

**MINUTES OF LAYTON CITY  
COUNCIL SPECIAL MEETING**

**AUGUST 22, 2019; 7:02 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, TRACY PROBERT,  
CHAD WILKINSON, TIM WATKINS, LON  
CROWELL, KEVIN WARD, AND KIM READ**

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

Mayor Freitag opened the meeting. Councilmember Davis led the Pledge of Allegiance and gave the invocation. The public was welcomed.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Brown pointed out she had attended a meeting on Tuesday, August 20, 2019, regarding the I-15 lane expansion project. She announced there was a change in pavement elevation of approximately one inch that happened to be on the pavement toward the outside of the travel lane. She cautioned drivers to be aware of the danger that it was located at the same place that a tire would ride in the lane. She reported the Public Relations Consultants had received several complaints and indicated a fix would be completed within the next few weeks. She explained the process which would be used.

Councilmember Petro announced the following events:

- Layton F.E.S.T. was still taking place on Friday evenings in Constitution Circle from 5:30 PM to Dusk. She indicated the last two nights for the event were August 23 and 30, 2019.
- Davis Art's Council's Free Friday Films at the Kenley Amphitheater. She announced the movie for tomorrow evening, August 23, would be You've Got Mail and the movie for August 30 would be Guardians of the Galaxy.
- Davis Arts Council's Broadway Princess Party would be performed at the Kenley Amphitheater on Saturday, August 24, beginning at 8:00 p.m. She stated tickets were still available.
- The last concert in the Davis Arts Council's concert series would be performed by Herman's Hermits starring Peter Noone on Thursday, August 29, 2019.
- She reminded the Council of the free Sunday evening concerts at the Kenley Amphitheater.
- Family Recreation Activity was scheduled for Friday, August 30, 2019, End of Summer Bash. She explained participants can compete in a boat race in their boats constructed of cardboard and duct tape at Surf'n Swim. The activity is scheduled from 7:00 – 8:00 p.m. and admission is \$1.

**MINUTES:**

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

**Layton City Council Work Meeting – May 16, 2019; and  
Layton City Council Meeting – July 18, 2019.**

The vote was unanimous to approve the minutes as written.

**PRESENTATIONS:**

There were no presentations.

**CITIZEN COMMENTS:**

Thomas Allgood, 1329 East 300 North, informed the Council he lived near the proposed LDS Temple site and believed his property taxes would increase as a result of increased property values for properties near the temple as had been experienced by other temple locations within the state. He expressed frustration with the City Council frequently approving low income housing developments which benefitted the owners of these complexes. He suggested homeowners subsidized these types of developments and theorized property taxes were equivalent to legal thievery.

**CONSENT AGENDA:**

**FINAL PLAT APPROVAL – EASTRIDGE PARK PRUD PHASES 1G AND 1H – APPROXIMATELY 1900 NORTH EMERALD DRIVE**

Chad Wilkinson, Community and Economic Development Director, reviewed the agenda item with the Council and identified the location of the property. He explained the two phases included lots for cottage homes and reviewed surrounding uses of the parcels. He stated the proposal had been reviewed by Staff and received preliminary approval on May 7, 2015. He pointed out the location of the proposed trail and reported it had since been reviewed by Parks and Recreation Staff who determined the small trail connection was too steep; therefore, that requirement had been eliminated from the proposed development. He emphasized the trail connection, north/south from Antelope Drive to the proposed park at the southern portion of the development, which was a matter of discussion during the preliminary plat approval, would still be required. He reported the Planning Commission reviewed the proposal during its meeting on Tuesday, August 6, 2019, and recommended approval. He asked if there any questions and there were none.

**MOTION:** Councilmember Day moved to approve the Consent Agenda as presented. Councilmember Davis seconded the motion, which passed unanimously.

**PUBLIC HEARINGS:**

**ADOPT BUDGET, PROPERTY TAX RATE AND COMPENSATION SCHEDULE FOR ELECTIVE, STATUTORY AND APPOINTED OFFICERS FOR FISCAL YEAR 2019-2020 – ORDINANCE 19-30**

Tracy Probert, Finance Director, reviewed the proposed budget with the Council highlighting the following:

- Total City Revenue was \$97,416,154
- General Fund Revenue was \$38,569,061
- The General Fund Revenue figure included the proposed property tax increase of 25%, \$1.7 million
- Total Capital Projects \$15,841,454 which included the following:
  - Fire Station #4
  - Streets Projects                 \$3.2 million
  - Parks Projects                    \$2.2 million
  - Utility Projects                   \$4.7 million
  - Other                                 \$1.3 million
  - \$8.6 million of Capital Projects were funded by the General Fund
  - \$2 million for Capital Equipment

He reported the proposed budget also included the following Utility Rate increases:

- Storm Water                        \$1 per month
- Street Lighting                    \$1 per month
- Garbage                              \$2 per can per month (a pass through from Wasatch Integrated)
- Recycling                            \$2 per can per month (a pass through from Waste Management)

The budget also included a 1% COLA (Cost of Living Adjustment) and 2% merit increase for employees.

