



HERRIMAN CITY COUNCIL AND PLANNING COMMISSION JOINT WORK MEETING MINUTES

Wednesday, December 16, 2020
Approved April 29, 2021

The following are the minutes of the Joint City Council and Planning Commission Meeting held on **Wednesday December 30, 2020 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 and Commission, media, and interested citizens.

Presiding: Chair Chris Berbert

Council Members Present: Jared Henderson, Sherrie Ohrn, Steven Shields, Clint Smith, and Mayor David Watts

Planning Commission Members Present: Heather Garcia, Brody Rypien, Andy Powell, Jackson Ferguson, Lorin Palmer, Adam Jacobson, Andrea Bradford, Joy Kaseke

Staff Present: Interim City Manager Wendy Thomas, Assistant City Manager Tami Moody, City Planner Michael Maloy City Attorney Chase Andrizzi, Communications Specialist Jonathan Lafollette, Economic Development Manager Heather Upshaw, Finance Director Alan Rae, Planner Sheldon Howa, Code enforcement Officer Rocky Crisp, Records Technician Kristin Dalley, Community Development Director Blake Thomas, City Engineer Jonathan Bowers, Police Chief Troy Carr.

6:00PM - Call to Order

Chair Chris Berbert called the meeting to order at 6:17 pm.

1. **6:00 PM - Call to Order**
 - 1.1 **Approval of the July 29, 2020 Joint Planning Commission/City Council Meeting Minutes**

Councilmember Sheri Ohrn moved to approve the September 30, 2020 Joint Planning Commission/City Council meeting minutes as written. Commissioner Lorin Palmer seconded the motion, and all voted aye.

1.2 Discussion of draft General Plan update – Michael Maloy, City Planner & Susie Petheram, FFRK

City Planner Michael Maloy explained staff will look for feedback from the City Council and Planning Commission on the next steps for the General Plan. He explained a link to the first draft of the General Plan was provided, and questioned the level of engagement from the public was desired. He explained a good amount of feedback had been received in the past; however, recently had not been obtained due to COVID. He advised the City would be required to have at least one public hearing. Planner Michael Maloy turned the time over to Consultant Susie Petheram to offer an update of the General Plan.

Consultant Petheram offered a short presentation of the General Plan. She explained this was the beginning of the end of the process before going to the Council for final approval. The Council had the option to hold a public hearing prior to final adoption, if desired. She explained if a public hearing was conducted, they would seek to have a work meeting discussion to review the final draft plan and the comments offered by the Planning Commission.

It was explained after the public hearing, it could be possible to make minor adjustments to the plan. Consultant Petheram proposed hosting a series of “town hall” open house style meetings. She noted there were two different ways to conduct the meetings, one being structured by key topics and chapters or host a separate meeting for each topic and chapter. The second suggestion would ideally be something to cover in each council district with a Council Member and Planning Commissioner being present. Prior to the commencement of these meetings, it would be helpful to push this communication out to the public to help them understand what is trying to be accomplished. The goal of the General Plan is to help the City Council along with the Planning Commission with their land use decision making process.

Chair Chris Berbert solicited feedback on what the City Council and Planning Commission would like to do in regard to the town hall meeting series. He solicited advice on essentially each district having one or more meetings which could ultimately present different action plans throughout the City. Consultant Petheram mentioned the Community Outreach Facilitators would be a good resource to use as well.

Planner Maloy clarified the first public hearing would be held with the Planning Commission. After which, the Planning Commission would offer a recommendation to the Council. A second hearing could be conducted during a City Council meeting; however, was not required. Councilmember Ohrn opined the public should have as many opportunities as possible to offer input on the General Plan. Mayor Watts agreed and explained this has been an ongoing process and needed to have public participation. He also opined it was unnecessary to host “town hall” meetings, and recommended the General Plan be available on the City’s website and allow for input. Consultant Petheram explained the team had been working closely with the GIS Department to offer potential tools for the public moving forward. Mayor Watts observed the legend for the online zoning maps, and encouraged those to be

refigured for clarification. Consultant Petheram explained there are new categories for future land use categories which would not trigger any zone changes. She suggested this could uncover necessary zoning category updates to capture visions. Mayor Watts asked if the additional zones had been proposed are more in line with the desire of the Planning Commission. Chair Berbert explained some vacant areas in the City which are already entitled. City Planner Maloy suggested a chart or table be created to show the existing land use designations and zoning categories for the public to be able to compare previous and current content. He suggested this would relate to an existing zoning category or identify a potential zone.

Chair Berbert explained there was one zoning area discussed which entailed smaller homes being constructed on larger lots which could encourage the property owner to own large animals and have the necessary facilities to care for them. He opined some equine owners aren't concerned with the size of a home.

Chair Berbert continued with the zone change to accommodate a commercial use for a small business and the "warehouse feel" it could potentially cause. He noted the excessive talk regarding big box retail stores and questioned the need. He thanked Consultant Petheram for the effort being put into the General Plan update.

