



## PLANNING COMMISSION MINUTES

Wednesday, January 18, 2023

Approved April 5, 2023

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, January 18, 2023, at 6:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Commission, media, and interested citizens.

**Presiding:** Chair Andy Powell

**Commissioners Present:** Darryl Fenn, Heather Garcia, Brody Rypien, Jackson Ferguson, Adam Jacobson, Andrea Bradford, Alternate Forest Sickles, Alternate Terrah Anderson, and Alternate Preston Oberg

**Staff Present:** Communications Specialist Destiny Skinner, City Planner Michael Maloy, Planning Manager Clint Spencer, Planner II Sheldon Howa, Assistant City Attorney Matt Brooks, Deputy Recorder Wendy Thorpe, Staff Engineer III Josh Petersen, Community Development Director Blake Thomas, Planner I Laurin Hoadley, and Director of Public Works Justun Edwards.

1. **6:00 PM - Work Meeting** (Fort Herriman Conference Room)  
Vice Chair Andy Powell called the meeting to order at 6:03 p.m.

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

City Planner Maloy reported there were no land use decisions on the latest Council meeting. He mentioned the Auto Mall Development team was looking into clarifying standards for hotel development, which may be addressed with an MDA amendment. MDAs for the Laguna Malibu and Gamepoint development would be reviewed shortly.

Commissioner Bradford arrived at 6:08 p.m.

**1.2. Review of Agenda Items – Planning Staff**

City Planner Maloy was proposed discussion of item 1.3 first, prior to the review of agenda items. Community Development Director Thomas corrected a previous presentation. Staff had reported the school district owned sixty acres of land however, they actually owned eighty acres with another twenty under contract for purchase. Part of the update requested removal of school district review for

decisions not involving their land. Language was already approved by the school district in favor of the change.

**1.3. Review and discussion of adopted Planning Commission Rules of Procedure –** Planning Staff City Planner Maloy distributed the draft rules of procedure and offered to answer questions. He encouraged the Commissioners to provide feedback and/or corrections. Commissioner Garcia noted a contradiction regarding the ability of the Chair to vote on an item. City Planner Maloy stated he would review and clarify the issue in the next draft. He explained the land use training requirement for new Commissioners was recently formalized to include completion of an online Land Use 101 course prior to participating. He encouraged all Commissioners to retake the class on an annual basis. Commenting on social media discussions of pending land use items was discouraged to avoid accusations of ex parte contact. Commissioner Jacobson recommended having the applicant introduce each item, thereby removing the burden from staff and placing it on the developer. City Planner Maloy reported that was the typical format. He offered to review staff presentations to ensure basic coverage of the request, the standards, and focus on the recommendations of approval. Commissioner Jacobson recommended staff sharing their recommendation after the applicant presentation. It was stated that residents at times have had the impression that staff favored the developer, over the city interests. City Planner Maloy added staff was obligated to advocate for good city planning. Chair Powell offered he preferred the staff presentations taking place prior to applicant input. Commissioner Ferguson concurred and added it was more balanced to have staff present first. Commissioners item presentation order details and options. Chair Powell appreciated allowing the applicant to speak after public hearings, to allow them to answer questions and offer feedback. City Planner Maloy floated the idea of adding a consent agenda item but stated it may be a more useful tool for meetings with very long agendas. Commissioners debated the pros and cons of consent agendas. Commissioners were encouraged to not engage in further discussion or debate, beyond basic clarification once a motion has been started. Chair Powell asked if it was appropriate for the Chair to close the public hearing. City Planner Maloy responded that the Chair closing the public hearing had not been an issue previously but encouraged a motion be offered to clarify the intention of the Commission. After a short discussion it was agreed that public hearings should be closed or continued with a motion, second, and vote. Commissioner Garcia City pointed out the draft procedures stated that only one person may address the Commission at a time. She recommended that be changed to allow for language interpreters, to allow for couples to speak, and also allow for any necessary support personnel to accompany the applicant. Planner Maloy informed the Commission he would update the rules of procedure and present them at a later meeting for approval.

### **1.2 Review of Agenda Items (Continued)**

Commissioner Garcia asked if the requirement to remove secondary water lines from the Olympia development went against any studies completed during development of the original MDA. Community Development Director Thomas reported further studies were being conducted. Secondary water was not required in zones five and six, and residential lots smaller than 6,500 square feet. It was required in commercial and open space areas. The Olympia Development Engineer, Bob Elder explained secondary water pumping details and limitations, water quality issues and, the metering process. He stated providing only a potable water source reduced the number of pump stations, reservoirs, transmission lines, and house meters. He offered the opinion that the cost of adding secondary water outweighed the benefits. Community Development Director Thomas stated removal of the secondary water system would require an increase in the potable water system and the City Water department was in the process of reviewing those impacts.

