CITY COUNCIL AGENDA
Wednesday, November 14, 2018

NOTICE IS HEREBY GIVEN that the Herriman City Council shall assemble for a meeting in the Herriman City Council Chambers, located at 5355 West Herriman Main Street, Herriman, Utah.

5:00 PM - WORK MEETING: (Fort Herriman Conference Room)

1. Mayor and Council Social
   1.1. The Mayor and Council will meet for informal discussion and dinner. No action will be taken on any items.

2. Council Business – 5:15 PM
   2.1. Review of this Evening’s Agenda
   2.2. Future Agenda Items

3. Administrative Reports
   3.1. Follow-Up Discussion regarding the Fencing Ordinance Amendments – Michael Maloy, City Planner
   3.2. Discussion and Direction regarding Mayor and Council Benefits – Travis Dunn, Human Resources Manager
   3.3. Continued Discussion from July 11, 2018 City Council Work Meeting regarding the Mayor’s Travel Expenses for Mosquito Abatement and Washington DC – Brett Wood, City Manager
   3.4. Discussion relating to the Approval Authority and Signatures on Subdivision Plats – Michael Maloy, City Planner
   3.5. Wide Hollow Trailhead and Bonneville Shoreline Trail Update – Wendy Thomas, Director of Parks, Recreation and Events
   3.6. Discussion relating to the surplus of property located at 11962 South Anthem Park Boulevard – Gordon Haight, Assistant City Manager
   3.7. City Manager Updates – Brett Wood, City Manager

4. Adjournment
7:00 PM - GENERAL MEETING:

1. Call to Order
   1.1. Invocation/Thought/Reading and Pledge of Allegiance
   1.2. Council Disclosure for Conflict of Interest
   1.3. Mayor/Council Comments and Recognitions

2. Public Comment
   Audience members may bring any item to the Mayor and Council’s attention. Comments will be limited to two minutes. State Law prohibits the Council from acting on items that do not appear on the agenda.

3. Mayor and Council Board and Committee Reports

4. Reports, Presentations and Appointments
   4.1. Recognition of Cyndie Call, Garden Committee Volunteer – Kevin Schmidt, Events Manager
   4.2. 2018 Herriman Community Garden Reports – Shauna Heiner, Garden Committee Chair
   4.3. Salt Lake County Animal Control Quarterly Report – Carrie Sibert, Community Liaison Coordinator

5. Consent Agenda
   5.1. Approval of the October 10, 2018 and October 24, 2018 City Council Meeting Minutes
   5.2. Approval of a Resolution approving an Interlocal Cooperative Agreement between the State of Utah and Herriman City for the Herriman City Police Department’s Participation in the United States Department of Defense Law Enforcement Support Program – Troy Carr, Police Chief
   5.3. Approval of an Ordinance Granting a Franchise to the Utah Telecommunication Open Infrastructure Agency Pursuant to a Franchise Agreement – John Brems, City Attorney

6. Discussion and Action Items
   6.1. Discussion and Consideration of an Ordinance authorizing a Text Change to the Land Development Code to revise the Home Occupation Chapter (File No. Z2018-14) – Michael Maloy, City Planner
   6.2. Discussion and Consideration of an Ordinance authorizing a Text Change to the Land Development Code to revise Alcohol Regulations (File No. Z2018-11) – Michael Maloy, City Planner
6.3. Discussion and Consideration of an Ordinance Repealing Chapter 3 Article A of Title 3, “Alcohol and Beer”, and Replacing it with a new Article A, “Alcoholic Beverages Licenses”
– Michael Maloy, City Planner

7. Calendar

7.1. Meetings
7.1.1. November 15 – Planning Commission Meeting 7:00 p.m.
7.1.2. December 6 - Planning Commission Meeting 7:00 p.m.
7.1.3. December 12 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

7.2. Events
7.2.1. November 22-23 – Thanksgiving Holiday; City Offices Closed
7.2.2. December 3 – Night of Lights; J. Lynn Crane Park 5:00 p.m.
7.2.3. December 5-20 – Herriman Yeti Hunt; City wide, dates and times vary
7.2.4. December 7 – Santa Visits; J. Lynn Crane Park 6:00 p.m.
7.2.5. December 15 – Pancakes and PJ’s; Herriman City Hall 9:00 a.m.

7.3. Closed Session
7.3.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

8. Adjournment

9. Recomence to Work Meeting (If Needed)

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 City Council 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 Council will be asked to complete a written comment form and present it to Jackie Nostrom, City Recorder. In general, the chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.

I, Jackie Nostrom, 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
DATE: November 7, 2018

TO: The Honorable Mayor Watts and City Council

FROM: Michael Maloy, AICP, Planning Director

MEETING: November 14, 2018, City Council Work Meeting

REQUEST: Discussion regarding a proposed text amendment to allow wood fencing in agricultural zones for agricultural uses

Applicant: Herriman City
File Number: Z2018-16

Summary

The City Council will discuss a proposed amendment to Chapter 21 of the Land Development Code regarding fencing, which the Planning Commission is currently studying. If approved, the proposed amendment would allow wood fence materials in agricultural zones for agricultural uses, among other changes.

Discussion

It has been proposed by one or members of the City Council to consider an amendment of City Code 10-29-4, entitled “Fencing Materials,” to allow wood fencing in agricultural zones for agricultural uses. The administration is concerned that wood—without appropriate restrictions—may not be a suitable or preferable material for some agricultural land uses, such as a horse or large animal corral.

While farms have historically used wood in fence construction, other options are available and often recommended by agricultural consultants and retailers:

**Horse Fencing.** The most important consideration when selecting horse fencing is visibility. The horses need to be able to see the fence, so they don't run into it and become tangled in it. *Wood post and board fences (or their vinyl equivalent) are ideal for sightlines, but they are also expensive and labor-intensive to set up.* Wide-strand, electrified poly tape fencing is lighter weight and easier to install, and equally effective. This type of fence is more portable in the long run, as well. (Tractor Supply Company)

**Types of Livestock Fencing.** In years past, rail and barbed wire were the typical choices for livestock fencing. Though still used by many producers, barbed wire is generally considered dangerous to livestock, people and wildlife. Fortunately, you have many safe alternatives
today that are both effective and affordable. *Although wood rails serve their purpose and are attractive to look at, the nature of wood requires frequent maintenance. Wood also has a limited lifespan.* Vinyl rails have all the benefits of wood but require almost no maintenance. Vinyl rail fencing will also last for decades. Although vinyl is more expensive to purchase in the beginning, the time and money saved over the course of its lifespan should more than offset the initial outlay. (Outback Fencing)

**Rail Fences.** Rail fences are typically used as border fences around farm buildings or the home. They are also popular on horse farms where expensive show-animals are confined. Today, many choices are available for building board fences including PVC plastic, vinyl coated wooden boards, treated wood, and painted wood. PVC plastic fences are not as strong as wood and cost more, but they are very attractive and do not require painting since they are the same color all through the material. White PVC boards may require periodic washing with mildew removing agents, especially in the humid South. Numerous heights of board fences are possible, but 4 to 5 feet are most common for livestock. *The cost of lumber, nails, paint and other materials along with labor is generally higher for rail fences than for most other fences.* One type of fence that has the appearance of a rail fence, but is actually a wire fence is called a high-tensile polymer fence. The “rails” consist of vinyl plastic 4 to 6 inches wide with two to three high-tensile steel wires encased. It is less expensive than a rail fence, is very strong, and has a nice appearance and good visibility, but the wires must be tightened once or twice per year to maintain the proper tension. (*Fences for the Farm*, University of Georgia Extension)

**Recommendation**

Whereas this agenda item is for discussion only, the City Council is not required to take any action at this time. However, the administration requests direction on amending section 10-29-4 of the Herriman Land Development Code regarding wood fencing in agricultural zones for agricultural uses.

**Attachment**

A. Proposed Amendment
10-29-4: FENCING MATERIALS:

A. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. The following fencing materials shall be allowed in all zones, except as otherwise provided in subsection A4 of this section or by a more restrictive provision in this chapter:

1. Decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry materials.
2. Semi private, rail, or solid or private heavy gauge beige, and white or other neutral color vinyl;
3. Composite materials; and Solid or private composite materials or similar products hollow wall/panel.
4. In agricultural zones, reinforced post and rail style fencing. On agriculturally zoned properties which allow for large animals:
   a. Reinforced post and rail style fencing
   b. Wood fencing
5. Solid or private sunlight stabilized polyethylene materials or similar products

B. The following fencing materials shall be prohibited in all zones:

1. Plastic materials other than vinyl;
2. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood;
3. Scrap materials such as scrap lumber and scrap metal.
4. Wood fencing of any type, except on agriculturally zoned properties which allow for large animals:
5. Chain link fencing, except for recreational uses as provided in section 10-21-9 of this chapter. Black vinyl coated chain link fence may be used as follows:
   a. For recreational uses as provided in section 10-21-10 of this chapter;
   b. If it is determined to be necessary at public utility sites for security reasons.
DATE: November 7, 2018

TO: The Honorable Mayor Watts and the Herriman City Council

FROM: Michael Maloy, AICP, Planning Director

MEETING: City Council Work Meeting November 14, 2018

REQUEST: Discuss approval authority and signatures on subdivision plats and plat amendments

Summary

The City Council will discuss conflicts in City Code regarding approval authority and signatures on final subdivision plats and plat amendments.

Discussion

The administration recently discovered a conflict in City Code regarding approval authority and required signatures on final subdivision plats and plat amendments.

The following City Code states the Planning Commission has approval authority for preliminary subdivision plats within the City:

10-5-15: Preliminary Plats
B. Authority: The Planning Commission is authorized to review and approve preliminary plats as set forth in this section.

Following preliminary approval, City Code states City staff has approval authority for final subdivision plats:

10-5-16: Final Plats
B. Authority: City staff are authorized to review and approve final plats as set forth in this section.

Regarding subdivision plat amendments, City Code states the Planning Commission has approval authority for subdivision plat amendments without vacation of “some or all of a street, right-of-way, or easement,” and the City Council has approval authority when the plat amendment includes a vacation request:

10-5-17: Subdivision Plat Amendments
B. Authority: The Planning Commission is authorized to amend or vacate a plat except when such action is required to be taken by the City Council as set forth in this section.
Staff Memo

D. Procedure: A subdivision plat amendment or vacation application shall be reviewed and processed as provided in this subsection . . . of this chapter.
   b. (2) A public hearing is required before the City Council because the application includes a request to vacate some or all of a street, right-of-way, or easement.

However, while City Code clearly identifies approval authority for preliminary, final, and amended subdivision plats, the following regulation implies the Mayor is required to sign all final plats on behalf of the City Council, which is inconsistent with sections of City Code cited above:

10-5-16 Final Plats
D. Procedure:
   2. The application shall include at least the following information:
      c. The following certificates, acknowledgments, and descriptions shown on the title sheet of the plat:
         (12) Signature block for approval by the City Council, as evidenced by the signature of the Mayor and attested by the City Recorder; and
         (13) A block for the Salt Lake County Recorder in the lower right-hand corner of the drawing.

Regarding state regulations, Utah Code 10-9a-604 requires subdivision plats to be approved by “. . . the land use authority of the municipality in which the land described in the plat is located; and other officers that the municipality designates in its ordinance . . .”

According to City Code 10-4-5.C.3, the Planning Commission is the “Land Use Authority” for the City:

10-4-5C. 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.

Recommendation

Whereas this agenda item is for discussion only, the City Council is not required to take any action at this time. However, the administration requests direction on how to address the conflict noted above.
DATE: 11/5/2018

TO: Herriman City Council

FROM: Wendy Thomas

MEETING: November 14, 2018 City Council Work Meeting

SUBJECT: Wide Hollow Trailhead and Bonneville Shoreline Trail Update

BACKGROUND:
The Herriman Hills Trails Committee, in coordination with Herriman City Parks, Recreation and Events and Salt Lake County Parks, have proposed a new trail connection and future trailhead known as the Wide Hollow Trailhead and a segment of what will become the Bonneville Shoreline Trail.

Notifications were sent to property owners within 300 feet of the proposed trail and trailhead.

One resident attended the public meeting. No other comments, to date, have been made.

This item will go before Planning Commission on 11/15/2018.

DISCUSSION AND RECOMMENDATION:

No discussion or recommendation is needed.

ATTACHMENTS:

Notification Letter
Proposed Trailhead and Trail Map
NOTICE OF PROPOSED TRAIL AND TRAILHEAD CONSTRUCTION

October 26, 2018

Re: Wide Hollow Trailhead and Bonneville Shoreline Trail

The Herriman Hills Trails Committee, in coordination with Herriman City Parks, Recreation and Events, have proposed a new trail connection and future trailhead that are located within 300 feet of your property line. The proposed trailhead and trail map are attached.

A meeting has been scheduled to provide opportunity for your input and questions prior to project consideration by the Herriman City Planning Commission, which is scheduled to occur on November 15, 2018.

The meeting is scheduled for **Thursday, November 1, 2018 from 6:30 PM – 7:30 PM** in the Blackridge Conference Room at Herriman City Hall, 5355 W. Herriman Main Street. If you are unable to attend the meeting in person, you may contact me at (801) 446-5323 or at wthomas@herriman.org with any concerns or questions about this project.

Sincerely,

Wendy Thomas
Director, Parks, Recreation and Events
ACTUAL TRAIL ALIGNMENT MAY VARY DEPENDING ON TERRAIN.
Wendy,

Thanks for your time tonight regarding the trail proposal close to my house.

Can you clarify what the city's intent is for OHV?

I know we discussed and I shared my opinion on the matter but I didn't walk away with what the city wants to do.

After some further thought, I still really oppose OHV access. If wide Hollow is the only access to this trail then all OHV in the area will have to use wide hollow. Currently we have enough OHV traffic as it is and half of it goes north on 6600 west and doesn't affect me while the other half comes south on to wide hollow. If we are removing 6600 west to the north of the trailhead, then ALL ovh traffic will be come through wide hollow to access trail.

I can get behind most of what the city is doing. I can not get behind more OHV traffic on my road.

Please let me know what the city's intent is.

Regards

Joe Dunn
DATE: November 6, 2018

TO: The Honorable Mayor and City Council

FROM: Gordon Haight, Assistant City Manager

SUBJECT: Surplus Property Discussion

RECOMMENDATION:
The City Council reviewed a 2.48 acre parcel of property located at 11962 S Anthem Park Blvd owned by the City on October 3, 2018. The City now has an interested party in purchasing the parcel. Staff is requesting approval from City Council to start the surplus property process.

DISCUSSION:
The site information is attached.
DATE: 11/5/2018

TO: Herriman City Council

FROM: Wendy Thomas

MEETING: November 14, 2018 City Council Meeting

SUBJECT: Recognition of Cyndie Call, Garden Committee Volunteer

BACKGROUND:

The Herriman City Community Garden has had another successful year. The Garden Chair, Shauna Heiner will report.

We would like to recognize Cyndie Call for the volunteer service she has provided to the Herriman City Community Garden. This past year was her 7th year as a gardener and 6th as the Community Outreach Coordinator for the Garden. This role included harvesting and taking donations to the Riverton Senior center and St Andrews food pantry. She would reach out to gardeners and harvest from their plots if they had extra produce to donate. She would also add updates to the Facebook page to let everyone know how close we were to our donation goal. She has also been responsible for maintaining the garden blog. We are very grateful for the service Cyndie has provided and wish her the best of luck as she finds other opportunities to commit her time.

DISCUSSION AND RECOMMENDATION:

No discussion or recommendation is needed.
Salt Lake County Animal Services is dedicated to providing superior support, education, protection and advocacy for all animals and members of the community.
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Animal Services had a busy and successful 3rd quarter. We finished off our event season with our largest Petapalooza ever! This event brings thousands of people and their pets together for food, entertainment, shopping, games, and adoptions. In the summer, with temperatures rising to scorching levels our animal intake reaches its highest levels. To accommodate such an increase, our Outreach and Marketing team kick it in to high gear and attend over 150 events throughout the valley.

This small team of six coordinators oversee many of our vital programs such as events, humane education, rescue partnerships, fosters, and volunteers. Without these programs our shelter would not be able to sustain our no-kill status. This innovative team works quickly and efficiently to get animals into fosters or rescues and also focuses on recruiting free labor to assist with our workload. All of their efforts reduce costs and improve the quality of life for pets and people in our community.

One of their greatest strengths is their ability to establish strong relationships with outside resources and partnerships. Whether it’s with no-kill rescue organizations, local sponsor, or a grant provider; every relationship helps us save lives and raise money for vital programs.

Each department plays a key role in the success of our agency and our no-kill mission. We are fortunate to have such tremendous external support as these programs are dependent upon our community caring about the work that we do. We would like to thank all of our volunteers, partners, sponsors, and stakeholders for their unwavering support and dedication that changes lives and helps to make our community better.
### AGENCY STATISTICS

#### Species By Age

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<tr>
<th>Species</th>
<th>Cats</th>
<th>Dogs</th>
<th>Cats and Dogs</th>
<th>Others</th>
<th>All</th>
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**Cats and Dogs** : 94.38%

**All Animals** : 92.10%
## JURISDICTION STATISTICS

### Species By Age

<table>
<thead>
<tr>
<th>Species By Age</th>
<th>Cats</th>
<th>Dogs</th>
<th>Cats and Dogs</th>
<th>Others</th>
<th>All</th>
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<td></td>
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<td>Up to 5 Mths</td>
<td>Totals</td>
<td>Adults</td>
<td>Up to 5 Mths</td>
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### Intakes  

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
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<tr>
<td>Adoption</td>
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<tr>
<td>Returned to Owner</td>
<td>7</td>
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<tr>
<td>Transferred to Another Agency</td>
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<tr>
<td>Sent to Rescue/Rehab</td>
<td>19</td>
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<tr>
<td>Returned to the Wild</td>
<td>16</td>
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<tr>
<td>Subtotal: Live Outcomes</td>
<td>54</td>
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<tr>
<td>Sent to Foster</td>
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<tr>
<td>DOA - Dead on Arrival</td>
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<tr>
<td>Died</td>
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<tr>
<td>Lost in Care</td>
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<td>Shelter Euthanasia</td>
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<td>Owner Requested Euthanasia</td>
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<tr>
<td>Total Outcomes</td>
<td>67</td>
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<tr>
<td>Adjusted Total Outcomes</td>
<td>60</td>
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### Live Release Rate

- **Cats and Dogs**: 95.98%
- **All Animals**: 95.31%
JURISDICTION SUMMARY

Licenses Sold 1,126

- Microchips 105
- Bordatella 72
- DHPP 94
- FVRCP 30
- Rabies 78
### 3rd Quarter Field Statistics

#### Herriman 3rd Quarter 2018 (Zone 56)

**Average Response Times - In Minutes**

<table>
<thead>
<tr>
<th></th>
<th>July</th>
<th>August</th>
<th>Sept</th>
<th>Quarterly Average</th>
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<tr>
<td><strong>High</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Priority 1</td>
<td>35</td>
<td>29</td>
<td>35</td>
<td>33</td>
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<tr>
<td>Priority 2</td>
<td>71</td>
<td>32</td>
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<td>Priority 3</td>
<td>58</td>
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#### Afterhour Calls

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<tr>
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<th>July</th>
<th>August</th>
<th>Sept</th>
<th>Totals</th>
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<tbody>
<tr>
<td>Number Of Calls between 17:00-07:00</td>
<td>75</td>
<td>27</td>
<td>46</td>
<td>148</td>
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<td>24</td>
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<td><strong>Totals</strong></td>
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#### AN Codes

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<td>- P/U STRAY CONFINED</td>
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<td>02C</td>
<td>- P/U STRAY CAT CONFINED</td>
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<td>02D</td>
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<td>7</td>
<td>6</td>
<td>7</td>
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<td>4</td>
<td>- ANIMAL BITE</td>
<td>2</td>
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<td>5</td>
<td>- DOG AT LARGE</td>
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<td>05IP</td>
<td>- DOG AT LG-IN PROGRESS OWNER ADDRESS</td>
<td>4</td>
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<td>6</td>
<td>- DEAD ANIMAL - STREET</td>
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<td>- DEAD ANIMAL - PROPERTY</td>
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<td>9</td>
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<td>16</td>
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<td>7</td>
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<td>26</td>
<td>- ANIMAL IN DISTRESS / RESCUE</td>
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<tr>
<td>37</td>
<td>- CAT IN A TRAP</td>
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<td>38</td>
<td>- BIRD RESCUE</td>
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<td>8</td>
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<td>- DOMESTIC FOUL PROBLEM / NUISANCE</td>
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<td>44</td>
<td>- HOME QUARANTINE RELEASE</td>
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<td>- ANIMAL IN VEHICLE - IN DISTRESS</td>
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<tr>
<td>48</td>
<td>- BARKING DOG - ANON COMPLAINANT</td>
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<td>4</td>
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<tr>
<td>49</td>
<td>- P/U BARKING DOG PACKET / NOISE NUISANCE INVESTI</td>
<td>0</td>
<td>1</td>
<td>1</td>
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<tr>
<td>51</td>
<td>- ANIMAL TRANSFER/ BF KITTEN PRGM</td>
<td>0</td>
<td>1</td>
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<td>- TRAP - NEUTER - RELEASE</td>
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<tr>
<td><strong>Totals</strong></td>
<td>79</td>
<td>96</td>
<td>143</td>
<td>318</td>
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</table>
EMPLOYEES OF THE MONTH

JULY - Megan Allred

Megan Allred
Program Coordinator

Here’s a few things the staff had to say about her:

• She has a real passion for not only the cats, but for all of the animals in the shelter.

