alternate Forest Sickles, Alternate Preston Oberg

Excused:

Staff Present: Planner II Amanda Hamilton, Deputy Recorder Angela Hansen, Planner I Laurin Hoadley, Assistant City Attorney Matt Brooks, Communications Specialist Garret Reynolds, Staff Engineer III Josh Petersen, Assistant City Manager Wendy Thomas (online), Planning Director Michael Maloy, and Commander-Operations Brent Adamson

6:00 PM WORK MEETING (Fort Herriman Conference Room)

Chair Andrea Bradford called the meeting to order at 6:06 p.m.

1. Commission Business

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

Planning Director Maloy reported that no land use applications were on the recent city council agenda, but the council continues working through the budget process. A significant discussion focused on the capital improvement plan and prioritizing expenditures, with current plans exceeding available funding without considering bonds or identifying true priorities.

During the regular meeting, the council discussed extending Herriman Boulevard and awarded a contract to Civil Service Inc for managing that project. The city adopted its annual fireworks restriction map, though some cities have increased restrictions or banned fireworks entirely. Herriman continues allowing them while managing separate state requirements for Wildland Urban Interface (WUI) maps related to wildfire insurance and potential state mitigation fees. Planning Director Maloy explained that WUI maps are not technically zoning maps, though the city may consider adopting consistent zoning layers.

The City Council canceled their second April meeting due to members attending the Utah League of Cities and Towns conference in Saint George.

Commissioner Rypien arrived at 6:26 p.m.

1.2. Review of Agenda Items – Planning Staff

Planner Hamilton reviewed the evening's agenda items, noting that items 4.1 and 4.2 for Simple Manufacturing and Dime Beauty are interrelated sister companies seeking conditional use permits in the M-1 Manufacturing Zone. These two items are interrelated as Simple Manufacturing performs the actual manufacturing of the products, while Dime Beauty handles the marketing and direct-to-consumer sales interactions. Simple Manufacturing primarily purchases bulk formulations and manufactures the bottles, labels, and packaging, subsequently delivering these finished goods to Dime Beauty. Both companies have expressed their intention to comply with all relevant standards, maintaining U.S. Food and Drug Administration (FDA) approval and General Society of Surveillance (SGS) certification, which involves regular third-party inspections and audits. With their operations fulfilling the light manufacturing definition within the city's guidelines, the applications for these permits are designed to consolidate their operations into the area, signifying a move from their current location in Draper to Herriman City. The planning staff diligently assessed these applications to ensure adherence to the M-1 zone guidelines, prioritizing safety, quality, and compliance with both state and city regulations.

Agenda Item 5.1 was presented by Planning Manager Maloy. He explained the Master Development Agreement (MDA) recommendation for Awaken City Church the term. "MDA" is employed to denote what might be referred to simply as a "Development Agreement" in other municipalities, though often characterized by their brevity and simplicity. The agreement in question is more concise than typical agreements, primarily dealing with tenant improvements in an existing building.

Utilizing the MDA, the objective is to introduce land use currently not permitted in the M-1 manufacturing zone. According to the state law, the courts have established that this approach is permissible, allowing planning commissions to review such proposals and offer recommendations to the city council.

The preference for a MDA over a text amendment or a zoning change is due to its limited impact, addressing only this particular user and location, without altering the broader functionality of the M-1 Zone.

Awaken City Church has been operating within the city using shared spaces such as charter schools, and has sought to establish a more significant and autonomous presence within the community. They are keen to lease rather than a comprehensive build, not being in a position to fund a large-scale church construction.

The church's advocates have cited the Religious Land Use and Institutionalized Persons Act (RLUIPA) due to comparable land uses in the zone, such as dance studios, reception centers, and charter schools, all involving similar visitor demographics. Nonprofit organizations, under the same zoning, have cited these reasons to highlight their case for equitable treatment.

A conditional use approach was deemed inappropriate; hence the current strategy involves reaching an agreement to permit the church, thus averting lengthy litigation. In light of legal counsel's advice, this agreement offers a practical, straightforward path to a mutually beneficial arrangement.

Some amendments to the application were recommended, including clarifying specific language within the document to prevent potential interpretation issues and instituting parameters that limit occupancy to specific square footage within the building. The intent is to facilitate organizational growth, with assurances sought by the city to align with the church's goal to eventually procure property elsewhere. Recommendations included setting an initial term of ten years with a potential extension of five years.