Commissioner Rypien expressed concern that removing the secondary water system now would result in extra cost to the city, if the decision was made to add them later. Commissioner Fenn added much study and discussion took place when the original Olympia MDA was developed, and he was reluctant to change the secondary water requirement. Commissioner Garcia expressed changing the requirement should only be considered if data was provided to back up the decision. Commissioners discussed the benefits and possible issues of dry pipe installation and water wise requirements. It was recommended for the Commission to come to a decision after hearing the applicant's presentation at the regular meeting, then make specific recommendations to Council.

Commissioners briefly discussed Recreational Vehicle (RV) parking options and lot size requirements. Planner Maloy recommended consideration of community priorities and public feedback while considering item 5.1. He encouraged the Commission to request more information from staff, if they felt that was necessary, before coming to a decision.

New Planner I Laurin Hoadley offered a brief introduction.

#### **1.4. Land Use Training**

No training took place due to a lack of time.

#### **2. Adjournment**

The Commission adjourned the work meeting by consensus at 6:57 p.m.

#### **3. 7:00 PM - Regular Planning Commission Meeting (Council Chambers)**

Chair Andy Powell called the meeting to order at 7:03 p.m.

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

Chair Powell led the audience in the Pledge of Allegiance.

##### **3.2. Roll Call**

Full Quorum Present.

##### **3.3. Conflicts of Interest**

No conflicts were reported.

#### **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 Discussion and recommendation of proposed technical amendments in the Olympia Master Development Agreement (MDA) regarding the secondary water infrastructure plan, an alternate intersection plan for 12600 South and U-111, additional financing options for the public improvement district, and the amendment process when the Jordan School District is not involved – Blake Thomas, Community Development Director**

Community Development Director Blake Thomas presented the proposed technical amendments to the Olympia Master Development Agreement, which was initially executed in November, 2021 and amended September, 2022. The Developer has been actively working with city staff, UDOT, neighboring property owners, and municipalities to coordinate the design of utilities and roadways. This effort has mainly been focused on determining the alignment of the extension of U-111 into Olympia. The Master Developer has submitted subdivision plans for the first phases on the Olympia Development and were currently going through the DRC approval process. The initial efforts for design have resulted in several concerns by the developer which has led them to submit a request to amend the MDA. Currently, all amendments to the MDA required approval from the Jordan School District regardless of the impact on school property. The applicant believed this requirement was unnecessary and recommended its removal. The Jordan School District Board was in favor of this change. Section 2.18 of the MDA required the developer to install secondary water infrastructure for all areas of the development within water pressure zones three and four. However, the applicant believed the cost-benefit of the requirement was inefficient and requested removal. Section 2.10 of the MDA contemplated two scenarios regarding the location of the future intersection of 12600 South and U-111, each of which provided guidance on commercial development requirements within the development. However, the prevailing conceptual plan for the location of this intersection was not anticipated within the MDA and warranted amendment per the developer.

In summary, the applicant requested the following four MDA amendments:

1. Remove the requirement for providing dry secondary water lines in Olympia.
2. Only a portion of the intersection on the 12600 South and U-111 may be within Olympia. This scenario was not contemplated in the current agreement. Staff agreed with the applicant that this new potential scenario needed to be addressed in the MDA.
3. The applicant was exploring new financing options for the PID in addition to the one time contract fee. The proposed amendment would allow the Council to consider other funding sources for public infrastructure, if approved.
4. The applicant wanted to add a provision that stated MDA amendments that do not involve JSD property do not require school board approval. This would allow future amendments unrelated to school property to move forward without full board approval.

Commissioner Fenn asked what was meant by the phrase as required by the city's vested law and Community Development Director Thomas responded it referred to City Code. Commissioner Ferguson asked if the development was bound to water-wise landscape recommendations. Community Development Director Thomas replied in the affirmative.

Developer Bob Elder, with Ensign Engineering, representing the Olympia Development added the combined water systems would require less equipment and be easier to operate and maintain.

Commissioner Rypien asked what the impact would be for installing secondary water later. Per Developer Representative Elder, that would require the installation of distribution lines in the road, additional reservoirs, and pump stations.