Councilmember Shields indicated public input was important and encouraged the process be creative to solicit participation. Consultant Petheram explained the town hall meetings would accommodate electronic participation, and noted she had discussed options available with the Communications division. Councilmember Shields suggested a map be available indicating areas of the City which already have entitlements. He expressed this could help resident frustration associated with the current members of the City Council and Planning Commission when construction of those developments commence.

Mayor Watts observed the reduction of agriculture residential throughout the map, and suggested this was disheartening to the community who have prided themselves of living in an agriculturally friendly area. Consultant Petheram explained the objective was to clarify areas of the City where residents could have different types of animals. Commissioner Jacobson suggested it would be nice to have the ability to click on areas and have information about the zone available. Councilmember Shields reiterated his desire to have the map reflect what could be developed.

City Planner Maloy opined over time, there would be pressure to change one thing or another in the community. He explained there was value to having a General Plan designation and zoning regulations for a developed neighborhood. He noted densities had been allowed to be moved and condensed in some areas which has caused misalignments with the General Plan and the zoning ordinance. He added they were trying to bring some of the land uses types and zoning designations into compliance with what had been constructed. Commissioner Jacobson stated the General Plan was the vision of the City Council to help the Planning Commission understand their vision of the future. The Planning Commission tires to uphold the established vision for the City.

Chair Berbert reiterated the options available for approaching the general plan. Items to consider and influence the General Plan included master development agreements, zoning, land uses for commercial

and residential, and the preservation of integrity of neighborhoods.

1.3 Discussion of City Code Enforcement Approach and process – Michael Maloy, City Planner and Rockne Crisp, Code Enforcement Officer

Planner Michael Maloy introduced the new Code Enforcement Officer Rocky Crisp. He observed the purposes of Code Enforcement including: protect the health and safety of the public, preserve appearance and beauty of the neighborhood, encourage community pride and preserve the value of property. Planner Maloy reviewed items encountered with regards code enforcement. Planner Maloy turned the time over to Planner Sheldon Howa.

Planner Howa offered an oversight of the enforcement process and explained approaches do have to be adjusted according to the violations observed. He noted difficulties due to the COVID-19 pandemic, and ultimately reached out to surrounding jurisdictions to gain alternative perspectives. It was determined the majority of cities had stopped being proactive to limit exposure. Planner Howa recommended to postpone all of the administrative law judge hearings and address violations through extension letters requesting compliance during this time. He observed an increase of minor infractions which caused momentum loss with other violations. He presented the caseloads from 2020 which included the closure of 278 cases and currently have 25 active cases.

City Planner Maloy explained his hopefulness and encouragement 2021 being a better year. Planner Maloy expressed his excitement regarding the new addition to the department as an experienced officer would help the City get back on track and make improvements to the process. Commissioner Jackson Ferguson asked how many type of violations were directly related to land use or building. City Planner Maloy responded there were no building or land use related violations.

Mayor Watts wanted to know if something could be done with signage placed by developers and opined the regulations were being blatantly ignored. Planner Howa responded a fine of \$25 could be assessed to the developer to have the signage removed.

Commissioner Brody Rypien asked if the majority of enforcement was done on a proactive or reactive approach. He expressed concern of the size of the city having adequate time being proactive on minor violations like weed mitigation. Planner Howa noted the approach needed to be balanced in the current workload. Commissioner Rypien asked if the department was sufficiently staffed. Planner Maloy opined the department was understaffed and explained the number of cases would continue to increase as the City ages.

Councilmember Ohrn questioned the point when parking a large vehicle on personal property is the City infringing on personal property rights. She recommended being cautious with regulations as there are personal property rights. Commissioner Adam Jacobson agreed with Councilmember Ohrn, but was concerned about the large vehicles deteriorating infrastructure and how it affects the community in general.

City Attorney Chase Andrizzi explained from a statutory perspective enforcement is easier if a common goal had been established. Code Enforcement is broad and could be narrowed down by neighborhood

or zoning designation to make the enforcement burden lighter. He suggested as this approach would protect those individual property rights and ultimately make it easier for the administrative law judge to conduct their job. Councilmember Shields stated the City could not dictate what property owner's park on their property and then prohibit it being parked on the street, and recommended the City needed to add clarity to the position. He explained the positive aspect of having a codified enforcement process which could escalate the educational component and offer an opportunity for compliance without consequences before a violation becomes an issue.

1.4 Discussion of the Herriman Towne Center Commercial Property – Heather Upshaw, Economic Development Manager

Economic Development Manager Heather Upshaw explained the City owns four commercial pads surrounding Crane Park in the Towne Center and noted there has been several businesses interested in occupying those sites over the last few years. She observed options would include to either sell or lease the property. Chair Berbert asked if the businesses which have approached the City were interested in owning or leasing the property. Manager Upshaw responded those individuals were not necessarily wanting to construct the building, but were more interested in leasing the property. Councilmember Ohrn asked what the original intent and vision was for this area as it was important to view and utilize these pods as assets to the City.

