



**HERRIMAN CITY COUNCIL
AND PLANNING COMMISSION
JOINT MEETING MINUTES
Wednesday, March 30, 2022**

The following are the minutes of the Joint City Council and Planning Commission Meeting held on **Wednesday March 30, 2022, 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: Mayor Lorin Palmer

Council Members Present: Jared Henderson, Teddy Hodges, Sherrie Ohrn

Planning Commission Members Present: Chris Berbert, Andrea Bradford, Jackson Ferguson, Adam Jacobson, Andrew Powell, and Heather Garcia

Staff Present: City Manager Nathan Cherpeski, Assistant City Manager Wendy Thomas, Assistant City Manager Tami Moody, City Planner Michael Maloy, City Attorney Chase Andrizzi, Assistant City Planner Clint Spencer, Communications Specialist Destiny Skinner, Community Development Director Blake Thomas, Director of Public Works Justun Edwards, Director of Finance Alan Rae, Commander Zach Adams, Records Specialist Ashley Glines.

Excused: Daryl Fenn, Brody Rypien, Forest Sickles, and Steve Shields

1. Call to Order - 6:00 PM

Mayor Lorin Palmer called the meeting to order at 6:02 pm.

1.1. Approval of the June 30, 2021, Joint City Council/Planning Commission meeting minutes

Planning Commissioner Chris Berbert moved to approve the June 30, 2021, Joint City Council/Planning Commission meeting minutes as written. Commissioner Heather Garcia seconded the motion, and all voted aye.

2. Discussion Items

2.1. Open and Public Meetings Act Training - Chase Andrizzi, City Attorney

Attorney Chase Andrizzi reviewed the Open Public Meetings Act and its application. He used a presentation to detail types of meetings and roles.

2.2. Herriman Preserve Project Overview (Laguna/Malibu) - Blake Thomas, Community Development Director

Community Development Director Blake Thomas Presented the Proposed Herriman Preserve Development, formally known as the Laguna/Malibu Property. He then displayed a map of the project location in the Southeast portion of the city, approximately 970 acres, extending from Juniper Crest to Camp Williams. He pointed out three properties he would be referring to and roughly what their sizes were: Laguna Point (80 acres), Laguna (546 acres) and Malibu (269 acres). He passed out maps amongst the Council and Commission to indicate the current General Plan and Zoning for the properties. Zoning is what allows for development right now and the General plan is the guide. He explained a rezone would be necessary if anything were to change. He then read from the code the purpose of the Hillside overlay Zone, which is “To Protect the natural and scenic environment of the southern part of the city. Its intent is to assist the development of steep slopes in the south mountain area to become desirable and a safe place to live and recreate. The city intends to preserve as much of the existing natural beauty as is feasible and still allow for compatible development. The natural resources should be taken advantage of without significantly detracting from the enjoyment of the hillside area.” He stated that with that purpose the overlay does restrict the development of the property. He then explained the tables on the exhibit, amongst the information handed out, show the developable area outside of the thirty percent overlay, then inquired if the council/commission had any questions up to that point. With no further questions he displayed a map of the proposed land use that was included in the application for the community master plan and explained the current working group meetings in which they have addressed questions and problems for the draft master plan.

Director Thomas informed the council and commission the staff and developer were inquiring feedback on whether to allow development in the Hillside Overlay and if so to what extent, and to keep that in mind as they continue with the presentation. With that he continued, the largest component in the project would be open space and trails as he displayed an open space plan for where those parks and trails could be located as well as visual of the Road Cross Sections. He then detailed the bus stop concept discussed with the School District.