The agreement is expected to remain non-transferable, ensuring that it is used explicitly by the applicant, Awaken City Church, and not sold or transferred to other institutions, thereby maintaining its stated purpose. Recommendations will be made to reflect that, while churches may operate under such a nonconforming status after the agreement expires, further expansion would require additional considerations.

It is recognized that city council discussions following this review will likely entail evaluations of whether similar land uses in the M-1 zone should be reexamined or revised, potentially affecting future zoning practices.

Commissioners engaged in a discussion about the implications of allowing a church in the M-1 zone. This included concerns about setting a precedent that might encourage other religious organizations to pursue similar claims, potentially affecting the intended uses of manufacturing zones. They also discussed the possible need for a broader review of zoning policies to accommodate RLUIPA requirements while preserving areas designated for commercial tax generation. The considerations included whether to expand allowable square footage within the specific building while maintaining comfort levels for the city, recognizing the council would need to address and potentially amend current zoning practices.

1.3. Presentation on Annual "Dark Sky Month" Celebrations and Information in Utah, and Review of Herriman City Lighting Regulations – Laurin Hoadley, Planner I

Planner Hoadley presented information about International Dark Sky Week (April 13-20) and Utah's status as having the highest density of dark sky places globally. She explained recent lighting issues in Herriman, including residential floodlights affecting neighbors and commercial signage illuminating adjacent townhomes.

Planner Hoadley reviewed the city's current lighting code, noting it's "basically nonexistent" compared to dark sky standards. Current regulations require fixtures to direct light away from residential property but don't address non-fixture lighting like residential floodlights. The code mentions both "fully shielded" and "90-degree horizontal cutoff" requirements without clarifying which standard applies.

She noted that detached lighting for monument signs can point upward, which contradicts dark sky principles. The city's current exemptions for holiday lighting, emergency lighting, and agricultural uses are standard but limited.

Commissioner Jacobson asked about coordination with the roadway department regarding street lighting around Butterfield Park, which has generated numerous presentations over the years. Planner Hoadley confirmed meeting with Director of Operations Johnson in 2023 about current streetlights being shielded but not fully shielded, with 6000 Kelvin bulbs when dark sky standards prefer 2500-3000 Kelvin maximum. However, the city had recently purchased new bulbs, making immediate changes impractical.

Commissioners discussed the challenges of existing residential LED holiday lights and potential code amendments to address light trespass, particularly from commercial to residential properties.

- 1.4. Review and Discuss Land Development Codes, Standards, Policies, Best Practices, and Potential Amendments to Ensure Compliance with Utah State and Herriman City Regulations– Michael Maloy, Planning Director

No discussion about this item.

2. Adjournment

Commissioner Garcia moved to adjourn the meeting at 7:03 p.m. Seconded by Commissioner Jacobson and all voted aye.

7:00 PM REGULAR PLANNING COMMISSION MEETING (Council Chambers)

Chair Andrea Bradford called the meeting to order at 7:08 p.m.

3. Call to Order

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

Keith Casey 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 March 18, 2026 Planning Commission Meeting

Commissioner Garcia motioned to approve the Minutes for the March 18, 2026 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. Review and consider approval of a Conditional Use Permit for SMPL MFG, LLC, a low-intensity product formulation, packaging, and fulfillment operation conducted entirely within an enclosed building located at 15897 S Axia Drive in the M-1 Manufacturing Zone.

Applicant: Julie Bodell, Axia Partners, LLC (authorized agent)

Acres: ±18.08

File No: C2026-044

Planner Hamilton presented the applications for both Simple Manufacturing (item 4.1) and Dime Beauty (item 4.2), explaining they are sister companies operating as a package with separate functions. Simple Manufacturing performs minimal formulation, primarily purchasing bulk pre-formulated products and manufacturing bottles, labels, and packaging for assembly. They provide products largely to Dime Beauty, which handles marketing, sales directly to consumers, and partnerships with Amazon and Ulta.

Simple Manufacturing qualifies as light manufacturing under city definitions and meets conditional use requirements in the M-1 zone, utilizing approximately 72,654 square feet. The company maintains FDA approval and SGS certification, which provides third-party inspection and auditing for cleanliness, manufacturing products, disposal practices, and industry best practices. These certifications restrict the company to cosmetics and personal care products, preventing expansion into pharmaceuticals or medical treatments.

