



CITY COUNCIL AGENDA

Wednesday, March 10, 2021

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

5:30 PM - WORK MEETING:

1. **Council Business – 5:30 PM**
 - 1.1 Review of this Evening's Agenda
 - 1.2 Future Agenda Items
 - 1.3 Leadership Task List Review
2. **Administrative Reports**
 - 2.1. **Discussion pertaining to Planning Commission Appointments - Michael Maloy, City Planner**
[Item 2.1 Staff Report.pdf](#)
 - 2.2. **2021 Legislative Session Review - Tami Moody, Assistant City Manager, Cody Stromberg, Deputy Police Chief and Chris Bleak, Lobbyist**
[SR_LegislativeSessionUpdate.pdf](#)
 - 2.3. **Discussion regarding the Wasatch Front Waste and Recycling District creation of a local district - Councilmember Sherrie Ohrn**
[SR_LocalDistrict_WFWRD.pdf](#)
 - 2.4. **Discussion of a Franchise Agreement with Paul Murdock for High Speed Internet Services - Chase Andrizzi, City Attorney and Blake Thomas, Community Development Director**
[SR_FranchiseAgreement.pdf](#)

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2.5. Bonneville Study Update - Wendy Thomas, Interim City Manager
[SR_BonnevilleResearchStudy.pdf](#)

- 3. Budget Report**
3.1. Budget Report Discussion - Alan Rae, Finance Director
[SR_BudgetDiscussion.pdf](#)
- 4. Leadership Task List Written Reports (These Items have been prepared for informational purposes as requested by City Council. The items will not be discussed except when requested by the City Council)**
4.1. Street Name Change Process - Engineering Department
[2021-0224_Street Name Change Memo.pdf](#)
- 5. Adjournment**
7:00 PM - GENERAL MEETING:
- 6. Call to Order**
4.1 Invocation/Thought/Reading and Pledge of Allegiance
4.2 City Council Comments and Recognitions
- 7. Public Comment**
Audience members may bring any item to the City 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. Public comments for this meeting will also be conducted electronically. Any person interested in addressing the Commission may submit a comment by emailing recorder@herriman.org or by visiting Herriman.org/agendas-and-minutes, where there is a link to fill out an online public comment form. Your statement will be read into the public record.
- 8. City Council Board and Committee Reports**
- 9. Consent Agenda**
9.1. **Approval of the January 22, 2021 City Council meeting minutes**
[2021_01_22 SCCW Minutes.pdf](#)

9.2. Approval of the February 10, 2021 City Council meeting minutes
[2021_02_10 RCCM Minutes.pdf](#)

9.3. Approval of the February 11, 2021 City Council meeting minutes
[2021_02_11 SCCM Minutes.pdf](#)

9.4. Approval of the February 22, 2021 City Council meeting minutes
[2021_02_22 SCCM Minutes.pdf](#)

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9.5. Approval of the February 25, 2021 special City Council meeting minutes
[2021_02_25 SCCM Minutes.pdf](#)

9.6. Approval of the February 26, 2021 special City Council meeting minutes
[2021_02_26 SCCM Minutes.pdf](#)

9.7. Approval of the March 1, 2021 special City Council meeting minutes
[2021_03_01 SCCM Minutes.pdf](#)

10. Discussion and Action Items

10.1. Discussion and consideration of an ordinance approving an amendment to Title 6 of the Herriman City Code and adopting a fee schedule for violations of Title 6 - Chase Andrizzi, City Attorney
[SR_Title 6 Amendments.pdf](#)

11. Future Meetings

11.1. March 18 - Planning Commission Meeting 7:00 p.m.

11.2. March 24 - City Council work meeting 5:30 p.m.; City Council meeting 7:00 p.m.

11.3. March 31 - Joint Planning Commission Meeting 6:00 p.m.

12. Adjournment

13. 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/pmm/index.html and on Herriman City's website at www.herriman.org. Posted and dated this 4th day of March, 2021. /s/ Jackie Nostrom, City Recorder

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DATE: March 3, 2021

TO: Mayor Watts and City Council Members

FROM: Michael Maloy, AICP, Planning Director

MEETING: City Council Work Meeting March 10, 2021

SUBJECT: Consideration of Re-appointments to the Herriman City Planning Commission

SUMMARY:

The Administration is forwarding to the City Council the name of three Planning Commission members whose term of service will expire on March 28, 2021. However, each member may be reappointed for an additional three-year term of service if approved by City Council Resolution.

DISCUSSION:

In compliance with City Code, staff recommends the Council may consider the following individuals for reappointment to the Herriman City Planning Commission:

- Andrew Powell reappointment as a regular Planning Commission member in District 2
- Brody Rypien reappointment as a regular Planning Commission member in District 3
- Jackson Ferguson reappointment as a regular Planning Commission member in District 4

CITY CODE:

For reference, the staff has provided the following Herriman City Code excerpt:

10-4-5: Planning Commission

B. Appointment and Term of Office: The Planning Commission shall consist of seven (7) persons who shall be appointed by the City Council.

1. It is the intent of the City Council that the Planning Commission will represent diverse citizen groups, as well as the broad interests of the City as a whole; that membership should include balanced representation in geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well-planned community should be sought when appointing commission members. Interests from which expertise might be selected include banking,

development, contracting, engineering, geology and seismology, law, ecology, behavioral sciences, historic preservation, architecture, and landscape architecture. It is not, however, intended that Planning Commission members be limited to professionals, but rather, that members represent a cross section of the community.

2. Planning Commission members shall be bona fide City residents and qualified electors of the City.
3. Each Planning Commission member shall be appointed for a term of three (3) years which shall begin upon appointment.
4. Planning Commission members may be reappointed for successive terms.
5. The City Council may remove any member of the Planning Commission whenever it appears that such removal would be in the best interests of the City, as determined by the City Council.
6. Any vacancy occurring on the Planning Commission by reason of death, resignation, or removal shall be promptly filled by the City Council, for the unexpired term of such member.
7. Any vacancy occurring on the Planning Commission by reason of expiration of term shall be promptly filled by the City Council.
8. The City Council may appoint three (3) alternate Planning Commission members who shall serve terms of one year. The reappointment, removal, and vacancy of alternate Planning Commission members shall be the same as for regular Planning Commission members. Alternate members of the Planning Commission may serve on the Planning Commission in the absence of a Planning Commission member.

RECOMMENDATION:

No formal action or decision is required during the March 10, 2021, work session. However, the Administration requests City Council direction on a draft resolution to reappoint Planning Commission members during the March 24, 2021, City Council Meeting.



STAFF REPORT

DATE: March 10, 2021

TO: The Honorable Mayor and City Council

FROM: Tami Moody, Assistant City Manager

SUBJECT: Legislative Updates

BACKGROUND:

In November 2020, City Council determined a list of priorities for the 2021 legislative session. These priorities were discussed with our legislators prior to the start of the session, and reiterated several times during the session as bills were proposed that either aligned or conflicted with Herriman's interests. The City Council had eleven (11) main areas of focus as the worked diligently through the session to serve the best interests of our community as a whole. These areas included: Maintaining local controls, public safety, housing, economic development, building, educational facilities, infrastructure, water and wastewater, transportation and transit needs, trails, parks and recreation.

DISCUSSION:

During the 2021 legislative session several bills were proposed that posed a significant impact on local controls and public safety. Additionally, there were bills that addressed mental health, impacts of the COVID-19 pandemic, business assistance, economic development, and voting procedures. The Administrative Staff, in conjunction with our local lobbyists, met regularly throughout the session to monitor bills, share information, and work with the Council on the City position on pieces of legislation. Staff and Council also participated in policy coordination meetings with the Utah League of Cities and Towns, Wasatch Front Regional Council, Council of Governments, Utah Redevelopment Agency, and more, working closely with our House and Senate members and our City lobbyists on issues, attended committee meetings, and testified before committee on items as appropriate.

Highlights of the sessions overall outcomes includes \$23.8 million in ongoing money for economic development, \$39 million for trails, outdoor recreation and parks, over \$200 million for building construction for colleges and universities, \$50 million for homelessness and housing, and roughly \$1.1 billion in infrastructure.

Today, members of City staff, as well as our lobbyist, will provide updates on the outcomes of the current Legislative Session, to include updates on bills that directly impact the City.

BILLS AND ISSUES MONITORED BY HERRIMAN CITY

*Please note that the Legislative Session was still underway at the time of this staff report and the final status of several bills had not yet been determined.

Transportation and Infrastructure:

- **HB 244 First Class County Highway Road Funds:** Allocates the funds in the County of the First Class highway projects to cities for an annual distribution. As of 3.3.2021 the bill allocation proposed \$700,000 to Herriman City as well as \$1,000,000 to Herriman Blvd. from 6800 W. to 7300 W. We will provide an update on the final outcome of this bill.
- **HB 433 Amendments Related to Infrastructure Funding:** This bill (3rd sub) enacts provisions related to funding for infrastructure and authorizes the issuance of a bond for specified transportation and transit projects. This is a significant investment in infrastructure projects. Projects listed for funding are included in Utah's Unified Transportation Plan and/or State Transportation Commission TIF Highway Projects Ranked List as part of the prioritization process. U-111 realignment and Bangerter Hwy improvements are both on this list.

Educational Facilities

- **The Salt Lake Community College Herriman Campus** was once again on the funding priority list during the session and awarded funding in efforts to construct their Campus located in Herriman just east of Mountain View Corridor. The campus was awarded funding last year, but funding was stalled and realigned in response to COVID. During the current session, the college remained a priority and funding was assigned for the \$30,800,600 that the institution requested.

Land Use and Housing:

- **HB 98 Local Government Building Regulation Amendments (Ray):** The approved sub (2nd sub) allows cities to first review plans and inspect dwellings as long as they meet the 14 day and 3 day requirements. If the timeframe is not met, the developer can opt to obtain their own inspection and plan review. The bill also prohibits a city from requiring a developer to implement certain design elements.
- **HB 82 Single Family Housing Modifications (Ward):** This bill (5th sub) was presented as a possible solution to the lack of housing stock for Utah's growing population and regards accessory dwelling units (ADU's) making an internal ADU permittable in any zone that allows for ADU's and size cannot be restricted. The 4th sub of this bill defines an internal dwelling unit, notes primary is occupied by the owner and requires one additional parking space for the unity. The footprint of the home cannot be changed. Changes can only take place within the dwelling unit. This bill ended up passing with technical changes after much work by our Utah League of Cities and Towns to strike a balance between internal ADU's as an

affordable housing solution and the tools local governments need for their communities.

- **SB 164 Utah Housing Affordability Amendments (Anderegg):** This bill (3rd Sub) compiles several provisions that address various aspects of affordable housing, including an affordable housing pilot program, modifying the potential uses of a community reinvestment agency's housing allocation, and describing additional activities that may receive funding from the Olene Walker Housing Loan fund. A concerning item is that municipalities must offset costs for a developer who is required to provide affordable housing units or contribute to a housing fund because of a local ordinance. The second substitute removed the inclusionary zoning, workforce housing and provisions and was favorable in the Senate. The 3rd sub will remove the increased requirements.
- **SB 217 Housing and Transit Reinvestment Zone Act (Harper):** Enacts the housing and transit reinvestment zone act establishes objectives and requirements for a municipality to create a housing and transit reinvestment zone to capture tax increment revenue within a defined area around a commuter rail station; requires a municipality to submit a housing and transit reinvestment zone proposal to the Governors Office of Economic Development and creates a committee to evaluate the zone and approve if certain criteria are met.
- **SB 61 Outdoor Advertising Amendments (Sandall):** The City put a lot of effort into pushing against this bill. If this bill would have passed, it would have prohibited a municipality from enforcing an ordinance that prevents conforming and non-conforming signs from upgrading to electronic, also limited the ability to set restrictions on times and lighting levels. Our contributions against this bill were successful in the bill failing to pass.
- **SB 204 Permitting Amendments (Cullimore/Spendlove):** Requires a local entity or state agency to include certain information in a local or state permit application and to make a determination on a permit application within a specified time and allow for certain extensions. It also provides that a permit application is deemed approved if a local entity or state agency fails to make a determination within a specified time unless certain conditions are met. The bill would allow a permit applicant to challenge the denial of a local or state permit through an administrative appeal process and subsequent judicial review.

Economic Development

- **SB 65 Community Reinvestment Agency Amendments (Harper):** This bill would allow an agency and certain taxing entities to enter an interlocal agreement for the purpose of transferring project area incremental revenue. This bill permits a redevelopment agency to be established as a taxing entity and to levy a tax rate that would establish funding in perpetuity that could be spent agency wide as opposed to only within a project area. It would be a voluntary program.
- **HB 151 State Infrastructure Bank Amendments (Brammer):** This bill amends the Transportation Code to prohibit the use of State Infrastructure Bank revenue for the construction or improvement of a parking facility.

- **SB 202 Grant Program for Small Businesses (Cullimore):** provides state financial aid to Utah small businesses for continued industry losses and creates a targeted small business grant program for business entities with continued revenue declines due to COVID-19.

Voting Amendments

- **HB 75 Municipal Alternative Coting Methods Pilot Project Amendments (Stenquist):** This bill includes a substitute that adds an effective date upon approval by the Governor. The bill provides that the legislative body of a municipality makes the determination to participate in the pilot project for rank choice voting, requires a county where a municipality is located to administer instant runoff voting for a municipality participating in the pilot project and repeals a provision allowing contracting to conduct an election with a county where the municipality is not located.
- **HB 23 Voter Referendum Amendments (Nelson):** This bill clarifies the definition of land use law to include the rezoning of a single property or multiple properties. It allows in certain circumstances a referendum to appear on the ballot within the same year of the referred legislation action.
- **HB 211 Initiative and Referenda Amendments (Thurston):** Modifies filing requirements, provides standardized forms, modifies timelines and deadlines, addresses signature verification.

Other

- **SB 201 Public Notice Amendments (Mayne):** This bill modifies several provisions of code to eliminate certain newspaper and legal notice website publication requirements and require other notices to be posted to the Utah Public Notice Website.
- **SB 204 Permitting Amendments (Cullimore):** Places requirements and procedures that dictate how cities issue non-land use/building permits including international festivals, business licensing, sporting events, animal licensing and more. The bill creates an unfunded mandate, potentially unworkable timelines and reduces the ability for cities to have flexibility regarding requests. **This bill still needed to go through the House at the time of posting, but had gone through the Senate.
- **HB 422 Political Subdivisions Civil Liability Amendments (Brammer):** This bill posed liability to a city for personal injury or property damage if the city or county makes a difficult decision to prioritize personal safety over property damage in a riot. This was very concerning to local governments based on potential causes of action while making in-the-moment decisions about public safety. The City supported efforts to oppose this bill.

Public Safety

- **HB 84 Use of Force Reporting Requirements:** Requires reporting of certain use of force data to BCI. HPD is currently doing this and track date on the show of force in addition.

- **HB 158 Juvenile Interrogation Amendments:** This bill places additional requirements on law enforcement regarding the interrogation of juveniles who are in custody for a criminal offense. Although the bill will make certain investigations more difficult, work was done with the sponsors on a few minor changes to help clarify that the intent of the legislation is to protect a juvenile offender from being coerced into self-incrimination.
- **HB 162 Peace Officer Training Amendments:** Requires minimum of 16 hours annual in-service training for mental health, crisis intervention, de-escalation; including a detailed breakdown of those hours when report to POST.
- **HB 301 Domestic Violence Training Amendments:** Representative Pierucci and Senator Fillmore are tag-teaming this bill aimed at injecting training standards for law enforcement to the Peace Officer Standards and Training curriculum for both in-service and new academy officers. DV cases are some of the most volatile issues we encounter and we have had many discussions with Rep. Pierucci on this and related topics. We fully support her efforts to provide more clearly defined training standards and appreciate her efforts to reach out to us throughout these discussions.
- **SB 13 Law Enforcement Internal Investigation Requirements:** Clarifies when agencies must report internal investigations to POST. Cleans up language that allows to better hold “bad-apples” accountable and prevent them from moving from one employer to another with impunity.
- **SB 38 K9 Policy Requirements:** Establishes state-wide training standards for K9 certification and training. HPD is compliant and both the Chief and Sgt. Ricks have assisted in drafting.

Staff Recommendation:

~ None at this time. Staff will make any necessary policy changes based on legislation that passed that would impact City business. Staff will continue to work on City priorities during the Legislative interim. Several topics, including Affordable Housing, Inclusionary Zoning, Infrastructure Needs, Mental Health, Forced Entry Warrants, Qualified Immunity, Use of Force, Data Sharing will have involved discussions during the Interim.

Fiscal Impacts:

~ None at this time.

Thank you,

Tami Moody
Assistant City Manager

Difference Between Special Service Districts and Local Districts

Local Districts are created under Title 17B and are completley independent governmental entities that are initially created by cities or counties to provide a specific limited service.

Special Service Districts are created under Title 17D and are hybrid entities in that they are an independent governmental entity, except for the following: levying taxes or assessments, issuing debt, holding an election, changing the district's boundaries, or changing the district's board composition.

These actions must be approved by the governmental entity that created the special service district. This can be cumbersome and cause delays in action. Recent examples: Withdrawing annexed Sandy City properties & Allowing the newly incorporated municipalities a seat on the Board.

In reality, special service districts are still ultimately under the control of their creating entities. The creating entity can choose to run the district itself, or appoint an Administrative Control Board (ACB) to run the district, or to have control over just certain aspects of the district. After appointing an ACB, the creating entity can revoke all or a portion of the ACB's authority at any time.

Reorganizing a Special Service District into a Local District

The Salt Lake County Council, as the legislative body of the county that created WFWRD, may reorganize WFWRD (a special service district) as a local district in accordance with Utah Code Ann. § 17D-1-604. These procedures were enacted by the Legislature in 2013 specifically with WFWRD in mind, as it was the County's desire at that time to give WFWRD independent control, but at that time there was not a clear statutory method to give WFWRD complete independence as a local district. Below is a brief summary of the steps required to complete the conversion from the special service district type to a local district.

1. **County Intent Resolution**. The process begins by the County Council adopting a resolution that indicates its intent to reorganize WFWRD as a local district.
2. **Public Hearing**. The Salt Lake County Council must hold a public hearing, and at least 35 days are needed for the public notice requirements, so that will dictate when the hearing can be scheduled.
3. **Municipal Consent**. Each municipality located within the WFWRD boundaries must consent to the reorganization. **It may be best to get these consents before the County starts its part of the process.**
4. **Resolution Approving Reorganization**. At or following the public hearing, the County Council shall adopt a resolution approving the reorganization of the district. We finalize the process by filing with the Lieutenant Governor and the County Recorder.

**MUNICIPAL RESOLUTION CONSENTING TO REORGANIZATION OF THE WASATCH FRONT
WASTE AND RECYCLING DISTRICT AS A LOCAL DISTRICT**

RESOLUTION OF _____

WHEREAS, the County Commission of Salt Lake County on January 19, 1977 established a special service district known as Salt Lake County Special Service District No. 1 (the "Sanitation District") for the provision of garbage collection services in the unincorporated area of Salt Lake County; and

WHEREAS, much of the original area of the Sanitation District was subsequently incorporated into or annexed by municipalities, while remaining within and continuing to receive services from the Sanitation District; and

WHEREAS, The Salt Lake County Council established an Administrative Control Board (the "ACB") to govern the Sanitation District and appoint the members representing both Salt Lake County and the municipalities served by the Sanitation District; and

WHEREAS, until January 1, 2013, the Sanitation District was considered a division or agency of Salt Lake County government, with the Sanitation District's employees being employees of Salt Lake County and administrative and support services being provided by Salt Lake County agencies; and

WHEREAS, by its Resolution No. 4670 (the "Governing Resolution"), as of January 1, 2013, the Salt Lake County Council, pursuant to the rules set forth in the Special Service District Act, Title 17D of the Utah Code, delegated to the ACB full governance of the functions and activities of the Sanitation District and since that time, the Sanitation District has employed its own personnel and maintained sole responsibility for the operations and administration of the Sanitation District; and

WHEREAS, the Governing Resolution renamed the Sanitation District as the Wasatch Front Waste and Recycling District ("WFWRD"), and WFWRD has exercised and been subject to all the rights, powers, duties, governance, and responsibilities of a special service district under the provisions of the Special Service District Act, Title 17D of the Utah Code; and

WHEREAS, the Governing Resolution stated that the Salt Lake County Council had found that it was in the best interests of the citizens of Salt Lake County, the partner municipalities which were included within the Sanitation District, and the property owners receiving services within the Sanitation District for the Sanitation District to become independent from Salt Lake County, however a special service district is by definition a hybrid entity that is still subject to Salt Lake County oversight and control in several regards; and

WHEREAS, for WFWRD to become fully independent, as the Salt Lake County Council desired, it must be converted into a local district governed under the Local District Act, Title 17B of the Utah Code and the ability to reorganize a special service district into a local district was not enacted until 2013, under Section 17D-1-604 of the Utah Code (the “Reorganization Statute”); and

WHEREAS, the Reorganization Statute authorizes Salt Lake County to reorganize WFWRD into a completely independent local district and requires that the reorganization may not occur unless each municipality that is included within WFWRD must consent to the reorganization; and

WHEREAS, [insert city or metro township name] is a member municipality of WFWRD and has determined that it is in the best interests of WFWRD and of [insert city or metro township name] for WFWRD to be reorganized as a local district.

NOW, THEREFORE, it is resolved by the [insert type of governing body] of [insert city or metro township name] as follows:

1. That [insert city or metro township name] hereby consents to the Salt Lake County Council reorganizing WFWRD as a local district under Section 17D-1-604 under substantially the following terms:
 - a. The WFWRD name will remain the same.
 - b. The current WFWRD boundaries will remain the same.
 - c. The services authorized to be provided by WFWRD, namely waste and recycling collection services, will remain the same.
 - d. The governing board appointment type, to the maximum extent possible, will remain the same.
2. That this Resolution shall take effect immediately upon its passage.
3. In the event of any conflict between this Resolution and any other enactment of [insert city or metro township name], this Resolution shall control.

ADOPTED this _____ day of _____, 2021.

[insert your standard signature information here]



STAFF REPORT

DATE: March 10, 2021
TO: The Honorable Mayor and City Council
FROM: Chase Andrizzi, City Attorney
SUBJECT: Franchise Agreement with HiCountryNet, LLC for Telecommunication Services

RECOMMENDATION

Provide staff with direction regarding the Agreement with HiCountryNet, LLC.

DISCUSSION

Herriman City is authorized to enter into franchise agreements for, and levy a franchise/license tax for telecommunications networks operating within the City. *See Utah Code Ann. § 10-1-401 et seq.*

HiCountryNet, LLC is a local telecommunications company that has approached the city and requested that the City entertain entering into a non-exclusive franchise agreement for telecommunications services. As part of the agreement, the City would grant HiCountryNet a non-exclusive license to construct telecommunications infrastructure within the City's rights of way. In consideration thereof, the City would impose a franchise fee equal to 4.0% of HiCountryNet's gross receipts from telecommunications services that are attributed to the City. This rate is established by Herriman City Ordinance (Herriman City Code 3-5D-4).

ALTERNATIVES

The Council could consider any of the following options with regard to the proposed changes to Title 6:

- Do nothing. The City does not have to approve the franchise agreement.
- Approve the agreement as drafted.
- Proposed additional changes based upon new information, public comment, or other policy considerations.

TELECOMMUNICATION FRANCHISE AGREEMENT (NON-EXCLUSIVE)

This Non-Exclusive Franchise Agreement ("Agreement") is entered into this _____ day of _____, 2021 by and between the City of Herriman, Utah ("City"), a Utah municipality, 5355 West Herriman Main Street Herriman, UT 84096, and HiCountryNet, LLC ("Franchisee"), a Utah limited liability company with its principal office at 13721 S Mount Shaggy Drive, Herriman, UT 84096. City and Franchisee may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. The City is empowered and authorized to issue nonexclusive franchises governing the installation, construction, and maintenance of systems in the City's rights-of-way.

B. Franchisee desires to obtain a franchise in order to provide telecommunications services, as more particularly defined in Utah Code Ann. § 10-1-401, and to establish a telecommunications network, system or facilities in, under, along, over and across present and future rights-of-way of the City.

C. The City has enacted Title 3, Chapter 5D of the Herriman City Code (the "Telecommunication Tax Ordinance") which governs the collection of tax for telecommunication providers in the City as well as Title 7, Chapter 4 of the Herriman City Code (the "Excavation Permit Ordinance") which governs the permitting process for excavations within City rights-of-way; and

D. The City, in the exercise of its management of public rights-of-way, considers it to be in the best interests of the City, and in furtherance of the health, safety, and welfare of the public, to grant such franchise to the Franchise and in accordance and all applicable City ordinances and state and federal law, including the Federal Telecommunications Act of 1996.

NOW THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby mutually acknowledged, the Parties agree as follows:

AGREEMENT

1. FRANCHISE AGREEMENT AND ORDINANCE

1.1. Scope of Franchise.

- 1.1.1. The franchise provided under this Agreement shall confer upon Franchisee the nonexclusive right, privilege, and franchise to construct and maintain a telecommunications network in, under, above and across the present and future City rights-of-way.
- 1.1.2. The grant of a franchise shall not in any manner prevent the City from entering into other similar agreements or granting other or further franchises in, under, on, across, over, through, along or below any of said public ways of the City. However, the city shall exercise reasonable care to avoid permitting any such future franchisee from physically or electronically interfering with the Franchisee's communication facilities. In the event that such physical interference or disruption occurs, the city engineer may assist the franchisee and such subsequent franchisee in resolving the dispute. In no event shall the City be financially liable for any interference resulting from the actions of another franchisee.

1.1.3. Franchise shall in no way prevent or prohibit the City from using any of its public ways or affect its jurisdiction over them or any part of them, and the City shall retain power to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of the same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new public ways all in compliance with this chapter. Furthermore, if the city requires the relocation, modification, change, raising, lowering, or any alteration of a Franchisee's equipment such relocation, modification, change, raising, lowering, or any alteration shall be done at the Franchisee's expense, less any amounts the City receives from the state of Utah for such relocation purposes, within 90 days of receiving notice from the City.

1.1.4. This Agreement does not grant to Franchisee the right, privilege or authority to engage in any of the following:

1.1.4.1. Wireless service facilities; or

1.1.4.2. Community antenna (or cable) television business; although, nothing contained herein shall preclude Franchisee from: (1) permitting those with a cable franchise who are lawfully engaged in such business to utilize Franchisee's System within the City for such purposes; or (2) from providing such service in the future if an appropriate franchise is obtained and all other legal requirements have been satisfied.

1.2. **Ordinance.** The City has adopted the Telecommunications Tax Ordinance. Franchisee acknowledges that it has had an opportunity to read and become familiar with the Telecommunications Tax Ordinance. The parties agree that the provisions and requirements of the Telecommunications Tax Ordinance are material terms of this Agreement, and that each party hereby agrees to be contractually bound to comply with the terms of the Telecommunications Tax Ordinance. The definitions in the Telecommunications Tax Ordinance shall apply herein unless a different meaning is indicated. Nothing in this Section shall be deemed to require Franchisee to comply with any provision of the Telecommunications Tax Ordinance which is determined to be unlawful or beyond the City's authority.

1.3. **Ordinance Amendments.** The City reserves the right to amend the Telecommunications Tax Ordinance at any time. Provided, however, City shall not enact any amendments to the Telecommunications Tax Ordinance that will adversely impact Franchisee without allowing Franchisee 30 days, or such longer time as is necessary if 30 days is insufficient, in which to comply with the amendment. The City shall give Franchisee notice and an opportunity to be heard concerning any proposed amendment. If there is any inconsistency between Franchisee's rights and obligations under the Telecommunications Tax Ordinance as amended the amended Telecommunications Tax Ordinance shall govern.

1.4. **Licenses.** Franchisee acknowledges that it has obtained the necessary approvals, licenses or permits required by federal and state law to provide telecommunication services consistent with the provisions of this Agreement and with the Telecommunications Tax Ordinance.

1.5. **Relationship.** Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties and neither party is authorized to, nor shall either party act toward third persons or the public in any manner that would indicate any such relationship with each other.

2. FRANCHISE FEE

2.1. **Franchise Fee.** For the Franchise granted herein, Franchisee shall pay to the City equal to 4.0% of Franchisee's gross receipts from telecommunications service that are attributed to the City in accordance with the Municipal Telecommunication License Tax Act (Utah Code Ann. 10-1-401 to 10-1-410). All payments shall be made to the Utah State Tax Commission, and sent as follows:

Utah State Tax Commission
210 North 1950 West
Salt Lake City, Utah 84134

2.2. **Completion Bond.** Franchisee agrees to provide an irrevocable, unconditional letter of credit, cash, or surety bond in an amount to be established by the City Engineers in order to guarantee faithful performance of construction or installation work authorized under this Agreement. Franchisee shall maintain said letter of credit or bond in effect for one year following the completion of any construction authorized by or in connection with this Agreement. Franchisee may post the respective bond or provide the appropriate letter of credit after a permit is approved by the City as required herein. In the event of Franchisee's failure to fulfill its construction or installation obligations, the City shall have the option, at its reasonable discretion, to exercise its rights as obligee under the terms of the bond or letter of credit.

2.3. **Equal Treatment.** City agrees any fees or taxes charged to Franchisee under this Agreement shall be of the same nature and calculation of fees or tax currently charged or charged in the future to other similarly situated entities.

2.4. **Excavation Fees.** Franchisee shall also pay fees required for an excavation permit as provided in the Excavation Permit Ordinance.

3. TERM AND RENEWAL

3.1. **Term and Renewal.** The franchise granted to Franchisee shall be for a period of ten (10) years commencing on the first day of the month following this Agreement, unless this Franchise be sooner terminated as herein provided. At the end of the initial ten (10) year term of this Agreement, the franchise granted herein may be renewed by Franchisee upon the same terms and conditions as contained in this Agreement for one additional five (5) year term, by providing the City with written notice of Franchisee's intent to renew not less than ninety (90) calendar days before the expiration of the initial term.

3.2. **Rights and Obligations of Franchisee Upon Expiration or Revocation.** Upon the expiration or termination of this Agreement, Franchisee shall remove all of its communication facilities from the City's rights of way within 180 days. Alternatively, Franchisee may post a cash bond or letter of credit in an amount determined by the City engineer's estimate designed to pay for the removal of Franchisee's facilities. The City may, in its sole discretion, and in lieu of requiring Franchisee to remove its facilities, allow Franchisee to transfer all of the facilities to the City.

4. POLICE POWERS

4.1. **City Police Powers.** The City expressly reserves, and Franchisee expressly recognizes, the City's right and duty to adopt, from time to time, in addition to provisions herein contained, such ordinances and rules and regulations as the CITY may deem necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties.

5. CHANGING CONDITIONS AND SEVERABILITY

5.1. **Meet to Confer.** Franchisee and the City recognize that many aspects of the telecommunication business are currently the subject of discussion, examination and inquiry by different segments of the industry and affected regulatory authorities and that these activities may ultimately result in fundamental changes in the way Franchisee conducts its business and the way the City regulates the business. In recognition of the present state of uncertainty respecting these matters, Franchisee and the City each agree, upon request of the other during the term of this Agreement, to meet with the other and discuss in good faith whether it would be appropriate, in view of developments of the kind referred to above during the term of this Agreement, to amend this Agreement or enter into separate, mutually satisfactory arrangements to effect a proper accommodation of any such developments.

5.2. **Severability.** If any section, sentence, paragraph, term or provision of this Agreement or the Telecommunications Tax Ordinance is for any reason determined to be or rendered illegal, invalid, or superseded by other lawful authority, including any state or federal, legislative, regulatory or administrative authority having jurisdiction thereof, or is determined to be unconstitutional, illegal or invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision, all of which shall remain in full force and effect for the term of this Agreement or any renewal or renewals thereof. If the invalidated portion is considered a material consideration for entering into this Agreement, the parties will negotiate, in good faith, an amendment to this Agreement. As used herein, "material consideration" for the City is its ability to collect the Franchise Fee during the term of this Agreement and its ability to manage the Rights-of-Way in a manner similar to that provided in this Agreement, the Telecommunications Tax Ordinance, and the City's Excavation Permit Ordinance. For Franchisee, "material consideration" is its ability to use the Rights-of-Way for telecommunication purposes in a manner similar to that provided in this Agreement, the Telecommunications Tax Ordinance, and the City's Excavation Permit Ordinance.

5.3. **Transfer.** If Franchisee is the subject of a sale, transfer, lease, assignment, sublease or disposed of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, Franchisee or its successor entity shall promptly notify City of the nature of the transaction. Upon receipt of such notification, City designee shall send notice affirming the transfer of the franchise to the successor entity. If City has good cause to believe that the successor entity may not comply with this Agreement, it may require an application for the transfer. Any transfer to a wholly owned subsidiary shall not be subject to this provision.

6. EARLY TERMINATION, REVOCATION, REMEDIES

6.1. **Grounds for Termination.** The City may terminate or revoke this Agreement and all rights and privileges herein provided, upon ninety (90) days prior notice, for any of the following reasons:

- 6.1.1. Franchisee fails to make timely payments of the franchise fee as required under Article 2 of this Agreement and does not correct such failure within ten (10) calendar days after written notice by the City of such failure;
- 6.1.2. Franchisee, by act or omission, materially violates a material duty herein set forth in any particular within Franchisee's control, and with respect to which redress is not otherwise herein provided. In such event, the City, acting by or through its City Council, may determine, after hearing, that such failure is of a material nature, and thereupon, after written notice giving Franchisee notice of such determination, Franchisee, within ten (10) calendar days of such notice, shall commence efforts to remedy the conditions identified in the notice and shall have thirty (30) calendar days from the date it receives notice to remedy the conditions. After the expiration of such 30-day period and failure to correct such conditions, the City may declare the franchise forfeited and this Agreement terminated, and thereupon, Franchisee have no further rights or authority hereunder; provided, however, that any such declaration of forfeiture and termination shall be subject to judicial review as provided by law, and provided further, that in the event such failure is of such nature that it cannot be reasonably corrected within the 30-day time period provided above, the City shall provide additional time for the reasonable correction of such alleged failure if the reason for the noncompliance was not the intentional or negligent act or omission of Franchisee; or
- 6.1.3. Franchisee becomes insolvent, unable or unwilling to pay its debts, is adjudged bankrupt, or all or part of its facilities should be sold under an instrument to secure a debt and is not redeemed by Franchisee within sixty (60) days.

6.2. **Reserved Rights.** Anything in this Agreement notwithstanding Franchisee shall not be entitled to any claim for any monetary damages as a result of any breach of this Agreement and Franchisee waives any claims thereto. The sole remedy available to Franchisee shall be that of specific performance.

6.3. **Third Party Beneficiaries.** The benefits and protection provided by this Agreement shall inure solely to the benefit of the City and Franchisee. This Agreement shall not be deemed to create any right in any person who is not a party and shall not be construed in any respect to be a contract in whole or in part for the benefit of any third party (other than the permitted successors and assigns of a party hereto).

7. INSURANCE AND INDEMNIFICATION

7.1. **Insurance.** The Franchisee and its subcontractors shall have a continuing duty to procure and maintain insurance against claims for injuries to persons or damages to the City property which may arise from, or in connection with the exercise of the rights, privileges, and authority granted hereunder to the Franchisee, its agents, representatives, or employees. Upon execution of this Agreement and again on or before the first day of January of each and every year during the term of this Agreement, the Franchisee shall provide to the City for its records an insurance certificate naming the city as an additional insured as its respective interests may appear prior to the commencement of any work or installation of any facilities pursuant to this Agreement. Such insurance certificate shall evidence at a minimum insurance in an amount equal to or greater than the then existing governmental immunity caps as per the Governmental Immunity Act as codified in Utah Code Title 63G, Chapter 7, as is currently in effect or as may be from time to time amended by the Utah State Legislature. As of the date of this Agreement as set forth above, Franchisee agrees to obtain and provide the City with certificates, consistent with this section, of the following insurances and in the following coverage amounts:

- 7.1.1. Comprehensive general liability insurance written on an occurrence basis, including contractual liability coverage with limits inclusive of umbrella or excess liability coverage of not less than:
 - 7.1.1.1. Two million dollars for bodily injury or death to each person; and
 - 7.1.1.2. Two million dollars for property damages resulting from any one accident.
- 7.1.2. Automobile liability for owned, non-owned, and hired vehicles with a limit inclusive of umbrella or excess liability coverage of \$2,000,000 for each person and \$2,000,000 for each accident.
- 7.1.3. Workers' compensation within statutory limits.

The liability insurance policies required by this section shall be maintained by the Franchisee throughout the term of this Agreement and such other period(s) of time during which the Franchisee is operating without an Agreement, or is engaged in the removal of its Facilities. Payment of deductibles and self-insured retentions shall be the sole responsibility of the Franchisee. The insurance certificate required by this section shall (a) contain a clause stating that the coverage shall apply separately to each insured against whom a claim is made or suit is brought except with respect to the limits of the insurer's liability, and (b) show the City as an additional insured. The Franchisee's insurance shall be primary insurance with respect to the City. Any insurance maintained by the City, its officers, officials, employees, consultants, agents, and volunteers shall be in excess of the franchisee's insurance and shall not contribute with it.

