

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

SEPTEMBER 19, 2019; 5:32 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, TERRY
COBURN, STEVE JACKSON, CHAD WILKINSON,
TIM WATKINS, DAVID PRICE, JOELLEN
GRANDY, MICHELLE HOWARD, 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:

MAYOR'S REPORT

Alex Jensen, City Manager, explained the need for the Council to receive an update regarding Highway 193 and other road construction projects within the City.

Steve Jackson, City Engineer, reminded the Council the City had requested a speed study to be completed for SR 193 between the I-15 interchange in Clearfield and Highway 89 in Layton. He identified the current speed limits of 50 and 55 along that stretch of road and stated the study measured speeds at 10 different locations. He shared crash data provided by UDOT specific to crashes from 2010 - April 30, 2019 and reviewed them with the Council. He reviewed the speed data and reported the 85th percentile speeds from the study. He further explained the 85th percentile speeds were used to determine the posted speed limit based on UDOT (Utah Department of Transportation) policy. Based on the 85th percentile speeds, four of the ten locations exceeded the posted speed limit by more than 5mph, and the other six were within the 5mph posted speed limit. He stated that due to the findings of the study, UDOT could increase the speed limit from 50 mph to 55 mph along that stretch of roadway; however, the results of the study indicated the posted speed limits were appropriate.

He solicited direction from the Council regarding whether the City should pursue the remainder of the raised median on the section of Highway 193 from Fairfield to Church Street and a discussion followed. He pointed out the median located at the North Hills Drive intersection has now been installed and was functioning as intended. He reported the only complaints he was aware of pertained to delivery truck traffic identifying egress to Highway 193.

Councilmember Petro asked if UDOT would support the installation of the median in the future if the City chose not to install the median now. Mr. Jackson believed UDOT would agree to future installation and reminded the Council UDOT had requested the City hold public meetings to educate residents and commercial businesses regarding the raised median. The Council directed Staff to notify UDOT to proceed with the raised medians.

Mr. Jackson reported the City had completed a number of street projects and was trying to finish as many as possible before the paving season came to an end. He identified those projects which would soon be completed by the end of this month and emphasized work would be suspended until spring if it would be impacted by adverse weather. He indicated the remaining areas would be completed in the spring.

Councilmember Petro asked when the crosswalks would be painted following slurry seal road projects and requested the crosswalk on Sunset take place as soon as possible. Mr. Jackson responded there was a cure time which needed to be experienced prior to them being painted. The Council discussed some of the identified road projects.

Councilmember Day asked about the road project near Dairy Queen on South Main. Mr. Jackson responded the City had inherited that road from UDOT and reported there were unforeseen circumstances and “unknowns” associated with that road. He indicated the City had excavated more than what was planned in order to complete the roadway improvements appropriately. Mr. Jensen said some of the low priority roads would be eliminated from the list and completed at a later date.

Mr. Jackson explained the circumstances associated with West Hill Field Road and indicated the City also completed additional work at that location as well. Councilmember Day indicated Sugar Street took a real beating from the use of the road by the semi-trucks in that area.

Steve Jackson left the meeting at 5:52 p.m.

LAYTON INTERMOUNTAIN HEALTHCARE COMMUNITY GARDEN

JoEllen Grandy, Parks Planner, informed the Council of plans by IHC (Intermountain Health Care) to provide a community garden. She shared the community garden business plan with the Council and shared a visual illustration which identified the proposed garden location on the IHC campus; the south side of Layton Parkway. She shared some examples of what the garden plots might look like and announced the business plan had been approved by IHC. She also identified the proposed investment costs for the project.

Councilmember Day asked if IHC had been successful with community gardens near other facilities and Ms. Grandy indicated there were approximately ten in total.

PARKS AND RECREATION DEPARTMENT UPDATES

David Price, Parks and Recreation Director, shared an illustration of the amphitheater plaza improvements and indicated it was nearly finished and identified the few items still needing to be completed. He also reported the museum plaza and mentioned there would be small improvements on the cabin interior. He reported the Commons Park lighting project, consisting of the plaza lights, would continue around the museum to Wasatch Drive where it crosses to Layton High School, as well as along the sidewalk continuing to Hawthorne.

He reported the Ellison Park small playground had also been completed within the last month and informed the Council a ribbon cutting was planned.

He announced the City had received the 2018 Davis County TTAB (Tourism Tax Advisory Board) Grant Award in the amount of \$350,000. He reported the City anticipated a surplus of approximately \$288,000 with which would go back to the General Fund. He also mentioned any revenue received in conjunction with the naming rights associated with the plaza would go back to the General Fund.