Planner Hamilton explained that Dime Beauty would occupy 29,252 square feet for limited wholesale, warehousing, direct-to-consumer shipping, retail partnerships, marketing, and customer service. The application meets M-1 Zone and conditional use standards with no engineering concerns.

Applicant representative Keith Casey confirmed they don't conduct animal testing, using third-party providers for standard manufacturing testing and FDA compliance testing. They also clarified storing fragrance mixed with alcohol rather than raw alcohol, with no batching or disposal on-site.

Commissioner Sickles asked about retail aspects within the space. Company representative Sam Brady confirmed they currently operate a small storefront in Draper, generating less than 1% of revenue, primarily for customer returns and product testing. Staff confirmed this meets zoning requirements similar to other businesses in the area.

Commissioner Fenn asked about hazardous materials, with representatives confirming no hazardous materials storage beyond the alcohol-fragrance mixtures for Simple Manufacturing.

Planning Director Maloy explained initial concerns about the application's lack of product limitations and the applicant being an agent rather than the direct company representative. Staff worked with the applicant to clarify restrictions based on FDA guidelines for cosmetics, defined as products for topical application including makeup, sunscreen, and fragrances, but excluding medical treatments.

Commissioner Sickles questioned whether the broad cosmetic definition provided sufficient restrictions. Planner Hamilton explained that FDA regulations and SGS certification create effective guardrails, requiring annual on-site inspections and preventing violations through labeling restrictions.

Commissioner Fenn asked about employee numbers, learning that Simple has 34 employees and Dime has 55, with good employment benefits for Herriman. The companies are relocating from Draper, with both owners moving to the area.

Commissioner Jacobson moved to approve item 4.1 Review and consider approval of a Conditional Use Permit for SMPL MFG, LLC, a low-intensity product formulation, packaging, and fulfillment operation conducted entirely within an enclosed building located at 15897 S Axia Drive in the M-1 Manufacturing Zone with staff’s recommendations 1. Receive and agree to all recommendations from other agencies. 2. Product formulation is limited to “cosmetics” as defined and in compliance with the U.S. Food and Drug administration pursuant to the Federal Food, Drug and Cosmetic Act (FD&C Act). 3. Continue to comply with the International Organization for Standardization (ISO) 22716 Good Manufacturing Practice (GMP) requirements (or equivalent). 4. Comply with any State and City requirements for the use of alcohol in the formulation or packaging of perfumes and colognes.

Commissioner Ferguson seconded the motion.

The vote was recorded as follows:

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|--|-------------------|
| <i>Commissioner Darryl Fenn</i> | <i>Aye</i> |
| <i>Commissioner Jackson Ferguson</i> | <i>Aye</i> |
| <i>Commissioner Heather Garcia</i> | <i>Aye</i> |
| <i>Commissioner Brody Rypien</i> | <i>Aye</i> |
| <i>Commissioner Adam Jacobson</i> | <i>Aye</i> |
| <i>Commissioner Andy Powell</i> | <i>Aye</i> |
| <i>Alternate Commissioner Forest Sickles</i> | <i>Not voting</i> |
| <i>Alternate Commissioner Preston Oberg</i> | <i>Not voting</i> |

The motion passed unanimously.

4.2. Review and consider approval of a Conditional Use Permit for DIME Beauty, a direct-to-consumer company that offers a range of products such as skincare, cosmetics, and fragrances, to manufacture, warehouse, and distribute products within an enclosed building located at 15897 S Axia Drive in the M-1 Manufacturing Zone.

Applicant: Julie Bodell, Axia Partners, LLC (authorized agent)

Acres: ±18.08

File No: C2026-045

Commissioner Jacobson moved to approve item 4.2 Review and consider approval of a Conditional Use Permit for DIME Beauty, a direct-to-consumer company that offers a range of products such as skincare, cosmetics, and fragrances, to manufacture, warehouse, and distribute products within an enclosed building located at 15897 S Axia Drive in the M-1 Manufacturing Zone with staff’s recommendation 1. Receive and agree to all recommendations from other agencies.

Commissioner Ferguson seconded the motion.