• She is always very quick to help her co-workers.

• And I love seeing the hilarious names that she comes up with for our feline friends.

AUGUST - Matt Assaf

Matt Assaf
Animal Care Specialist

Here is what the staff had to say about him:

• Matt is always willing to help out whenever needed.

• Matt is awesome at communicating with customers.

• He is a very easy person to work with and has a great personality.

SEPTEMBER - Kim Karren

Kim Karren
Animal Care Specialist

Here is what the staff had to say about her:

• I nominated Kim because of her willingness to help so much in the clinic this fall.

• Not only is she willing to help but she is genuinely excited.

• She has a cheerful personality that rubs on on the rest of the staff.
VOLUNTEERS OF THE MONTH

Animal Services would like to thank our July volunteer of the month: Tracie Harrison!

Per Tracie: "Roxxy (pet) brought me to volunteer. She had been with me for fifteen years, but when her cancer came back I knew it was time to let her go. Without Roxxy I was a bit lost. She was my best friend and loyal companion. Since I couldn't bring myself to bring home another family member, but still had a lot of love to give, I decided to volunteer. I looked online and found SLCoAS! I am so happy I did."

Salt Lake County Animal Services would like to thank our August volunteer of the month: Lindsey Wood!

Per Lindsey: "I came to SLCOAS to be around animals again! Growing up, we had every animal in the book and we were always fostering more, but now that I don't have any pets I just wanted to be around them again. Dogs were my favorite pets and I missed them! I craved that specific type of bond and affection that can only be found in a dog.

My favorite thing about volunteering is seeing the dogs slowly start to warm up to me. There is nothing more rewarding than when a nervous dog decides that they can trust you and then turns into a cuddly lap dog."

Animal Services would like to thank our September's volunteer of the month: Ellen Grove!

Per Ellen: "I've always wanted to volunteer at a shelter, but I have worked full-time and didn't want to take the extra time away from my own pups. When I retired last fall, I signed up to get a group tour and information session conducted by FACES. I didn't know previously that SLCoAS was a no-kill shelter and I was really impressed with that and with everything that the shelter has accomplished over the years."
3RD QUARTER HIGHLIGHTS

**Spayghetti & No Balls**

This was Animal Services largest fundraising event ever. With over 60 donors the event was held at Caputos restaurant. Attendees enjoyed a delicious dinner, live entertainment, and participated in amazing silent auction baskets. The event raised over $30,000 for our spay and neuter program.

**Petapalooza**

Animal Services' 4th annual Petapalooza event featured over 50 vendors, food trucks, Rohas Brewing beer garden, live entertainment, and over 25 sponsors. Not only did the event bring in around 10,000 attendees but 135 animals found their new forever homes!

**Rescue**

Thanks to our strong relationships with rescue organizations nationwide, 918 animals were given a second chance so far! Often we seek the help of these rescue organizations when animals are difficult to place due to medical and/or behavioral conditions that go beyond our resources. These rescue organizations give these animals special resources and time to ensure they find their perfect forever home.
3RD QUARTER EVENTS

Parades!!

Petapalooza!!

Spayghetti & No Balls!!
By volunteering with Animal Services, citizens and their families are directly involved in saving animals' lives! We offer a wide variety of opportunities to allow anyone in the community a chance to help out the shelter and our 4-legged friends.

Whether you have specific skills, limited availability, underage, group projects, or just a love for animals, we have opportunities for everyone! Many of our programs and daily operations rely on volunteers' help to achieve and exceed our agency goals.

For citizens interested in becoming volunteers they can contact our Volunteer Coordinator Hannah McNabb at: HMcNabb@slco.org
385-468-6018

Animal Services TNR/Community Cat Program provides a long-term no-kill solution for residents encountering and/or caring for free-roaming cats in the community.

Once a feral colony is established it is vital to make sure they are spayed/neutered and vaccinated as soon as possible. The cats are first humanely trapped, sterilized, ear-tipped for identification purposes, and vaccinated before returning to their colony. This not only ensures healthy cats but also stabilizes the population.

For residents needing assistance with free-roaming cats in their area they can contact our TNR Officer Rebecca Lane at: RLane@slco.org
385-232-4176
CITY COUNCIL AGENDA
Wednesday, October 10, 2018
Awaiting Formal Approval

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, October 10, 2018 at 5:00 p.m.** in the Herriman City Hall 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 Council, media, and interested citizens.

**Presiding:** Mayor David Watts

**Councilmembers Present:** Clint Smith and Nicole Martin (Via Phone)

**Staff Present:** City Manager Brett Wood, Assistant City Manager Gordon Haight, Director of Administration and Communications Tami Moody, Finance Director Alan Rae, City Recorder Jackie Nostrom, Parks, Recreation and Events Director Wendy Thomas, Operations Director Monte Johnson, City Engineer Blake Thomas, Police Chief Troy Carr, City Planner Michael Maloy, Chief Building Official Cathryn Nelson, Communications Specialist Destiny Skinner, City Attorney John Brems, Economic Development Manager Heather Upshaw, and Assistant City Planner Bryn McCarty.

**Excused:** Councilmember Jared Henderson and Councilmember Sherrie Ohrn

**5:00 PM - WORK MEETING: (Fort Herriman Conference Room)**

1. **Mayor and Council Social**
   1.1. *The Mayor and Council will meet for informal discussion and dinner. No action will be taken on any items.*

2. **Council Business – 5:15 PM**
Mayor David Watts called the meeting to order at 5:16 p.m. He excused Councilmembers Henderson and Ohrn. He notated Councilmember Martin would participate electronically.

   2.1. **Review of this Evening’s Agenda**
   2.2. **Future Agenda Items**
3. Administrative Reports

3.1. Discussion of a Text Change to the Land Development Code regarding Various Alcohol Licenses (File No. Z2018-11) – Michael Maloy, City Planner

City Planner Michael Maloy led the discussion regarding a text change to the alcohol licenses. He mentioned that the Planning Commission recommended that the approval be consistent with the State. The various adopted permits the state issues should match the same standards as the State. Title 10 and Title 3 need amending for business licensing. All of the information will come to the Council for further consideration. City Planner Michael Maloy asked if the Council had any specific questions. Councilmember Smith asked if there were no changes in the chart for permitted and conditional use table. This was confirmed. He also asked what licenses are currently available based on population. City Planner Michael Maloy responded that he would provide a report at a future meeting.

3.2. Discussion relating to the Development within the Proposed Annexation Area – Michael Maloy, City Planner

City Planner Michael Maloy provided an update on the development proposed within the annexation area that would cover approximately 30 acres. He mentioned that he would add deadlines to mirror the development timeline and contracts. Various permits would need to be secured including a grading permit in which the application would be required to be submitted to Salt Lake County this month. He suggested everything is on track to submit the materials for the project. The Planning Commission planned to hold a series of reviews and adjacent municipalities would be notified. The annexation would be effective as of January 1st and the Planning Commission would be scheduled to meet on January 3rd to ratify the proposal. A concurrent building permit application would also be processed. The developer would assume all of the risk and, ideally, after the land use approval has been secured a building permit would be issued. Councilmember Smith asked if this would negate the need to have the building permit process go through the County. City Planner Michael Maloy confirmed this and mentioned that he has had regular meetings with the County for updates. City Planner Michael Maloy voiced his concerns with engineering, added that a review would need to be conducted quickly, and that he felt comfortable with meeting the County deadlines. Assistant City Manager Gordon Haight confirmed that there are still steps remaining in the process.

3.3. Discussion relating to Building Setbacks – Michael Maloy, City Planner

City Planner Michael Maloy discussed the feedback that the Council received about setbacks. He mentioned that he included a series of tables relating to various types of zones in the City Council Packet. One concern he would like to address is the development agreement which would allow setback modifications, which has caused a few issues. Certain modifications are appropriate, but only with careful planning. At this point, the development agreements have been made, but the developers are essentially vested in the projects. If need be, the City can ask for an appropriate amendment to the agreement; however, this has not been a standard. City Planner Michael Maloy asked the Council if the City should create certain requirements to avoid setback modification in the future. Mayor David Watts indicated that the City should take care to work with each developer to keep from modifying these setbacks in detrimental ways to the community. City Planner Michael Maloy added that the City should set limits on when the modifications are allowed in order to maintain continuity. Mayor David Watts mentioned that the City could restrict the developer to internal setback reduction. City Planner Michael Maloy recently approached a developer to discuss mending different issues
from the setback modifications. The developers suggested planting trees to help mask some of the issues to the neighboring residents. Councilmember Smith clarified that there are times when corrections make sense, and other times where they are not appropriate. City Planner Michael Maloy added that the discussed lot is actually one of the smallest lots with compounding issues. Councilmember Smith requested that this item come back to a work meeting when more councilmembers are present.

3.4. **Presentation of the proposed Annexation Agreement** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight reviewed key points of the proposed annexation agreement for the Proposed Technology Manufacturing Zone (TM Zone) due to its proximity to the designated zoning. It was requested the Daybreak Construction Site have a grandfathered use when incorporated into the City. He depicted where the water line would be installed and noted the developer would give easements for the said infrastructure.

3.5. **Joint Land Use Study (JLUS) Update Discussion** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight discussed the Utah County side of Camp Williams. He explained the issues associated with land use around the base. The Council discussed the roads surrounding the base and the needed alignments. The City would like to receive study funds to open up and look at issues such as transportation, fire mitigation, and perimeter security. The proposal MAG would be the sponsoring entity. MAG would hire a contractor and Herriman would be included as a stakeholder. The study would take around a year or so to complete with no material cost to the City. Federal funds would become available after the study. Staff relayed support of this course and looked for the Council direction. The Council offered positive feedback.

3.6. **Anthem Commercial Agreement Discussion** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight discussed his completion of the documentation for reimbursement agreements. The documents were reviewed by legal as well as other participation agreements relating to the concepts. This agreement would allow developers to build a store for further commercial development. The plan would be to have the store open in March of 2020. Councilmember Martin asked about the repercussions and Assistant City Manager Gordon Haight responded that the plan connects back to the TIF. The agreement indicated that the City must start with the offered timeline, which provided further incentive to meet the deadline.

3.7. **Discussion relating to Surplus Property** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight mentioned that the City owns 2.49 acres with a number of purchase inquiries. He would like to ascertain if the Council would entertain any of the offers for commercial development. Mayor David Watts supported the commercial use in the area and Councilmember Smith agreed.

The other appraised piece at about 15.5 acres came back around $4.5 million dollars. It has been zoned as commercial and would bring in money; however, there would need to be restrictions on the property for the nearby residents. Many residents knew that there would be commercial buildings built near their homes. The
City outlined the buffer and how certain issues would be mitigated for less direct impact to them. They were informed on what types of uses would be allowed. City Manager Brett Wood mentioned that residents asked if the area could develop into a park and he reminded the Council that the City needs to be smart with the type of development in the area. Councilmember Smith added that one main concern is containing any contamination and the cost of remediation. Overall, he expressed his support of moving forward with the project. Mayor David Watts, Assistant City Manager Gordon Haight and Councilmember Martin agreed with moving forward as well.

3.8. Discussion pertaining to the funding for Master Plans and Impact Fee Studies – Blake Thomas, City Engineer

City Engineer Blake Thomas discussed the number of annexations, growth, and other changes. He asked the Council for specific direction. The difficulty he found is that once the City has reached the point of approval, often the process starts over for various reasons. Part of the issue includes ensuring that fees are collected and spent according to law. The proposed update includes the Master Plan, IFFP and IFA, including certain partial budgets. He looked for direction to begin a future budget amendment, which would not affect the General Fund as it is paid for with impact fees collected from new construction.

City Engineer Blake Thomas then reviewed the transportation Master Plan, IFFP and IFA. As it stands, $90,000 would be needed but only $45,000 has been budgeted. He mentioned his hope that the completion occurs within the next 4 or 5 months. The storm drain budget comes to $73,000 where originally no amount had been budgeted. Completing this project has been considered a priority. The Water Master Plan requires $75,000. It had been completed last year but will require more work with the annexation.

City Engineer Blake Thomas cautioned updating the General Plan at this time. Once the adoption occurs, many aspects would need to be updated a second time. Councilmember Martin added that the impact fees are scrutinized on the plan. Councilmember Smith also added his support for the current budget direction.

3.9. City Manager Updates – Brett Wood, City Manager

City Manager Brett Wood discussed the passing of Founding Mayor Crane. The Library, Recreation Center and other parts of the City will show support during this time with flags flown at half-mast Friday through Monday. A set policy for these situations has not been set in the City, but there will be a funeral escort including HPD, UFA and military honors. The City would consider various policies going forward in order to honor elected officials. Mayor Crane represented the City as mayor for 10 years and stayed involved for many years after his term. City Manager Brett Wood relayed his appreciation for the dedication Mayor Crane brought to the community. Services include a viewing on Friday and funeral services on Saturday.

Councilmember Smith moved to temporarily recess the City Council Work meeting to convene in closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205 at 6:10 p.m. Councilmember Martin seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson Absent
Councilmember Nicole Martin  Aye
Councilmember Sherrie Ohrn  Absent
Councilmember Clint Smith  Aye
Mayor David Watts  Aye

The motion passed unanimously with Councilmember Henderson and Councilmember Ohrn being absent.

The Council reconvened the City Council Work Meeting at 6:49 p.m.

4. Adjournment
The Council adjourned the City Council work meeting by consensus at 6:50 p.m.

7:00 PM - GENERAL MEETING:

1. Call to Order
Mayor David Watts called the meeting to order at 7:09 p.m. and welcomed those in attendance. He excused Councilmembers Henderson and Ohrn and informed the audience that Councilmember Martin was participating electronically.

1.1. Invocation/Thought/Reading and Pledge of Allegiance
Scout Troop #1468 led the audience in the Pledge of Allegiance.

1.2. Council Disclosure for Conflict of Interest
There were no noted conflicts of interest.

1.3. Mayor/Council Comments and Recognitions
Councilmember Smith offered his condolences to the Founding Mayor J. Lynn Crane Family. The Incorporation of Herriman occurred 20 years ago under his stewardship.

Mayor David Watts thanked the late Mayor Crane for his efforts.

2. Public Comment
Lorie Belnao addressed the Council and mentioned his support of annexation. However, he expressed concern about the Olympia development and the strain it would take on public resources. He mentioned that Herriman citizens are aware of the situation. Residents want to maintain home values, commercial areas, preserve traffic flow and provide an appropriate amount of employment. He requested moving forward with the annexation.

3. Mayor and Council Board and Committee Reports
Mayor David Watts made the Council aware that he was appointed to the Travel and Transportation Advisory Board. He will be able to add his voice to the County on how to spend taxes.
4. **Reports, Presentations and Appointments**

4.1. **Housing Gap Affordability Presentation** – Abby Osborne, Vice President of Public Policy and Government Relations, Salt Lake Chamber

Vice President of Public Policy and Government Relations Abby Osborne of the Salt Lake Chamber explained that history offered density in Herriman, overall more than what people realize. However, communities should not bear that entire burden. The great problem is housing affordability in the State.

She relayed an example of recruiting employees that could not find affordable housing in their price range about 1.5 years ago. This has become more of an issue since that time. In response, a Landmark Study was commissioned to study what rapidly rising prices mean for housing affordability. Low income housing is harder to come by at this time. There is a higher household formation that household units, causing a 53,000 unit gap creating a supply and demand issue raising prices. Currently, Utah is the 4th fastest growing state with 72-percent of that population growth spurring from within. At this rate, by 2044 the housing prices will mirror that of San Francisco. Other factors are also included in driving prices up, including housing shortage, construction and labor costs, local zoning ordinances, land costs and topography of Wasatch Front counties, and demographic and economic growth.

Recently the State launched the Housing GAP coalition which offers a program, TLC, as a free service to go through the General Plan. Additionally, there would be a build-to-success program launched for construction and labor. Notifications would be sent to schools regarding upcoming available scholarships. It would be imperative to train the next level of students on interning, working, and maintaining scholarships. A possible solution is an awareness campaign. The campaign would aim to educate the general public and keep them aware of arising issues. It would include help on how to make the best decisions for the future. The Y2 analytics survey came out as well with quite a bit of feedback from the Herriman area. She encouraged the City Council to comb through the general plan again, moderate income housing plans, and review zoning and associated fees. The Salt Lake Chamber would send a resolution to the City to consider, promising to go through all of these aspects of the City. The goal would be to continue aligning the vision of housing.

The Council expressed desire to help further the cause. Mayor David Watts affirmed that the City is happy to be a part of the solution, but was concerned with the push for housing growth focused in this area. He expressed his desire to focus on various ways each community can participate rather than Herriman City bearing the full burden. Vice President of Public Policy and Government Relations Abby Osborne proposed building a business center.

Councilmember Smith discussed the large amount of land open for development and the potential benefits of keeping it residential, while looking at the potential transportation issues. He is concerned that the only focus will occur on the Salt Lake Valley or Wasatch Front despite the land available in other parts of Utah. Many people want to be far from the center core but the transportation issue impedes on this development. Many choose other areas to live and are not burdened with an extensive commute. This should not become a legislative issue that stifles the process. The transportation plan is a key component and should not be compounded.

Vice President of Public Policy and Government Relations Abby Osborne added that every City must do its part and the full report can be found at [www.slchamber.com/housinggapcoalition](http://www.slchamber.com/housinggapcoalition).
4.2. Herriman Police Department Update – Troy Carr, Police Chief

Police Chief Troy Carr provided information on the last development update. He displayed the inauguration ceremony video. All other developments have been completed, including operations, investigations, administration, evidence, records, forensics, dispatch, technical services, fleet, and training and support services.

