



STAFF REPORT

DATE: March 22, 2023

TO: The Planning Commission

FROM: Clinton Spencer, AICP, Planning Manager

SUBJECT: Discussion and consideration of a request to amend the Official Herriman City Zoning Map for ±545 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway from FR-2.5 Forestry Recreation Zone to apply the LMPC Large Project Master Planned Community Zone to develop a residential planned community known as Laguna. (Public Hearing)
Applicant: John Lindsley, authorized agent
Acres: ±545
File No: M2022-049

RECOMMENDATION:

Staff recommends *denial* of a proposal to amend the Official Zoning Map for ±545 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway from FR-2.5 Zone to LMPC Zone.

The recommendation is based upon the following findings, which are more fully described within this staff report:

- The proposal is not consistent with the adopted General Plan or zoning designation,
- The proposal is not in character with the surrounding property,
- The proposal causes increased adverse effects on established adjacent properties, and
- The proposal places a significant financial burden on the City.

ISSUE BEFORE COMMISSION:

Should the Commission recommend approval or denial of the request to amend the Official Zoning Map for ±545 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway from FR-2.5 Zone to LMPC Zone?

BACKGROUND & SUMMARY:

This request is part of an area commonly known as Laguna Malibu. The Laguna portion contains ±545 acres and 914 proposed dwelling units, and the Malibu portion contains ±270 acres and 354 proposed dwelling units for a total of ±815 acres and 1,268 dwelling units.

Since late 2021, the applicant has been discussing the proposed zoning amendment and Laguna Master Development Agreement (MDA) with the City. In response, the City Council and staff held several “working group” meetings to discuss potential development standards for the MDA. However, no final decision or binding agreement was made during—or as a result of—these work meetings.

For the City’s consideration, the applicant provided draft design guidelines for the proposed MDA to guide the area’s development. Other amenities, such as new trails and parks, have also been included in the proposal.

A community meeting was held on March 6, 2023, which twenty-three (23) residents attended. At the meeting, residents expressed concerns with the proposed zoning amendment, development timeline, traffic impacts, recreational features, and water services.

For the April 5, 2023, Planning Commission public hearing, staff prepared and mailed ninety-seven (97) public notices to residents and affected entities on March 24, 2023. A public meeting notice was also posted on State and City websites on March 24, 2023.

DISCUSSION:

Standards for Consideration:

As stated in City Code 10-5-8(E) Approval Standards, “A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6(A) of this chapter. In making an amendment, the following factors should be considered:”

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;

***Staff Finding:** When this application was received, a previous version of the General Plan was in place. According to that General Plan, the proposed area was designated as Open Space and Resort/Recreational. The maximum density in the Resort/Recreational area was 0.4 dwelling units per acre. As proposed, the 914 units on 545 acres have an overall density of 1.68 units per acre, which exceeds the Open Space and Resort/Recreational land use designation for density. For reference, the maximum number of dwelling units allowed within the previous General Plan was 0.4 units per acre, which would be 218 units. The proposed 914 units is an increase of nearly 700 units. As such, staff finds the proposal does not comply with the applicable General Plan.*

With the recent update of the General Plan, the current land use designation shows (1) Recreational Resort/Forest Residential, (2) Open Space, and (3) Mountain/Canyon Residential land uses in the area of the proposed development. The maximum density for these three (3) land use designations is the Recreational Resort/Forest Residential area, which allows up to one unit per acre. The Mountain/Canyon Residential portion limits density to 0.4 units per acre. As such, the proposal is still not compliant when using the updated land use designations.

For reference, the subject property is currently zoned FR-2.5, which requires a minimum lot size of 2.5 acres. Under the current zone, the subject property could potentially have 218 residential units, which is consistent with the General Plan land use designation.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

Staff Finding. *Currently, the area in question is undeveloped. All of the proposed development areas are within the Hillside Overlay Zone, which allows for development with enhanced restrictions to protect and preserve the natural hillside environment. The stated purpose of the Hillside Overlay Zone includes the following:*

“The City intends to preserve as much of the existing natural beauty as is feasible and still allow for compatible development. The natural resources should be taken advantage of without significantly detracting from the enjoyment of the hillside area.”

