

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

APRIL 18, 2019; 5:05 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR SCOTT FREITAG, SCOTT CARTER,
BRUCE DAVIS, TOM DAY, AND JOY PETRO**

EXCUSED:

JOYCE BROWN

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, TIM WATKINS, AND KIM READ**

The meeting was held in the Council Chambers of the Layton City Center.

Mayor Freitag opened the meeting, led the Pledge of Allegiance and gave the invocation. Scouts and students were welcomed.

MINUTES:

MOTION: Councilmember Day moved and Councilmember Carter seconded to approve the minutes of:

**Layton City Council Work Meeting – February 21, 2019;
Layton City Council Meeting – February 21, 2019;
Layton City Council Budget Meeting – March 6, 2019; and
Layton City Council Meeting – March 7, 2019.**

The vote was unanimous to approve the minutes as written. **Councilmember Brown was not present for the vote.**

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Petro announced the following:

- Informed the Council the Fire Corps offered fantastic information on preparedness and mentioned a meeting had taken place on Wednesday, March 20, 2019 and one was scheduled for Wednesday, May 15, 2019, regarding sanitation during a disaster.
- Saturday, June 1, 2019, Family Recreation Activity at Ellison Park will begin at 11:00 a.m. with the Mudz, Sudz, and Fludz beginning at 12:00 (noon).
- Davis Arts Council's has a new event titled Insomnia Film Challenge and explained how the activity would take place. She stated the films would be viewed in the Kaysville Movie Theater later in June.

CITIZEN COMMENTS:

Melissa Leger, 679 South 850 West, expressed concern regarding the rate increases for culinary and secondary water rates.

Alex Jensen, City Manager, explained the water rates had been structured for two separate tiers: those with access to secondary water and those without access to secondary water. He mentioned thresholds of usage had to be met in order for a resident to advance from one tier to another. He explained if a resident didn't have access to secondary water, the first tier's allowance for culinary water could possibly be higher than a resident with access to secondary water. He continued to explain the theory that a resident with secondary water would use less culinary water as the secondary water would be used for landscaping purposes. He

reported the State of Utah had required municipalities to adopt a tiered conservation rate to encourage water conservation.

Ms. Leger shared her personal experience in receiving secondary water and informed the Council of the staining she experienced in using the secondary water and had converted her sprinkling system to the culinary system. Mr. Jensen responded the City was aware of those issues in certain areas of the City and emphasized the fee structure in place was based on access, not necessarily use. He added the City had partnered with the irrigation company providing this water source and the State of Utah was installing a series of “bubblers” in the reservoirs which would help mitigate the iron issue in the water.

She asked if there would be any exceptions to the rate structure and asked if there were other options to her. Mr. Jensen encouraged her to be thrifty with the use of the culinary water and reported he would discuss her concern with Staff internally.

CONSENT AGENDA:

PRELIMINARY PLAT – EVERGREEN ESTATES PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) SUBDIVISION – 2387 EAST CHERRY LANE

Tim Watkins, City Planner, identified the location for the Evergreen Estates PRUD. He reminded the Council it had approved the rezone for the vacant property as a PRUD overlaying the Single Family Residential (R-1-10) zone and stated the area contained just over 2 acres. He indicated the PRUD ordinance allowed a maximum of 4.9 units per acre with a full 40 percent density bonus. He reported the preliminary plat proposed 10 single family detached cottage home lots, creating a density of 4.7 units per acre which requires a 36 percent density bonus for 10 dwelling units.

He pointed out the street access and the proposed access to the housing units and also provided a site plan which identified the amenities along Cherry Lane and other open spaces. He shared illustrations of elevations for pad sites and reviewed the proposed exterior products which would be on the homes.

He reported the Planning Commission reviewed the request during its meeting on Tuesday, March 26, 2019 and recommended approval.

Councilmember Day requested clarification as he believed the rezone included more property to the west and to the north. Mr. Watkins explained the development footprint had been decreased since approval of the rezone concept plan. Councilmember Day clarified those additional parcels would remain zoned PRUD and Mr. Watkins responded in the affirmative.

Councilmember Petro asked if use of the pickleball court would be restricted to those residents. Mr. Watkins responded the proposed amenity was intended for the residents and their guests; however, the HOA would have discretion whether that would be allowed.

AMENDED PLAT – CIMMARON PLACE SUBDIVISION – 1ST AMENDMENT – 209 EAST GORDON AVENUE

Mr. Watkins explained the location of the property and shared an illustration specific to Plat 22; separating the commercial parcel into two parcels for separate ownership. He pointed out both would provide appropriate parking and meet landscaping requirements. He reported this item had been reviewed by the Planning Commission during its meeting on Tuesday, April 9, 2019, and recommended approval.

