MINUTES OF LAYTON CITY COUNCIL WORK MEETING **OCTOBER 3, 2019; 5:45 P.M.**

MAYOR AND COUNCILMEMBERS PRESENT: **MAYOR SCOTT FREITAG, JOYCE BROWN, SCOTT CARTER, BRUCE DAVIS, TOM DAY, AND JOY PETRO**

STAFF PRESENT: **ALEX JENSEN, GARY CRANE, TERRY COBURN, STEPHEN JACKSON, CHAD WILKINSON, AND KIM READ**

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

Mayor Freitag opened the meeting and turned the time over to Staff.

AGENDA:

PRESENTATION – HOUSE BILL 411 – COMMUNITY RENEWABLE ENERGY AMENDMENTS

Steve Handy, Representative, introduced George Humbert, Rocky Mountain Power, and Chris Parker, Director of Public Utilities for the State of Utah. Mr. Handy informed the Council he had dedicated himself to learning about energy policy since being elected. He mentioned the low cost of energy costs in the state of Utah. He explained the history associated with HB 411 and reported discussions were now taking place throughout the State and explained how renewable energy could take place in Utah. He informed the Council, Rocky Mountain Power had announced its plan to be 60% renewable by 2030. He stated a community had to pass a Resolution indicating its interest of opting-in to the Sustainability and Renewable Initiative by December 31, 2019. He added this would signal Rocky Mountain Power to begin completing analysis in moving toward renewable energy. He distributed a handout identifying Community Renewable Energy Act Guidelines and expressed his opinion Layton City was behind in taking advantage of programs and believed residents would want to move in this direction.

Mr. Parker reported his office, in conjunction with utility companies, Office of Consumer Services, Chairman of the Public Service Commission, large industrial customers, and others were in the process of writing rules. He stated the goal was to have each city adopt a resolution by the end of this year, announcing its desire to be 100% renewable energy by 2030 by the end of the year. He explained how the implementation phase would be implemented. He clarified the agreement between each city and utility identifying payment for costs incurred by the utility. Mr. Handy reported one of the sticking points with the legislature in approving the bill was the opt-in or opt-out clause and explained a little bit about that.

Councilmember Petro asked what the projected impact would be to residents if they opted-out and both Mr. Parker and Handy indicated that wasn't known at this time.

Mr. Humbert, Rocky Mountain Power, explained the philosophy for stranded costs. He emphasized Rocky Mountain's desire in being the City's energy partner. He explained how the innovative plan came to fruition and talked about available opportunities at this time and suggested the City determine what its energy and sustainability goals were in moving forward. He announced Rocky Mountain Power offered a variety of options the City could become involved with specific to energy efficiency and renewable energy and reviewed some of those with the Council: Wattsmart Communities, Wattsmart Energy Efficiency, Blue Sky, Subscriber Solar,

Mr. Humbert shared statistics specific to Rocky Mountain Power customers in Layton City which reflected that approximately four percent of those customers were participating in some type of renewable energy option. He also stated that grant opportunities would also be available to schools and non-profit agencies within the City. He added electric charging stations significantly contributed to air quality and suggested some of those should be available near City offices, libraries, and schools.

Mr. Humbert stated language included in HB 411 required a provision specific to low income residents. Mr. Handy reported Weber State was a leader within the state when it comes to energy sustainability. Mr. Humbert informed the Council that Rocky Mountain Power had announced earlier in the day its goal to reduce carbon emissions by over 50% by 2025. He indicated the power plants currently operating in Hunter and Huntington were operating efficiently and weren't identified for immediate closure. A discussion took place regarding the power plants and geo-thermal energy.

Councilmember Brown expressed concern the City was being asked to opt-in before it was completely aware of everything included within the Plan and asked if it could opt-out at a later time. Mr. Humbert indicated in the affirmative. She also expressed concern with how electric cars were paying their share of the road use since they weren't contributing to the gas tax. Representative Handy believed a new bill would be addressing that in the form of increased registration fees for electric cars. A discussion took place regarding the Council's resolution expressing support for HB 411.

Representative Handy, Mr. Parker, and Mr. Humbert left the meeting at 6:30 p.m.

MAYOR'S REPORT

Alex Jensen, City Manager, reminded the Council of the approved development planned for the Swan Lakes golf course property. He explained some changes were being proposed to the development agreement with CW Land. Chad Wilkinson, Community and Economic Development Department Director, explained discussions had taken place between the City and CW Land representatives regarding acceptable time frames associated with the identified amenities. He stated Staff didn't believe the language within the development agreement clearly identified when the common space amenities needed to be completed. He indicated Staff had attempted to identify a number of units which would warrant the amenities to occur and was proposing a number of 150, which would be equivalent to 55% of housing units within the development, would trigger the amenities to be completed. He mentioned this would also require the developer to amend its development covenants and restrictions specifying they would remain part of the development until the amenities had been completed. He reported an amendment to the Development Agreement would come before the Council at a future meeting.