Allowing more intense development than the property is currently zoned increases negative impacts on the natural hillside and scenic environment, which is not consistent with the character of the surrounding area. However, it should be noted that the applicant provided an updated slope study showing development would occur in areas not adversely affected by slopes greater than 30%.

3. The extent to which the proposed amendment may adversely affect adjacent property; and

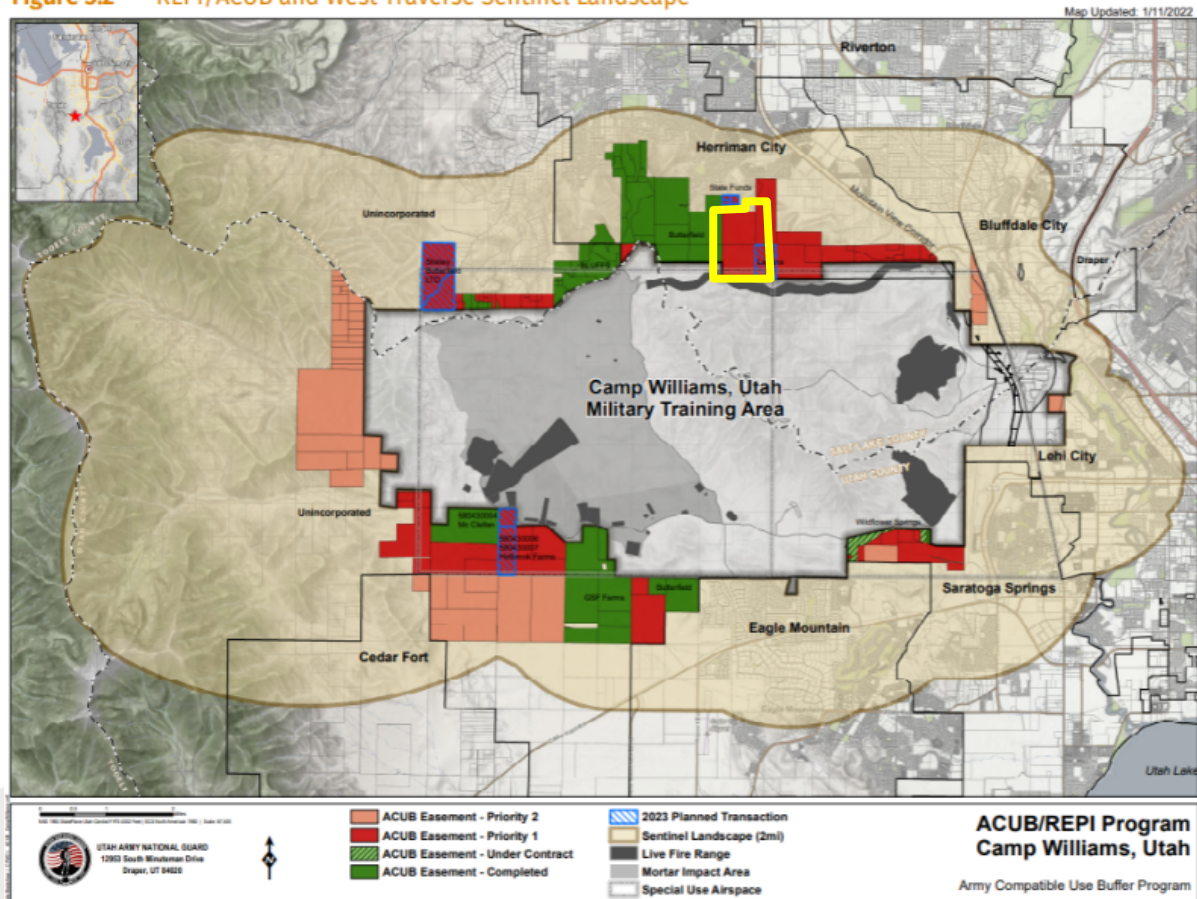
Staff Finding: *Camp Williams is located just south of the proposed development. As a military facility, several activities occur on the property that causes noise, light, fire, and other impacts on adjacent properties. Typically military facilities such as Camp Williams around the country try to preserve a buffer from their operations to adjacent residential or developed properties. According to the Readiness and Environmental Protection Integration Program (REPI) report from September 2021:*

