

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

DECEMBER 19, 2019; 5:38 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

EXCUSED:

BRUCE DAVIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TERRY COBURN,
CHAD WILKINSON, TIM WATKINS, 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:

**PRELIMINARY PLAT – FERNWOOD ESTATES SUBDIVISION – APPROXIMATELY 3100
NORTH FERNWOOD PARK ROAD**

Chad Wilkinson, Community and Economic Development Director, explained the subdivision consisted of three lots on Fernwood Park Road and informed the Council it was located in a Sensitive Lands area. He added extensive review had taken place with the applicant's geotechnical engineers over the last several months and indicated the City's third party geotechnical engineers had concluded the submitted plans were acceptable and was compliant with the City's ordinances.

He shared a visual illustration and reported extensive testing had been completed on the lots and indicated ground water testing had been completed. He stated comments had been expressed during the Planning Commission Meeting regarding drainage and reported improvements would be needed in relation to drainage and indicated a drainage plan had identified a series of drain pipes would divert water to an existing facility on Fernwood Road. He indicated there was some concern regarding the condition of that facility and suggested some additional improvements at that location would also be needed. He reported the City's Engineering Department was confident it could accommodate the drainage upon completion of the improvements.

He mentioned concern had also been expressed regarding the lack of sidewalks on Fernwood Road and explained since it was in a Sensitive Lands area, there were no plans for sidewalk installation. He reported the Planning Commission forwarded a unanimous recommendation to the Council during its meeting on Tuesday, December 10, 2019. He asked if there any questions.

Councilmember Brown inquired if any protections would be required during the construction process to protect the lower homeowners and properties from water and erosion for their properties. Mr. Wilkinson responded in the affirmative and indicated appropriate Best Management Practices would need to be implemented for protection of the adjacent properties. Councilmember Brown clarified appropriate landscaping would be required at the conclusion of the construction process for that same purpose.

Councilmember Carter inquired about the cut and how much fill would be needed. Mr. Wilkinson pointed out the difference between the cut and fill and responded the applicant would try to balance with the cut and fill and indicated that was included as part of the geotechnical report.

Alex Jensen, City Manager, requested Gary Crane, City Attorney, speak to the noticing requirements for the plat and property lines. Mr. Crane explained the City required language which referenced both

geotechnical studies and where they could be located on the actual Plat. He added, additionally, the City required the applicant to sign a form acknowledging the studies actually exist and would remain in the building/construction file.

ANNEXATION REQUEST – REDFORD ANNEXATION – ACCEPTANCE AND CERTIFICATION OF THE PETITION – RESOLUTIONS 19-61 AND 19-62 – APPROXIMATELY 1868 WEST 1000 SOUTH

Mr. Wilkinson identified the location of the parcel and identified the properties of 3.546 acres, located at approximately 1868 West 1000 South proposed for annexation. The proposed area for annexation was adjacent to the Layton Parke Subdivision with R-S zoning to the north, and vacant land with R-S zoning to the south and west. Property to the east is vacant within the unincorporated county area. He reported the purpose of the annexation petition was to develop single family residential homes consistent with the development of the surrounding area.

There were no questions from the Council.

INTENT TO ANNEX A PARCEL OF PROPERTY – RESOLUTION 19-63 – APPROXIMATELY 1700 WEST 800 SOUTH

Mr. Wilkinson identified the property proposed for annexation, located at approximately 1700 West and 800 South, and explained the annexation would be completed without a petition. He explained the property included a portion of the right-of-way area at 1700 West and Layton Parkway, in addition to parcels owned by Rocky Mountain Power and Layton City. He informed the Council State code allowed the City to annex islands or peninsulas without an application. He reported Staff had worked with Rocky Mountain Power and Matt Peay to facilitate the annexation and received no objection. He reviewed the process required by the City to proceed with the annexation under these circumstances and recommended approval.

Councilmember Brown referred to the map illustration and inquired if a vacant parcel would remain outside the City upon acceptance of the annexation and Mr. Wilkinson identified an adjacent parcel which would continue to remain outside the City at this time anticipating development sometime in the future.

There were no additional questions from the Council.