7.2. **Indemnification.** Franchisee agrees to indemnify, defend and hold the City harmless from and against any and all claims, demands, liens, and all liability or damage of whatsoever kind on account of or arising from Franchisee's acts or omissions pursuant to or related to this Agreement, and to pay any and all costs, including reasonable attorneys' fees, incurred by the City in defense of such claims. The City shall promptly give written notice to Franchisee of any claim, demand, lien, liability, or damage, with respect to which the City seeks

indemnification and, unless in the City's judgment a conflict of interest may exist between the parties with respect to the claim, demand, lien, liability, or damage, the City shall permit Franchisee to assume the defense of such with counsel of Franchisee's choosing, unless the City reasonably objects to such counsel. Notwithstanding any provision of this Section to the contrary, Franchisee shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand, lien, damage, or liability arises out of or in negligent acts or omissions of the City.

8. INSTALLATION

8.1. Permits Required. Prior to site-specific location and installation of any portion of Franchisee's facilities within the City's rights-of-way, Franchisee shall apply for and obtain all necessary construction permit pursuant to the ordinances of the City presently existing or as amended from time to time and pay any fees required by applicable ordinances.

8.2. Coordinated Installation. Unless otherwise provided in any City permit, Franchisee shall give the city at least 48 hours' notice of Franchisee's intent to commence work in the City's rights-of-way. Franchisee shall file plans or maps with the city showing the proposed location of its communication facilities and submit all duly required permits associated with the construction/installation of the Franchisee's facilities. In no case shall any work commence within any City rights-of-way without said permit except as otherwise provided in this Agreement.

8.3. Restoration after Installation/Construction. Franchisee shall, after the installation, construction, relocation, maintenance, removal or repair of its communication facilities within the City's rights-of-way, restore the surface of all affected City-owned property that may be disturbed by the work to the greater of the then current adopted City ordinance or engineering standard; or the same condition the City-owned property was in immediately prior to any such installation, construction, relocation, maintenance or repair, reasonable wear and tear excepted. Except as stated herein, Franchisee shall promptly complete all restoration work and promptly repair any damage caused by such work to the public ways or other affected area at its sole cost and expense according to the time and terms specified in the construction permit issued by the City.

8.4. Dangerous Conditions. Whenever construction, installation or excavation of the Franchisee's facilities authorized has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining public way, street, or public place, or endangers the public street, utilities or City-owned property, the City engineer may reasonably request the Franchisee to take action to protect the public, adjacent public places, City-owned property, streets, utilities and public ways. Such action may include compliance within a prescribed time. In the event that the franchisee fails or refuses to promptly take the actions directed by the City or fails to fully comply with such directions, or if emergency conditions exist which require immediate action, the City may enter upon the property and take such actions as are necessary to protect the public, the adjacent streets, utilities, and public ways to maintain the lateral support thereof or actions regarded as necessary safety precautions and the Franchisee shall be liable to the City for the reasonable costs thereof.

8.5. Maintenance of Records. Franchisee shall maintain on file with City, a full and complete set of plans, records and "as-built" hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with City's existing GIS system, of all of Franchisee's existing and proposed installations and the types of equipment and systems installed or constructed in the rights-of-way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all rights-of-way where work will be undertaken.

9. NOTICES

9.1. Notices required by this Agreement may be given by registered or certified mail by depositing the same in the United States mail or with a commercial courier. Notices shall be deemed effective upon delivery or refusal of delivery. Unless either party notifies the other of a change of address, notices shall be delivered as follows:

If to City: Herriman City
Attn: City Manager
5355 West Herriman Main Street
Herriman, Utah 84096

With a Copy to: Herriman City
Chase A. Andrizzi, City Attorney
5355 West Herriman Main Street
Herriman, Utah 84096

If to Franchisee: HiCountryNet, LLC
Attn: Executive Director
13721 South Mount Shaggy Drive
Herriman, UT 84096

10. GENERAL PROVISIONS

10.1. Binding Agreement. The parties represent that: (a) when executed by their respective representatives, this Agreement shall constitute legal and binding obligations of the parties; and (b) each party has complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their operation in entering into this Agreement. This Agreement shall be binding upon the heirs, successors, administrators and assigns of each of the parties.

10.2. Failure of Designee. The failure or omission of the City's or Franchisee's representative to act shall not constitute any waiver or estoppels by the City or Franchisee.

10.3. Change of Law. If any state or federal Law sets forth a term or provision that is inconsistent with or different than this Agreement, then the Parties agree to promptly amend the Agreement to affect the term or provision set forth under such Law.

10.4. Governing Law and Forum. This Agreement shall be interpreted pursuant to the laws of the state of Utah. Venue and Jurisdiction for any dispute arising under this Agreement shall be proper in Utah State Third District Court, Salt Lake County, State of Utah, or in the United States District Court for the District of Utah with respect to any federal question.

10.5. Interpretation of Agreement. The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number and vice versa, and the use of any gender shall include any other and all genders. The paragraphs and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

10.6. No Presumption. Both parties have participated in preparing this Agreement. Therefore, the parties stipulate that any court interpreting or construing this Agreement shall not apply the rule of construction that the Agreement should be more strictly construed against the drafting party.

10.7. Entire Agreement and Amendments. This Agreement constitutes the entire agreement and understanding between the parties and replaces any previous agreement, understanding or negotiation between the parties with respect to its subject matter, and may be modified or amended, supplemented, or changed only by the written agreement of the parties, including the formal approval of the City Council. No oral modifications or amendments shall be effective.

HERRIMAN CITY

WENDY THOMAS, Interim City Manager

ATTEST

JACKIE NOSTROM, City Recorder

CHASE ANDRIZZI, City Attorney

Approved as to form

HiCountryNet, LLC

PAUL C. MURDOCK, Owner



STAFF REPORT

DATE: 02/25/2021

TO: The Honorable Mayor and City Council

FROM: Wendy Thomas, Interim City Manager

SUBJECT: Bonneville Research Proposal – Update to 2018 Olympia Hills Report

BACKGROUND:

In 2018 Herriman City contracted with Bonneville Research to provide an evaluation of the impact of the proposed Olympia Hills Development on Herriman City. Over the past two years the development has been approved in Salt Lake County with a lower density than was originally studied. City Council has directed staff to reach out to Bonneville Research for a scope, timeline, and cost proposal for the update.

Staff met with Bonneville Research on Monday, February 22, 2021 and Bonneville Research provided staff with a proposal on Thursday, February 25, 2021.

ALTERNATIVES:

Alternatives include but are not limited to:

- Contracting with Bonneville Research to update the 2018 report,
- not completing the update to the Olympia Hills report,
- researching other firms to complete a similar report,
- postponing the update until the development becomes more eminent.

FISCAL IMPACT:

As proposed: \$21,900. There is \$18,000 left from a Wasatch Front Regional Council grant which could be applied to this project. The additional \$3,900 will need to be allocated from elsewhere in the budget. The full \$21,900 will need to be budgeted.

RECOMMENDATION:

Staff recommend that the City move forward with the Bonneville Research update to determine the impact at the new density and considering the proposed site plan. Not completing the study would leave us with outdated information. Hiring another firm to complete the study from

scratch would cost more time and money, although it would give another set of “eyes” to the issue. Postponing the update is another viable option, however, staff are under the impression that this is a request that has gone unfulfilled for several months and the desire of the City Council is to move forward with the update.

Staff anticipate that this report, in addition to the internal financial analysis, will aid the City Council in making decisions moving forward.

ATTACHMENTS:

Bonneville Research Proposal submitted on February 22, 2021
Bonneville Research Report – December 12, 2018



Bonneville Research

1289 E 4th Avenue
Salt Lake City, UT 84103
801-673-9021
Bobspring@BonnevilleResearch.com

Proposal Summary

With great pleasure and excitement, we submit our Olympia Hills Update Proposal to the City of Herriman.

You know us, and we know Herriman City.

The Bonneville Research team has extensive development experience throughout Salt Lake County, Utah, and the Intermountain West.

We understand that the City of Herriman is seeking to:

- Define what “quality of life” means to the residents of Herriman?
- Define what the development density the residents of Herriman think they “Can Live With”

We have developed a scope of work to accomplish this and, if selected, we would provide you the following outcomes:

Quality of Life

- What does the quality of life mean to the Residents of Herriman?
- Quality of life (QOL) is the general well-being of individuals and societies, outlining life's negative and positive features. It observes life satisfaction, including everything from physical health, family, education, employment, wealth, religious beliefs, finance, and the environment.

Density

- What is the development density the residents of Herriman “Can Live With”?
- Conduct outreach with stakeholders and business leaders to provide deep insights into the local and regional environment, opportunities, and challenges
- Determine how land use density impacts the roadway capacity needs and thus capital improvement needs for the Herriman City roadway infrastructure.

Bonneville Research knows Herriman City, and Herriman City knows Bonneville Research.

We have prepared a proposal focused on achievable near-term goals grounded in a long-term vision that can be implemented and lead to long-term results.

Budget: \$21,900

Schedule: Bonneville Research is available to begin immediately
30 days

Team: Bob Springmeyer – Bonneville Research
Joe Perrin – A-Trans Engineering
Tom Burdett – Burdett Planning & Development

Differentiating Factors of the Bonneville Research Team

We understand the defining characteristics of Herriman City, the Greater Southwest Salt Lake County Region, Utah, and the Intermountain West.

We utilize "best in the industry" planning level economic and traffic data using average daily traffic levels (ADT) traffic data, UDOT, the WFRC, the U.S. Census, and other information. Subsequent efforts anticipate using Streetlight Data, INRIX, ESRI, and other proprietary data. These tools offer the essential advantage of arming us with very robust, defensible, beneficial, and comprehensive information on the region and community's historical and emerging trends.

Bob Springmeyer, Joe Perrin, and Tom Burdett have significant experience working together on numerous projects at the local, regional, and state level.

The Bonneville Research Team is committed to providing strategies that include innovative, unique, and realistic action items that will be a catalyst for change while recognizing the community's assets and constraints.

Project Understanding

The City of Herriman is interested in understanding the impacts of community growth and how that growth impacts the quality of life for existing residents and businesses or stated as:

What is the Density We Can Live With?

With a rapidly growing population, the City of Herriman is seeking ways to maintain residents' quality of life and maintain the community's vision for development.

Scope of Services

We propose the following range of work which is deeply rooted in both immediate implementation and assisting Herriman in identifying actionable strategies that will leverage the assets of Herriman while maintaining the Quality of Life that drew residents to Herriman originally.

Task 1. Project Start-Up - Existing Capacity, Prior Plans, Relevant Documents, and Reports

The Bonneville Research Team was involved with the prior Herriman Olympia Hills development analysis, economic development, and strategic planning. Still, we feel a review of existing documents related to the status of development efforts in Herriman to be necessary. A review of these documents, along with our prior knowledge of the economic conditions in West Jordan, South Jordan, Bluffdale, Riverton, and Salt Lake County and the State, will be used to create an understanding and context for the vision, goals, issues, opportunities, and challenges for evaluating the Quality-of-Life impacts of the proposed Olympia Hills Development.

Deliverable: *Identification of opportunities that need to be acted upon immediately, to include but not limited to:*

Outline of strategies for Herriman City Council and Key Leadership Team to begin to understand and define:

- What “quality of life” and development density means to the residents of Herriman?
- Determine how land use density impacts the roadway capacity needs and capital improvement needs for the Herriman City roadway infrastructure.

Task 2. Olympia Hills Density Transportation Sensitivity Evaluation

The Bonneville Research Team will:

- Develop the transportation-related deliverables for the City.
- Review the existing report and data and compile the base condition for the existing data from existing traffic studies.
- Determine available data from WFRC//UDOT Signal Performance Measure.
- Develop a data collection supplemental plan.
- Provide a comparison for the various land use and density alternatives. This is a trip generation comparison based on land use and density alternative.
 - Originally Approved City 2.95 Density rate.
 - County Approved Rate.
 - FFKR Rate.
 - Other options.
- Assess the density difference and translate the volume differences into equivalent traffic lanes.

- Compare the proposed City Master Plan roadway capacities for the surrounding roadways with the likely demand by land use alternative.
- This will be at a planning level using average daily traffic levels (ADT). This will not be at the operational level or intersection sizing level. This would be a task in a subsequent Phase.

Deliverable: *An understanding of the roadway capacities and the likely demand by land-use alternatives.*

Task 3. Olympia Hills Density Land Use Evaluation

The Bonneville Research Team will:

- Review SLCO approved plans and master development agreement.
- Develop land use table scenarios for Olympia Hills subject area, compare with existing and draft update of City General Plan to include:
 - Evaluate updated land use and socio-economic data support to planning level transportation-related evaluation and deliverables.
 - Bonneville Research 2018 analysis at 2.95 DU/AC
 - SLCO approved plan at 6.6 DU/AC
 - FFKR draft land-use scenario concept
 - Other options as determined
- Provide updated land use and socio-economic data support to planning level transportation-related evaluation and deliverables.
- Compile available information from USU campus planners and designers for land use and building data.
- Provide updated land use information and assistance in support of capital facility and economic impact analysis.

Deliverable: *An understanding of the likely demand by land-use alternatives and impacts of “Quality of Life”.*

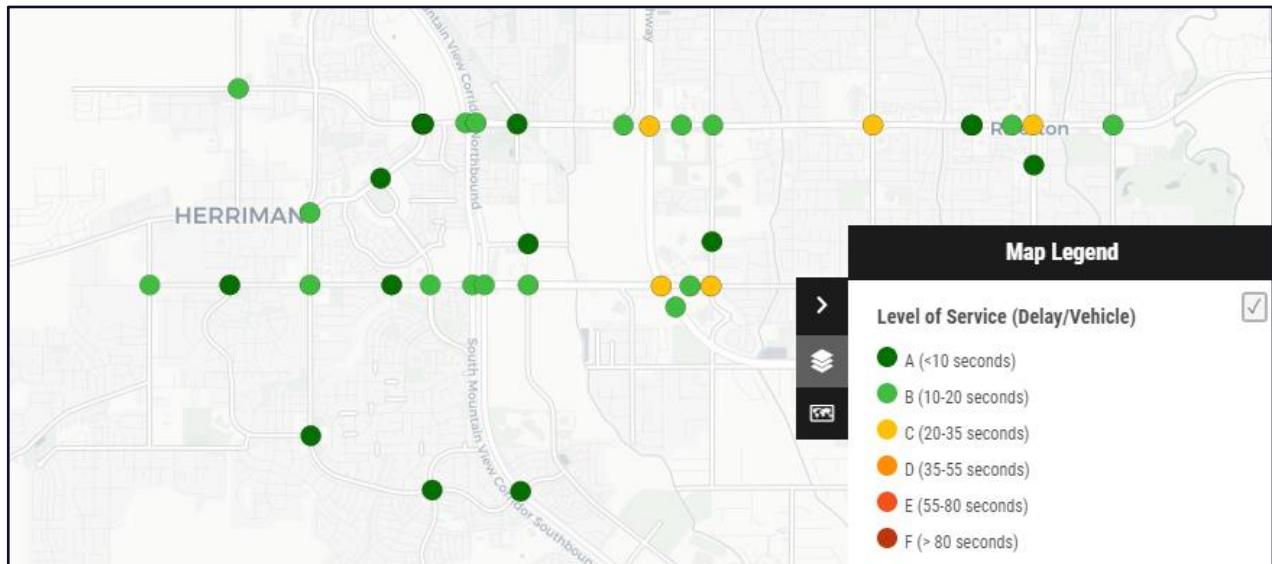
Task 4. Stakeholder and Community Outreach

Bonneville Research is committed to the stakeholder, and public involvement that is necessary to understand and appreciate:

- What “quality of life” means to the residents of Herriman?
- Provide data and questionnaire assistance for stakeholder engagement and survey elements for quality-of-life evaluation facilitation.
- What the development densities the residents of Herriman think they “Can Live With”.

Bonneville Research anticipates a process of community surveys and information sharing as we used for the Herriman Economic Development project that involved Herriman elected officials, key staff members, and local community leaders.

Bonneville Research anticipates providing current transportation information to stakeholders and community leaders. The following exhibit of Herriman region Traffic Signal Levels of Service may be an example:



Source: INRIX, U.S. Signals Scorecard, February 2021 (Week of October 4-10, 2020) (<https://inrix.com/signals-scorecard/map>) Note: Further analysis at this operational level will be included in subsequent work.

Deliverable:

- Incorporate the findings from surveys into the City of Herriman, Olympia Hills Update.
- A better understanding of Herriman Residents and community leaders of the current Transportation issues impacting Herriman.

Task 5. Regular Meetings

Bonneville Research will facilitate regular meetings with Herriman City to present the Olympia Hills research findings and facilitate early information sharing that will be inclusive of quality of life and critical goal areas for Herriman City's future.

Deliverable:

Quality of Life

- A clear and defined understanding of the Herriman City Council and Key Staff on "What the quality of life means to the Residents of Herriman?"

Density

- A broad understanding and support of the development density the residents of Herriman "Can Live With"!



Bonneville Research

December 12, 2018

Gordon M. Haight, Assistant City Manager

Michael Maloy, City Planner

Herriman City, UT 84096

Thank you for the opportunity to work with you in evaluating the proposed Olympia Hills development.

Bonneville Research, located in Salt Lake City, Utah, was formed in 1976 as a multi-disciplined organization dedicated to providing quality services and solutions to clients at both the public, private and not for profit sectors through collaborative opportunities and respect for community values.

OLYMPIA HILLS STUDY COMMITTEE

Herriman City

- Gordon Haight
- Michael Maloy
- Bryn McCarty
- Blake Thomas
- Justin Edwards

Bonneville Research

- Bob Springmeyer
- Tom Burdett
- Jim Taylor

Robert L. Springmeyer

Robert Springmeyer, Chairman
Bonneville Research
Salt Lake City, UT

FINDINGS:

- 1. Herriman has done an excellent job planning for growth – In both current Herriman and the additional 3,400 acres in its Annexation Declaration Areas!**
 - General Plan
 - Transportation
 - Water
 - Basic Infrastructure
- 2. All the properties within Herriman’s Declaration Area Resolution Adopted by the City Council on December 8th, 2011, including the Olympia Hills properties, have been part of the Herriman Master Plans!**
 - General Plan = 2.67 – 3.43 DU/Acre
 - Water Master Plan = 1.71 – 3.25 DU/Acre
 - Transportation Master Plan = 2.95 DU/Acre
- 3. Herriman is Growing Fast**
 - #1 in Housing
 - #1 in Multi-Family Housing
 - #2 in Single Family Housing
 - Herriman estimates the current population at 51,945 with 13,150 housing units as of July 1, 2018
 - Herriman currently has another 22% of developable land within Declared Annexation Areas
- 4. Herriman is a Residential and a Commuter City**
 - Average household size is currently 3.94 persons
 - There are minimal shopping opportunities in Herriman
 - Traffic peaks morning and evenings
- 5. Other Large-Scale Master Planned Communities**

• South Jordan Daybreak	5.16 Du/Acre
• Lehi Holbrook Farms	4.21 Du/Acre
• West Jordan Jordan Hills Villages	3.59 Du/Acre
• Olympia Hills (SLCo Application)	9.5 Du/Acre ¹

¹ Using the 921 Acre figure



Herriman City – Olympia Hills Report

7. If Herriman Annexes Olympia Hills at Traffic General Plan Density of 2.95 DU/Acre

- 2,717 New Dwelling Units
- 7,230 +/- New Population
- 21,736 to 23,095 Additional trips (using 8.5 trips/du avg SF & MF combined) onto local roadways
- 4,600 New AM/PM Commuter Trips

8. Can Herriman Afford to Annex Olympia Hills at General Plan Density of 2.95 DU/Acre?

- Yes!
- Herriman has a Revenue & Expense Model built on Sales & Other Taxes 38% and charges for services 41%
- Herriman has established Impact Fees, so new developments pay for needed new Parks, Roads, Water Rights, Water, & Storm Drains

9. If Herriman Annexes Olympia Hills at the Density of the SLCo Application of 9.5 DU/Acre

- 8,750 New Dwelling Units
- 34,560 +/- New Population
- 17,400 +/- Additional Cars
- 74,375 Additional trips (8.5 trips/du avg) on local roadways
- 14,875 New Commuter Trips AM/PM peaks

2

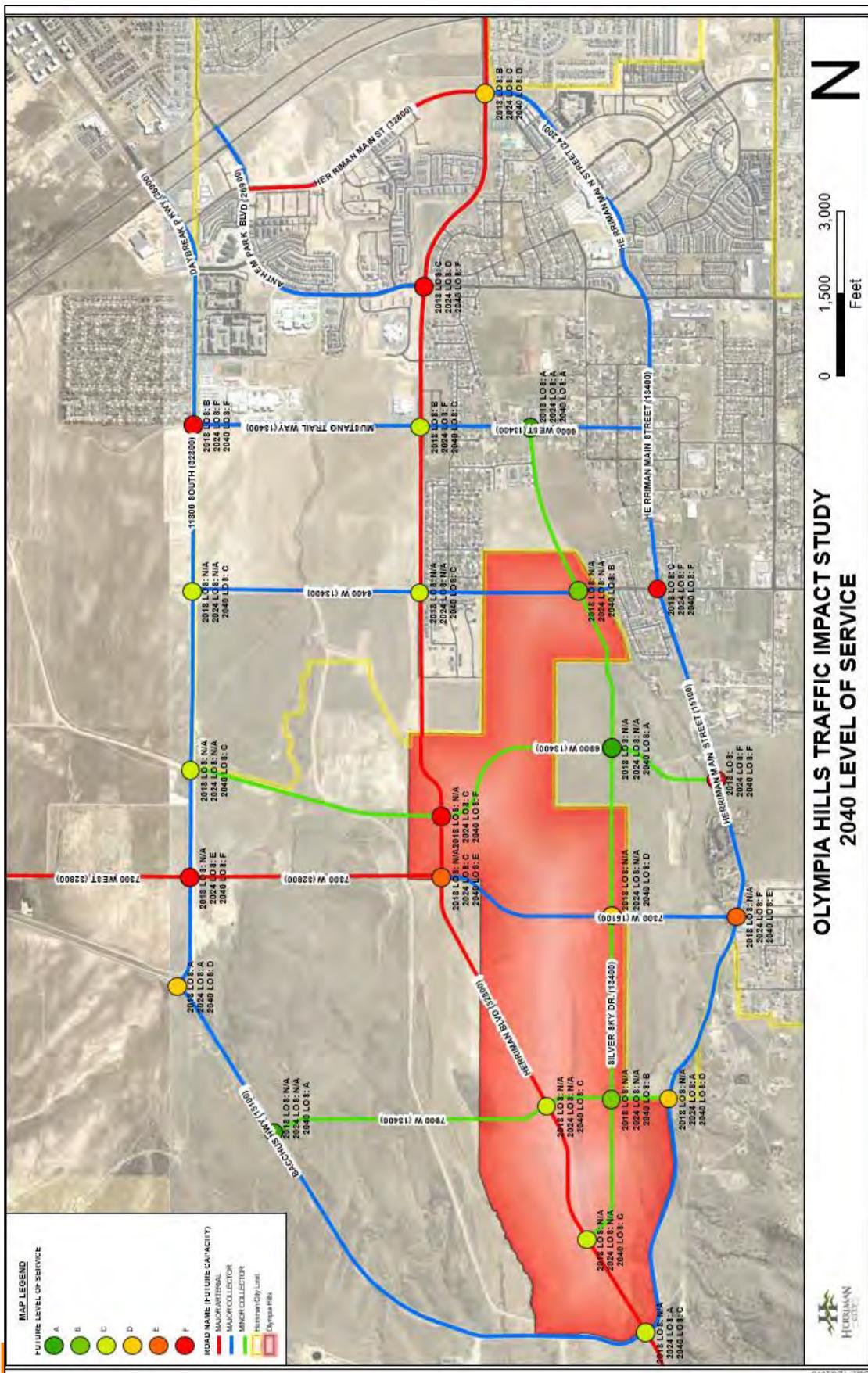
10. Can Herriman Afford to Annex Olympia Hills at Proposed Salt Lake County Density of 9.5² DU/Acre?

- NO!
- 222% increase in population over planned levels
- 222% increase in traffic over planned levels, with no current mechanism to pay for the required transit and major arterial highway development including:
 1. Construction of new UT 111 & 7300 West Alignment – County Road
 2. Widening of 11800 West from Mountain View Corridor to Bacchus Hwy
 3. New Traffic Signals at 7300 and 6800 West and Herriman Parkway
 4. Additional lanes for Herriman Parkway and 6000 West
 5. Additional lanes for Herriman Parkway and Anthem Boulevard
 6. Additional lanes for Herriman Parkway and Main Street
 7. New Traffic Signals at 7300 West and Spine Road
- 165% increase in required Police service and at least one additional Police Sub-Station over planned levels
- 222% increase in needed Parks and Recreation Services over planned levels
- 222% increase in Public Works and General Government Services over planned levels

² Using the 921 Acre figure



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Bonneville Research

APPENDIX - SCOPE OF SERVICES:

This section outlines Bonneville Research's scope of work program, including deliverables.

Project Description:

Olympia Hill is a proposed 921 Acre development of currently unincorporated land immediately west and within the annex declaration area of Herriman City. It was proposed as an 8,765-unit housing development that had been characterized as a new Daybreak type development with a mix of single-family homes, townhomes and apartment buildings. The Olympia Hills development had been approved by the Salt Lake County Council as a residential area, but after the Mayors of Herriman, Riverton, West Jordan and the Copperton Township released a joint statement asking Salt Lake County to deny approval the proposal, the then Mayor Ben McAdams vetoed it.

Project Objective:

To provide Herriman City a supportable and defendable analysis of “the gross maximum residential density of the proposed Olympia Hills development that does not compromise the quality of life of adjacent residents.”

TASK 1: MEET WITH CITY STAFF AND REVIEW BACKGROUND MATERIALS

Task 1A: Meet with City staff and tour project sites.

Bonneville Research met weekly with the Herriman Study Team to review the scope of services, proposed schedule, and deliverables. Bonneville Research also toured the site and area with the City Study Team.

The Herriman Study Team was made up of the following individuals:

- Gordon Haight – Assistant City Manager, Economic Development Director
- Michael Maloy – Planning Director
- Bryn McCarty – Assistant Planning Director
- Blake Thomas – City Engineer
- Justin Edwards – Water Services Director

Bonneville Research also made regular presentations to the Herriman City Council and Planning Commission.



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Task 1B: Review key financial, planning, and environmental documents.

This task included a review of relevant documents and plans about the proposed project, including the General Plan, the Zoning Ordinance, the project Environmental Impact Report, and City staff reports. Bonneville Research will also review the City budget, the Comprehensive Annual Financial Report, City fee ordinances, and other financial documents from the City and affected special districts including fire, sanitation, and school districts.

Table 1: Current Estimates of Herriman Residential Development:

Year	Herriman City Population Projection	GOMB Population Projection	WFRC Population Projection	ESRI Population Projection	Utah State Tax Commission Population Projection
2010	21,758 ³	21,758	21,758	21,758	21,758
2011	25,833		25,833		
2016	34,703		34,703		30,835
2017					35,585
2018	51,945			39,214	39,224
2023				48,437	
2024	45,002	27,003	58,809		
2026	59,475				
2034	68,002	38,458	84,450		
2040		50,114	101,957		
Buildout	112,054				

Source: Herriman City Water System Connection Estimates, Governor's Office of Management and Budget, 2018, Wasatch Front Regional Council, 2017, ESRI 2018

The detailed review of critical, planning and environmental documents yielded the following essential information:

³ 2010 Census



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The Herriman General Plan adopted in 2014 anticipated the following number of households in Herriman and included the Northwest Annexation Area:

Table 2: Current Herriman General Plan:

HERRIMAN CITY GENERAL PLAN 2014 – Including North West Annexation		
Residential Dwelling Units (DU)	LOW	HIGH
Rural Residential	162	551
Agricultural Residential	1,816	3,027
Low-Density Residential	4,599	6,388
Single Family Residential	6,838	11,835
Medium Density Residential	6,297	10,952
High-Density Residential	1,664	4,160
Mixed-use	-	4,755
Mixed-use (Town Center)	-	4,755
TOTAL RESIDENTIAL DWELLING UNITS	21,215	46,422

Source: Herriman City General Plan, Landmark Design, 2014, Columns may not add due to rounding.

Herriman City, using Building Permit data estimates there were 13,150 occupied housing units on July 1st of 2018.

The Herriman Water System Plan adopted in 2016 anticipated the following number of dwelling units (DU's) in Herriman and included the Northwest Annexation Area:

Table 3: Current Water System Element of Herriman General Plan:

HERRIMAN CITY WATER SYSTEM PLAN 2016		
Residential Dwelling Units (DU)	LOW	HIGH
Rural Residential	1,409	2,349
Agricultural Residential	2,704	6,760
Low-Density Residential	153	520
Single Family Residential	4,594	6,380
Medium Density Residential	8,386	14,584
High-Density Residential	-	5,775
Mixed-use	-	4,755
Mixed-use (Town Center)	-	138
TOTAL RESIDENTIAL DWELLING UNITS	17,246	41,261

Source: Herriman City Water System Master Plan, Bowen Collins, 2016

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The Herriman Transportation Master Plan adopted in 2016 anticipated the following number of households in Herriman at “Build-Out and therefore included the North West Annexation Area.

Table 4: Current Transportation Element of Herriman General Plan:

HERRIMAN CITY TRANSPORTATION PLAN 2016 – At Build-Out	
Residential Dwelling Units (DU)	<u>46,070</u>

Source: Herriman City Transportation Master Plan, Bowen Collins, 2016

Task 1C: Review the project sponsor’s fiscal and economic impact analysis.

Bonneville Research reviewed the project sponsor’s fiscal and economic analysis including methodologies, assumptions, and data. The Bonneville Research review found that the number of residential units analyzed assumed a ten-year absorption and was roughly one-half of the number of residential units used by the Land Use and Transportation Plans.

Table 5 following presents a summary of the proposed Olympia Hills development as shown in the planning documents submitted to Salt Lake County.

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Table 5: Proposed Olympia Hills Development – Salt Lake County:

OLYMPIA HILLS – Salt Lake County Submission Summary			
Residential Dwelling Units (DU)	Financial Impact Analysis – Zion’s Public Finance – 10 Year Absorption - 2018	Land Use Plan – Ensign Engineering - 2018	Transportation Plan – Hales Engineering - 2018
Rural Residential	162	551	551
Agricultural Residential	1,816	3,027	3,027
Low-Density Residential	4,599	6,388	6,388
Single Family Residential	6,838	11,835	11,835
Medium Density Residential	6,297	10,952	10,952
High-Density Residential	1,664	4,160	4,160
Mixed-use	-	4,755	4,755
Mixed-use (Town Center)	13,135	4,755	4,755
TOTAL RESIDENTIAL	<u>34,512</u>	<u>46,422</u>	<u>46,422</u>

Source: Olympia Hills Salt Lake County Application, 2018



Task 1D: Review the City's existing fiscal impact analysis approach.

This task involved a review of the existing approach to determine whether portions of it are appropriate for use in the fiscal impact analysis of the proposed project. Relevant factors to consider included the range of land uses addressed by the model, the level of specificity provided by the model, and the age of the model.

Density

Developers often like to use Gross Density which usually takes the minimum number of planned housing units and divides by the gross acreage of the project, thus giving the impression of fewer units per acre.

Most members of the public, however, think about density as it would be in their neighborhood, for example, four units per acre would mean $\frac{1}{4}$ acre lots, and thus ten units per acre would mean either lots of $1/10^{\text{th}}$ of an acre or 4,356 sq ft or a lot 50 ft wide and only 87 ft deep, or a multi-story, multi-family apartment building.

Net acreage does not include land covered by wetlands, water bodies, public parks and trails, schools, churches, public open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinances such as steep slopes.

8 Bonneville Research, therefore, to be consistent with Herriman current practices has tried to use measurements of density reflect measures of Gross Density to support forecasted growth by taking the maximum number of planned housing units divided by the gross acreage.

A more detailed discussion of net density is included in the Appendix of this report.

TASK 2: ANALYZE FISCAL AND ECONOMIC IMPACTS

Task 2A: Demographic Analysis of the proposed project and alternatives.

This analysis considered the ages, gender and anticipated income of the residents likely to be residents of the proposed project.

POPULATION

The Salt Lake metropolitan area has a total population of more than 1.1 million residents. These residents live in various communities throughout a valley at the base of two mountain ranges, the Wasatch and the Oquirrh.



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The current ESRI⁴ estimates of the 2018 Herriman population is 39,214. In 2010, the Census count in Herriman was 21,785, and using this data the rate of change since 2010 was 7.38% annually.

- The five-year ESRI projection for the population in Herriman is 48,437 representing a change of 4.32% annually from 2018 to 2023. In 2018, the population is 50.1% male and 49.9% female
- The five-year projection for the population of Salt Lake County is 1,250,581 representing a change of 1.42% annually from 2018 to 2023
- Household count in Herriman has changed from 5,542 in 2010 to 9,963 in the current year, a change of 7.37% annually
- The five-year projection of households is 12,239, a change of 4.20% annually from the current year total.
- Average household size is currently 3.94, compared to 3.93 in the year 2010. The number of families in the current year is 8,875
- The October 2018 Utah State Tax Commission population estimate for Herriman, upon which Sales Tax Revenues are distributed is 39,226 or 1.265% of their Statewide population estimate of 3,101,833

Using the 3.94 household size and the Herriman City estimate of 13,150 occupied housing units a current population would be 51,945 and thus exceeding the ESRI 2023 population projections.

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INCOME

The current ESRI⁵ 2018 median household income is \$87,128 in Herriman, compared to \$58,100 for all U.S. households. Median household income is projected to be \$101,168 in five years, compared to \$65,727 for all U.S. households

- The 2018 average household income is \$106,607 in Herriman, compared to \$83,694 for all U.S. households. Average household income is projected to be \$123,445 in five years, compared to \$96,109 for all U.S. households
- The 2018 average household income is \$90,001 in Salt Lake County, compared to \$83,694 for all U.S. households. Average household income for Herriman is projected to be \$123,445 in five years, compared to \$101,901 for Salt Lake County and \$96,109 for all U.S. households
- The 2018 per capita income is \$27,392 in Herriman, compared to the U.S. per capita income of \$31,950. The per capita income is projected to be \$31,589 in five years, compared to \$36,530 for all U.S. households

⁴ Source: ESRI Community Profile, 2018, US Census.

⁵ Source: ESRI Community Profile, 2018, US Census.



HOUSING

In 2018, ESRI⁶ estimated that 78.8% of the 10,477 housing units in Herriman were owner-occupied; 16.3%, renter-occupied; and 4.9% are vacant.

- In 2010, there were 6,022 housing units in Herriman - 81.2% owner-occupied, 10.8% renter-occupied, and 8.0% vacant. The annual rate of change in housing units since 2010 is 27.90%
- In Salt Lake County, 61.5% of the housing units are owner-occupied; 33.3% are renter-occupied, and; 5.1% are vacant
- In the U.S., 56.0% of the housing units are owner-occupied; 32.8% are renter-occupied; and, 11.2% are vacant

HOME VALUE

The current ESRI⁷ estimate of median home values in Herriman at \$366,277, compared to a median home value of \$288,285 in Salt Lake County and \$218,492 for the U.S.

A single family detached home in Herriman with an average purchase price of \$317,600⁸, a 20% down payment the typical household income required would be \$4,710 per month or \$56,520 per year.

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RENTAL HOUSING

Average apartment rent in the valley ranges from \$707 in Salt Lake City to \$1,451 in South Jordan.

- Salt Lake City – population: 183,171, average rent: \$707
- West Valley City – population: 125,093, average rent: \$815
- Sandy – population: 97,177, average rent: \$951
- West Jordan – population: 76,024, average rent: \$924
- Taylorsville – population: 59,102, average rent: \$840
- South Jordan – population: 54,631, average rent: \$1,451
- Draper – population: 43,217, average rent: \$1,001
- Riverton – population: 40,420, average rent: \$1,142

At an apartment rental rate in Herriman of \$1,400 per month the average household income required would be \$3,650 per month or \$43,800 per year⁹.

⁶ Source: ESRI Community Profile, 2018, US Census.

⁷ Source: ESRI Community Profile, 2018, US Census.

⁸ Zillow Home Real Estate Facts, Herriman UT, 2018

⁹ Zillow Rental Calculator, Herriman UT, 2018



AGE

The ESRI¹⁰ estimate of the 2018 median age in Herriman at 26.1, compared to the median age of 32.3 in Salt Lake County and the U.S. median age of 38.3.

