

HERRIMAN, UTAH RESOLUTION NO. R01-2025

**A RESOLUTION AMENDING THE ADOPTED
“RULES OF PROCEDURE” AND “ADMINISTRATIVE REFERRAL” POLICIES
FOR THE PLANNING COMMISSION**

WHEREAS, the Herriman City Planning Commission (“Commission”) met in a regular work meeting on September 4, 2024, to review the adopted policies of the Commission, among other work meeting agenda items; and

WHEREAS, the Commission is authorized in Title 10 of the Herriman City Code to recommend to the City Council (the “Council”) the adoption of such rules and policies to aid in the administration of the Commission’s responsibilities, consistent with the powers and duties given to municipalities by the Utah State Code; and

WHEREAS, the Commission directed City staff to prepare specific amendments to the the Commission’s adopted rules of procedure and administrative referral of land uses to City staff for review and processing under the Commission’s authority; and

WHEREAS, the Council met in a regular meeting on January 8, 2025, to consider, among other things, a resolution to amend the rules of procedure and administrative referral policies for the Commission; and

WHEREAS, a copy of the amended rules of procedure and administrative referral policies for the Commission are attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Council that the attached Planning Commission “Rules of Procedure” and “Administrative Referral” Policies as amended be adopted as the rules governing the work of the Commission.

This Resolution assigned no. R01-2025 shall take effect immediately.

PASSED AND APPROVED this 8th day of January 2025.

HERRIMAN CITY COUNCIL



Lorin Palmer, Mayor

ATTEST:



Jackie Nostrom, MMC
City Recorder





HERRIMAN PLANNING COMMISSION RULES OF PROCEDURE

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

I. Authority and Duties

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

II. Membership

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

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

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

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

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

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



Section 6. Attendance – Members shall regularly attend Commission meetings. Annual meeting attendance of less than 65% shall be cause for review and potential removal by the City Council.

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

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

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

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

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

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

III. Officers

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

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

Section 3. Officers Duties

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



2. The Vice-Chair Shall:

- a. Assist the Chair in all necessary capacities
- b. Assume the duties and responsibilities of the Chair in all instances where the Chair is unavailable or unable to carry out the duties and responsibilities.

3. The Secretary Shall:

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

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

IV. Meetings of Members

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

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

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

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

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



V. Subcommittees

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

VI. Meeting Notice and Agenda

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

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

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

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

VII. Procedures

A. Work Meeting

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

Section 2. The Commission shall review and discuss the meeting agenda; however, Members should refrain from stating a conscious decision on a pending land use application during the work meeting. Additional work meeting items may be added to the agenda by City Staff, the Chair, or Members of the Commission by a majority vote. The Commission may also discuss



and render decisions on policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from City Staff that do not require a decision may also be discussed during the work meeting.

B. Regular Meeting

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

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

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

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

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

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

Section 7. No Member shall be permitted to change their vote after the decision is announced by the Chair.

C. Procedures for Applications

Section 1. Application Public Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission
2. Unless altered by the Chair, the order of the procedure at a public hearing on an application shall be:



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

Section 2. Application Public Hearing Rules

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

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

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



VIII. Ethics and Conflicts of Interest

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

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

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

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

IX. Amendments and Adoption

A. Adoption and Amendment Procedure

Section 1. These Rules of Procedure must be reviewed and approved by the City Council before they become effective and may be amended upon approval by the Council.

Approved by the Council this 8th day of January 2025.

HERRIMAN



Mayor Lorin Palmer

ATTEST:



Jackie Nostrom, City Recorder





PLANNING COMMISSION REFERRAL POLICY

Referral Authority

Whereas Herriman City Code 10-4-8 empowers the Planning Commission with the authority to refer matters that it has direct jurisdiction over to staff for administrative review and decision, the Planning Commission authorizes the following land use applications be referred to the Community Development Director or designee for “Administrative Review”:

- ~~Animal permits (for conditional uses, if any)~~
- Ground mounted utility cabinets that are equal to or less than five (5) feet in height that comply with all applicable standards of review and adopted City Standards for Engineering
- Home Occupation (with or without customers)
- Monument signs with a horizontal base and a vertical column comprised of brick or stone that have a minimum height and depth of 18 inches
- Lot line adjustments (that comply with State and City regulations)
- Lot consolidations (that comply with State and City regulations)
- Lot split for townhome (where permissible by City Code)
- Subdivision approval of a single lot that was legally described and recognized as a parcel by the Salt Lake County Recorder before annexation into Herriman
- Special exceptions (where specified in City Code)

Public Policy

The purpose of this policy is to:

- Improve the efficiency of municipal government,
- Balance private property rights with the general public interest, and
- Preserve due process as required in the Utah State Code and Herriman City Code.

Review Standards

In general, all administrative decisions are subject to the following applicable sections of the “General Decision-Making Standards” of Herriman City Code 10-5-6:

2. In making a decision on an administrative application, the decision-making body or official shall apply the plain language of applicable land use regulations.
 - a. If a land use regulation does not plainly restrict a land use application, the decision-making body or official shall interpret and apply the land use regulation to favor the land use application.
 - b. A land use decision of a decision-making body or official is an administrative act,

even if the decision is made by the City Council.

3. Decisions regarding administrative applications shall be based on the “substantial evidence” standard and shall include at least the following:
 - a. A statement of the standards for approval applicable to the application;
 - b. A summary of evidence presented to the decision-making body or official;
 - c. A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards set forth in this title or other provisions of this Code; and
 - d. A statement of approval, approval with conditions, or disapproval, as the case may be. (Ord. 2017-54, 12-13-2017)

Additional standards within the adopted Herriman City Code, Engineering Standards, Building Code, etc. shall also apply.