He announced the Total Revenue in the General Fund, before use of Fund Balance, \$36.6 million. He announced the Total Expenditures, \$38.5 million; and proposed using \$1.957 million of Fund Balance to cover all expenditures.

He reported the Council had discussed various options for the property tax rate. He requested the motion include language adopting the budget, the property tax rate, and compensation schedule, with adjustments if any were intended. He asked if there were any questions from the Council and there were none.

**Mayor Freitag opened the public hearing at 7:17 p.m.**

Mayor Freitag announced clarified a 25% increase in the Certified Tax Rate had been advertised and proposed with the Budget specific to Layton City; however, discussion during the previously held Work Meeting, there was not an appetite to approve a 25% increase. He indicated a final number hadn't been determined by the Council, however, the figures ranged between 15% and 19%.

Dale Briggs, 1064 West 1060 North, requested clarification with information provided which reflected the personnel and Capital Equipment figure of \$1.1 million. He shared his calculations and suggested that figure was highly inflated and questioned how it was calculated.

Mayor Freitag responded a normal 40 hour week for Staff would total 2,040 hours and benefits would also need to be included, and estimated an average cost was \$95,000 with wages and benefits per employee.

Mr. Briggs suggested the City bond for the construction of the fire station and using what had been appropriated for the first year of operation expenses. He stated there were many residents like him that were retired and living on a fixed income and suggested the proposed 25% increase would net over \$1 million dollars. He didn't believe the City had justified the need for that amount of an increase and suggested the City Council approve a smaller tax increase.

Mayor Freitag responded the Council wasn't in favor of bonding due to the costs associated with bonding. If the Council adopted a smaller tax increase that amount would need to be recognized in unreserved Fund Balance.

Kim Florence, 1307 East 625 North, expressed concern regarding the proposed property tax. He reported he had appealed the assessed value of his home because he hadn't been able to sell his home for even less than the assessed value. He expressed agreement with the need for the fire station and reported he had emailed his concern regarding the proposed tax increase and was surprised he had received a response. He suggested it was unfair and unwise to impose a tax burden on existing City residents and implored the Council to consider other plausible resources. He suggested the property tax burdens on Layton City residents was a burden of unusual proportion.

Ja Eggett, 1548 East 2050 North, stated it was the elected officials' responsibility to manage the financial affairs of the City. He indicated citizens of the City had overwhelmingly expressed they did not want a tax increase and didn't believe the citizens were satisfied with the representation of the elected officials. He respectfully requested the Council and Staff find another way to fund the fire station without raising property taxes.

Chad Bell, 516 South 850 West, applauded Mr. Probert for his presentation during the Public Hearing on Thursday, August 8, 2019, concerning consequences experienced by the City due to recent Legislation. He likened the citizens as "employers" of Staff and the elected officials and asked if other options had been considered and suggested eliminating the COLA and merit increases. He applauded the City for not raising taxes in the past but suggested that hadn't been beneficial in the long term. He also asked if the citizens had any recourse if the City Council passed or adopted something they disagreed with.

Mayor Freitag responded there were several options depending on the issue; when it pertained to the budget,

that would need to be resolved by the election process.

Kristen Muse, 1345 East 275 North, announced she was a new homeowner in Layton City and considered it a privilege to live in the City and believed it was well run. She identified challenges experienced by neighboring cities to provide adequate infrastructure and services which could be found in Layton City. She was also supportive of the Fire Department. She expressed concern the City was growing disproportionately with high density housing and asked if these high density developments were proportionately paying their share of taxes. She also asked if those making a profit from their property, multi-family developments, were paying proportionately compared to the resident living in their home. She indicated if City leaders believed a property tax was the best avenue for this purpose, then she could support it and expressed appreciation for an efficient City. She continued to express her opinion there were disproportionate usage/costs for everything from utilities, fire department services, and other services offered by the City.

Mayor Freitag indicated he didn't have any data which reflected a comparison or ratio between homeowners and other property owners and shared some scenarios and indicated property tax was also calculated differently. He believed the property tax for multi-family developments was probably included in the rent for every unit.

Alex Jensen, City Manager, explained property taxes were assessed on property valuation and suggested renters pay their share of property taxes through the rent as the property owner of apartments was rated as a commercial entity and didn't receive the decrease in the assessed value of a single family home. Mr. Jensen explained property tax wasn't based on usage or consumables; but rather the value of the property. He added any disproportionate costs specific to utilities would be in the form of rates; the more water used, the higher the water bill. Mayor Freitag pointed out utility rates couldn't be compared to public safety services. Ms. Muse believed there were statistics which reflected high density had a disproportionate cost and suggested the City look into whether high density paid its share in order to be fair to all residents.

Councilmember Brown pointed out impact fees could also accommodate for the disproportionate costs of construction between a single family home and multi-family. She added the State of Utah didn't allow the City to assess different property tax rates based on usage, it was assessed on value.