Councilmember Petro requested clarification to the 150 units. Mr. Wilkinson responded 150 was approximately 55% of the development and that number was specific to housing units. He explained the Mansion Homes would consist of multiple housing units and could possibly count as "five" units.

Councilmember Brown asked if the City would no longer allow purchase of building permits until amenities were completed. Mr. Wilkinson indicated there was also a provision which allowed the developer to place cash in escrow.

Gary Crane, City Attorney, explained once the 150 unit threshold was triggered the amenities needed to be completed within a one-year time period. He clarified the City had requested bonding be in place to ensure the amenities were recognized in proportion to the residential component. He indicated this would establish that a certain number of individuals would be available to use the amenities and the collection of HOA (Homeowner's Association) fees would be sufficient to contribute to the maintenance of these amenities. He reported the developer had expressed language within the development agreement could be more specific to these matters.

Councilmember Day expressed concern regarding the cash bond and indicated he would like more security than what the bond would provide. Mr. Crane clarified the cash was a reasonable estimate of what the amenities would cost to construct. He emphasized the developer had to remain an interested party until the amenities and open space improvements were completed. Councilmember Day would like the ability to withhold issuing building permits. Mr. Crane stated that was an option the Council could implement.

Councilmember Brown believed the cash bond would allow a building season to complete the improvements.

Councilmember Petro expressed concern the developer could sell off portions to be completed by other developers. Mr. Crane emphasized the developer, CW Land, would be the responsible party held accountable to complete the construction of the amenities and open space improvements by the City. He pointed out language had been included in the development's CCR's (Covenants, Codes and Restrictions) providing the developer must remain as a party until improvements have been completed. He expressed his opinion this protected the City from CW Land from selling off portions of the development and moving on.

Councilmember Day asked at what point the Council could direct Staff to stop issuing building permits. Mr. Crane responded once the 149th building permit was issued, Staff would request directions from the Council whether it would require a cash bond or withhold issuing building permits. He expressed his opinion the amenities would be completed prior to completing the initial 150 units. He stated the developer was required via contract to stay involved until the end of the project and any future developer would be under the same obligation identified in the development agreement. He emphasized the agreement would run congruent to the property.

REZONE REQUEST – 2980 NORTH CHURCH STREET REZONE – CP-1 (PLANNED NEIGHBORHOOD COMMERCIAL) TO B-RP (BUSINESS RESEARCH PARK) – ORDINANCE 19-33 – 2980 NORTH CHURCH STREET

This item was not addressed by the Council.

CLOSED MEETING:
MOTION: Councilmember Davis moved to adjourn and convene in a closed meeting at 6:49 p.m. to discuss the Purchase, Exchange, or Lease of Real Property, Including Any Form of a Water Right or Water shares. Councilmember Day seconded the motion, which passed unanimously.

MOTION: Councilmember Brown moved to open the meeting at 7:00 p.m. Councilmember Davis seconded the motion, which passed unanimously.

The Council adjourned the work meeting at 7:00 p.m. to convene in City Council meeting.

The work meeting reconvened at 7:49 p.m.

CLOSED MEETING:
MOTION: Councilmember Petro moved to adjourn and convene in a closed meeting at 7:49 p.m. to discuss the Purchase, Exchange, or Lease of Real Property, Including Any Form of a Water Right or Water shares. Councilmember Davis seconded the motion, which passed unanimously.

MOTION: Councilmember Brown moved to open the meeting at 8:46 p.m. Councilmember Davis seconded the motion, which passed unanimously.

The work meeting reconvened at 8:47 p.m.

DISCUSSION – PROPOSED PRUD ORDINANCE

Chad Wilkinson, Community and Economic Development Director, announced tonight's discussion would address the "density bonus" specific to design standards and how it could be applied to provide a high quality product. He reviewed the current ordinance specific to building materials and believed the language was unclear in identifying when the density bonus would be applied and reviewed it with the Council. He shared language in the proposed ordinance and discussed each one of the following with the Council:

Exterior Building Products:
- Minimum 20% masonry on street facing sides
- Masonry materials specifically defined (Stucco no longer defined as masonry for PRUD)
- An increase to 50% masonry may receive a five percent 5% density bonus, and an increase to 75% masonry may receive a 10% density bonus

The discussion also addressed that none of these specifications would be required for traditional subdivisions and Mr. Wilkinson clarified the use of PRUD in different zones. He pointed out the density bonus needs to "be earned" by the developer. He mentioned the flexibility on design standards and pointed out if the developer wanted the bonus density the project would need to exceed the minimum standard and stated the proposed new language would call for that.

Tim Watkins, City Planner, informed the Council based on information and feedback from homebuilders, the new trend was that exterior building products reflect a traditional look and style, yet be durable which the hardy board provided.

Councilmember Petro suggested wording requiring a percentage of product for wraparound when three sides of the home was visible and a discussion followed. Mr. Wilkinson indicated he would draft some language which could be incorporated.

