



PLANNING COMMISSION AGENDA

Wednesday, March 01, 2023

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

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

1. Commission Business

- 1.1. Review of City Council Decisions – Michael Maloy, Planning Director
- 1.2. Review of Agenda Items – Planning Staff
- 1.3. Discussion of recreational vehicle parking and storage issues and standards – Planning Staff

2. Adjournment

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

3. Call to Order

- 3.1. Invocation, Thought, Reading and/or Pledge of Allegiance
- 3.2. Roll Call
- 3.3. Conflicts of Interest

4. Administrative Items

Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the application compliance with the ordinance.

4.1. Consideration of a Conditional Use Permit for a small wireless communication facility and monopole installation located on the property of Herriman High School located at 11917 S Mustang Trail Way in the R-2-10 (Residential) Zone.

Applicant: Richard Lee (authorized agent/AT&T)

Acres: ± 55.78

File No: C2023-006

4.2. Review and recommendation of proposed amendments to Planning Commission Rules of Procedure

5. Chair and Commission Comments

6. Future Meetings

6.1. Next City Council Meeting: Wednesday, March 8, 2023

6.2. Next Planning Commission Meeting: Wednesday, March 15, 2023

7. 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 Commission 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 Commission will be asked to complete a written comment form and present it to the Deputy City Recorder. In general, the chair will allow an individual three minutes to address the Commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

I, Wendy Thorpe, 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 22nd day of February, 2023 /s/ Wendy Thorpe, Deputy City Recorder



Staff Memorandum

Date: February 23, 2023

To: Planning Commission

From: Clinton Spencer, AICP, Planning Manager

Re: Ordinance discussion for RV storage in the City.

Summary

On January 18, 2023 several ordinance amendments were proposed to the Commission for consideration and recommendation to the City Council. These amendments were proposed to help shore up City ordinances in regards to code enforcement issues. Among the several amendments proposed was the issue pertaining to RV storage in the City, mostly regarding RV storage in residential single family zones. Some of the issues the Commission asked staff to research and bring back for further consideration included:

- Property rights
- Community impact
- Safety
- Types of RV's
 - Definitions/ descriptions
- Living in RV's in residential zones

Background

Staff has completed research and gathered information to address the concerns the Commission identified. Staff will present that information to get further direction from the Commission regarding the provisions a proposed ordinance should include.

Sincerely,

Planning Department/ Staff
Clinton Spencer, AICP, Planning Manager



STAFF REPORT

DATE: February 6, 2023

TO: Planning Commission

FROM: Sheldon Howa, Planner II

SUBJECT: Consideration of a Conditional Use Permit for a wireless communication facility and monopole installation located on the property of Herriman High School located at 11917 S Mustang Trail Way in the R-2-10 Residential Zone.

Applicant: Richard Lee, J5 Infrastructure Partners (authorized agent)

Acres: ±55.78

File No: C2023-006

RECOMMENDATION:

Staff recommends the Commission approve the following findings:

- Application C2023-006 — with the recommended conditions of approval — complies with the following:
 - a. [10-5-11](#): Conditional Uses,
 - b. [10-29-8](#): Antenna, Monopole, and
 - c. All other applicable zoning regulations.

Staff recommends **approval** of a Conditional Use permit for a wireless facility and monopole on the property of Herriman High School located at 11917 S Mustang Trail Way in the R-2-10 (Residential) Zone with the following requirements:

1. Receive and agree to all remaining corrections from City departments.
2. The wireless facility's base station shall be enclosed within an eight (8) foot tall masonry or precast wall similar in color and materials to adjacent structures.

ISSUE BEFORE COMMISSION:

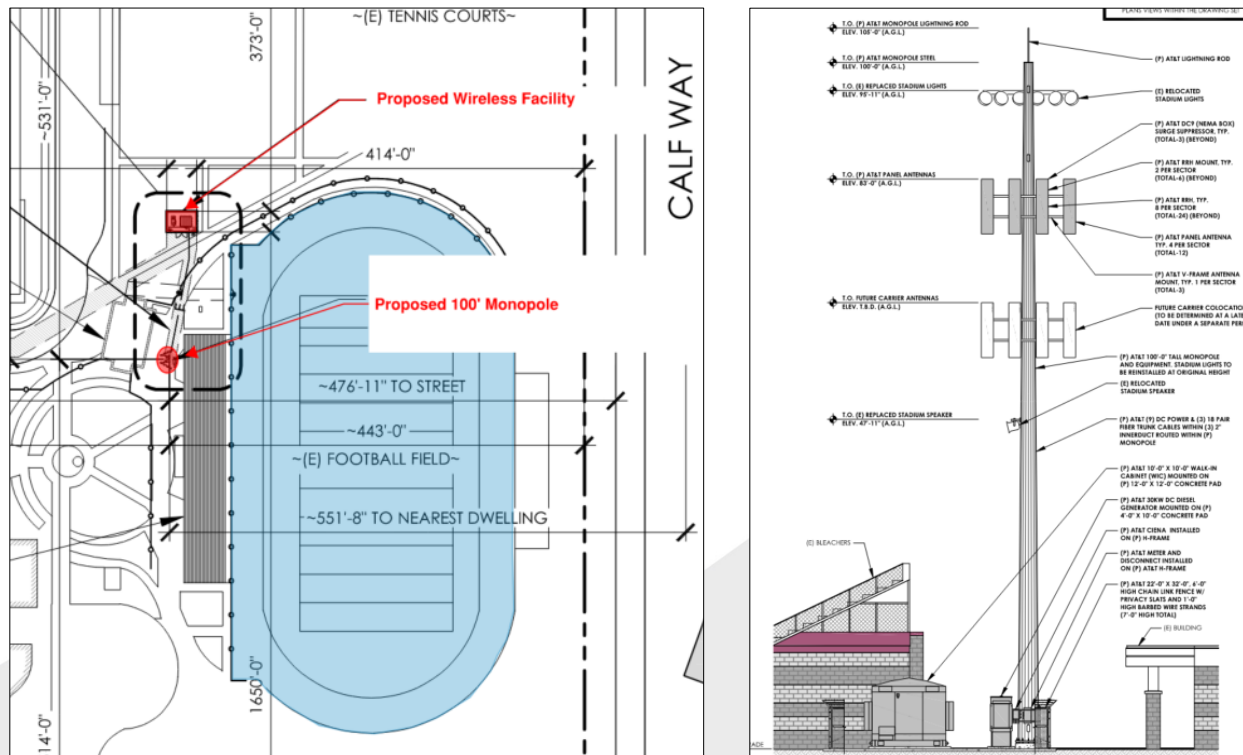
Based on the staff findings and recommended conditions, should the Planning Commission approve the proposed Conditional Use?