Kristina Andrews-Boritzen, 2713 East 200 North, indicated the majority of residents were not in favor of a tax increase and believed fiscal cuts would be more effective and successful in the long run. She also believed there were other solutions which should be considered. She believed postponing the project while continuing to save, brainstorming and exploring other options such as cutting costs associated with the design, phasing of construction, or expanding the current fire stations instead of building the fourth station could all be solutions. She believed the costs for the new station should be passed on to new development through Impact Fees.

Dalton Clark, 155 East 950 South, stated he firmly believed there should be no increase in the property tax rate and believed the City had mismanaged its resources and didn't plan early enough for the fourth station. He informed the Council he worked in the construction industry and inquired if the City had explored "valued engineering" for the construction process. Mr. Clark suggested pleasure projects such as parks, splash pads, trails, etc. be placed on hold until the fire station needs have been met. He suggested Staff be creative with tax rates so that growth supported the needs associated with that new growth.

Mayor Freitag stated the City hadn't yet engaged in selecting a construction firm so that hadn't been considered. He stated the proposed costs were based on research obtained from other entities which had constructed fire stations of similar size and type.

Nate Worthen 256 North 3300 West, stated he was in attendance during the Public Hearing on Thursday, August 8, 2019 and believed the City had done a fantastic job in providing information on the website. He pointed out there were two significant items on the agenda and suggested the City postpone approving the General Plan for another evening in order to allow for appropriate discussion. He believed the City could be more creative on construction costs associated with the proposed fire station. He spoke to the two bonds

currently in place; a City park and UTOPIA, and suggested the fire station was much more of a priority than either of those. He shared some figures and believed it would be less than the UTOPIA bond. He also suggested bonding for the proposed fire station in conjunction with the re-location of fire station #1. He believed the City could possibly designate a special assessment area for the construction of the new fire station. He stated he was in favor of the fire station and suggested the City eliminate the fireworks display. He requested Councilmember Carter abstain from voting on the Budget since he wasn't elected by the residents.

Trevor Hansen, 31 South 3600 West, mentioned the City had made it clear it wasn't interested in going into debt and requested an explanation why he should go into debt for the City. Mayor Freitag responded the City was asking its residents to pay one way or another, whether it was in the form of a bond or tax increase. Mr. Hansen stated in order for him to afford the tax increase he would be cutting necessities, not luxuries. He believed the proposed property tax rate would result in a surplus and inquired where those funds would be appropriated. Mayor Freitag responded if there was additional revenue, it would go into the General Fund for the Council to appropriate.

Zach Bloxham, 1403 Primrose Court, stated he was opposed to the proposed tax increase and expressed appreciation to the Council and Staff for the information provided to him regarding the proposed tax increase. He didn't believe anyone was in disagreement regarding the need for the fire station; but believed the City could do better with the proposed costs for the facility and its ongoing costs. He suggested the costs associated with bonding, provided by Mr. Probert, would be revenue neutral by making cuts to the City's budget. He reported during his campaign he had heard from residents living on fixed incomes and requested the Council delay any proposed tax increase and consider new ideas combined with budget cuts to identify if any tax increase was needed.

Thomas Allgood, 1329 East 300 North, expressed his opinion the appropriated \$2.2 million identified in the proposed budget would be better appropriated for the fire station and suggested it was a higher priority. He would like to see budget adjustments made in order to reduce the proposed tax increase and asked what the \$2.2 million was proposed for. Mr. Probert reported over half of that figure was RAMP Tax Funding already collected and the remainder was for obligations the City had already committed to such as the gymnasium at the new Jr. High school in conjunction with Davis Schools. He added there was also a commitment to complete improvements at the Ed Kenley Amphitheater Plaza, and lastly a tennis court was being resurfaced and the purchase of a new backhoe. Mr. Allgood suggested the City should negotiate better with the School District or County and requested the City identify ways to cut taxes.

Terri Kendrick, 1330 Kimberly Drive, asked if RAMP Funds could be eliminated. Mayor Freitag emphasized the RAMP Tax proposal was placed on the ballot and registered voters passed the tax to be dedicated toward certain projects. He explained appropriation of the funds was based on submitted grant applications. She wasn't happy with the removal of "Goofy" from the park and the subsequent placement of the bronze ducks. Mayor Freitag responded "Goofy" was removed based on "safety" factors.

Gerald Gilbert, 1371 East 1300 North, mentioned the Surf'n Swim bubble and believed it was a huge waste of money for the City. He stated he had voted against the RAMP Tax. He believed employee costs had flat-lined and mentioned Staff had been asked to do more with less. He expressed appreciation for Mr. Probert's presentation shared during the Truth In Taxation public hearing and stated it answered a lot of the questions being asked tonight. He spoke to the importance of fire station number 4 and stated the service area for that station was the entire City. Mayor Freitag spoke to the entire system for the Fire Department and explained how the proposed station would be a benefit to the entire City and not just to the immediate area.