Continuing he described three different trail cross sections as trails have become a large part of the community. He showed some sample lot layouts that the developers had prepared, what each of them looked like and why. While viewing these layouts Director Thomas spoke of a specific property, with access to Juniper Crest, explaining it was held back from developing while they were waiting for a water

tank. Next, Thomas pointed out access roads and paths on the diagram of the Pedestrian Conductivity Plan. He ended with a slide on proposed development. He Briefed over some discussions from the MDA meeting's, the most recent was regarding DRC Concept. A couple options discussed were: First, the Developer having their own DRC, a staff member would be placed on that DRC, design guidelines would be set up so when they meet all the requirements the project could be approved by staff and would not go through Planning Commission. Or the second option would be to have a typical DRC set up where the plans would be reviewed internally with no city staff, sent through the application process with the city and then go to planning commission. He asked for the council/commission for input during the meeting on those options as well as the hillside overlay set up. Other items he mentioned from these meetings to be discussed were the ongoing cost of service and maintenance, and what compatible uses were wanted near a military base. He informed the council/commission the developer was present to answer any questions they may have.

Mayor Palmer thanked Director Thomas and asked for feedback from the rest of the council and commission.

Commissioner Jacobson offered his opinion of there should be as much public open meetings as possible, preferring the traditional way of going through planning commission

Commissioner Berbert questioned where the Buffer zone was and asked about grant money provided for a buffer. Director Thomas clarified there was a 100-foot buffer being proposed, but there was no existing buffer, there was ACUB funding but there needs to be a willing seller. Attorney Andrizzi made note Camp Williams was their development partner, but there were also property owner interests as well. The City cannot decide what they do with their property if they're within the zoning rights they have and or the development agreement negotiated. The Developer and the camp would need to discuss how to work out that buffer.

Mayor Palmer asked if there were any other comments on the DRC process. Commissioner Powell agreed with Commissioner Jacobson to keep open public meetings to allow transparency. Commissioner Ferguson questioned if there was anything besides single family homes. Director Thomas indicated an area that was being proposed as attached housing and everything else being single family. Commissioner Berbert asked if there needed to be a fire station up top. Councilmember Ohrn asked if it would be the same with police. Councilmember Hodges responded they did discuss the response time for emergency personal to the city and a possible special service area for the city.

Commissioner Ferguson referred to the previous DRC discussion, asking if each single-family home would come back to the commission if they did not have a DRC. Director Thomas responded it would be the overall development first and then depending on the MDA it could be by pod or property.

They all moved on to a discussion regarding the Hillside overlay. Commissioner Berbert felt they should keep it saying the Hillside overlay was intended to protect the native landscape. Commissioner Powell asked if it would be adjusted to meet the thirty percent since it was currently based on assumption. Director Thomas confirmed there would be a survey done to identify a new survey overlay line. Commissioner Jacobson brought up concern with the highest density being placed on the overlay zone.

He then asked when the overlay was put in. Director Thomas recounted the last ordinance update being 2017 but it was put in around 2012. Director Thomas added, in the general plan, there are areas of development that were near the side of the overlay as well. Commissioner Berbert asked for the definition of the Hillside Overlay zone. In response Director Thomas read the purpose again. Commissioner Jacobson questioned why they would open areas inside the bigger mass. Commissioner Ferguson offered his opinion of there being some great areas that are flat. Commissioner Berbert interpreted the purpose as not just trying to preserve steep areas, but both steep and flat areas. If that is true, the scenic overlay area needs to be preserved.

Councilmember Henderson didn't interpret the purpose as to preserve, but to think what would make sense in that area. Commissioner Jacobson asked if they had spoken to Draper about their special service district. City Manager Nathan Cherpeski interjected he had spoken to Draper's City Manager and that they had set up with the developer but set up a board after fact. Councilmember Ohrn brought up the concept of letter of law vs content of law to have some conformity to minimize impact. Councilmember Hodges questioned what the Metric of the overlay zone was going through property they did not own. Director Thomas responded from his understanding there was a proposed development on top of hill in response to movement in Herriman at the time. MDAs were then put in place to help slow things down. Commissioner Jacobson was on Planning Commission at the time and recalled it was more to protect the hillside overlay and to lower concerns. Commissioner Berbert stated he was present during the time as well and recommended looking at the purpose as why it was written and not the intentions of individuals. Councilmember Ohrn questioned if it was written at the same time as Herriman Hills initiative. Her questioned was confirmed by the Commission. Commissioner Jacobson commented if the purpose was to preserve the hills, they were flattened anyway so they would need to enforce the preservation somehow. He added he understood the developers need to develop but they still need to protect the property. Councilmember Ohrn questioned if they try to preserve the area, how would that change what is being proposed. Director Thomas responded it would limit the number of units.