MOTION: Councilmember Davis moved to approve the Consent Agenda as presented. Councilmember Petro seconded the motion, which passed unanimously. **Councilmember Brown was not present for the vote.**

PUBLIC HEARINGS:

REZONE REQUEST – FACER REZONE – A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL) – ORDINANCE 19-11 – 324 NORTH 1425 EAST

Mr. Watkins stated the rezone request was 5.8 acres and oriented the Council to its location. He stated it was proposed to be rezoned from Agriculture to R-1-10 (Single Family Residential) and pointed out the surrounding properties were developed single family residential neighborhoods consistent with R-1-10 and R-1-10 (PRUD) zoning. He stated the request was consistent with the area and development pattern and connected to adjacent development with stubbed streets already in place. He reported there were many questions from the public during the Planning Commission's meeting on Tuesday, March 26, 2019, public hearing; however, the Planning Commission recommended approval

Councilmember Day pointed out the engineer's report mentioned there would be no secondary water for the property at that location and inquired why Weber Basin wasn't providing secondary water and suggested Staff explore that issue.

Mayor Freitag opened the public hearing at 5:27 p.m.

Matt Papaj, 310 North 1425 East, asked about the R-1-10 zoning and expressed concern with height of some of the homes in the R-1-10 zone. He indicated some of the homes were a "raised" rambler and asked if there was any assurance regarding the height.

Mr. Watkins responded height restrictions were two stories with the maximum height of 30 feet. He pointed out the rear yard and front setbacks were 25 feet with side yard setbacks on either side were 8 feet.

Allison Thornley, 504 North 1500 East, mentioned the need for a geological study because of the ground water in the area and asked if the developer had completed the geological study. She expressed concern with potential basement flooding. She informed the Council her home was on the west side near a slope and expressed concern regarding water encroaching her property and home. She mentioned an underground spring was in the area and there was always standing water in the area. She asked how the existing homes would be protected from the water and asked if the developer or City would address ground water issues.

Mr. Watkins responded the timing for the geotechnical study was not required during the rezone process but would be required prior to the preliminary plat process. He stated the applicant would present the geotechnical study at that time and identified the other items which would also be addressed. He pointed out the City would require a land drain system associated with any development unless another option was proposed and a waiver of liability signed by the Geotechnical Engineer. He emphasized a land drain was a requirement of the City.

Ms. Thornley asked if the developer would be required to change the subdivision plan if water issues were identified during the study.

Mr. Watkins indicated the infrastructure issue would mitigate the land drain or storm drain system. He stated that existing geotechnical conditions were reviewed with plans submitted by geotechnical engineers.

Ms. Thornley asked if certain requirements or parameters would require a retention pond and Mr. Watkins responded in the affirmative; a detention basin could also be deemed necessary in conjunction with a land drain system.

Councilmember Day pointed out information in the packet from the City's Engineering Department identified the requirement of a land drain.

Ms. Thornley asked if the location of the land drain was identified and Mr. Watkins responded at this time nothing was specific but shared an illustration which identified a proposed location and stated that

information would be identified in the geotechnical report to be completed at a later date.

Mr. Jensen emphasized a series of approvals were required for development by the City and pointed out the applicant was only asking for a rezone at this time. He stated the issue before the Council currently was to identify whether it was appropriate to place residential single family homes on the property. If the answer to that question was yes then the applicant had the opportunity to complete the necessary requirements associated with any development. He clarified the City had standards associated with development and the applicant would be required to hire an Engineer in order for the infrastructure to meet those requirements. He emphasized the standards were implemented equally for development. He pointed out some of the approvals were administrative and some took place in public meetings and again emphasized the developer would have to meet every identified requirement to ensure standards were met.

Lynn Tarr, 1388 East St. Joseph, identified the location of her home and pointed out the adjacent pasture flooded when the secondary water was running. She expressed concern if a home was constructed behind her the runoff water would be diverted to her yard. She expressed concern a 2-story home constructed behind her home would eliminate her view.

Mr. Watkins emphasized that new construction, grading and drainage could not impact adjacent properties. He also explained how the building height was measured from average grade.

Blake Bastian, developer, stated these concerns would be taken into consideration regarding the infrastructure.

Ms. Tarr also expressed concern about increased traffic along 1500 and the speed of the vehicles currently being experienced. She suggested 17 more homes would generate additional traffic.

Mr. Watkins responded City streets were constructed to accommodate traffic for the proposed development and suggested the speed of traffic was a separate issue and identified ways she should address that concern. He stated her concern would be passed on to the City Engineer.

MOTION: Councilmember Davis moved to close the public hearing at 5:43 p.m. and approve Ordinance 19-11, the Facer Rezone Request from A (Agriculture) to R-1-10 (Single Family Residential) for property located at 324 North 1425 East, as presented. Councilmember Carter seconded the motion. **Mayor Freitag called for discussion or questions from the Council and there were none. The motion carried upon the following vote: Voting AYE – Councilmembers Day, Petro, Davis, and Carter. Voting NO – None.** Councilmember Brown was not present for the vote.

OTHER BUSINESS:

Mr. Jensen introduced Chad Wilkinson, the City's new Community and Economic Development Director, to the Council and Mayor Freitag welcomed him to Layton City.

The meeting adjourned at 5:45 p.m.

Kimberly S Read, City Recorder