Mr. Jensen asked the Council if there were any questions regarding agenda items which would be addressed during the regular City Council Meeting scheduled to immediately follow this meeting and there were none.

MAYOR’S REPORT

Mr. Crane informed the Council some changes had been proposed for the Rocky Mountain Power Agreement that was on the regular City Council Meeting agenda immediately following this meeting. He stated the changes had been made to the agreement since what was included in the Council’s agenda packet. He distributed a handout which reflected the requested changes by Rocky Mountain Power. He indicated Staff had chosen to address the changes in the Resolution as opposed to making adjustments in the agreement. He requested those changes be acknowledged within the motion.

Mayor Freitag asked if Mr. Crane would be willing to address proposed legislation regarding land use this next legislative session. Mr. Crane responded he had been working on three items for the Utah League of Cities and Towns: subdivision laws - simplifying small things such as the combining of lots; boundary adjustments between landowners; gravel pits; and septic tanks – regarding the growing number of subdivisions requesting approval for the use of septic tanks. He also explained his proposal specific to annexation of parcels even though it could create an island.

Mr. Crane expressed his concern regarding the water audit software legislation which would require adoption by the City. He explained the newly required software would immediately report water use and loss to the Division of Water Resources at the State of Utah. He reported the cost for the software was approximately \$150,000, which would be paid by the State. He informed the Council the experience of those cities which had implemented the software would require the hiring of one individual to run the software and believed this would be an unfunded mandate. He also expressed concern if the water usage was monitored in real time the State could easily identify the lack of beneficial use of water shares and could possibly result in the forfeiture of water rights. He reported on a recent meeting with Staff and shareholders of Kays Creek and expressed concern with how that could potentially affect the outcome of the City accepting its system.

Mayor Freitag mentioned cities were asking how many cities had experienced issues with their RDA (Redevelopment Agency) and school districts, similar to what Layton had experienced in requesting continuation of its participation in the RDA. He pointed out this was a real concern with some cities as school districts were threatening to eliminate a development tool. Mr. Crane responded school districts were generally the largest contributor and responded that was also an issue of concern.

Mayor Freitag also reported on another meeting regarding the results of the audit specific to UCA (Utah Communications Authority) regarding the transfers of 9-1-1 calls. He reported one particular senator would be sponsoring legislation and explained some of the challenges associated with the transfer of calls.

Mayor Freitag reported COG (Council of Government) had approved a resolution authorizing the funding request to construct a new building for the Hill Air Force Museum. He explained as part of the Falcon Ridge development some of that property would be lost and indicated funds would be requested from the State of Utah, as well as private funding.

Mr. Jensen informed the Council, Mr. Wilkinson had been participating in ongoing discussions regarding the West Davis Corridor and the proposed interchange design to be located at 2700 West. Mr. Wilkinson shared an illustration and explained as part of the original discussion, it would include a park'n ride and a trailhead parking lot. He stated as Staff considered the City's General Plan, the parcel identified for the park'n ride had the highest potential for business development. He reported UDOT (Utah Department of Transportation) had expressed willingness to consider other options. He explained one of those was to separate the trailhead parking from the park'n ride and identified another parcel which would be more difficult to develop and which also made more sense for the location of the park'n ride and identified the parcel on the illustration. He identified the location of the proposed trailhead parking, which was a remnant parcel on the west of the highway. He continued to explain it would require a small encroachment of some slope into some ground which was part of the Nature Conservancy District. He stated UDOT (Utah Department of Transportation) had started negotiations with the Nature Conservancy, as well as the City, and it requested the City coordinate the discussions to facilitate the trailhead parking. He indicated UDOT was willing to trade another parcel with the Nature Conservancy. He reported two meetings had taken place with the Nature Conservancy and reported it was open to the idea as there would be some benefits to the Conservancy for the land swap.

He continued to explain the Nature Conservancy took issue with the highway design and its proposed lack of access between the interchange and Kays Creek for maintenance of its facilities, and the swap would provide the desired access, and the west side trail would also be used for maintenance vehicles to access additional facilities in that area. He pointed out there were some concerns regarding the wetlands area identified as part of the Environmental Impact Study.

He mentioned the importance of the overall trail system; which included trailhead parking and facilities, equally spaced throughout the trail system, and that the spacing and location would be critical to the City.