Assistant City Manager Tami Moody explained there was no consensus of how to use the Towne Center property, and staff would like to solicit direction on how to proceed. She acknowledged the amount of interest received from small businesses owners who do not have the means to construct premises.

Councilmember Jared Henderson felt this was a terrible location for an investment property, and suggested some studies need to be conducted prior to determining the best use. He opined there were currently two different options, first, to sit on the land and sell it when it would be more valuable or secondly, turn it into a ball field. Councilmember Henderson reiterated the need to conduct a study to determine if it would be considered a viable location. Councilmember Ohrn felt something needed to be done with the properties, rather than just leave them empty. Mayor Watts suggested this could be a long-term solution for future as the City continues to grow and additional building space would be necessary.

Commissioner Brody Rypien explained there was already a good market study done from Edge Homes which recommended not having commercial uses on those properties due to commercial property being available across the street. He explained this should be more flexible. Councilmember Henderson reiterated a market analysis would be good for this area to help determine if it was truly viable, and did not want to waste time hoping something could work.

Manager Upshaw explained previous conversations outlined businesses which would not be viable in the area due to the lack of foot traffic. She noted requiring a building to be constructed with 60-percent brick or stone would be too expensive for a business to consider purchasing the property for a business. This property could have events being hosted to draw people into the area. Manager Upshaw indicated

staff would like to pursue the vision for the area as directed. Chair Berbert explained his family often drives out of the community because of the lack of businesses, and agreed something needed to be brought to the area which was viable. Commissioner Rypien highlighted a community where there was seven or eight different restaurants in clustered containers, and suggested this approach could fulfill a current and future need. This approach would give the City time and flexibility to decide if they wanted to build an extension of the government building. City Planner Maloy explained something could be considered as a temporary use which would not cost the City an excessive amount of money.

Commissioner Bradford expressed concern for future retail and restaurants around Crane Park as food trucks had not done very well there, especially during the winter months. She suggested that an analysis be conducted to determine the feasibility of these uses in the area as well as potential incentives from the City to help attract more independent businesses there. Mayor Watts opined the property would need to be utilized for future government offices; however, agreed it was not a current priority.

Councilmember Clint Smith explained the history and intended vision of these properties. He observed several successful concepts and layouts depicted from Southlake, Texas. Councilmember Smith was open to unorthodox options to find something which would be beneficial for the City long-term. He agreed with the Mayor's sentiments about needing future space for city services. It was important to find a balance of what would be sustainable and what needs fit the vision of the City.

Assistant City Manager Tami Moody explained different options had been discussed previously which included smaller restaurants along with other unique and creative businesses.

1.5 Discussion of Herriman City Code to review ordinance relating to design guidelines – Michael Maloy, City Planner

City Planner Maloy explained there was comments expressed during the previous joint meeting and noted the divided direction provided regarding those guidelines. He offered a presentation regarding the current building standards and explained the need for design standards to protect public health, promote prosperity, peace and good order and ultimately protect the city's tax base. He continued this would promote economy in the government and protect property values. He reiterated staff was looking for direction as he presented several surveys for the City Council and Planning Commission to consider.

1.6 Discussion pertaining to Flag Lot Amendments – Michael Maloy, City Planner

Planner Maloy reviewed the current ordinance for flag lot development. He explained the ordinance which added several new standards was adopted in 2017 and it was intended to increase restrictions on flag lot development. Staff looked at several other surrounding cities and found flag lot developments were allowed; however, each jurisdiction had different standards. When the current ordinance was adopted, it was determined flag lots could change the look and feel of a neighborhood. He explained it could be possible to add some clarifying language to the ordinance, if desired.

Planner Maloy reviewed the current ordinance and offered some basic changes which could broaden the ordinance some and opened the item for group discussion.

Councilmember Ohrn felt the most important thing was to keep the integrity and safety of the neighborhood. She added it would need to make sense for the area, and suggested some language could clarify the intention of the City. Commissioner Jacobson explained he would like to see the different areas in the community where this would affect, and agreed some limitation should be allowed. Planner Maloy explained the one big change would be allowing flag lots on a minor collector.

2. Future Meetings

2.1 ~~Planning Commission Meeting – Thursday, December 17, 2020~~ **Cancelled**

2.2 Planning Commission Meeting – Thursday, January 13, 2021 @7:00 PM

2.3 City Council Meeting - Wednesday, January 13, 2021 @7:00 PM

3. Adjournment

Commissioner Lorin Palmer moved to adjourn the Joint City Council/Planning Commission Meeting at 10:06 pm. Commissioner Adam Jacobson seconded the motion and all voted aye.

I, Kristin Dalley, Records Technician for Herriman City, hereby certify the foregoing minutes represent a true, accurate and complete record of the meeting held on December 16, 2020. This document constitutes the official minutes for the Herriman Joint City Council / Planning Commission Meeting.