Dave Weaver, 1251 East 1525 North, requested clarification regarding the UTOPIA bond. Mr. Jensen explained the UTOPIA bond was an obligation the City incurred with 13 other cities within Utah to bring high speed internet connectivity to its residents. He explained how internet access was currently affecting development and business growth. He reported meetings had taken place with representatives from Comcast and Century Link (US West at that time) to inquire about their plans to bring high speed modern connectivity to Layton and they both indicated no interest in providing these services, and believed it wouldn't be

financially viable to do so. He stated the 13 cities banded together and formed the interlocal agency known as UTOPIA and explained how the City could provide the fiber as it constructed roads within the City. He indicated Staff, at that time, believed that fiber utility would be essential, just like water or electricity. He stated UTOPIA wasn't a shared system and pointed out the previous challenges associated with similar systems and emphasized UTOPIA customers had their own access to the system. He reported this was an expensive system and the cities banded together and bonded to construct the network and indicated there were some initial challenges. He announced UTOPIA was currently doing remarkable and generated approximately \$1.4 million per month across the entire network and within the next two years, every original City will be built out and every home or business within those communities will have access to the fiber connectivity. He mentioned UTOPIA regularly received requests from other cities inquiring how they could access the network. He expressed his opinion it was a forward thinking investment on behalf of the City to bring enhanced telecommunications to Layton City. He stated the City had high paying jobs with high-tech businesses which chose to locate in Layton City because of UTOPIA technology. He also explained UTOPIA was symmetrical and the upload speed was no different than download speed. He mentioned this Council entered into an agreement with UTOPIA and now received some of the generated revenue and announced every business and home within Layton City would have access in 2020.

Mr. Weaver asked how long that bond would continue to be an obligation to the City. Mr. Jensen responded the bonds were initially set up as 25 year bonds and indicated the City would pay its proportionate share of approximately 16.8%. He explained the "take rate" would eventually make the bond payment and over time, the revenues would be sufficient to cover the debt.

Terri Kendrick, 1330 Kimberly Drive, informed the Council she lived on a fixed budget and announced she couldn't afford UTOPIA. She believed the City and county were "nickel and diming" her to death and pleaded with the Council to not adopt the proposed tax rate increase.

Barbara Briggs, 1064 West 1060 North, asked if the State or Forest Service would be contributing to the fire station as it would assist in protecting the public lands of the mountain and hillside. Gary Crane, City Attorney, explained some recent Legislation encouraged cities to invest in defensive areas near homes, considered a contribution toward wildland fire. He emphasized the proposed fire station would be the City's contribution toward the urban component, and the State would then contribute the maximum to fight any fire on the mountain.

Kevin Ward, Fire Chief, explained the City had already purchased the equipment for the proposed station to support the State's contribution requirement and reviewed those apparatus. He reported the City participated in a replacement program which supported both the State and Federal effort specific to wildland fire. He also explained the City also received some reimbursement from the State and/or Federal Government for use of the equipment when needed. He emphasized this system had saved the taxpayers hundreds of thousands of dollars. He pointed out the State wouldn't commit to assist in purchasing apparatus because it was part of the City's fire protection efforts. He spoke to response times and indicated the proposed station would allow for a quick response limiting the fire. He also mentioned there would be equipment and Staff to provide appropriate medical response.

Tom Cavanaugh, 2435 North 1450 East, complimented Chief Ward for his progressiveness with the City and stated the City was lucky to have him. He believed if the City had the data it should be willing to step up and approach the State on certain issues. He stated he was opposed to the tax increase and suggested the City needed to look at other funding options other than increasing taxes.

**MOTION:** Councilmember Day moved to close the public hearing at 8:44 p.m. and approve the Compensation Schedule for Elective, Statutory, and Appointed Officers as presented; adoption of the Budget with a 17% property tax rate increase, and eliminate the proposed \$1 street lighting fee, for Fiscal Year 2019-2020, Ordinance 19-30. Councilmember Petro seconded the motion. **Mayor Freitag called for further discussion from the Council. He called for the vote: Voting AYE – Councilmember Day.**

Councilmember Brown announced her desire to respond to some questions asked during the public hearing

prior to indicating her vote. She informed the public, applications and income verification could be submitted to Davis County requesting an abatement for a portion of the tax. She also indicated the costs associated with bonding would be almost the same cost for construction of the new fire station. She also pointed out bonding and Impact Fees couldn't be used for any ongoing costs. She expressed disagreement in not moving forward with the \$1 Street Lighting Fee, as some residents had waited a long time for increased lighting in their neighborhoods. She announced she was in agreement with the 17% property tax rate increase; however, was not in agreement with eliminating the \$1 Street Lighting Fee included in the motion. **Voting NO – Councilmember Brown.**

Councilmember Petro clarified her position and referred to the discussion from the Work Meeting held immediately prior to the Council Meeting. She indicated she was concerned with how these increases would impact the residents and had proposed the \$1 Lighting Fee be eliminated from the Budget. She clarified by doing this in conjunction with decreasing the tax rate to 17%, the result would be an estimated increase of approximately \$2.44 per month increase. **Voting AYE – Councilmembers Petro and Davis.**

Councilmember Carter stated he wasn't in favor of cutting the Street Lighting fee given the number of street projects in which the City would be responsible to fund in the near future. He stated he would be in favor of everything included in the motion except for the elimination of the \$1 increase in that fund. **Voting AYE – Councilmember Carter; under the condition the Council would meet to identify options for a revenue source for the lighting of these street projects.**

**Councilmember Brown announced she would be willing to change her vote to AYE as long as the Council would be willing to identify how it would fund street lighting obligation projects.**

Councilmember Day pointed the City wasn't obligated to any street lighting enhancements for the Highway 89, Church Street Overpass, or Gentile Street Improvements as of yet. He believed the Street Lighting Fund was in place to light projects within the City.