If approved by the Planning Commission, with any required conditions, the applicant will continue working with staff to make all necessary corrections before any building permits are issued.

BACKGROUND & SUMMARY:

On behalf of AT&T, the applicant requests approval of a Conditional Use Permit to construct a new wireless communication facility and monopole on leased property located on the existing site of Herriman High School. The proposed wireless facility will be built west of the high school’s stadium on a leased area of twenty-two (22) feet by thirty-two (32) feet for a total of 704 square feet.

The proposed monopole will replace an existing one-hundred (100) foot tall stadium light pole. It will be erected to the same height to accommodate a new antenna array, future collocation, and stadium light fixtures (from the existing light pole). The applicant is not proposing a stealth enclosure for this installation.



The site currently has a wireless facility and “stealth” monopole on the property’s southwest corner (east of the LDS Institute building). However, the current array provides services for two carriers and cannot accommodate an additional provider.

Regarding notification, Herriman City Code 10-29-8 requires property owners within six hundred (600) feet of the monopole to be notified of the Planning Commission planning meeting. On February 17, 2023, staff mailed two (2) notices to neighboring property owners.

DISCUSSION:

ENGINEERING REVIEW

Staff Finding: The Engineering Department has reviewed the proposed site plan and has no concerns.

LAND USE REVIEW:

10-16-1: Uses

Per the Land Use Table in City Code 10-16-1, wireless communication facilities are conditional uses in the R-2-10 Residential Zone. The Land Use Table also states that wireless facilities shall only be located on public or quasi-public owned property or utility sites and not in public parks unless the Planning Commission grants an exception.

Staff Finding: The proposed site is a publicly owned property (by the Jordan School District) and zoned R-2-10 Residential.

CONDITIONAL USE REVIEW:

As per City Code 10-5-11.E, the proposed conditional use and associated plans must comply with all applicable standards and “include substantial mitigation of reasonably anticipated detrimental effects” listed in City Code, which are summarized below. In addition to the following findings provided by staff, the applicant’s written response to each issue has been included in Attachment E.

Consistency with the applicable objectives, goals, and policies of the General Plan.

Staff Finding: Policies adopted by the General Plan aim to offer exceptional amenities, including services and resources, to promote healthier and happier communities. The proposed use will expand the current public wireless service to Herriman residents.

Detrimental effects of decreased street service levels and/or traffic patterns.

Staff Finding: Except for the facility’s required maintenance, the proposed use will not generate any additional traffic or impact the existing street service or traffic patterns of the site or surrounding areas.

Detrimental effects on the adequacy of utility systems, service delivery, and capacities.

Staff Finding: City staff has reviewed the proposed plans and has no concerns.

Detrimental effects on connectivity and safety for pedestrians and bicyclists.

***Staff Finding:** The proposed use and structures provide no public services or access. The wireless facility's base station will be enclosed in fencing, restricting public access to the site. In addition, the location of the structures will not impede or create safety concerns for pedestrians or bicyclists.*

Detrimental effects by the use due to its nature including noise, odors, or environmental impacts.

***Staff Finding:** No invasive odors, excessive noises, or environmental impacts are anticipated with this installation of the wireless facility and monopole.*

Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people.

***Staff Finding:** The proposed wireless facility will have no detrimental effects increasing the risk of contamination or damage to the adjacent properties. In addition, a study released by the FDA in 2020 found no quantifiable adverse health effects in humans caused by exposure at or below the current cell phone exposure limits ([FDA Study](#)).*

The wireless facility's base station will be located west of the stadium and close to existing structures and pedestrian travel on the site. The applicant proposes installing an eight (8) foot chain link security fence around the base station. Per 10-15-5 of City Code, chain link is not a permitted fencing material outside of recreational uses. Therefore, staff recommends the applicant install an eight (8) foot tall masonry or precast wall around the base station, similar in color and materials to surrounding structures.

As such, with the above recommendation, staff recommend approval.

Detrimental effects of modifications to or installation of signs and exterior lighting that conflict with neighborhood compatibility.

***Staff Finding:** The stadium lighting from the existing light pole will be reinstalled on the proposed monopole at roughly the same height as its previous location on the existing light pole. The collocation of the lighting fixture and antenna arrays will not modify or increase the lighting impacts of the original installation. No signs are included or are a part of this project.*

Detrimental effects arising from incompatible designs.