Task 2B: Detailed Market Analysis, including absorption for specific development types at preferred locations.

This analysis considered revenue and cost implications for City and affected districts of the proposed project and the five alternatives identified in their project proposal materials.

Herriman is currently issuing more building permits in Salt Lake County than any other community, with over 22% of all permits issued and approximately the same amount as South Jordan and Millcreek combined, or using the equivalent of 163 workdays between January 2nd, and August 30, 2018, Herriman processed 7.00 dwelling unit building permits per day.

Table 6: Salt Lake County Cities Ranked by Number of Dwelling Unit Building Permits, January – August 2018

City	Dwelling Units	% Change
Herriman	1,141	2.7
% Herriman	22.1%	
South Jordan	743	-2.9
Draper	598	386.2
Salt Lake City	587	17.9
Bluffdale	477	275.6
West Jordan	451	-30
Millcreek	398	0
Murray	197	-29.9
West Valley City	170	6.9
Sandy	156	-59.1
Riverton	99	-70.6
Midvale	74	57.4
Other Salt Lake Co	39	550
Taylorsville	21	-84.9
Cottonwood Heights	12	1100
Holladay	4	0
Alta	0	0
South Salt Lake	0	0
Total	5,167	11.8

Source: Ivory-Boyer Construction Database, Calculations, Bonneville Research, 2018

¹⁰ Source: ESRI Community Profile, 2018, US Census.

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Note: At 163 workdays between January 2nd, 2018 and August 31st Herriman processed 7.00 dwelling unit building permits per day.

Table 7: Salt Lake County Cities Ranked by Number of Single-Family Dwelling Unit Building Permits, January – August 2018

City	Single-family Units	% Single-family Units
South Jordan	429	57.70%
Herriman	423	37.10%
West Jordan	238	52.80%
Draper	151	25.30%
Bluffdale	118	24.70%
West Valley City	96	56.50%
Riverton	67	67.70%
Other Salt Lake Co	37	94.90%
Midvale	32	43.20%
Sandy	27	17.30%
Murray	21	10.70%
Millcreek	20	5.00%
Salt Lake City	19	3.20%
Cottonwood Heights	12	100.00%
Holladay	3	100.00%
Taylorsville	1	4.80%
Alta	0	0.00%
South Salt Lake	0	0.00%
Total	1,694	32.80%

Source: Ivory-Boyer Construction Database, Calculations, Bonneville Research, 2018

Note: at 163 workdays between January 2nd, 2018 and August 31st Herriman processed 2.60 Single Family building permits per day.

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Table 8: Salt Lake County Cities Ranked by Number of Multi-Family Condo/Townhome Dwelling Unit Building Permits, January – August 2018

City	Multi-Family/Condo/Townhome Units	Total Dwelling Units	% Multi-Family/Condo/Townhome Units
Herriman	718	1,141	13.9%
Salt Lake City	568	587	11.0%
Draper	447	598	8.7%
Millcreek	378	398	7.3%
Bluffdale	359	477	6.9%
South Jordan	284	743	5.5%
West Jordan	213	451	4.1%
Murray	176	197	3.4%
Sandy	124	156	2.4%
West Valley City	72	170	1.4%
Midvale	34	74	0.7%
Riverton	32	99	0.6%
Taylorsville	20	21	0.4%
Other Salt Lake Co	0	39	0.0%
Cottonwood Heights	0	12	0.0%
Holladay	0	3	0.0%
Alta	0	0	0.0%
South Salt Lake	0	0	0.0%
Total	3,425	5,166	66.3%

Source: Ivory-Boyer Construction Database, Calculations, Bonneville Research, 2018

Table 9: Herriman Year-to-Date by Type of Structure January – August 2018

Herriman	Number of Buildings	Value \$	Value %
Single-family Homes	423	\$117,795.00	49.7%
Duplexes and Twin Homes	0	0	0.0%
Condominiums / Townhomes	95	70,399.00	29.7%
Apartments (3 or more units)	11	24,313.00	10.3%
Other Shelters	0	0	0.0%
Cabins	0	0	0.0%
Manufactured / Mobile Homes	0	0	0.0%
Subtotal, New Residential Construction (Dwelling Units)	529	\$212,507.00	89.6%
Residential Garages/Carports	16	614	0.3%
Hotels & Motels	0	0	0.0%



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Amusement & Recreation Bldgs.	3	4,817.00	2.0%
Churches & other Religious Bldgs.	2	4,123.00	1.7%
Industrial/Warehouse/Manufacturing Bldgs.	2	2,977.40	1.3%
Parking Structures	0	0	0.0%
Service Station/Repair Garages	0	0	0.0%
Hospital & Institutional Bldgs.	0	0	0.0%
Office, Bank, Professional Bldgs.	0	0	0.0%
Public Utility Bldgs. (private)	1	19	0.0%
School & Educational Bldgs. (private)	0	0	0.0%
Retail, Mercantile, Restaurant	5	\$2,377.00	1.0%
Agricultural Bldg. & Sheds	2	107	0.0%
Other Nonresidential Bldgs.	1	96	0.0%
Structures other than Bldgs.	94	2,111.90	0.9%
Public Buildings & Projects	1	3,348.00	1.4%
Subtotal, New Nonresidential Construction	127	\$20,590.30	8.7%
Additions and Alterations to Residential Bldgs.	234	1,822.60	0.8%
Additions and Alterations to other Bldgs.	38	2,203.00	0.9%
Total Permit-Authorized Construction	928	\$237,122.90	100.0%

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Source: Ivory-Boyer Construction Database, Calculations, Bonneville Research, 2018

HOUSING FORECASTS

Table 10: New Dwelling Units Six Cities January – August 2014 – 2018 Forecast to 2022

New Dwelling Units	Total Dwelling Units 2014	Total Dwelling Units 2015	Total Dwelling Units 2016	Total Dwelling Units 2017	Total Dwelling Units Forecast 2018 - 2022 TOTALS
Bluffdale	278	235	514	159	2,902
Herriman	889	1,208	1,237	1,677	11,648
Riverton	122	290	228	403	3,061
South Jordan	1,130	766	921	978	4,146
West Jordan	230	637	391	945	7,027
Lehi	720	709	620	928	6,009

Source: Ivory-Boyer Construction Database, Calculations, Bonneville Research, 2018



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Table 11: New Single-Family Units Six Cities January – August 2014 – 2018 Forecast to 2022

New Dwelling Units	Single-Family Units 2014	Single-Family Units 2015	Single-Family Units 2016	Single-Family Units 2017	Single-Family Units Forecast 2018 - 2022 TOTALS
Bluffdale	217	159	213	94	182
Herriman	378	429	564	610	4,346
Riverton	76	121	166	209	1,714
South Jordan	493	544	637	578	3,598
West Jordan	182	271	335	373	2,884
Lehi	359	481	505	626	4,320

Source: Ivory-Boyer Construction Database, Calculations, Bonneville Research, 2018

Table 12: New Multi-Family/Condo Townhome Units Six Cities January – August 2014 – 2018 Forecast to 2022

New Dwelling Units	Multi-Family/Condo Townhome Units 2014	Multi-Family/Condo Townhome Units 2015	Multi-Family/Condo Townhome Units 2016	Multi-Family/Condo Townhome Units 2017	Multi-Family/Condo Townhome Units Forecast 2018 - 2022 TOTALS
Bluffdale	61	74	301	65	1,164
Herriman	510	779	667	1,067	7,287
Riverton	35	167	62	176	1,266
South Jordan	631	208	262	364	314
West Jordan	48	366	56	571	4,134
Lehi	361	226	111	302	2,158

Source: Ivory-Boyer Construction Database, Calculations, Bonneville Research, 2018

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Market Potential

A typical 930-acre project would generally feature:

- Open space @ 30% (280 acres) active and passive parks, trails and open space drainage corridors
- The residential component should be about 60% (390 acres) and would have all market possible residential uses, main street living, mixed-use, compact living, amenity living, knoll (terrain challenged) areas
- Multifamily for sale and for rent (10 to 20 d/u per acre) single family detached 6000 Sq. Ft. lots to half acres lots
- Non-residential uses, (260 acres), Retail/office, public/institutional, schools, churches and library's, recreation and senior facilities

Commercial/Professional Office

The first column is number of Businesses second is number of Employees within a 10 Minute Drive.

Table 13: Businesses Within Herriman Market Area - 2018

Businesses in 10 Minute Drive Time Herriman City Center	Number of Businesses 2018	% of Total	Number of Employees 2018	% of Total
Finance, Insurance, Real Estate	163	8.50%	1,100	4.50%
Banks, Savings & Lending Institutions	47	2.50%	383	1.50%
Securities Brokers	22	1.20%	61	0.20%
Insurance Carriers & Agents	33	1.70%	116	0.50%
Real Estate, Holding, Other Investment Offices	61	3.20%	541	2.20%
TOTALS	326	17.10%	2,201	8.90%

Source: ESRI, Calculations, Bonneville Research, 2018

Using an industry “rule-of-thumb” of 200 square feet gross per worker x 2,201 workers = 440,200 square feet of office space current potential in Herriman. If Herriman can capture 10% in the current development cycle, that could yield about 45,000 square feet, plenty to get a small office park started with a first building. At a .30 FAR (building floor area ratio to land area) for surface level parking that would be about 33.7 acres of office space.

The following Table 14 shows an alternative “rule-of-thumb” estimate of the supportable amount of Office Space as a function of the number of residential units.



Table 14: Estimates of Herriman Employment Potential Using Households – 2018

Herriman	Number of Households 2018	# Employed @ 2 Employees per Household	85% Commute Out of Herriman	15% Work in Herriman	70% Work in Traditional Office in Herriman
2018 Herriman Households	11,145	22,290	18,947	3,344	2,340
Additional Herriman Households at 2.95 Density	2,717	5,434	4,619	815	571
Additional Herriman Households at 9.5 Density	8,750	17,500	14,875	2,625	1,838

Source: Bonneville Research, 2018

Again, using an industry “rule-of-thumb” of 200 square feet gross per worker x 1,838 workers = 367,600 square feet of office space currently in use in Herriman. At a .30 FAR for surface level parking that would be about 28 acres of office space. Most of this space will be professional office space to service the local population, Dr. dentist, real estate, insurance etc. Thus, to support future professional office space needs in Herriman, at least 21 square feet (of professional office space) will be needed per residential unit.

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The Herriman General Plan (2013), Economic Development, section 5 calls for 162,000 Sq. Ft. by 2020 and for 423,000 Sq. Ft. in 2030.

Mountain View Corridor

The Mountain View corridor, while in its early phases, connects the Salt Lake International Airport through Salt Lake County to Lehi and Northern Utah County. This is generally seen as a game changer for general office space in the Southwest corridor (of Salt Lake County) and in Herriman. While the professional office space needs are relatively predictable and accommodatable, large employment centers and large office users do not have alternatives on major transportation and highway systems in Salt Lake County and in the study area. Therefore, as the Mountain View Corridor nears completion as a freeway system connecting the new rebuild of the Salt Lake International Airport through the Southwestern corridor of Salt Lake County into Utah County with connections to Interstate I-15, Herriman and the Southwest quadrant can be expected to be competitive players in general office space absorption along the Wasatch Front in the future. A good way to think about this is to look at the development of the Intel facility in Riverton, which was triggered by the completion of the Bangerter Freeway system through the Southwestern corridor of Salt Lake County. While the Intel project has



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subsequently sold to the LDS Church, the development was triggered by the development and connections of the Bangerter Highway. An additional example is the development (under construction) of the Center Cal project (Mountain View Village) in Riverton located at 13400th South and Mountain View Highway.

Village Centers

A mixed-use activity center with higher density to create a lively urban place which is pedestrian friendly to support transit. The commercial supported residential centers have higher building heights (and FAR) with multi-modal hubs for transportation options including pedestrian walkways, or trails, local bike lanes, vanpool parking, and, transit. Less auto-dependent, parking is typically tucked under the dwelling units with a wrap of commercial space on multiple sides of the ground floor. Place-making open space plazas are incorporated as a public amenity serving as an interface for all users within the center. Village centers in suburban areas typically include:

- Residential 75 – 450 units with a density of 15 – 45 units per acre
- Commercial 15,000 – 55,000 square feet retail and/or office wrap of commercial space
- Structured, under-ground or underneath parking with lower minimums and a maximum cap
- Open space is integrated with 150 square feet per dwelling unit and lodging unit, and 75 square feet per 1000 square feet of office space. No requirement is established for retail
- Minimum of 25 % of walking area to have commercial adjacent
- For example, a mixed-use three story 30,000 Sq. Ft. building. Ground level 10,000 square feet retail/commercial/office. The upper two floors of residential @ 20,000 Sq. Ft with an average unit size at 1100 Sq. Ft. The parking for this should be at 6 spaces per 1000 Sq. Ft., for the commercial main floor and 1.6 parking space per unit for the residential units

Population Revenues

- Herriman City is currently receiving approximately \$129.40 per person annually in Sales Tax Distributions
- Therefore, if this factor generally stays the same and average Household Size stays at 3.94 per Household, and Herriman adds additional population based on the Olympia Hills County proposed levels and the Herriman General Plan levels:
 - Olympia Hills County proposal – 9.4 dwelling units per acre or 34,180 new residents = \$4.4M
 - Olympia Hills with General Plan Transportation Plan element density of 2.95 dwelling units per acre or 10,705 new residents = \$1.4M



Task 2C: Public Service Requirement Analysis.

This analysis considered revenue and cost implications for City and affected districts of the proposed project. Cost items considered included police, fire, public works, recreation and library services, and general government services. Cost impacts for other city departments and districts would also be analyzed, to the extent possible, on a marginal, rather than average, cost basis.

- Police
- Fire
- Public Works
- Parks & Recreation
- Library Services, and
- General Government Services

Revenue items considered included sales tax, property tax, property transfer tax, transient occupancy tax, business license revenue, franchise fees, and any other applicable taxes. Also considered were one-time revenue sources including impact fees, construction period sales taxes. As the City is aware, there are distinct differences in the revenue generating the potential of office uses depending on whether a sales-tax generating use occupies the space.

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Police Service

Herriman transitioned from Unified Police Department (UPD) to its own police department in 2018. This first-time city service was enacted with goals to improve response time service and economize efficiency of expenses. With growth and development of the Bastian (Olympia Hills) property, there are additional demands for service. Because the police department is relatively new, a service model budget is challenging. Therefore, service costs were proportionally based on the 2018 budget correlated with the existing population of 39,213. This analysis includes salaries, benefits, and equipment, minus patrol vehicles. Patrol vehicles are part of fleet management.

The Table 15 includes the estimated cost of services for the buildout of Olympia Hills with Salt Lake County approved gross density of 9.4 dwelling units per acre. The cost of service for Salt Lake County approved density based on the 2018 budget for police service is \$3,425,280.



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Table 15: Estimates of Herriman Law Enforcement Costs – Olympia Hills 2018

Police Service Buildout Olympia Hills Plan @ 9.4 Density	Forecast	Pop	Rounded	Estimated Cost
Lieutenants	1.7	34,180	2	\$297,254
Detectives	4.4	34,180	3	280,554
Sergeants	4.4	34,180	3	342,193
Patrol Officers	12.2	34,180	12	1,158,891
Traffic Officers	1.7	34,180	2	187,036
School Resource Officers	3.5	34,180	4	374,072
Crossing Guards	31.4	34,180	31	210,221
Equipment w/o vehicles				575,060
TOTAL				\$3,425,281

Source: Herriman Police Department, Bonneville Research 2018

Table 16 reflects the cost of service for the buildout of Olympia Hills with General Plan Transportation Plan element density of 2.95 dwelling units per acre. The cost of service for General Plan Transportation Plan element density based on the 2018 budget for police service is \$1,292,649.

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Table 16: Estimates of Herriman Law Enforcement Costs – Herriman Traffic Density 2018

Police Service Buildout Herriman Plan @ 2.95 Density	Forecast	Pop	Rounded	Estimated Cost
Lieutenants	0.5	10,705	1	\$148,627
Detectives	1.4	10,705	1	93,518
Sergeants	1.4	10,705	1	114,064
Patrol Officers	3.8	10,705	4	386,297
Traffic Officers	0.5	10,705	1	93,518
School Resource Officers	1.1	10,705	2	187,036
Crossing Guards	9.8	10,705	10	67,813
Equipment w/o vehicles				201,775
TOTAL				\$1,292,648

Source: Herriman Police Department, Bonneville Research 2018

The difference in cost between the two density model estimates is \$2,132,632. Both included personnel salaries, benefits and equipment.

Fire Service

Herriman is currently served by the Unified Fire Service Area (UFA). The UFA is funded with its own property tax levy which for 2008 was set at 0.001836. Estimates for the current 2018 Herriman portion is \$7,819,700. The Herriman contribution would be increased proportionally



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to the Taxable Value of the Olympia Hills Development at either the 9.4 dwelling units per acre density or the Olympia Hills with the Herriman General Plan Transportation Plan element density of 2.95 dwelling units per acre.

Library Services

Herriman is currently served by the Salt Lake County Library System. The Salt Lake County Library System is funded with its own property tax levy which for 2008 was set at 0.000559. Estimates for the current 2018 Herriman portion are \$22,286,000. The Herriman contribution would be increased proportionally to the Taxable Value of the Olympia Hills Development at either the 9.4 dwelling units per acre density or the Olympia Hills with the Herriman General Plan Transportation Plan element density of 2.95 dwelling units per acre.

Parks, Open Space and Recreation

Parks and trails are essential to community design with expectations for a high quality of life. Herriman has a robust parks and trails system. City staff has indicated that the standard set for parks level of service is 15 acres per 1000 residents. This level of service is carried throughout the planning of the northwest annexation area. The current inventory is close to this service level, now. Herriman City is in the process of updating the existing Parks, Recreation, Trails and Open Space Element of the *HERRIMAN CITY GENERAL PLAN - GUIDING THE FUTURE* acquisition, development, and maintenance of facilities and programs is important with keeping consistent with future demands into the northwest annexation area.

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Olympia Hills

Specific park locations that are reflected on the General Plan Future Land Use map are not reflected on the Olympia Hills land use plan. Where the GP Land Use map reflects a 60-acre regional park, Olympia Hills shows town center and institutional uses. Where the GP Land Use map identifies two 10-acre community parks and two 7-acre neighborhood parks, Olympia Hills shows village and single-family neighborhoods designations with central rectangle open space areas. A footnote on the Olympia Hills plan states that “Calculations for open space land-use district are independent of open space & common areas included within other land-use districts. The grand total of open space and common areas for the site shall be a minimum of 20%.” This footnote is confusing. It begs several questions regarding parks/open space. It’s intended to be 20% of what, the site or the plan area? Are there two types of open space designations, one for open space districts and another for common areas? With the inclusion of “common areas,” is private open space included within the 20% calculation? The SLCO approved plan implants many questions with how and where parks will be developed, both in scale and purpose. More definition and clarity of the allocation and designation of parks and open space by Olympia Hills is recommended.



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The table below reflects a forecast for future parks needs for Olympia Hills. It includes the approximate existing inventory, SLCO approved density demands and recommended density requirements.

Table 17: Estimates of Herriman Parks – Olympia Hills & Herriman Densities 2018

PARKS	Existing	Olympia Hills	Recommended
Density		9.4	2.95
Dwelling Units	9,963	8,765	2,717
Population	39,214	34,622	10,732
Level of Service	15	15	15
Parks acres	588.2	519.3	161

Source: Bonneville Research, 2018

For this area (921 ac.) to keep current with the existing level of service (LOS), 519.3 acres of additional park area is required to serve a forecasted future population of 34,622. Should the area develop to the recommended (lower) density serving a population of 10,732, an additional 161 acres of park area is needed.

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Open Space

Linear greenway open space shown on the GP Land Use map extends from the northeast to the southwest through the site. It extends along the southern border of the site designated for a 60-acre regional park in the General Plan. The Olympia Hills plan appears to reflect an inclusion of the same linear space as green space. About two-thirds of the greenway are extended east-west parallel with Silver Sky Drive, shown as an arterial expressway. In some areas, the open space is split by travel-lanes, as a median intermittent corridor element. It is a significantly different design concept to that of the general plan.

Recreation Services

Somewhat like Library Services, Herriman is currently served by the Salt Lake County Recreation Department which is funded out of a designated portion of the General Salt Lake County property tax levy which for 2008 which was set at 0.000028. Estimates for the current 2018 Herriman portion are \$2,782,000. The Herriman contribution would be increased proportionally to the Taxable Value of the Olympia Hills Development at either the 9.4 dwelling units per acre density or the Olympia Hills with the Herriman General Plan Transportation Plan element density of 2.95 dwelling units per acre.



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Currently, Herriman chooses to supplement the Salt Lake County Recreation Services with:

Table 18: Herriman Recreation Services

RECREATION SERVICES	BUDGET
Community Events and Recreation	\$965,358
Arts Culture and Development	160,450
Parks	2,771,377
Total Herriman (not including Cemetery)	\$3,897,185

Source: 2018 Herriman CAFR Budget, Bonneville Research, 2018

The Salt Lake County and the Herriman contributions would likely be increased proportionally to the Taxable Value of the Olympia Hills Development at either the 9.4 dwelling units per acre density or the Olympia Hills with the Herriman General Plan Transportation Plan element density of 2.95 dwelling units per acre.

Education Facilities

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While School Enrollment forecasts were outside our contract, Bonneville Research used the following projection numbers for forecasting future Herriman enrollment for schools by new housing units.

- 0.389 Elementary School-Age Children / Housing Unit
- 0.158 Middle School-Age Children / Housing Unit
- 0.160 High & Technical School-Age Children / Housing Unit
- 0.655 Total

Therefore, Herriman could expect the following school facilities to be needed:

Table 19: Estimates of Herriman Educational Faculties – 2018

Herriman	Number of Households 2018	# Elementary School-Aged Children / Housing Unit	# Middle School-Aged Children / Housing Unit	# High & Tech School-Aged Children / Housing Unit
Estimated School-Age Children / Housing Unit 2018		0.389	0.158	0.16
Additional Herriman Households at 2.95 Density	2,717	1,057	429	435
Additional Herriman Households at 9.5 Density	8,750	3,404	1,383	1,400

Source: Jordan School District, Bonneville Research, 2018



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Task 2D: Analyze the potential for land use changes on nearby sites.

This analysis examined the potential for land use changes on parcels near the project site. Factors considered included the size of parcels and other physical constraints, the extent to which parcels are in separate ownership, the economic value of existing development on the sites, and market demand for additional space like the proposed development.

Bonneville Research also qualitatively assessed the potential fiscal impacts of development on nearby sites.

Table 20: Other Large Master Planned Communities - 2018

LARGE MASTER PLANNED COMMUNITIES	OLYMPIA HILLS	South Jordan Daybreak	Lehi Holbrook Farms	West Jordan Maples Hills
Number of Dwelling Units	8,765	20,415	2,824	2,492
Total Acres	921	4,150	671	695
Acres Residential	875			505
DU/Gross Residential Acre	9.5	5.16	4.21	3.59

Source: Olympia Hills Salt Lake County Application, South Jordan Daybreak Approved Master Plan, Lehi Holbrook Farms Hill Master Plan, West Jordan Maple Hill Master Plan.

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Table 21: Estimates of Neighboring Communities Development Potential - 2018

Herriman Regional Context - May- 2018	Area 2010 sq. mi.	Currently Vacant Acres	Area 2010 Acres	Pop 2018	Potential New Population
Herriman	20.27	3,400	12,970.24	39,213	10,279
South Jordan	22.05	3,105	14,112.00	74,113	16,307
Riverton	12.63	1,500	8,081.92	45,435	8,433
West Jordan	32.46	4,800	20,772.48	117,460	27,142
Bluffdale	10.22	900	6,540.80	12,524	1,723
TOTAL	97.62	13,705	62,477.44	288,745	63,884

Source: ESRI Community Profile, 2018, US Census Gazetteer Files, Places 2010



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Table 22: Neighboring Communities Demographics - 2018

Herriman Regional Context - May- 2018	Number of Households	Household Size	People/ sq. mi.	2018 Gross HH/Acre
Herriman	9,963	3.94	1,935	0.77
South Jordan	20,706	3.58	3,361	1.47
Riverton	12,107	3.75	3,598	1.50
West Jordan	33,313	3.51	3,619	1.60
Bluffdale	3,293	3.81	1,225	0.50
TOTAL	79,382	3.72	2,958	1.27

Source: ESRI Community Profile, 2018, US Census Gazetteer Files, Places 2010

Task 2E: Analyze the fiscal impact of housing need generated by the proposed project.

Based on results of the housing needs analysis conducted for the project EIR, this analysis summarized the housing need generated by the proposed project and address revenue generation and service costs associated with any such new housing.

Neighborhood Shopping Facilities

25 Neighborhood shopping centers are typically anchored by a food and drug store and generally needs the support of about 3,000 new residential units and is often in the range of 100,000K square feet on 10 acres and the real estate (real estate tax value) will be about \$20,000,000 based on a per square foot value of \$185 per square foot.

A grocery-anchored shopping center will have a food and drug provider at 55,000 square feet and will need to justify gross sales of \$550,000+ per week or \$28,600,000 annually to justify the investment.

Neighborhood shopping centers also have two fast food stores that will generate \$1.5 million each or \$3.0 M annually. Additionally, two banks or credit unions that will not generate retail sales taxes and 2 automotive convenience that will generate \$3.0 million in annual taxable sales. Smaller facilities may also include a gym or other soft goods stores that will generate another \$3,900,000 gross retail sales.



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Table 23: Estimates of Herriman Commercial Development Sales Tax – 2018

Herriman Neighborhood Gross Taxable Shopping Sales Estimates	Number of Stores	Size Sq Ft	Estimated Annual Sales	Estimated Local Option Point of Sales Tax
Food and Drug	1	55,000	\$28,600,000	\$143,000
Fast Food	2	10,000	\$3,000,000	\$15,000
Fuel and Convenience	2	10,000	\$3,000,000	\$15,000
Financial, Banks and or Credit Unions	2	10,000	\$0	\$0
Other Soft Goods, Gym	3	15,000	\$3,900,000	\$19,500
TOTAL	10	100,000	\$38,500,000	\$192,500

Source: ESRI, Bonneville Research, 2018

Using another “Rough Rule of Thumb” of \$50 (\$32 Groceries & \$18 Drugs) per person per week for food and drugs yields the estimate of \$30m for the same 3,000 residential units and an estimated point of sales tax yield of \$153,660.

Table 24: Estimates of Herriman Residential Property Tax – 2018

Residential Property Tax Estimates	Existing	Olympia Hills Proposed SLCo	Herriman Transportation General Plan
Density – Dwelling Units Per Acre		9.4	2.95
Dwelling Units	9,963	8,765	2,717
Estimated Residential Market Value	\$421,800		
Estimated Taxable Value	\$231,990		
2018 Herriman Property Tax Rate	0.000307		
Estimated Herriman Residential Property Tax		\$624,251	\$193,507

Source: ESRI, Utah State Tax Commission, Zillow, Bonneville Research, 2018

Task 2F: Describe and analyze alternate methodologies for revenue generation. Bonneville Research described and examined alternative mechanisms to generate revenues for the City from the proposed development.

How does Herriman Pay for Growth?

Growth costs money, and increasingly many municipalities, confronted with tax-averse electorates, have turned to impact fees—one-time charges against new development—to pay the costs of growth.



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Herriman has five tools at their disposal to pay for their growing infrastructure challenges.

1. **General Fund** - Financed by property and sales taxes. However, these revenues have proven mostly inadequate to fund the newly required roads, water, and sewer infrastructure needed by new residential and commercial development and places much of those additional costs on existing residents and businesses.
2. **Impact Fees** - Parks, Roads, Water Rights, Water, & Storm Drain - one-time charges against new development—to pay the costs of growth. Some private interests argue that impact fees constrain local economic development, serving as a de facto “tax” on capital, stifling investment, and job growth. Supporters say that impact fees act as an investment in the community, spurring economic growth through the timely provision of new infrastructure required by the proposed expansion of buildable land. Often, however, impact fees do not reflect the full price of infrastructure improvements as they can only be spent on infrastructure projects that meet State Law which is often interpreted as expenditures only within the specific project boundaries.

Table 25: Estimates of Herriman Impact Fees - 2018

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Herriman Impact Fees by Project	FY 2018	FY 2019	FY 2020	Total Impact Fees
Total Parks	\$10,000		\$2,260,000	\$2,270,000
Total Storm Drain	\$770,000	\$498,792	\$370,000	\$1,638,792
Total Roads	\$440,000	\$2,740,000	\$0	\$3,180,000
Total Water Rights	\$1,250,000	\$1,250,000	\$1,250,000	\$7,340,765
Total Water Impact	\$3,600,000	\$335,327	\$500,000	\$4,435,327
Total of Projects				\$18,864,884

Source: City of Herriman, Utah State Auditor, 10.25.18

Preliminary estimates for the transportation and park impact fees are shown below. There are likely significant changes to the initial estimates if the Olympia Hills property is annexed into Herriman, impact fees are updated and re-evaluated, and more information on the proposed development is known. Note also, that water impact fees are not included or shown due to preliminary information available does not include lot size, secondary water, and several other factors.



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Table 26: Estimates of Herriman Impact Fee Potential – 2018

Preliminary Estimates of Herriman Impact Fees	# of Units	Transportation Impact Fee	Park Impact Fee	Total Transportation & Park Impact Fees
Single Family	1,497	\$2,100	\$2,904	\$7,490,988
Multi Family	7,268	\$1,750	\$2,735	\$32,596,980
TOTAL				\$40,087,968

Source: City of Herriman, Planning Department, 10.30.18

3. **Development Agreements** - Development agreements have three defining characteristics:

1. They allow greater latitude than other methods of approval to advance local land use policies in sometimes new and creative ways;
2. They enable public agencies greater flexibility in imposing conditions and requirements on proposed projects; and
3. They afford project proponents greater assurance that once approved; their projects can be built.

Although these characteristics can be advantageous, they can also present challenges because development agreements are themselves ordinances and may supersede existing land use regulations if they are consistent with the general plan and other applicable specific plans.

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Development Agreements afford the public agency, and project proponent greater latitude concerning allowable land uses in a planned development. Examples of some of the advantages and disadvantages associated with having this flexibility include:

- **Voter Initiatives – Referendums** - A **referendum** is a direct vote in which an entire electorate is invited to vote on a proposal. In November of 2018, the Utah Supreme Court unanimously held that a voter referendum in Holladay City rejecting the density of the proposed redevelopment of the 57 acre “Cottonwood Mall” site. In Utah, the signature requirements for referendum petitions are determined by calculating ten percent of the votes cast for president in the state in the last election. In November of 2017 a Voter Referendum was initiated and resulted in the Herriman City Council reducing the density of 13 undeveloped acres in Herriman.
- **Fewer Surprises** – A project proponent who is a party to a development agreement receives “vested rights” to complete the project as approved. This occurs immediately upon execution of the agreement. A development agreement “freezes” applicable local land use regulation concerning the proposed project. From a project proponent’s



perspective, the added certainty associated with receiving “vested rights” to construct a proposed project without concern that new regulations may apply can be invaluable.

- **Limits Response** - Conversely, a development agreement can limit the public agency’s ability to respond to a changing regulatory environment, precisely because it locks in the regulatory requirements in effect at the time the agreement is approved. If the agency’s planning regulations are not rigorous enough, the agency may be subject to criticism if the conditions imposed by the agreement do not sufficiently protect the community’s interests. In the absence of a development agreement, and should the need arise, the agency retains the prerogative to change the rules relating to the project, even if that change makes the intended use unlawful. A development agreement also places a premium on an agency being able at the outset to identify all the issues presented by a project. Since changes to the agreement require mutual consent, it may be challenging to add conditions or requirements later, should the agency identify the need to do so after the contract is entered.

Special Improvement Districts (SID) - Traditional independent service districts such as sewer districts or transit districts were often designed to circumvent bonding limits or to deliver services regionally, so were more substantial in scale. These newer service districts are much smaller in scope. They are focused because they only serve in specifically defined areas, and they generally deliver only the public programs and public facilities that their constituents want, thus allowing them to concentrate on one activity. Special districts provide the public services consist of two essential components:

1. A private sector, usually non-profit management agency that operates a public asset or delivers services under contract to the city in the form of public-private partnership
2. Special purpose funding sources to finance this entity’s activities. These funds can include private donations and taxes raised with special property taxes collected from property taxpayers in a given area after property owners vote to agree to impose the tax.

Tax Increment Financing (TIF) - Tax Increment Financing (TIF) was initially designed and justified as a local method of self-financing the redevelopment of blighted urban areas by allocating future increases in property taxes from a designated area to pay for improvements only within that area. The rationale for TIF is that all taxing bodies benefit in the long run from activities that increase the Property Tax (Assessed Value) in a specific area, and therefore it is appropriate to utilize “their taxes” to help pay for some of the cost necessary to bring about development from which all taxing entities will benefit.



- TIF has successfully fulfilled its original intent by spurring the redevelopment of several blighted areas. Now, the use of TIF to raise project finance money has expanded into other areas. TIF bond proceeds commonly finance projects in non-blighted, as well as blighted areas, and for a variety of purposes associated with redevelopment, development, or related physical infrastructure improvements, such as elementary and secondary educational facilities, roads, bridges, parking facilities, recreational facilities, water and wastewater facilities, and electrical power plants
- TIF has financed a wide variety of successful commercial and industrial projects. Also, TIF projects have been successful at building affordable housing, assisting in the revitalization of low-income and moderate-income neighborhoods, and tackling modern, technical redevelopment problems, like redeveloping contaminated sites such as brownfields
- Eligible project expenditures can only be spent in the specific “Project Area,” and because of the 45% discount on the value of the taxed residential property, TIF is rarely used for residential projects

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Task 2G: Prepare Background Memorandum - Fiscal Impact of the Proposed Project/Alternatives

The Background Memorandum described intended methodologies, data, and assumptions for use in analyzing the fiscal and economic impacts of the proposed project. The memorandum was provided to City staff and Council for review and approval of the Background Memorandum and agree on methodologies, data, and assumptions for use in the fiscal and economic impact analysis.

TRANSPORTATION EVALUATION

Level of Service (LOS) for roads is described and measured by the level of travel delay experienced by vehicles. LOS ranges from free-flow traffic conditions (LOS A) to extremely congested travel (LOS F). Because overall traffic is generally most congested at morning and afternoon peak periods, a common practice generally allows for some delays (driver discomfort) during these periods while providing better LOS throughout the rest of the day. According to discussions with Herriman staff and review of the City’s transportation plan, the City has established a minimum LOS D on arterial and collector streets for its transportation network.



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To maintain this LOS D as growth is anticipated in the northwest expansion (annexation) area of the city, including the Bastian property (Olympia Hills), the transportation plan (and model) necessitates an update. Prospective land use variables called socio-economic inputs, and demographic trends are incorporated as growth assumptions for this update. Planned housing units and employment areas are an essential component of this process.