Commissioner Ferguson asked about the culinary system impact study. Director of Public Works Justun Edwards responded removal of the secondary water system would require an increase in the culinary system, as the water demand would remain the same. The benefit included water conservation measures



and the use of expanded sources of water, which can be less expensive. However, the maintenance of two systems was more expensive. He reported approximately twenty five percent of Herriman had secondary water connections, but not all used it. Commissioner Jacobson asked if lots smaller than 6,500 square feet required secondary water access. Director of Public Works Edwards responded due to the density of Olympia many single-family homes would not require access. However, open space areas, multi-family residential units, churches, and schools were likely to utilize secondary water access, depending on which pressure zone they were located in. The development would include pressure zones three, four, five and six, but secondary water was only made available in zones three and four due to pumping issues. About half of the Olympia development would have access to secondary water if the installation lines were required. Commissioners asked about the presence of dry lines and sources for secondary water. Per Director of Public Works Edwards, the source water would initially be underground wells, and eventually Blackridge reservoir. Results of the culinary water impact study were anticipated within the next month. The developer proposed the removal of secondary lines to the Council, with the original MDA, which Council denied. Commissioners confirmed the request was to remove all the secondary lines from the development, and current secondary lines would be installed underneath roads. The Commissioners emphasized the secondary water requirements should be uniform throughout the City. They discussed the benefits of having secondary water, and agreed the secondary water amendment was the only request that should be denied. They expressed no opposition to the other three amendments.

*Commissioner Jacobson moved to recommend approval of amendments two, three and four to the City Council with an adjustment to require secondary water access to ensure compliance with all current practices and secondary water requirements, which required water throughout all developments in Herriman, on all residential lots larger than 6,500 square feet, on all commercial, open space and large areas, until a study proves otherwise, for item 4.1. Discussion and recommendation of proposed technical amendments in the Olympia Master Development Agreement (MDA) regarding the secondary water infrastructure plan, an alternate intersection plan for 12600 South and U-111, additional financing options for the public improvement district, and the amendment process when the Jordan School District is not involved. Commissioner Rypien seconded the motion.*

The vote was recorded as follows:

Commissioner Darryl Fenn	Yes
Commissioner Jackson Ferguson	Yes
Commissioner Heather Garcia	Yes
Commissioner Brody Rypien	Yes
Commissioner Adam Jacobson	Yes
Commissioner Andrea Bradford	Yes
Alternate Commissioner Forest Sickles	Not Voting
Alternate Preston Oberg	Not Voting
Alternate Terrah Anderson	Not Voting

The motion passed unanimously.

### 5. Legislative Items

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

**5.1 Consideration of amendments in Title 10 Land Development Code to clarify the intent of existing zoning standards of off-street parking, use and storage of recreational vehicles on private property, double-fencing, property maintenance, and non-substantive technical corrections. (Public Hearing)**

**Applicant: Herriman City**

**File No: Z2023-002**

Chair Powell reviewed the public hearing guidelines.

City Planner Maloy presented the proposed amendments which included several minor text adjustments in Title 10 of the Land Development Code. The intention was to clarify intent, correct conflicting provisions, and address technical errors. Multiple definitions were improved, and prohibition of double fencing was further defined.

Commissioner Rypien preferred natural buffers or the use of vegetation to shield cement walls from sight. City Planner Maloy reviewed the pros and cons of double fencing requirements. Commissioners debated potential double fencing maintenance issues. City Planner Maloy reviewed residential parking requirements and presented examples of Recreational Vehicle (RV) parking and potential placement of Accessory Dwelling Units (ADUs). Commissioners debated ideal placement for RV parking and ADU placement and offered options for addressing safety concerns. Options for continuing the item and leaving the public hearing open were discussed. City Planner Maloy explained if it was left open, staff would re-notice the item when it was scheduled on a future agenda.

Vice Chair Powell opened the public hearing.

There were no comments offered.

Commissioner Jacobson moved to continue the public hearing comment period. Commissioner Rypien seconded the motion, and all voted aye.

City Planner Maloy encouraged the Commission to consider community values with regard to private property rights and RV storage options. Commissioners debated commercial storage versus residential parking options on a variety of lot sizes, for different RV sizes and lengths. City Planner Maloy advised more research was necessary to address the multiple concerns and recommended further discussion in a future work meeting session.

*Commissioner Ferguson moved to continue the discussion without date of item 5.1 Consideration of amendments in Title 10 Land Development Code to clarify the intent of existing zoning standards of off-street parking, use and storage of recreational vehicles on private property, double-fencing, property maintenance, and non-substantive technical corrections. Commissioner Jacobson seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>

Commissioner Adam Jacobson	Yes
Commissioner Andrea Bradford	Yes
Alternate Commissioner Forest Sickles	Not Voting
Alternate Commissioner Terrah Anderson	Not Voting
Alternate Commissioner Preston Oberg	Not Voting

The motion passed unanimously.

## 6. Chair and Commission Comments

No comments were offered.

## 7. Future Meetings

Wednesday, January 25, 2023 – City Council Meeting

Wednesday, February 1, 2023 – Planning Commission Meeting

Wednesday, February 8, 2023 – City Council Meeting

## 8. Adjournment

Commissioner Jacobson moved to adjourn the meeting at 8:55 p.m. and all voted aye.

I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 18, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



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Wendy Thorpe, CMC  
Deputy City Recorder