***Staff Finding:** The applicant is proposing to replace an existing light pole utilized for stadium lighting with a monopole of similar dimensions and the same height. The existing lighting fixture will be collocated with the wireless antenna array to minimize the impact of the structure on and off the site. Staff has found that the proposed design and implementation of*

the monopole for field lighting will mitigate the negative impacts of the proposed use. As such, staff recommends approval of the proposed design.

Detrimental effects on the tax base and property values.

***Staff Finding:** Staff research on home sales prices based on their proximity to cell towers produced a wide range of inconsistent results. Some studies claimed depreciation of property values, which impact varied from 2 to 20 percent (based on numerous variables). Other studies found no measurable difference in sale prices (less than 1 percent) in homes within a quarter miles radius of a cell tower site. Based on the inconclusive finding, and the proposed cell tower's closest distance to any residential structures is 600 feet, no adverse effects on surrounding properties or the City's tax base are anticipated (see Attachment – B).*

Detrimental effects on the current level of economy in governmental expenditures.

***Staff Finding:** The City is not providing any economic incentive to the proposed business.*

Detrimental effects on emergency fire service and emergency vehicle access.

***Staff Finding:** The proposed use will not create any detrimental effects on fire and emergency services or access.*

Detrimental effects on usable open space.

***Staff Finding:** The wireless facility's base station will be located on an 8,325-square-foot landscaped area northwest of the stadium. The 704 square foot site of the base station will not negatively impact the usable open space of the overall fifty-five (55) acre site.*

Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

***Staff Finding:** Staff does not anticipate any unusual or unique maintenance issues with the proposed structure or site.*

DESIGN STANDARDS:

10-29-8: Antenna, Monopole

In addition to the other provisions of this title, monopoles are allowed in the zones in which they are listed, subject to the provisions set forth in this section:

- a. Monopoles shall be constructed so as to allow a collocation of a second user on the base or original pole.

***Staff Finding:** The proposed monopole has been designed to collate a second service provider.*

- b. The height of the pole shall be limited to fifty feet (50') above grade, unless approved by the Planning Commission for a greater height, but in no case greater than one hundred feet (100') above grade.

Staff Finding: *The applicant has requested to install a one hundred (100) foot monopole at the proposed location. This request to exceed the fifty-foot (50) maximum is to accommodate the stadium lighting and provide the additional space for the required collocation of an additional service provider. The existing light poles which provide field lighting for the stadium have lighting fixtures installed on one hundred (100) foot poles.*

- c. The distance between a monopole and a residential structure shall be at least one hundred fifty feet (150') unless the Planning Commission determines a greater distance is necessary to meet the requirements for approval of a conditional use permit, when the monopole is authorized as a conditional use.

Staff Finding: *The closest residential structures to the proposed monopole site are six hundred (600) feet. These residential structures are located west of the Farmgate Community-Copperwood Apartments and south of 11800 South Sreet.*

- d. The applicant shall submit images or drawings of a proposed monopole to show what it will look like when built. The images or drawings shall show two (2) vantage points as determined by the Community Development Director.

Staff Finding: *The applicant has provided two conceptual renderings of the proposed monopole from two vantage points (see Attachment – D).*

- e. Property owners within six hundred feet (600') of a monopole shall be given notice of the public meeting before the Planning Commission to consider approval of a conditional use permit.

Staff Finding: *Staff has prepared and noticed all property owners within six hundred (600) feet of the monopole.*

- f. Every effort should be made to keep a monopole one hundred feet (100') from a public street.

Staff Finding: *The closest public right of way (11800 South) is approximately five hundred (500) feet from the proposed monopole installation.*

- g. Each telecommunication company requesting a monopole shall submit a General Master Plan of the proposed number of poles projected within the City limits over the subsequent three (3) years.

Staff Finding: *The applicant has provided a General Master Plan for the projected number of proposed sites over the subsequent three (3) years (see Attachment – F).*

- h. A monopole and the site the pole occupies shall be properly maintained. The pole shall be removed within sixty (60) days after the communications use is discontinued.

Staff Finding: *The applicant is aware of (and has agreed to comply with) all applicable standards outlined in this subsection.*

- i. Monopoles may be required to be designed to blend into their surroundings.

Staff Finding: *The applicant proposes replacing an existing light pole with a similar structure (i.e., a monopole) and collocating the existing light fixtures on the new monopole. The design approach will maintain the visual appearance of the monopole as a light pole, which will help blend the structure into its surroundings. Staff has found that collocating the existing field lighting on the monopole will mitigate the visual impacts of the proposed structure.*

Staff Recommendation:

In conclusion, staff finds the applicant’s request—subject to compliance with the recommended conditions—meets the applicable development standards and recommends Planning Commission approval.

ALTERNATIVES:

The Planning Commission may consider the following alternative actions:

Alternatives	Recommendation	Considerations for Alternative	Considerations against Alternative
Approve proposal as submitted		Approval facilitates the expansion of wireless cell service within the City	Without staff recommendations, the proposal conflicts with City Code
Approve proposal with conditions	Yes	Approval with conditions forwards the proposal to final site plan and building permit review	Commission may determine additional conditions are warranted
Postpone proposal (with or without date)		Commission may identify additional issues that warrant further research and review. A motion to postpone should identify what additional information is required	Staff has not identified any issues that warrant postponement
Deny proposal		Commission may deny the proposal if a motion is based on the applicable standards	Staff has not identified any findings that warrant denial

ATTACHMENTS:

- A. Application
- B. Vicinity Map
- C. Construction and Site Plans
- D. Conceptual Renderings
- E. Project Narrative
- F. General Master Plan
- G. Conditional Use Standards
- H. Public Notice



STAFF REPORT

DATE: February 16, 2023

TO: The Planning Commission

FROM: Michael Maloy, AICP, Planning Director

SUBJECT: Review of draft Planning Commission Rules of Procedure and Ethical Conduct amendments

RECOMMENDATION:

Staff recommends the Planning Commission review the proposed “Planning Commission Rules of Procedure” and “Planning Commission Rules of Ethical Conduct” amendments and motion to approve for City Council consideration and decision.