An evaluation of transportation was performed for the proposed Olympia Hills plan by Hales Engineering, February 2018. This evaluation reported several off-site and on-site intersections, would drop below a LOS D level. It was prepared more specifically as a transportation impact report than a transportation plan (amendment). A map is included reflecting proposed bicycle, pedestrian, and equestrian facilities. ***Transit is not mentioned.***

The Summary of the Olympia Hills Transportation Plan includes:

- 11800 South / Bacchus Highway Intersection
 - Currently operating at a LOS A
 - Anticipated to operate at LOS F with project traffic added
 - Anticipated to improve to LOS A with the construction of the 7300 West realignment of the Bacchus Highway
- 11800 South / 7300 West
 - It is anticipated that dual left-turn lanes will be warranted on the south- and westbound approaches. A continuous flow intersection could also be considered at this location
 - It is anticipated that 7300 West will need to have a five-lane cross section to accommodate the projected traffic
- 11800 South / 6000 West
 - Currently operate at LOS B
 - Anticipated to deteriorate to a poor level of service in the future and with project traffic added
 - It is recommended that 11800 South be widened to a seven-lane cross section east of 6400 West and widened to a five-lane cross section west of 6400 West as stated in the Herriman City Transportation Master Plan
 - These wider cross sections are anticipated to improve the levels of service at intersections along the corridor
 - It is also recommended that the left-turn capacity be improved on the westbound approach
- 7300 West / Herriman Parkway
 - It is anticipated that this intersection will be signalized, and operate at an acceptable level of service until 2050 when it is anticipated to decline to LOS E.
 - It is recommended that plans be made to construct dual left-turn lanes on the south-, east-, and westbound approaches when warranted

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- 6800 West / Herriman Parkway
 - Anticipated to operate at an acceptable level of service through 2024
 - It is anticipated that a traffic signal will be warranted in the future
- Herriman Parkway / 6000 West
 - It is anticipated that dual left-turn lanes will be needed on the westbound approach to accommodate the anticipated demand in 2024. This will also require two southbound receiving lanes on 6000 West
 - It is anticipated that Herriman Parkway will need to be widened to a seven-lane cross section east of 6400 West to accommodate future demand as stated in the Herriman City Transportation Master Plan
 - It is anticipated that Herriman Parkway will need to have a five-lane cross section west of 6400 West, and a three-lane cross section west of 7500 West
- Herriman Parkway / Anthem Park Boulevard
 - Anticipated to deteriorate to a poor level of service with project traffic added.
 - It is anticipated that the widening of Herriman Parkway will mitigate delay issues at this intersection
 - It is also recommended that the five-lane cross section on Anthem Park Boulevard be extended south of Herriman Parkway as shown in the Herriman City Transportation Master Plan
- Herriman Parkway / Main Street
 - Anticipated to deteriorate to a poor level of service with project traffic added.
 - It is anticipated that dual left-turn lanes will be warranted on the westbound approach
 - It is anticipated that the widening of Herriman Parkway will mitigate delay issues at this intersection, as shown in the Herriman City Transportation Master Plan
 - It is recommended that capacity improvements be made for northbound right turning vehicles, including a possible free right-turn movement
- 7300 West / Spine Road
 - It is anticipated that this intersection will be signalized and operate at an acceptable level of service
- Herriman Highway / Bacchus Highway
 - No mitigation measures are recommended
- 7800 West / Herriman Highway
 - No mitigation measures are recommended
- 7300 West / Herriman Highway
 - It is recommended that this intersection be signalized when appropriate warrants are met



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- It is recommended that dual left-turn lanes be planned for the southbound approach, a right-turn lane be planned for the westbound approach and extending the three-lane cross section on 7300 West to the south of Herriman Highway
- 6900 West / Herriman Highway
 - It is anticipated that the roundabout planned at this intersection as part of the adjacent Dansie project will be insufficient to accommodate the projected traffic volumes
 - It is recommended that this intersection be signalized when appropriate warrants are met
 - It is recommended that a right-turn lane be planned for the westbound approach
- Herriman Highway / 6400 West
 - It is anticipated that this intersection will warrant a traffic signal.
 - It is recommended that right- and left-turn lanes be constructed on each approach, with dual left-turn lanes on the northbound approach
 - It is anticipated that Herriman Highway will need to be expanded to three/five lanes as master planned
- It is recommended that 11800 South be widened to seven lanes from Mountain View Corridor to approximately 6400 West, and five lanes from 6400 West to Bacchus Highway, as shown in the Herriman City Transportation Master Plan
- It is recommended that the three-lane cross section on Herriman Highway be extended west of 7300 West
- It is recommended that Herriman Parkway be widened to seven lanes east of 6400 West, constructed with a five-lane cross section from 6400 West to approximately 7500 West, and with a three-lane cross section from approximately 7500 West to Bacchus Highway
- It is recommended that the extension of Herriman Highway connect directly to Butterfield Canyon Road, and it is anticipated that this will serve as a primary east/west route for vehicles traveling to/from Tooele County via the improved Butterfield Canyon Road connection
- It is anticipated that a three-lane cross section will accommodate the anticipated demand on the Lower Spine Road through the proposed development
- It is recommended that signal timing plans be updated regularly and that traffic signals along each corridor be coordinated to maximize traffic flow

These recommendations reflect a dramatic change to transportation planning for Herriman resulting from its increased land use intensity over the that of the city's general plan. And,

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therefore land use for Olympia Hills is not consistent with previous regional and local transportation plans.

This is a substantial concern to the city based on the established standard for quality of life in Herriman, called the “Herriman feel.”

As an example, condemnation of recently constructed buildings along arterial roadways required for expansion as a result of Olympia Hills development is not consistent with Herriman growth policies. The Hales Engineering report identifies considerable improvements that require reconciliation if the property is to be developed at the proposed intensities. Due to the lack of an identified commitment to mitigation measures, it is impossible to support the Olympia Hills planned magnitude of development with the County approved plan.

Master planning on the scale of the northwest annexation area (approx. 2500 acres) for sustainable smart growth necessitates land use and transportation being updated concomitantly. Once land use and transportation planning are in sync, a capital facilities plan can be prepared for orderly construction of the necessary transportation improvements. At that point, property owners (real estate developers) and the city can collaborate on a development framework and agreements.

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For programming transportation improvements into a growth area, like the northwest annexation area, typically funding is a combination of:

- Development Agreements (exactions)
- Tax Increment (TIF)
- Impact fees
- Government Funds
- Special Districts

Considering the Herriman northwest annexation area, which is primarily vacant agricultural land, funding transportation improvements will most likely focus on development exactions (agreements) and impact fees.

Development Agreements

A development agreement is literally a contract between a local jurisdiction and a property owner (usually a developer). The agreement sets the standards and conditions that govern the development of the property. Combined with an annexation, development agreements serve as a powerful tool to identify and enhance specific challenges to serving the area with services.



It provides certainty to the developer that a project will be isolated from changes in the jurisdiction's zoning laws over the course of development, but it also contracts the developer to provide benefits to the city, such as infrastructure improvements, public open space, or monetary payment into funds, such as "in lieu" fees, in exchange for that certainty.

Tax Increment (TIF)

Tax increment financing (TIF) is a tool that allows municipalities to promote economic development by earmarking property tax revenue from increases in assessed values within a designated TIF district. Not typically used for greenfield growth areas, tax increment financing could be evaluated for this area. If there is an impediment to growth such as a topographic constraint or environment contamination, or compelling economic development anchor, tax increment could be a useful tool.

Impact Fees

Impact fees are payments required by local governments of new development provide new or expanded public capital facilities required to serve that development. Impact fees are consistently used in growth management to finance collector and arterial transportation improvements. Herriman has a well-established impact fee program. If the development intensity of Olympia Hills is higher than that of the rest of the city, an additional transportation sub-area impact fee could be considered as one method to mitigate the extraordinary impact. An update to the impact fee analysis and capital facility plan is recommended for development of the northwest annexation area.

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Government Funds

As a component of, and inherent with a justifiable impact fee, a proportionate share of funds for the use of new facilities by existing residents is necessary. These government dollars come from a variety of sources including city, county or regional sources of funding.

Special Districts

Occasionally, with unique circumstances, a special district is formed to fund transportation improvements by establishing a property tax leave for a benefit area. This form of financing is generally not the norm, especially in a cost competitive metropolitan area like Salt Lake County.

Recommendations for Olympia Hills

Should the property annex into Herriman, work collaboratively with property owners to establish development agreements. A significant section of the development agreement should be devoted to the improvement of the transportation system contemporaneously with



Herriman City – Olympia Hills Report

land use. This section should include on-site and off-site transportation improvements for traffic, transit, pedestrian, and bicycle mobility. A general framework for development agreement approach for transportation system improvements include the following recommendations:

- Dedicate full-width ROW for all roads through the site. Arterials (major and minor) and major collectors subject to partial reimbursement for extra ROW attributed to pass-through traffic
- Build Arterials (major and minor) to full-width standards. Reimbursement from impact fees for increased cost from minor collector to full-width
- Dedicate and build major collector roadways through the site. Partial reimbursement from impact fees for increased cost from minor collector to major collector
- Dedicate and build minor collector roadways through the site. Partial reimbursement from impact fees for cost attributed to pass-through traffic up to 20%

East/West Roads

Herriman Blvd	Major Arterial
11800 South	Minor Arterial
Silver Sky Drive	Minor Collector

North/South Roads

6400 West	Minor Arterial
6800 West	Minor Collector
U-111 Parkway	Major Collector
7800 West	Minor Collector

PROJECT TEAM

Bonneville Research brings a substantial amount of economic analytical and implementation experience and is committed to helping clients succeed. Bonneville Research is the one firm that helps clients solve their toughest problems with results that can be implemented and endure.

We are committed to rigorous analytical work that provides a thorough and relevant snapshot of existing conditions. We use detailed market analyses to formulate the economic development plans and strategies, of business attraction and retention programs, downtown revitalization, and industrial development client assignments. Our expertise is wide-ranging; from evaluating already existing market information to producing detailed market forecasts based on interviews with local stakeholders and professionals as well as multiple databases and computer modeling techniques.

Bonneville Research is a firm of economic development and strategic planning experts.

Mr. Robert L. Springmeyer

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Bob is the chairman of Bonneville Research and has consulted with local governments for over 40 years, directing Economic Development Planning Studies for Brigham, Salt Lake, Sandy, Bountiful, Riverton, West Valley, and South Jordan Cities. He led the Economic Analysis/Tax Studies completed for the Downtown Alliance, the Utah State Tax Review Commission and Murray City. Formerly with the international consulting firm, Booz Allen & Hamilton, Bob is educated in Political Science, Economics and Business Management. Bob is a past president of the Salt Lake Rotary Club and a founder of the Mountain West Venture Capital Club. He was the founder of the Ronald

McDonald House of Utah, has long been active with the Salt Lake Sister City Committee. In 2002 the British Olympic Committed chose Bob to be their Olympic Attaché. He has been listed in Who's Who in Finance and Who's Who in the West. Robert Springmeyer is recognized as a pioneer in using "Benchmarking" techniques for economic analysis and forecasting. Recognized by Envision Utah, for their work on Transportation Oriented Development Bonneville Research was recognized for their Quality Growth Award.



Bonneville Research

Mr. James W. Taylor, Principal Broker, Salt Lake Realty



Jim is a native of Salt Lake City, Mr. Taylor began his real estate career in 1979, received his Utah Brokerage license in 1982 and a bachelor's degree in Economics in 1985 from the University of Utah. Jim has worked both nationally and along the Wasatch Front real estate market and has learned from experience the need for localized focus and relationships coupled with a national perspective. Over the last 35 years, Jim has focused on long-term real estate economics to seek opportunities to create and enhance real estate values. Noteworthy projects include the 750-acre annexation of Teguayo, a 4360-unit project that will serve the growing needs of the Utah County population and economic expansion. Jordan Landing, a 500-acre mixed-use development with over 2,000,000 square feet of retail, 500,000 square feet of office and 1350 mixed residential units. Cottonwood Corporate Center a one million square foot office project that has set the standard for quality suburban office development.

Thomas Burdett, AICP; Principal, Burdett Planning & Development



A native of Utah, Mr. Burdett began his planning career in 1980 with the City of Colorado Springs and received his Certification with the American Institute of Certified Planners (AICP) in 1983. He completed a bachelor's degree in Psychology from the University of Utah in 1977 and a master's degree in Community and Regional Planning in 1980 from Kansas State University. Tom has worked for 36 years in municipal community development and planning in Colorado, Washington State, and Utah. Over the last twenty 26 years, Tom served in executive director (city management) positions with Oak Harbor, WA, West Jordan, UT, and Bothell, WA. Tom served on boards of Utah & Colorado Chapters of the American Planning Association and Western Planner. Over the last 35 years, Tom has focused on comprehensive planning, urban renewal, and municipal growth management strategies. Community Planning projects include preparation of comprehensive plans for Colorado Springs, CO Oak Harbor, WA, and West Jordan, UT. Providing planning and development solutions as a private consultant, Tom launched Burdett Planning and Development in 2018.

NOTES:

Density – Gross and Net

Developers often like to use Gross Density which usually takes the minimum number of planned housing units and divides by the gross acreage of the project, thus giving the impression of fewer units per acre.

Most members of the public, however, think about density as it would be in their neighborhood and four units per acre would mean $\frac{1}{4}$ acre lots, and thus ten units per acre would mean either lots of $1/10^{\text{th}}$ of an acre or 4,356 sq ft or a lot 50 ft wide and only 87 ft deep. Or a multi-story, multi-family building.

Bonneville Research, therefore, recommends that measurements of density reflect measures Minimum Net Density to support forecasted growth by taking the minimum and the maximum number of planned housing units and dividing by the net acreage.

Net acreage does not include land covered by wetlands, water bodies, public parks and trails, schools, churches, public open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinances such as steep slopes.

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Net density is critical in evaluating a region's orderly and efficient growth, and to provide essential services. Typically, communities and land within a metropolitan urban type service Area expect and receive a higher level of services such as wastewater services, highways, transit service, parks, and other programs that support investments and redevelopment than those in a more rural service area.

How do you calculate Net Density?

Bonneville Research recommends that Herriman measure minimum and maximum net density be used to support forecasted growth by taking the minimum number of planned housing units and dividing by the net acreage. Net acreage does not include land covered by wetlands, water bodies, public parks and trails, public open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinances such as steep slopes.

For Example:

Public Parks and Open Space

- Must be public or in permanent open space (federal, state, regional, local) or land held in perpetual open space in an open space easement
- Can Not be netted out:



Herriman City – Olympia Hills Report

- Setbacks from water bodies, storm ponds, privately held conservation easements, private parks, private trails

Arterial Road Rights-of-Way

- Arterial roads that are part of a municipal highway system Arterial Road Right-of-Way
- Can Not be netted out:
 - Local road rights-of-way that are not part of a municipal highway system

Other areas that are protected from development by local ordinances

- Floodplains, steep slopes, bluffs

DETAILED DEMOGRAPHICS ANALYSIS

This analysis considered the ages, gender and anticipated income of the residents likely to be residents of the proposed project.

POPULATION

The ESRI estimated population is 39,214. In 2010, the Census count in Herriman was 21,785. The rate of change since 2010 was 7.38% annually.

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- The five-year projection for the population in Herriman is 48,437 representing a change of 4.32% annually from 2018 to 2023. In 2018, the population is 50.1% male and 49.9% female
- The five-year projection for the population of Salt Lake County is 1,250,581 representing a change of 1.42% annually from 2018 to 2023

HERRIMAN POPULATION SUMMARY	Census 2010	2018	2023
Population	21,785	39,214	48,437
Households	5,542	9,963	12,239
Families	5,022	8,875	10,875
Average Household Size	3.93	3.94	3.96
Owner-occupied Housing Units	4,890	8,261	10,471
Renter-occupied Housing Units	652	1,703	1,768
Median Age	24.7	26.1	26.7
Trends: 2018 - 2023 Annual Rate	Area	State	National
Population	4.32%	1.73%	0.83%
Households	4.20%	1.65%	0.79%
Families	4.15%	1.60%	0.71%
Owner HHs	4.86%	2.00%	1.16%
Median Household Income	3.03%	3.04%	2.50%

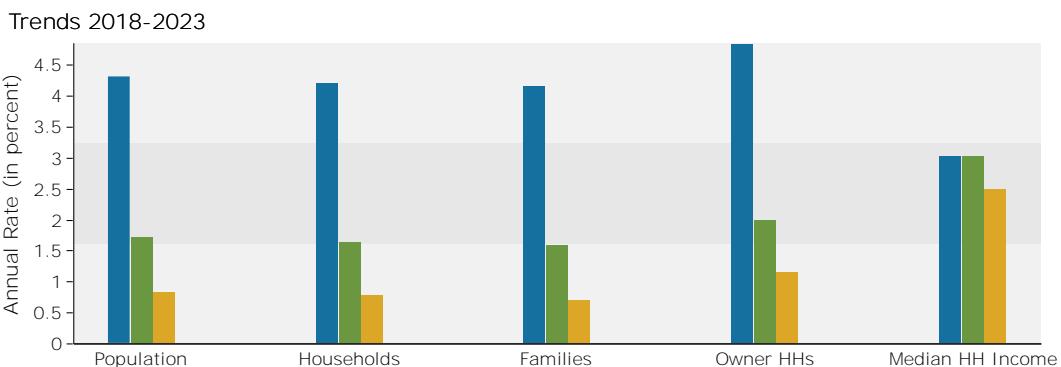
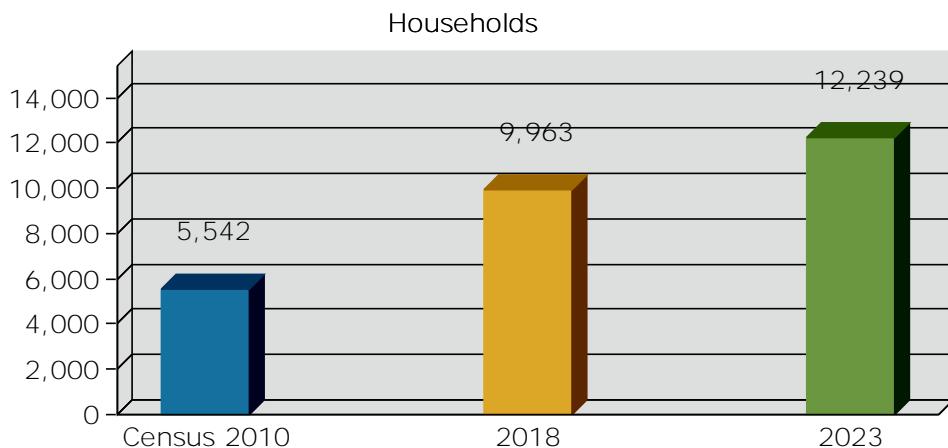
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

- Household count in Herriman has changed from 5,542 in 2010 to 9,963 in the current year, a change of 7.37% annually



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- The five-year projection of households is 12,239, a change of 4.20% annually from the current year total
- Average household size is currently 3.94, compared to 3.93 in the year 2010. The number of families in the current year is 8,875 in the specified area



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Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

INCOME

The 2018 median household income is \$87,128 in Herriman, compared to \$58,100 for all U.S. households. Median household income is projected to be \$101,168 in five years, compared to \$65,727 for all U.S. households

- The 2018 average household income is \$106,607 in Herriman, compared to \$83,694 for all U.S. households. Average household income is projected to be \$123,445 in five years, compared to \$96,109 for all U.S. households
- The 2018 average household income is \$90,001 in Salt Lake County, compared to \$83,694 for all U.S. households. Average household income for Herriman is projected to be \$123,445 in five years, compared to \$101,901 for Salt Lake County and \$96,109 for all U.S. households



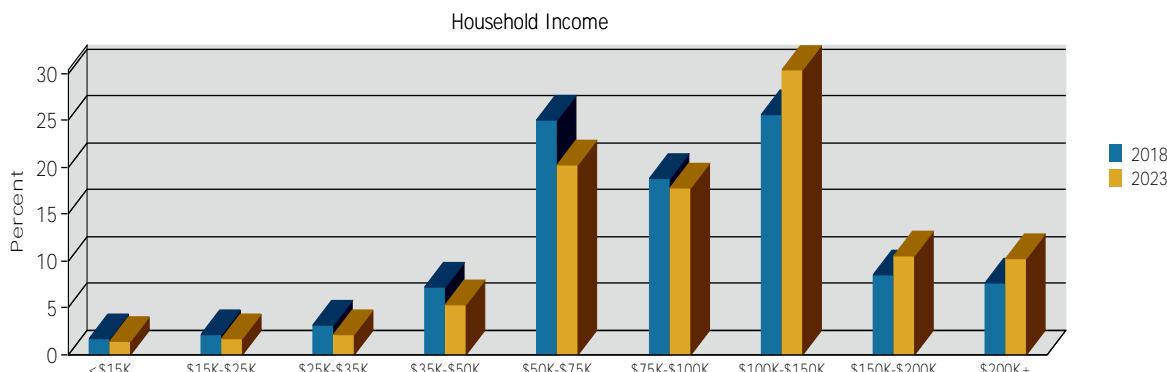
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- The 2018 per capita income is \$27,392 in Herriman, compared to the U.S. per capita income of \$31,950. The per capita income is projected to be \$31,589 in five years, compared to \$36,530 for all U.S. households

INCOME	
Median Household Income	
2018 Median Household Income	\$87,128
2023 Median Household Income	\$101,168
2018-2023 Annual Rate	3.03%
Average Household Income	
2018 Average Household Income	\$106,607
2023 Average Household Income	\$123,445
2018-2023 Annual Rate	2.98%
Per Capita Income	
2018 Per Capita Income	\$27,392
2023 Per Capita Income	\$31,589
2018-2023 Annual Rate	2.89%

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.



Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

HOUSING

In 2018, 78.8% of the 10,477 housing units in Herriman are owner-occupied; 16.3% are renter-occupied; and 4.9% are vacant.

- In 2010, there were 6,022 housing units in Herriman - 81.2% owner-occupied, 10.8% renter-occupied, and 8.0% vacant. The annual rate of change in housing units since 2010 is 27.90%
- In Salt Lake County, 61.5% of the housing units are owner-occupied; 33.3% are renter-occupied, and 5.1% are vacant
- In the U.S., 56.0% of the housing units are owner-occupied; 32.8% are renter-occupied; and, 11.2% are vacant.

HOUSING		
2000 Total Housing Units	968	
2000 Owner-occupied Housing Units	866	89.5%
2000 Renter-occupied Housing Units	49	5.1%
2000 Vacant Housing Units	53	5.5%
2010 Total Housing Units	6,022	622.1%
2010 Owner-occupied Housing Units	4,890	505.2%
2010 Renter-occupied Housing Units	652	67.4%
2010 Vacant Housing Units	480	49.6%
2018 Total Housing Units	10,477	1082.3%
2018 Owner-occupied Housing Units	8,261	853.4%
2018 Renter-occupied Housing Units	1,703	175.9%
2018 Vacant Housing Units	514	53.1%
2023 Total Housing Units	12,751	1317.3%
2023 Owner-occupied Housing Units	10,471	1081.7%
2023 Renter-occupied Housing Units	1,768	182.6%
2023 Vacant Housing Units	512	52.9%

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

Herriman City – Olympia Hills Report

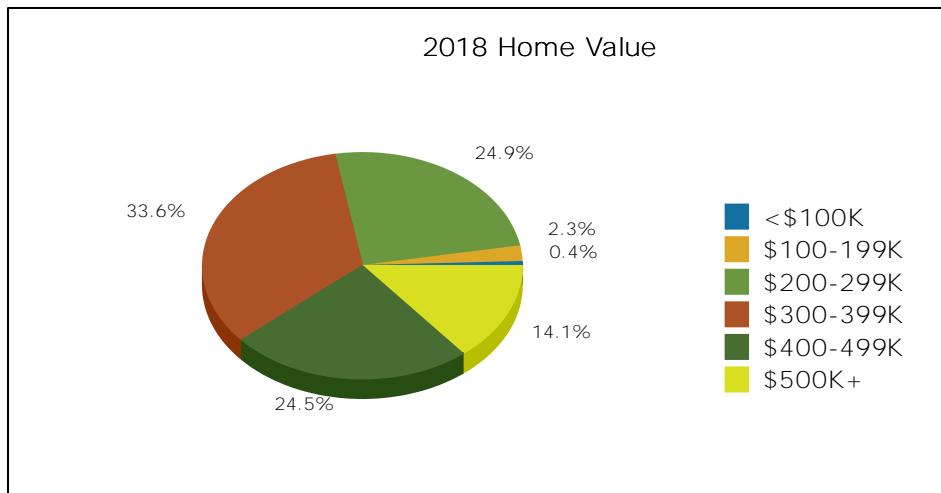
HOME VALUE

The median home value in Herriman is \$366,277, compared to a median home value of \$288,285 in Salt Lake County and \$218,492 for the U.S. In five years, median value in Herriman is projected to change by 2.37% annually to \$411,858.

	Census 2010		2018		2023	
Housing Units by Occupancy Status and Tenure	Number	Percent	Number	Percent	Number	Percent
Total Housing Units	6,022	100.0%	10,477	100.0%	12,751	100.0%
Occupied	5,542	92.0%	9,964	95.1%	12,239	96.0%
Owner	4,890	81.2%	8,261	78.8%	10,471	82.1%
Renter	652	10.8%	1,703	16.3%	1,768	13.9%
Vacant	480	8.0%	514	4.9%	512	4.0%
			2018		2023	
Owner-occupied Housing Units by Value			Number	Percent	Number	Percent
Total			8,261	100.0%	10,470	100.0%
<\$50,000			36	0.4%	5	0.0%
\$50,000-\$99,999			1	0.0%	0	0.0%
\$100,000-\$149,999			28	0.3%	5	0.0%
\$150,000-\$199,999			164	2.0%	42	0.4%
\$200,000-\$249,999			724	8.8%	343	3.3%
\$250,000-\$299,999			1,337	16.2%	1,011	9.7%
\$300,000-\$399,999			2,777	33.6%	3,404	32.5%
\$400,000-\$499,999			2,028	24.5%	3,584	34.2%
\$500,000-\$749,999			969	11.7%	1,760	16.8%
\$750,000-\$999,999			151	1.8%	261	2.5%
\$1,000,000-\$1,499,999			46	0.6%	55	0.5%
\$1,500,000-\$1,999,999			0	0.0%	0	0.0%
\$2,000,000+			0	0.0%	0	0.0%
Median Value			\$366,277		\$411,858	
Average Value			\$392,634		\$435,972	

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

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Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

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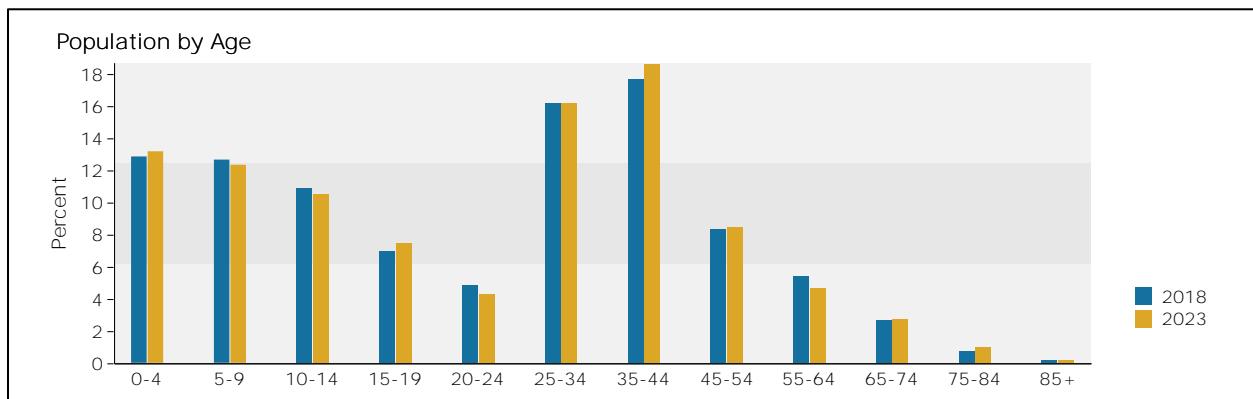
AGE

The 2018 median age in Herriman is 26.1, compared to the median age of 32.3 in Salt Lake County and the U.S. median age of 38.3.

	Census 2010		2018		2023	
Population by Age	Number	Percent	Number	Percent	Number	Percent
0 - 4	3,104	14.2%	5,055	12.9%	6,377	13.2%
5 - 9	3,096	14.2%	4,962	12.7%	6,026	12.4%
10 - 14	2,384	10.9%	4,287	10.9%	5,133	10.6%
15 - 19	1,454	6.7%	2,757	7.0%	3,614	7.5%
20 - 24	908	4.2%	1,929	4.9%	2,078	4.3%
25 - 34	4,142	19.0%	6,363	16.2%	7,853	16.2%
35 - 44	3,591	16.5%	6,954	17.7%	9,081	18.7%
45 - 54	1,627	7.5%	3,309	8.4%	4,102	8.5%
55 - 64	916	4.2%	2,110	5.4%	2,269	4.7%
65 - 74	382	1.8%	1,071	2.7%	1,342	2.8%
75 - 84	135	0.6%	324	0.8%	465	1.0%
85+	46	0.2%	93	0.2%	97	0.2%

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

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Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

The Salt Lake City metropolitan area has a total population of more than 1.1 million residents. These residents live in various communities throughout a valley at the base of two mountain ranges, the Wasatch and the Oquirrh.

Average apartment rent in the valley ranges from \$707 in Salt Lake City to \$1,451 in South Jordan.



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- Salt Lake City – population: 183,171, average rent: \$707
- West Valley City – population: 125,093, average rent: \$815
- Sandy – population: 97,177, average rent: \$951
- West Jordan – population: 76,024, average rent: \$924
- Taylorsville – population: 59,102, average rent: \$840
- South Jordan – population: 54,631, average rent: \$1,451
- Draper – population: 43,217, average rent: \$1,001
- Riverton – population: 40,420, average rent: \$1,142

At an apartment rental rate in Herriman of \$1,400 per month the average household income required would be \$3,650 per month or \$43,800 per year¹¹.

A single family detached home Herriman with an average purchase price of \$317,600¹², a 20% down payment the typical household income required would be \$4,710 per month or \$56,520 per year.

¹¹ Zillow Rental Calculator, Herriman UT, 2018

¹² Zillow Home Real Estate Facts, Herriman UT, 2018

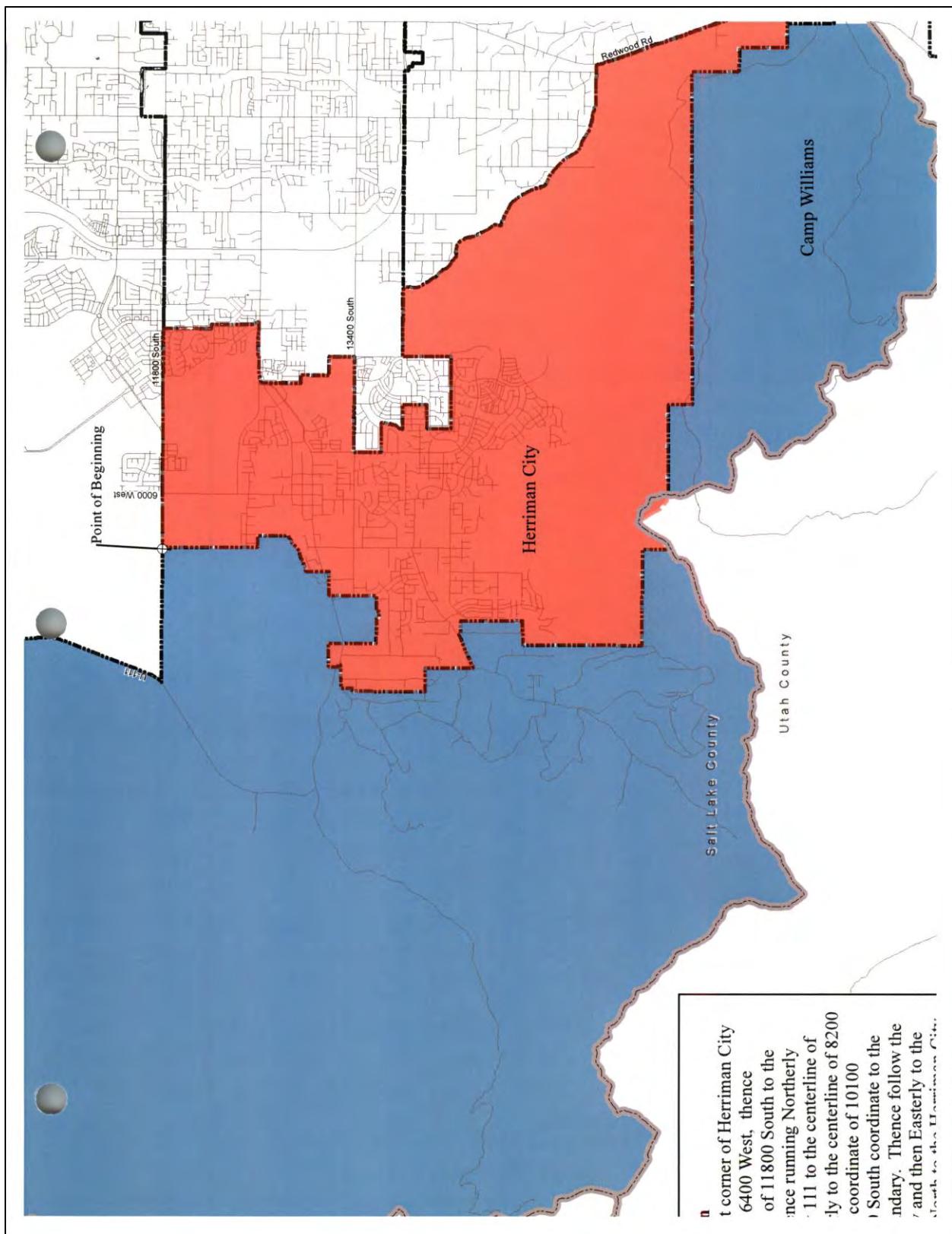


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Image of Herriman Annexation Declaration Area:



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Herriman City Staff Report

City Council Meeting 3-10-2021

Agenda Item: **Budget Discussion**

Staff Report submitted by: Alan Rae

Recommended City Council Action: No Action, Informational Only

BACKGROUND:

We have begun our budget season and a beginning stage is estimating the amount of revenue we expect to be available. This report updates the Council on the major revenues for the current and upcoming year.

