

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JULY 16, 2020; 5:33 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TERRY COBURN,
STEPHEN JACKSON, PAUL APPLONIE, CHAD
WILKINSON, TRACY PROBERT, AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Bloxham announced the Davis Arts Council would be hosting a free concert this weekend and free tickets would be available within the next few days.

Mayor Petro added the Davis Arts Council also hosted Free Friday Night Films. She expressed her opinion the event was offered in a safe manner and reviewed their procedures.

Councilmember Fitzpatrick reported she had participated in the Communities that Care meeting (Zoom) this past week and expressed her excitement with the organizers and volunteers involved thus far.

Councilmember Morris informed the Council of the press event which took place on Wednesday, July 15, 2020 at the Valley View Golf Course regarding the testing with infrared cameras and UTOPIA and how it assisted with fire-fighting operations. He expressed he was excited that Layton City had been selected as one of the test cities. Councilmember Day asked how far the cameras could scan and Councilmember Morris responded approximately 10-20 miles. Councilmember Bloxham pointed out Chief Ward had explained how they had already been useful this season.

REVIEW – APRIL REVENUE NUMBERS

Tracy Probert, Finance Director, distributed a handout to the Council which provided a summary of the General Fund for FY2020, which also included Sales Tax revenues from April and reviewed them with the Council. He explained he had completed some estimates for May and June and shared his projections which would result in the City completing the fiscal year under budget by approximately \$234,000 or 1.43% for the year. He expressed his opinion the City would still be in a good financial situation.

He continued to share other revenues and reviewed them with the Council indicating the numbers were still strong. He reported the overall General Fund total and estimated the revenue would result in the end of the year coming in higher than anticipated and would put the City in a good position. He requested the Council contact him with any questions.

Councilmember Day requested Mr. Probert send an email reflecting actual Sales Tax figures for May.

Councilmember Bloxham clarified Staff was assuming April was the worst month which reflected results from the mandated closing of businesses due to the pandemic.

Councilmember Morris requested a breakdown of sales tax revenues specific to each type of business. Mr. Probert reported on the categories which had seen an increase.

Councilmember Bloxham requested clarification specific to the figure identified in the 2020 Budget. Mr. Probert explained Staff anticipated what it would receive in grant revenue and explained how the City would draw funds from the grants. Councilmember Bloxham asked if Mr. Probert believed April would be the worst month. Mr. Probert responded it could possibly spill over into May and suggested the Council continue to wait and see how future revenues came in. He stated many of the figures would be solidified in August and proposed moving forward at that time and a discussion followed.

Councilmember Morris believed the City had a diverse and strong economy as a result of great management and planning from Staff and previous City leaders.

PRESENTATION – STREET LIGHTING

Terry Coburn, Public Works Director, reminded the Council about the West Hill Field Road sidewalk project bid that came in less than original estimated costs. He also reminded the Council it had also expressed concern with Staff about the need for sidewalks near Shoreline Jr. High and near the railroad tracks on West Hill Field Road. He indicated Staff had been asked to identify whether the proposed recognized savings was enough to complete the additional sidewalks and reported the additional two projects could be completed.

He spoke to comments shared during the budget discussion regarding the proposed increase to the Street Lighting Fee and assured the Council Staff would address that utility with the same fervor as it would any other City utility. He also assured the Council Staff understood its direction and wishes.

He reported the City owned approximately 1,200 street lights and Rocky Mountain owned approximately 2,000. He added traffic signals and HAWK crossings were also included with the City's lighting system. He stated those were very important devices and complimented Paul Applonie, Assistant Public Works Director, for instructing Staff on those operations and announced the City hadn't experienced any dangerous malfunctions.

Steve Jackson, City Engineer, shared a presentation with the Council and reviewed what had been previously discussed regarding the Street Lighting System. He shared some examples of the street lights used by the City and explained the difference between those which were used on residential, collector, specialty and arterial streets. He also reviewed the respective costs associated with each light. He shared a map which identified the locations of City owned street lights and those owned by Rocky Mountain Power.

He shared the street light layout criteria used by the City to identify appropriate locations and spacing for street lighting and reviewed the information with the Council. He reviewed the challenges associated with power sources and other obstacles. He mentioned solar was used for crosswalk signage, but due to the wattage required for that lighting, it currently wasn't a reliable source; however, it could be considered in the future as technology advanced.