**Mayor Freitag announced the motion passed with a unanimous vote of 5-0 to approve the 2020 Budget: with the elimination of the \$1 Street Lighting Fee, increase the property tax rate of 17%, and approve the Compensation Schedule for Elective, Statutory, and Appointed Officers.**

**MOTION:** Councilmember Day moved to take a short break at 8:52 p.m. and reconvene at 9:00 p.m. Councilmember Carter seconded the motion, which passed unanimously.

**The meeting resumed at 9:01 p.m.**

### **COMPREHENSIVE GENERAL PLAN AMENDMENT – ORDINANCE 19-18**

Tim Watkins, City Planner, announced the City's General Plan was over 15 years old and was in need of a comprehensive update to address changing conditions and needs. He reported since October 2017 the City had put forth a public engagement process through the "Layton Forward" General Plan Update process. He added this proposed revision put forth orderly growth to guide rezoning land decisions, new subdivisions, public roads, transit, and parks. He mentioned the General Plan Amendment included the Parks and Recreation Master Plan, the Transportation Master Plan, Land Use and Housing element, as well as the State required Moderate Income Housing Plan. He reviewed Envision Layton and its contribution to the General Plan and reported a significant portion of the public had participated in shaping the update. He identified the number of public hearings which had taken place and stated it had contributed toward transparency in reviewing and adopting the General Plan. He emphasized the Planning Commission had reviewed the Plan and made recommendations and it has been reviewed by the City Council. He mentioned the City Council had also identified corrections which should be implemented.

He spoke to the growth which was proposed to take place in Layton City. He also spoke to the proportion of housing options proposed within the City and stated the State had required the City to identify a moderate income housing component with 80% of the area median income of \$72,000 with a 30% housing budget of

approximately \$1400 per month. He announced a variety of housing options had been identified and provided in the Layton Forward General Plan.

Mr. Watkins referred to the Chapters included in the Plan and reviewed the following with the Council:

- 1. Principles and Policies
  - Quality of Life (livability, safety, and a healthy lifestyle)
  - Recreation, Cultural, Open Space (distributed throughout the community, accessible to parks via trails and bike routes)
  - Maintaining Existing Neighborhood Stability
  - Access to a Variety of Housing Types and making sure they were in appropriate locations with appropriate transitions between intensities and various densities and mix of uses. The various types of housing were categorized in three general types: single family detached, single family attached (or town home or mansion home), and various types of multi-family.
  - Property Values, design driven neighborhoods and housing. Surrounding property values as a value per square foot proposition.
  - Jobs and Economy in appropriate locations and preserving locations for future employment.
  - Sustainable Growth Patterns which can save time and money and improve health and safety
  - Mobility – providing options to get around the community. He shared an illustration referred to as the Draft Future Land Use Map and reviewed it with the Council. He identified one refinement on the map was the new West Office Use for the Council’s consideration.
  
- 2. Land Use
  - Definitions of Mixed Uses, Variety of Types of Context (higher intensity or taller buildings in an urban district, etc.)
  - Non-Residential (Open Space, areas for preservation, agricultural uses)
  - Residential Uses
  - Description of a Recommended Density (units per acre in relation to zoning and development)
  
- 3. Urban Districts
  - Historic Downtown - areas in the core of Layton where development would strengthen existing retail areas, provide greater utilization of under-utilized sites. Bringing activity and vibrancy to the heart of Layton City. Creating a walkable, bike, and pedestrian friendly environment and activities; as well as access to transit.
  - Midtown – a prominent mixed-use regional entertainment district with major retail anchors, and repositioning of the Layton Hills Mall.
  
- 4. Town Centers – Service and Amenities for Neighborhoods. He specified the six town centers identified as areas which provide services to surrounding residential areas:
  - Church and Highway 193
  - Antelope and Main
  - Gordon and Fairfield
  - Gentile and Fairfield
  - Highway 89 and Gordon
  - West Layton

He stated thoughtful effort would be implemented with the transition of height, uses, and setbacks to ensure an appropriate in conjunction with Single Family Residential to the Mixed-Uses. He added a focus on pedestrian friendly design standards would be included in the master planning of these areas.

He shared an illustration of the West Layton Town Center Concept and explained it had been modified since the Planning Commission’s recommendation. He stated the refinement clarified the area north of Hill Field Road was currently zoned for Commercial, and a Development Agreement in place identified that entitlement, and any changes to that Zoning and/or Development Agreement should be consistent with the recommendations of this proposed General Plan. He identified the surrounding uses identified on the

illustration.