SUPPORT MATERIALS:

PowerPoint presentation 3-10-2021

ALTERNATIVES:

FINANCIAL IMPACT: No financial impact

Respectfully Submitted:

Alan W. Rae

2021 & 2022 MAJOR REVENUE PROJECTIONS

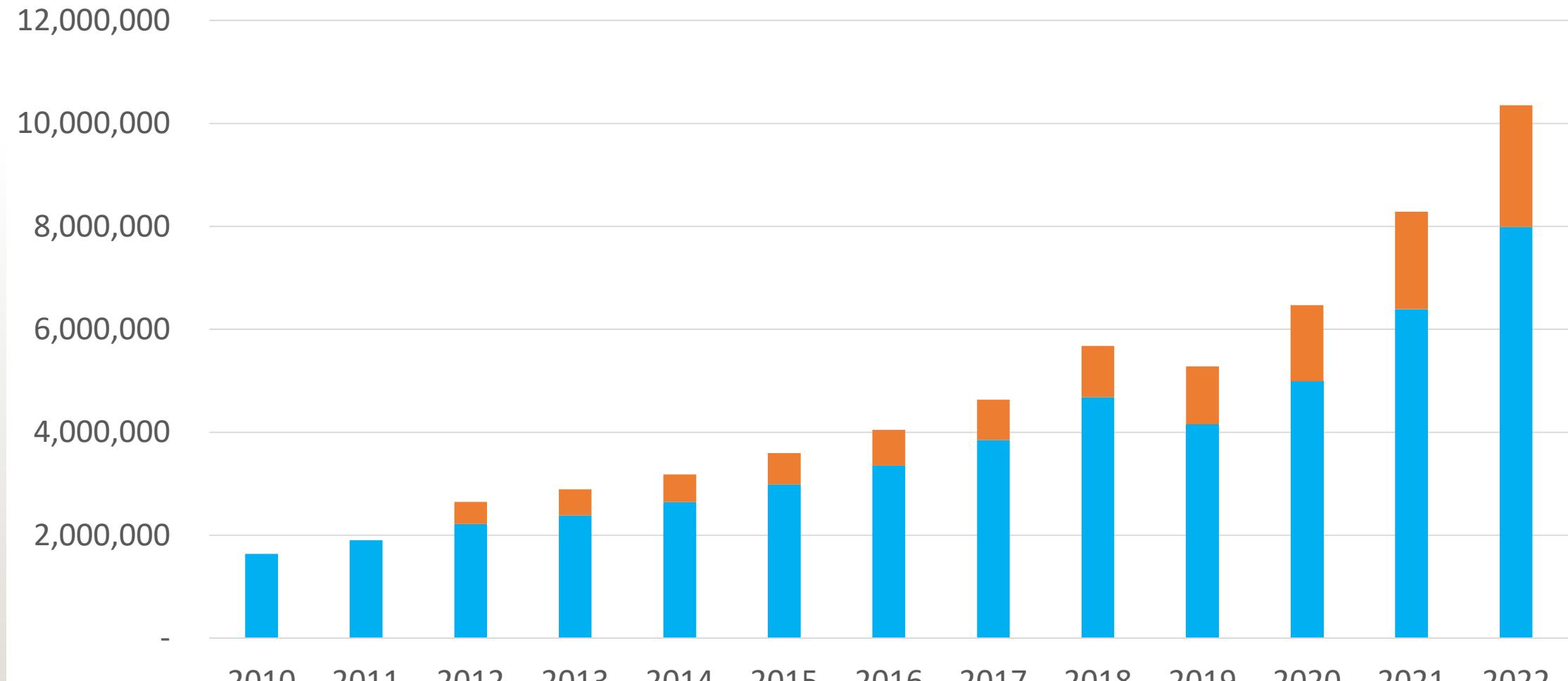
Property Taxes

	2021	2021	2022
	Budget	Projection	Projection
General Fund	830,000	890,963	913,237
Herriman Towne Center CDA	2,800,000	2,703,497	2,838,672
Herriman Business Center CDA	950,000	1,601,335	1,841,535
Anthem Business Center CDA	600,000	905,592	1,041,431
Herriman Safety Enforcement Area	6,700,000	6,937,890	7,111,337
Herriman City Fire Service Area			5,947,148

Sales Tax

	2021 Budget	2021 Projection	2022 Projection
General Sales Tax	6,136,000	6,390,765	7,988,456
County Option	420,000	562,460	703,075

Sales Tax



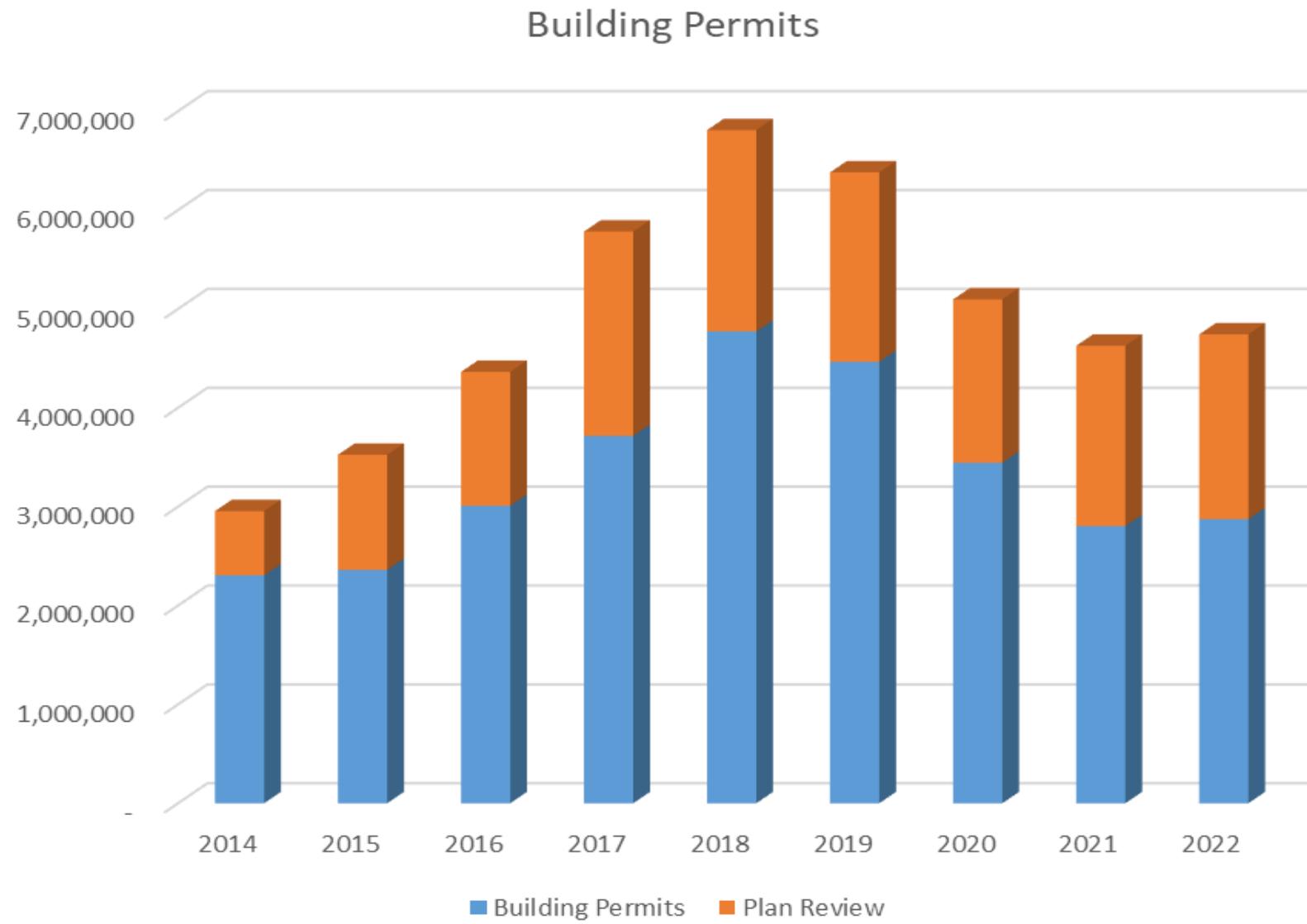
Franchise Tax

	2021	2021	2022
	Budget	Projection	Projection
Energy	1,729,933	1,883,861	2,015,731
Telephone	286,589	151,659	162,275
Cable	273,333	275,000	294,250

Building Permits

	2021	2021	2022
	Budget	Projection	Projection
Building Permits	4,300,200	2,804,357	2,874,466
Plan Review	1,911,200	1,822,832	1,868,403

Building Permits



Engineering/Inspection

2021 Budget	2021 Projection	2022 Projection
765,077	796,727	812,152

B&C Road Funds

2021 Budget	2021 Projection	2022 Projection
1,524,390	1,682,242	1,766,354

Park Fee

2021	2021	2022
Budget	Projection	Projection
1,524,390	1,682,242	1,766,354

Impact and Other Fees

	2021	2021	2022
	Budget	Projection	Projection
Park Impact	4,034,925	2,900,000	2,972,500
Storm Water Impact	788,370	425,000	435,625
Road Impact	2,866,800	2,600,000	2,665,000
Street Light Fund	847,000	455,244	466,625
Street Signs Fund	220,000	70,000	71,750
Water Rights Impact	3,372,360	1,295,000	1,327,375
Water Impact	4,075,059	2,553,074	2,616,901



Memo

To: Herriman Mayor and City Council
From: Engineering Department
Re: Street Name Change Process

A recent development in Herriman initiated a required change in the name of a street in order for the street name to conform to the current standard set by Salt Lake County. The new developer proposed a new name for the street and several residents along the street expressed their concern about the new street name. One of the main concerns received by staff was that the residents did not want the name to change at all. This was not an option since Salt Lake County required the change. Other residents preferred a name different than the one chosen by the developer. Staff researched the concern and associated issues with street name changes to determine the process to follow when street name changes are required or requested. This memo describes the process for changing a street name.

There are times when the name or number of a street is changed. There are several factors that could necessitate a street name change as follows:

1. Salt Lake County may require a street name change to correct an issue where the existing name or number does not meet their standard for addressing or there is a safety concern regarding emergency services. (Classified as a street name change initiated by the City)
2. A resident or group of residents may submit a request to change the name of the street. (Classified as a street name change initiated by an application)
3. The City may desire to change a street name for cases such as aligning with a school mascot, honor a deceased person, or modify the name in cases where the existing name has been deemed offensive. (Classified as a street name change initiated by the City)

Herriman does not have an adopted ordinance regarding street name changes, so until one is adopted a Standard Operating Procedure (SOP) has been developed to standardize the process for street name changes, which closely follows Salt Lake County's ordinance for street name changes. The outline below is a summary of the SOP procedures for street name changes:

- **Street name change initiated by the City**
 - The City Engineer provides written notice to all affected property owners along the street which name is being changed.
 - Property owners are provided an opportunity to participate in renaming the street
 - 75% of the owners must agree on a name in writing within 30 calendar days of the written notice that the street name is being changed.

- If 75% of the owners do not come into agreement of the street name change then the City Engineer will provide the City Council with at least one street name and the City Council will select a new name for the street.
- The City Engineer will process the street name change and notify the appropriate emergency response entities of the name change.
- **Street name change initiated by an application**
 - An application must be submitted to the City Engineer and a review fee paid requesting a name change.
 - The City Engineer will verify that the proposed street name is acceptable by Salt Lake County.
 - The City Engineer will mail a notification to the affected property owners.
 - 75% of the property owners affected by the street name change must provide written approval to the City Engineer stating that they are in favor of the proposed name change.
 - Applicant is required to pay for the cost of purchasing and installing new street signs.
 - The fee may be waived if the City Engineer determines the request serves a legitimate public interest.



HERRIMAN CITY COUNCIL

WORK MEETING MINUTES

Friday, January 22, 2021
Awaiting Formal Approval

The following are the minutes of the City Council Electronic Meeting of the Herriman City Council. The meeting was held on **Friday, January 22, 2020 at 3:00 p.m.** in the Herriman City Hall, 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 Pro Tempore Clint Smith

Council Members Present: Jared Henderson and Steven Shields.

Staff Present: Interim City Manager Wendy Thomas, Assistant City Manager Tami Moody, City Recorder Jackie Nostrom, City Attorney Chase Andrizzi, Communications Manager Jonathan LaFollette, Deputy Police Chief Cody Stromberg

Council Members Excused: Sherrie Ohrn and Mayor David Watts

3:00 p.m. City Council Legislative Priorities Discussion with Senator Lincoln Fillmore

Councilmember Smith called the meeting to order at 3:43 p.m. and acknowledged key staff in attendance of the meeting along with Councilmember Shields, Councilmember Henderson and himself. He welcomed and expressed his appreciation to Senator Fillmore for participating in the meeting to allow constructive dialogue ahead of the pending legislative session.

Councilmember Smith reviewed Herriman City's demographics and throughout the southwest corner of the valley with Senator Fillmore and emphasized the amount of growth happening in the City. He suggested the City had been the fastest growing city at an alarming rate of 78.2-percent since 2015 with a population exceeding 62,000 as of current statistics. Herriman City's median age increased slightly to 26.2.

Councilmember Smith highlighted the City's legislative priorities for 2021 including local control, public safety, housing, building permit fees, infrastructure, economic development, educational facilities, and Parks, Trails and Recreation.

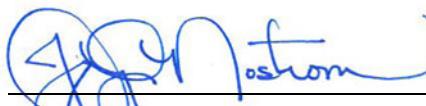
Deputy Chief of Police Cody Stromberg referenced priorities for law enforcement for this legislative session. Police reform, training, K9, use of force, and mental health issues were included in bills being discussed. Deputy Police Chief Stromberg relayed his belief Herriman City had been policed in the correct manner, and encouraged governmental transparency. He expressed his concern of individuals reporting unsubstantiated claims to POST when issues could be dealt with at the agency level. Senator Lincoln Fillmore recognized the citizen's right to due process as the legislation referenced was proposed to help 'weed out the bad apples'. Deputy Police Chief Stromberg concurred the policies were being approached appropriately; however, was concerned of overreaching authority.

Councilmember Smith indicated the City would like to solicit capital improvement funding for infrastructure improvements and expansions to support the construction of moderate income housing. He also relayed support of appropriate areas and structure requirements for accessory dwellings as long as the zoning component of the situation would remain in local control. It was the City's primary goal to ensure maintaining responsible growth and provide affordability and housing choices through times of rapid population growth and varying development trends. Herriman intended to provide desirable affordable housing options that integrate well into surrounding neighborhood contexts. He noted 70-percent of multi-family housing units and nine-percent of single-family homes in the City were considered affordable for a moderate income household.

Councilmember Smith looked to have legislation support local governments over building permitting, inspections, development agreements and design standards. He asked for the 'opt out' option be considered only in the event a jurisdiction was not in compliance with the 14-21 day turnaround requirement on review and the three day turnaround requirement for inspections. Councilmember Smith asked for support for funding of transportation and infrastructure in the southwest end of the valley. This area is growing rapidly outlining the significant need for transportation opportunities.

Councilmember Smith adjourned the City Council work meeting at 4:09 p.m.

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 January 22, 2021. This document constitutes the official minutes for the Special Herriman City Council Work Meeting.



Jackie Nostrom, MMC
City Recorder



CITY COUNCIL MINUTES

Wednesday, February 10, 2021
Awaiting Formal Approval

The following are the minutes of the City Council Electronic Meeting of the Herriman City Council. The meeting was held on **Wednesday, February 10, 2020 at 5:30 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

Council Members Present: Jared Henderson, Sherrie Ohrn, Steve Shields, and Clint Smith.

Staff Present: Interim City Manager Wendy Thomas, Assistant City Manager Tami Moody, Community Development Director Blake Thomas, Police Chief Troy Carr, City Recorder Jackie Nostrom, Finance Director Alan Rae, Director of Operations Monte Johnson, Public Works Director Justun Edwards, City Attorney Chase Andrizzi, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, Economic Development Manager Heather Upshaw, City Engineer Jonathan Bowers, Building Official Cathryn Nelson, Anthony Widdison, and Deputy Chief Cody Stromberg.

5:30 PM - WORK MEETING:

1. Council Business – 5:30 PM

Mayor Watts called the meeting to order at 5:33 p.m.

1.1. Review of this Evening's Agenda

Council and staff briefly reviewed the agenda.

1.2. Future Agenda Items

Councilmember Sherrie Ohrn wanted to know where they were at on the Off Highway Vehicle committee. She said she did not know if it needed to be an agenda item, but requested an update. Interim City Manager Wendy Thomas responded it would be talked about later in the meeting.

Councilmember Ohrn also mentioned the issue brought up by a resident in regard to a storage container in his yard. She said she had some heartache over the situation. She expressed it did not feel right to tell the resident they could not have the container on their own property. She felt they needed to look at the ordinance and see if they could address the issue differently. She said storage containers were an awesome storage facility option, and reiterated she wanted the City to further look into the issue.

1.3. Leadership Task List Review

Council and staff reviewed the Leadership Task List.

Councilmember Ohrn expressed appreciation for the Leadership Task List; however, requested more in-depth information on the spreadsheet. She offered an example and requested additional detail about expected completion dates.

Councilmember Shields asked about the Bonneville study. He said they had decided to take some of the money reserved from the Southwest Mayor's Coalition Group, and further said they had agreed to use funding to update the study. Based on feedback he had received earlier; it did not feel as if there had been much traction or progress with the study. He noted there had been some internal work done by staff, but requested more information on where they stood to determine if and how the project needed to move forward.

2. Administrative Reports

2.1. Discussion of proposed amendments to Title 5, Public Safety, and Title 6, Vehicles and Traffic - Chase Andrizzi, City Attorney

City Attorney Chase Andrizzi expressed excitement for the presentation, and appreciation for all the people who offered input. He acknowledged Contract Prosecutor Heather Grover, Debbie Pedersen with Animal Services, Sergeant Shaver and Sergeant Bradley with Herriman Police Department.

City Attorney Andrizzi expressed the reason they dove into these two titles was to look at ways in which enforcement of these provisions and restrictions within the City. He noted statutory language was a bit difficult to work with, and it took a lot of thorough examination to make sure every little detail was addressed. He stated it should be generally applicable to the citizens within the confines of State code.

City Attorney Andrizzi outlined some of the legal reasons for why they looked at this in terms of enforcement. He said in order to enforce legislation they had to have certain requirements, which included the men's rea and actus reus. He explained this referred to what constituted a violation, known as the act, and what the intent of the person was.

City Attorney Andrizzi further explained they looked at ambiguities. He reiterated legislation was written to be generally applicable, but if there were ambiguities courts construed those ambiguities in favor of the defendant. He stated they tried to sort up some of the ambiguities. He said they also wanted to make sure every violation had an individual or department within the City with the ability to enforce the code.

City Attorney Andrizzi stated Title 5 and Title 6 dealt primarily with HPD and Animal Services. He noted some of the changes to Title 6 included a new civil enforcement of parking violations. He said this increased the scope of their enforcement for some of those provisions and regulations.

City Attorney Andrizzi recapped some of the legal basis for their methodology for consideration. This included the following reasons: to sure up and ambiguities, and to make sure they complied with State and Federal statutes. He expressed their process as they went through it was first to look at what they had in place. He thought the City had done a great job with ensuring their ordinances were up to date and that they complied with State and Federal code.

City Attorney Andrizzi said the second and most laborious part of the process was when they sat down with HPD and Animal Services to determine what gaps, ambiguities, and inconsistent language they saw in the City ordinances. They then took the feedback and applied it to what Prosecutor Heather Grover saw in the courtroom. An example of ambiguity they would want to clean up was a situation where they were able to cite but not necessarily get a conviction. Finally, the third part of the process was to create and propose new regulations where appropriate which would apply to Titles 5 and 6 within the City. He said there were not many proposed new regulations, but there were a few that were substantial within Title 6. He reiterated mostly they cleared up some of the ambiguities and made sure everything was consistent with State and Federal codes.

City Attorney Andrizzi gave an overview of Title 5. He stated one of the changes they saw in this Title was a review of all the definitions. He reiterated they wanted to avoid ambiguities, and expressed this included internal cross references within the code. He said it was important that they went through and made sure all of their definitions were clarified to ensure that they covered all sorts of violations which would have otherwise slipped through due to a lack of a clear definition.

City Attorney Andrizzi stated the team also went through and defined what it was that actually constituted a violation. He said it was not simply enough to define what was and was not allowed, but to define what actually was and was not a violation within the code for Title 5. He outlined the reduction of the penalty level. He explained under State statutes, cities were allowed to charge criminally up to a Class D misdemeanor. He felt this was not in the City's best interest and noted there were certain situations, especially within animal services codes, where an infraction was more appropriate.

City Attorney Andrizzi clarified fines could still be imposed with an infraction, but there was no jail time, and additional protection along with less substantial consequences which might be had for a Class B or Class C misdemeanor. He further explained a conviction for one of those misdemeanors showed up on a criminal record; and they had instances, which included a specific example within their City, where someone was charged an animal offence and it impeded them from being admitted to the school of their choosing. He said the City had that authority, but expressed he did not think that was something that should be the City's priority. He did not think it was the best policy to say that every animal code violation was a Class B misdemeanor was the best policy.

City Attorney Andrizzi said they also established additional appeal procedures for civil violations to allow code enforcement and animal services to write civil notices and violations. Rather than a case being initiated within the justice court, they could attempt to deal with the problems administratively. He said this could avoid bogging down the justice system, as well as some of the criminal consequences he had previously described. He then invited Animal Services Coordinator Debbie Pedersen to provide further details.

Animal Services Coordinator Pedersen said she had read through the current Herriman ordinances, as well as ordinances of other Cities. She stated she had come from another City where she had spent 17 years, and had reviewed some of those ordinances years prior. She expressed she was up to date with a lot of the ordinances needing change, and had taken all of the background knowledge and experience into her review of what needed to happen in Herriman.

City Attorney Andrizzi mentioned he had included a clean copy of Title 5 as well as a redlined copy, which indicated some of the proposed changes. He asked if there were any questions with regards to Title 5 before they moved to Title 6.

Councilmember Clint Smith stated experience was one of the best things that could be considered when ordinances were established. He said over time they found out where the true issues were, and what the appropriate way and level was to deal with those. He expressed appreciation for the amount of experience had been brought to the project. City Attorney Andrizzi agreed and opined this project could not have come to fruition without her knowledge.

Councilmember Ohrn said she did have more concerns with some of the language in the latest update. She said she would reach out through email to see if they could work through some of the concerns. She acknowledged this was not ready to move forward yet. City Attorney Andrizzi agreed, and reminded the Council this was the first presentation on the topic, and opined it could take a few meetings to incorporate suggestions prior to the Council being ready to consider an amendment to the code.

City Attorney Andrizzi then moved on to Title 6 and noted there were some more substantial changes in Title 6, which included the civil enforcement of parking violations as well as changes to the towing restrictions within the City. He stated they also did all of the same general reviews for Title 6 and checked the internal cross references as well as references to State and Federal code to ensure consistency. The penalties had been reduced for moving and non-moving violations to an infraction. He noted was actually a move the State had taken two or three years prior within their own traffic code, and it essentially decriminalized non-moving traffic violations.

City Attorney Andrizzi reviewed the civil infraction and civil enforcement provisions within Title 6. He referred to the new proposed language of the code, and explained what they essentially recommended City Council do with civil enforcement of parking violations was to decriminalize them, which was typically something which had been handled through the justice courts. He briefly reviewed the current process an individual underwent when charged with a parking violation. Sworn officers wrote criminal citations for a parking violation, which then initiated a case within the justice courts. Those individuals then had to show up, spend the afternoon in justice court, and then handle the case all the way up to a bench trial.

City Attorney Andrizzi said they wanted to try and make that process more administrative as it would be more beneficial for the City and for residents on the receiving end of some of those civil infractions. HPD could still enforce the violations criminally if they chose to pursue the option. A code enforcement officer could enforce the non-moving violations within the City. Also, an individual who was illegally parked would receive a civil citation which would need to be dealt with administratively with the City instead going through court proceedings.

City Attorney Andrizzi reviewed the procedure and he noted it was not unlike what was seen with the police. He explained a civilian code enforcement officer would go out and patrol for parking violations instead of an HPD sworn officer. The code enforcement officer would write a civil infraction or civil citation which would be recorded with the City. The individual who received the civil citation would have five days to either pay the fee or contest the violation to an appeal authority.

City Attorney Andrizzi explained the process for an individual to contest the infraction which would require the individual to make a written request to have a hearing before the civil hearing examiner, who they already had in place. The civil hearing examiner would hear it as if it were a criminal case, however it would be decided on the civil standard of beyond a preponderance of the evidence instead of beyond a reasonable doubt. City Attorney Andrizzi further explained this meant it was more likely than not they committed the parking infraction. He stated the civil hearing examiner had a few choices. They could uphold the given citation and impose the applicable fee, they could decide upon the circumstances of the individual who received the fee to either impose a different penalty or work with the individual, or they could dismiss the civil violation entirely. City Attorney Chase Andrizzi stated that because they valued due process, the individual who received the violation had an opportunity to appeal the hearing examiner's decision to a district court if they did not like the finding.

Councilmember Ohrn expressed concern with the budget for additional code enforcement officers when they already struggled to add additional people anyway. She stated if they took this off the shoulders of the HPD, they would not be able to afford additional code enforcement officers, and they would continue to see complaints and violations. Deputy Chief Cody Stromberg agreed, and he noted it was part of their ongoing discussions about the process. Deputy Chief Stromberg stated some of their initial discussions years prior had been about the fee schedule. He expressed they did not necessarily want to try and shift work away from the HPD and hire more code enforcers. He said as they went through the budget process and looked at staffing for both departments as there were a number of variations and options that they might employ. However, because of the design, he explained their current HPD officers in the traffic unit would still be able to enforce the civil violations. He further explained the purpose of the exercise was to clean up ambiguity in the current code and to decriminalize things which should not be criminal.

Deputy Chief Stromberg referred again to the resident who had been precluded admission from a post-secondary education opportunity because she had a Class B misdemeanor on her record due to the fact she had pled to one of the fines that should have been an infraction. Councilmember Henderson asked how long ago this

situation had taken place, Deputy Chief Stromberg responded it was two or three years prior. He reiterated the purpose was to decriminalize things that should not be criminalized, but noted those tools were still available.

Councilmember Ohrn appreciated the feedback. She expressed her desire for them to understand if they had issues with parking violations in a place but did not have enough code enforcement officers to take care of it, they could still depend on the HPD to help. Mayor Watts responded it was not their intent to push the duty to code enforcement. He said they would still be primarily responsible that those violations were addressed, and they would have further discussions with Interim City Manager Wendy Thomas and the City administration about what they needed to consider for staffing. Councilmember Ohrn expressed her support for the decriminalization of the situations as it did not make sense.

Councilmember Shields expressed his support of the decriminalization process as well. He asked if there were any other civil codes HPD enforced on a regular basis, and if the HPD had the ability to enforce civil codes other than the non-moving violations addressed in Title 6. Deputy Chief Cody Stromberg said for anything that was code enforcement and was a civil violation of their code, the way the statute was written allowed any agent of the City to do that enforcement. He restated the HPD did not currently issue any civil enforcement summons.

Councilmember Shields said this appeared to be an exception to their normal practice of separation between criminal behavior and civil ordinance violations. He noted this was not done for any of the other civil violations, and expressed concern there was a dual role. He expressed there may not be a clear separation, and did not know if the City wanted HPD to enforce civil code or for the civil code enforcement officers to enforce the law for criminal activity. He thought there may be issues in the budget discussion about assets, time, and people that were allocated to make sure this was done appropriately. Deputy Chief Cody Stromberg commented it was a great point and reiterated the conversations were ongoing. He indicated he did not have a recommendation for the Council or the budget committee to consider staffing. He stated once they made those presentations they would certainly loop vet it out appropriately, and revealed the same concerns had already been discussed amongst staff.

City Attorney Andrizzi referred to the comments made about the dual role, and acknowledged it was not necessarily the best use of staff. However, he agreed with Deputy Chief Cody Stromberg it being either black or white, such as HPD either going out to write or criminal citation on a parking violation or not, was the middle ground that they had to balance. He noted one of the things they had done when they looked at it was under State statute, the police could enforce certain things which included civil violations. He further noted they then looked at the opposite end, which was what civilians could enforce for the City all the way up to criminal infractions. He said there was a crossover where they could enforce both criminal infractions and civil violations. He mentioned it could be part of the larger conversation to make sure staff was used appropriately, efficiently, and in a fiscally responsible manner.

Councilmember Shields reiterated the comments made by Councilmember Smith about the value of experience. Councilmember Shields acknowledged this was a transition period, and they would figure more out as they got further along. He said he was comfortable with the process of it being figured out, but expressed he

just wanted it to be firmly figured out eventually so that there was clarity. He noted if the purpose was to eliminate ambiguity, he still felt that there was some ambiguity in this part.

City Attorney Andrizzi presented the proposed fee schedule, and he noted it was pretty consistent with other cities with the same type of civil parking enforcement. He stated if a violation was issued, and if the recipient paid the citation within the first five calendar days, the fee was \$25. Councilmember Ohrn inquired why they would have calendar days instead of business days, and asked for clarification if the recipient had to come in to pay the fee. City Attorney Andrizzi responded he had looked at it being done as business days, however there were programs the City could license which would allow someone to pay the fee online at any time. He noted this was something that could change if necessary. He stated the proposal of calendar days was made based on the ability to license and for the individual to pay online any day.

Councilmember Shields asked what kind of cost was associated with the software license. City Attorney Andrizzi answered it depended on the software that they chose and estimated the cost could range between a few hundred dollars a month to a few thousand dollars. He further said the next step that he would want to bring to the Council was a breakdown of those options.

Councilmember Ohrn said she would push back a little on that proposal because of unintended consequences. She felt there would be people who said they could not get the app to load or they could not get access to the internet. She stated if they said business days, there would be no excuse because they always had access to City Hall.

There was consensus the title should use business days and not calendar days, with the note it was cleaner on the administrative side. City Attorney Andrizzi communicated he would make those changes, and stated the idea behind the fee schedule was it increased as time passed. He explained the second period of time from six to ten business days was \$35. He stated it went up more substantially after ten days, which incentivized people to take care of it in a timely manner. He said for every month they did not take care of it, it tacked on another flat fee of \$25.

City Attorney Andrizzi qualified the City would not let these go into default where they ended up being \$1,000 or so after a few years. He expressed the idea behind it was that because it was an ordinance, it could also be enforced criminally. He explained if an individual defaulted on a parking violation, they were able to have the prosecutor file a criminal information to initiate a case in the justice court. He said while that was what they tried to avoid with the changes, it would only be used in situations when someone defaulted on the payment of their citation or if they received multiple citations that were not dealt with.

Councilmember Shields asked if they had clarity as to what constituted a default. City Attorney Andrizzi replied there was, and it stated they could initiate that criminal information process if an individual was in default after 15 days. Councilmember Shields inquired if this was likely to happen. City Attorney Andrizzi responded it may be a policy based decision they would have to come to, and it might be difficult to file criminal information on every single one which defaulted after 15 days. He said it may be in the City's best interest to allow an individual to contact the City on day 16 to avoid the criminal process and possibly receive a reduced fine. He noted an

individual was still able to contest a parking citation after the 15 day period, however if they were found guilty of that violation, the fee would be imposed by the civil enforcement officer would be based upon the number of days it took to contest the violation. City Attorney Andrizzi expressed there was a lot of administrative flexibility built in, in order to allow the City to simultaneously be flexible to benefit the resident and do what was in the best interest of the City. He stated the hard line, which was codified, was they could impose the increased penalties if they pass the default deadline.

Councilmember Shields reiterated part of the reason for the change was to eliminate ambiguity from the code. He said this appeared to him as ambiguous to call them into default on day 16 without a definitive policy or codified steps which outlined the process after day 15. He requested they see something clarified so it was a more detailed process. City Attorney Andrizzi explained he did not want to take the flexibility of the agent to enforce how they see fit. He said there may be situations which could go one way or another, and he expressed he would personally trust whoever was selected as the code enforcement officer to make a determination. He said the current proposed timeline gave them a flexible option. He did not think that they needed to specifically determine at which days past day 15 that certain steps needed to happen. Councilmember Shields replied he saw an inequitable application of the law. He said somebody could be charged with a criminal action at day 16, and others would not be charged for a criminal action on the same thing for a longer period of time. He expressed it was not an equitable application of their law, and felt that it left a lot of gray areas. Deputy Chief Stromberg clarified what was being discussed was the civil hearing administrative officer, and not the person who actually issued the civil citation. He explained the decision being discussed, and the person who would be allowed to have that discretion or not was the civil hearing officer on the backend. He commented the intent was to allow for a little bit of discretion in situations where a person clearly indicated they would not comply or cooperate with the procedures and fees after 15 days. Deputy Chief Stromberg stated if they put a timeframe on it, then the prosecutor would have to sit and twiddle their thumbs for whatever amount of time they decided on before they were able to file the information. He stated it was a good point, but that the reasons he just outlined were why they tried to offer a little bit of flexibility. Councilmember Shields replied that it was a very valid point, except he did not necessarily want them to take criminal action just because someone was being intentionally obstinate or alternatively was really nice. He did not think it seemed like a good reason for them to take or not take a criminal action. Councilmember Sherrie commented someone's personal feelings towards an individual could also affect a situation. She said the proposed flexibility opened it up for abuse from an enforcer's personal opinions, mood, or bias.

Councilmember Smith concurred latitude in the ordinance was appropriate. He thought situations could become so dynamic, and there were a number of variables that could apply. He expressed the opinion the latitude instead of absolute hard and fast rules would allow for flexibility in those situations. He reiterated the situations could vary, and felt they should give the latitude to those designated to oversee the process.

Councilmember Shields commented he was supportive of latitude, as long as it was spelled out. He said he wanted it to clearly outline the reasons they may or may not delay. It was discussed to consider an alternative means to ensure flexibility for the agent of the City and also ensure things were administered fairly across all residents. Councilmember Ohrn agreed. She recognized why flexibility was included, but worried it allowed room for abuse.

City Attorney Andrizzi said he would make some of those changes and then bring it back. He concluded this was the end of his presentation on civil enforcement, and informed them he had one more section to present.

City Attorney Andrizzi then moved onto towing. He explained it was a new proposed chapter to be added to Title 6. He said what they wanted to do was limit the chances of predatory towing which has happened in the community. He communicated after conversations with members of HPD who had responded to predatory towing incidents, they looked at what other cities had done to combat the issue and proposed similar language be adopted. City Attorney Andrizzi stated it still allowed private property owners, particularly HOAs, to enforce parking within their own boundaries consistent with their CC&Rs. He explained all this new language did had stricter requirements for the towing companies responding to those calls for service from HOAs. Councilmember Shields asked if they had any reports about how often predatory towing happened. Sergeant Shaver replied he did not have an exact number, but said he could tell them what was predatory versus what was not, and offered some examples. The first example was a case had happened to at least one woman and caused an incident. The resident would regularly come home and pull in front of their driveway in order to take their kids and groceries inside the house. They would then come back down and take their car to where it needed to be, so as not to have to walk the 50-100 yards with both kids and groceries up to their homes from the parking area. In the referenced scenario, the woman looked out the window and saw her car was being towed. She intervened on Academy Parkway, the situation escalated, and the woman shattered the window of the tow truck. It completed its way through the justice court process, but Sergeant Shaver said the whole situation would not have occurred if some of the ordinances were incorporated.

Sergeant Shaver communicated if the tow company's intent was to go through and tow a car based on contract, they were fine to do that as it was well within their rights. However, they wanted to curb the cases where the tow driver pulled out their OC because they were confronted with a hostile car owner. Sergeant Shaver further communicated they wanted to curb the situation where an individual needed to play musical cars in order to abide by City and State ordinances, as well as their HOA policies. In this scenario, the individual pulled the car out of the garage, but in order to utilize the car he had to temporarily move his other one onto the street. He then retrieved his other set of keys from the house, and by the time he returned back out to move the car into the correct location, it was being towed. Sergeant Shaver explained they wanted to curb issues with regards to an individual being required to pay an \$80 drop fee so their car was not towed. Furthermore, there had been cases where the person who attempted to pay the drop fee was married to the car owner but not actually on the registration. The tow companies then declined a drop fee, took the car, and charged the owners \$160.

Sergeant Shaver expressed there were a lot of instances with tow companies he felt took it beyond a reasonable point, and penalized the residents more. He concluded was why they needed to have some policies in place which took away the ability.

Councilmember Shields said he thought it was a great idea, and expressed he was more just curious about how often it happened in the City since he had not heard much about it. Sergeant Shaver informed the Council HPD had two cases the past weekend.

Councilmember Ohrn commented it was not a problem that she had ever considered before. She expressed she would have never thought before that a person's car could be towed in the time it took to carry groceries inside. Sergeant Shaver replied it was upsetting to them because they were stuck between a rock and a hard place. They wanted to clean up the language so the regulations were much clearer. He explained one of the stipulations was the requirement to call and HPD dispatch 15 minutes prior to a tow. He said if they called 15 minutes prior to a tow, and then they received a phone call from dispatch only five minutes later with the tow's intent, they did not wait the entire 15 minutes. Sergeant Shaver communicated they wanted to take care of their residents and make sure they did not feel victimized.

Councilmember Shields stated he was really appreciative of the work in this area because he thought it was great policy. He agreed with the point Councilmember Ohrn had made, and said he was flabbergasted this occurred. Sergeant Shaver stated there were some dishonest tow companies, and noted there were also good ones. He said this helped HPD regulate the tow companies as well and ensure they ran their businesses with equipment was safe and with good morals. The Council asked if anyone had reached out to any of the HOAs who would be affected by this amendment. City Attorney Andrizzi responded in the negative other than to provide public notice this was one of the changes. There was discussion about finding ways to make sure residents were protected while HOAs were simultaneously allowed to fulfill their CC&Rs. Some of the HOAs had extremely narrow streets, which led to aggressive towing. City Attorney Andrizzi noted Sergeant Shaver had touched on most of the additions to this chapter and mentioned there were more procedures which were spelled out in the proposal.

City Attorney Andrizzi replied there were requirements tow truck drivers had to wear to identify themselves. He also noted it was consistent with State code. He stated one of the most important changes that would curb a lot of the predatory towing was tow drivers would not be allowed to patrol neighborhoods 24/7, and would instead have to respond to a call for service by the HOA. He explained the HOA would have to be aware of an issue and call the tow company to come take care of the issue. He further explained the tow company also had further requirements they had to follow once they arrived. He felt this would curb a lot of the issues with regards to the scenarios presented previously.

Mayor Watts thought the HOAs would probably have a problem with the phone call requirement. He explained it meant that there would have to be someone that was authorized on behalf of the HOA to make those phone calls. He said if there was an issue on a Friday afternoon when the management company had already gone home, then there may or may not be someone available to make that request for service until the next week. He thought there was some room to work on it, although he did think it was appropriate to not allow them to patrol freely. He suggested the option of posted patrol times, and reiterated he expected the HOAs would push back on the phone call requirement.

City Attorney Andrizzi stated there was an exception to that rule built within the code. He communicated if the tow company got approval to be on the City's tow rotation, as well as entered into a contract with the HOA which would have specific regulations.

2.2. Discussion of Herriman Volunteer Citizen Boards and Commissions - Wendy Thomas, Interim City Manager

Interim City Manager Wendy Thomas expressed her excitement to be there again. She informed the Council they had noticed some of them did not function in the ways that they should. She communicated, as was seen on the provided list, they had a lot of interest. However, she stated sometimes boards and commissions could get too large. She said they wanted to come back to them with updates on the boards and commissions, specifically with updates to the Economic Development Committee and caps on the board membership. She clarified there would not be a cap on the volunteer membership, and expressed board memberships and volunteer memberships were seen as two different things. She mentioned she wanted to receive some direction from Council on the issue.

Interim City Manager Thomas explained because the boards and commissions appointed the prior year did not get to participate very much due to COVID, what they had done that year was reach out to those individuals first to ensure they were still willing to continue to serve. She said after that they put out a feeler to those who might be interested in addition to the existing individuals. She expressed the theory their response was so high because people wanted something to do. She said she was excited to receive so much interest, and she noted their liaisons had changed a little bit as well. She felt they would have a really productive year with the group.

Interim City Manager Thomas communicated what they were looking for from Council was direction on how they wanted them to proceed with the aforementioned updates. When asked what their recommended number of board members was for a committee, Interim City Manager Thomas responded when she had asked other agencies, their recommended numbers were between five and nine. She said it depended on the size of the community, as well as how the committees were set up. She stated there were some Cities that each Councilmember appointed a person from their area or district to be on the board. She further stated there were some Cities which appointed individuals from wherever, and it was more dependent on experience and expertise. She summarized it was really all over the place, and it depended on how the City Council wanted to move forward.

Councilmember Ohrn referred to Healthy Herriman, and noted there were several individuals on there who were not from their community. Interim City Manager Thomas replied that some of those were from agencies such as Salt Lake County Health Department, which was why they might be on the board but not directly affiliated with Herriman City.