He shared the ribbon cutting schedule:

- Ellison Park 2-5 year old playground - Wednesday, September 25, 2019 at 5:00 p.m. in conjunction with the Fire Department Open House.
- Shoreline Gymnasium - Tuesday, October 1, 2019; opening night of drop-in Pickleball use. A time of 5:00 p.m. was suggested.
- Commons Park Projects – Tuesday, October 15, 2019; in the museum plaza highlighting all three projects within the park. He also recommended the Amphitheater Plaza Naming Rights Reveal in June 2020, at the beginning of the concert season. He indicated discussions had taken place with

two separate organizations.

Councilmember Day asked if there was interest in the plaza sponsorship and Mr. Price shared the different sponsorship levels and related benefits with the Council. He distributed the letter which would be delivered to the business community and stated the Davis Arts Council had been involved with the sponsorship level benefits.

Councilmember Brown asked how the funds would be used and Mr. Price indicated it would reimburse the General Fund for the costs expended by the City to complete the improvements. A discussion took place regarding the products used in completing the plaza improvements.

Mayor Freitag asked if any of the sponsorship funds could benefit specific improvements at the amphitheater and Mr. Price responded that decision would be for the Council to decide. Mr. Price requested the Council review the letter and provide direction.

Michelle Howard, Recreation Supervisor, reviewed the fall programming for gymnasium use at the different schools with the Council. She also identified when indoor pickleball would be available for both drop-in play and league play and reviewed the proposed dates and times. She also identified the track and fitness hours and pointed out the school district and each school had been consulted when identifying availability. She also reviewed the proposed tentative fee schedule associated with both pickleball and track/fitness use. A discussion took place regarding how payments would be made and access granted to participants.

Mr. Price expressed his opinion, pickleball was here to stay and suggested additional courts should be included in existing and future parks. He reminded the Council of the existing pickleball courts and identified the future planning for these facilities. He pointed out the value of the social aspect of pickleball and emphasized it should be an amenity to the City's parks. He stated four courts were more economically feasible compared to six and a discussion followed. Mr. Price added Chapel Street would soon be getting lights for the court and Councilmember Day asked about the costs associated with light installation. Ms. Grandy reported the lighting at that location was approximately \$90,000. A discussion took place regarding the proposed four courts at Chapel Street Park compared to the Ellison Park pickleball complex.

Kathy Blackner, 1526 North 1275 East, informed the Council she had been designated to be the spokesperson by a large group of residents that enjoy playing pickleball to solicit the Council for more facilities. She asked how long it would be before Layton City had a pickleball complex consisting of eight to twelve courts and Mr. Price responded that was difficult to answer as it was budget dependent and needs can change from year to year. Ms. Blackner stated she had been under the impression there would be four more courts with lights at Chapel Street and emphasized the social aspect associated with playing pickleball justified the need for a complex.

Councilmember Petro asked if the pickleball group would rather have lights at the courts or expansion of the courts at Ellison Park. Mr. Price mentioned Ellison Park had some challenges in that once the pickleball courts were constructed, a need for high infrastructure items such as restrooms and a parking lot would also become a need. Ms. Blackner requested an 8 court lighted complex and the discussion continued regarding local pickleball facilities.

Mr. Price reported tennis was still a popular program offered by the City and pointed out it was still a valued recreational activity and didn't think the tennis courts should be eliminated or converted to pickleball courts.

DISCUSSION – CITY ANIMAL CONTROL ORDINANCE

Mayor Freitag indicated the Davis County Animal Control facility was aged and not large enough for its current needs. He mentioned the County Commission had recently approved a new policy regarding

euthanasia of animals at the facility.

Chad Wilkinson, Community and Economic Development Director, identified the allowed number of permitted dogs per resident of neighboring cities and reviewed them with the Council. He pointed out Layton allowed for a third dog, under strict circumstances; Seeing Eye dog or search and rescue dog. He also informed the Council of a discussion he had with the director at the Animal Control Shelter specific to allowing a third dog if adopted from a shelter. The director indicated that information was difficult to track the data and stated most of their calls fell into the following categories: nuisance calls, sanitation, or welfare of animals. He reported the director indicated the Shelter would be in support of an ordinance that encouraged the adoption of animals from the shelter.

He informed the Council one option for consideration would be to adopt the County's standard which allowed no more than three (3) dogs or cats in any combination; however, a resident could only have three dogs if one of the dogs was acquired from a legitimate animal shelter. He continued to review what was allowed by other municipalities.