He encouraged the Council to have positive contact with the Nature Conservancy if they had the opportunity and a discussion took place regarding challenges and designs for the trailhead parking near the interchange and emphasized it would also benefit the Nature Conservancy.

Councilmember Day asked if any trailhead parking was proposed near 3200 West and Mr. Wilkinson responded nothing was proposed other than the park'n ride. He pointed out there was a crossing at that location which could unofficially be used for that purpose. He added it was the Nature Conservancy's preference that nothing was proposed for the south side.

Mr. Jensen informed the Council residents living along 3200 West had expressed concern that if no parking was accommodated at 3200 West they would experience an increase of traffic. He pointed out during discussions with the Conservancy, there hasn't been a need for additional trail parking, it wanted to ensure appropriate access.

Councilmember Day clarified the trail would be maintained by the City.

**AMENDING TITLE 19, CHAPTER 19.24 OF THE LAYTON MUNICIPAL CODE BY
AMENDING DESIGN STANDARDS AND REGULATIONS WITHIN THE
CONDOMINIUM/TOWNHOUSE (C-TH) ZONING DISTRICT – ORDINANCE 19-09**

Tim Watkins, City Planner, informed the Council that Staff had been at work attempting to learn from the recent surge of townhome projects completed approximately within the last three years to identify what worked well and could be codified to strengthen the City's condominium/townhouse standards. He reminded the Council the City's recently adopted General Plan identified some principles and policies which supported the need for diverse housing options throughout the City. He pointed out the benefits of the townhome housing product and suggested the Plan encouraged good design elements. He expressed appreciation to the Planning Commission for its efforts in reviewing the proposed text amendment.

He reviewed Principles and Policies, Access to Housing and the Moderate Income sections identified in the Plan. He referred to the Destination Homes development, near David's Bridal and Petco, and reported those units were being sold as quickly as they were constructed. He presented the General Plan future land use map which reflected the potential for this type of housing on busy streets, areas near transit options adjacent to services, and shopping. He also mentioned the General Plan recommended the option, of up to 30% of townhomes, be integrated into single family PRUD, and the recent adoption of the PRUD amendment which required C-TH standards to apply to any townhomes constructed in a PRUD. He provided a brief overview of the purpose for the C-TH zoning district:

- Support walkable pedestrian friendly residential projects
- Neighborhoods with housing variety
- Near conveniences such as shopping and transit
- Land efficiency

Mr. Watkins shared some illustrations of what a live/work style townhome and mansion style homes might resemble. He shared an illustration specific to the Midtown Courts Townhomes and spoke to the layout. He reviewed the open space formula which identified a required number of trees to support recreation needs of residents and other landscaping requirements. He emphasized Staff had worked hard to identify a balance to respond to the needs of homeowners which had to choose between an older single family home or a townhome and shared some illustrations of desirable developments. He also spoke to the different building design standards for these different types of development pointing out the living and common patio areas and reviewed those requirements. Mr. Watkins continued to review some proposed building design standards proposed for the ordinance with the Council.

Councilmember Brown expressed concern with the townhomes along Gordon Avenue near the Maverik gas station/convenience store and the current setback which seemed to be very close to the busy street. Mr. Watkins responded the current C-TH ordinance didn't define minimums and believed the location of the development on a busy arterial street contributed to that condition. He also indicated the proposed new ordinance would require a larger minimum setback for townhomes to eliminate this in the future and a discussion followed.

Mr. Wilkinson stated Staff had taken a similar approach as it did with the PRUD ordinance and reported it was a comprehensive re-drafting of the ordinance and suggested the PRUD and townhome ordinance should work together and complement one another.

Councilmember Day asked if there would be one water meter for these types of developments and Mr. Watkins responded in the affirmative. Councilmember Petro asked how this would affect the billing with the tiered system. Mr. Jensen responded these developments should be billed at a commercial rate with a higher base allowance and indicated the tiered billing system wasn't applicable. A discussion followed regarding the metering system.

MAYOR'S REPORT

Mayor Freitag reviewed how the recognitions would take place during the regular meeting.

The meeting adjourned at 6:47 p.m.

Kimberly S Read, City Recorder