Interim City Manager Thomas noted staff would first want to bring City Council the list with one addition to the Veterans and Military Advisory Committee who had come in after the packet had gone out. She mentioned the name of an individual who was interested in the committee but not included on the list provided to Council. Interim City Manager Thomas stated she wanted to include the name for the consent agenda for the next Council meeting. She said there was another member of the community who wanted to serve, but did not know which board he wanted to serve on. She communicated to Council they may see two extra names on the list next time.

Interim City Manager Thomas said her second ask was that once they approved the list, staff wanted to begin work on code revisions to then bring it back to City Council. She stated if they had recommendations on size

right now, that was great. She further stated they could alternatively do more research on their end to see what may be the best fit.

There was some brief discussion regarding the appointment of seven-member boards versus volunteers on a committee. Interim City Manager Thomas replied there were some Cities that also did an application process in order to see what the applicants' experience levels were. She said they were completely open.

Councilmember Shields asked for clarification about board size. He asked if the suggestion was for seven members plus a staff liaison and the Councilmember for a total of nine members, or if the suggestion was for five members plus a staff liaison and the Councilmember for a total of seven members. The Council did not have a definitive answer as to how many individuals should be appointed to the volunteer boards. Councilmember Shields commented on some of the committees such as the art committee, there were so many different people that represented a different part of the community and each had reason to have representation in the group. He did not know if it made sense to exclude them or not. He referred again to the ambiguity of the numbers, but recognized at some point they would have to draw a line.

Councilmember Ohrn suggested a setup where they could be part of the committee, but the committee also consisted of organized officers which conducted the meetings so they did not get derailed. She said this option still allowed people to participate. She expressed she hated telling people no, and referred to the Youth Council. She explained they did not have a limit to how many kids could be a part of the Youth Council, but they did have structured officers so the meetings were conducted reasonably well.

Interim City Manager Thomas agreed that she never wanted to turn a volunteer away either unless there was some compelling reason. Councilmember Ohrn noted they still went through a process with the Youth Council where they still had to apply and interview although they had never told anyone no, there was the option to do so if there was a compelling reason. She reiterated she did not want to tell people "no" that were willing to serve as a volunteer on something which benefited the community, as long as the meetings were structured. Councilmember Shields commented they could have an ad hoc group versus a formalized structure of leadership for each group. He supported Councilmember Ohrn's idea.

Councilmember Smith agreed he did not want to turn away any volunteer that was willing to serve. He commented there had to be some sort of evaluation, potentially on a committee by committee basis, on what it was they wanted to accomplish. He used Healthy Herriman as an example. He noted a number of their residents were on the committee, but there were also members outside of their community as well because they brought a particular expertise to it. He reiterated he did not want to bump people from their own community who were willing to serve just to get the expertise. He agreed more structure to some of the committees was a good idea because designated officers held a certain level of responsibility, and it lessened a little of the burden and management off of staff. He expressed it caused more productivity because they were allowed more ownership in the group.

Interim City Manager Thomas agreed she did not want to turn away willing volunteers. She communicated they could bring back several options. She stated they would work on it further and bring it back and be in effect for 2022. She said for this year, staff recommended they proceed as normal and get the volunteer committees up and running. The suggestion was then made there be designated chairs and vice chairs on each of the committees, as this would provide some structure and ownership. Interim City Manager Thomas replied that they could do this. Further, she explained with the way it was currently written, those committees designated those positions, and they would proceed that way if acceptable. The Council concurred.

Interim City Manager Thomas asked for some direction with how they wanted to proceed with OHV. She said she could work with UTV Utah and Mr. Dwayne Boring to figure out how to put it together over the next few months. Council supported this request.

2.3. Impact Fee Audit - Blake Thomas, Community Development Director and Alan Rae, Finance Director

Community Development Director Blake Thomas communicated this was a follow-up of an ongoing discussion they had been having. He explained the topic was last discussed in July 2020, and since then they had received a breakdown on the CDA analysis. He offered a brief background on what impact fees were.

Community Development Director Blake Thomas explained impact fees were a way to pay for infrastructure. He stated they were not paid directly by residents, and were instead paid by developers or builders. They required the developers to pay a portion of their impact to the infrastructure needs. He gave the following example. If 100 homes were being built, and the road could already carry 70 homes worth of traffic, the road would have to be upsized. In this case the builders would have to pay for the piece they impacted. If the entire road had to be prepared, the City would have to cover the existing piece. Councilmember Smith added those fees only dealt with the new impact created by development, and not fees assessed to existing residents. He reiterated it was the impact that was generated by new development and the people that came with development.

Community Development Director Thomas continued impact fees were not for maintenance and they could not solve existing problems. He stated they were not a perfect solution to fund infrastructure. Community Development Director Thomas provided facts about the details of a study. He communicated the study analyzed an existing system, then went through and identified the projects that were needed over the next 10-20 years. They then applied scenarios and put projects to each one of those scenarios. He referred to transportation studies. He explained it was based on what was projected for development, which he commented was kind of a difficult thing to project on. Once the projects were applied to each scenario, they associated the costs from all the analyses, and then distributed the costs based on what they were allowed to distribute by State law.

Community Development Director Thomas then addressed the collection of fees, but there were questions about how they were spent. There was confusion with how those collected funds got from the City's accounts to wherever they were allocated. He explained there were two ways to do it. First, the City could do a project. He said this was where they went out, designed, bid, built, and paid the contractor directly to install the infrastructure. He then said the second way was the whole point of the current discussion.

Community Development Director Thomas stated development came in and needed a road built but the City did not have enough money. The City exacted the developer to build the road, and then entered into a reimbursement agreement with the developer. He explained the City paid them back impact fees, and noted hopefully those developments generated enough impact fees to pay the developer back and make them whole on their costs. He said that if it was not, the City then had to look outside of their development and would have to bring other people's impact fees in to pay for the improvement. Councilmember Shields asked how many of the existing reimbursement agreements had limitations on how much the developer could be reimbursed as it related to the impact fees that were actually collected. Community Development Director Thomas responded every single reimbursement agreement had a maximum amount.

Councilmember Shields understood that there was a maximum amount of reimbursement, but clarified he wanted to know for how many of those was the maximum tied to the amount of impact fees actually collected. He gave the example there would be a problem if they only collected \$1,000,000 in impact fees but needed a reimbursement of \$5,000,000 for the developer.

Community Development Director Thomas replied some of the older ones that were closed out were kind of open ended. He said some of the ones which had lingered for a while were still a little open ended, and he thought developers expected more money than what would come in that outlined collection area. He further said that for some of the more recent agreements they had gone and calculated where they were at on each one. He summarized that his answer to Councilmember Shields's question was all over the board. Councilmember Shields replied that was kind of what he expected, and he was glad they got better as time went along. Community Development Director Thomas agreed that there were improvements, and they had come up with some good ideas on how to nail it down better for this whole project so they were not overcommitted.

City Attorney Andrizzi said was one of the things they had done with reimbursement agreements as they moved forward. They offered a minimum and a maximum, which were dependent on the amount of impact fees collected by the designed area. This meant the developer took a risk on whether they would receive it all back or not.

Councilmember Shields said he would have more questions later on in the analysis about where they had historically paid out more or were currently over committed.

Community Development Director Thomas noted that was the main slide he wanted to spend some time on, and he was glad that they had asked questions. He hoped it helped clarify the process a little bit. He noted some other Cities did things such as pioneering agreements, in which they did not collect the impact fees, and the next developer down the road paid however much the first developer paid to that developer. He said those got kind of hard to collect on and agreements could get lost over time.

Community Development Director Thomas stated the main infrastructure systems the collected fees for were transportation, water, storm drain, and parks. He presented a breakdown that showed how much each fee and what it was based on. He said it gave them an idea of what they meant for houses and such. He commented the studies were updated about every two to three years.

Community Development Director Thomas moved on to the breakdown on the analysis. He explained he had broken it down into three different categories. The first was closed out impact fee reimbursement agreements, which were projects which had been completed and all the reimbursements were made. He noted they had talked about the implementation of a final letter.

City Attorney Andrizzi said if there was an amount left to pay or if they had gone over, they would do a satisfaction agreement. He explained a satisfaction agreement stated that whatever the previous agreement had been, the current agreement was that everything was satisfied.

Community Development Director Thomas stated it essentially closed them out so they could be put in the archive folder and not have to look at them again. He said they were able to pull them back up, and noted there were some discrepancies between them. He referred to transportation. He reminded them of the time period from 2007-2009, when they had a lot of projects under reimbursement agreements, and that some of those agreements had gone south. The City had come in and finished some of the projects out, and those were the agreements that they noticed currently that had caused a discrepancy. He explained they had reimbursed less because the developer or the project had gone away.

Community Development Director Thomas then referred to water and storm drain. He said there were not any major issues, and there were only a couple that were a little over. He noted after about five or six agreements on capital projects it tended to go a little over. He communicated some were over and some were under, and it balanced out as over. Councilmember Ohrn asked why they ever paid over. Community Development Director Thomas replied that they paid a little more because projects had change orders. He gave a hypothetical example of a developer who ran into unexpected rock when they dug. He said they tried to avoid those, but sometimes they could not. He noted some of the ones here were older ones that he was not aware of what went down.

Community Development Director Thomas then referred to parks. He explained there was such a discrepancy with closed out ones. He noted Arches Park was one that ended up being done by the City and not the developer, and was a pretty expensive reimbursement agreement. He also noted the White barn reimbursement got closed out because it was removed. He said that those two agreements were two which had really put a dent in what was reimbursed.

Councilmember Shields said that there was a part of the analysis that he questioned. He said that they knew what was reimbursable and what was reimbursed, but they did not know what the actual cost to the City was minus the impact fees. Community Development Director Thomas replied as far as he knew, no general fund dollars were spent on any of the reimbursement agreements. He said they were always impact fee funds paid back.

Councilmember Shields commented they had not used any general funds yet, but that there would eventually be a place where the impact fees ran out and there were still reimbursement fees to be made. He expressed the gap was what he wanted more clarification on. Community Development Director Thomas replied the second category showed the open reimbursement agreements. He stated there were reimbursement agreements which

had been executed, and that the projects were at different stages of completion. He said it outlined how much they were obligated to spend, how much they had reimbursed, and how much remained to reimburse. He noted there were some spreadsheets included in the packets that had been given to Council.

Community Development Director Thomas communicated the Wasatch South Hills had an agreement for water and storm drain, but that it did not identify a maximum amount. The agreement said they needed to submit their invoices, which was what would determine the maximum amount, and then they would be paid based on those verified invoices. He informed them to date nothing had been submitted on that reimbursement agreement. He mentioned they had a different water reimbursement agreement for the tank, and they did a 60/40 split with Rosecrest. He said the agreement had been executed and was being paid back. Councilmember Shields asked if there were sunset clauses on any of the ones still out there floating. Community Development Director Thomas responded in the negative. Councilmember Shields said they could submit receipts 20 years down the road and the City would then be in the hole for whatever amount. Community Development Director Thomas stated they needed to submit their invoices, and reassured they were on top of invoices being received once they were done. He said they typically did not receive invoices for more than a few months. He explained the contractor or developer wanted the money back up front.

Councilmember Shields said there was the Wasatch South Hills agreement they were not quite sure how much it would be or when it might come due. Community Development Director Thomas replied the storm drain portion of it had not been installed. He said they had some planned, but it had not been installed. He reiterated his earlier sentiment where nothing had been done yet for some of the projects. He also commented for the Wasatch South Hills project, he thought that everything was covered under their major water infrastructure agreement with the tank and transmission line.

Community Development Director Thomas wanted to point out the largest obligations they had for each of the systems. He explained the transportation was 118th and 126th, and neither one of the facilities had been built. He noted this was one which could end up being a City project. In this case the obligation to reimburse would go away and they would pay for actual costs. He also noted they had continuously asked for money from Wasatch Front Regional Council for roads. He said every time one of those lending opportunities came up and got funded, they could kick their impact fees and make more use out of them. There was further discussion regarding the east Herriman water improvement project in Juniper Canyon.

Community Development Director Thomas explained for storm drain the Rose Basin improvements at the Juniper Estates project was their biggest obligation. He stated it was constructed, so they were obligated to reimburse. He then said the Teton Jackson Park one was not yet constructed. There was a brief conversation about what the project was. Community Development Director Thomas explained it was just the actual park improvements, and the open space associated with the barn was incorporated into this park in the central portion of the development.

Interim City Manager Thomas said the amount would probably mostly cover the asphalt trails throughout. She explained they were currently in design, so they did not have any solid numbers on that area yet. She clarified it was not being done as a City project.

Councilmember Ohrn relayed her question in regard to the open and current agreements. She noted there was a maximum reimbursement amount, and acknowledged she could see the information about where the IFFP was referenced to determine those things. She gave the following hypothetical scenario: The total impact fees for an area were calculated based on there being 20 homes. Then after design was underway, they realized this they could only do 15 homes and could not collect that calculated amount. Councilmember Ohrn asked how much had been calculated, given the consideration if they calculated what the maximum reimbursement amount would be, they would be too short. Community Development Director Thomas answered once they got to the point the reimbursement agreement was written, it was pretty set in stone. He noted when the IFFP and the master plan were done, there was a lot more guesswork. He explained the part of the process relied on the use of existing zoning and the general plan. He reiterated as they looked at the agreements that were executed, they were all set on the number of lots.

Community Development Director Thomas then stated the third category was the future impact fee projects. He expressed this was where their crystal ball got a little cloudy, as there was a lot of guesswork. He explained there were also City Council and Planning Commission decisions which influenced everything which developed, as well as market decisions. He also noted they did studies and planned projects out for buildout, but then when they dialed back in to do the impact fee portion of it, they could legally only look at the next ten years and plan on the next six years. He communicated this meant they needed to do those studies every couple of years. He said the good thing about the studies was they could be paid for with impact fees.

Community Development Director Thomas stated one of their challenges was they always got an impact fee study started, and then annexed property. They then had to go back and restart, which was something they could only do so many times. At some point they had to finish out the study despite annexations that happened, and start the new one right after. Councilmember Ohrn asked if they had made this a practice. Community Development Director Thomas replied they had made it a practice about five years prior. Community Development Director Thomas used transportation as an example. He explained they had finished the master plan, but did not follow through with the impact fee analysis because they were anxious for the general fee plan to be completed. They would then do the impact fee analysis with that because they did not want to do an impact fee and then have to change it a lot.

Community Development Director Thomas said there were a lot of future impact fee projects out there which they did not currently have agreements. He said the parks one was probably the most staggering, but it was not one of the infrastructure improvements which were for a service such as faucets. He thought there was some ability to kind of guide what that really was, and not overextend themselves. There was a brief discussion about all the things included in the parks one. Councilmember Shields mentioned when Teton came in, they showed in that park a soccer field, amphitheater, and other things. He said at the time he called out that a lot of that was not realistic. There was some more back and forth about what features the cost may or may not cover.

Community Development Director Thomas expressed the impact fee eligible portion of the project cost was quite low compared to the actual cost. He said a lot of that was because they had a lot of existing deficiencies for places such as 6000 West and Main Street. He further said they were only able to attribute a portion. He

stated that another factor that contributed was that some of the growth, they could not apply the impact fee to the future developments. So, they were building the roads regardless of what developments came in outside the City and contributed to the roads. He reiterated they had a lot of existing deficiencies, which made it difficult.

Councilmember Shields said the previous Salt Lake County Council in their approval for the development to the west, entitled the property. However, as part of that master development agreement, the developer of the property was supposed to pay impact fees for projects outside of their project area where it would impact traffic down the line. He asked if they had contemplated what those fees might be, how much could be expected, and whether or not this could be applied to some of these shortfalls. Director Thomas admitted he was not extremely familiar with the wording in the agreement and remembered the developer would be responsible to pay their portion, but did not know if they called it an impact fee. He further said he did not know how the money went from one entity to the other. Councilmember Shields said after having read the agreement, he could not clearly identify the intent. Director Thomas said they had drawn a line in the sand in their master plan for the old layout. He revealed when they did their update after the general plan was adopted, they would update it with the new layout and be able to clearly see the before and after.

Councilmember Ohrn asked how liberal they had been with their reimbursements. Director Thomas replied if it was budgeted, the reimbursements would be distributed.

Councilmember Shields inquired about the unfunded liability. He said somewhere there was a shortfall, and most of them seemed to be taken care of with new buildings and their associated impact fees. He acknowledged why it was done and added, eventually there was a place where impact fees did not come in anymore, and there were still things to be funded. He asked how they could identify and quantify that amount. He opined the importance to understand the scope of unfunded liability. He asked how much the current general plan for the current City boundaries of Herriman left them short, compared to what may come with annexation. He asked if there was enough building within the current boundaries of Herriman to support the liabilities to come, or did they anticipate those liabilities being paid by future growth outside of the current boundaries. Director Thomas said from the analysis, he thought they were comfortable with their current obligations for existing agreements. He did not know how much further they could go transportation-wise. He thought water and storm drain had been set up so they could fund themselves decently. He said water could fund itself the best, and storm drain was a little more difficult as it was based on acreage and only paid for pipes.

Finance Director Rae explained first of all the current discussion was purely about impact fees. He said building permits were general fund, and were a completely different thing. He explained when they looked at what was being done, there would be a shortfall because the impact fees were not 100-percent. He said they would have to come to the general fund. Councilmember Shields asked for clarification as to how much would need to be expended from the general fund. Finance Director Rae said in the spreadsheet they could easily come up with this figure, and confirmed he would disseminate the information to the Council. He explained the spreadsheet showed the amount of the project and how much was attributed to the impact fees.

Councilmember Shields said the problem was the easy answer was a very scary answer. Finance Director Rae said from the spreadsheet, he would boil down the exact answer. He stated when they talked about things being

paid for by building permits, he felt there was a shortfall. He communicated if the Council looked at what was happening with the building permits, they came down at almost the exact same rate as their taxes went up. He stated the money was not lost as a reduction of building permits, but they did have more general fund projects than he envisioned. He thought the impact fees seemed to be fairly reasonable.

Finance Director Rae referred to the question about if the housing changed, and he responded when impact fee studies are conducted, housing is not considered as part of the equation. He explained they considered the estimated population and then boiled down to dwelling units. He communicated the proposal for the whole City, and when he went through the impact fee studies a few years prior, everyone had a different population estimate. He noted it had been mostly smoothed out currently. Finance Director Rae reiterated when they looked at the impact fee side, they looked at what the population would be versus the projects. He said if there was a project which was 70-percent eligible, 30-percent of the funding would have to be expended from another source.

Councilmember Shields apologized for the cross-channel question. He assumed the impact fee shortage for the projects had to be covered through other funds. He further said some of this would come through grants or other sources, but there would be some shortfall remaining which would have to be paid for by the City. He stated it was paid for out of the general fund, and the building permits were part of what went into the budget. He expressed his desire to quantify the amount needing to be considered. Finance Director Rae replied they could quantify the number; however, it would change based on the proposal and new studies conducted every few years. He explained every few years the population was altered and plans would be adjusted accordingly.

Councilmember Ohrn requested to see realistic numbers, specifically parks. She did not want to see niceties to appease people and expressed the need to be realistic to have funding to supply critical services to the community. Finance Director Rae said project which qualified for the impact fees were clearly defined with the amounts, with the exception of parks.

Councilmember Smith moved to adjourn the City Council work meeting at 7:18 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

The Council reconvened the work meeting at 8:02 p.m.

2.4. Discussion pertaining to the proposed Engineering Standards - Jonathan Bowers, City Engineer

City Engineer Jonathan Bowers explained the approach staff had taken to amend engineering standards. He provided a brief timeline of the project starting in 2017 as this was the last time the standards were adopted. City Engineer Bowers explained the first thing they had worked on was the structure as it was not audience specific and offered a scenario to offer a brief explanation of visual denotations reported.

City Engineer Bowers said staff wanted to avoid redundancies within the standard itself, and revealed there were new state requirements which had been adopted in 2011 and wanted to ensure compliance had been maintained

throughout the standards. These included MS4 permitting, water quality requirements, water efficiency standards, definition of ‘essential infrastructure,’ flood plain development permit which was suggested and recommended by FEMA, and a hydraulic modeling rule.

City Engineer Bowers offered an overview of updates to include the new logo and a cleaner title block. He also communicated there was a significant number of additional specifications and drawings for landscape and irrigation. City Engineer Bowers expressed there was originally only one flow process specific to a subdivision approval procedure. He explained they had added two more procedures, one specific to a commercial site plan and one to a construction phase and building department review process to accommodate some shifts in the order for when a building permit could be issued.

City Engineer Bowers stated state statute made a specific mention to essential infrastructure, which was in the context of when a land use authority could and could not withhold a building permit. He said the only reason the land use authority could withhold a permit was if it did not include an all-weather surface complete to the structure or a completed water system. He stated there was some need for additional detail which was addressed. City Engineer Bowers explained essential infrastructure was defined as: an all-weather surface that essentially meets UFA requirements. He further explained the definition of a completed water system as: commissioning the water utility per APWA specifications. City Engineer Jonathan Bowers noted the Municipal Separate Storm Sewer Systems (MS4) permit. He communicated it was all the water quality requirements and the drainage report requirement. He expressed this included the 80th percentile precipitation event and the new requirement to implement low impact development as part of the best management practices.

City Engineer Bowers said as they looked forward on this particular project, they wanted to solicit some comments from Council. He also stated there might be some items needing adjustment. He informed them it was standard practice for municipalities to go back and maintain the standard at a recurring interval as things adjusted. He communicated their anticipation was to keep it updated annually.

City Engineer Bowers explained the proposed changes at a staff level before being presented. He said one example of an item already planned for additional review was the state requirement to review details to maintain low impact development best management practices. He revealed this was currently being reviewed, and would hopefully have additional detail in the next update. Councilmember Ohrn appreciated the highlights provided, and wanted to review the standards in more depth prior to the item being considered for adoption.

Councilmember Shields questioned items and was curious if staff would have commentary about the potential cost impacts for the City to adopt some of the standards. He asked how the changes would affect costs for both the City and developers. City Engineer Bowers anticipated additional cost on the City, which he stated was part of review and would be part of the infrastructure. He explained these additional assessed costs would hopefully be paid for with the storm water utility fee. Councilmember Ohrn asked if it was an unfunded mandate. City Engineer Bowers replied in the affirmative.

City Engineer Bowers thought there would be increased costs to developers and opined there was some potential ways to offset the costs. Councilmember Ohrn appreciated his effort to try to determine ways to minimize costs.

Councilmember Shields applauded the adoption of better standards based on experience, and he thought it was a great way to improve their processes over time. He wanted to also recognize the impacts of those changes affected the City and developers, and it would be awesome to find win-win situations to offset costs. City Engineer Bowers communicated staff received advice from developers on the cost, and noted challenges with the approach.

Mayor Watts questioned City standard requirements on private roads. City Engineer Bowers paraphrased the standard noting all residential structures were to be addressed off of an emergency access roadway, whether public or private. He further proposed if the roadway was private, it had to conform to the City's standard cross section. He explained it could be private, but it would have to follow the standard of the current cross section. Mayor Watts asked if it was sidewalk to sidewalk or curb to curb. City Engineer Bowers replied it was right of way to right of way, which was sidewalk to sidewalk in most cases. Mayor Watts asked if there was a situation where a developer could choose to move the sidewalks to make that distance smaller. City Engineer Bowers replied the standard had to conform currently to the way the cross section showed. He said a change had been solicited, it would be a proposed deviation to the standard, which would be evaluated and brought to the Council for consideration.

Mayor Watts said he wanted to avoid the situation where a sidewalk, small street, sidewalk, and lots of short driveways. He said they had trucks which were basically parked onto the sidewalks at times and it restricted the flow of emergency vehicles through the area. He expressed his biggest concern with regards to width. Councilmember Smith commented the narrow street would ultimately cause the parking to be on the sidewalk. City Engineer Bowers gave an example of how the procedure could be administered, and referenced the McCuiston Roadway where the right-of-way was nonconforming which was brought to Council for consideration.

2.5. Discussion of a zoning map amendment request by Judd Messenger (applicant) on behalf of Academy Village Land Holdings, LLC (property owner) and Herriman City (property owner) to add the VMU Village Mixed Use Overlay Zone to 48.45 acres of contiguous property located approximately at 4002 W Real Vista Drive and 14752 S Academy Parkway (File No. Z2020-045) - Michael Maloy, City Planner

City Planner Michael Maloy addressed the project and offered a timeline for the amendment. He recapped the approved ordinance, which created the overlay to regulate future signs within a mixed use project. City Planner Maloy oriented the Council as to where the overlay would be applied and noted this would include specific dimensional legal descriptions of the property.

City Planner Maloy communicated the property was also the subject of a recent site plan and conditional use approval for phase one of pod 35. He said within phase one it was being anchored by a new marketplace, which was currently under building permit review. He denoted in addition to the marketplace, they could see a couple of pads seen on either side of the grocery store. He also noted there were a couple of smaller pads out closer to the roadways.

City Planner Maloy highlighted the concept site plan which outlined a more aesthetically pleasing change to coordinate the access onto Mountain View Corridor as well as monument signage within the center. The conceptual plan would be reviewed by the Planning Commission at a later date if the zoning amendment was approved by the Council. He relayed one concern from a Planning Commissioner regarding the readability of some of the signage.

Councilmember Ohrn expressed her excitement for the commercial project to come into the city. Councilmember Shields commented this signage would be similar to Jordan Landing and it would be reflective of other developments. The Council agreed.

2.6. Discussion of a general plan amendment request by Jeff Neal (applicant) on behalf of The Reserve at Sky Ranch, LLC (property owner) to amend the Future Land Use Map from 31.9± acres of Low Density Residential (1.8 – 2.5 dwelling units per acre) to 30.4± acres of Agricultural Residential (1.8 – 3.0 dwelling units per acre) and 1.5± acres of Commercial located approximately at 13374 S Rose Canyon Road (File No. G2020-093) - Michael Maloy, City Planner

City Planner Michael Maloy stated this item and the next item were both the same project and explained the code allowed for concurrent review of a general plan amendment and the zoning amendment. He presented an illustration for reference showing what the amendments would facilitate. He said there was a pending subdivision currently awaited the outcome of this request. City Planner Maloy reviewed the timeline for the project. He said the public hearing outcome consisted of concerns which were germane to subdivision design and right of way issues.

City Planner Maloy expressed this item tentatively scheduled this item to be on the next City Council meeting for potential action. He explained it was both a change to agricultural residential as well as commercial. He presented the vicinity map for the project, as well as the current general plan. He noted in the key on the plan, all of the denoted area represented a change from agricultural use to low density residential.. This would essentially move away from agricultural zones.

City Planner Maloy expressed the subdivision development within the zone had been done. He explained the development team had approached the City, it would be more acceptable and consistent to the values of the community to look at the agricultural zone being maintained instead of being rezoned to an R zone. City Planner Maloy explained the agricultural zone was consistent with the agricultural residential land use.

Councilmember Ohrn said the project it did not really solicit any negative feedback from the comments in the neighborhood meeting. City Planner Maloy acknowledged there were some dissenting voices and listed concerns about the visual impacts, traffic, lighting and a request to have a taller wall along the west boundary line of the subdivision.

City Planner Maloy showed the preliminary subdivision plan which the Planning Commission had reviewed and tabled pending the decision on the general plan and rezone. He reiterated the general plan and the proposed zoning amendment were consistent with one another. He said this was the actual amendment for the general

plan, and the Planning Commission voted six to zero to recommend approval for the request. There were no zoning conditions on the next item. There was further discussion on the matter. City Planner Maloy said the general plan designation had the range of 1.8 to 3.0. He explained the A-.25 went from 1.8 to 2.5. He stated the zoning was actually less than the general plan.

Councilmember Shields asked what the lot size difference was between the agricultural residential and the low density residential. City Planner Maloy replied the Council could consider a R-1-10 and do straight 10,000 sq ft lots. He said this could not be done in the zone in question. There was a brief discussion about the minimum and maximum for different, and what lot size they were likely to see. City Planner Maloy recapped the subdivision plat shown to the Planning Commission was 61 lots, which included the corner being designated commercial. Councilmember Smith stated he was supportive of the change for the general plan amendment. He believed it was more contiguous and flowed better with the surrounding area.

City Planner Maloy reiterated the low density residential in the current general plan said there could be 1.8-2.5 dwelling units per acre. He expressed if they were to change a rezone, they could do some type of an R zone. Councilmember Ohrn asked for clarification the low density residential went to 2.5, but the A-25 went to 3.0. City Planner Maloy said the most that could be done in the A-25 was 2.5. It was noted that it was about 71 units versus 90 units. City Planner Maloy expressed the point was the current general plan and the zoning map were not consistent. He explained the proposal was consistent.

City Planner Maloy said he wanted to encourage people to view the general plan amendment holistically as both the map and the text. He hoped it would identify some of those objectives, and make influential in the decisions in the next plan. City Planner Maloy said if this proposal was the intent of the City Council, it needed to be changed to an agricultural designation. Councilmember Ohrn pointed to a green denotation on the map and said it was already developed. City Planner Michael Maloy confirmed. Councilmember Ohrn appreciated the information and recommendation.

Councilmember Ohrn asked if all of the lots bordering the subdivision on the map were half-acre lots. City Planner Maloy said the density criteria did not designate the requirement to have those lots be half-acre; however, more than one would be needed. He mentioned a zoning condition could be considered. Councilmember Shields expressed the need for half acre size and single family resident sized lots in the community.

2.7. Discussion of a zoning map amendment request by Jeff Neal (applicant) on behalf of The Reserve at Sky Ranch, LLC (property owner) to rezone 31.9± acres of A-1 Agricultural (1-acre minimum) to 30.4± acres of A-.25 Agricultural (10,000 square feet minimum) and 1.5± acres of C-2 Commercial located approximately at 13374 S Rose Canyon Road (File No. Z2020-054) - Michael Maloy, City Planner

This item was discussed as part of item 2.6.

3. Adjournment

Councilmember Smith moved to adjourn the work session at 8:46 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

7:00 PM - GENERAL MEETING:**4. Call to Order**

Mayor Watts called the meeting to order at 7:29 p.m.

4.1. Pledge of Allegiance

Youth Councilmember Chloe Lawless led the audience in the Pledge of Allegiance.

4.2. City Council Comments and Recognitions

There were no comments or recognitions.

5. Public Comment

There was no public comment offered.

6. City Council Board and Committee Reports

Councilmember Ohrn reported on the Jordan Valley Water Conservancy District. She reviewed the current snowpack levels and noted due to the lack of moisture, the community should be cognizant of water conservation.

Councilmember Ohrn noted Herriman City was the first member agency to adopt the water efficiency standards. She explained the benefit was access to some funding from the water district. She informed the audience it was about \$50,000 and it opened up a little more what the grant money could be applied to. She said it was great because it could be included for staffing and computer software. She noted she also represented Riverton and Bluffdale in the same position, and said she would reach out to them to make sure their Cities also understood this so they could encourage them to implement the same standards.

Councilmember Shields reported on a conversation regarding ranked choice voting. He expressed every voting system had some shortcomings or flaws. He explained the current system had some issues that ranked choice voting tried to address, but ranked choice voting still introduced its own shortcomings. Councilmember Shields summarized he thought it would become an issue that would come before the City Council at some point. He said some software updates and testing were still being worked on by Salt Lake County in order to see if this was something that they could accommodate in this election. He thought it was imperative everyone understand the pros and cons of the existing voting system and the ranked choice voting system. He stated it was an interesting discussion to hear some of the municipalities had implemented it to try and save costs. Councilmember Shields said outside of the cost savings there seemed to be a lot of confusion, and their obligations it created around voter education. He mentioned there would eventually be a presentation made to with regards to a deadline by when they would need to decide. Councilmember Shields encouraged the public and members of the City Council to become more educated on the pros and cons associated with ranked choice voting so they could have a more robust discussion.

Councilmember Smith said he did not have a particular report to make, but expressed he had a comment with relation to their current hiring committee for the new City Manager. He apologized to Interim City Manager

Wendy Thomas if this was something she had planned to bring up at a different time. Councilmember Smith said he wanted to be able to make a comment to it. Councilmember Smith addressed the feedback they had received from their consultant as it related to the desire for multiple members of the City Council to participate in the process, and to have to make it an open meeting. He commented he had some concern about it before, and wanted to express concern about more Council being allowed to participate than what constituted a quorum, which required that to be a noticed open meeting. He said there was a lot of concern from the candidates themselves which had been given back to the consultant with regards to the potential of it being an open meeting. He noted there would be challenges to make that information generic enough to discuss in the meeting. He relayed a sentiment from the consultant that as they got into that vetting process, there were enough potential details presented on certain candidates that some might be able to identify who they were.

7. Discussion and Action Items

7.1. Discussion and consideration of an ordinance adopting an Impact Fee Facilities Plan, Impact Fee Analysis and an Impact Fee Enactment that imposes a Storm Drain Impact Fee; providing for the calculation and collection of such fee; and providing for appeal, accounting, severability of the same, and other related matters - Jonathan Bowers, City Engineer and Chase Andrizzi, City Attorney

City Attorney Andrizzi provided a procedural history of the item. He stated the update to the impact fees was the initial impact fees facilities plan as well as the impact fee analysis. He explained that there was a 90 day waiting period after an enactment was approved, so even though the City Council may approve the impact fees that night, they would not take effect until May 11, 2021.

Councilmember Ohrn asked what the 90 day period was set aside for. City Attorney Andrizzi replied people could always file an appeal with the City, but the 90 day period was for people to adjust their plans. It provided developers some time, and he noted there was usually a rush of building permits during the period. Mayor Watts asked if they had received any further feedback since the last meeting. City Attorney Andrizzi replied in the negative.

City Attorney Andrizzi explained the impact fee enactment took the form of an ordinance. He communicated that it spelled out what the fees were, what the process for fee adoption was, the accounting, and overall fulfilled all of the statutory requirements of an impact fee enactment. He reiterated if approved, it went into effect 90 days after the current day. He expressed the Council's options were to reject it in its entirety, amend the fee down, or adopt it in its entirety. The latter was always recommended.

Councilmember Ohrn moved to approve Ordinance No 2021-04 adopting an Impact Fee Facilities Plan, Impact Fee Analysis, and an impact fee enactment that imposes a storm drain impact fee; providing for the calculation and collection of such fee; and providing for appeal, accounting, severability of the same, and other related matters. Councilmember Shields seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Sherrie Ohrn	Aye

Councilmember Steven Shields	Aye
Councilmember Clint Smith	Aye
Mayor David Watts	Aye

The motion passed unanimously.

7.2. Discussion and consideration of an ordinance adopting an Impact Fee Facilities Plan, Impact Fee Analysis and an Impact Fee Enactment that imposes a Water Impact Fee; providing for the calculation and collection of such fee; and providing for appeal, accounting, severability of the same, and other related matters - Justun Edwards, Public Works Director and Chase Andrizzi, City Attorney

City Attorney Andrizzi stated his presentation on this item was the same as the last item. He stated the enactment and approval of the IFFP were on for decision at the current meeting. If approved by the City Council, the impact fees for water would not go into effect until May 11, 2021.

Councilmember Shields moved to approve Ordinance No 2021-05 adopting an Impact Fee Facilities Plan, Impact Fee Analysis, and an impact fee enactment that imposes a water impact fee; providing for the calculation and collection of such fee; and providing for appeal, accounting, severability of the same, and other related matters. Councilmember Smith seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Sherrie Ohrn	Aye
Councilmember Steven Shields	Aye
Councilmember Clint Smith	Aye
Mayor David Watts	Aye

The motion passed unanimously.

Councilmember Smith expressed appreciation to staff for their efforts in getting this process completed.

7.3. Discussion and consideration of an ordinance adopting and approving an updated Water Master Plan - Justun Edwards, Public Works Director

Public Works Director Justun Edwards reminded them of the prior discussion had on this topic, and mentioned the realization the Water Master Plan needed to be revisited to incorporate a minor text amendment. He read the line that was added and informed them that it had to do with their groundwater.

“The maximum capacity the City anticipates could be developed is approximately 2,000 acre feet annually with a peak capacity of 2,000,000 gallons a day.”

Public Works Director Edwards explained the change talked about their future water production and wells, and that they anticipated that they needed an additional 2,000 acre feet. He said this was essentially assumed, but wanted to specifically identify the anticipated capacities.

Councilmember Smith moved to approve Ordinance No 2021-06 approving and adopting an updated Water Master Plan. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Aye</i>
<i>Councilmember Steven Shields</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion passed unanimously.

8. Future Meetings

8.1. Feb 18 - Planning Commission Meeting 7:00 p.m.

8.2. Feb 24 - City Council work meeting 5:30 p.m.; City Council meeting 7:00 p.m.

9. Events

9.1. Feb 13 - Hondo Memorial Service; Herriman City Hall 1:00 p.m.

10. Adjournment

Councilmember Smith moved to adjourn the City Council meeting at 7:55 p.m. Councilmember Shields seconded the motion, and all voted aye.