*“Camp Williams is located in one of the fastest growing areas in Utah and **faces a serious threat of increased incompatible development.** In addition, weather conditions, vegetation, and other **characteristics of its location pose a risk of high-intensity wildfires sparked by live weaponry or lightning.** In fact, Camp Williams averages 27 days of no training each year due to high fire hazard risks. Despite “fire break” roads and other efforts to prevent spreading wildfires, **past incidences have led to fires sweeping into neighboring communities, damaging homes, and forcing the evacuation of residents.** Compounding this problem is urban sprawl now extending to the installation fence line.”*

Further, a recent Joint Land Use Study (See Figure 5.2) was provided to the City that shows proposed easements the U.S. Army wants to acquire, which identifies all of the property in the proposed Laguna development as “ACUB Easement – Priority 1.”

Staff finds that the additional residential units within the proposal would negatively impact Camp Williams and future Herriman residents due to noise, light, and fire safety issues. In response to these concerns, the applicant sought a compromise with Camp Williams and requested a letter of support for the proposal, which request was not resolved before the publication of this report.

Figure 5.2 REPI/ACUB and West Traverse Sentinel Landscape



Source: READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION [REPI] PROGRAM

West Traverse Mountain Compatibility Area Study

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

Staff Finding: *The proposed development would place hundreds of homes in areas that would be difficult and costly for the City to serve and maintain—especially critical life safety services such as police and fire protection. As such, the proposed development would likely require new police and fire stations to provide timely emergency services, which would be expensive for the City to provide and maintain. Furthermore, maintaining the proposed water and drainage infrastructure, as well as additional parks and roads, will add to the City’s financial burden.*

To address this concern, during the working group meetings, staff requested the applicant provide a study showing the economic feasibility of providing services to this area. While the applicant attempted to work with the City to identify possible funding options to offset construction and maintenance costs, like an improvement or maintenance district, this issue has not been resolved. Regardless, it is reasonable to assume that the obligation to provide long-term municipal services for the proposed development will fall on the City.

Therefore, because of the distance from existing municipal services, the site’s geography, and other concerns, such as the wildfire and wildland urban interface, staff finds the proposed development would place an excessive financial burden on the City and its residents.

ALTERNATIVES:

Action from the Planning Commission may include the following:

Alternative	Recommendation	Pro – Considerations for Alternative	Con – Considerations against Alternative
Deny proposal	Yes	Based on the information provided by the applicant, staff found the proposal (1) does not comply with the General Plan, (2) is not compatible with surrounding properties, (3) adversely affects adjacent land uses, and (4) increases the financial burden of the City	Denial of the proposal would limit potential development, which is contrary to the interest of the property owner and applicant
Approve proposal as submitted		Approval may facilitate the development of housing styles that are not currently available within the City and improve access to recreational opportunities	Approval will facilitate development that will cause land use conflicts and be costly to serve and maintain
Postpone proposal (with or without date)		The Commission may identify additional issues that warrant further research and review. A motion to postpone should identify what additional information is required	Although the applicant has not produced a detailed study of the financial impacts of the proposal, staff does not find that postponement will resolve this issue

ATTACHMENTS:

- A. Application
- B. Vicinity Map
- C. Draft MDA Documents and Design Guidelines
- D. REPI Study for Camp Williams
- E. Joint Land Use Study (JLUS) for Camp Williams
- F. General Plan Documents
- G. Community Meeting Notice
- H. Public Notice