Currently under development is a citizens’ advisory board. This should be completed and running next week in order to advise on policies. The plan was to attend as many events as possible for interaction and arrange task force members for involvement in critical incidents and internet crimes against children. Other involved groups include a violent fugitive apprehension strike team, FBI violet crimes task force, child abduction response team and a crash analysis reconstruction team that is currently expired across the valley. Other developments include a For Herriman patrol district structure with Councilmember Henderson, a Rose Creek Patrol District with Councilmember Smith, a Hamilton Patrol District with Councilmember Ohrn and a Juniper Patrol District with Councilmember Martin.

Also in place was a transition and radio call program; VECC welcomed the Police Department over the radio. UPD finished taking calls at midnight and HPD took over. There were no issues with the dispatch switchover and all systems worked with officers responding to calls. The officers were weened into the shifts with four officers on-duty; the City has been well staffed under the new model. The first 24-hours were quite busy with domestic violence calls, a juvenile warrant arrest and a triple fatal vehicle accident. He announced the early statistics of 180 total cases and about 300 calls for service. The various types of calls included traffic enforcement, DUI arrest, juvenile warrant, forcible sexual assault, vehicle fatality, aggravated domestic violence and burglary.

The auto fatality mentioned was reported on September 30 at 5:00pm. A car was heading northbound on 7300 west at high speed with no braking or steering apparent. Three young adult males failed to stop and the car left the roadway. Intoxicants and narcotics had been discovered at the scene; however, there was no return of toxicology.

HPD is properly equipped and trained to investigate virtually unassisted. South Jordan and Cottonwood Heights, however, voluntarily responded to assist. Councilmember Smith added that he was proud that HPD could handle the significant calls as well as the high volume of calls. He asked if the expired MOU for reconstruction team affected this call and Chief Troy Carr affirmed. The Sergeant arrived on scene first and called for assistance. UPD was the lead on the Platoon but refused to arrive on scene due to inactive participation of the MOU. Councilmember Smith asked if other entities receive the same treatment, Chief Troy Carr responded in the negative. HPD was on top of the investigation despite UPD standing down the team. The Chief at Cottonwood Heights insisted that his officers help in the situation. Chief Troy Carr already reached out to South Jordan and Cottonwood Heights to offer appreciation. HPD is also willing to help any entity, regardless. Councilmember Smith expressed his positivity at the response to help any other entity. Chief Troy Carr expressed the department’s commitment to always help others. Mayor David Watts also expressed his appreciation for the efforts placed in creating the Herriman Police Department. Councilmember Smith concurred that it was the right decision for the community and that he is quite proud.
5. **Consent Agenda**

5.1. **Approval of the September 12, 2018 City Council Meeting Minutes**

5.2. **Approval of an Ordinance adopting a Veterans Committee** – Wendy Thomas, Director of Parks, Recreation and Events

5.3. **Approval of an Ordinance Protecting certain Records of South Valley Sewer District** – Justun Edwards, Public Works Director

5.4. **Approval of a Resolution approving an Interlocal Cooperative Agreement between Herriman City and Salt Lake County regarding Corridor Preservation Funds for Autumn Crest Right-of-Way** – Blake Thomas, City Engineer

*Councilmember Smith moved to approve the Consent Agenda as written. Councilmember Martin seconded the motion.*

The vote was recorded as follows:

- Councilmember Jared Henderson: Absent
- Councilmember Nicole Martin: Aye
- Councilmember Sherrie Ohrn: Absent
- Councilmember Clint Smith: Aye
- Mayor David Watts: Aye

The motion passed unanimously with Councilmember Henderson and Councilmember Ohrn being absent.

6. **Public Hearing**

6.1. **Public Hearing on the proposed Kennecott Utah Copper, LLC Annexation** – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom introduced the petition for annexation filed for the Kennecott. Tonight was advertised as a public hearing for the annexation with the goal of voting on the annexation at the following City Council meeting. The applicant was present but did not offer any specific comments regarding the petition.

Mayor David Watts Opened the Public Hearing.

Councilmember Smith recalled the previous comment in favor.

Clint Underwood raised the point of keeping jobs in the area and developing industry. Many millennials stay for 2 years or less and the majority of people are coming from somewhere else. He does not agree that MVC should be completed and sees it as non-beneficial. Not everyone can or should own houses. Many people are coming from California who have more money and can help effectively counter issues. He is in favor of annexation and maintaining open space.

*Councilmember Smith moved to close the public hearing; Councilmember Martin seconded and all voted aye.*
Mr. Jeff Stevensen presented representing the Kennecott project. The City brought to them an opportunity for a specific industrial site. This opportunity has a great deal of favorability but there are some concerns with overall zoning. He hoped to look for a more balanced approach. The goal is to maintain a balance of uses within the annexation, coordinating between residential, commercial and industrial. He spoke of several options.

Councilmember Smith added that the area covers 267 acres of property. The land abuts about 90,000 additional acres, with about 20,000 of that considered developable property. This encompasses most of the west part of the valley. Councilmember Smith agreed that the acreage is somewhat out of balance. He clarified that Jeff Stevensen was proposing balance in the 267 acres and asked how this would spread to the rest of the 20,000. Mr. Jeff Stevensen responded that he would like an overall balanced approach, revolving around mining. He suggested listening to what occurs in other municipalities and stated his hesitation to annex without known vested rights. He had heard stories of properties being unreasonably rezoned and this gives Kennecott pause. However, Kennecott can afford to be patient and is interested in being a good partner.

Mayor David Watts mentioned that generally, the property should be based on current zone in the county. Mr. Jeff Stevensen confirmed. Mayor David Watts opined that when annexation occurred, it should follow the same path of residential. This causes some pause as residents have made it clear that they expect an open and transparent process. It is of vital importance to follow this manner when considering the residential zoning. Mr. Jeff Stevensen indicated he was not opposed to a public process and would agree with a transparent process. Councilmember Smith added that by looking at the history of the City, there are many components dear to the City that help achieve balance. As challenges arise, there is an opportunity to truly achieve that balance in the City. Mr. Jeff Stevensen replied that this leaves a lot to chance and uncertainty; he would prefer a workable balance that benefits both entities.

Councilmember Smith confirmed that this was a valid concern but that he hoped to achieve a workable balance. He mentioned that other pieces of property, such as Olympia Hills, were not seen in totality and this isolated pieces of property. Quite a bit of the frustration regarding Olympia Hills arose from this mistake. He proposed analyzing the 267 acres with the additional acres in order to achieve proper balance. Mr. Jeff Stevensen mentioned that he did not disagree. However, he offered a hypothetical scenario that would cause rezoning in the Kennecott area. Councilmember Smith understood the concern and mentioned that each of these situations require a certain amount of blind trust. He recommended looking through the history of Herriman and what has been accomplished for preserving open space. Commercial areas are required, but the City would like to work diligently achieve a good balance beneficial to both Herriman and Kennecott. Mr. Jeff Stevensen responded positively and emphasized Herriman’s credibility and that Kennecott values this deal. If the two parties can make it work, he believed that a solution would be found. He would like to see it work but there are certain issues to consider.

Mr. Jeff Stevensen affirmed that Kennecott would not move forward with the current zoning. Councilmember Smith offered his respects for the statements offered and emphasized the great partnership that Herriman maintains with Kennecott. In order to consider a residential component, the consideration would undergo a public process. He mentioned his desire to work on options and find a way to work through the issues. Mr. Jeff Stevensen mentioned his appreciation for the Council and for Herriman.
7. Calendar

7.1. Meetings

7.1.1. October 18 – Planning Commission Meeting 7:00 p.m. Cancelled

7.1.2. October 24 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

7.2. Events

7.2.1. October 15 – Herriman Howl; J Lynn Crane Park 6-8 p.m.

7.3. Closed Session

7.3.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

8. Adjournment

Councilmember Smith moved to adjourn the City Council meeting at 8:50 p.m. Councilmember Martin seconded the motion and all voted aye.

9. Recomence to Work Meeting (If Needed)

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 10, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder
CITY COUNCIL MINUTES
Wednesday, October 24, 2018
Awaiting Formal Approval

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, October 24, 2018 at 5:00 p.m.** in the Herriman City Hall 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 Council, media, and interested citizens.

**Presiding:** Mayor David Watts

**Councilmembers Present:** Sherrie Ohrn, Clint Smith, Jared Henderson, and Nicole Martin

**Staff Present:** City Manager Brett Wood, Assistant City Manager Gordon Haight, Director of Administration and Communications Tami Moody, Finance Director Alan Rae, City Recorder Jackie Nostrom, Parks and Recreation Director Wendy Thomas, Operations Director Monte Johnson, Police Chief Troy Carr, City Planner Michael Maloy, Chief Building Official Cathryn Nelson, Communications Specialist Destiny Skinner, City Attorney John Brems, Economic Development Manager Heather Upshaw, Assistant City Planner Bryn McCarty, Events and Recreation Manager Kevin Schmidt, Assistant City Engineer Jonathan Bowers, Public Works Director Justun Edwards

**5:00 PM - WORK MEETING: (Fort Herriman Conference Room)**

1. **Mayor and Council Social**
   1.1. *The Mayor and Council will meet for informal discussion and dinner. No action will be taken on any items.*

2. **Council Business – 5:15 PM**
Mayor Watts called the meeting to order at 5:18 p.m.

   2.1. **Review of this Evening’s Agenda**
   There was no discussion.

   2.2. **Future Agenda Items**
Mayor Watts reported that Envision Utah had approached several cities in the southwest corner of Salt Lake Valley because they wanted to conduct a similar study to what they did at the point of the mountain. They were asking that
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Each community involved contribute financially to the project, and they would be seeking a $100,000 grant from the TLC program. In order for them to secure the grant, a letter of intent must be sent to them by October 29th. Mayor Watts noted that the letter of intent would not bind the City to anything, but the Council will need to have a discussion regarding Herriman’s potential participation in the study.

Councilmember Henderson wanted to see more details on the study before participating, and Mayor Watts agreed. Councilmember Martin was concerned that Envision Utah had been approaching clients asking for a job rather than the reverse. Typically, the City would decide that they need a study, sent out an RFP, and follow the procurement code. She was sure that Envision Utah would do quality work, but their approach was unsettling. Councilmember Ohrn agreed.

Mayor Watts reported that he had also attended a meeting with UTA and they had informed Herriman that they would be looking into initiating a micro-transit pilot program. This is a program that would directly compete with UBER and Lyft as an on-demand type of transit service. Councilmember Ohrn asked about cost, and Mayor Watts said that it would be the same cost as the current bus route. Councilmember Ohrn was uncomfortable with the idea of subsidizing competition against the private market. Mayor Watts wanted UTA to come and make a full presentation to the Council so that they could see the details and ask questions. Essentially, UTA was looking for a better way for Herriman to get better public transportation.

City Planner Michael Maloy added that he had also asked UTA to do a ridership study at the Trax station in Daybreak. For privacy reasons, they couldn’t break the study down beyond municipalities. The study showed that Herriman was the single largest user at the Daybreak parking lot, but they had split Daybreak from South Jordan. Herriman is using public transportation, but they weren’t really using the shuttle system. He said that the proposed micro-transit was simply a smaller version of the shuttle. Mayor Watts confirmed and said that UTA was looking to take away one of the existing flex routes that has little use and replacing it with the on-demand service. This would be at no additional cost to UTA. Staff was currently working with UTA as part of the transportation and transit portion of the upcoming retreat, and they would be talking about some alternative transit options.

Councilmember Martin was interested in having a discussion with UTA beyond the pilot program. She would like them to be prepared to discuss the feasibility study that was done recently. The reason they chose to put so much density at the town center was because they expected that the transit would be here. Likewise, they brought in REAL Salt Lake and Salt Lake Community College with the expectation that transit would be available to them. All they have received from UTA was silence. Councilmember Smith agreed that they should have a discussion with UTA because there were many issues that needed to be addressed. Councilmember Martin noted that she would be interested in participating in the pilot program if there was no cost to the community.

Mayor Watts said that the last item for possible future discussion was a presentation that had been given to the legislators regarding some transportation and transit issues of the southwest area of the Salt Lake Valley. This presentation was put together by the mayors of the communities in the area. He wanted the City Council to see the presentation so that they could see what was being passed on from the region to the legislators. The presentation would be given to the City Council during the December meeting.
3. Administrative Reports

3.1. Introduction of Rio Tinto External Affairs Advisor Matt Holton – Brett Wood, City Manager

City Manager Brett Wood said that Matt Holton was excused for the evening. He briefly explained Mr. Holton’s position with Rio Tinto and said that they would be working on future events.

3.2. Ice Ribbon Discussion – Wendy Thomas, Director of Parks, Recreation and Events

Parks, Recreation and Events Director Wendy Thomas invited Events Manager Kevin Schmidt to give the presentation because he oversaw the ice rink operations last year. Manager Schmidt said that they learned a lot during their first season, but they felt that it was a success. The rink opened at the end of December last year, and they had 12,353 visitors. The busiest evenings were Tuesdays, Wednesdays, and Fridays. Toward the end of the season, they did some creative programming of the space to bring more people in, and they planned to continue with that net year. They intended to start building ice on November 13th and be ready to open by November 28th. Manager Schmidt explained that he wanted to start a Learn to Skate program next year, which was a national skating program. Entrance fees would be the same as last year, and they would be adding a season pass option. He proposed starting the Learn to Skate program fee at $35.

Councilmember Martin suggested that they look at what the County is charging for some of their programs to give them a sense of what the market would bear. Manager Schmidt gave some examples of other programs and said that the proposed fee of $35 was a little lower than the average. After some discussion, they decided to start the fee at $35 and see how that fairs.

Mayor Watts wanted to ensure that the Herriman residents were taken care of first, because this was an amenity for them. Manager Schmidt said that the system does allow them to do a resident and a non-resident rate, if the City wanted to do that.

3.3. Primitive Trail Planning, Construction, Maintenance and Use – Wendy Thomas, Director of Parks, Recreation and Events

Director Thomas said that there had been many conversations about trails and trail developments in the last month, so she had prepared an overview of primitive trail planning, beginning with a development plan. The only thing that they were not doing in this process of trail planning was mailing out notifications. She noted that they did send out notification for the master plan, but not for specific trail projects.

Councilmember Martin asked if staff had an extended cost of doing such notifications, and Director Thomas said that it would depend on what they were notifying for. Recently, staff started noticing for bathroom structures and trailheads because they felt that people would want to know about those. Councilmember Martin emphasized that Herriman City has branded itself as an active-oriented community, and trails and parks are a huge part of that. It seemed a mistake not to notify the residents because the trails do impact them.

Assistant City Manager Gordon Haight said that when trails go before the Planning Commission, they are generally conditional use, which essentially means that they’re going to be approved. However, the public comes out thinking...
that they can change it, and then they are upset that all the decisions had already been made. These conversations need to take place at the masterplan level. Councilmember Martin argued that people want to know what is happening in their community and in their back yard. She suggested that notices be educational. Additionally, the City should make an effort to educate the public regarding the approval process.

Director Thomas returned to the presentation and stated that the City had already formed the Trails Advisory Committee and they had put together some project proposals. Although there is a masterplan, trails are hardly ever built to follow the alignment in the masterplan due to a number of factors. The Trails Advisory Committee recommended that the City send notification for primitive trails to property owners within 300 feet.

A resident addressed the Council regarding his experience with a trail that had gone in behind his home. During the process, he tried to be open and honest with the City about his opinions and he had attended or listened to as many meetings as he could to become educated about the process. He found that the Open Space Committee referred to the masterplan as a “cartoon” because the plan is constantly changing. It was inaccurate to say that the residents didn’t need to be notified because there was already a masterplan in place. He encouraged the Council to go over these plans and help educate the residents. People want to know what’s going on in their backyards. As a citizen, he did not think that his voice had been heard and the entire process was very frustrating for him and his neighbors.

Councilmember Henderson said that the City needed to move ahead with the process of notification for all of the reasons the residents had articulated.

Mayor Watts reiterated that one of the resident’s concerns was that the City doesn’t notify because they had already sent notice about the masterplan, but that plan changes without notice. He suggested that they set parameters for sending notice when a trail changes, such as if a trail location was moved by more than 15 or 20 feet from the intended location. He explained that the City was allowed to address mitigating factors with any conditional use, and if there was something, they could reasonably address potential issues by having those discussions. Director Thomas explained that most of the changes for trail location come when a builder starts building the trails and issues arise. They immediately stop the work and try to resolve the issue before they continue. Councilmember Henderson wasn’t sure they could set the bar at a certain number of feet, because the trails differ from the General Plan every time. He agreed that the residents needed to be notified and educated. The consensus among the Council was to set the noticing requirement at 300 feet.

Councilmember Henderson asked if the trails needed to be sent back to the Planning Commission or the City Council when changes were made. Staff confirmed that conditional uses were not noticed as public hearings, but the practice has been to allow residents to speak if they come to the meeting for that item. The City Council only approves the budget for trails.

There was a brief discussion regarding the OHV trail system, and the revenue that the City could bring in if they allowed motorized vehicles. Mayor Watts was willing to appoint someone to the trails committee that was involved in OHV.
3.4. **Discussion pertaining the Agricultural Zone within the Herriman Land Development Code – Michael Maloy, City Planner**

City Planner Michael Maloy stated that some of the City Council members had requested information regarding the agricultural uses and zoning within the City, so staff had prepared information outlining those uses. This information was included in the staff report.

Councilmember Henderson said that he had specifically requested a discussion about the agriculture residential zone. The previous Council made a decision about this zone and he wanted to know if the new Council wanted to revisit the matter. Councilmember Martin said it would be worth having the discussion as part of the General Plan update.

3.5. **Discussion of Building Setbacks in Agricultural, Residential and Mixed-Use Zones – Michael Maloy, City Planner**

City Planner Maloy noted that this presentation was given during the last City Council meeting, but there was low attendance, so he chose to present it again. The information included in the staff report identified the setback requirements for dwellings in the agricultural zones, residential zones, and mixed-use zones in the City. They had recently received comments from residents that were concerned about a development going in behind City Hall, because one phase had a ten-foot rear yard setback, and then the next phase had a five-foot setback. City Planner Maloy had reached out to the current builder and set up a meeting for the next day. They would be going to the site to see if anything could be done to mitigate the issue. He confirmed that a five-foot setback was not allowed in the current code, and this could only be done through a planned development agreement. The builder had acknowledged the problem, but they were not willing to commit to change the product type. One of the concerns he had heard was that this setback couldn’t possibly meet fire code, but even the planned development agreement doesn’t allow the building to construct anything contrary to fire code. He suggested that the Council consider having a discussion about whether master planned development agreements are good for Herriman City, in general.

Councilmember Ohrn moved to temporarily adjourn the Work Meeting to be reconvened after the General Meeting at 6:53 p.m. Councilmember Smith seconded the motion and all voted aye.

3.6 **Text change to the Land Development Code to allow Manufacturing in the T-M (Technology Manufacturing) Zone and Modify Landscaping Requirements (File NO. Z2018-08) – Michael Maloy, City Planner**

The Work Meeting reconvened at 9:09 p.m.

City Planner Maloy explained that the Planning Commission had recommended an amendment to the TM Zone to facilitate the Jetpack project. From his experience working with Salt Lake City, he knew that landscaping requirements were a common problem and it was a significant barrier to development in industrial areas. He also noted that more cities were growing water conscious and looking for better ways to conserve water. To see such heavy landscaping requirements in manufacturing zones seemed contradictory to those efforts. The Planning Commission recommended to reduce the overall landscaping requirement from 20-percent to 15-percent. The designer of the project said that they would like to see that reduced to ten-percent which was not uncommon.
Commission also recommended removing the five-percent landscaping requirement for the parking lot, which City Planner Maloy was not as comfortable with.