ISSUE BEFORE COMMISSION:

Does the Planning Commission recommend approval of the proposed amendments to the Planning Commission’s procedural and ethical policies for Herriman City?

BACKGROUND & SUMMARY:

The Planning Commission is an appointed administrative and advisory body governed by Utah Code and Herriman City Code (see Attachment A). The Commission is also subject to additional procedural and ethical policies adopted by the City Council.

Due to recent changes in the Planning Commission meeting schedule, as well as the administration of the periodic joint work meeting with the City Council, staff recommends the Commission review the proposed draft amendments to the “Planning Commission Rules of Procedure” and “Planning Commission Rules of Ethical Conduct” for Herriman City. The City Council approved both policies in 2017 but warrant amendment to reflect current administrative practices (see Attachment B and C).

For reference purposes only, staff attached the approved “Electronic Board Meeting and Procedures” policy, which the City Council approved in 2020 in response to the COVID-19 pandemic. Staff is not recommending any amendments to this policy (see Attachment D).

DISCUSSION:

Section IX of the attached policy, which is entitled Adoption and Amendment, states:

These Rules of Procedure must be reviewed and approved by the Council before they become effective and may be amended upon approval by the Council.

As such, the Commission must forward desired amendments to the Council for final approval.

ALTERNATIVES:

The Planning Commission may recommend approval of the proposed draft or make further amendments as needed. The Commission may also continue the proposal to a future meeting for further consideration.

ATTACHMENTS:

- A. Planning Commission Ordinance
- B. Planning Commission Rules of Procedure
- C. Planning Commission Rules of Ethical Conduct
- D. Electronic Meeting Policy

Attachment A
Planning Commission Ordinance

10-4-5: Planning Commission

- A. Established: Pursuant to the terms of the Municipal Land Use, Development, and Management Act, Utah Code section 10-9a-101, et seq., a Planning Commission is hereby established to exercise the powers and duties specified in this title.
- B. Appointment And Term Of Office: The Planning Commission shall consist of seven (7) persons who shall be appointed by the City Council.
1. It is the intent of the City Council that the Planning Commission will represent diverse citizen groups, as well as the broad interests of the City as a whole; that membership should include balanced representation in geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well planned community should be sought when appointing commission members. Interests from which expertise might be selected include banking, development, contracting, engineering, geology and seismology, law, ecology, behavioral sciences, historic preservation, architecture, and landscape architecture. It is not, however, intended that Planning Commission members be limited to professionals, but rather, that members represent a cross section of the community.
 2. Planning Commission members shall be bona fide City residents and qualified electors of the City.
 3. Each Planning Commission member shall be appointed for a term of three (3) years which shall begin upon appointment.
 4. Planning Commission members may be reappointed for successive terms.
 5. The City Council may remove any member of the Planning Commission whenever it appears that such removal would be in the best interests of the City, as determined by the City Council.
 6. Any vacancy occurring on the Planning Commission by reason of death, resignation, or removal shall be promptly filled by the City Council, for the unexpired term of such member.
 7. Any vacancy occurring on the Planning Commission by reason of expiration of term shall be promptly filled by the City Council.
 8. The City Council, may appoint three (3) alternate Planning Commission members who shall serve terms of one year. The reappointment, removal, and vacancy of alternate Planning Commission members shall be the same as for regular Planning Commission members. Alternate members of the Planning Commission may serve on the Planning Commission in the absence of a Planning Commission member.
 9. Members and alternate members of the Planning Commission shall be deemed "volunteers" for purposes of City ordinances, rules, regulations, and policies concerning personnel; provided, however, they shall be included in the definition of "employee" for purposes of the Utah Governmental Immunity Act, Utah Code section 63G-7-101, et seq.
 10. Planning Commission and alternate members may be compensated for performing their duties as may be approved by the City Council.
- C. Powers And Duties: The Planning Commission shall have the following powers and duties which shall be exercised pursuant to the provisions of this title:
1. Prepare and recommend a General Plan and General Plan amendments to the City

Council as provided in section 10-5-7 of this title;

2. Recommend land use regulations to the City Council as provided in section 10-5-8 of this title;
3. Act as a Land Use Authority as provided in this title; and
4. Advise the City Council on matters requested by the Council, including but not limited to, programs for public improvements and the financing thereof.