Public Notice Requirement

Land Use Applications referred to the Community Development Director for Administrative Review shall be subject to all applicable public notice requirements within the Utah Code and City Code.

Neighbor Notice Requirement

In addition to any adopted public notice requirements, all land use applications referred for Administrative Review shall require—at a minimum—a public notice of the Administrative Review mailed to all abutting property owners and residents. Abutting property owners shall include properties located directly across a private or public street or alley.

The notice shall specify the nature of the request and allow a minimum of ten (10) days for public comment before making any administrative decision. Following the required public comment period, the Community Development Director or designee shall render one of the following decisions:

- Approve the proposal as requested,
- Approve the proposal with conditions that are necessary to comply with adopted City standards,
- Forward the proposal to the Planning Commission for formal review if warranted due to project complexity, substantive concerns, unresolved issues, or other concerns deemed appropriate by the Community Development Director or designee, or
- Deny the proposal based on a lack of compliance with applicable standards.

Decision

Except for land use applications forwarded to the Planning Commission for review and decision, all other administrative decisions shall be written and published by the Planning Department on the Herriman City website and mailed to the applicant of record.

Administrative Appeal

Any administrative decision of a land use application shall be subject to appeal as per

Section 10-5-24 of the Herriman City Code. Appeals shall be in writing and submitted to the City within ten (10) days of the administrative decision.

ATTACHMENT B - COMMISSION REFERRAL REGULATION

10-4-8: Planning Commission Referral

- A. Referral To Staff: The Planning Commission may direct that any matter over which it has jurisdiction be referred to the staff of the Planning Commission for review and preparation of recommendations. Such action shall be taken either by motion of the Planning Commission or pursuant to duly adopted policies and procedures of the Planning Commission. The authority for such referrals may be revoked at any time by motion of the Planning Commission or amendment of its policies and procedures as the case may be.
- B. Appointment Of Hearing Officer: In the event a matter is referred to the Planning Commission staff which requires a public hearing, the City Manager shall appoint a Hearing Officer to conduct the hearing in accordance with applicable requirements of this title.
- C. Review And Recommendation: If a matter is referred to the Planning Commission staff as permitted by this section, the staff shall conform to any instructions or limitations contained in the referral, and subject thereto shall review the referred matter, conduct any necessary hearings, and prepare written recommendations for the Planning Commission.
- D. Decision: Unless the Planning Commission shall otherwise direct, any person who has applied for authorization to develop property under the terms of this title may in writing consent to the staff recommendation and waive further action by the Planning Commission. If the applicant waives further action by the Planning Commission, the staff recommendation shall be deemed approved by the Planning Commission. Thereafter, necessary permits may be issued subject to the terms of this title and any applicable conditions of approval.
- E. Limitation: This section shall not apply to any action where the Planning Commission is required by law to take direct action. (Ord. 2018-20, 5-9-2018)

ATTACHMENT C

10-5-6: General Decision-Making Standards

The decision-making standards set forth in this section are based on the fundamental distinction between legislative and administrative actions: legislative proceedings establish law and public policy which is applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

A. Legislative Actions:

1. A land use regulation may be enacted only by an ordinance adopted by the City Council, except that a land use regulation which imposes a fee may be enacted by an ordinance or resolution. A land use regulation shall be consistent with the purposes set forth in the Municipal Land Use, Development, and Management Act, Utah Code section 10-9a-101.
2. The following types of applications are hereby declared to be legislative:
 - a. General Plan adoption or amendment, and
 - b. Regulatory applications:
 - (1) Zoning map adoption or amendment,
 - (2) Zoning text adoption or amendment, and
 - (3) Temporary regulations.
3. Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:
 - a. The City Council shall determine what action, in its judgment, will reasonably promote the public interest, conserve the value of property, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
 - b. In making such determination, the City Council may, among other things, consider the following:
 - (1) Testimony presented at a public hearing or meeting; and
 - (2) Personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular legislative proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the City.
 - c. The City Council should state on the record the basis for its decision.

B. Administrative Actions:

1. The following types of applications are hereby declared to be administrative:
 - a. Permitted uses,
 - b. Conditional uses,

- c. Site plans,
 - d. Sign permits,
 - e. Temporary use permits,
 - f. Preliminary plats,
 - g. Final plats,
 - h. Subdivision plat amendments,
 - i. Property line adjustments,
 - j. Condominiums,
 - k. Nonconformities,
 - l. Variances,
 - m. Zoning compliance review,
 - n. Administrative interpretations, and
 - o. Appeal of administrative decisions.
2. In making a decision on an administrative application, the decision-making body or official shall apply the plain language of applicable land use regulations.
- a. If a land use regulation does not plainly restrict a land use application, the decision-making body or official shall interpret and apply the land use regulation to favor the land use application.
 - b. A land use decision of a decision-making body or official is an administrative act, even if the decision is made by the City Council.
3. Decisions regarding administrative applications shall be based on the "substantial evidence" standard and shall include at least the following:
- a. A statement of the standards for approval applicable to the application;
 - b. A summary of evidence presented to the decision-making body or official;
 - c. A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards set forth in this title or other provisions of this Code; and
 - d. A statement of approval, approval with conditions, or disapproval, as the case may be. (Ord. 2017-54, 12-13-2017)

Herriman City

RESOLUTION NUMBER: **R01-2025**

SHORT TITLE: A RESOLUTION AMENDING THE ADOPTED RULES OF PROCEDURE AND ADMINISTRATIVE REFERRAL POLICIES FOR THE PLANNING COMMISSION

ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Lorin Palmer			X		
Jared Henderson			X		
Teddy Hodges			X		
Sherrie Ohrn		X	X		
Steven Shields	X		X		
	TOTALS		5		

This resolution was passed by the City Council of Herriman City, Utah on the 8th day of January 2025, on a roll call vote as described above.