Assistant City Manager Haight explained that the ordinance required a 20-foot landscape buffer and other specific landscaping. If the designer included simply what was required that way, he would reach 11-percent landscaping. To add another four-percent was basically converting parking into more landscaping that wasn’t usable by the public. He recommended that the City require meaningful landscaping rather than requiring a certain square footage. He felt that many developments would reach the 15-percent just doing the specific requirements.

Councilmember Martin felt that it was important to keep that extra landscaping requirement because it enhances the look and feel of the community. Keeping the extra four-percent showed the Council’s interest in having some greenery in the City.

City Planner Maloy said there was a clause in the ordinance that allows a developer to request a waiver from the strict application of the landscaping standards. Councilmember Martin said that she would prefer that a reduction in landscaping be handled this way. The consensus of the Council was to reduce the landscaping requirement to 15-percent.

3.7. Amendment to the Herriman Land Development Code to increase the Maximum Building Height, remove Auto Sales, and add Stadiums in the C-2 (Commercial) Zone (File No. Z2018-19) – Michael Maloy, City Planner

City Planner Maloy clarified that the existing code had vehicle and equipment rentals or sales on one line in the land use table. Staff was proposing to move those from the M-1, M-U, and C-2 zones, because auto sales would all be located in the Automall Specialty District Overlay. However, City Planner Maloy questioned whether they wanted to remove the ability to have auto rental agencies anywhere else in the City other than the automall. The request for additional height was to accommodate a potential stadium development. The Planning Commission recommended 45-feet as the maximum for a permitted use, but no maximum height for a conditional use. Staff was surprised by this recommendation.

Councilmember Smith said that a conditional use process would allow the public to comment on the proposed development. City Planner Maloy said that staff could draft some standards and specific uses that would justify the additional height.

3.8. Discussion relating to the text change to the Land Development Code to revise the Home Occupation Chapter (File No. Z2018-14) – Michael Maloy, City Planner

City Planner Maloy said that the Council had requested that staff look at how other cities administrate high traffic home occupations, such as dance studios. In the staff report, he included a survey of other cities’ regulations and he asked for direction from the Council on how they wanted to proceed. Staff’s proposal was to limit the home occupation to two sessions per day. It was noted that some cities limit students rather than daily sessions.
Council Member Smith asked how recent legislation affected the City’s ability to track home based businesses. City Planner Maloy explained that there were now some types of home occupations that no longer require a license, and the city was not charging fees for those. Councilmember Smith said that he still wanted to find a way to track home businesses and encourage business incubation in the City.

Mayor Watts addressed language regarding outdoor play areas and asked if they should include language specifying that the property must be owned by the business owner. He was concerned that situations would arise with HOAs. The Council discussed the concern and determined that the HOA would have to monitor that. The comment was made that the language requiring fencing should address the concern.

Mayor Watts disagreed with the language prohibiting home occupations on a shared driveway. He would rather this was a conditional use than to apply a blanket ban.

3.9. Discussion of the proposed Annexation Agreement – Gordon Haight, Assistant City Manager
There was no discussion.

3.10. Discussion relating to Surplus Property – Gordon Haight, Assistant City Manager
There was no discussion.

3.11. City Manager Updates – Brett Wood, City Manager
City Planner Maloy explained that staff had seen an influx of requests for storage units from developers, and staff wanted the Council’s opinion on that before the applicants spent money on their applications. He identified a specific property and explained that it would have to be rezoned to accommodate storage units. The Council discussed and determined that storage units would not be the highest and best use of the property. They advised staff to speak with the developer before accepting money for their formal application.

City Planner Maloy reported that they were working on a contract for the consultant that would be working on their General Plan update.

Public Works Director Justun Edwards addressed concerns about Gina Road and its condition. The concern now was with ownership of the road. City Engineer Blake Thomas was working on getting proposals to fix the road, and he would be reaching out to the property owners to speak with them about what they wanted to do. There were two property owners that he knew would be against any work being done on the road. The City had traditionally maintained the road as a courtesy, but they need permission to do any repairs.

City Manager Wood reported on the garbage and recycling program and a proposal from Herhoff. Apparently, Herhoff had been speaking with other cities and saying that Herriman was onboard with his proposal, although they had given no such indication. Mayor Watts said that he had spoken with Herhoff on the phone a few times, but he had not given any commitment. He wanted Herhoff to make a presentation to the Council before making any decisions.
October 24, 2018 – City Council Minutes

HPD Chief Troy Carr provided an update regarding the Herriman Police Department and specific cases they had faced recently, including a car theft that lead to several arrests. He presented the Council with commemorative badges.

Councilmember Ohrn moved to temporarily recess the City Council meeting at 10:20 p.m. to convene in a Closed Session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson  Aye
Councilmember Nicole Martin   Aye
Councilmember Sherrie Ohrn    Aye
Councilmember Clint Smith     Aye
Mayor David Watts             Aye

The motion passed unanimously.

7:00 PM - GENERAL MEETING:

1. Call to Order

Mayor David Watts called the meeting to order at 7:06 p.m. and welcomed those in attendance.

1.1. Invocation/Thought/Reading and Pledge of Allegiance

Scout Troop #1963 led the audience in the Pledge of Allegiance.

1.2. Council Disclosure for Conflict of Interest

There were no noted conflicts of interest.

1.3. Mayor/Council Comments and Recognitions

Mayor Watts reported that the Herriman Howl was a great event and recognized staff for their efforts.

2. Public Comment

No comments were offered.

3. Mayor and Council Board and Committee Reports

Councilmember Smith reported that the South Valley Sewer Board had met the previous morning and they were currently working through their budget process. He had been impressed by the way they manage their budget and said that they had a great team working on it. The budget hearing for the Sewer District would be on November 13th. One item of note was that there was a concern with the current site for biohazard disposal, which would not be accessible to them any longer. There had been discussions regarding the increased cost of gas, trucking fees, and tipping fees for another location.
Councilmember Martin reported that she had attended the recent meeting with the Unified Fire Authority. It had been a busy season for the UFA and she expressed appreciation for them. She also met with the Utah League of Cities and Towns, and they were undertaking a largescale campaign to educate residents, local officials, and legislators as to how best to work together. The general principal was that the government closest to the people govern the best. What they were seeing was an increase of action taken by the legislature that had been negatively impacting cities and their residents. They also wanted to address the density and growth concerns happening in Utah. The legislature wanted to make sure that there is enough room for all of this growth, but the cities in the southwest area of the Salt Lake Valley didn’t want all of that density forced into their communities simply because they have land. Essentially, they were being penalized for developing later than other cities. What they didn’t want was for the legislature to start getting into land use planning, because that needed to be a local decision.

Councilmember Ohrn stated that she serves on the Wasatch Front Waste and Recycling Board, and they were also going through a budget process. There would be a public hearing for the budget on November 19th at 6:00 pm. Herriman City had proposed that the City do the billing for garbage and add it to the water bill. To do that, they would have to enter into an Interlocal agreement with Wasatch Front. Herriman had also proposed to pay for a study to be done that would help them understand the financial implications for both entities. The proposal was presented to the Board and they approved to move forward with a study.

Councilmember Henderson said that the Riverton City Council had voted to direct staff to hire a police chief and move forward in creating their own police department, just as Herriman had.

Mayor Watts reported that the Mosquito Abatement District was also going through their annual budget review and there would be a public hearing for that budget as well.

4. Reports, Presentations and Appointments

4.1. Rocky Mountain Power Report – Alene Bentley, Rocky Mountain Power Regional Business Manager

Alene Bentley, with Rocky Mountain Power, presented the report and highlighted some of the services that they provide to Herriman City, as well as the participation rate of some of those programs. She first thanked the Council for adopting a 20-year franchise with Rocky Mountain Power and said that they value that partnership. Currently, Rocky Mountain Power serves nearly 11,000 customers in Herriman, and they delivered over 11 million kilowatt hours of power to Herriman over the past year. One of the ways in which they partner with Herriman is to support summer activities, and she was pleased to say that they were able to increase their sponsorship last year. Ms. Bentley had also been in discussion with Director Thomas about working together on a holiday event. The participation rate of Herriman residents and businesses in the renewable energy programs was very high, and there were 764 customers with rooftop solar panels. Their energy generation amounted to almost eight million kilowatt hours and saved the residents thousands of dollars on their energy bills. To address the growth in Herriman City, Rocky Mountain Power would be undertaking a project that would double the capacity of the Herriman substation on 6300 West and 13400 South. She briefly explained the project and said that they would do their best to limit disruption and inconvenience. Ms. Bentley commended staff for their professionalism and said that Herriman was one of the best managed cities that she has worked with.
4.2. **Olympia Hills Update** – Michael Maloy, City Planner

City Planner Maloy stated that the City Council had received periodic updates from the team doing the Olympia Hills study, and staff anticipated a final report soon. He reminded the Council that Olympia Hills was outside of the City limits but was part of the annexation declaration in the current General Plan. They intended to use information from this study in the General Plan update.

Bob Springmeyer, the consultant, said that there was a question about water last time that he had not adequately answered. Since the previous meeting, he had met with Jordan Valley Water and received some answers that might ease their concerns. Jordan Valley has water and they have the ability to buy additional water. The question was whether to pay for that new water with a fee to new residents or through impact fees. The Water Board was currently evaluating that issue, but they weren’t ready to announce anything yet. The Council had also expressed concerns about what would happen during a long-term serious drought. Jordan Valley Water confirmed that in this case, cutbacks would be even across the system. For a growing community like Herriman, this means that there is no disincentive for additional annexations or more residents.

Councilmember Ohrn argued that residents would still see an influx of more people during a drought as the cause of less water, so the concern is still there. That did not take into effect the reality that people are simply coming into the City, no matter what.

Mayor Watts said that the numbers in the study are reflecting what the City Council has known for a long time. They were experiencing rapid growth here, and Herriman has a higher percentage of multi-family units than any other city. He wanted to clarify that the permit number from January to August doesn’t reflect projects that were approved by the Council during that timeframe. These are the actual number of building permits that were taken out from previous approvals.

Councilmember Martin asked if the study would pick up Eagle Mountain, Lehi, and Saratoga Springs, and Mr. Springmeyer said that it would. He suggested that they organize a field trip to some of these developments in Utah County and see what kind of products are being offered and what is selling. Councilmember Martin said that she was in favor of the idea. She noted that the developments listed in the study were half the density of what was being proposed for Olympia Hills. She thought having that high of density was unfair to the community. Councilmember Ohrn added that there is no public transportation in the area to warrant such density.

5. **Consent Agenda**

5.1. **Approval of the September 26, 2018 City Council Meeting Minutes**

5.2. **Approval of the Monthly Financial Summary** – Alan Rae, Finance Director

_Councilmember Smith moved to approve the Consent Agenda as written. Councilmember Martin seconded the motion._

_The vote was recorded as follows:_

_Councilmember Jared Henderson 
Aye_
6. **Discussion and Action Items**

6.1. **Discussion and Consideration of an Ordinance Declaring Approximately 0.485 acres of Real Property Located at or near 4900 West 12600 South, as Surplus; Determining that a Trade for Approximately 4 Acres of Real Property Located at or near 5200 West 12200 South Constitutes a Minimum Bid and Consummating the Trade Constitutes the Highest and Best Economic Return to the City** – Blake Thomas, City Engineer

Assistant City Engineer Jonathan Bowers excused Blake Thomas, who was at a conference this week. It was his understanding that the City Council had seen this proposal before, so he briefly explained the potential surplus and exchange of City property.

Councilmember Henderson moved to approve an Ordinance declaring approximately 0.485 acres of real property located at or near 4900 West 12600 South, as surplus; determining that a trade for approximately four acres of real property located at or near 5200 West 12200 South constitutes a minimum bid and consummating the trade constitutes the highest and best economic return to the City. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

- Councilmember Jared Henderson: Aye
- Councilmember Nicole Martin: Aye
- Councilmember Sherrie Ohrn: Aye
- Councilmember Clint Smith: Aye
- Mayor David Watts: Aye

The motion passed unanimously.

6.2. **Discussion and Consideration of a Resolution Approving the Execution and Delivery of an Annexation Agreement Related to the Kennecott Utah Copper LLC Annexation and Related Matters** – Gordon Haight, Assistant City Manager

Assistant City Manager Haight stated that the Council had been discussing the annexation of Kennecott property for the last several meetings. The staff report included a development agreement with a few changes from the previous meeting. He turned the time over to City Attorney John Brems to address those changes.

Attorney Brems noted that the changes were highlighted in blue on the copy in the staff report. He noted that staff had received a few more requested changes earlier that day that were unable to be included in the draft agreement, but he would also be addressing those with the Council. The first change was to include an annexation plat map in
Recital A. The next change was to paragraph three, where language regarding the TM zone was included. Attorney Brems stated that the City would no longer be doing a road, but they would be installing a water line to Zones 3 and 4 to service the property in question. He confirmed that they could only provide water to those within City limits, per ordinance.

Councilmember Henderson was concerned that Kennecott had emphasized residential uses as part of the masterplan discussion. This was a non-binding collaborative land use planning process for additional real property by the owners annexed into the City, and they would obviously engage in discussions about uses. However, he was unsettled that they would specifically call out residential uses. Assistant City Manager Haight said that the City has made it very clear that they were interested in commercial development here, especially with the property being annexed now. Kennecott was looking at their full 1,000 acres and wanted to be clear that some residential uses would be utilized in their plan. The agreement wouldn’t bind the City or Kennecott to do anything more than go through the planning process. Councilmember Smith said that the public following these discussions would not see it that way. The wording of the agreement here looked like they’re only interested in doing more apartments.

Councilmember Martin expressed appreciation for Kennecott’s willingness to work with the City and try to be good neighbors. Herriman has had a long-standing relationship with Kennecott and she was pleased that the agreement called out a collaborative process.

Attorney Brems then addressed the changes that they had received just hours before and restated that these were concepts that had not been drafted yet. Kennecott requested that the subject property could not be changed from the TM zone unless both parties agreed to a rezone. Assistant City Manager Haight clarified that this was not referencing the actual TM ordinance, but the zoning of that specific property. The Council had no objections to this request.

Attorney Brems said that the second request was to include language saying that if Riverbend Development falls though, the City would no longer be obliged to build the water line, and they would agree to allow the property to be de-annexed. If the property were to be de-annexed, Kennecott would then include the 38 acres as part of their overall masterplan for the area. Councilmember Martin was uncomfortable with this request because she felt that they were agreeing to a specific use for the property rather than a developer. It was possible that another tenant could come in and build a similar product.

Assistant City Manager Haight clarified that Kennecott could withdraw their application for annexation, but they were committed to this project. They have also made it clear that they were annexing this portion of their property before the rest for this specific user. If the user doesn’t go through with the project, Kennecott would like the acreage as part of their full master-planning process. Councilmember Smith said that the property was currently under contract and there was a scheduled closing date. He asked if Kennecott could pull out of that agreement now and if that would force this proposed clause. Assistant City Manager Haight said that Kennecott can pull out of the sale and withdraw their annexation application. However, the user or the City could also pull out of their agreements and stop the project. The reason they were pushing this was because the user had extremely tight deadlines that they need to meet to make this happen.
Councilmember Smith expressed his concerns about the decreasing size of the annexed property. When they started the discussion, the annexation would have included several hundred acres, and now it had decreased to 38 acres. Councilmember Henderson has the same concerns. Assistant City Manager Haight explained that Kennecott hasn’t had time to fully vet the best use for their property, including the 38 acres to be annexed. If the current user doesn’t pull through, they would like to have time to evaluate the highest and best use of the property.

Mayor Watts asked if there was any legal precedence for automatic de-annexation, or if State Code even allows it. Attorney Brems explained that there was a process to de-annexation. The agreement wouldn’t automatically send the property back to Kennecott. It would essentially state that the City would not fight the de-annexation.

Councilmember Martin felt like they could agree to a use over a user. It would be better to plan the entire area rather than doing a hodgepodge of development. Assistant City Manager Haight said that Kennecott has given every indication that they would want to fully vet the property and the City would be involved in that process.

Councilmember Ohrn expressed similar concerns as Councilmembers Smith and Henderson regarding the decrease in property size. Assistant City Manager Haight said that a large part of the issue was poor communication. It seemed that both parties had a different idea about the annexation. Councilmember Smith said that their option about the use of the property wouldn’t matter very much if it was outside of Herriman City limits. He suggested including a timeframe for the property to be sold to another user if the current one falls through.

Assistant City Manager Haight addressed the third concept presented by Kennecott that day, which was to spell out in the agreement that there was no open space requirement for this property. The City currently doesn’t have a way to do that, so including this would be like agreement to something they already don’t do. The final concept was to include language stating that the agreement doesn’t obligate Kennecott from annexing more land into the City. He commented that if the parties could come up with a really good plan, then they would agree to annex the full 1,000 acres into Herriman. The end goal of the planning process was to create a plan that everyone was comfortable with.

Councilmember Smith agreed with what Assistant City Manager Haight was describing, but he felt that the agreement was contrary to that concept. He thought that the concepts in writing makes it seem like this was Kennecott’s intention from the beginning.

Councilmember Martin said that the only proposed concept that she had heartburn over was that this agreement does not bind them to anything other than the property listed. That language felt unnecessary. She expressed concerns about what this communicated to the community. Councilmember Henderson said that he was alright with putting the language in there, but it was a “poke in the eye” to the City and the residents.

Mayor Watts explained that a company called Jetpack was looking to come into this property, and they would be providing 800 jobs at buildout. He personally had heartburn over Kennecott’s ability to de-annex. He wanted it clear that their intention wasn’t to pull out of Herriman and go into another city, but to create a master plan and come back into Herriman. Assistant City Manager Haight said that the agreement would automatically de-annex the property. Kennecott could wait to file for de-annexation for six months, a year, or several years. Staff was confident in their ability to fill that space before Kennecott would file for a disconnection.
Mr. Jeff Stevens, with Kennecott Utah Copper, said that he was the appointed representative on this project, and he wanted to address some of the Council’s concerns. He said that Kennecott would be happy to stay in Herriman City if they want to build the water line. The reason they wanted to include the de-annexation clause was to allow Herriman City the opportunity to choose whether to build the water line or not.

Councilmember Henderson asked if Kennecott would be willing to include a timeframe before they file for de-annexation, and Mr. Stevens said that they could agree to a timeframe of twelve months. There was a discussion about how this clause could be phrased in the agreement.

Mayor Watts asked why they specifically included language about residential uses in the master plan, and Mr. Stevens said that they absolutely wanted to consider residential uses on the remaining 900 acres. He wasn’t concerned about other uses, because he knew the City would be amenable to them. The Council was concerned that this language made it seem like they only wanted residential uses on the property. Mr. Stevens explained that there were constraints with the mine and they knew that there were many areas where residential was not suitable. After some discussion, it was decided that the language would include industrial and commercial uses as well as residential.

There was a discussion regarding the motion, and the staff recommended that the Council approve subject to Attorney Brems confirming that the altered language is substantively addressing the concerns raised today. If the City Manager, City Attorney, and Kennecott’s attorney are comfortable with the language, staff would approve it. If anything changes substantively, the agreement would come back to the City Council.

Councilmember Henderson moved to approve Resolution No. R49-2018 approving the execution and delivery of an annexation agreement related to the Kennecott Utah Copper LLC Annexation and related matters; with the following conceptual changes:

- There will be no changes to the zoning of this property without the consent of both parties;
- If the current sale is not consummated and no subsequent sale takes place within a twelve-month timeframe, then the property owner can apply for de-annexation and the City will not protest, and the City is not obligated to build the water line;
- There is no obligation for annexing future property;
- There is no open space requirement for the zone;
- Language was stricken from the end of paragraph four;
- Paragraph six would include language regarding commercial and industrial uses;
- “Winter” be specified at December 31, 2019.