Fencing:
Mr. Wilkinson announced no minimum was defined in the current ordinance. He indicated it only called for uniform perimeter fencing and most types were eligible for the density bonus. He shared the proposed ordinance which stated the following:
- Uniform perimeter fencing required along adjacent property boundaries, or developments backing to existing streets. He informed the Council the new proposal would identify the minimum standard for perimeter fencing.
- Solid white vinyl specifically prohibited (other colors allowed without density bonus)
- Bonus for upgraded fencing materials such as:
  - Architecturally designed brick or masonry
  - Vinyl with wood texture in color and appearance
  - Natural colored vinyl with brick or stone columns
  - Composite
  - Open fencing such as vinyl rail or wrought iron used in conjunction with landscaping.

Councilmember Day suggested language be included which addressed grading under the fence and a discussion took place. Mr. Wilkinson pointed out there could be situations in which the topography wouldn't accommodate this requirement; however, it could be implemented with uniform transitional graded parcels. The discussion continued regarding fencing materials.

Mr. Wilkinson announced a discussion wasn't planned to address the specific percentage of open space during this meeting; rather, the landscaping and amenities would be discussed.

He stated the current Ordinance provided an incentive for 1% bonus for 1% open space increase and highlighted the following:
- Street trees and streetscape enhancement
- Bonus for major recreation amenities

He stated the proposed ordinance would call for the following:
- Minimum tree requirement throughout development

- Bonus for:
  - Major recreational amenities (pools, tennis courts, pickleball, etc.)
  - Aesthetic improvements to the physical elements of a street and yard space fronting a street, including street and sidewalk paving, street furniture, landscaping, street trees, and street lighting that is above the City street lighting standard.
    - In supplement to the City's standard street cross-section, this landscaping enhancement may be provided at a minimum width of three feet (3') between the sidewalk and the front or side lot property line.
    - The linear open space shall be divided from platted residential lots and building pads and side yards by fencing, with at least one (1) entrance gate per building entrance.

Mr. Wilkinson emphasized the Bonus Density would need to be usable and accessible open space within 900 feet of residents' and which also included pedestrian connections to the open spaces.

Councilmember Petro requested clarification regarding the enhanced street lighting above the City standards. Mr. Watkins indicated the City had a good lighting requirement and explained the bonus could be applicable to lighting near bench seating. She also inquired if "dark sky" lighting requirements would be considered a "bonus density" and a discussion followed. Mr. Jensen responded the City was trying to be responsible with that regard and indicated the industry standard minimized light pollution and the discussion continued.

Mayor Freitag expressed his opinion the streetscape enhanced with benches, landscaping and lighting wasn't really an amenity. He continued to express concern a bonus would be given up front (above and beyond) when in the long run the City might end up maintaining the bench and light post. Mr. Wilkinson responded those amenities would not become the responsibility of the City and concluded it would become the responsibility of an HOA.

Mayor Freitag believed the bonus density should be significantly "above and beyond" and the discussion continued. Mr. Wilkinson stated the intent was to create unique spaces within a development as an investment to the community and indicated some of these concerns were policy decisions based on direction from the City Council. Mayor Freitag asked if language specific to "maintenance" could be included and Mr. Wilkinson responded in the affirmative that the language could be included. Mayor Freitag shared an example to illustrate his point that the maintenance associated with some of the landscaping amenities specific to some HOA developments was considerably different now from what was originally installed due to maintenance.

Councilmember Brown pointed out there were neighborhoods throughout the City, which weren't designated as PRUD and didn't participate in an HOA, also experiencing maintenance issues and suggested HOA's could be a benefit to the community in that some residents appreciate knowing they are living in a subdivision which had identified standards. Councilmember Day expressed agreement that property maintenance issues were also applicable and experienced by subdivisions which didn't participate in an HOA.

Mr. Wilkinson continued to read from some of the HOA language which he believed identified Mayor Freitag's concerns.

Councilmember Carter expressed his opinion street lights within developments should belong to the City which contributed to the safety of the neighborhoods and be responsible for ongoing maintenance. Mr. Wilkinson stated that was being proposed and read language which indicated the City's standards would be met and the City would provide maintenance.

Mr. Wilkinson shared information specific to porches and stated the current ordinance had no requirement. He shared the following language in the proposed ordinance:

- All residential units shall have an open-air front porch, stoop or other front entrance feature. Front

Entrance Features shall have a minimum depth and width of at least seven feet (7')
- Front entrance features may encroach no more than seven (7') feet into the front yard setback
- Residential units shall comply with other applicable Design Standards and Guidelines as adopted by the Land Use Authority.

The Council determined to continue with the remainder of the presentation and discussion at a future meeting.

The meeting adjourned at 9:38 p.m.

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Kimberly S Read, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meetings of the Layton City Council on the **3rd day of October, 2019**, were to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares.

Dated this 7th day of November, 2019.

ATTEST:

________________________________	________________________________
SCOTT FREITAG, Mayor	KIMBERLY S READ, City Recorder