D. Organization And Procedure: The Planning Commission shall be organized and exercise its powers and duties as follows:

1. The Planning Commission shall select one member as Chair to oversee the proceedings and activities of the Planning Commission and one member as Vice-Chair to act in the absence of the Chair. The Chair and Vice-Chair shall serve for a term of one year and may be reelected for successive terms.
2. The Planning Commission shall adopt policies and procedures, consistent with the provisions of this title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purpose considered necessary for the functioning of the Planning Commission. Such policies and procedures shall be approved by the City Council before taking effect.
3. The Planning Commission shall hold regular meetings and any necessary public hearings on the first and third Thursday of each month in the Herriman Community Center Building located at 5355 W. Herriman Main Street, Herriman, Utah, unless otherwise changed by the Planning Commission as the need may arise and permitted by law.
 - a. All Planning Commission meetings and public hearings shall be held after regular working hours of the City.
 - b. Such meetings and public hearings shall be noticed and held in accordance with the Open and Public Meetings Act, Utah Code section 52-4-1, et seq., and section 10-5-5 of this title.
4. No official business shall be conducted by the Planning Commission unless a quorum of its members is present.
 - a. Four (4) members of the Planning Commission shall constitute a quorum.
 - b. The minimum number of yes votes required for the Planning Commission to take any action shall be the majority of members present, unless otherwise prescribed by law.
5. The Planning Commission shall transmit reports of its official acts to the City Council.
6. Written minutes and a recording of Planning Commission meetings which are required by the Utah Open and Public Meetings Act, Utah Code section 52-4-1, et seq., shall be filed in the Office of the City Recorder. Such records shall be available for public review and access in accordance with the Government Records Access and Management Act, Utah Code section 63G-2-101, et seq.
7. The City and its authorized agents may enter upon any land at reasonable times to make examinations and surveys pertinent to the:
 - a. Preparation of the General Plan; or
 - b. Preparation or enforcement of the provisions of this title. (Ord. 2018-20, 5-9-2018)

Attachment B
Planning Commission Rules of Procedure



HERRIMAN PLANNING COMMISSION RULES OF PROCEDURE

These Rules and Procedures (“Rules of Procedure”) shall govern the proceedings of the Herriman Planning Commission (“Commission”) ~~and. They~~ shall be consistent with applicable provisions of the Utah Code (“Utah Code”) and Herriman Code of Ordinances ~~2017~~ (“Herriman Ordinances”).

I. Authority and Duties

The Commission shall act on all planning matters that arise within the jurisdiction of Herriman (“City”) as required or permitted by the Utah Code ~~and/or~~ Herriman Ordinances.

II. Membership

Section 1. Appointment of Members and Participation– Regular and ~~alternative~~ Alternate Members of the Commission (“Members”) shall be appointed as provided in the Herriman Ordinances. ~~- Alternate~~ Alternate Members may participate as a voting Member of the Commission upon the request of the Chair on a rotation basis when a ~~regular~~ Regular Member is absent ~~and the term Members shall also include any alternative Member who is thus participating.~~ Alternate Members may fully participate in all matters before the Commission, whether in a voting or non-voting capacity, during all work and regular meetings.

Section 2. Rights of Members– All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action unless otherwise restricted by Herriman Ordinances or these rules. Proxy votes shall not be permitted, and Members must be present to vote unless otherwise allowed by a duly adopted policy on electronic meetings.

Section 3. Secretary - City Staff (i.e., City Recorder or designee) shall serve as secretary of the Planning Commission.

Section 4. Members’ Terms– The terms of ~~regular~~ Regular and ~~alternate~~ Alternate Members shall be as set forth in the Herriman Ordinances.

Section 5. Training – Within three (3) months of being first appointed, newly appointed Members should meet with City Staff to review, among other things, the Rules of Procedure and the General Plan. All new members shall also be required to attend a Land Use 101 training with the Utah League of Cities and Towns within the first six (6) months of being appointed.

All Members should attend any additional training sessions as scheduled from time to time by City Staff. This ~~should~~ shall include a minimum of four (4) hours of training each year, including a minimum of one (1) hour of annual training on the general powers and duties of the Commission in Title 10 of City Code and the Municipal Land Use, Development, and Management Act in State Code. Failure to comply with attending any required training may result in the removal of the Member from the Commission.

Section 6. Attendance – Members shall regularly attend Commission meetings.



Section 7. Member Responsibilities – As a Member of the Commission, each ~~member~~Member shall be responsible to:

1. Read and study the agenda, staff reports, and all attached documents prepared by City Staff so that they are fully informed about each application prior to the scheduled Commission meeting.
2. Act in a courteous and respectful manner to their fellow Members, City Staff, applicants, and the public, during all meetings.
3. Attend Commission meetings, including any joint work meetings, and arrive on time.

Section 8. Removal Proceedings – Removal from the Commission shall be as set forth in the Herriman Ordinances.

Section 9. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Mayor, Chair, and City Staff. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member’s term shall be filled as set forth in Herriman Ordinances.

Section 10. Compensation and Reimbursement – Members shall receive compensation for their services and reimbursement for expenses as determined by City Council.

Section 11. Annual Review – The Mayor and Planning Commission Chair may meet annually with each Member for a performance evaluation.

III. Officers

Section 1. Election of Officers – As the first order of business at the first regularly scheduled Commission meeting held in August, the Commission shall hold elections for the positions of Chair and Vice Chair from among ~~regular~~Regular Members by a majority vote of the Members² present.

Section 2. Officer Terms – Officers may serve successive terms.

Section 3. Officers Duties

1. The Chair Shall:
 - a. Serve as the Presiding Officer of the Commission
 - b. Implement the Rules of Procedure
 - c. Coordinate with ~~the Supporting Agency staff~~City Staff to provide an agenda for each public meeting, and ensure the timely delivery of reports and other relevant information to the Commission for review
 - d. Execute all official documents and letters of the Commission
 - e. Identify and bring before the Commission such policy matters as are within the purview of the Commission
 - f. ~~Conduct~~Attend and participate in joint work meetings with the City Council
2. The ~~Vice~~Vice-Chair Shall:
 - a. Assist the Chair in all necessary capacities



- b. Assume the duties and responsibilities for the Chair in all instances where the Chair is ~~not-un~~available or unable to carry out the duties and responsibilities.