Councilmember Martin seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson  Aye
Councilmember Nicole Martin  Aye
Councilmember Sherrie Ohrn  Aye
Councilmember Clint Smith  Aye
Mayor David Watts  Aye
The motion passed unanimously.

6.3. **Discussion and Consideration of an Ordinance Annexing Territory Located at or near 11800 South 7000 West Comprising of Approximately 74 Acres into Herriman City Commonly known as the Kennecott Annexation; Establishing Zoning for the Annexed Territory; and Related Matters** – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom briefly explained the annexation process and noted that staff did not receive any protests or comments opposing the annexation. By State Code, the annexation must be approved and recorded through the Lieutenant Governor’s Office and the County Recorder by October 31st. It was noted that the acreage had been reduced to 38 acres.

*Councilmember Smith moved to approve an Ordinance No. 2018- 35 annexing territory located at or near 11800 South 7000 West comprising of approximately 38 acres into Herriman City, commonly known as the Kennecott Annexation; establishing zoning for the annexed territory, and related matters. Councilmember Martin seconded the motion.*

The vote was recorded as follows:
- Councilmember Jared Henderson: Aye
- Councilmember Nicole Martin: Aye
- Councilmember Sherrie Ohrn: Aye
- Councilmember Clint Smith: Aye
- Mayor David Watts: Aye

The motion passed unanimously.

7. **Calendar**

7.1. **Meetings**

7.1.1. November 1 – Planning Commission Meeting 7:00 p.m. Cancelled

7.1.2. November 9 – Special City Council Work Meeting 9:00 a.m.

7.1.3. November 14 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

7.2. **Events**

7.2.1. November 3 – Miss Herriman Scholarship Pageant; Herriman High School 7:00 p.m.

7.2.2. November 7 – Herriman Senior Social; Herriman City Hall 11:00 a.m. – 2:00 p.m.

7.3. **Closed Session**

7.3.1. *The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*
8. **Adjournment**

Councilmember Smith moved to adjourn the City Council meeting and reconvene the City Council Work Meeting at 9:01 p.m. Councilmember Martin seconded the motion and all voted aye.

9. **Recommence to Work Meeting (If Needed)**

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 24, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

[Signature]

Jackie Nostrom, MMC
City Recorder
DATE: 26 October 2018

TO: The Honorable Mayor and City Council

FROM: Chief Troy Carr

SUBJECT: Herriman’s Participation in the LESO Program

RECOMMENDATION:

Approve Resolution ********** authorizing the Herriman City Police Department to participate in the United States Department of Defense Law Enforcement Support Program pursuant to 10 USC § 2576a for the transfer of personal property that is excess to the needs of the Department of Defense.

DISCUSSION:

The Department of Defense, through the State of Utah, identifies excess property that is suitable to be used by local law enforcement agencies in law enforcement activities. This property includes but is not limited to items such as small arms, ammunition, and armored vehicles. The Department of Defense authorizes a State liaison to transfer, assign, and administer such property under a program known as the Law Enforcement Support Program or LESO, also known as the 1033 Program.

Governor Gary Herbert, on 28 October 2009, authorized the State of Utah to participate in the federal LESO program, and the State maintains a liaison operating out of the National Guard headquarters office in Draper.

In order to participate in the LESO program, the Chief Executive of a local law enforcement agency must enter into a contract with the assigned State liaison for purposes of asset tracking, program participation qualification, and indemnification. The individual agency is required to maintain liability insurance for any asset transferred through the program adequate to cover its employees’ use of the asset(s).

The contract specifies certain requirements that must be met by the individual law enforcement agency relative to asset control, inventory, maintenance, and record-keeping. Any property not deemed as “consumable” by the LESO program is transferred conditionally. The Department of Defense retains title or ownership of all non-consumable property in perpetuity.
and may recall any transferred property at its discretion. An example of consumable property would be small arms ammunition, which obviously cannot be returned once used.

The Herriman City Police Department will assign a liaison, usually a command-level employee, to manage all requests, record-keeping, and asset control for any property transferred through the program.

The State liaison conducts an annual audit of all property transferred to the law enforcement agency through the program. As part of the audit, each law enforcement agency is required to obtain on an annual basis the authorization of the relevant local governing body authority, which for us is the City Council, pursuant to section III.E.1 of the contract.

**ALTERNATIVES:**

There are no alternatives for this type of property acquisition. If we wish to participate in the LESO program to obtain surplus property from the Department of Defense, this is the process we are required to follow. Property acquisition alternatives would be to fully fund the cost of these assets through the HCSEA or Herriman City, or to seek out alternative means of fully funding asset acquisition such as grant programs or donations.

**FISCAL IMPACT:**

Although the surplus property is typically transferred to the participating law enforcement agency at no cost, there are fiscal impacts associated with any asset such as maintenance, fuel, repairs and parts, branding, and liability insurance costs. Additionally, some property may require transport, shipping costs, or physical pick-up by members of HPD. Those associated costs would be solely the responsibility of HPD.
HERRIMAN, UTAH
RESOLUTION NO. R**-2018

A RESOLUTION APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT
BETWEEN THE STATE OF UTAH AND HERRIMAN CITY FOR THE HERRIMAN
CITY POLICE DEPARTMENT’S PARTICIPATION IN THE UNITED STATES
DEPARTMENT OF DEFENSE LAW ENFORCEMENT SUPPORT PROGRAM

WHEREAS, the Herriman City Council (“Council”) met in regular session on
November 14, 2018, to consider, among other things, approving an Interlocal Cooperative
Agreement with the State of Utah providing for the participation of the Herriman City Police
Department in the United States Department of Defense Law Enforcement Support Program; and

WHEREAS, the Utah Interlocal Cooperative Act (UTAH CODE ANN. § 11-13-101, et seq.) (the “Act”) provides that any two or more government entities are authorized to enter into
agreements with each other to do what each agency is authorized by law to perform; and

WHEREAS, the Herriman City (“Herriman”) and the State of Utah (“State”) are
government entities as contemplated by the Act; and

WHEREAS, Herriman and the State are authorized to enter into agreements with each
other for cooperative action; and

WHEREAS, the United States Department of Defense is authorized under 10 USC §
2576a to transfer personal property that is excess to the needs of the Department of Defense to
authorized state and local law enforcement agencies that the Secretary of Defense determines is
suitable to be used by such agencies in law enforcement activities; and

WHEREAS, the United States Department of Defense has authorized the State of Utah
to manage the property and assets disseminated under this program and the Governor of the State
of Utah has authorized the statewide implementation of the program effective on October 28,
2009; and

WHEREAS, the Interlocal Cooperative Agreement with the State (“Agreement”) in
section III(E)(1) specifies that the recipient law enforcement agency shall on an annual basis
certify that it has obtained the authorization of the relevant local governing body in order to
participate in the program; and

WHEREAS, the Council finds that it is in the best interests of the inhabitants of
Herriman to participate in the program for the receipt and use of such property to further the
mission of the Herriman City Police Department; and

WHEREAS, the Agreement has been prepared for approval, which sets forth the purpose
thereof, the extent of participation of the parties, and the rights and duties and responsibilities of
the parties. A copy of the Agreement is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Agreement is approved, and the
City Manager and Recorder are hereby authorized and directed to execute and deliver the same.
This Resolution, assigned No. R__-2018, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Herriman, Utah, this 14th day of November, 2018.

HERRIMAN

____________________________________
David Watts, Mayor

Jackie Nostrom, MMC
City Recorder
DATE: November 8, 2018

TO: The Honorable Mayor and City Council

FROM: John Brems, City Attorney

SUBJECT: UTOPIA Franchise Agreement

RECOMMENDATION:
Approval of the franchise agreement with UTOPIA.

BACKGROUND:
Federal and State Statutes authorize Herriman City the ability to grant or renew cable licenses for the installation, maintenance and operation of the cable television system to regulate services within the Franchising Authority’s boundaries. The authorization allows the franchisee authority over public right-of-ways as well as other things.

DISCUSSION:
UTOPIA desires to provide telecommunication network within Herriman City boundaries and would like to have a franchise agreement granted. The ordinance granting the franchise to UTOPIA is non-exclusive.
HERRIMAN, UTAH
ORDINANCE NO. 18-__

AN ORDINANCE GRANTING A FRANCHISE TO THE UTAH TELECOMMUNICATION OPEN INFRASTRUCTURE AGENCY PURSUANT TO A FRANCHISE AGREEMENT

WHEREAS, the Herriman City Council (the “City Council”) met in regular session on November__, 2018, to consider, among other things, granting a franchise to the Utah Telecommunication Open Infrastructure Agency (“UTOPIA”) pursuant to a Franchise Agreement; and

WHEREAS, UTOPIA desires to operate and maintain telecommunication network within Herriman; and

WHEREAS, a copy of a Franchise Agreement (“Franchise”) with UTOPIA has been presented to the Council for review and approval, a copy of which is attached hereto; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Herriman to approve the Franchise; and

WHEREAS, the City, in the exercise of its police power, ownership, or use rights over and in the public rights-of-way and pursuant to its other regulatory authority, believes it to be in the best interests of the public to approve the Franchise.

NOW, THEREFORE, BE IT ORDAINED by the City Council that the Franchise is hereby approved and the City Manager and Recorder are hereby authorized and directed to execute and deliver the same

This ordinance, assigned no.___, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the Recorder, and accepted as required herein.

PASSED AND APPROVED this ___ day of November, 2018.

HERRIMAN

By: ___________________________
    David Watts, Mayor

ATTEST:

__________________________________
DATE: November 7, 2018
TO: The Honorable Mayor Watts and City Council
FROM: Michael Maloy, AICP, Planning Director
MEETING: City Council Business Meeting, November 14, 2018
REQUEST: Text Change to the Herriman Land Development Code to Revise the Home Occupations Chapter
Applicant: Herriman City
File Number: Z2018-14

Request
Herriman City is proposing a text change to Title 10 of the Herriman City Code, which is the Herriman Land Development Code, to revise Chapter 22 Home Occupations. The request consolidates all requirements for home occupations into one location. It also creates a new classification of “Home Group Instruction.”

Notice
The City posted the public hearing notice in the newspaper on August 5, 2018, and on the Herriman City website on August 6, 2018. As of the date of this report, staff has not received any public comments regarding the proposed text change.

Process
A text change is a legislative action. The Planning Commission held a public hearing on August 16, 2018, and recommended approval of the text change to the City Council. The City Council then holds a public meeting to discuss the item and make the final decision.

Discussion
In December 2017, the City adopted a new Land Development Code. Included in the new ordinance were changes that made all home occupations—other than daycares and preschools—a permitted use. However, many of the same nuisances that need to be mitigated for daycares and preschools are present in nearly all instructor-led home occupations, including tumbling or swimming lessons. This text change is to modify all of these types of home occupations to become conditional uses rather than permitted ones. It also creates a new classification of “Home Group Instruction” and adds standards of review.

During the September 12, 2018, City Council work meeting, the Council requested more information on the maximum number of sessions per day that could be held, and asked staff to review other city regulations. Staff reviewed several cities and found the following:
During the October 24, 2018, City Council work session, the Council reviewed the above table and discussed several additional potential amendments for home daycare and home group instruction. Based on this discussion, the Planning Division prepared the following options for Council consideration prior to making a motion to approve, modify, or deny the proposed amendment:

Option 1. Remove prohibition of use of a shared driveway for home daycare and/or home group instruction:
   4. A daycare center operated as a home occupation shall be prohibited if located on a shared driveway.
   4. A home occupation for instruction shall be prohibited if located on a shared driveway.

Option 2. Increase number of sessions from two (2) to three (3) per day:
   3. The number of classes shall be limited to two three sessions per day. The sessions must be separated by at least thirty minutes to allow adequate time for pick-up and drop-off.

Option 3. Add maximum number of students per session:
   6. No more than eight students may be allowed per session.

Option 4. Add maximum number of students per session, and per day:
   6. No more than eight students may be allowed per session, with a maximum number of sixteen students per day.

**Recommendation**

The Planning Commission’s recommendation is to approve the draft as proposed.

**Attachments**

A. Proposed Ordinance
B. Meeting Minutes for August 16, 2018
Attachment A
Proposed Ordinance
WHEREAS, the City of Herriman, pursuant to state law, may enact a land use ordinance establishing regulations for land use and development; and

WHEREAS, pursuant to state law, the Planning Commission shall prepare and recommend to the City Council the proposed land development code amendment; and

WHEREAS, pursuant to City of Herriman Land Development Code, the Planning Commission shall hold a public hearing and provide reasonable notice at least 10 days prior to the said public hearing to prepare and recommend to the City Council the proposed land development code text changes; and

WHEREAS, notice of a Planning Commission public hearing on the land development code text change was published on August 5, 2018, for an August 16, 2018, public hearing at 7:00 p.m.; and

WHEREAS, the Planning Commission recommended approval of the land development code text change in the meeting held on August 16, 2018, at 7:00 p.m. in the City Council Chambers; and

WHEREAS, pursuant to Herriman City Code, the City Council must hold a public meeting; and

WHEREAS, the City Council public meeting was held on November 14, 2018, at 7:00 p.m.; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Herriman City to adopt the land development code text change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Herriman City Council that the following text change be adopted as a change to the land development code of the City:
Chapter 22
HOME OCCUPATIONS

10-22-1: PURPOSE:
The purpose of this chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residence do not disturb the residential character of a neighborhood.

10-22-2: SCOPE:
The requirements of this chapter shall apply to any home occupation conducted within the City.

10-22-3: DEFINITIONS:
Certain words and phrases in this chapter, including uses, are defined in chapter 3 of this title.

10-22-4: PERMITTED AND PROHIBITED USES:
A. Permitted Uses in Agricultural and Residential Zones: Except for prohibited uses set forth in subsection B of this section, a person residing in a dwelling located in an agricultural or residential zone may conduct a home occupation, subject to the home occupation standards set forth in section 10-22-5 of this chapter and any other applicable requirement under this title.

B. Prohibited Uses In All Zones: The uses set forth below involve operations not suited to a residential area and shall be prohibited as home occupations in all zones:

   Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the International Fire Code in a dwelling.

   Auto body or fender work.

   Junkyards, storage or recycling yards.

   Manufacture or sale of ammunition, explosives, or similar products.

   Mortuaries and crematoriums.
Rental or sale of vehicles exceeding two (2) rentals or sales per year.

Sexually oriented businesses.

Short term rentals.

Vehicle towing operations.

10-22-5: HOME OCCUPATION STANDARDS:
The standards set forth in this section shall apply to any home occupation, except as otherwise provided in section 10-22-6 of this chapter.

A. Accessory Buildings: A home occupation shall not involve the use of any accessory building.

B. Business License: Approval of a home occupation shall not relieve a person from obtaining a City business license as required by this Code.

C. Employees Prohibited On Premises: No person conducting a home occupation shall permit any employee, contractor, or other person to do any work related to the home occupation on the premises where the home occupation is located.

D. Fire Inspection: Every facility used in a home occupation may be inspected by the Fire Department prior to initial use and shall meet Fire Department standards at all times.

E. Inventory: Products associated with a home occupation may be kept on the premises provided that storage of such items shall be inside the dwelling and shall be limited to a maximum of two hundred fifty (250) cubic feet.

F. Modification of Structures: There shall be no visible evidence from the exterior of a dwelling indicating any use other than for a dwelling.

G. Neighborhood Disturbance: A home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reason of construction, dust, electrical or electromagnetic wave interference, fumes, lighting, noise, odor, smoke, sounds, traffic, vibration, or other causes.

H. Parking: Parking shall be limited to two (2) available parking spaces on the subject property where automobiles are customarily parked. No additional parking spaces shall be created to serve a home occupation.

I. Product Display: There shall be no external display of products or merchandise.

J. Promotional Meetings: Promotional meetings for the purpose of selling merchandise, taking orders, or training shall be prohibited.

K. Secondary Use Only: A home occupation shall be conducted entirely indoors and shall be
incidental and secondary to the primary use of a dwelling for residential purposes. Not more than twenty percent (20%) of the floor area of a dwelling unit shall be used for a home occupation.

L. Signs: See chapter 27 of this title.

M. Traffic and Access: A home occupation shall not generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located. A home occupation which generates additional pedestrian, parking, or vehicular traffic is prohibited in a dwelling unit which shares a common driveway or other access with an adjoining dwelling unit.

N. Utility Demand: A home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

O. Yards: Yards surrounding a dwelling and any accessory building:

1. May be used for activities customarily conducted outside a dwelling unit, such as swimming lessons and child play areas; and

2. Shall not be used for storage of any materials or equipment associated with a home occupation.

P. Hours: Home occupations involving pedestrian or vehicle traffic shall be conducted only between the hours of seven o’clock (7:00) A.M. and seven o’clock (7:00) P.M.

10-22-6: SPECIAL HOME OCCUPATIONS IN AGRICULTURAL ZONES:
Notwithstanding any contrary provision in section 10-22-5 of this chapter, and subject to the provisions of this section, a person residing in a dwelling located in an agricultural zone and up to two (2) employees may conduct a special home occupation. If the lot where the home occupation is located is larger than one acre, up to four (4) employees on the premises may operate the home occupation. A special home occupation shall be a conditional use in the agricultural zones.

A. Accessory Buildings: Work may be done in accessory buildings if any nuisance arising from noise and odors, other than those incidental to legitimate agricultural uses, is mitigated.

B. Business License: A business license for a home occupation in an agricultural zone shall not exceed two (2) years but may be renewed subject to applicable provisions of this chapter.

C. Equipment: Equipment may be stored outside a building in a rear yard.

D. Parking: One additional parking space on the premises shall be provided for each employee coming to the dwelling as a result of the home occupation. Such parking shall be located only in a side or rear yard.

E. Restrooms: Any accessory buildings where employees work shall have restrooms for such employees.
F. Secondary Use Only: A home occupation shall be incidental and secondary to the use of the dwelling and the premises for agricultural purposes and shall not change the character of the dwelling.

G. Storage: Storage of material shall be within an enclosed building.

10-22-7 HOME DAYCARE:
A home daycare shall meet the home occupation standards of section 10-22-5 and the following additional requirements:

1. The operator of the daycare shall be a bona fide resident of the premises where the home occupation is conducted.

2. The number of children attending a daycare center shall conform to applicable requirements of the Utah Code.

3. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.

4. A daycare center operated as a home occupation shall be prohibited if located on a shared driveway.

10-22-8 HOME GROUP INSTRUCTION:
A home occupation for group instruction, including, but not limited to, preschools, tumbling lessons, swimming lessons, or dance lessons, shall meet the home occupation standards of section 10-22-5 and the following additional requirements:

1. The instructor shall be a bona fide resident of the premises where the home occupation is conducted.

2. For purposes of this section, a group shall be defined as three (3) or more students attending a session.

3. The number of children attending for preschool instruction shall conform to applicable requirements of the Utah Code.

4. The number of classes shall be limited to two sessions per day. The sessions must be separated by at least thirty minutes to allow adequate time for pick-up and drop-off.

5. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.

6. A home occupation for instruction shall be prohibited if located on a shared driveway.
Add “Home Group Instruction” on the Table of Uses (Chapter 16) as a conditional use in the following zones:
- A-.25
- A-.5
- A-1
- R-1-10
- R-1-15
- R-1-21
- R-1-43
- R-2-10
- R-2-15
- FR-1
- MU-2

Add “Special Home Occupation” on the Table of Uses (Chapter 16) as a conditional use in the following zones:
- A-.25
- A-.50
- A-1
10-29-16: DAYCARE AND PRESCHOOLS:
A "daycare/preschool center", as defined in chapter 3 of this title, shall be subject to the following conditions:

A. Compatibility: A daycare/preschool center located within an existing building shall be compatible with existing and proposed land uses located on the same lot. New construction shall be compatible in design and scale of building with existing development within the same area.