Steve Garside, Assistant City Attorney, mentioned whatever limits a municipality places on the number of allowed dogs in its ordinance, an individual could still have a service dog and a retired service dog. He stated this was allowed by state law.

Mr. Wilkinson stated "comfort" animals was also difficult to enforce which could be used for children with autism or persons with diabetes. He suggested these circumstances be considered on a case by case basis. He emphasized the Director of the Shelter continued to point out limiting a number of dogs was a challenge as he believed some people could adequately care for six dogs. A discussion took place regarding the County's Animal Control Ordinance compared to the City's current ordinance.

Mayor Freitag stated he wouldn't be in favor of changing the City's ordinance unless there was some type of requirement that the dog be spayed or neutered. Councilmember Day also suggested the size of the residential lot be taken into consideration and the discussion continued.

Mr. Jensen indicated stated Staff wasn't looking for direction from the Council tonight; rather it wanted to provide information to the Council. Mr. Wilkinson stated the Director continued to emphasize the County Shelter would enforce the City's ordinance. Councilmember Petro asked if overcrowding at the shelter was currently taking place and Mayor Freitag indicated in the affirmative. He shared his perspective of the problems associated with the shelter.

Councilmember Petro suggested a future discussion take place regarding the issue. Councilmember Day requested clarification regarding Mr. Garside's comment. Mr. Garside explained state law required the City to allow for two more dogs than the number identified in its ordinance.

Mr. Jensen reported discussions had taken place with Mayors and City Managers regarding a long term solution for the existing animal control facility, and how to properly fund and manage said facility.

The Council adjourned the Work Meeting to reconvene in a City Council meeting at 7:06 p.m.

The Council reconvened in a Work Meeting at 7:50 p.m.

Mayor Freitag stepped out of the meeting at 7:50 p.m.

DISCUSSION - PROPOSED PRUD ORDINANCE

Mr. Wilkinson stated Staff was carefully considering the "open space" requirement associated with the City's PRUD ordinance and reported items which used to be considered "electives", used in determining density bonuses, would now be considered "minimum" standards. He reported the quality of the developments would increase because those items which used to be discretionary were now minimum

standards. He reminded the Council a significant landscape requirement was associated with the PRUD ordinance which allowed residents to count detention basins, side yards as open space to allow for a higher density; even though the space could be unusable. He indicated the proposed ordinance identified areas which wouldn't be counted and used for the higher density. He clarified the intent of the ordinance was to identify meaningful open space and indicated the minimum requirements would be amenities for the development.

Tim Watkins, City Planner, announced Staff was striving to identify the appropriate balance between the right amount of high quality open space. He shared an illustration from Westminster, Colorado as an example to identify the quality open space and reviewed those areas with the Council. He shared illustrations of the community landscape area which contributed to the open space and pointed out the water detention area surrounded the development.

He also shared an illustration of a development located in Layton City and identified the open space which was included in the open space component with the PRUD. He pointed out the low density open space consisted of front and side yards of homes and suggested the remaining usable open space area was an odd configuration. He also pointed out the quality of the homes existing on smaller lots.

He reminded the Council of input received through the General Plan process which reflected there was strong support for less open space of a high quality with the existence of a variety of housing types and lot sizes. He pointed out the single family homes became larger when the townhomes were introduced with the decrease of the open space component. He continued to share different examples of illustrations of the 10% of open space requirement compared to 15% open space. He emphasized the number of units remained the same; the residential lot sizes decreased. He also shared an example of a small agricultural plot which could apply as a portion of a PRUD with 18% to 20% open space allowance. He shared development alternatives for a 28.67 acre parcel accommodating R-1-8 PRUD configuration with open space alternatives.

Mr. Wilkinson explained Staff was challenged to identify the appropriate size of the open space areas and shared some statistics specific to developed acres and a proposed minimum percentage of open space. Mr. Watkins suggested a sliding scale with the City's PRUD ordinance would provide excess open space based on national standard for park space. Mr. Wilkinson pointed out the City recently began requiring an open space connectivity for pedestrians with PRUD developments and a discussion took place. Mr. Jensen asked if other entities were implementing a sliding scale associated with usable open space and Mr. Wilkinson didn't know.

Councilmember Day believed once the Council authorized the PRUD zone the developer was then incentivized to do whatever they wanted because they could develop more units than what would have been allowed without the PRUD designation. Mr. Wilkinson clarified the standard had changed and the density bonus was now a required standard. Councilmember Day emphasized he wasn't referring to the density bonus and pointed out a certain number of building lots would be allowed on a ten acre parcel. He continued to explain if a developer received the PRUD designation, that developer just increased the amount of lots and stated he considered that alone an incentive.