11. 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 February 10, 2021. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



SPECIAL CITY COUNCIL MEETING MINUTES

Thursday, February 11, 2021
Awaiting Formal Approval

The following are the minutes of the City Council Electronic Meeting of the Herriman City Council. The meeting was held on **Thursday, February 11, 2020 at 9:30 a.m.** in the Herriman City Hall, 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 Pro Tempore Steve Shields

Council Members Present: Jared Henderson, Sherrie Ohrn, and Clint Smith.

Staff Present: City Recorder Jackie Nostrom, City Attorney Chase Andrizzi, Communications Manager Jonathan LaFollette, and Human Resources Manager Travis Dunn.

Council Members Excused: Mayor David Watts

9:30 AM:

1. Call to Order

Councilmember Smith nominated Councilmember Steve Shields to serve as the Mayor Pro Tempore for this meeting. Councilmember Henderson seconded the motion, and all voted aye.

Mayor Pro Tempore Steve Shields called the meeting to order at 9:34 a.m.

2. Discussion Items

2.1. City Manager recruitment process discussion

Robert Half Representative Timothy Geriak offered an overview of the extensive outreach the recruiting firm had conducted to solicit interest for the Herriman City Manager position. He explained the initial goal of the Council would be to narrow down the list of finalists between six to eight candidates. Representative Geriak outlined a suggested timeline and interview cycle for the Council to consider when evaluating candidates.

Mayor Pro Tempore Shields iterated his desire to have initial interviews be conducted among the City Council and secondary interviews include staff to ensure compatibility. After continued discussion, the Council concurred. The Council requested each member receive information for the candidates on the recruiting firm's short list to review those individually and come back at the next meeting to discuss impressions of each potential interviewee.

Councilmember Sherrie Ohrn arrived at 10:00 a.m.

Representative Geriak confirmed the individual profiles and highlighted qualifications would be disseminated to the Council for vetting this week and requested the Council be prepared to discuss potential candidates the following week.

The Council scheduled dates and times for future meetings dedicated to interviewing candidates for the vacant City Manager position.

3. Closed Session

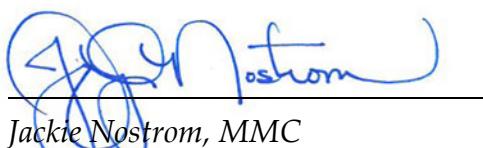
3.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205

There was no closed session.

4. Adjournment

Councilmember Henderson moved to adjourn the City Council meeting at 10:40 a.m. Councilmember Ohrn seconded the motion, and all voted aye.

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 February 11, 2021. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



SPECIAL CITY COUNCIL MEETING MINUTES

Monday, February 22, 2021
Awaiting Formal Approval

The following are the minutes of the City Council Electronic Meeting of the Herriman City Council. The meeting was held on **Monday, February 22, 2020 at 2:00 p.m.** in the Herriman City Hall, 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 Pro Tempore Steve Shields

Council Members Present: Jared Henderson, Sherrie Ohrn, and Clint Smith.

Staff Present: City Recorder Jackie Nostrom, City Attorney Chase Andrizzi, Communications Manager Jonathan LaFollette, and Human Resources Manager Travis Dunn.

Council Members Excused: Mayor David Watts

2:00 PM:

1. Call to Order

Councilmember Ohrn nominated Councilmember Steve Shields to serve as the Mayor Pro Tempore for this meeting. Councilmember Smith seconded the motion, and all voted aye.

Mayor Pro Tempore Steve Shields called the meeting to order at 2:07 p.m.

2. Discussion Items

2.1. City Manager recruitment process discussion

Mayor Pro Tempore Shields recommended the Council moved into closed session to discuss the potential candidates to interview for the City Manager position.

3. Closed Session

3.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205

Councilmember Ohrn moved temporarily recess the City Council meeting to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205. Councilmember Smith seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson Absent

Councilmember Sherrie Ohrn Aye

Councilmember Steven Shields Aye

Councilmember Clint Smith Aye

Mayor David Watts Absent

The motion passed unanimously.

Councilmember Jared Henderson arrived at 2:20 p.m.

Council reconvened the meeting at 2:51 p.m.

4. Adjournment

Councilmember Smith moved to adjourn the City Council meeting at 2:51 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

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 February 22, 2021. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



SPECIAL CITY COUNCIL MEETING MINUTES

Thursday, February 25, 2021
Awaiting Formal Approval

The following are the minutes of the Herriman City Council. The meeting was held on **Thursday, February 25, 2021 at 4:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

4:00 PM:

1. Call to Order

This meeting was cancelled due to a lack of quorum.

2. Discussion Items

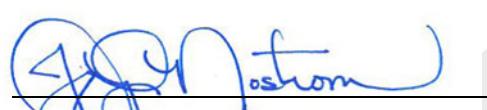
2.1. City Manager recruitment process discussion

3. Closed Session

3.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205

4. Adjournment

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 February 25, 2021. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder

5355 W. Herriman Main St. • Herriman, Utah 84096
(801) 446-5323 office • (801) 446-5324 fax • herriman.org



SPECIAL CITY COUNCIL MEETING MINUTES

**Friday, February 26, 2021
Awaiting Formal Approval**

The following are the minutes of the Herriman City Council. The meeting was held on **Friday, February 26, 2021 at 9:00 a.m.** in the Herriman City Community Room, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor Pro Tempore Steve Shields

Council Members Present: Sherrie Ohrn, and Clint Smith.

Staff Present: City Recorder Jackie Nostrom, City Attorney Chase Andrizzi, Communications Manager Jonathan LaFollette, and Human Resources Manager Travis Dunn.

Council Members Excused: Jared Henderson and Mayor David Watts

9:00 AM:

1. Call to Order

Councilmember Clint Smith moved to nominate Councilmember Steve Shields as the Mayor Pro Tempore to conduct this meeting. Councilmember Sherrie Ohrn seconded the motion and all present voted aye.

Mayor Pro Tempore Steve Shields called the meeting to order at 9:02 a.m.

2. Closed Session

- 2.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205

Councilmember Ohrn moved to temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205. Councilmember Smith seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson Absent

Councilmember Sherrie Ohrn Aye

Councilmember Steven Shields Aye

Councilmember Clint Smith Aye

Mayor David Watts Absent

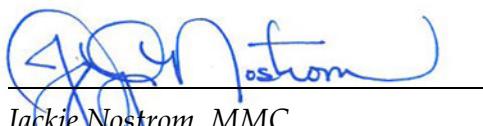
The motion passed unanimously.

The Council reconvened the City Council meeting at 10:02 a.m.

3. Adjournment

Councilmember Ohrn moved to adjourn the City Council meeting at 10:02 a.m. Councilmember Smith seconded the motion, and all voted aye.

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 February 26, 2021. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



SPECIAL CITY COUNCIL MEETING MINUTES

Monday, March 1, 2021
Awaiting Formal Approval

The following are the minutes of the Herriman City Council. The meeting was held on **Monday, March 1, 2021 at 2:00 p.m.** in the Herriman City Community Room, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor Pro Tempore Steve Shields

Council Members Present: Sherrie Ohrn, and Clint Smith.

Staff Present: City Recorder Jackie Nostrom, City Attorney Chase Andrizzi, Communications Manager Jonathan LaFollette, and Human Resources Manager Travis Dunn.

Council Members Excused: Jared Henderson and Mayor David Watts

2:00 PM:

1. Call to Order

Councilmember Sherrie Ohrn moved to nominate Councilmember Steve Shields as the Mayor Pro Tempore to conduct this meeting. Councilmember Clint Smith seconded the motion and all present voted aye.

Mayor Pro Tempore Steve Shields called the meeting to order at 2:05 p.m.

2. Discussion Items

2.1. City Manager recruitment discussion

Robert Half Representative Tim Geriak informed the Council of an additional 50 initial interviews for the City Manager position which had been conducted. He noted there were additional candidates sent to the Council for their consideration to move further through the process.

3. Closed Session

3.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205

Councilmember Ohrn moved to temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205. Councilmember Smith seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Aye</i>
<i>Councilmember Steven Shields</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Absent</i>

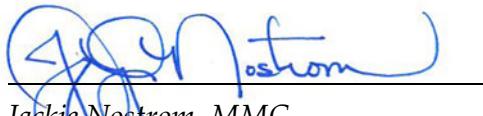
The motion passed unanimously.

The Council reconvened the City Council meeting at 3:25 p.m.

4. Adjournment

Councilmember Smith moved to adjourn the City Council meeting at 3:25 p.m. Councilmember Ohrn seconded the motion, and all present voted aye.

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 March 1, 2021. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



STAFF REPORT

DATE: March 10, 2021
TO: The Honorable Mayor and City Council
FROM: Chase Andrizzi, City Attorney
SUBJECT: Proposed Amendments to Title 6 of the Herriman City Code

RECOMMENDATION

Approve the changes to Title 6 of the Herriman City Code.

DISCUSSION

The City Attorney's office, in connection with HPD and the City's contract prosecutor, have undertaken the substantial task of updating Title 6 of the Herriman City Code. These changes and updates are needed to modernize and simplify the language therein and to provide clearer methods of enforcement (including offense levels) for the provisions of those Titles.

The City Attorney's office has presented the proposed changes to Title 6 at two separate City Council work meetings (2/10/21 and 2/24/21). The version attached to this report includes all of the changes requested by the Council as directed to staff.

On 3/3/2021, Notices were sent to each of the HOA Management companies within Herriman City to inform them of these proposed changes. Specifically, the letter called out the proposed changes to the City's towing regulations. The Letter informed the management companies how they could provide public feedback (including in-person participation at the meeting, electronic comment, or meeting with me).

The proposed changes to Title 6 include general updates that comply with State law and shore up any internal inconsistencies. Two of the more significant changes are: (1) Civil Parking Enforcement; and (2) increased regulations regarding predatory towing tactics.

As for the Civil Parking Enforcement, the proposed changes would move the duty to enforce parking away from sworn police officers, and place it in the lap of a civilian (such as code enforcement). A code enforcement officer may patrol the city and issue civil citations for vehicles that are illegal parked. The person receiving that citation may then resolve the fee with the City directly. Accordingly, no criminal case is initiated in our justice court. There will be an appeal process for recipients of civil citations to go through similar to how our other code enforcement violations are handled. In that light, people still have some measure of due process without having to be subject to the criminal justice court for a parking violation.

With regard to the increased towing regulations, the proposed language simply increases the requirements for an HOA (and the towing company) before a vehicle can be removed. Our City has seen, and officers

have responded, to vehicles getting towed from the street of an HOA while groceries were being unloaded or while something was being picked up / dropped off by a visitor. These new proposed regulations would require HOA board members (or a property manager) to make an actual request for the tow and the tow truck would have a series of requirements they would have to comply with before they hook up the vehicle. These regulations are supported by state law (Utah Code Ann. § 72-9-6). Additionally, they still allow private property owners (specifically HOAs) to enforce parking regulations on their private streets.

ALTERNATIVES

The Council could consider any of the following options with regard to the proposed changes to Title 6:

- Do nothing. The City has an existing traffic ordinance that is enforceable, to a degree, by HPD.
- Approve the changes as currently proposed. The version included in the packet incorporates all of the changes discussed by council at the last two work meetings.
- Proposed additional changes based upon new information, public comment, or other policy considerations.

HERRIMAN, UTAH
ORDINANCE NO. 21.

**AN ORDINANCE OF THE HERRIMAN CITY COUNCIL OF APPROVING AN
AMENDMENT TO TITLE 6 OF THE HERRIMAN CITY CODE AND ADOPTING,
THEREWITH, A FEE SCHEDULE FOR VIOLATIONS OF TITLE 6.**

WHEREAS, the Herriman City Council (“*Council*”) met in regular meeting on March 10, 2021 to consider, among other things, approving an amendment to Title 6 of the Herriman City Code; and

WHEREAS, the Council is authorized to enact ordinances, codify such ordinances, and make amendments to such codifications as set forth in Utah Code Ann. § 10-3-707; and

WHEREAS, the Council previously adopted and codified Title 6 of the Herriman City Code as the Traffic Code for the City; and

WHEREAS, the Council has considered and discussed certain changes to Title 6 of the Herriman City Code with regard to traffic and parking enforcement; and

WHEREAS, Council has reviewed the proposed changes to Title 6 and hereby finds that it is in the best interests of the public to adopt the proposed changes to Title 6 of the Herriman City Code.

NOW, THEREFORE, BE IT ORDAINED by the Herriman City Council as follows:

1. Title 6 of the Herriman City Code, attached hereto as Exhibit A, is hereby adopted.
2. The City Recorder is authorized to publish the updated Title 6 upon passage and publication of this Ordinance.
3. The Title 6 Fee Schedule, as attached hereto as Exhibit B, is hereby adopted and the City’s Master Fee Schedule shall be amended to include these fees.

This ordinance assigned no. 21. __, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Herriman, Utah, this 22nd day of April, 2020.

HERRIMAN

David Watts, Mayor

ATTEST:

Jackie Nostrom, MMC City Recorder

TITLE 6

VEHICLES AND TRAFFIC

CHAPTER 1

GENERAL PROVISIONS

6-1-1: SHORT TITLE

This title is known and may be cited as the “Herriman City Traffic Code”

6-1-2: STATUTES ADOPTED BY REFERENCE

The following statutory provisions are adopted by this reference as if fully set forth in the Herriman City Traffic Code provided, however, that those statutory provisions which are exclusive to the state of Utah or which are not enforceable by Herriman City under the laws of the state of Utah, are excluded:

- A. Utah Code Annotated Title 41, the Motor Vehicles Act, as amended;
- B. Utah Code Annotated Title 53, Chapter 3, the Uniform Driver's License Act, as amended; and
- C. Utah Code Annotated Title 72, the Transportation Code.

6-1-3: APPLICABILITY

- A. General Applicability: Pursuant to Utah Code Annotated § 10-8-30, as amended, and to the extent permitted by law, the Herriman City Traffic Code shall be applicable to all vehicular traffic and parking on any public roads, streets, or highways within the boundaries or jurisdiction of Herriman City.
- B. Public Schools: Subject to the provisions of Utah Code Annotated § 53G-8-604(1), the Herriman City Traffic Code is hereby made applicable to vehicular traffic and parking on all public school property within Herriman City and shall be enforced upon such property as set forth herein.

6-1-4: EXCEPTIONS

Subject to the provisions of Utah Code Ann. § 41-6a-212, the Herriman City Traffic Code shall not apply to official emergency vehicles, law enforcement vehicles, maintenance vehicles, or persons driving such vehicles when the authorized vehicle is being driven in response to an emergency, or when the authorized vehicle is used in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm or other emergency, or when the authorized vehicle is actually engaged in work upon the surface of a highway within the boundaries of Herriman City,

6-1-5: ENFORCEMENT; AUTHORITY TO ENFORCE

All law enforcement officers having jurisdiction within Herriman City are vested with the authority to interpret and enforce the Herriman City Traffic Code on all roads, streets, highways, and parking lots within Herriman City. Additionally, a municipal officer or official who is not a law enforcement officer may issue civil citations under Chapter 5A of this Title for all violations that are punishable as infractions and do not constitute moving violations.

6-1-6: PENALTIES; FINES

- A. Except as otherwise set forth in the Code, a violation of the Herriman City Traffic Code shall be an infraction.
- B. Fines for violations of the Herriman City Traffic Code shall be as set forth in the State's uniform bail schedule or as otherwise established in the Herriman City Fee Schedule as the same is amended from time to time.

CHAPTER 2

TRAFFIC SIGNS, DEVICES, AND MARKINGS

6-2-1: TRAFFIC CONTROL DEVICES

- A. The City may place and maintain such traffic control devices on streets, highways, trails, bike paths, alleys, public parking areas, private roads and maintenance roads, as are necessary to indicate, regulate, warn or guide traffic, or to carry out the provisions of the Herriman City Traffic Code.
- B. All signs, devices, and signals erected or installed under this section shall conform to and be maintained in conformance with the department of transportation manual and specifications for a uniform system of traffic control devices under Utah Code Annotated § 41-6a-301 et seq., as amended.

6-2-2: CURB AND PAVEMENT MARKINGS

The City shall paint and maintain traffic markings upon curbs or pavement of any highway under its jurisdiction as necessary to restrict or prohibit the stopping, standing, or parking of vehicles in such areas and to carry out the provisions of the Herriman City Traffic Code.

6-2-3: FAILURE TO OBEY

It shall be unlawful for any person to fail to obey any lawfully erected traffic control device, signal, or curb or pavement marking unless otherwise directed to do so by a law enforcement officer.

CHAPTER 3

TRAFFIC SAFETY REGULATIONS

6-3-1: INTERFERENCE WITH CONTROL OF VEHICLE PROHIBITED

No driver shall engage in any activity that interferes with the safe control and operation of his vehicle while the same is in motion.

6-3-2: REASONABLE AND PROPER LOOKOUT REQUIRED

It is unlawful for any person to drive a vehicle on the streets of the City without keeping a reasonable and proper lookout for other traffic, persons, or objects.

6-3-3: NEGLIGENT COLLISION

It is unlawful to operate a vehicle with such lack of due care as to cause the same to collide with any vehicle, person, or object.

6-3-4: AVOIDING INTERSECTIONS PROHIBITED

It is unlawful for any person to drive a motor vehicle through a private driveway, lot or similar area, whether vacant or not, where any residence, business establishment, or any kind of a business or trade is maintained or carried on, for the purpose and with the intent of avoiding obedience to any traffic regulation or to avoid traffic congestion.

6-3-5: DAMAGING TRAFFIC SIGNS PROHIBITED

It is unlawful for any person to drive into, alter, deface, injure, move, knock down, demolish, remove or interfere with any traffic sign, standard, post, chain, gate, rope, pavement markings, or other traffic control device installed for the purpose of directing or regulating traffic in the city.

6-3-6: OBSTRUCTION OF VIEW PROHIBITED

- A. It is unlawful for persons owning or occupying property adjacent to any street or highway in the city to permit any tree, plant, shrub, sign, vehicle, fence or other obstacle of any kind located on said property to block the view of traffic signs to the vision of oncoming motorists or to obscure the vision of oncoming traffic so as to constitute a traffic hazard.
- B. When the city determines, upon the basis of an engineering or traffic investigation, that a traffic hazard exists, it shall notify the owner or occupant and order that the hazard be removed within ten (10) days.
- C. The failure of the owner or occupant to remove the traffic hazard within ten (10) days of notification is a violation of this section.
- D. When the city determines, upon the basis of an engineering or traffic investigation, that an obstruction is an imminent hazard to public safety, then the city may require the owner or occupant to immediately remove the obstruction or hazard, or the city may remove the obstruction or hazard at the expense of the owner.

6-3-7: ENGINE COMPRESSION BRAKE DEVICES PROHIBITED OR RESTRICTED

- A. It is a violation of this section to use any engine compression brake device or system, commonly referred to as a Jake Brake® or Jacobs Brake®, on any street, road or highway within the city limits unless the vehicle is equipped with a factory installed muffler or an equivalent after-market muffler.
- B. The restrictions established in this section shall not apply to fire engines, ambulances, or other emergency vehicles.

CHAPTER 4 SPEED REGULATION

6-4-1: ESTABLISHING SPEED LIMITS ON PUBLIC PROPERTY

The City Engineer may determine, on the basis of an engineering and traffic investigation consistent with Utah Code Ann. § 41-6a-603, a reasonable and safe *prima facie* speed limit different than that specified by law. Such speed limit is effective when appropriate signs giving notice are erected at an intersection or other place or part of a street to which the speed limit applies. When such signs are in place, any speed in excess of the posted limits is *prima facie* evidence that the speed is not reasonable or prudent and that it is unlawful under this section.,

CHAPTER 5 STOPPING, STANDING, AND PARKING

6-5-1: PARKING PROHIBITED IN SPECIFIED AREAS

It shall be a violation of this Title for any person to stop, stand, or park a vehicle, or to permit another person to do the same, in any of the following:

- A. In front of or within five feet (5') of a private driveway or alley;
- B. In front of or within ten feet (10') of a mailbox between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., on days that mail is delivered;

- C. Within twenty feet (20') of a crosswalk;
- D. Within thirty feet (30') of an intersection;
- E. In front of or within fifteen feet (15') of a fire hydrant;
- F. On or across a sidewalk;
- G. Within thirty feet (30') from the approach to any traffic control device;
- H. Within fifty feet (50') of the nearest rails of any railroad crossing;
- I. Within twenty feet (20') of the entrance to a fire station, or on the street opposite of the entrance to a fire station;
- J. At any place where traffic-control devices, including temporary devices, prohibit parking;
- K. In any location or in any manner that the vehicle is parked opposite of the flow of traffic on the street; or
- L. At any place marked with a red curb.

6-5-2: PARKING OF TRUCKS AND COMMERCIAL VEHICLES

A. Definitions.

- 1. "COMMERCIAL VEHICLE" means any motor vehicle, vehicle, trailer, or semitrailer used or maintained for business, compensation or profit to transport passengers or property on a highway, if the commercial vehicle:
 - a. Has a manufacturer's gross vehicle weight rating or gross combination weight rating of ten thousand one (10,001) or more pounds;
 - b. Is designed to transport more than fifteen (15) passengers, including the driver; or
 - c. Is used in the transportation of hazardous materials and is required to be placarded in accordance with 49 CFR part 172, subpart F.
- 2. The following vehicles are not considered a "commercial vehicle" for purposes of this chapter:
 - a. Equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the Reserves and National Guard on active duty, including personnel on full time National Guard duty, personnel on part time training, and National Guard military technicians and civilians who are required to wear military uniforms and are subject to the Code of Military Justice;
 - b. Firefighting and emergency vehicles, operated by emergency personnel, not including commercial tow trucks;
 - c. City or County commercial vehicles being used in the servicing of adjacent properties or streets; and
 - d. Recreational vehicles that are driven solely as family or personal conveyances for noncommercial purposes.

- B. No person shall park any commercial vehicle on a residential street or along any collector or arterial street within the jurisdiction of the City unless the person is actively loading cargo into or unloading cargo from the commercial vehicle.
- C. Removal or Impoundment: Any commercial vehicle that receives three (3) or more notices or citations for violating this section within a one hundred eighty (180) day period may be moved by a peace officer or impounded at the owner's expense.

6-5-3: ANGLE PARKING; RESTRICTIONS

The City may, after placement of appropriate signs and markings, designate certain areas as suitable for angle parking. No vehicle may park in an area designated for angle parking if any portion of the vehicle extends into the travel lane. It is prohibited to angle park, front end first, in areas designated for reverse angle parking. Angle parking is only permitted in designated areas.

6-5-4: OBSTRUCTING TRAFFIC PROHIBITED

No person shall stand, stop, or park any vehicle upon a street or highway in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the street or highway for free movement of vehicular traffic.

6-5-5: PARKING PROHIBITED WHEN

It is unlawful for any person who owns or has possession, custody or control of any vehicle or trailer to park or knowingly allow to be parked any vehicle or trailer on any street or highway:

- A. When it is snowing or snow is on the street during the months of November, December, January, February, March, and April; or
- B. For a period longer than twenty-four (24) consecutive hours; or
- C. For any period longer than that allowed by appropriate signs, markings or parking meters giving notice of such parking time limitation.

6-5-6: PARKING PROHIBITED ON EMERGENCY ACCESS STREETS

It is unlawful for any person who owns or has possession, custody or control of any vehicle or trailer to park, or knowingly allow to be parked any vehicle or trailer, on any private road or driveway that serves as an emergency access, turnaround or within a twenty foot (20') clear zone.

6-5-7: OFF STREET PARKING REQUIRED WHEN AVAILABLE

No person shall park a vehicle on the street when it is possible under the existing conditions to park the vehicle off the street in a designated parking area in which the person is authorized or otherwise permitted to park and where such parking would not constitute a violation of this Title.

6-5-8: PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park or operate a vehicle upon any street or highway for the principal purpose of maintaining or repairing such vehicle, except repairs necessitated by an emergency.

6-5-9: PARKING ON PUBLIC SCHOOL GROUNDS

- A. Student Parking Areas: Students shall park in student- designated parking areas only.
- B. Faculty Parking Areas: Only authorized faculty may park in designated faculty parking areas.
- C. Restricted Areas: Unauthorized vehicles shall not park in restricted areas.

- D. Inside Marked Stalls: All vehicles shall be parked inside marked parking stalls.
- E. Motorcycles: Motorcycles must be parked in an area designated for motorcycle parking.

6-5-10: VEHICLE TRESPASS

- A. The owner or lessee of commercial property that invites the public to park or drive motor vehicles upon the property during business hours may close the property to the public during non-business hours by posting on the property a sign, clearly visible, stating the time(s) the public is prohibited to park or drive a motor vehicle upon it. It shall be unlawful for any person to park or drive a motor vehicle upon a property that has been posted closed to the public at any time when the property is so closed.
- B. The owner or lessee of commercial property may restrict access to the property during business hours by posting a sign, clearly visible, limiting access to patrons of the business. The owner or lessee may revoke a patron's permission to be on the property.
- C. It shall be a defense that:
 - 1. The owner or lessee of the property has granted express permission to the person to park or drive upon the property;
 - 2. The person is operating a police or other emergency vehicle; or
 - 3. The vehicle being operated or parked upon the property is devoted to commercial or industrial purposes in connection with the property and permission for such operation is impliedly or expressly given by the property owner.
- D. Vehicle trespass under this section shall be a strict liability offense.

6-5-11: REMOVAL OF ILLEGALLY PARKED VEHICLE

Whenever any officer of a Police Department or the City finds a vehicle parked or standing upon a street or highway in violation of this title, the officer is authorized to move the vehicle or require the driver or other person in charge of the vehicle to move it to a position not in violation of this title.

6-5-12: PARKING OF MOTOR HOMES, TRAILERS, CAMPERS, BOATS AND RECREATIONAL VEHICLES

It is unlawful to park or keep any motor home, trailer, camper, boat, recreational vehicle or trailer of any kind, attached or unattached, on a public street, except for the limited purpose of loading or unloading the same, not to exceed twelve (12) hours.

6-5-13: OWNER'S RESPONSIBILITY

Whenever any vehicle shall have been parked in violation of the Herriman City Traffic Code, the person in whose name such vehicle is registered shall be *prima facie* responsible for such violation and subject to the penalty therefore.

6-5-14: ENHANCED PENALTY

Any person receiving three or more notices or citation for violations of this title, or for notices or violations of the Herriman City Traffic Code, within the jurisdiction of Herriman City, within a one hundred eighty-day period, shall be subject to having his or her vehicle impounded.

CHAPTER 5, ARTICLE A

CIVIL INFRACTIONS

6-5A-1: INTENT

It is the intent of the City to decriminalize certain violations which have traditionally been regulated by the criminal laws of the State of Utah and Title 1 of this Code. This is done to assist residents and visitors of Herriman City by expediting the resolution of these cases and to remove the negative stigma attached to criminal actions. This is done, in part, pursuant to Utah Code Ann. §§ 10-8-84 and 10-3-703(2)(a). The procedures set forth below shall be utilized to expedite resolution of cases arising under Title 6, Chapter 5 of this Code.

6-5A-2: CIVIL INFRACTIONS, CONTINUING VIOLATION

- A. The following acts are hereby declared to be civil infractions, and not criminal offenses, and within the jurisdiction of the Civil Violations Hearing Examiner:
 1. Violations of any of the regulations contained in Title 6, Chapter 5 of this Code;
 2. Violations of any of the regulations contained in Title 6, Chapter 6 of this Code;
 3. Violations of parking laws and regulations not inconsistent with this Code which are described in the Utah State Code which has been adopted as a portion of this Code under Section 6-1-2 above; or
 4. Violations of motor vehicle license plate and registration regulations when the motor vehicle is parked on public property;
- B. Except as otherwise set forth herein or in Utah State Code, it shall be a separate civil offense for each violation of any of the regulations under 6-5A-2(A).

6-5A-3: CIVIL VIOLATIONS HEARING EXAMINER

The position of Civil Violations Hearing Examiner is hereby created within the legal department. A hearing examiner shall be a member in good standing of the Utah State Bar and shall perform all duties and exercise all powers prescribed in this Article. A hearing examiner may perform his/her duties through subordinates, except that a hearing shall be conducted only by a hearing examiner if a person charged with a civil infraction so requires in writing. The amount of a hearing examiner's or subordinate's compensation shall not be based directly or indirectly upon the outcome of cases heard by the hearing examiner or subordinate, as the case may be.

6-5A-4: NOTICE OF INFRACTION

A written notice of infraction shall be issued to each person charged with a civil infraction, which notice shall contain not less than the following information:

- A. The name and address of the person charged with the civil infraction;
- B. The civil infraction(s) charged including the specific section(s) and subsection(s), as the case may be, of the infraction;
- C. The date and place of the civil infraction(s);
- D. If the civil infraction(s) involved the use of a motor vehicle, the make of the vehicles and its license number;
- E. Written warning that the notice of infraction must be responded to at the Herriman City Customer Service Department; and

F. Other information regarding payment of the civil infraction and procedures for requesting a hearing with the Civil Violations Hearing Examiner.

6-5A-5: RESPONSE TO NOTICE

A. Any person to whom a notice of infraction has been issued shall respond within five (5) days thereof by:

1. Paying the fee described in section 6-5A-6 of this Article;
2. Contesting the violation in the manner described in section 6-5A-7 of this Article; or
3. Demonstrating financial inability to pay the applicable fee on any reasonable terms, in which event the hearing examiner may require the performance of a stipulated public service to be performed in not more than thirty (30) days in lieu of paying the fee. Such public service shall be performed within Herriman City and for the benefit of the City or another not-for-profit organization located within the City.

B. Fees may be paid by mail, but all risk that payments may be lost in the mail shall be on the sender. Payment shall be considered made on the day received by the City and not on the day the payment is mailed.

6-5A-6: FEES

A. Fees and other money related to civil infractions under this Article shall be paid to the Herriman City Finance Department in such manner, not inconsistent with this Code, as the Finance Director shall direct. Neither the Civil Hearing Examiner nor any subordinate shall receive any fees or other money related to civil infractions over which the Civil Hearing Examiner has jurisdiction.

B. The fee for violations of a parking regulation shall be as follows:

1. \$25.00 if paid or contested within five (5) business days after a notice of infraction is issued.
2. \$35.00 if paid or contested between six (6) and ten (10) business days after a notice of infraction is issued.
3. \$50.00 if paid or contested between eleven (11) and fifteen (15) business days after a notice of infraction is issued.
4. A civil parking infraction not paid within fifteen (15) business days after the notice of infraction is issued shall, in addition to the \$50.00 fee provided in subsection (3) above, accrue additional penalty at the rate of \$25.00 per month until paid. A parking infraction not paid within fifteen (15) business days shall be deemed to be in default and shall thereafter be subject to the remedies described in sections 6-5A-10 and 6-5A-11 of this Article.

6-5A-7: CONTESTING A CIVIL INFRACTION

A. Any person charged with a civil infraction may contest the violation instead of paying the fee. Such contest shall be commenced no later than fifteen (15) business days after the notice of infraction has been issued by causing written request for a hearing to be delivered to the office of the civil violations hearing examiner.

B. Failure to contest the notice of infraction within five (5) business days or ten (10) business days as provided in Section 6-5A-6 of this Article may affect the fee charged in the matter if the violation is not successfully contested.

C. When a civil infraction is contested as described herein, the Civil Infraction Hearing Examiner shall conduct a civil hearing with respect to the violation. The notice of infarction shall constitute *prima facie* evidence that the infraction alleged therein actually occurred. The hearing shall be conducted as informally as the

circumstances will allow and shall be based on the civil standard of a preponderance of the evidence. At the hearing, any party may be required to testify.

D. The hearing examiner shall determine, by a preponderance of the evidence, if the alleged civil infraction occurred. If the hearing examiner finds that it did not occur, the notice of infraction shall be without any further force or effect. If the hearing examiner finds that it did occur, the person to whom the notice of infraction was issued shall have the obligation set forth in section 6-5A-5(1) or (3), and 6-5A-9 of this Article. Compliance with those sections shall be within five (5) business days after the hearing unless the decision is given by mail rather than at the hearing, in which event, compliance shall be within ten (10) business days after the decision is mailed to the address given on the written notice of contest. The notice of infraction shall be considered to be in default if there is not compliance with this Article in the time periods provided in this subsection.

6-5A-8: SPECIAL PROVISIONS

- A. The notice of infraction may be issued by affixing the notice of infraction in a conspicuous place on the subject motor vehicle.
- B. Whenever a motor vehicle has been parked in violation of any regulation of Title 6, Chapter 5, the person in whose name such vehicle is registered shall be *prima facie* responsible for such violation and liable for payment of the applicable fee.
- C. Any motor vehicle with respect to which three (3) or more notice of infractions are in default is hereby declared to be a public nuisance, and the City or any City Police Officer may authorize said motor vehicle to be towed from the public streets at the expense and risk of the registered owner. Said motor vehicle shall be held and not released until the unpaid fees, together with reasonable costs of towing and storage, have been paid.
- D. If a motor vehicle has been towed from the public streets pursuant to this Section and is being held for the payment of fees and charges, the owner thereof, or the agent of the owner, may request in writing a hearing before the Civil Violations Hearing Examiner to determine the validity of the action taken with respect to said motor vehicle. Said hearing shall take place within seventy-two (72) hours from the date of the request unless the applicant agrees to a longer period of time before the hearing. The hearing examiner may order the release of any motor vehicle without cost to the owner or the owner's agent if said motor vehicle was towed from the public streets and is being held in violation of this Article or other applicable law.

6-5A-9: CRIMINAL VIOLATIONS

- A. Definitions. As used in this Section:
 1. “**DEFAULT**” means the failure of a registered owner or any other person to whom a notice of infraction has been issued to pay or contest a notice of infraction issued under this chapter within 15 business days as set forth in sections 6 and 7 of this Article.
 2. “**REGISTERED OWNER**” means the individual, entity, company, organization, or any other person capable of holding title of a vehicle whose name or other identifying information is listed on a vehicle’s registration.
- B. Notwithstanding any contrary provision in this Article, it shall be a criminal infraction, with exclusive jurisdiction in the Herriman City Justice Court:
 1. For any person to whom a notice of infraction has been issued, including a registered owner, to allow the subject action to go into default;
 2. For any person to whom a notice of infraction has been issued, including a registered owner, to fail or refuse to respond to a notice of infraction issued pursuant to this Article;

- 3. For any person to whom a notice of infraction has been issued, including a registered owner, to fail to appear at a hearing to contest a notice of infraction scheduled in accordance with section 7 of this Article; or
- 4. For any person to fail to comply with the findings or orders of the Civil Violations Hearing Examiner after a contest and hearing under section 7 of this Article.

C. For purposes of this section, it shall be a rebuttable presumption that the notice of infraction and any other notices have been received by the addressee or the registered owner at the registered owner's address.

6-5A-10: CIVIL COLLECTION ACTIONS

The City may bring civil suit in appropriate courts to recover the amount of overdue and unpaid fees, together with any other reasonable charges related thereto.

CHAPTER 6 **PARKING PERMIT PROGRAM**

6-6-1: PURPOSE

- A. There exist certain facilities within the city, such as schools and parks which attract commuters seeking parking in nearby areas which are predominantly residential in nature. The increased demand often exacerbates the severe shortage of on street parking for residents in such areas.
- B. This chapter authorizes a program and implements a procedural system by which residents and businesses within qualifying areas may receive preferential treatment when competing with commuter vehicles for available on street parking in predominantly residential neighborhoods of the city. The enactment of a preferential parking permit program administered and coordinated by community development, can address the adverse effect of motor vehicle congestion caused by the long-term parking of commuter vehicles within these areas by:
 - 1. Increasing access to residents;
 - 2. Increasing traffic/pedestrian safety by reducing traffic congestion;
 - 3. Reducing the adverse environmental impacts on an area created by excessive air and noise pollution and the accumulation of trash and refuse on public streets;
 - 4. Encouraging the use of mass transit, carpooling and other alternative modes of transaction by reducing commuter vehicle traffic that originates from outside the permit area and has no apparent relation to area residents; and
 - 5. Promoting the tranquility, safety, health and welfare of area inhabitants, which are desirable attributes that are associated with a positive urban environment.

6-6-2: DEFINITIONS

As used in this chapter:

- A. "ADDRESS" means the street number and applicable apartment/condominium number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a separate address.
- B. "AREA" means without reference to zoning, a geographical region, not necessarily contiguous, where residents dwell and businesses may operate.