The Commission and Council continued to discuss the buffer. City Manager Cherpeski Commented it was a challenging location with steep roads and public utilities. Commissioner Bradford questioned who funded the water tank. Director Thomas responded it would depend on the size requirement. More discussion ensued on the topic. Councilmember Ohrn brought up emergency concerns for evacuation routes as well as other scenarios. Commissioner Jacobson asked if there was an ordinance regarding a required buffer. Assistant City Manager Wendy Thomas mentioned a study that had been done regarding the buffer. Manager Cherpeski commented they were finding where the noise exists to establish a noise overlay zone to notify future buyers to be aware.

2.3. Discussion of a commercial development proposal on ±20.3 acres located approximately at 15101 S Mountain View Corridor in the C-2 Zone - Michael Maloy, City Planner

City Planner Michael Maloy identified the vacant property in question and where it was located. He briefed over potential uses but do not fit in the current C2 Zone. He explained they were looking at two design options and the difference in design two was a potential hotel. Other sites have attracted interest for hotel users because of this there was concern regarding a hotel site, making design option

one more suitable. The C2 Zone has requirements for forty percent brick or stone which has been a challenge as well as the requirement that the uses cannot include wholesale as a primary use. The development partner is more interested in a M-1 rezone, however the general plan for that area does not encourage that. Planner Maloy posed the question do they investigate making modifications to the C2 Zone to help this potential project fit into the city or a rezone into a M-1. Commissioner Berbert asked how much of the development, or all of it they are wanting to zone as M-1. Planner Maloy responded this was just a high-level concept of all of it being M1 but, another option would be to do part M-1 and part C-2. He stated neither is perfect. The question would be do they introduce wholesale on property, or should it be, what would be allowed in the C2 zone. Councilmember Henderson commented it would all depend on what they want there. They need more detail and a plan to decide. City Planner Maloy responded they do realize this and have talked about providing tax revenue examples for these uses. Councilmember Ohrn agreed with Councilmember Henderson they were open to ideas to bring in tax revenue. Councilmember Hodges commented the examples of the C2 Zone shown in the presentation are great designs. Planner Maloy mentioned they could to a planned development overlay to work with the C2 zone, then bring it to the council for approval, which they can then modify the standards based on specific proposals.

The Developer offered information regarding a hotel. The Council and Commission discussed the hotel idea. Commissioner Berbert referred to the M-1 versus C2 discussion stating he didn't see a lot of concern on architecture or design and posed the question what the better route would be with what they have been shown so far. Councilmember Hodges questioned if Porter Rockwell was an M-1 zone. Planner Maloy confirmed it was. Commissioner Berbert expressed his concern with all of it being changed to the M-1 zone were the long-term effects, preferring part M-1 and part C-2. Commissioner Ferguson offered an example, from experience, of a volleyball space not working out after a few years then being converted into office space. He then posed the question if the space is zoned as M-1 what it would then convert to. Councilmember Hodges commented it was a good idea to figure out the secondary uses, but it can't be fixed with just a zoning tool. The Developer mentioned they would be happy if a portion was zoned for flex space, then added they would like to avoid unnecessary congestion. Planner Maloy thanked everyone as they had gotten good feedback. Mayor Palmer added there may be other potential hotel sites in the city as well. Councilmember Henderson commented a hotel would be best thing for taxes.

2.4. Discussion and prioritization of pending Title 10 Land Development Code amendments - Michael Maloy, City Planner

City Planner Michael Maloy introduced the current Legislative Requests. He stated the Auto mall removed a request for the general plan and zoning amendment and mentioned he was unsure if they would be focusing on commercial. Teton commercial, on 11800 South by Herriman high, is underway and haven't yet submitted a formal application. He then moved along to potential amendments discussed internally and invited discussion from the commission and council on any current concerns or what they would like staff to research. Planner Maloy referred to last year when the Utah State Legislature took away regulation on Single family homes with such things as architecture, appearance, and materials. Although, if a development partner enters into a negotiated agreement, they could

reintroduce regulating design and materials. Currently the planned development overlay requires a minimum of fifteen acres. If they were willing to lower the acre size, they could do more projects and design. Councilmember Henderson questioned if there were any other benefits besides design standards as he did not like that idea because of their previous decision. Planner Maloy responded with just Overall design. Councilmember Ohrn did not like the idea as they would have to give too much for what they get in return.