3. The Secretary Shall:

- a. Take written minutes, and post all agendas and meeting activities as required by Utah Code. ~~The Secretary in consultation with the Chair shall create the agenda for each meeting and shall~~ In consultation with City Staff, the Secretary shall create the agenda for each meeting and send an agenda to the Members of the Commission. Additional items may be placed on the business meeting section of the agenda by Members of the Commission or City Staff, as provided below.

Section 4. Chair *pro tempore* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Members present at the meeting shall elect a Chair *pro tempore* to serve as Presiding Officer only for that meeting. Alternate Members shall not serve as Chair *pro tempore*.

IV. Meetings of Members

Section 1. A Quorum shall consist of a majority of its Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to City, State, and Federal Law – Except as provided herein, all meetings shall be generally guided by Robert's Rule of Order-Simplified.- With respect to matters of interpretation or applicability of these Rules of Procedure, or the applicability of the Robert's Rules of Order-Simplified, a determination by a majority of the Commission in attendance shall control.- All meetings shall adhere to the Utah Open Meetings Act, and the Government Records Access Management Act.

Section 3. Regular Meetings – Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be noticed as required by Utah Code. In addition, dates and times of the meeting shall be posted as required by Utah Code.

Section 4. Special Meetings – Special meetings may be called by the Chair or City Staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hour is given to each Member before the meeting is held and notice is given as required by Utah Code. If permissible by Utah Code and Herriman Ordinances, a shorter notice may be considered when the Chair or City Staff determines a special meeting is in the best of the City and its residents. If needed, the Commission may also conduct site visits or field research during a special meeting.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted as required by Utah Code. If a meeting is rescheduled, the new meeting time, date, and location shall be posted as required by Utah Code.

V. Subcommittees

The Chair may create subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.



VI. Meeting Notice and Agenda

Section 1. The Planning Commission, through the City Planning Staff, shall, insofar as practical, mail notices of the first meeting at which ~~an application for a conditional use or the first a~~ public hearing for a ~~general plan subdivision or~~ zoning amendment is to be considered to all property owners appearing on the latest plat ~~data received from in~~ the Salt Lake County Recorder's Office ~~for lots or parcels located~~ within a 300-foot radius ~~(or larger if deemed necessary by City Staff)~~ of the premises affected by the application. Compliance with this subparagraph shall not be a ~~"condition precedent"~~ ~~to for~~ proper legal notice, and no hearing or action taken thereon shall be deemed invalid or illegal because of ~~the failure to an error in~~ mailing the notices provided for in this paragraph.

Section 2. Whenever a public hearing is held on any ~~subdivision ordinance change or~~ general plan ~~or zoning~~ amendment, ~~or other applicable land use request application~~, notice shall be published in accordance with Utah law and the requirements of the Herriman City Land ~~Use Regulations~~ Development Code.

~~Section 3. Applicants or interested parties should submit written materials on the Thursday by noon, prior to the scheduled meeting to allow the Planning Commission adequate time to review the materials.~~

~~Section 3. Applicants should submit a completed land use application and all required electronic or physical materials at least twenty-one (21) days before a regularly scheduled public meeting to allow City Staff and the Planning Commission adequate time to process and review the information. However, a completed application does not guarantee placement on the next meeting agenda due to project complexity or administrative requirements.~~

~~Section 4. Interested parties should submit written public comments on an agenda item at least seven (7) days before a regularly scheduled public meeting to allow City Staff time to process and review the comments. However, all public hearing comments received by City Staff before the meeting will be forwarded to the Planning Commission for consideration and included in the public record.~~

VII. Procedures

A. ~~Business Work Meeting~~

Section 1. The Commission shall conduct a ~~business work~~ meeting as a component of each regularly scheduled meeting. The City Staff, or the Commission, by a majority vote, may adjust the scheduled time as needed. Members of the public may attend such meetings, but will not participate unless invited to do so by the Chair. ~~If needed, the Commission may also conduct site visits or field research during a work meeting.~~

Section 2.- The Commission shall review ~~and discuss the meeting agenda; however, Members should refrain from stating a conscious decision on a pending land use application during the work meeting, correct, and approve of the minutes from the previous meeting.~~ Additional ~~work meeting~~ items may be added to the ~~business meeting section of the~~ agenda by City Staff, ~~the~~ Chair, or ~~Members of~~ the Commission, by a majority vote. The Commission may also discuss and render decisions on policy issues and administrative matters that do not require public input.



Special presentations, reports, and updates from ~~the~~ City Staff that do not require a decision may also be made discussed during the work meeting. ~~During a business meeting, there shall be no discussion of an application, request, or approval scheduled for the regular meeting.~~

B. Regular Meeting Procedures

Section 1. Order – The order of business at the regular meeting shall follow the noticed agenda, which may contain a consent agenda. ~~The-However,~~ the Chair, with the consent of the Commission, by a majority vote, or upon recommendation of City Staff, may consider amending matters out of the agenda order.

Section 2. Decisions – A matter for decision will be placed before the Commission by motion made by any Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Member may second a motion. Alternates may make motions and second motions only if they are serving as an acting Member of the Commission at the meeting because of the absence of a ~~regular~~ Regular Member.

Section 3. No Member shall be permitted to vote on any question unless the Member is present when the vote is taken and when the result is announced, and no member shall give their vote to any other person by proxy. A majority vote by the present Members in favor of a motion shall carry the motion. A majority vote by the present Members in favor of a motion shall carry the motion. No member of the Commission shall be permitted to vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any other person.