B. State Approval: A daycare/preschool center shall be approved as required by the State Department of Social Services.

C. Parking: Parking, pickup, and delivery areas shall be provided as required by chapter 24 of this title.

D. Frontage: In any zone, except the R-M, C-1, C-2, or M-1 Zones, the lot on which a daycare/preschool center is located shall have frontage on a street with an existing right-of-way of eighty feet (80') or greater.

E. Home Occupation: A home daycare/preschool shall meet the home occupation requirements set forth in chapter 22 of this title and the following additional requirements:

1. The operator shall be a bona fide resident of the premises where the home occupation is conducted.

2. The number of children attending a daycare or preschool center shall conform to applicable requirements of the Utah Code.

3. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.

4. Notwithstanding subsection C of this section, no additional parking or drop-off area shall be created.

5. A daycare or preschool center operated as a home occupation shall be prohibited if located on a shared driveway.

10-3-5 Definitions, Generally
HOME OCCUPATION: A commercial or other nonresidential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling for residential purposes as permitted pursuant to chapter 22 of this title.

HOME OCCUPATION, SPECIAL: A home occupation located in an agricultural zone conducted pursuant to chapter 22 of this title.
HOME DAYCARE: A facility located within a dwelling and yard which, for direct or indirect compensation, provides care, protection, supervision, of twelve (12) or less children, including the caregiver's own children under the age of six (6) and not yet in full day school. (State Statutes and regulations may contain additional requirements or may limit the number of children allowed in a home daycare) "Home daycare" does not include care provided in the home of the parent or legal guardian of a child or children.

HOME GROUP INSTRUCTION: A facility located within a dwelling and yard which, for direct or indirect compensation, provides instruction for three (3) or more students at a time for uses including, but not limited to, preschool, tumbling lessons, swimming lessons, or dance lessons. Subject to the requirements of Chapter 22 of this title.

10-3-6 D:

DAYCARE/PRESCHOOL, HOME: A facility located within a dwelling and yard which, for direct or indirect compensation, provides care, protection, supervision, and/or preschool instruction of twelve (12) or less children, including the caregiver's own children under the age of six (6) and not yet in full day school. (State Statutes and regulations may contain additional requirements or may limit the number of children allowed in a home daycare/preschool.) "Home daycare/preschool" does not include care provided in the home of the parent or legal guardian of a child or children.

PASSED AND APPROVED this 14th day of November 2018.

HERRIMAN

ATTEST: Mayor David Watts

Jackie Nostrom, City Recorder
Attachment B
Meeting Minutes for August 16, 2018
The following are the minutes of the Planning Commission Meeting held on Thursday, August 16, 2018 at 7:00 p.m. in the Herriman City Community Center, 5355 W. Herriman Main Street (12090 South), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City’s website, and delivered to members of the Commission and media.

Presiding: Chair Jessica Morton

Commission Members Present: Jackson Ferguson, Andy Powell, Chris Berbert, Parry Harrison, Andrea Bradford, Adam Jacobson, Lorin Palmer

Commission Members Absent: Brody Rypien

Staff Present: City Planner Michael Maloy Assistant City Planner Bryn McCarty, Director of Parks, Events and Recreation Wendy Thomas, Communication Specialist Jonathan LaFollette, Planning Coordinator Craig Evans, Assistant City Engineer Jonathan Bowers, and Deputy Recorder Wendy Thorpe.

7:00 PM - Regular Planning Commission Meeting

1. Call to Order
Chair Morton called the meeting to order at 7:00 p.m. and welcomed those in attendance.

1.1 Invocation/Thought/Reading and Pledge
Wendy Thorpe led the audience in the Pledge of Allegiance.

1.2 Roll call
Full Quorum Present; Commissioner Brody Rypien was not present.

Commissioner Jacobson arrived at 7:02 p.m.
1.3 Approval of Minutes for 05/17/18
Commissioner Berbert moved to approve item 1.3 Minutes for May 17, 2018. Commissioner Palmer seconded the motion and all voted aye.

1.4 Conflicts of Interest
No conflicts of interest were offered.

Commissioner Morton reviewed the Public Hearing guidelines.

2. 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 applications compliance with the ordinance.

2.1 Request: Preliminary Plat Approval for a 44 Lot Subdivision (Public Hearing)
   Applicant: Jerry Walker
   Address: 6000 W 12900 S
   Zone: R-1-10 (Residential – 10,000 sq. ft. min.) and A-25 (Agricultural – 10,000 sq. ft.)
   Acres: 20.12
   File Number: S2018-08

Assistant City Planner McCarty explained the location and that the property was re-zoned last year by the City Council, which allowed the density of 2.2 residential units per acre. She provided a preview of the layout for the subdivision which displayed the residential and agricultural lots and photographs of the area. Assistant City Planner McCarty reviewed the staff requirements.

Applicant Jerry Walker approached the podium and explained he had been working on the project for three years and hoped to begin construction soon. He clarified that 34 residential lots would be built in the development, as opposed to the 36 previously mentioned. Mr. Walker expressed frustration with how long the process had taken and the high number of meetings.

Commissioner Bradford arrived at 7:06 p.m.

Mr. Walker explained his family had lived in the area for 200 years and wanted the project to include nice, single family homes.

Chair Morton opened the Public Hearing.
Joe Stagel stated he lived across the street from lot one and his family moved to the area because they liked the large lot sizes. His opinion was that the lots in the development should be similar to current lot sizes in the area.
and possibly add a couple half acre sized lots.

Chair Morton closed the Public Hearing

The Commissioners requested fencing on the park strip side of the flag lot. Applicant Walker stated that requirement was included in the Development Review Committee (DRC) meeting comments. Assistant Planner McCarty explained that the Park Strip had been discussed at the Development Review Committee (DRC). Assistant City Planner McCarty clarified that the requirements were misnumbered and there are 13 requirements. She informed the Commissioners that the DRC comments were mentioned in the requirements. Attorney Brems recommended referring to all of the DRC meeting comments as part of the motion.

Requirements
1. Receive and agree to the recommendations from other agencies, including all comments from the Development Review Committee.
2. Install curb, gutter, park strip, street trees, and sidewalk on all public streets, including 6000 West. Work with engineering on the timing of the installation of these improvements. This may be a fee in lieu for the improvements.
3. Dedicate right of way for 6000 West.
4. Work with UFA on providing emergency turnarounds if required for construction phasing.
5. All public roads to meet City Standards.
6. Coordinate with other utilities at the time of road improvements in order to minimize future road cuts.
8. Provide a storm drain study. If there is no outfall constructed for this area, full retention must be provided. All on-site retention is required to have a maintenance agreement.
9. If a storm drain outfall is constructed, provide permanent detention to meet all City requirements. The detention pond should be landscaped with sod, sprinklers, and trees.
10. All homes shall meet the Single-family design criteria.
11. Each of the lots shall be a minimum of 85 feet wide and 10,000 square feet.
12. Install 6-foot vinyl fence along the west property line, and on the south side of lots 14, 15, and 16.
13. Provide a contamination remediation plan to Engineering for review and approval. All remediation must be completed prior to any development occurring on the site.

Commissioner Jacobson moved to approve item 2.1 file number S2018-08 for Preliminary Plat Approval for a 44 Lot Subdivision with staff requirements and to include eight DRC planning and zoning requirements and the eight engineering review requirements from multiple DRC meetings. Commissioner Palmer seconded the motion.
The vote was recorded as follows:
Commissioner Adam Jacobson  Aye
Commissioner Parry Harrison  Aye
Commissioner Andy Powell  Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer  Aye
Commissioner Chris Berbert  Aye
The motion passed unanimously.

2.2  Request: Preliminary Plat Approval for a 1 Lot Subdivision for the Real Salt Lake Training Facility (Public Hearing)

   Applicant:  Craig Martin
   Address:  14787 S Academy Parkway
   Zone:  C-2 (Commercial) and R-2-10 (Residential – Medium Density)
   Acres:  43.15
   File Number:  S2018-15

Assistant City Planner McCarty described the lot was combined from different parcels to create one lot for the entire facility, which had already been built.

The applicant was not present.

Chair Morton opened the public hearing.

No comments were offered.

Chair Morton closed the public hearing.

Requirements
1. Receive and agree to the recommendations from other agencies.
2. Install park strip, street trees, sidewalk, and street lights along Academy Parkway.
3. Final plat to be reviewed and approved by the Engineering Department.

Commissioner Harrison moved to approve item 2.2 file number S2018-15 for Preliminary Plat Approval for a 1 Lot Subdivision for the Real Salt Lake Training Facility. Commissioner Powell seconded the motion.

The vote was recorded as follows:
Commissioner Adam Jacobson  Aye
Commissioner Chris Berbert  Aye
Commissioner Andy Powell  Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer  Aye
Commissioner Parry Harrison  Aye
The motion passed unanimously.

3. 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.

3.1 Request: Text Change to the Land Development Code to Revise the Home Occupations Chapter (Public Hearing)

Applicant: Herriman City
File Number: Z2018-14

Assistant City Planner McCarty reminded the Commissioners this had been covered at a past work meeting. Text was added regarding the hours of operation. She also noted the addition of the home occupation in an Agricultural zone would allow two employees as a special home occupation and allow up to four employees on property larger than one acre. She further clarified that a special home occupation would be a conditional use in the agricultural zones. Text had been added to the daycare and home group instruction categories that stated groups would consist of three or more at a session, be limited to two classes per day and would be prohibited in a shared driveway situation.

Chair Morton opened the public hearing.

No comments were offered.

Chair Morton closed the public hearing.

Commissioner Ferguson moved to recommend approval to City Council of item 3.1 file number Z2018-14 Text Change to the Land Development Code to Revise the Home Occupations Chapter. Commissioner Jacobson seconded the motion.

The vote was recorded as follows:
Commissioner Adam Jacobson  Aye
Commissioner Chris Berbert  Aye
Commissioner Andy Powell  Aye
Commissioner Jackson Ferguson  Aye
Commissioner Lorin Palmer  Aye
Commissioner Parry Harrison  Aye
The motion passed unanimously.

3.2 Request: Adoption of the Herriman Hills Open Space Master Plan as an Element of the General Plan (Public Hearing)
Applicant:  Herriman City  
File Number:  G2018-02  

Parks, Events and Recreation Director Wendy Thomas approached the podium and clarified the consultant had made the changes requested by the Commissioners at a previous meeting. Commissioner Berbert requested more information regarding trails crossing through R-1-15 zones. Assistant City Planner McCarty explained trails are allowed as an overlay for public use in all zones.

Chair Morton opened the public hearing.

No comments were offered.

Chair Morton closed the public hearing.

Director Thomas explained that she researched some concerns regarding increased traffic expressed in an email and informed the Commission that the Police Department would monitor the situation.

Commissioner Powell moved to recommend approval to City Council of item 3.2 file number G2018-02 Adoption of the Herriman Hills Open Space Master Plan as an Element of the General Plan. Commissioner Berbert seconded the motion.

The vote was recorded as follows:
- Commissioner Adam Jacobson  Aye
- Commissioner Chris Berbert  Aye
- Commissioner Andy Powell  Aye
- Commissioner Jackson Ferguson  Aye
- Commissioner Lorin Palmer  Aye
- Commissioner Parry Harrison  Aye

The motion passed unanimously.

Chair and Commission Comments

No comments were offered.

Future Meetings

5.1 City Council – Wednesday, August 22, 2018 @ 7:00 PM  
5.2 Joint PC/CC Work Meeting – Thursday, August 30, 2018 @ 6:00 PM  
5.3 Planning Commission Meeting – Thursday September 6, 2018 @ 7:00 PM

Adjournment

Commissioner Jacobson moved to adjourn the Planning Commission meeting at 7:26 p.m. Commissioner Berbert seconded the motion and all voted aye.
7. **Recommence to Work Meeting (Fort Herriman Conference Room)**
   1. **Review of City Council Decisions**
   2. **Discussion of Proposed Small Cell Regulations**

**6:00 PM - Work Meeting (Fort Herriman Conference Room)**

Chair Jessica Morton called the work meeting to order at 7:45 pm.

1. **Review of City Council Decisions**

City Planner Maloy further informed the Commission that Bonneville Research had been hired to research the proposed Olympia Hills project. Their team has driven through the terrain and they would report to the City Council on a regular basis. They may present at the next Joint City Council/Planning Commission meeting.

2. **Discussion of Proposed Small Cell Regulations**

City Planner Maloy explained a recent change in State code requiring cities to accommodate small cell towers. The City Council would consider extended standards for franchise agreements and permitted use, which would be reviewed by Staff then brought to the Planning Commission for consideration. The City was studying the design standards with regards to the look of cell structures to make them compatible with City standards. The State included the requirement that they could not be placed on streets smaller than 60 feet. Small cell towers would most likely be placed on streetlights, which may make it necessary for the City to modify the light poles to accommodate them. The City Council would be reviewing the standards at a future meeting. Attorney Brems clarified that these were located in the public right-of-way and not a land use. The new reinforced poles may be necessary due to the additional weight.

Land Use Academy of Utah (LUAU) training was discussed and Commissioners Harrison and Powell expressed an interest to attend. City Planner Maloy informed the Commissioners that the American Planning Association (APA) conference would be held in Sandy in October and requested the Commissioners to notify Staff if they planned to attend.

The Commissioners notified Staff that the Planning Commission section of the City website needed to be updated with the information for the newer Commissioners.

*Planning Commission work meeting adjourned by consensus at 7:41 p.m.*

I, Wendy Thorpe, Deputy Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 16, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

[Signature]

Wendy Thorpe
HERRIMAN, UTAH
ORDINANCE NO. 18-

14Z18– HERRIMAN CITY – TEXT CHANGE TO THE LAND DEVELOPMENT CODE TO CONSOLIDATE AND MODIFY HOME OCCUPATION REGULATIONS

WHEREAS, the City of Herriman, pursuant to state law, may enact a land use ordinance establishing regulations for land use and development; and

WHEREAS, pursuant to state law, the Planning Commission shall prepare and recommend to the City Council the proposed land development code amendment; and

WHEREAS, pursuant to City of Herriman Land Development Code, the Planning Commission shall hold a public hearing and provide reasonable notice at least 10 days prior to the said public hearing to prepare and recommend to the City Council the proposed land development code text changes; and

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WHEREAS, the Planning Commission recommended approval of the land development code text change in the meeting held on August 16, 2018, at 7:00 p.m. in the City Council Chambers; and

WHEREAS, pursuant to Herriman City Code, the City Council must hold a public meeting; and

WHEREAS, the City Council public meeting was held on November 14, 2018, at 7:00 p.m.; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Herriman City to adopt the land development code text change as recommended by the Planning Commission;

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The purpose of this chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residence do not disturb the residential character of a neighborhood.

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Certain words and phrases in this chapter, including uses, are defined in chapter 3 of this title.

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A. Permitted Uses in Agricultural and Residential Zones: Except for prohibited uses set forth in subsection B of this section, a person residing in a dwelling located in an agricultural or residential zone may conduct a home occupation, subject to the home occupation standards set forth in section 10-22-5 of this chapter and any other applicable requirement under this title.

B. Prohibited Uses In All Zones: The uses set forth below involve operations not suited to a residential area and shall be prohibited as home occupations in all zones:

   Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the International Fire Code in a dwelling.

   Auto body or fender work.

   Junkyards, storage or recycling yards.

   Manufacture or sale of ammunition, explosives, or similar products.

   Mortuaries and crematoriums.
Rental or sale of vehicles exceeding two (2) rentals or sales per year.

Sexually oriented businesses.

Short term rentals.

Vehicle towing operations.

10-22-5: HOME OCCUPATION STANDARDS:
The standards set forth in this section shall apply to any home occupation, except as otherwise provided in section 10-22-6 of this chapter.

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B. Business License: Approval of a home occupation shall not relieve a person from obtaining a City business license as required by this Code.

C. Employees Prohibited On Premises: No person conducting a home occupation shall permit any employee, contractor, or other person to do any work related to the home occupation on the premises where the home occupation is located.

D. Fire Inspection: Every facility used in a home occupation may be inspected by the Fire Department prior to initial use and shall meet Fire Department standards at all times.

E. Inventory: Products associated with a home occupation may be kept on the premises provided that storage of such items shall be inside the dwelling and shall be limited to a maximum of two hundred fifty (250) cubic feet.

F. Modification of Structures: There shall be no visible evidence from the exterior of a dwelling indicating any use other than for a dwelling.

G. Neighborhood Disturbance: A home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reason of construction, dust, electrical or electromagnetic wave interference, fumes, lighting, noise, odor, smoke, sounds, traffic, vibration, or other causes.

H. Parking: Parking shall be limited to two (2) available parking spaces on the subject property where automobiles are customarily parked. No additional parking spaces shall be created to serve a home occupation.

I. Product Display: There shall be no external display of products or merchandise.

J. Promotional Meetings: Promotional meetings for the purpose of selling merchandise, taking orders, or training shall be prohibited.

K. Secondary Use Only: A home occupation shall be conducted entirely indoors and shall be
incidental and secondary to the primary use of a dwelling for residential purposes. Not more than twenty percent (20%) of the floor area of a dwelling unit shall be used for a home occupation.

L. Signs: See chapter 27 of this title.

M. Traffic and Access: A home occupation shall not generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located. A home occupation which generates additional pedestrian, parking, or vehicular traffic is prohibited in a dwelling unit which shares a common driveway or other access with an adjoining dwelling unit.

N. Utility Demand: A home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

O. Yards: Yards surrounding a dwelling and any accessory building:

   1. May be used for activities customarily conducted outside a dwelling unit, such as swimming lessons and child play areas; and
   2. Shall not be used for storage of any materials or equipment associated with a home occupation.

P. Hours: Home occupations involving pedestrian or vehicle traffic shall be conducted only between the hours of seven o’clock (7:00) A.M. and seven o’clock (7:00) P.M.

10-22-6: SPECIAL HOME OCCUPATIONS IN AGRICULTURAL ZONES:
Notwithstanding any contrary provision in section 10-22-5 of this chapter, and subject to the provisions of this section, a person residing in a dwelling located in an agricultural zone and up to two (2) employees may conduct a special home occupation. If the lot where the home occupation is located is larger than one acre, up to four (4) employees on the premises may operate the home occupation. A special home occupation shall be a conditional use in the agricultural zones.

A. Accessory Buildings: Work may be done in accessory buildings if any nuisance arising from noise and odors, other than those incidental to legitimate agricultural uses, is mitigated.

B. Business License: A business license for a home occupation in an agricultural zone shall not exceed two (2) years but may be renewed subject to applicable provisions of this chapter.

C. Equipment: Equipment may be stored outside a building in a rear yard.

D. Parking: One additional parking space on the premises shall be provided for each employee coming to the dwelling as a result of the home occupation. Such parking shall be located only in a side or rear yard.

E. Restrooms: Any accessory buildings where employees work shall have restrooms for such employees.
F. Secondary Use Only: A home occupation shall be incidental and secondary to the use of the dwelling and the premises for agricultural purposes and shall not change the character of the dwelling.

G. Storage: Storage of material shall be within an enclosed building.

10-22-7 HOME DAYCARE:
A home daycare shall meet the home occupation standards of section 10-22-5 and the following additional requirements:

1. The operator of the daycare shall be a bona fide resident of the premises where the home occupation is conducted.

2. The number of children attending a daycare center shall conform to applicable requirements of the Utah Code.

3. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.