Planner Maloy then commented that if they were to tie a planned development to commercial property the planned development currently requires twenty percent open space. However, in a commercial setting they would not want Twenty percent to be open space. He questioned if they could discuss an amendment with commercial spaces or taking out the requirement for commercial. Commissioner Berbert agreed with eliminating the requirement if there is walkability layout for all commercial.

Planner Maloy referred to a previous comment regarding the push back from development partners on brick and stone standards which had caused concern over losing commercial projects. He questioned if it was time to revisit that standard to recommit or get rid of it. Councilmember Henderson mentioned that was put in place to make it look different as everything looked the same. Commissioner Jacobson commented the real intent may have just been better quality. The Council and Commission debated on what standard they were trying to establish. Commissioner Jacobson liked the standard that they have, and the good quality would help ensure the developer does a good job and the business will be sound. Councilmember Henderson agreed having a higher standard would give them a starting point to have something good. Councilmember Hodges agreed they need a baseline but, if they are losing business because of the standard it may need to change. Councilmember Ohrn commented brick or stone doesn't matter it is more about quality. Councilmember Hodges suggested the developer prove the quality of the materials to move forward. Commissioner Berbert agreed the material should be equal or better quality than the standard. Commissioner Jacobson agreed the developer should prove the better-quality material. More discussion ensued on the topic. Commissioner Jacobson summarized the consensus amongst the commission and council seemed to be to keep the standard.

Planner Maloy moved along to the next topic of Potential Amendments. He offered some brief administrative updates which included: Code enforcement, business licensing, zoning interpretation, and state code compliance. He informed the group; Planning Commission would be having a public hearing to change the names of the agricultural and residential zones to be more consistent. He also talked about the discussion of changing the density of the A-.25 zone.

Another Amendment from the Legislative session was Moderate Income housing which included additional standard requirements and a new reporting process. Commissioner Berbert questioned if the state was asking the city to come up with potential solutions verses leaning on developers. Planner Maloy offered an example of a fund from the CDA that needs to be invested in moderate income housing. The update asked what was being done with the fund that had been accumulating. He expressed they needed program or policy in place for the fund. Commissioner Ferguson asked if they were looking for specific numbers for moderate to medium income. Planner Maloy explained the legislature has expanded

the list of objectives for the city. Mayor Palmer added the change this year was needing five to be a priority.

Commissioner Ferguson brought up another topic, he had heard of developers building neighborhoods for rent as opposed to home ownership. Councilmember Ohrn expressed concern with renting and the overwhelmed community. More discussion ensued on the topic of renting. Mayor Palmer recommended moving on and coming back to the discussion later.

Another Potential Amendment Planner Maloy listed was grade changes. There's currently no maximum limit. He suggested they adopt better grade maximums. He then asked the group for other ideas, suggestions, concerns, or recommendations. He expressed the Council and Commission had done a fantastic job. Commissioner Jacobson brought up the issue of private lane parking and how they lose the ability to do anything. Attorney Andrizzi clarified it was an enforcement issue and gave more information on the subject. Commissioner Jacobson offered an example of South Hills. Mayor Palmer thanked everyone for there comments during the meeting.

3. Future Meetings

3.1 April 7 - Planning Commission meeting 7:00 p.m.

3.2 April 13 - City Council work meeting 5:30 p.m.; City Council meeting 7:00 p.m.

4. Adjournment:

Planning Commissioner Adam Jacobson moved to adjourn the Joint City Council/Planning Commission Meeting at 8:11pm. Council Member Sherrie Ohrn seconded the motion, and all voted aye.

I, Ashley Glines, Records Specialist for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 30, 2022. This document constitutes the official minutes for the Joint Planning Commission/City Council meeting.



Ashley Glines
Records Specialist