- C. “AREA BUSINESS” means any professional establishment or nonresident property owner whose business property is located within a city parking permit area.
- D. “AREA PERMITTEE” means an area resident or an area business which has received from the city an area regular permit.
- E. “AREA REGULAR PERMIT” or “REGULAR PERMIT DECAL” means a valid decal or cardstock placard hung from the vehicle's rearview mirror issued by the city for assignment to vehicles under the legal control of area residents and/or area businesses.
- F. “AREA RESIDENT” means any person who is a bona fide resident of a parking permit area.
- G. “AREA VEHICLE” means a vehicle that originates from inside a parking permit area and is under the control of area residents or area business owners and includes automobiles, trucks, motorcycles, or other motor driven forms of transportation. The term "area vehicle" does not include boats and trailers.
- H. “CITY PERMIT AREA” or “PARKING PERMIT AREA” means any area designated by the city council as a permit parking area within the corporate limits of Herriman City wherein motor vehicles displaying a permit as described herein shall be exempt from parking regulations or restrictions solely applicable to commuter vehicles.
- I. “CITY PERMIT PROGRAM” means any Herriman City permit parking program, as a whole, administered by community development.
- J. “COMMUTER VEHICLE” means a motor vehicle parked in a city permit parking area that: a) is not under the control of an area resident or area business; and b) does not bear a permit as described herein for the parking permit area.
- K. “DWELLING” means a building, or portion thereof, which is designated for residential purposes. Such dwelling must bear an address. The number of independent dwelling units recognized therein shall not exceed the number authorized by the applicable zoning ordinances.
- L. “GUEST PERMIT” means the portable cardstock placard issued by the city to area residents and area businesses for use on vehicles under the legal control of guests, customers and/or clients during periods when persons operating said vehicles are actually visiting or engaged in business at the permittee's address not to exceed forty five (45) days.
- M. “LEASE” means a person pays rent or other remuneration for use of a parcel of real property as such person's residence or place of business.
- N. “OWNS” means a person has at least one-fourth (1/4) of the fee or equitable interest in a parcel of real property within a city permit parking area.
- O. “PERMIT VEHICLE” means any vehicle properly displaying a regular permit or a guest permit issued by the city for authorized use on such vehicles.
- P. “PERMIT YEAR” means the twelve (12) month period set for the administration of a city permit area, including the expiration and renewal of permit area regular and guest permits.
- Q. “PROGRAM” means and shall refer to the process of designation, administration and enforcement of all city parking permit areas and regulations established by the city council pursuant to the provisions of this chapter.
- R. “REGULAR PERMIT” means an adhesive decal or cardstock placard hung from the vehicle's rearview mirror that was issued by the city for assignment to vehicles under the legal control of area residents and area businesses.
- S. “RESIDENT” means a person who resides or dwells in the city parking permit area on a regular basis.

6-6-3: AREA DESIGNATION; AUTHORITY

The city council may designate as a parking permit area any area, within the corporate limits of the City which the city council finds to satisfy the area designation criteria detailed below in Section 6-7-4. Such area shall then be a city permit area in which motor vehicles displaying an area regular permit or guest permit may stand or be parked without limitations imposed on commuter vehicles by the parking regulations in the area.

6-6-4: AREA DESIGNATION; CRITERIA

- A. An area may be eligible for consideration as a city permit area if the community development director determines, after proper evaluation, that the qualified area is adversely affected by commuter vehicles for any extended period(s) during the day or night, on weekends or holidays.
- B. In determining adverse effects upon an area, the community development director shall analyze and evaluate factors which include, but are not limited to, the following:
 1. The extent of the desire and perception of need by the residents for permit parking as evidenced by receipt of petitions as required herein;
 2. The extent to which legal on street parking spaces are occupied by motor vehicles during any given time period; and
 3. The extent to which vehicles parking in the area during the period proposed for parking regulations are commuter vehicles rather than resident vehicles
- C. The community development director may consider for proposed designation as a city permit area, an area whose streets (or portions thereof) qualify by satisfying the following eligibility criteria:
 1. A major portion of the parking capacity is generally occupied;
 2. Such occupancy continues for any consecutive four (4) hour period and such occupancy rate occurs on an average of at least four (4) days per week;
 3. Twenty five percent (25%) of the vehicles occupying the on street spaces are other than area vehicles; and
 4. The requesting area consists of curb space fronting a minimum of ten (10) contiguous residences in length.

6-6-5: AREA DESIGNATION; PROCESS

- A. Persons desiring to have an area designated a parking permit area shall consult with the community development director, to tentatively establish the boundaries of the area proposed for designation.
- B. As soon as practical after consulting with the community development director the proponents of the parking permit area shall submit a petition in a form acceptable to the city containing the signatures of a minimum of fifty one percent (51%) of the residents living within the boundaries of the area proposed for the parking permit area.
- C. As soon as practical after submitting the petition containing the required signatures, the proponents of the parking permit area shall submit a list from the Salt Lake County assessor's office that list each separate tax parcel/property owner of record within the proposed parking permit area together with the complete address of such owner.
- D. Upon receipt of the petition containing the required signatures and the list from the Salt Lake County assessor's office and on the community development director's favorable recommendation to establish a

parking permit area, the city council, as soon as practicable consistent with scheduling constraints, may fix a time, date and location for a public hearing to consider the petition and the community development director's recommendation to designate the proposed area a parking permit area where on street parking is restricted or allowed by area regular permit or temporary visitor permit only. Said hearing shall also be conducted for comment and analysis to determine the boundaries as well as the appropriate area rules and regulations, parking restrictions, issuance of permits, fees and other facets of appropriate implementation.

- E. At least ten (10) days prior to the hearing date, written notice of the public hearing(s) provided for herein shall be: 1) published in a newspaper of general circulation, 2) posted not more than four hundred feet (400') apart along the streets proposed in the permit area, 3) mailed to the property owners within the proposed area, and 4) on the Utah public notice website created under Utah Code Annotated section 63F-1-701. The notice shall state the purpose of the hearing, the location of the hearing, the proposed boundaries of the parking permit area, the proposed permit fee schedules and formulas for issuance, if any, and the location where the petition and other information is on file and available for public review.
- F. Any interested party shall be entitled to appear and be heard on the public hearing subject to city council rules of procedure.

6-6-6: AREA DESIGNATION

- A. Within thirty (30) days following the hearing, the city council shall deny or approve the designation of a parking permit area.
- B. If the city council approves creation of a parking permit area, a declaration of designation shall be prepared establishing the program, including the boundaries, parking regulations, fees, etc., for its administration and implementation. The declaration of designation shall be mailed to each property owner supplied pursuant to section 6-6-5 of this chapter.
- C. As part of a declaration of designation, the city council may establish a conditional citation program. The conditional citation program may include such terms and conditions as the city council shall determine appropriate and shall be included as part of the declaration of designation.

6-6-7: SIGNS AND MARKINGS IN DESIGNATED AREAS

Upon the declaration of designation, the city shall cause appropriate signs, markings and/or meters to be erected in the area, indicating prominently thereon the parking regulations, the effective date, and conditions under which permit parking shall be exempt therefrom.

6-6-8: PARKING PERMIT; APPLICATION; TERM

Each area regular permit shall be valid for one year or portion as set forth in the declaration of designation. Permits shall not be transferable but may be renewed annually upon reapplication in the manner required by community development. Each application or reapplication for an area regular permit or guest permit shall contain information sufficient to identify the applicant's identity, claim for permit eligibility, authorized residence or business address within the city permit area, the license number of the motor vehicle for which application is made, and such other information that may be deemed relevant by community development. Applications shall be accompanied by the fee established in the declaration of designation.

6-6-9: FEES

To defray program administration costs, the regular permit fee for two (2) permits and one guest permit fee shall be twenty-five dollars (\$25.00) per year. The cost to replace a lost or stolen regular permit or a guest permit shall be five dollars (\$5.00).

6-6-10: PARKING PERMIT; ISSUANCE CONDITIONS

Area regular permits or guest permits shall be issued by community development. Each such permit shall be designed

to state or reflect thereon the particular city permit parking area. No more than one such permit shall be issued for each motor vehicle indicated on the application. The number of permits available and the manner for allocating permits between various competing resident (as opposed to commuter) vehicles, and the manner in which the process will be administered for each designated area in the program shall be established in the declaration of designation.

6-6-11: PARKING PERMIT; DISPLAY REQUIRED

Area regular permits or guest permits shall be displayed on or in the authorized vehicle by means of an adhesive decal attached to the rear window of the authorized vehicle or a cardstock placard hung from the rearview mirror of the authorized vehicle.

6-6-12: PARKING PERMIT; ACTIVITIES PERMITTED

A motor vehicle bearing an area regular permit or guest permit properly displayed as provided for herein, shall be permitted to stand or be parked in the parking permit area for which the permit has been issued without being limited by parking regulations or prohibitions solely applicable to commuter vehicles. The permit does not exempt drivers or owners from complying with general parking regulations and penalties imposed by an applicable traffic code or ordinance. All other motor vehicles not bearing an area permit or guest permit properly displayed as provided for herein that are parked within a parking permit area shall be subject to the commuter parking regulations established in the declaration of designation, and the penalties provided for herein.

6-6-13: GUEST PERMITS

The community development director is authorized to issue guest permits to residents and businesses located within designated permit areas for use of their bona fide transient visitors, service persons, and construction personnel for a limited duration not to exceed forty-five (45) days. Prior to expiration, a vehicle bearing a guest permit shall have all the parking rights, obligations and privileges given to area permittees.

6-6-14: PARKING PERMIT; REVOCATION CONDITIONS

- A. Faithful compliance with the terms of the permit program is a condition subsequent to the privilege of obtaining an area regular permit or guest permit. Violation of the terms of the city permit program shall be deemed a forfeiture of those privileges.
 1. Any person holding an area regular permit or guest permit that is convicted of a violation of this chapter may be required to surrender such permit as a part of sentencing.
 2. The community development director is authorized to revoke an area regular permit or guest permit of any person found to be in violation of this chapter, and upon written notification thereof, the person shall surrender such permit to the community development director. Failure, when so requested, to surrender such a permit so revoked shall constitute an infraction.
 3. In the event the community development director has good cause to believe that any person or entity is abusing the guest permit system, he shall so notify such person abusing the guest permit system. Any further application for a guest permit by such person found abusing the guest permit system may be denied for a period of not more than one year.
- B. Any person aggrieved by such a determination made by the community development director of this section shall have the right to appeal to the city manager within seven (7) days of such determination.

6-6-15: ENLARGEMENT OF AREA

Any existing parking permit area may be enlarged by following substantially the same procedure set forth in sections 6-6-3, 6-6-4 and 6-6-5 of this chapter for such enlarged area.

6-6-16: REMOVAL OF AREA DESIGNATION OR DELETION OF STREETS

The city council may delete an area or selected street from the parking permit area by giving:

- A. Notice to all addresses within the boundary of the permit parking area proposed to be wholly removed from permit parking designation or within the boundary of an existing permit parking area where certain streets (or portions thereof) are proposed to be deleted from permit parking area that a public hearing is to be held to consider this action. Such notice shall be given as provided for in subsection 6-6-5E of this chapter.
- B. Such notice shall contain:
 1. The date, time and place of the public hearing to consider the proposed removal or deletion.
 2. A description of the city council's intention to remove from designation a permit parking area or to delete certain streets (or portions thereof) from an existing permit parking area.
 3. A listing of the streets (or portions thereof) proposed for removal from designation or deletion from a permit parking area.
- C. The hearing shall be conducted as provided herein.
- D. Within thirty (30) days of the public hearing the city council shall approve or deny the proposed removal from permit designation of an entire permit parking area or the proposed deletion of certain streets (or portions thereof) from an existing permit parking area.
- E. If permit parking area designation is removed from an entire area or if the deletion of certain streets (or portions thereof) from an existing permit parking area is approved, a declaration of removal shall be prepared and distributed to the areas so affected using the criteria outlined herein.

6-6-17: MODIFICATION OF REGULATIONS

The city council may modify the rules, regulations or restrictions governing an existing permit parking area by giving:

- A. Notice to all addresses within the boundary of the existing permit area subject to the proposed modifications of a public hearing to be held.
- B. Such notice shall contain:
 1. The date, time and place of the public hearing to consider the proposed modifications.
 2. A description of the city council's proposed modifications to the existing permit parking area.
 3. A listing of the streets (or portions thereof) that will be affected by the proposed modifications.
- C. The hearing shall be conducted as provided herein.
- D. Within thirty (30) days of the public hearing the city council shall approve or deny the proposed modification(s).
- E. If the modification(s) is approved, a notice shall be prepared and distributed to the areas so affected using the criteria outlined herein.

6-6-18: UNLAWFUL ACTIVITIES; PENALTY

- A. It is unlawful and a violation of this chapter for any person to stand or park a motor vehicle or to cause the same to be done contrary to the parking regulations established pursuant hereto. Such violation shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

- B. It is unlawful and a violation of this chapter for a person to falsely represent himself as eligible for an area regular permit or a guest permit, or to furnish false information in an application therefor to the community development director.
- C. It is unlawful and a violation of this chapter for a person holding an area regular permit to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this chapter, both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued. Such violation shall be punishable by a fine not to exceed one hundred dollars (\$100.00).
- D. It is unlawful and a violation of this chapter for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit area regular permit or a guest permit in order to evade parking regulations applicable in a city permit parking area.

CHAPTER 7 **TOWING AND PARKING ENFORCEMENT SERVICES**

6-7-1: DEFINITIONS

For purposes of this chapter, the following words shall have the following meanings:

- A. “AUTHORIZED VEHICLE” means a vehicle parked on private property for which permission has been granted to park such vehicle.
- B. “BOOT” means a device used by a towing or parking enforcement company to temporarily immobilize or disable a motor vehicle for purposes of enforcing parking restrictions.
- C. “MOTOR CARRIER” means a person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property by a commercial vehicle on a highway within the State of Utah and includes a tow truck service business.
- D. “PARKING ENFORCEMENT OPERATION” means providing parking enforcement services for compensation within the limits of Herriman City.
- E. “PARKING ENFORCEMENT SERVICE” means the practice of immobilizing (booting) or otherwise disabling vehicles without the owner’s consent for the purpose of enforcing parking restriction on public streets, private property, or public parking lots restricted as to certain uses.
- F. “PERSON” means an individual, firm, partnership, corporation, company, association, or a joint stock association or venture.
- G. “REMOVAL FEE” means a fee charged by a parking enforcer to remove an immobilization device.
- H. “ROTATION LIST” means a list of certified and licensed towing companies maintained by the Herriman City Police Department. Such list is provided to motorists who request the names of towing companies from public safety officers.
- I. “TOW TRUCK” means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disable, abandoned, seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow line, dolly, tilt bed, or other means.
- J. “TOW TRUCK SERVICE” means the function and any ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place by means of a tow truck.

K. "TOWING OPERATIONS" means providing tow truck services for compensation within the limits of Herriman City whether or not the towing extends beyond the Herriman City limits. Towing operations also include the storage of a towed vehicle pending its return to the owner thereof by the person or agent who towed the vehicle.

6-7-2: OPERATIONS

- A. An owner or person in lawful possession or control of real property may, to the extent authorized by this section, tow away or immobilize any unauthorized vehicle located on the property. An unauthorized vehicle is any vehicle parked or stopped in violation of private property parking regulations which govern parking for authorized tenants and visitors or which restrict parking in a loading zone, handicapped zone, fire lane, or a no parking zone.
- B. No towing or parking enforcement business or its agent may conduct a towing or parking enforcement operation unless:
 - 1. Authorized by the owner of the private property on which the vehicle is located, or the owner's agent; or
 - 2. Requested by a peace officer or by an order of a person acting on behalf of a law enforcement agency.
- C. Except as otherwise ordered by a peace officer or a person acting on behalf of a law enforcement agency, at least 15 (fifteen) minutes prior to commencing a towing operation without the vehicle owner's knowledge, the tow operator shall report their intent to tow the vehicle to the Herriman City Police dispatcher. This report shall include the vehicle's description, including its vehicle identification number and license number or other identification number issued by a state agency, and the name of the person, firm, or corporation impounding or towing the vehicle. After performing a towing operation without the vehicle owner's knowledge, the tow operator shall report the towing of the vehicle to the Herriman City police dispatcher within the soonest of one hour or immediately upon arriving at the place of storage or impound of the vehicle. The report shall include:
 - 1. The vehicle's description, including its vehicle identification number and license number or other identification number issued by a state agency;
 - 2. The name of the person, firm, or corporation impounding or towing the vehicle;
 - 3. The name of the person who requested removal of the vehicle;
 - 4. The date, time, and location of the vehicle's removal;
 - 5. Reason(s) for removal of the vehicle;
 - 6. The location where the subject vehicle will be kept; and
 - 7. A telephone number staffed twenty-four hours a day, which an owner can call to arrange for release of the vehicle.
- D. No towing or parking enforcement business or its agent may conduct a towing or parking enforcement operation other than on a vehicle which has been continuously parked for more than seventy-two hours, unless:
 - 1. "No parking" areas, restricted parking spaces, and visitor parking spaces, if any, are clearly marked with signage installed in such a manner as to provide adequate notice to those utilizing the parked area, including marking of the boundaries between the subject parking lot and any adjoining parking lot owned by another person; and

2. A conspicuous sign posted at, or immediately adjacent to, each entrance to the property provides notice that unauthorized vehicles may be towed from the parking lot or immobilized. Each such sign shall:
 - a. Be at least eighteen inches by twenty-four inches in size;
 - b. Give warning, in large reflective lettering, that unauthorized vehicles may be towed or immobilized;
 - c. Give the name and telephone number of business(es) authorized to conduct a towing or parking enforcement operation on the property;
 - d. State the fees charged for towing and parking enforcement operations; and
 - e. Be posted within approximately five feet of each entrance to a parking lot.
 - (1) For purposes of this subsection, a "parking lot entrance" shall mean any access allowing the entrance or exit of a vehicle between a private parking lot and a city street unless such access is not the property of the parking lot owner. In such case, parking lot entrance shall mean:
 - (A) The intersection of the parking lot property line and the property line of the access point; or
 - (B) Any privately owned road connected to a public right of way leading to the entrance of a parking lot located on private property;
 - (2) A sign posted directly over a driveway leading to an underground lot shall be deemed to meet the location requirements of this subsection;
 - (3) If signs cannot be posted within five feet from the entrance to a parking lot for reasons of practical difficulty (such as the necessity of drilling a hole through concrete, removing a tree or shrubs, or because of an immediately adjacent private driveway not owned by the owner of the parking lot), a sign may be placed as close as reasonably practicable to the parking lot entrance. However, no sign shall be further than thirty feet from the edge of the curb that borders the private property.
- E. No towing or parking enforcement business or its agent may conduct a towing or parking enforcement operation regarding a vehicle located on private property, unless:
 1. The owner of the subject real property or the owner's agent:
 - a. Conforms to the requirements of subsection E(1)(b) and F of this section;
 - b. Discloses, in writing, to each tenant of the property when the tenant first occupies the property:
 - (1) The rules which govern the use of parking areas;
 - (2) That parking a vehicle in violation of such rules may subject the vehicle to a towing or parking enforcement operation; and
 - (3) That the tenant may contest a towing or parking enforcement operation as provided in this chapter;

2. The towing or parking enforcement business or its agent conducting the operation:
 - a. Except as otherwise provided in subsection F of this section, receives from the property owner or the owner's agent, who shall not be affiliated in any way within the towing or parking enforcement business, a written or telephonic request for each towing or parking enforcement of a particular vehicle;
 - b. Posts a copy of the towing or parking enforcement business's fee schedule in a prominent place at the location where vehicles are released from storage; and
 - c. Maintains personnel authorized to release any vehicle to its owner twenty-four hours each day and who can respond within one hour of a request for release of a vehicle;
3. The towing or parking enforcement business employee who conducts, or attempts to conduct, a towing or parking enforcement operation:
 - a. Wears either:
 - (1) A readily identifiable shirt, blouse, or other top article of clothing with the name of the business and the first name of the employee contained thereon and readable from a distance of six feet; or
 - (2) A prominently visible identification badge on the front of employee's clothing with the name of the business and the first name of the employee contained thereon and readable from a distance of six feet;
 - b. Possess evidence of:
 - (1) Either a written or telephonic towing or parking enforcement request form the property owner or the owner's agent, or the contract required by subsection F of this section and a license or certification as a Herriman City towing or parking enforcement business, and;
 - (2) The fee schedule required by subsection E(b)(ii) of this section;
 - c. Upon request, provides the name and telephone number of the property owner or owner's agent, and shows the evidence required by subsection E(c)(ii) of this section to:
 - (1) A person whose vehicle is subject to the towing or parking enforcement operation; and
 - (2) Any law enforcement officer;
 - d. Prior to mechanically connecting a vehicle to a tow truck or booting a vehicle, documents, through the use of date and time stamped digital photography or digital video, the precise nature of the violation of the private property parking regulations; and
 - e. Upon booting a vehicle, places a notice on the driver's door window which indicates:
 - (1) In large letters (twenty-four to thirty-six font size), "This vehicle has been booted";

- (2) The name and telephone number of the towing or parking enforcement business and the name of the person that immobilized the vehicle;
- (3) A telephone number, staffed twenty-four hours a day, which the vehicle owner may call to arrange for release of the vehicle;
- (4) Applicable fees; and
- (5) The following statement:
 - (A) A towing or parking enforcement business that tows or boots a vehicle unlawfully may be subject to criminal and civil penalties as provided in this Chapter. A person whose vehicle is towed or booted shall be entitled, upon request, to the name and telephone number of the owner of the property or owner's agent where the tow or boot occurred.

f. Upon towing a vehicle, takes the vehicle directly to a storage lot that complies with the requirements of state law, this section, and Herriman City Code;

g. Once the vehicle is mechanically connected to the tow truck, the tow operator may only disconnect the vehicle:

- (1) Upon arrival at the storage lot;
- (2) To release the vehicle to the driver, owner, or owner's agent; or
- (3) To abandon the tow and leave the vehicle where the tow operator originally found it.

h. Any towing or parking enforcement business or its agent conducting a towing or parking enforcement operation of a vehicle located on private property shall:

- (1) Maintain the documentation required under this Section for no less than one year;
- (2) Make available, prior to taking payment for the towing or parking enforcement operation, a copy of the documentation required under this Section, upon request by any of the following:
 - (A) The driver or owner of the vehicle that was subject to the towing or parking enforcement operation, or the owner's agent; and
 - (B) Any law enforcement officer; and

i. Prior to taking any payment related to a towing or parking enforcement operation, provide the driver or owner of the towed or booted vehicle, or the owner's authorized agent, with a statement of the owner's rights regarding towing and parking enforcement operations that has been approved by Herriman City administration.

F. The written or telephonic request required under subsection E of this section prior to initiating a towing or parking enforcement operation is not required if all of the following requirements are met:

1. The towing or parking enforcement business or its agent conducting the towing or parking enforcement operation has been designated as a Herriman City qualified towing or parking enforcement business by the city administrator, or the city administrator's designee;

- a. A licensed towing or parking enforcement business may seek this qualification by completing and signing a written application on a form provided by the city.
 - b. The licensed applicant business may be granted this qualification upon satisfying the city administrator, or the city administrator's designee, that the applicant's business operations comply with all of the contractual obligations required under this Chapter.
- 2. The owner of the property where the towing or parking enforcement operation takes place complies with all the contractual obligations required under this Chapter and the Code; and
- 3. The towing and parking enforcement business and the private property owner must have, and comply with, a contract that contains provisions documenting and requiring all of the following:
 - a. A right of appeal to the property owner by the owner or operator of the vehicle booted or towed;
 - b. The right of the property owner to grant the appeal and waive part or all of the fees and charges incurred by the appellant;
 - (1) A documented plan for providing adequate visitor parking;
 - (2) Reasonable, as determined by the city administrator or the city administrator's designee, temporary permit parking on a 24/7 availability basis for any property where the owner requires permit parking;
 - (3) Signage that, in the city administrator or city administrator's designee's reasonable opinion, provides fair notice to all persons of all limitations on parking on the property; and
 - (4) A limitation of the towing or parking enforcement operator's total maximum fees and charges for booting or otherwise immobilizing a vehicle to sixty dollars and the total maximum fees and charges for towing a vehicle to one hundred seventy-five dollars, including the first day of storage (subsequent days of storage may be charged in accordance with the rules and rates set forth in rule R909-19-13, Utah administrative code).
- 4. It is a violation of this section to conduct a towing or parking enforcement operation without a written or telephonic request pursuant to this Chapter if either party to a contract described of this Section fails to comply with a contract provision required hereunder.
- 5. Appeals by towing or parking enforcement operators or property owners of decisions by the city administrator, or the city administrator's designee, made under this subsection may be appealed to the city council.

G. A booted vehicle may not be removed from the site sooner than two hours after the time of booting.

H. Except as otherwise provided in this section, a towing or parking enforcement business conducting a towing or parking enforcement operation pursuant to this section shall release the subject vehicle to its owner or agent immediately upon payment of applicable fees authorized by this section or by rule R909-19, Utah administrative code, as amended.

- 1. The towing or parking enforcement business shall accept payment offered in cash or by major credit card but shall not be obligated to accept checks or payment in coins and shall maintain sufficient cash on hand to make change of up to forty dollars.

2. Every towing or parking enforcement business providing services pursuant to this subsection shall post in a conspicuous place upon its business premises a true copy of this section.
3. A parking enforcement business shall be limited to a maximum Immobilization/booting fee, per vehicle, of fifty percent of the maximum towing rate for non-consent tows as provided in rule R909-19-12, Utah administrative code, and may not charge any other fee for a parking enforcement operation. If an immobilized vehicle is towed, no fee of any kind relating to booting may be charged in addition to towing, storage, or other applicable fees. If a vehicle is towed or booted unlawfully, no fee shall be payable.
4. If the vehicle owner or agent arrives at the vehicle before the towing or parking enforcement operator has mechanically connected the vehicle to a tow truck or booting device, the towing or parking enforcement operator shall:
 - a. Not continue to tow or boot the vehicle; and
 - b. Not be entitled to tow or boot the vehicle or to charge any fee whatsoever if the vehicle is promptly removed from the premises.
5. If a tow truck is mechanically connected to a vehicle, the tow truck shall be in possession of the vehicle. If the vehicle owner or agent attempts to retrieve the vehicle before the vehicle is removed from the property, the maximum towing or parking enforcement fee shall not exceed fifty percent of the posted rate schedule.
6. No parking enforcement fee, other than fees authorized by this subsection, shall be charged as a condition of releasing a booted vehicle.
7. A vehicle shall be released immediately upon payment of any required fees authorized by this section.

- I. Property owners, managers, or their agents shall not receive any consideration whatsoever from any towing or parking enforcement business in exchange for utilizing such business's services to tow or boot unauthorized vehicles from the owner's property or for entering into a services agreement with a towing or parking enforcement business.
- J. Towing damages. Any person acting to remove or otherwise disturb any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling such private property, or either of them, shall be liable to the owner, owner's agent, or driver of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of such vehicle which does not comply with the requirements of this section.
- K. Boot removal. Upon receiving a request by the vehicle owner or owner's agent to remove a boot the towing or parking enforcement business shall respond and remove the boot within thirty minutes.

6-7-3: ROTATION LIST

- A. The chief of police or his designee shall create and administer a rotation list comprised of those towing companies who comply with all the terms of the Herriman City Code and are authorized to respond to calls for service by the police department. One slot on the rotation list shall be given to each compliant company. To ensure a fair distribution of calls for service, however, companies with different names but which utilize the same employees, trucks, business offices or impound yards shall be treated as one company for purposes of the rotation list, and shall only have one slot on the list.
- B. In addition to any other requirements set forth in the Herriman City Code or required by federal or state law, a towing company, which has been placed on the rotation list, shall:

1. Respond to a call for service from the police department and arrive on scene as soon as practicable after receiving the call for service. In the event that the company fails to arrive within a reasonable time after receipt of the call for service, the police department shall be permitted to secure the services of an alternate company from the rotation list. The late-responding company shall not be entitled to any fee for a late response or costs and expenses incurred as a result thereof. Any company that fails to respond within the reasonable timeframe will be placed at the bottom of the rotation list and may be subject to temporary or permanent removal from the rotation list. Only those tow truck companies that have been called from the rotation list may respond to a public safety request. Towing companies that have not been specifically called may not respond on behalf of another tow truck company, regardless of the circumstances. Responding tow truck companies that have not been called, shall be placed on the bottom of the rotation list.
2. Have a vehicle storage facility within the city corporate limits that has a fenced area, enclosed yard, or building. No vehicle may be moved to a location which is not within the city limits without the prior consent of the owner or operator of the vehicle. Such vehicle storage facility must comply with all state requirements.
3. Have the capability of transporting abandoned, inoperable, and large vehicles. Any towing company that has the capability of transporting abandoned, inoperable, or large vehicles but refuses to do so may be subject to temporary or permanent removal from the rotation list.
4. Clean up any mess, debris, rubble or any other items that may be located on the roadway or in the immediate vicinity of the location from which an abandoned or inoperable vehicle is to be towed. To achieve this requirement, and in addition to any other state or administrative requirements, the tow truck must be equipped with adequate equipment and materials to clean up the area. Failure to clean up the area is a violation of this section and can result in being removed from the rotation list.
5. Ensure that all its authorized agents agree to follow the instructions or orders of a public safety officer at the towing scene.
6. Comply with all federal, state, and local requirements governing parking enforcement and towing companies.

C. A towing company may voluntarily request in writing to be removed from the rotation list. A towing company may lose the privilege of being on the rotation list and subject to removal from the rotation list for up to a twelve-month period for any of the following reasons:

1. Failure to comply with any of the requirements of this chapter or the Herriman City Code;
2. A conviction of any of the towing company's employees of a crime involving moral turpitude, theft, narcotics, illegal drugs, DUI or property damage. A conviction includes the entry of a plea in abeyance; or
3. Being the subject of three or more complaints received within a ninety-day period that are later substantiated. A complaint is substantiated when the following occurs:
 - a. The complaint has been lodged against a towing company by the owner or the owner's agent of a motor vehicle that was towed or by a police officer;
 - b. The police department has, within ten days of receiving the complaint, given the towing company written notice of the complaint that contains information about the vehicle that was towed, the date, time and place of the tow, and a statement of the complaint including the federal, state or local law or regulation that the towing company is alleged to have violated;

- c. The complaint has been investigated by the chief of police or his designee after having given the towing company ten days to respond in writing to the complaint; and
- d. The chief of police or his designee has determined the towing company violated any federal, state, or local law or rule regulating towing companies and has given the towing company written notice of his decision.

D. Prior to removing a towing company from the rotation list for any of the reasons listed above, the chief of police or his designee shall give the towing company written notice of his decision to remove the company from the rotation list. The notice shall contain the basis for the decision; notice that the towing company will be removed from the rotation list, if applicable; and the conditions under which the towing company will be reinstated on the rotation list, if applicable.

E. Any towing company that has been removed from the rotation list pursuant to this article may appeal to the city administrator or his designee the decision of the police chief or his designee's decision to remove the towing company from the rotation list. Any appeal must be in writing and filed with the city administrator or his designee within ten days of receiving notice of the removal. Within ten days of receiving a notice of appeal the city administrator or his designee shall render a decision upholding the removal or reinstating the towing company on the rotation list.

F. Removal from the rotation list shall be for a ninety-day period for the first removal within a three-year period. Removal from the towing rotation list shall be for one year for the second removal from the rotation list within three years of any prior removal. The date of removal shall be the later of ten days after the chief of police or his designee sends a notice of removal or the date the city administrator or his designee renders a decision in response to an appeal. Any towing company that has been removed from the rotation list may file a written request with the chief of police or his designee to be placed back on the list no sooner than ten days prior to the expiration of the removal period. The chief of police shall place the company back on the towing rotation list upon a showing that all previous problems for which the company has been removed have been corrected, and the company certifies it is willing and able to comply with all the requirements for being on the rotation list.

6-7-4: PENALTIES

- A. It shall be a Criminal Infraction for any person to:
 - 1. Tamper with or remove from a vehicle a lawfully installed boot without the authorization of the towing or parking enforcement operator who applied the boot, which authorization shall not be withheld in violation of state or local law; and
 - 2. To disconnect a vehicle mechanically connected to a tow truck without the authorization of the towing or parking enforcement operator lawfully in possession of the vehicle, which authorization shall not be withheld in violation of state or local law.
- B. Violations of Section 6-7-2 or 6-7-3 by any person, business, firm, partnership, association, joint venture, or corporation is a Class C misdemeanor.
- C. Any person, business, firm, partnership, association, joint venture, or corporation that is convicted of a violation of Section 6-7-2 or 6-7-3 is guilty of a class B misdemeanor if that same person, business, firm, partnership, association, joint venture, or corporation has a prior conviction of Section 6-7-2 or 6-7-3 of this Chapter.
- D. Civil penalties. In addition to any other penalty, a civil action for damages or to abate a violation of this chapter may be brought by any aggrieved person.
 - 1. A person who authorizes, tows, or immobilizes a vehicle from private property in violation of the provisions of this chapter is liable in a civil action for a penalty of up to five hundred dollars

as the court may determine. A civil action under this subsection may not be commenced later than one hundred eighty days after occurrence of the violation.

2. Lack of compliance with the requirements of subsections D, E, and F of Section 6-7-2 shall be *prima facie* evidence of a violation of this section.
3. The remedies provided for in this subsection shall be cumulative and not exclusive.

E. Nothing in this section shall preclude prosecution of any crime, including, but not limited to, criminal mischief, fraud, and theft.

TITLE 6

CODE	DESCRIPTION	OFFENSE LEVEL	FINE/FEE
6-2-3	Failure to obey lawfully erected traffic control devices	Infraction	\$25
6-3-1	Interference with control of vehicle	Infraction	\$50
6-3-2	Improper lookout	Infraction	\$125
6-3-3	Negligent collision	Infraction	\$125
6-3-4	Avoiding intersection	Infraction	\$125
6-3-5	Damaging traffic signs	Infraction	\$150
6-3-6(A)	Obstruction of view	Infraction	\$75
6-3-7	Unlawful use of engine compression brake device	Infraction	\$125
6-5-1(A)	Parking within 5 feet of a private driveway or alley	Infraction	\$25
6-5-1(B)	Parking within 10 feet of a mailbox between 8:00am and 5:00pm	Infraction	\$25
6-5-1(C)	Parking within 20 feet of a crosswalk	Infraction	\$25
6-5-1(D)	Parking within 30 feet of an intersection	Infraction	\$25
6-5-1(E)	Parking in front of or within 15 feet of a fire hydrant	Infraction	\$25
6-5-1(F)	Parking on or across a sidewalk	Infraction	\$25
6-5-1(G)	Parking within 30 feet from the approach to any traffic control device	Infraction	\$25
6-5-1(H)	Parking within 50 feet of the nearest rails of any railroad crossing	Infraction	\$25
6-5-1(I)	Parking within 20 feet of the entrance to a fire station or on the opposite side of the entrance to a fire station	Infraction	\$25
6-5-1(J)	Parking at any place where prohibited by traffic-control devices	Infraction	\$25
6-5-1(K)	Parking opposite the flow of traffic on the street	Infraction	\$25
6-5-1(L)	Parking at any place marked with a red curb	Infraction	\$25
6-5-2(B)	Parking a commercial vehicle on a residential street on a collector/arterial street	Infraction	\$25
6-5-3	Improper angle parking	Infraction	\$25
6-5-4	Obstructing traffic	Infraction	\$25
6-5-5(A)	Unlawful winter parking	Infraction	\$25
6-5-5(B)	Parking for a period of longer than 24 hours	Infraction	\$25
6-5-5(C)	Parking for a period longer than permitted by appropriate signs	Infraction	\$25
6-5-6	Parking on a private road or driveway that serves as an emergency access	Infraction	\$25
6-5-7	Parking on the street when off-street parking is available	Infraction	\$25
6-5-8	Unlawful parking for purpose of repairing or maintaining vehicle	Infraction	\$25
6-5-10(A)	Vehicle trespass	Infraction	\$25
6-5-12	Unlawful parking of motor homes, trailers, campers, boats, or recreational vehicles	Infraction	\$25
6-5A-9(B)(1)	Allowing a notice of infraction to go into default	Infraction	\$100
6-5A-9(B)(2)	Failing or refusing to respond to a notice of infraction under Title 6	Infraction	\$100
6-5A-9(B)(3)	Failing or refusing to appear at a hearing to contest a notice of infraction	Infraction	\$100
6-5A-9(B)(4)	Failing to comply with the findings/order of a Civil Violations Hearing Examiner after Hearing	Infraction	\$100
6-6-18(A)	Unlawful parking in permit area	Infraction	\$100
6-6-18(B)	Falsely represent eligibility for permit	Infraction	\$100
6-6-18(C)	Improper transfer of parking permit	Infraction	\$100
6-6-18(D)	Unlawful copying of parking permit	Infraction	\$100
6-7-2	Unlawful towing operation FIRST OFFENSE	MC	\$200
6-7-2	Unlawful towing operation SECOND OR SUBSEQUENT OFFENSE	MB	\$300
6-7-3	Violation of towing rotation list FIRST OFFENSE	MC	\$200
6-7-3	Violation of towing rotation list SECOND OR SUBSEQUENT OFFENSE	MB	\$300
6-7-4(A)(1)	Tampering or removing a lawfully installed boot	Infraction	\$150
6-7-4(A)(2)	Unlawfully disconnecting a vehicle from a tow truck	Infraction	\$150