He shared an illustration which identified all proposed street lights for the City and mentioned many of them were on major roadways. He also identified locations where street lights were currently located and owned by both the City and Rocky Mountain Power. He also shared an illustration which assisted in identifying areas in which street lighting was deficient. He explained this was a tool used by the lighting engineer which ensured lights weren't being installed by developers in a wrong location.

He reported the City had funded 481 street lighting installations since it began the project, not including the development projects also completed during this time. He explained of those, 126 residential installations had been completed which were not identified in the original Master Plan to fill in the

lighting gaps. He continued to explain there were only nine lights identified in the original plan, which weren't installed due to right-of-way issues, or were included in the Cook Subdivision, in which each home had its own yard light. He asked if there were any questions.

Mayor Petro asked about the private lighting in the Cook Subdivision and Mr. Jackson responded plans to move forward with eliminating the yard lights and installing street lighting had been put on hold due to challenges regarding access to electricity along the street easement. He emphasized there was adequate lighting in the area, just not street lighting.

Councilmember Morris inquired about the maintenance plan for lights owned by Rocky Mountain Power. Mr. Jackson responded as those begin to expire, they would be replaced with City lighting and suggested more of that would probably take place.

Councilmember Thomas requested clarification how the lighting would be replaced if the pole belonged to Rocky Mountain Power and Mr. Jackson explained the City paid a fee for every Rocky Mountain Power light within the City and indicated the City would need to determine if it was willing to pay for that light in perpetuity or if it was willing to upgrade to the City's standard lighting as they reach the end of its life. He summarized if the City wanted to complete the lighting system to its standards it would need to be willing to incur this cost as they expire.

Councilmember Thomas expressed appreciation to Mr. Coburn and Mr. Jackson for being responsive to the Council's requests regarding the street lighting.

DISCUSSION – DEVELOPMENT GUIDELINES AND DESIGN STANDARDS

Mr. Jackson reminded the Council it had requested further clarification regarding LID (Low Impact Development) standards. He pointed out regulations had evolved to require additional efforts to protect water quality and reduce the impacts of development. He explained the standards which were previously followed in that the peak flows coming off the site couldn't exceed pre-development conditions. He reported that standard had shifted to on site retention of 80th percentile storms. He continued to explain the Utah Department of Environmental Quality had primacy of the water quality programs in Utah and the City was beholden to those regulations. He stated Utah Department of Environmental Quality had issued the City an MS4 permit which allowed it to discharge storm water into Waters of the State, such as Kays Creek, Holmes Creek, and others which drain to the Great Salt Lake.

He continued to explain specifics associated with Low Impact Development Requirements pointing out the following:

- In addition to discharging into the stream, the City must minimize events which infiltrate, evapotranspire or harvest and use storm water for the site
- New development and redevelopment projects that disturb land greater than or equal to one acre must manage on-site water up to the 80th percentile storm, which is equivalent to 0.45-inches of rain
- Developers were now required to provide the City with a "Storm Water Quality Report" which identified how it would meet the objective of mirroring the predevelopment hydrology and meet the objective of retaining on-site

He announced Utah Department of Environmental Quality had created a guide to assist with the implementation and explained the requirements the City was beholden to adhere to and reviewed the identified Best Management Practices. He shared an illustration which referenced the identified applications.

He asked if there were any questions and there were none.

Small Cell Infrastructure

Mr. Jackson stated effective September 1, 2018, Utah Code allowed wireless providers to install wireless infrastructure in small cell facilities in the public right-of-way. He reported small cells were network systems which allowed the network to supplement areas in need of more data or higher speed. He stated these were generally located in higher density areas. He announced the City had six inquiries to date regarding the small cell infrastructure. He explained if no standards were in place these larger companies could do whatever it wanted specific to installing equipment; therefore, the City established its standards patterned after Salt Lake City's.

He directed the Council to specifics associated with small cell equipment and stated the City was concerned about aesthetics and reviewed some of those with the Council:

- Cannot be large and obtrusive
- Have to be shrouded and blend in with surroundings
- Cannot have bright lighting
- Power must be appropriate based on Rocky Mountain Power requirements
- Must be identifiable as to who owned the utility and what they are

He reviewed the permitted installation and locations where they were allowed within Layton City and the ordinance required the order of preference and identified those with the Council.