4. A daycare center operated as a home occupation shall be prohibited if located on a shared driveway.

10-22-8 HOME GROUP INSTRUCTION:
A home occupation for group instruction, including, but not limited to, preschools, tumbling lessons, swimming lessons, or dance lessons, shall meet the home occupation standards of section 10-22-5 and the following additional requirements:

1. The instructor shall be a bona fide resident of the premises where the home occupation is conducted.

2. For purposes of this section, a group shall be defined as three (3) or more students attending a session.

3. The number of children attending for preschool instruction shall conform to applicable requirements of the Utah Code.

4. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.

5. A home occupation for instruction shall be prohibited if located on a shared driveway.
Add “Home Group Instruction” on the Table of Uses (Chapter 16) as a conditional use in the following zones:

- A-.25
- A-.5
- A-1
- R-1-10
- R-1-15
- R-1-21
- R-1-43
- R-2-10
- R-2-15
- FR-1
- MU-2

Add “Special Home Occupation” on the Table of Uses (Chapter 16) as a conditional use in the following zones:

- A-.25
- A-.50
- A-1
10-29-16: DAYCARE AND PRESCHOOLS:
A "daycare/preschool center", as defined in chapter 3 of this title, shall be subject to the following conditions:

A. Compatibility: A daycare/preschool center located within an existing building shall be compatible with existing and proposed land uses located on the same lot. New construction shall be compatible in design and scale of building with existing development within the same area.

B. State Approval: A daycare/preschool center shall be approved as required by the State Department of Social Services.

C. Parking: Parking, pickup, and delivery areas shall be provided as required by chapter 24 of this title.

D. Frontage: In any zone, except the R-M, C-1, C-2, or M-1 Zones, the lot on which a daycare/preschool center is located shall have frontage on a street with an existing right-of-way of eighty feet (80') or greater.

E. Home Occupation: A home daycare/preschool shall meet the home occupation requirements set forth in chapter 22 of this title and the following additional requirements:

1. The operator shall be a bona fide resident of the premises where the home occupation is conducted.

2. The number of children attending a daycare or preschool center shall conform to applicable requirements of the Utah Code.

3. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.

4. Notwithstanding subsection C of this section, no additional parking or drop-off area shall be created.

5. A daycare or preschool center operated as a home occupation shall be prohibited if located on a shared driveway.

10-3-5 Definitions, Generally
HOME OCCUPATION: A commercial or other nonresidential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling for residential purposes as permitted pursuant to chapter 22 of this title.

HOME OCCUPATION, SPECIAL: A home occupation located in an agricultural zone conducted pursuant to chapter 22 of this title.
HOME DAYCARE: A facility located within a dwelling and yard which, for direct or indirect compensation, provides care, protection, supervision, of twelve (12) or less children, including the caregiver's own children under the age of six (6) and not yet in full day school. (State Statutes and regulations may contain additional requirements or may limit the number of children allowed in a home daycare) "Home daycare" does not include care provided in the home of the parent or legal guardian of a child or children.

HOME GROUP INSTRUCTION: A facility located within a dwelling and yard which, for direct or indirect compensation, provides instruction for three (3) or more students at a time for uses including, but not limited to, preschool, tumbling lessons, swimming lessons, or dance lessons. Subject to the requirements of Chapter 22 of this title.

10-3-6 D:

DAYCARE/PRESCHOOL, HOME: A facility located within a dwelling and yard which, for direct or indirect compensation, provides care, protection, supervision, and/or preschool instruction of twelve (12) or less children, including the caregiver's own children under the age of six (6) and not yet in full day school. (State Statutes and regulations may contain additional requirements or may limit the number of children allowed in a home daycare/preschool.) "Home daycare/preschool" does not include care provided in the home of the parent or legal guardian of a child or children.

PASSED AND APPROVED this 14th day of November 2018.

HERRIMAN

ATTEST: Mayor David Watts

Jackie Nostrom, City Recorder
Request
Herriman City is proposing a text change to Title 10 of the Herriman City Code, to add various alcohol licenses to chapter 16, Table of Uses.

Notice
The City posted the public hearing notice in the newspaper on September 9, 2018 and on the Herriman City website on September 10, 2018. As of the date of this report, staff has not received any public comments regarding the proposed text change.

Process
A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council will then hold a public meeting to discuss the item and make the final decision. The Planning Commission held a public hearing on September 20, 2018, and recommended approval of the text change.

Discussion
The State Department of Alcohol Beverage Control (DABC) has several different types of alcohol licenses. Most of these uses are not currently listed in our ordinance, and are therefore not allowed. During a joint work meeting with the Planning Commission and City Council on August 30, 2018, staff was directed to change the ordinance to allow all the alcohol licenses within the State code. The uses have been added to Chapter 16, Table of Uses, in the C-2, M-1, T-M, and MU-2 zones.

The uses are listed as Alcoholic Beverage Licenses. They are only to indicate that a license for that use is allowed in that zone. The main use would still be required to go through a site plan or conditional use process. For example, an alcohol license for a full-service restaurant is a permitted use. The restaurant would still have to go through the site plan review process required of any permitted use.
This change will also require significant changes to Title 3, Business and License Regulations. This includes the proximity requirements, consistent with State Statute. This is not part of the Land Development Code and is not required to be recommended by the Planning Commission. The changes to the Business License regulations will be adopted by the City Council at the same time as the changes to the Land Use Table adding the alcohol licenses.

**Recommendation**
The Planning Commission recommended approval of the text change to add various alcohol licenses to the Land Use Table.

**Attachments**

A. Proposed Text change to Chapter 16
HERRIMAN, UTAH
ORDINANCE NO. 18-xx

TEXT CHANGES TO THE LAND DEVELOPMENT CODE, CHAPTER 16, TABLE OF USES, TO ADD SEVERAL ALCOHOL LICENSES.

(File No. Z2018-11)

WHEREAS, the City of Herriman, pursuant to state law, may enact a land use ordinance establishing regulations for land use and development; and

WHEREAS, pursuant to state law, the Planning Commission shall prepare and recommend to the City Council the proposed land use ordinance amendment; and

WHEREAS, pursuant to City of Herriman Land Use Ordinance, the Planning Commission shall hold a public hearing and provide reasonable notice at least 10 days prior to said public hearing to prepare and recommend to the City Council the proposed land use ordinance text changes; and

WHEREAS, notice of the Planning Commission public hearing on the land use ordinance text change was published on September 10, 2018, noticing of the September 20, 2018, public hearing at 7:00 p.m.; and

WHEREAS, the Planning Commission recommended approval of the land use ordinance text change in the meeting held on September 20, 2018, at 7:00 p.m. in the Community Center; and

WHEREAS, pursuant to City of Herriman Ordinance, the City Council must hold a public meeting allowing public input at said public meeting; and

WHEREAS, the City Council public meeting on November 14, 2018, was held at 7:00 p.m.; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Herriman City to adopt the land use ordinance text change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Herriman City Council that the following text change to the Land Development Code, Chapter 16, The Table of Uses be adopted: (the underlined wording is new and the strikethrough is to be deleted)
Table of Uses

Legend: "P" = permitted use, "C" = conditional use

Any use showing an empty box for a particular zone or any use not shown on this table is not permitted.
See footnotes for qualifying requirements or use limitations.

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16: All uses under Alcoholic Beverages shall comply with the applicable Utah State Statute and all the requirements of Herriman City Title 3, Business and License Regulations.
PASSED AND APPROVED this 14th day, November, 2018.

HERRIMAN

ATTEST:

Mayor David Watts

Jackie Nostrom, City Recorder
Request
Herriman City is proposing a text change to repeal Title 3 Chapter 3 Article A “Alcohol and Beer”, and replace it with a new Article A “Alcoholic Beverages Licenses”. This will update the business license ordinance to be in compliance with State Statute and the amended zoning ordinance.

Process
This type of text change is not in the Land Development Code. Therefore, there is no public hearing or Planning Commission recommendation required. This City Council will hold a public meeting and make the final decision.

Discussion
The State Department of Alcohol Beverage Control (DABC) has several different types of alcohol licenses. Most of these uses are not currently listed in our ordinance, and are therefore not allowed. During a joint work meeting with the Planning Commission and City Council on August 30, 2018, staff was directed to change the ordinance to allow all the alcohol licenses within the State code. The uses have been added to Chapter 16, Table of Uses, in the C-2, M-1, T-M, and MU-2 zones.

This proposed change repeals the entire “Alcohol and Beer” article from the business license ordinances and replaces it with a new article entitled “Alcoholic Beverages Licenses”. The chapter follows state statute and provides definitions for each of the allowed alcohol licenses. It also provides the process for each type of use to obtain a business license.

The proximity restrictions for on-premise alcohol are included in this section. Per the direction of the City Council, the restrictions follow state statute.

The draft ordinance provides some restrictions on the number of different businesses that could locate in the City. These restrictions are listed below. The Council needs to determine if they wish to keep these restrictions in the ordinance, or remove them.
Staff Report

- There shall be no limitation on the number of full-service or limited-service, or beer-only restaurant licenses granted by Herriman City.

- The total number of bar establishment licenses in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor’s Office of Planning and Budget.

- The total number of on-premises beer retailer licenses (which includes restaurants, cafes, and bowling centers or golf course food and beverage facilities) in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor’s Office of Planning and Budget.

**Recommendation**

Staff recommends repealing the current Title 3 Chapter 3 Article A “Alcohol and Beer” and approving the new Chapter 3 Article A “Alcoholic Beverages Licenses”.

**Attachments**

A. Proposed new Chapter 3 Article A “Alcoholic Beverages Licenses”
AN ORDINANCE REPEALING CHAPTER 3 ARTICLE A OF TITLE 3, “ALCOHOL AND BEER”, AND REPLACING IT WITH A NEW ARTICLE A, “ALCOHOLIC BEVERAGES LICENSES”

WHEREAS, the Herriman City Council (“Council”) met in regular session on November 14, 2018, to consider, among other things, repealing Chapter 3 Article A of Title 3, “Alcohol and Beer”, and replacing it with a new Article A, “Alcoholic Beverages Licenses”; and

WHEREAS, after careful consideration of the public comments, the Council has determined that it is in the best interest of the health, safety and welfare of the residents of Herriman to adopt the ordinance regarding alcoholic beverage licenses.

NOW, THEREFORE, BE IT ORDAINED by the Council that Chapter 3 Article A of Title 3, “Alcohol and Beer”, be repealed the following be added as Chapter 3 Article A of Title 3 of the Herriman Code of Ordinances:

Title 3, Chapter 3

Article A.

ALCOHOLIC BEVERAGES LICENSES

3-3A-1: AUTHORITY:
3-3A-2: DEFINITIONS:
3-3A-3: GENERAL CONSIDERATIONS:
3-3A-4: LICENSE APPLICATION, LOCAL CONSENT, EXPIRATION AND RENEWAL:
3-3A-5: ON-PREMISES LICENSES:
3-3A-6: OFF-PREMISES LICENSES:
3-3A-7: SPECIAL USE PERMITS:
3-3A-8: MANUFACTURER LICENSES:
3-3A-9: PENALTIES FOR VIOLATIONS BY A LICENSED ESTABLISHMENT:

3-3A-1: AUTHORITY:

Herriman City may prohibit, except as provided by law, any person from knowingly possessing any intoxicating alcoholic beverages, and the manufacture, sale, keeping or storing for sale, offering or exposing for sale, importing, carrying, transporting, advertising, distributing, giving away, exchanging, dispensing or serving of intoxicating alcoholic beverages. The authority for this chapter is derived from Utah Code Annotated section 10-8-42 and the Utah Alcoholic Beverage Control Act.
3-3A-2: DEFINITIONS:

All words and phrases as used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

ACT: The Utah Alcoholic Beverage Control Act as found in Utah Code Annotated section 32B-1-101, et seq.

ALCOHOLIC BEVERAGE: A beverage consisting of beer or liquor as the terms are defined in this section.

BANQUET: An event that is held at one or more designated locations approved by the City or on the premises of a hotel, resort facility, sports center, or convention center for which there is a contract between a person operating a facility listed above and another person and under which the person operating a facility is required to provide an alcoholic product at the event and at which foods and alcoholic products may be sold, offered for sale or furnished.

BAR ESTABLISHMENT LICENSE: A license issued to an equity organization, fraternal organization, or a bar which allows for the storage, sale, service and consumption of on-premises alcoholic beverages where a variety of on-premises prepared food must be available for the customer the entire time the bar is open; but, there is no required percentage of food sales.

BEER: A product that contains at least 0.5 percent alcohol by volume, but not more than four percent (4%) of alcohol by volume or 3.2 percent by weight, and is obtained by fermentation, infusion, or decoction of any malted grain. Such products may or may not contain hops or other vegetable products. Beer includes products referred to as beer, ale, porter, stout lager or a malt or malted beverage. Beer does not include a flavored malt beverage.

BEER-ONLY RESTAURANT LICENSE: An establishment that is issued a license which allows for the storage, sale, service, and consumption of beer on the premises where the business is engaged in primarily serving meals to the general public, where patrons may only purchase beer in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains a percentage of the total restaurant business from the sale of food as required by the Act.

BREWER: Any person or facility engaged in manufacturing beer, heavy beer, or flavored malt beverage.

CHURCH: A building set apart for the purpose of worship, in which religious services are held, with which clergy is associated and which is tax exempt under the laws of this State.

CITY: Herriman City.

COMMISSION: The Alcoholic Beverage Control Commission as defined in the Act.

COMMUNITY LOCATION: A public or private school, church, public library, public
playground, or public park.

CONTAINER: A receptacle that contains an alcoholic product, including a bottle, a vessel, or a similar item.

EMPLOYEE: Any person who is employed by any establishment covered by this chapter during hours such establishment is open to its members or to the public, whether or not pecuniary compensation is provided or offered therefor.

EQUITY LICENSE: A license having the same meaning as defined in the Act.

FLAVORED MALT BEVERAGE: A beverage that contains at least 0.5 percent alcohol by volume, is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 CFR section 25.55 and to which is added a flavor or other ingredient containing alcohol, except for a hop extract; and for which the producer is required to file a formula for approval with the Federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 CFR section 25.55, or that is not exempt under subdivision (f) of 27 CFR section 25.55. A flavored malt beverage is considered liquor.

FRATERNAL LICENSE: A license having the same meaning as defined in the Act.

FULL-SERVICE HOTEL: A hotel that offers full availability of requisite standardized industry amenities which are not limited to, but including the following: on-premises restaurant, room service, business center, concierge, fitness center, banquet halls, various room type selection such as suites.

FULL-SERVICE RESTAURANT LICENSE: A license that allows for the storage, sale, service, and consumption of alcoholic beverages on the premises of a restaurant that is primarily engaged in serving meals to the general public, where patrons may only purchase alcoholic beverages in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains a percentage of the total restaurant business from the sale of food as required by the Act.

HEAVY BEER: A product that contains more than four percent (4%) alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered liquor for purposes of this chapter.

LICENSED PREMISES: A building, enclosure or room occupied by any person licensed to sell alcoholic beverages on any premises under this chapter or the Act.

LICENSEE: A person granted a license under this chapter. This term shall also include any employee, management or personnel of the licensee.

LIMITED-SERVICE RESTAURANT: A restaurant that is issued a liquor license which allows for the storage, sale, service, and consumption of wine, beer and heavy beer on the premises.
where the business is engaged in primarily serving meals to the general public, where patrons may only purchase wine, beer, and heavy beer in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains a percentage of the total restaurant business from the sale of food as required by the Act.

LIQUOR: Alcohol or an alcoholic, spirituous, vinous, fermented, malt, or other liquid, or combination of liquids, a part of which is spirituous, vinous, or fermented, or all other drink, or drinkable liquid that contains at least 0.5 percent alcohol by volume and is suitable to use for beverage purposes. "Liquor" includes heavy beer, wine and a flavored malt beverage. "Liquor" does not include any beverage defined as beer.

MANUFACTURE: To distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

MANUFACTURER LICENSE: A license granted under the Act, which includes a brewer, winery or distillery.

MEMBER: A person, who after paying regular dues, has full privileges of an equity licensee or fraternal licensee under this chapter.

MINOR: Any person under the age of twenty one (21) years.

OFF-PREMISES BEER RETAILER: A beer retailer who is licensed and engaged in the retail sale of beer to a patron for consumption off the beer retailer's premises.

ON-PREMISES BANQUET LICENSE: A license which allows the sale, storage, service and consumption of alcoholic beverages on the premises (not open to the general public) in connection with a banquet such as a hotel, resort facility, sports center or convention center as defined in the Act.

ON-PREMISES BEER RETAILER: A beer retailer who is authorized to sell, offer for sale, or furnish beer under a license issued in accordance with the Act and is engaged in the sale of beer to a patron for consumption on the beer retailer's premises and is operated as a tavern.

OUTLET: A location other than a State store or package agency where alcoholic beverages are sold pursuant to a license issued by local authority.

PARK: A piece of public ground that is set apart for the use of the public, whether developed or undeveloped, and that is usually, or may be, planted with trees, lawns, or other shrubbery. The park may include facilities for sport, entertainment, dancing, recreation, or swimming, or a park may be planned for such future use of any and all other facilities. A park may consist solely of a single purpose facility, either actual or proposed, such as an equestrian park, open-air theater, or playground. For purposes of this chapter, a golf course is not a park. A trail is not considered a park for these purposes.

PERSON: An individual, partnership, firm, corporation, limited liability company, association,
business trust, or other form of business enterprise, including a receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

PLAYGROUND: A public, private or neighborhood area which may or may not include play equipment where children go for physical activity or to play.

PREMISES: Any building, enclosure, designated area, or room used in connection with the sale, storage, furnishing, manufacture, distribution or consumption of alcoholic product, unless otherwise defined in this chapter.

PRIVATE EVENT: A specific social, business, or recreational event for which an entire room, area or hall is leased or rented in advance by an identified group, and that is limited in attendance to people who are specifically designated and their guest. A private event does not include an event to which the general public is invited whether for an admission fee or not.

RECEPTION CENTER: A business that operates facilities that are at least five thousand (5,000) square feet, and has as its primary purpose the leasing of the facilities to a third party for the third party's event.

RESTAURANT: A business establishment engaged primarily in serving meals at which a variety of foods are prepared and complete meals are served. For the purposes of this chapter, restaurant includes a full-service restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee.

RETAILER: A person engaged in the sale or distribution of an alcoholic beverage to a consumer.

SCHOOL: A building used primarily for the general education of minors. "School" does not include a nursery school, an infant day care center, or a trade or a technical school.

SELL, SALE, OR TO SELL: A transaction, exchange, or barter whereby, for consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by means or under pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this chapter or the rules made by the commission.

SERVE: To place an alcoholic product before an individual.

SINGLE EVENT: A convention, civic, or community enterprise conducted by a bona fide corporation, church, political organization, or association or a recognized subordinate lodge, chapter, or other local unit thereof. A single event permit includes both a one hundred twenty (120) hour single event permit, which authorizes the storage, sale, offering for sale, furnishing and consumption of liquor for a period not to exceed one hundred twenty (120) consecutive hours; or a seventy two (72) hour single event permit, which authorizes the storage, sale, offering for sale, furnishing, and consumption of liquor for a period not to exceed seventy two (72) consecutive hours; or a temporary beer event permit.
SPECIAL USE PERMIT: A permit issued by the commission for the purchase, sale, storage, use, consumption, or manufacture of alcoholic products in limited types and quantities, and for limited purposes. Permits may be granted for the following purposes: a religious wine use permit; an industrial or manufacturing use permit; a scientific or educational use permit; or a public service permit.