Section 4. Any member abstaining from a vote may remain seated at the table and participate in the discussion.- Reasons for abstention must be stated at the time of the abstention, and such reason shall not be considered a conflict of interest.

Section 5. The Chair, or Vice-Chair in the absence of the Chair, shall vote only in case of a tie on rezone, conditional use, and subdivision matters unless his or /her presence at the meeting is required to constitute a quorum in which case he or /she shall be a voting member on such matters.- The Chair shall ~~be a voting member~~ vote on all other matters before the Planning Commission.

Section 6. Following a seconded motion, the Chair may ask each Member by name to verbally pronounce their ~~name and~~ vote, and the Secretary shall record each ~~individual~~ vote in the written minutes as an “aye” for “yes” and a or “nay” for “no.”

Section 7. No ~~M~~member shall be permitted to change ~~his/her~~ their vote after the decision is announced by the Chair.

C. Procedures for Applications

Section 1. Application Public Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission



2. Unless altered by the Chair, the order of the procedure at a public hearing on an application shall be:

- a. Presentation of the application by City Staff, including its recommendations and a summary of pertinent written comments and reports concerning the application
- b. The applicant's presentation, not to exceed fifteen (15) minutes
- c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes
- d. Persons other than the applicant in favor of, or not opposed to, or in opposition to, the application, not to exceed three (3) minutes per person
- e. Rebuttal by the applicant as necessary to respond to new issues raised by other parties, not to exceed five (5) minutes
- f. Surrebuttal may be allowed at the discretion of the Chair.

Section 2. Application Public Hearing Rules

1. Each speaker, before talking, shall give ~~his~~ their name and ~~if desired his, if desired,~~ their address.
2. Except for requested accommodations for accessibility or interpretation, Only one speaker is permitted before the Commission at a time unless otherwise permitted by the Chair.
3. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application and is not a time for debate regarding the applications.
4. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
5. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
6. No applause or public outbursts shall be permitted.
7. The Chair or City Staff may request police support to remove offending individuals who refuse to abide by these rules.

Section 3. Discussion and Vote – After all the presentations have been made, the Chair ~~may~~ shall request or entertain a motion to close the public hearing or agenda item. Members may continue to discuss the application among the Commission. Following this discussion on the application, a motion must be made and seconded, which may include; Approval, Approval with Conditions, Denial, a Recommendation to the Council (as appropriate), or Continuation of the item with or without a future meeting date.



Section 4. Decisions – A decision of the Commission on an application shall be documented in writing by the Secretary and City Staff and shall include reasons for the decision.

VIII. Ethics and Conflicts of Interest

Section 1. Compliance -All Members shall abide by Utah Code and; annually complete any necessary volunteer forms, documents, and training.

Section 2. Voting and/Recusal:—A member of the Commission who has a conflict of interest as defined by Utah Code and/or Herriman Ordinances shall declare the conflict of interest as required by Utah Code and recuse themselves from the agenda item relating to the conflict of interest. The Chair shall announce the recusal for the record. After declaring a conflict of interest, a Planning Commission member shall leave the room and not participate in the discussion and vote on the matter, nor attempt to use his/her their influence with other Commissioners before, during, or after the meeting.

Section 3.- Ex Parte Communications – No member of the Commission shall have any ex parte discussion regarding any administrative or legislative land use application ~~or re-zone application~~ pending before the Commission.

1. Ex parte communication means any communication, including but not limited to electronic or social media communication, with interested parties of an administrative or legislative land use application ~~or re-zone application~~ pending before the Commission prior to the Commission reaching a final decision.
2. An administrative land use application means any ~~land use~~ application where-by Utah Code or Herriman Ordinances recognizes the Commission ~~is-as~~ the final decision-maker.
3. A ~~re-zone~~ legislative land use application means any ~~land use~~ application where-by Utah Code or Herriman Ordinances recognize the City Council ~~is-as~~ the final decision-maker and is regulatory in nature, including the adopting of a general plan and related elements or amendments.

IX. Amendments and Adoption

A. Adoption and Amendment Procedure

These Rules of Procedure must be reviewed and approved by the City Council before they become effective and may be amended upon approval by the Council.

Approved by the Council this _____ day of March 2023.

HERRIMAN

Mayor Lorin Palmer

ATTEST:

Jackie Nostrum, City Recorder

Attachment C
Planning Commission Rules of Ethical Conduct

HERRIMAN CITY PLANNING COMMISSION

RULES OF ETHICAL CONDUCT

I. Conflict of Interest

A Planning Commissioner to whom some private benefit may come as the result of a Planning Commission action should not participate in~~should not be a participant in the~~ that same action. Furthermore, all Members of the Planning Commission shall ensure compliance with the following rules of ethical conduct:

- A. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or ~~to~~ groups and associations ~~which that~~ hold some share of a person's loyalty. However, membership ~~itself~~ in a group or organization shall not be considered a conflict of interest as to Planning Commission action concerning such group or association unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
- B. A Planning Commissioner experiencing, in his or ~~her~~ opinion, a conflict of interest, should declare his or ~~her~~ interest publicly, abstain from voting on the action, and excuse themselves from the room during consideration of the action. They should not discuss the matter privately with any other C~~e~~ommissioner. The vote of the Planning Commissioner experiencing a conflict of interest who fails to disqualify themselves shall be disallowed.
- C. A conflict of interest may exist under these rules, although a Planning Commissioner may not believe ~~he has~~ they have an actual conflict; therefore, a Planning Commissioner who has any question as to whether a conflict of interest exists under these rules should raise the matter with the other Planning Commissioners and the City Attorney ~~in order~~ so that a determination may be made as to whether a conflict of interest exists.
- D. No planning official should engage in any transaction in which he has a financial interest, direct or indirect, with the agency or jurisdiction that he serves unless the transaction is disclosed publicly and determined to be lawful.
- E. The Planning Commission recommends that the City Council, in making appointments to the Planning Commission, not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning matters is necessary only in those specific cases in which a conflict of interest arises.