He shared some illustration examples of both acceptable and unacceptable small cell attachments to infrastructure. He also reviewed the requirements for the location and installation of monopoles, and specifically addressed the allowance for residential zones. He stated the City had attempted to limit residential locations and shared some illustrations identifying the monopole location.

He asked if there were any questions and stated he would be willing to answer questions at a later time.

Mayor Petro asked if the small cell attachments would interfere with the City's existing street light poles and Mr. Jackson explained most companies had expressed willingness to comply with the City's standards. He emphasized if the small cell needed to be installed on a street light it would need to look identical to other street lights with the exception that it might be a little taller. He pointed out some of the City's street lights wouldn't be conducive to this type of modification.

Councilmember Fitzpatrick expressed appreciation to Mr. Jackson for his clarification.

Councilmember Morris recalled his time serving on the Planning Commission and approving something to accommodate a 5G network and inquired if it was included in this small cell ordinance. Mr. Jackson responded this infrastructure network would accommodate for this type of demand and pointed out they were located in areas like the mall, conference center, or stadiums where there was higher demand. He emphasized these small cells wouldn't replace the tall macro towers; rather, they would supplement the current infrastructure.

AMEND TITLE 19, TABLE 5-1 OF THE LAYTON MUNICIPAL CODE – BY AMENDING CORNER SIDE YARD SETBACK FOR ACCESSORY STRUCTURES IN THE RESIDENTIAL SUBURBAN (R-S) ZONING DISTRICT – ORDINANCE 20-23

Chad Wilkinson, Community and Economic Development Director, shared an illustration of the current existing corner yard setbacks for accessory structures in the R-S zone, and those being proposed. He reviewed the difference between the two and indicated this was a citizen's request for the purpose of constructing an accessory structure. He pointed out the Council recently amended corner lot setbacks for primary structures and approval of this amendment of 20 feet would match that. He reported Staff had reviewed the request and the Planning Commission recommended approval.

Councilmember Fitzpatrick expressed concern with the decrease of the driveway length and whether that decrease could accommodate the parking of large vehicles such as trucks, recreational vehicles or boats without obstructing the sidewalk. She asked if there were other detriments with approving the request.

Mr. Wilkinson responded Staff hadn't identified any detriments and wasn't in opposition to the proposed amendment. He believed 20 feet would be the bare minimum for any setback and pointed out the driveway length accommodated appropriate parking of vehicles. He added any enforcement for the parking of longer vehicles obstructing the right of way would be Code Enforcement's responsibility.

Councilmember Thomas asked what the advantage was to decrease the driveway length and Councilmember Morris asked about the applicant's intent. Mr. Wilkinson responded the applicant had some existing constraints in the rear yard associated with the construction of the proposed accessory structure and a discussion followed.

Councilmember Day stated he had the same concern as Councilmember Fitzpatrick and pointed out the City would be changing the ordinance which would be applicable to the entire City to accommodate the request of one resident. He commented he was hesitant in approving the 20 foot setback and would probably be more agreeable with 25 feet. He concluded he didn't see the need for the change.

Councilmember Bloxham stated he didn't want the City to get in the habit of amending City Code to accommodate one person's request which was different from when Staff proposed amending code for the benefit of the City as a whole.

Mr. Wilkinson explained Staff's perspective in not having an objection to the proposed amendment was that the 20 foot setback was the standard in all other single family residential zones which seemed to function just fine. Councilmember Bloxham expressed concern this small change to Code might set precedent.

Councilmember Day requested clarification with how this setback had been applicable in other zones and Mr. Wilkinson reviewed those with the Council and emphasized this was the standard for all other residential zones and the City hadn't seen issues related to that use.

REZONE REQUEST – LAMANO REZONE – R-M1 (PRUD) (LOW/MEDIUM DENSITY RESIDENTIAL, PLANNED RESIDENTIAL UNIT DEVELOPMENT) TO MU (MIXED-USE) – ORDINANCE 20-25 – 1225 EAST GENTILE STREET

Mr. Wilkinson identified the location of the parcel and explained the proposed rezone would allow for a Mixed-Use development and announced this use was compatible with the General Plan. He indicated the property was currently entitled for multi-family residential and had already been granted approvals for that particular use. He reported the applicants had requested the change to allow for a Mixed-Use development with a slightly different design and shared an illustration of conceptual drawings which included live/work space and conference rooms. He mentioned the proposed design was more compatible to a Mixed-Use development. He reported the Planning Commission reviewed this request and recommended approval on the basis it was compatible with the General Plan.