STAFF: An individual who engages in activity governed by this chapter on behalf of a business, at the request of the business, or under the authority of the business. Staff includes an officer, a director, an employee, personnel management, an agent including a managing agent, an operator or a representative.

STATE STORE: A facility for the sale of package liquor located on premises owned or leased by the State and operated by a State employee. The term "State store" does not apply to a licensee, permittee, or package agency.

TAVERN: A business establishment that is engaged primarily in the retail sale of beer to a public patron for consumption on the establishment's premises. "Tavern" includes beer bar, parlor, lounge, cabaret, and night club if the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in the establishment.

TRAIL: A linear corridor of property which is planned as part of the Parks and Trails Master Plan or recognized as a City facility by the Parks and Trails Master Plan, although not classified as a park, and maintained by the City for the purpose of recreation and alternate transportation as a part of the transportation system, thus not designed or intended for use by unaccompanied small children. A trail is not a park for purposes of this chapter.

WINE: An alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added. Wine is considered liquor for the purposes of this chapter.

3-3A-3: GENERAL CONSIDERATIONS:

A. All licensees shall comply with this chapter, the Act, and the regulations of the commission.

B. No person or business may serve alcohol without first obtaining the local consent and/or appropriate approvals of the City as well as the required license(s) or permit(s) issued by the commission. It is unlawful for any person to engage in the business of selling alcohol within the city without first obtaining a general business license pursuant to this title and the appropriate alcohol license from the city. Licenses issued under the provisions of this chapter shall be classified under the following types, which shall carry the privileges and responsibilities set forth in this chapter and the Act:

1. Off-premises beer retailer.

2. Full-service restaurant.
3. Limited-service restaurant.
4. Beer-only restaurant.
5. Bar establishment.
6. On-premises banquet.
7. On-premises beer retailer.
9. Special use permit.
10. Manufacturer.

C. A separate license shall be required for each place of sale. Each licensee shall display in a prominent place on the premises the license issued by the City and the license issued by the commission.

D. In determining compliance with the numerical requirements of this chapter, any computation resulting in a fractional number, except for proximity requirements, shall be rounded to the nearest whole number.

E. Conflicts between this chapter and the Act shall be resolved according to Utah Code Annotated 32B-1-204.

3-3A-4: LICENSE APPLICATION, LOCAL CONSENT, EXPIRATION AND RENEWAL:

A. License Application Process: A person seeking the issuance of a license under this chapter shall provide a written application on forms provided by the City. The application shall be accompanied by:

1. The license fee as set forth in the City's consolidated fee schedule;
2. An approved site plan or conditional use permit or a copy of the applicant's business license;
3. Evidence of proximity to any community location;
4. A floor plan of the premises, including consumption areas and an area where the applicant proposes to keep, store and sell alcoholic beverages;
5. A signed consent form stating that the premises will permit any authorized representative of the commission, City, or County Health Department unrestricted right to enter the premises;

6. A copy of the dram shop insurance coverage as required by the Act;

7. A copy of a cash, corporate or surety bond in the penal amount established by the Act, payable to the Department of Alcoholic Beverage Control; and

8. Evidence of the applicant's background check, proof of being lawfully present in the United States and any other information the City may require to accurately evaluate the merits of the application.

B. Local Consent Procedure: Any application for local consent shall follow the City's application procedures.

1. Business License Official: Each application for a license shall be referred to the business license official. Upon receiving a complete application, the business license official shall submit the request to appropriate City departments for their review and comment.

2. Distance Requirements:
   
a. An on-premises banquet license, single-event permit, on-premises beer retailer license, or bar establishment license shall not be granted to a business located within six hundred feet (600') of any community location as measured from the nearest patron entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or within two hundred feet (200') of the proposed outlet measured in a straight line from the nearest patron entrance of the proposed outlet to the nearest property boundary of the community location.

b. A beer-only restaurant, full-service restaurant, or limited-service restaurant license shall not be granted to any applicant for any location situated within three hundred feet (300') of any community location as measured from the nearest patron entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or within two hundred feet (200') of the proposed restaurant measured in a straight line from the nearest patron entrance of the proposed restaurant to the nearest property boundary of the community location.

3. City Council Approval:
   
a. The request for local consent shall be reviewed by the City Council at a regularly scheduled meeting not more than forty five (45) days after a complete application is received.
b. After review of the request and accompanying information, the Council shall vote on whether to grant its consent for the issuance of the license.

c. In deciding whether to grant or deny local consent, the City may also consider the proximity of any educational, religious, or recreational facility, or any other relevant factor in reaching a decision on a proposed location.

d. Notwithstanding the foregoing, an application for a single-event permit in conjunction with a regularly-conducted festival or event which, in previous years, received single-event permit approval from the City, may be approved by the Community Development Director upon a showing the applicant has not violated a provision of this chapter or the Act since the issuance of the last license and that the application meets current ordinances, rules and regulations.

C. Issuance Of License: The City shall issue a license upon compliance with the requirements of this chapter and the applicant providing proof of the issuance of the appropriate license by the commission.

D. Expiration: Licenses issued pursuant to the provisions of this chapter shall expire each year on the last day of the month in which the license was originally issued.

E. Renewal:

1. Renewal Generally: Licenses shall be issued for one year from the date of expiration shown in subsection D of this section. To implement the expiration date of existing licenses, the initial license renewal for licenses existing on the effective date of this chapter shall be prorated to the next expiration date. In the event renewal fees are not received at the office of the license official within forty five (45) days after the due date each year, the licensee must reapply for the applicable retail license and pay a penalty of twenty five percent (25%) of the regulatory fees due as part of the re-issuance fee, in addition to the applicable regulatory license fees. In the event the renewal fees are not received at the office of the license official within seventy five (75) days of each year when due, the licensee must reapply for the applicable license and pay a penalty of one hundred percent (100%) of the fee due as part of the re-issuance fee, in addition to the applicable regulatory license fees. Failure to meet the renewal requirements shall result in an automatic forfeiture of the license effective on the date the existing license expires.

2. Sale; Change In Ownership: If any licensee sells the business, the existing license for that business shall be canceled. The purchaser of the business may apply for a license to sell alcoholic beverages in accordance with the procedures and requirements of this chapter. If any licensee does not immediately notify the City of any change in ownership of business, the City shall revoke that license.

3. Renewal Information Required: Applications for renewal of licenses issued under this chapter shall be accompanied by updated information as outlined in subsection A of this section.
4. Fees: Renewal applications for licenses under this chapter shall be accompanied by the City business license fee and the complete regulatory fees established by the City's consolidated fee schedule, as amended.

3-3A-5: ON-PREMISES LICENSES:

A. General Operational Restrictions: Each person granted an on-premises banquet, beer-only restaurant, full-service restaurant, limited-service restaurant, bar establishment, on-premises beer retailer, or single-event permit and their employees, management and personnel shall abide by the Act and the following conditions and requirements. Failure to comply may result in suspension or revocation of the license or other disciplinary action taken against the business, individual employees, or management personnel.

1. Restaurants: A beer-only restaurant, full-service restaurant, and limited-service restaurant license shall entitle the licensee to sell alcoholic beverages only with the purchase of food, on the premises described therein, in containers allowed under the Act. Only bona fide restaurants shall be entitled to a full-service restaurant, limited-service restaurant, or beer-only restaurant license.

2. Bar Establishment License, On-Premises Banquet License, or Single-Event Permit: A bar establishment license, on-premises banquet license, or single-event permit shall entitle the licensee to sell alcoholic beverages on the premises described therein, for consumption only on the licensed premises.

3. Underage Service: No person under the age of twenty one (21) years shall sell or serve alcoholic beverages.

4. Removal From Premises: Alcoholic beverages shall not be removed from the licensee's premises except as allowed in accordance with the Act.

5. Bring Onto Premises: Except as otherwise permitted herein, a person shall not bring onto the premises of an on-premises banquet, beer-only restaurant, full-service restaurant, limited-service restaurant, single-event or bar establishment any liquor or beer, for on-premises consumption. A person may bring bottled wine onto the premises of a full-service restaurant, limited-service restaurant or bar establishment, provided the wine is delivered to a server upon entering the premises. Officers, managers, employees, or agents shall not allow a person to bring onto the licensed premises liquor or beer for on-premises consumption or allow consumption of any such liquor or beverage on its premises. If any licensee or any of its officers, managers, employees, or agents violates this subsection, the City may immediately suspend or revoke the license.

6. No Consumption While On Duty: An employee of a licensee, while on duty, shall not consume an alcoholic beverage or be under the influence of alcoholic beverages.

7. License Displayed: Each licensee shall display in a prominent place on the premises:

   a. The license issued by the City and the license issued by the commission; and
b. All applicable signs required by the Act.

8. Transfer From Location: There shall be no transfer of a license from one location to another.

9. Transfer From Entity: There shall be no transfer of a license from one entity to another without approval by the City Council, except that the Community Development Director may grant a request to transfer an on-premises banquet, beer-only restaurant, full-service restaurant, limited-service restaurant, or bar establishment license from a current licensee to a proposed licensee who will operate at the same location, so long as the following conditions are met:

   a. The type of alcoholic beverage to be sold is not changed;

   b. The on-site management staff has not changed;

   c. There have been no citations for alcohol-related offenses issued to either the current licensee or the proposed licensee within the last two (2) years; and

   d. The proposed licensee's application complies in all respects with all other provisions of this chapter.

B. Specific On-Premises License Restrictions:

1. Full-Service Restaurant, Limited-Service Restaurant And Beer-Only Restaurant Licenses:

   a. Licenses Obtained: Before any full-service restaurant, limited-service restaurant, or beer-only restaurant may sell alcoholic beverages at retail for on-premises consumption, it shall obtain:

      (1) A full-service restaurant, a limited-service restaurant or beer-only restaurant license from the City as defined in this chapter; and

      (2) A full-service restaurant, a limited-service restaurant or beer-only restaurant license from the commission.

   b. Maintain Records: Licensees shall maintain records as per the Act.

   c. Restriction On Licenses: There shall be no limitation on the number of full-service or limited-service, or beer-only restaurant licenses granted by Herriman City.

2. Bar Establishment Licenses:

   a. Licenses Obtained: Before any bar establishment including an equity license, a fraternal license, or a bar may sell alcoholic beverages for on-premises consumption, it shall obtain:

      (1) A bar establishment license from the City; and
(2) A bar establishment license from the commission.

b. Maintain Records: Licensees shall maintain records as per the Act.

c. Restriction On Licenses: The total number of bar establishment licenses in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor’s Office of Planning and Budget.

3. On-Premises Beer Retailer Licenses:

a. License Types: There are two (2) types of on-premises beer licenses defined by the Act:

(1) On-premises beer retailer which includes restaurants, cafes, and bowling centers or golf course food and beverage facilities; and

(2) Taverns, which include beer bars, parlors, lounges, cabarets, or nightclubs.

b. Licenses Obtained: Before any establishment may sell beer at retail for on-premises consumption, it shall obtain:

(1) An on-premises beer retailer license from the City; and

(2) An on-premises beer retailer license from the commission.

c. Maintain Records: Licensees shall maintain records as per the Act.

d. Restriction On Licenses: The total number of on-premises beer retailer licenses in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor’s Office of Planning and Budget.

4. On-Premises Banquet Licenses:

a. An on-premises banquet license may only be issued for a hotel, resort facility, sports center or convention center.

b. Before any on-premises banquet licensee may sell or furnish an alcoholic product at retail for on-premises consumption, it shall obtain:

(1) An on-premises banquet license from the City; and

(2) An on-premises banquet license from the commission.

c. On-premises banquet licensees shall maintain records as per the Act.
5. Single-Event Permits:

a. Number Of Permits: Qualifying organizations may apply for up to four (4) single event permits per calendar year for a time period that does not exceed one hundred twenty (120) consecutive hours for each permit; or up to twelve (12) permits per calendar year for a time period that does not exceed seventy two (72) consecutive hours for each permit. A single event permit may also include a temporary beer event permit.

b. Permits Obtained: Before any operator, participant or sponsor of a single event may sell beer or alcohol at retail for on-premises consumption at the event, it shall obtain:

(1) A single-event permit from the City; and

(2) A single-event permit from the commission.

c. Maintain Records: Permittees shall maintain records as per the Act.

d. Limited Duration Of Event: A single-event permit shall not authorize the storage, sale or consumption of alcoholic beverages at an event for any period exceeding seventy two (72) hours.

e. Restrictions On Permits: There shall be no limitation on the number of single-event permits granted by the City.

3-3A-6: OFF-PREMISES LICENSES:

A. General Operational Restrictions: Licensees shall comply with the following operational restrictions:

1. An off-premises beer retailer shall only purchase, acquire, possess for the purpose of resale, or sell beer that the off-premises beer retailer lawfully purchases from a beer wholesaler licensee or a small brewer that manufactures the beer.

2. An off-premises beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two liters (2 L).

3. A minor may not sell beer on the licensed premises unless the sale is done under the supervision of a person twenty one (21) years of age or older who is on the licensed premises and the minor is at least sixteen (16) years of age.

4. Adhere to all display and signage requirements established by the commission by rule.
5. Staff who directly supervises the sale of beer or who sells beer to a patron for consumption off the premises of the off-premises beer retailer shall wear the required identification badges identified as per the Act.

6. An off-premises licensee may sell beer beginning at the hour of seven o'clock (7:00) A.M. and ending at the hour of one o'clock (1:00) A.M.

7. It shall be unlawful for any off-premises licensee to permit the consumption of beer on any licensed premises or to allow intoxicated persons to remain in or about any licensed premises.

8. Beer may not be sold, delivered, or furnished to any:
   
a. Minor;

   b. Person actually, apparently, or obviously intoxicated;

   c. Known interdicted person; or

   d. Known habitual drunkard.

9. An off-premises licensee shall make every reasonable effort to limit the potential for theft of beer from licensed premises. A clear, unobstructed view of all portions of the interior of storage and display areas shall be available at all times from a point within the licensed premises at or near the main public entrance. A beer inventory shrinkage record shall be kept by the licensee and made available at any time upon request to the Chief of Police or Community Development Director for inspection or audit. Failure of a licensee to properly maintain the alcoholic beverage inventory shrinkage or failure to submit such records for inspection and audit shall be a Class B misdemeanor and shall be cause for suspension or revocation of an off-premises license.

10. There shall be no transfer of an off-premises license from one location to another.

11. There shall be no transfer of an off-premises license from one entity to another without approval by the City Council, except that the Community Development Director may grant a request to transfer an off-premises license from a current licensee to a proposed licensee who will operate at the same location provided:

   a. The type of alcoholic beverage to be sold is not changed;

   b. The on-site management staff has not changed;

   c. There have been no citations for alcohol related offenses issued to either the current licensee or the proposed licensee within the last two (2) years; and

   d. The proposed licensee's application complies in all respects with all other provisions of this chapter.
12. Each off-premises beer licensee shall comply with the provisions of employee training requirements and operational provisions established by the Act.

13. Beginning July 1, 2018, obtain a State issued off-premises beer retailer license.

B. Maintain Records: Licensees shall maintain records as per the Act.

C. Enforcement: The City shall comply with the enforcement provisions of Utah Code Annotated 32B-7-303.

3-3A-7: SPECIAL USE PERMITS:

A. Types Of Special Use Permits: A special use permit shall be classified under the following types:

1. A religious wine permit.

2. An industrial or manufacturing use permit.

3. A scientific or educational use permit.

B. Permit Application Process: A person seeking to purchase, use, store, sell, offer for sale, allow consumption, or manufacture an alcoholic product in a manner that requires a special use permit, shall comply with section 3-3A-4 of this chapter, except that persons seeking a special use permit located within a community location are exempt from the distance requirements of section 3-3A-4 of this chapter.

C. General Operational Restrictions:

1. A special use permittee may not use, mix, store, sell, offer for sale, furnish, manufacture, or allow consumption of an alcoholic product in a location other than as designated in a special use permittee's application.

2. A special use permittee may not sell, offer for sale, or furnish an alcoholic product to:

   a. A minor;

   b. A person actually, apparently, or obviously intoxicated;

   c. A known interdicted person; or

   d. A known habitual drunkard.

3. A special use permittee may not employ a minor to handle an alcoholic product.
4. The location specified in a special use permit may not be transferred from one location to another location, without prior written approval of the commission.

5. A special use permittee may not sell, transfer, assign, exchange, barter, give or attempt in any way to dispose of the permit to another person whether for monetary gain or not.

6. A special use permittee may not purchase, use, mix, store, sell, offer for sale, furnish, consume or manufacture an alcoholic product for a purpose other than that authorized by the special use permit.

D. Maintain Records: Permittees shall maintain records as per the Act.

E. Restriction On Permits: There shall be no limitation on the number of special use permits granted by the City.

3-3A-8: MANUFACTURER LICENSES:

A. Manufacturer License: A person may not manufacture for retail sale any alcoholic beverage unless an alcoholic beverage manufacturing license has been issued by the commission.

B. License Application Process: A person seeking a manufacturer license shall comply with section 3-3A-4 of this chapter.

C. General Operational Restrictions:

1. A separate license is required for each place of manufacture, storage, and sale of alcoholic beverages.

2. Whether independent or associated with a restaurant, a brewer or other form of manufacturing requires local consent from the City Council.

3. Manufacturer licensees shall comply with all provisions and operational regulations for a manufacturer as established by the Act.

4. Violation of this subsection is a Class B misdemeanor.

D. Maintain Records: Licensees shall maintain records as per the Act.

E. Restrictions: No more than two (2) manufacturer licenses shall be issued within Herriman City.

3-3A-9: PENALTIES FOR VIOLATIONS BY A LICENSED ESTABLISHMENT:

A. Any license issued pursuant to this chapter may be suspended or revoked for the violation by the licensee or the licensee's agent or employee of any provision of this chapter or any other applicable ordinance or law relating to the possession, consumption, storage or sale of alcoholic beverages.
beverages. If any person to whom a license has been issued under this chapter no longer possesses the qualifications required by this chapter for obtaining that license, the City may revoke or suspend that license.

B. In addition to the suspension or revocation of licenses, the City may bring criminal charges or seek any other civil remedy or enforcement available to the City for the violation of any provision of this chapter. Criminal violations shall be punished as a Class B misdemeanor.

C. Civil enforcement for violations of this chapter by a licensee or agent of a licensee which occur within any 24-month period may be punished as follows:

1. Upon a first violation of this chapter the licensee shall be issued a warning.

2. Upon any violation of this chapter which occurs within twenty four (24) months of a prior violation, the licensee shall pay a civil fine of two hundred fifty dollars ($250.00).

3. Upon any violation of this chapter which occurs within twenty four (24) months of two (2) prior violations, the licensee shall pay a civil fine of five hundred dollars ($500.00) and the licensee shall have its license suspended for a period of three (3) consecutive days concurrent with any suspension imposed by the State.

4. Upon any violation of this chapter which occurs within twenty four (24) months of three (3) prior violations, the licensee shall pay a civil fine of five hundred dollars ($500.00) and the licensee shall have its license suspended for a period of thirty (30) consecutive days concurrent with any suspension imposed by the State. In addition, the licensee shall be placed on probation by the City for a period of one year. Any violation of this chapter by the licensee or any employee of the licensee during the period of probation shall result in the revocation of the licensee's license. The licensee shall not be eligible to reapply for a new license for at least six (6) months from the date of revocation.

D. Failure to pay any fine imposed for a violation of any provision of this chapter within thirty (30) days of the imposition of such fine shall be grounds for revocation of the license.

HERRIMAN

ATTEST: Mayor David Watts

Jackie Nostrom, MMC