He also mentioned the Gordon and Highway 89 Town Center had been identified for future development and explained the surrounding uses including potential storm water conveyance and detention along the south edge of the area, as well as the potential for commercial/retail along the Highway and provide for Mixed-Use in the core, with careful thought to the Single-Family residential for the buffers.

He also spoke to the development options proposed for the other town centers identified in the Plan.

- 5. Business Center Opportunities – future employment opportunities allowing residents to live closer to work. He mentioned the East Gate Business Center which consisted of significant investment of high-tech manufacturing, aerospace manufacturing. He also mentioned an area near the future West Davis Corridor where a possible future business center could be located.
- 6. Residential Areas with a Variety of Amenities
  - Neighborhoods could be developed as a standard subdivision or through design standards and a commitment to an open-space dedication could diversify the housing types and lot sizes and setbacks; but in a creative layout to provide for amenities and possible commercial element, if appropriate. He mentioned one opportunity for creative development could be lower density area in West Layton. He shared some examples of images as examples and spoke to the neighborhood agriculture designation in the area.
- 7. Moving Forward
  - Bringing the vision to reality and efforts by the City to update zoning and explore public/private partnerships and appropriately guide private investment within the community.

Mr. Watkins pointed out the refinements, corrections, and clarifications which had been made since placing the Plan on the City's website and reviewed each with the Council:

- Correction of square miles within the community from 15.9 miles to 22.2 miles.
- Clarify the opportunities in the definition of the Mixed-Use development that it “may include small scale light industrial uses” for clean tech manufacturing and shared some examples.
- As suggested by Councilmember Brown that the “Greenfield Town Centers” should be master planned with sufficient areas reserved for commercial services based on future economic forecast and demand analysis and sound planning principles.

He asked if there were any questions from the Council. He announced Staff supported the Planning Commission recommendation in approving the Plan with the identified refinements.

Councilmember Day inquired about the business centers identified in the West Layton Business Center. Mr. Watkins responded Staff believed language in the Plan described the business centers as not appropriate for residential development, and that they would be reserved for employment. He continued, in a mixed setting, such as the “Greenfield Town Centers” the appropriate mix of residential with commercial would be a formula which would need to be developed. The new text indicated this should carefully be studied and based on economic analysis.

Councilmember Day expressed concern regarding pressure from the residential development community. Mr. Watkins responded the City had received inquiries for residential development and Staff had emphasized the areas had been reserved for jobs/employment purposes based on direction from the Council.

**Mayor Freitag opened the public hearing at 9:26 p.m.**

Dawn Fitzpatrick, 1197 South Grace Way, expressed appreciation to Staff and stated she had reviewed the Plan and spoke to the identified Town Centers. She suggested the West Layton Town Center be identified similar to the others, as Hill Field and 2700 West. She also indicated there were some blank pages which

hadn't been identified as "blank" pages and suggested those be identified as such. She believed a lot of good planning and design elements had been included. She complimented Staff for the inclusion of the water-wise landscaping component. She expressed her opinion Layton didn't have a significant amount of apartments and/or townhomes. She suggested the plan was well thought out which included an affordable housing component and emphasized she believed the Plan was a quality product.

Patrick Maudsley, 2249 North 2300 East, spoke to the high density housing component included within the Plan and believed there was a current trend to continue building high-density housing. He cautioned the Council that these types of development degrade quickly and suggested the Council be hesitant in rapidly approving these types of development.

Adam Stevens, 605 South 400 East, Kaysville, informed the Council he owned properties in Layton City. He mentioned the proposed Plan had identified "transition zones". He shared a visual illustration identifying the location of his property and stated the proposed General Plan identified the parcel as "Neighborhood Residential" and identified surrounding uses. He proposed the two small parcels be designated as Community Residential and explained the challenges associated with the property in conjunction with an unfinished road and spoke to his desire to construct homes on the parcels in the future.

Mayor Freitag requested Mr. Watkins respond to Mr. Stevens' request. Mr. Watkins emphasized the designation of "Neighborhood Residential" was to reflect the current use of the property and added Staff wasn't aware of Mr. Stevens desire regarding future development. He indicated the request made sense and Staff wouldn't oppose the request for modification. Councilmember Brown requested clarification that the proposed changes were compatible with surrounding uses. Mr. Wilkinson pointed out this identified only the General Plan designation for the property and any future change to zoning would proceed through the public process and clarified Mr. Stevens was requesting a General Plan designation which could allow for the potential zone change.