II. Gifts and Favors

Gifts, favors, or advantages must not be accepted if ~~they are~~ offered because the receiver holds a position of public responsibility.

- A. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in ~~a~~ the form of business

lunches, calendars, or office bric-a-brac are often, not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.

III. Treatment of Information

It is important to discriminate between planning information that belongs to the public and planning information that does not.

- A. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all.
- B. Information ~~of~~on private affairs that is learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action -- such as a change in zone classification or approval of a plan -- is requested with respect to them. Only then is a disclosure of relevant information proper.
- C. Information contained in studies that are in progress in a planning agency should not be divulged except in accordance with established agency policies on the release of its studies. A public planning agency is not required to do its thinking out loud in public.
- D. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Planning Commissioner, whether by mail, telephone, or other communication, should be made part of the public record.

IV. Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of, nor prohibited to, Planning Commissioners.

- A. The extent of participation in political activities should be governed by professional judgment as well as limited by an applicable civil service law or regulation.
- B. The powers of Planning Commissioners must not be exercised, nor their duties performed, in any way that will create special advantages for a political party. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.
- C. Partisan debate of a community's planning program, and the consideration of planning in a party's platform is proper. Planning officials should, however, give political parties equal access to information.

Attachment D
Electronic Meeting Policy

ELECTRONIC BOARD MEETING POLICIES AND PROCEDURES

- I. **Policy:** This shall be known as the Herriman City (the “City”) Electronic Board Meeting Policy (the “Policy”). This policy shall cover the City Council, Planning Commission and/or other City Boards and Commissions (the “Board”)

- II. **Electronic Meetings:**
 - A. **General:** A Board meeting may be convened and conducted by means of telephonic, telecommunications, or computer conference by satisfying the requirements of Utah Code Ann. § 52-4-207.

 - B. **Participation:** The primary purpose for holding electronic meetings is to enable members of the Board to participate in the meeting electronically. Nevertheless, provision may be made for a member of the public to monitor an open meeting of the Board through electronic means provided that the member of the public so requests in writing at least three days prior to the meeting, and further provided that the City will not be required to acquire any equipment, facilities or expertise which the City does not already possess in order to accommodate the request. Notwithstanding anything to the contrary in this Policy, with the exception of a public hearing, the general public and other interested persons need not be provided an opportunity to participate in, as opposed to attend and monitor, an electronic meeting.

 - C. **Anchor Location:** The Anchor Location will be designated at the City Council Chambers located in the City Offices located at 5355 West Herriman Main Street, additional anchor location(s) may be established as needed. A quorum of the Board need not be present at the anchor location for an electronic meeting to be held. As few as one Board Member may be present at the anchor location, as long as all other requirements of this Policy and of Utah Code Ann. §52-4-207 are satisfied for a meeting to be held electronically. The Board Member who would chair the meeting shall be physically present at the anchor location. Space, facilities, and/or other electronic means must be provided so that all interested persons may attend and/or monitor the open portions of the meeting. In addition, if the meeting is a public hearing or allows for public comment, space, facilities and/or electronic means must be provided so that interested persons and the public may attend, monitor and participate in the hearing or comment portion of the meeting.

 - D. **Notice:** Not less than 24 hours’ advance public notice, including the agenda, date, time, location, and a description of how the Board Members will be connected to the electronic meeting, will be given for each electronic meeting of the Board by posting a written notice at the principal office of the City and providing written or electronic notice to at least one newspaper of general circulation in the City and by posting the notice on the Utah Public Notice Website created under Utah Code Ann. § 63F-1-701. In addition, the notice must be posted at the anchor location and must be provided to all Board Members at least 24 hours before the meeting. These notice requirements are minimum requirements and are

not to be construed as precluding such additional postings and notifications as may be directed by the Board. In an emergency situation, the requirement to post written notice at the building where the meeting is to be held and/or at the anchor location may be waived.

- E. **Logistical Considerations:** The Chair, or the Appointed-Chair in the Chair's absence, may determine, based upon logistical considerations that it is not in the best interest of the City to hold an electronic meeting, in which event the meeting will not be held as an electronic meeting. The Chair, or the Appointed-Chair in the Chair's absence, may also restrict the number of separate electronic connections that are allowed for an electronic meeting based on available equipment capacity. The request from a member of the public to participate in a meeting electronically may be denied by the Chair, or Appointed-Chair in the Chair's absence, based on budget, public policy or logistical considerations deemed sufficient by the Chair or Appointed-Chair.
- F. **Conduct of Meeting:** No action may be taken and no business may be conducted at a meeting of the Board unless a quorum, consisting of a simple majority of the members of the Board, is present. A Board Member who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward the required quorum in accordance with Utah Code Ann. § 52-4-207. Any Board Member participating via electronic means may make, second and vote on all motions and participate in the discussion as though present, except that the Board Member who chairs the meeting must be present at the anchor location. If neither the Chair nor the Appointed-Chair is physically present at the anchor location (but there is still a quorum) a Board Member who is physically present at the anchor location will preside over the meeting.