Mr. Watkins responded to Councilmember Day by stating Lehi City used to require a higher percentage of open space and recognized it wasn't being used. It then decreased the percentage of open space but required more "usable" open space with more amenities and believed it had been a positive change. A discussion followed regarding usable "green space". Mr. Jensen cautioned the Council in requiring community recreational facilities as amenities in conjunction with development and expressed concern regarding how much more the development would cost. Mr. Wilkinson pointed out the PRUD could be used as a tool to net high quality developments.

Mr. Jensen suggested the Councilmembers think about the end objective for the open space: what does it provide or accomplish. He inquired if the Council intended to limit the number of units or if was it to provide recreational opportunities for the development community, which would increase the valuation of

the property and a discussion took place.

Councilmember Brown believed the proposed PRUD ordinance was more of a benefit to residents because even though it allowed for a higher density of townhomes, there would be an amenity of open space which could be used as a “park”, promoting a community lifestyle, compared to townhomes which only had the smallest area of green space. Mr. Wilkinson stated linear open spaces was a critical amenity to townhome developments as it could be used for walking and to provide pedestrian connections. Mr. Watkins shared a visual illustration which identified walkable outdoor spaces.

Councilmember Brown stated she was in favor townhomes which were implemented with various housing types compared to a townhome only development and the Council continued to discuss certain models.

Councilmember Day stated he didn’t want to see property that was zoned R-1-10 (single family, neighborhood-ag) in west Layton and allow a townhouse or mixed townhouse development with the implementation of the PRUD ordinance, similar to the Harmony Place development and shared that as an example to illustrate his point. Mr. Watkins shared illustrations which identified an R-1-10 PRUD with a higher percentage of open space compared to a standard development and pointed out the one which had the maximum amount of townhomes of 30%. Councilmember Day pointed out this illustration identified his concern that just by adding the PRUD the number of homes/units had increased from 87 to 140. Mr. Wilkinson emphasized the ordinance allowed that maximum, however, it would require significant amenities to allow the 140. The Council continued to discuss the issue.

Mr. Wilkinson continued to review the proposed language specific to the minimum base open space requirements: connectivity, available to all within the development, minimum requirement of tree areas and plantings, etc. No longer allowing detention basins and side yards to be considered part of the open space requirement. He also explained an amenity such as a swimming pool, playground, or public park would be counted toward the density.

Councilmember Carter asked if the proposed ordinance would accommodate a designated sensitive lands area located on a hillside or if additional language would be needed to protect the sensitive lands. Mr. Wilkinson identified the language in the ordinance which spoke to the requirement of preserving those lands in addition to other requirements. Mr. Jensen referred to the sensitive lands language which reflected “worthy of preservation” and inquired who had the responsibility of determining whether an area was “worthy of preservation” and if the City had specific standards to help define that term.

Mr. Wilkinson responded the City could modify that language and indicated there were sensitive lands which were protected by Code and further clarified the intent. Councilmember Day also expressed a similar concern as the PRUD would be implemented with the power corridor. Mr. Wilkinson pointed out the PRUD was a discretionary decision in conjunction with a zone change and the City had previously relied on the Design Review Committee to identify abuses and shared an illustration which identified open space under the power corridor. The Council continued to discuss the implementation of the PRUD within the power corridor. Mr. Wilkinson reported many municipalities allow PRUD communities in rare instances and the discussion continued.

Councilmember Day believed residents would prefer a traditional subdivision unless the PRUD development was going to be substantially better by what the City required and indicated he was also in agreement. Mr. Watkins responded Staff solicited input from the public during the General Plan process regarding different developments and reported probably less than ten percent expressed disagreement with the alternatives of a neighborhood park and neighborhood agriculture or more housing varieties on some smaller lots compared to the traditional subdivision. He suggested the character of developments were changing.

Mr. Jensen suggested the base language of the ordinance would prohibit abuse of the process and suggested an internal charrette of two different scenarios on the same parcel to help identify gaps in the

proposed language. There was a consensus of the Council that the exercise would be beneficial. Mr. Wilkinson believed it would also allow Staff to illustrate what a development could look like when the minimum standards were applied to a piece of property. He expressed agreement it would be a good idea to test the ordinance. The Council identified the parcels it would like Staff to consider using during the exercise.

MAYOR'S REPORT

No Mayor's report was shared.

The meeting adjourned at 9:00 p.m.

Kimberly S Read, City Recorder