Councilmember Fitzpatrick asked if there was a size designation which would be optimum for a Mixed-Use zone/development and Mr. Wilkinson believed the design would be a better consideration as long as all designated standards were met. Councilmember Fitzpatrick read from page 12 of the Layton Forward General Plan which addressed parcels being too small or odd shaped to accommodate "desirable" multi-use and announced she had some concerns with this request. She reviewed how the original request had been approved and believed the request was being made to allow for more density and expressed her opinion a similar development could be accomplished with the current zoning and PRUD standards.

Mr. Wilkinson addressed the benefits of Mixed-Use developments within the community and spoke to other service providers at that particular town center area pointing out Mixed-Use could be located

throughout the entire town center emphasizing future development wouldn't necessarily have to incorporate the commercial component. He suggested higher housing density was required to support the commercial component within the town center and reiterated Staff recommended approval.

Councilmember Day expressed agreement with Councilmember Fitzpatrick and didn't recognize the benefit for the rezone and believed the same layout could be accommodated under the current zone.

Councilmember Fitzpatrick also didn't see any amenities for the 53 residential units associated with the development. Mr. Wilkinson pointed out the significant open space could be used for amenities.

Councilmember Morris asked about the proposed increase in traffic for that area and Mr. Wilkinson responded it wouldn't have a significant impact.

REZONE REQUEST AND PLAT AMENDMENT – VALERIA AND GORDON REZONE AND WASATCH HEIGHTS PLAT AMENDMENT – R-1-6 (SINGLE FAMILY RESIDENTIAL) TO MU (MIXED-USE) – ORDINANCE 20-24 – APPROXIMATELY 964 NORTH VALERIA DRIVE (GORDON AVENUE AND VALERIA DRIVE)

Mr. Wilkinson identified the location of the parcel and explained the applicant was requesting a Mixed-Use zone, which was also designated for that use in the General Plan. He pointed out the surrounding uses and stated Staff had worked closely with the owner to ensure appropriate buffers were in place for the adjacent single family residential. He provided a conceptual plan from the applicant and pointed out the landscape buffer. He reported the request had also been reviewed by the Planning Commission which recommended approval.

Councilmember Thomas inquired about the ingress and egress to the development due its proximity to the elementary school and Mr. Wilkinson pointed out all would have pedestrian connections to the sidewalk and clarified vehicular traffic would be at Valeria Drive.

Councilmember Fitzpatrick asked if all the parking was contained on the parcel and Mr. Wilkinson indicated the property owner would need to obtain some shared parking from adjacent property or reduce the number of housing units.

DEVELOPMENT AGREEMENT AND REZONE REQUEST – 786 SOUTH MAIN REZONE – A (AGRICULTURE) TO C-H (PLANNED HIGHWAY COMMERCIAL) – RESOLUTION 20-45 AND ORDINANCE 20-26 – 786 SOUTH MAIN

Mr. Wilkinson identified the location of the parcel and stated the General Plan designated this area as Business Park Mixed-Use sometime in the future. He explained parcel assemblage could be an obstacle for mixed-use development and oftentimes consolidation of parcels was required for the development's success. He concluded in this particular case, this was a great way to accomplish parcel consolidation in anticipation of a future zone change to the Business Park Mixed-Use zoning.

He reported the City proposed a Development Agreement with the applicant which would provide for the parcel assemblage, limiting the type of development which could occur or use restrictions to also prevent anything which would inhibit future development. He identified the deadlines specified in the Development Agreement specific to consolidating adjacent parcels. He reviewed the zoning provisions identified in the Development Agreement with the Council and announced Staff recommended approval.

Councilmember Day requested clarification for the parcels proposed to be consolidated and Mr. Wilkinson identified A, B, and C, pointing out the only parcel being considered for this rezone was the parcel identified by the green color.

MAYOR'S REPORT

No Mayor's report was shared.

The meeting adjourned at 6:58 p.m.

Kimberly S Read, City Recorder