The vote was recorded as follows:

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|--------------------------------------|------------|
| <i>Commissioner Darryl Fenn</i> | <i>Aye</i> |
| <i>Commissioner Jackson Ferguson</i> | <i>Aye</i> |
| <i>Commissioner Heather Garcia</i> | <i>Aye</i> |
| <i>Commissioner Brody Rypien</i> | <i>Aye</i> |
| <i>Commissioner Adam Jacobson</i> | <i>Aye</i> |



| | |
|--|-------------------|
| <i>Commissioner Andy Powell</i> | <i>Aye</i> |
| <i>Alternate Commissioner Forest Sickles</i> | <i>Not voting</i> |
| <i>Alternate Commissioner Preston Oberg</i> | <i>Not voting</i> |

The motion passed unanimously

5. Legislative Items

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

- 5.1. Review and consider a request to recommend a Master Development Agreement for Awaken City Church to permit a “Church or Place of Worship” and related services within an existing building located approximately at 15856 S Rockwell Park Cove (aka 15856 S Porter Point Cove) in the M-1 Manufacturing Zone. (Public Hearing)
 Applicant: Derek Duvall, Awaken City Church (authorized agent)
 Acres: ±2.46
 City File No: M2026-038

Planning Director Maloy presented this unusual variation on development agreements, noting the city's extensive experience with approximately 30 such agreements, though typically for large subdivisions and commercial projects. This request involves a church occupying existing space at the former DBAT baseball training facility in the Porter Rockwell Center.

The M-1 zone currently prohibits churches, but federal Religious Land Use and Institutionalized Persons Act (RLUIPA) protections require equal treatment for churches compared to similar land uses. The M-1 zone allows dance studios, charter schools, and reception centers with similar impacts and clientele.

He explained three options discussed: text amendment, rezoning the property, or a development agreement. The city attorney recommended the development agreement approach to avoid potential litigation while keeping the modification very narrow to this specific parcel and building.

The church initially seeks 9,000 square feet with potential expansion to 18,000 square feet (half the building). Planning Director Maloy recommended additional modifications after the staff report publication: limiting occupancy to 18,000 square feet maximum, adding a 10-year term with potential 5-year extension, and strengthening the RLUIPA rationale in the preamble.

Pastor Derek Duvall of Awaken City Church explained their eight-year presence in Herriman using shared charter school space, their goal to grow congregation size sufficient for eventual property purchase, and their desire to serve the community. He expressed concerns about square footage restrictions if available units don't match exact limits but indicated willingness to work within city comfort levels.

Commissioners raised concerns about the precedent that approving this request might establish, questioning whether it could open the door for other religious organizations to make similar claims for occupying space in non-traditional zones. Planning Director Maloy confirmed that such claims could be made, but he noted that RLUIPA protections are specific to religious uses. This specificity provides a degree of protection not applicable to other types of land uses. He anticipated that moving forward, the



city council would need to engage in discussions about potentially removing uses similar to churches from the M1 zoning, or alternatively, allowing churches throughout the entire M1 zone to address and prevent future litigation risks.

During the meeting, several commissioners expressed support for religious diversity within Herriman, while also acknowledging their concerns about maintaining the integrity and intended purposes of manufacturing zones. Commissioner Jacobson specifically advocated for a change in zoning policies to allow churches in all zones except for the heavy industrial M2 zone, emphasizing that this approach would better reflect community values and eliminate ongoing RLUIPA concerns. He argued that opening more zones to religious uses could minimize the pressure currently faced by commercial zones like C-1 and C-2, better aligning with the city's aim to foster diverse community uses.

Commissioner Sickles agreed with Commissioner Jacobson, favoring direct zoning changes over relying on special development agreements to make exceptions for religious institutions. Commissioner Sickles pointed to the current situation as a reactive measure that places the city in a precarious legal position. By proactively amending zoning ordinances to clearly accommodate religious uses where appropriate, the city could establish clearer regulations that prevent potential litigation and avoid setting unintended precedents with these piecemeal solutions.

Chair Bradford opened the public hearing.

No comments were offered.

Commissioner Garcia moved to close the public hearing, Seconded by Commissioner Powell and all voted Aye.

During the commissioners' deliberation, questions arose regarding the scope of permissible activities by Awaken City Church beyond worship services. There was interest in whether the facility could host a food pantry or homeless services. Planning Staff clarified that complementary uses like a coffee shop and counseling services are permissible. However, utilization for a homeless shelter might necessitate a separate land use conversation, potentially prompting amendments to the existing M-1 zone regulations.