Jeff Randall, 2539 West 850 North, stated he represented Terraventure Development which currently owned property in West Layton, north of Hill Field Road, which was reflected with three different colors on the map illustration. He reported his clients were unaware of the proposed changes to the General Plan and were requesting a meeting with Staff specific to roads and transition uses identified on the map. Councilmember Brown believed clarification was reflected on the side of the map reflecting a development agreement was already in place and any deviations from the current agreement in the future, were reflected in the proposed General Plan. Gary Crane, City Attorney, indicated it was consistent with what was currently planned for in the development agreement. Mr. Randall expressed his opinion the current development agreement identified the entire parcel as Commercial. Mr. Crane inquired if the property owner desired the concept plan to reflect what it was currently zoned today. Mr. Randall responded he didn't have that specific conversation with his client; its concern was specific with the roads and what was reflected on the map specific to the residential and commercial designation and that transition. He pointed out those discussions hadn't taken place.

Mr. Watkins clarified the A-G street connection was already identified in the current development agreement as a required street connection. He mentioned the street was stubbed from Hill Field Road and 650 North for that specific connection. He clarified the other street connections were diagrammatic and not necessarily the exact figuration of streets. He emphasized the development agreement was the current zoning and the reflected note was meant to clarify that any desire to amend the development agreement should be consistent with the land uses reflected on the map. He added the road configuration could vary. Mr. Crane indicated the Council had the option to approve the Plan and direct Staff to reconsider how that specific area was designated.

Councilmember Petro asked if the Council would have the opportunity to review the re-negotiated Plan specific to the Terraventure property and the West Layton area. Mr. Crane responded that could happen. Mr. Randall believed the City should clarify what the proposed plan and text mean specific to his client's property in West Layton and what standards he would be required to adhere to pertaining to development. He requested clarification on the entitlement of the property. Mr. Crane responded the Master Plan or General Plan didn't provide any vesting of property; it provided an impetus for a change in zoning. He suggested it

would be worth further discussion and proposed separating this from the approval of the General Plan.

Mr. Randall announced his second concern was with the proposed connection of 2550 from Hill Field Road connecting to Gordon Avenue. He believed this would have a negative effect on those living in the Swan Meadows Subdivision and the potential traffic traveling through the neighborhood.

Ryan Hatch, 2552 West 900 North, expressed appreciation to and complimented Staff for the process. He also expressed concern with the possible connection of 2550 West from Hill Field to Gordon. He shared some other roads comparable to 2550 and suggested it would bring significant traffic to a residential neighborhood. He reported there were currently three points of egress and ingress to the neighborhood and didn't believe a fourth was necessary. He indicated a child had been the victim of being hit by a car on this very road.

Councilmember Brown believed the development agreement identified that 2550 West would be connected and if so the City was held to the previous agreement. Mr. Watkins indicated that road had already been identified in the Streets Master Plan and believed it had been identified in the development agreement with Terraventure. Mr. Hatch asked if the development agreement could be amended. Mr. Watkins responded the proposed street was included as part of the Master Transportation Plan for a significant amount of time. Mr. Hatch suggested times change and believed no one could have predicted what West Layton would look like several years ago when the road was proposed. He believed the road would be used as a short-cut by residents living in adjacent neighborhoods and requested the road be left for further discussion regarding adoption of the General Plan.

Councilmember Petro recollected that discussions associated with the approval of the Master Transportation Plan had identified the elimination of 2700 West and believed the alignment could be modified. Councilmember Brown indicated the roads weren't in alignment and identified the turns which would be required to navigate. Mr. Watkins emphasized a commitment was made in the 2017 Master Transportation update which indicated 2700 West would not align with 2550 West as a collector street. He continued to explain that was also identified in the text of this proposed General Plan.

Councilmember Carter pointed out 2700 West was identified from the West Davis Highway interchange connecting to 2550 West, to Gordon and connecting to Clearfield City by streets already in existence in the original Master Transportation Plan. He emphasized the street in Swan Meadows was specifically intended as a collector street with collector standards to accommodate that traffic. When the Transportation Plan was amended in 2017 the realignment was the compromise for Swan Meadows. He expressed his opinion the road wouldn't collect the amount of traffic proposed by Mr. Hatch, however, it was designed to accommodate a significant amount of traffic and suggested it would adequately provide a high level of service.

Mr. Hatch indicated he and his neighbors understood the road was designed as a collector road and suggested no one was aware of West Davis Corridor when the subdivision was designed. He suggested a different alignment would have been identified if the subdivision and the Corridor were being designed around the same time.

Thomas Allgood, 1329 East 300 North, asked about the greenbelt east of the HAFB (Hill Air Force Base) runway and had noticed the encroachment on those properties. He believed those property owners had been paid very well to not build on the property and pointed out the City was now allowing development at that location. He suggested the City was not fairly considering the rights of property owners and inquired where the proposed General Plan documents could be accessed. He also believed the City hadn't provided adequate notice to the public regarding the proposed Plan and zoning changes.

Mayor Freitag announced the proposed General Plan documents could be located at Layton Forward.org. Mr. Allgood inquired if notices had been sent to residents informing them of zoning changes. Mayor Freitag responded City Staff had been working on revising the Plan for approximately five years and didn't know why Mr. Allgood hadn't received any type of notice. He pointed out the City had completed its noticing by

required noticing guidelines.