Staff emphasized that any changes to permitted uses would require appropriate notification and amendment procedures. At present, the discussion is confined to designated use as a "church or place of worship," as advertised. Exploring additional uses like removing square footage restrictions could support diverse activities within the church-related purpose. The current limitation of 18,000 square feet is a focus for ongoing dialogue.

Consideration of the owner's rights were acknowledged, citing the freedom to make autonomous decisions about the building within city stipulations. Commissioners highlighted the need to set parameters that balance religious diversity with the economic intent of the manufacturing zone, considering impacts such as local business development opportunities. There was a consensus that further zoning amendments should ensure comprehensive coverage for future religious and related uses, preventing case-by-case exceptions and fostering legal compliance.

Commissioner Garcia moved to forward a positive recommendation of approval to City Council of item 5.1 Review and consider a request to recommend a Master Development Agreement for Awaken City Church to permit a “Church or Place of Worship” and related services within an existing building located approximately at 15856 S Rockwell Park Cove (aka 15856 S Porter Point Cove) in the M-1 Manufacturing Zone and staff’s recommendation 1. Clarify and simplify language within the proposed development agreement to achieve the stated purposes of the agreement while mitigating any potential impacts or unintended consequences associated with the proposal. 2. Amend preamble to include claim of religious protection. 3. The terms of the Agreement do not “run with the land” and, like other agreements, they are not transferable to another party without City approval. 4. The Agreement should include an expiration date after which the Church will be treated as a legal nonconforming land use in Herriman City Code (10 +5). 5. The Agreement should specify the maximum square footage (18,000) the Church may occupy within the existing building.

Commissioner Fenn seconded the motion.

The vote was recorded as follows:

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|--|-------------------|
| <i>Commissioner Darryl Fenn</i> | <i>Aye</i> |
| <i>Commissioner Jackson Ferguson</i> | <i>Aye</i> |
| <i>Commissioner Heather Garcia</i> | <i>Aye</i> |
| <i>Commissioner Brody Rypien</i> | <i>Aye</i> |
| <i>Commissioner Adam Jacobson</i> | <i>No</i> |
| <i>Commissioner Andy Powell</i> | <i>Aye</i> |
| <i>Alternate Commissioner Forest Sickles</i> | <i>Not voting</i> |
| <i>Alternate Commissioner Preston Oberg</i> | <i>Not voting</i> |

The motion passed with a vote 5:1

Commissioner Jacobson expressed his preference for the elimination of the 18,000 square foot limitation, viewing it as unnecessarily restrictive. Commissioner Ferguson proposed a supplemental recommendation to include provisions for additional uses, such as a food pantry and services for the homeless. Despite reservations regarding square footage limitations, Commissioner Rypien still cast an affirmative vote.

6. Chair and Commission Comments

Commissioner Jacobson recommended allowing churches in every zone except M-2 (heavy industrial), arguing this approach would eliminate RLUIPA issues and reflect the community's values. Commissioner Sickles agreed, expressing concerns about being "forced into a corner" by potential litigation and preferring proactive zoning changes to allow churches in most zones, which would reduce pressure on C-1 and C-2 commercial zones.

The commissioners discussed the broader implications, with Planning Director Maloy noting historical decisions to remove churches from C-2 zones to protect commercial tax base, and practical issues like separation requirements between churches and restaurants with liquor licenses.

Commissioner Powell emphasized the need to address zoning conflicts that could create legal vulnerabilities, suggesting churches should be allowed wherever comparable uses exist.



Commissioner Garcia expressed concerns about various church types and their potential impacts on nearby commercial buildings, while Commissioner Fenn welcomed the religious diversity Awaken City Church would bring to Herriman.

Commissioner Ferguson requested City Council consider allowing the church to provide food pantry and homeless shelter services.

7. Future Meetings

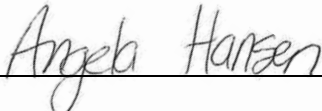
7.1. Next Planning Commission Meeting: May 06, 2026

7.2. Next City Council Meeting: May 13, 2026

8. Adjournment

Commissioner Jacobson moved to adjourn the meeting at 8:12 p.m. Seconded by Commissioner Garcia 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 April 15, 2026. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



*Angela Hansen
Deputy City Recorder*