Councilmember Brown pointed out the Council wouldn't be approving any rezones during this meeting. She explained when a change of zoning was being requested, a sign would be posted on the property. She emphasized the Council was considering the adoption of a new General Plan for the entire City, and emphasized no zone was being changed during tonight's proceedings. Mr. Allgood believed the proposed General Plan was changing zoning of properties. Councilmember Brown clarified the General Plan identified how the property could be used for future development, however, each property owner would need to request a zone change if applicable. She also identified the greenbelt property in the Accident Potential Zone (APZ) previously referred to by Mr. Allgood.

Shelly Kendall, 1638 East Gordon Avenue, inquired about the timeframe associated with the extension of Gordon Avenue and asked if it was currently involved in a lawsuit. Mr. Crane believed the lawsuit regarding the Gordon extension in conjunction with Highway 89 concluded last week. He indicated UDOT had prevailed and reported the work was continuing. He believed that extension would be completed within the year. She also asked about the possible trail around Andy Adams pond and wondered how the City would accomplish that given the number of private property owners. Mr. Crane responded the City had access to the majority of property surrounding the pond. He indicated the City would need to negotiate with approximately six property owners and Councilmember Carter indicated some property owners had property which extended into the pond.

Nate Worthen, 256 North 3300 West, inquired if the City had taken precautions with any threat to condemnation or eminent domain specific to the properties proposed to be downzoned specific to the General Plan and its respective guidelines.

Mr. Crane responded the General Plan identified how the City wants to be developed and the vesting would begin once a property owner files an application. He mentioned the City had the authority to rezone property according to its General Plan; however, the City had no intention to do so and wouldn't vest a property in another zone without an application from a landowner.

Mr. Worthen believed there were three principles of value relating to property: use, location, and demand. He expressed concern with the number of Master Planned communities identified in the Layton Forward document, which required a Homeowner's Association (HOA) incorporation and expressed his opinion the City had done a poor job in the past enforcing incorporation of required HOA's and shared an example. Mayor Freitag didn't believe that had been addressed in the General Plan Amendment. Mr. Crane responded Codes, Covenants, and Restrictions (CC&R's) were private agreements between individuals. He continued the City would only become involved once a parcel of property was neglected which was required to perpetually be maintained by the HOA.

Mr. Worthen inquired about a moratorium for car lots to be located along Highway 193 and Mr. Crane responded there was no such moratorium. Mr. Worthen then inquired about entitlement expirations specific to West Layton Town Center. Mr. Crane responded those agreements were perpetual with the land and were recorded against the property. Mr. Worthen asked about the City's intent to annex property in the future and Mr. Crane responded a separate document known as the Annexation Policy Declaration was separate from the General Plan which identified those areas which the City intended to annex.

Councilmember Day mentioned the General Plan Amendment included text related to PRUD development. He indicated since the Council was in the process of revising the City's PRUD Ordinance, suggested that language wasn't necessary throughout the document. He believed the West Layton Town Center needed further discussion and suggested approval for the General Plan take place at a later date.

Councilmember Brown expressed appreciation to the public for their input and contributions for the updated General Plan. She mentioned the numerous open houses and workshops which took place and the opportunities to express comments online and appreciated the involvement of residents during the process.

**MOTION:** Councilmember Day moved to close the public hearing at 10:20 p.m. and table approval of the Comprehensive General Plan Amendment – Ordinance 19-18 until further discussion with Terraventure representatives can take place regarding the connection of 2550 West and Swan Meadows and the West Layton Town Center until the City Council Meeting scheduled for Thursday, September 5, 2019.

Mr. Watkins stated the City had received an incredible number of comments concerning the land use transition specific to the Swan Meadows Subdivision.

Alex Jensen, City Manager, believed there was adequate time for discussions to take place with Terraventure representatives before the September 5, meeting. He expressed his opinion changes wouldn't need to be made to the General Plan document; but to ensure the common understanding between the two were the same. Mr. Randall expressed agreement to Mr. Jensen's summarization of what could be expected to take place before September 5, 2019.

Mayor Freitag called for a second on the motion. Councilmember Petro inquired if Councilmember Day's motion included the PRUD language remain in the Plan. Councilmember Day stated he would like to see some of it removed. **Councilmember Petro seconded Councilmember Day's motion as stated, that discussions with Terraventure take place before the Council Meeting on Thursday, September 5, 2019, and leaving the PRUD language in the Plan. The motion passed with the following vote: Voting AYE – Councilmembers Carter, Petro, Davis Brown, and Day. Voting NO – None.**

**OTHER BUSINESS:**

Councilmember Day asked whether there was interest amongst the Council to review the City's Animal Control Ordinance. Councilmember Brown stated she wasn't opposed to having Staff identify what neighboring communities were doing and why. She emphasized this didn't mean she would be in favor of changing the City's ordinance. Councilmember Day indicated he would appreciate the information and Councilmember Petro expressed agreement.

Mayor Freitag directed Mr. Jensen to provide a review on a future meeting.

**The meeting adjourned at 10:27 p.m.**

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Kimberly S Read, City Recorder