MINUTES OF LAYTON CITY COUNCIL WORK MEETING — **FEBRUARY 18, 2021; 5:32 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, MASON KJAR, CHAD WILKINSON, TERRY COBURN, STEPHEN JACKSON, 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 Fitzpatrick announced Layton City was participating in a wellbeing survey, conducted by Utah State University with assistance from the ULCT (Utah League of Cities and Towns). She mentioned Layton was one of 29 cities participating in the survey and indicated the survey could be accessed from the City's webpage until Thursday, February 25, 2021. She encouraged participation and challenged the four male councilmembers to complete the survey since the preliminary results reflected most were being completed by women. She informed the Council the collected data would be a good tool for City Staff, as well as other entities, with future planning.

Councilmember Bloxham reported he, Councilmember Morris and Gary Crane, City Attorney, had been involved in discussions with some of the bills at the legislature. He announced Representative Ward's bill was being reviewed by ULCT and believed the language was such that it was taking a neutral position on the bill. He also indicated he had listened in on a proposed bill specific to criminal sanctions associated with rioting and/or disturbing the peace, and was pleased that certain language had been removed to prevent from being held liable for property damages.

Councilmember Thomas asked about House Bill 98. Mr. Crane responded he had been working with the HBA (Homebuilders Association) to amend the bill. He explained the proposed language in the bill and reviewed it with the Council. He informed the Council he had consulted with City Staff and the City Inspector Association and had been assured there would be no issue with compliance. He clarified the bill was specific to residential and duplexes and added the building permit fees would continue to be paid for by the developer/builder. He indicated building inspectors would no longer have immunity and would be required to obtain insurance and DOPL (Division of Occupational and Professional Licensing) would need to regulate the insurance component. He expressed his opinion this would be the version of the bill which would be passed by the Legislature and suggested the Council continue to actively engage against the original bill which pre-empted the City's authority.

He expressed appreciation to Councilmembers Morris and Bloxham for their participation. Mayor Petro expressed appreciation for Mr. Crane's input and involvement with ULCT to actively work for a resolution to the original bill.

COUNCIL TRAINING

Mr. Crane relayed a personal experience with the Council and presented training specific to weighing evidence and how it applied to Land Use Regulations. He suggested the Council declare/state its reasons or findings when making land use decisions as opposed to making a decision based on hearsay. Councilmember Fitzpatrick asked if it was better to declare findings in the motion or in the discussion and Mr. Crane responded the councilmember making the motion should state the reason(s) for making the motion. He added the councilmember could also incorporate Staffs' recommendation in the motion. He emphasized the councilmember's opinion could also be clarified during the discussion of the agenda item.

REZONE REQUEST AND PLAT AMENDMENT – 571 FORT LANE REZONE AND ROSEWOOD SUBDIVISION PLAT AMENDMENT – C-H (PLANNED HIGHWAY COMMERCIAL) AND R-1-8 (SINGLE FAMILY RESIDENTIAL) TO C-TH (CONDOMINIUM/TOWNHOUSE) – APPROXIMATELY 571 S FORT LANE AND 571 S KIMBALL DRIVE – ORDINANCE 21-05

Chad Wilkinson, Community and Economic Development Director, explained the rezone and plat amendment were affiliated with one another and the information would be presented together; however, two separate motions would need to be made during the City Council Meeting. He oriented the Council to the parcel and shared an illustration which identified the parcels and explained two separate zones existed. He clarified the parcel fronting Fort Lane was designated C-H, Planned Highway Commercial, the middle parcel outlined only in red was currently zoned R-1-8 (Single Family Residential). He identified the parcel outlined in blue and stated it was part of the Rosewood subdivision which fronted on Kimball Drive. He shared another illustration which identified an area outlined in white and stated these parcels were proposed to be rezoned to C-TH (Condominium/Townhouse) zoning. He pointed out this included the parcel currently zoned C-H and the parcel behind it currently zoned R-1-8. He pointed out the adjacent parcel outlined in red, subject to the subdivision amendment, consisted of two lots in the Rosewood Subdivision which fronted Kimball Drive. He identified the small triangular piece of property at the rear of the residential lot, and explained it was needed in order to create a straight line and a more developable parcel; therefore, the applicant was proposing a subdivision amendment. He emphasized this change would still allow for the minimum lot size required for the R-1-8 zone. He clarified the parcels fronting Kimball Drive was not being proposed for any zone change; only the subdivision amendment specific to parcel 11-072-0007.

Mr. Wilkinson reported the proposal was consistent with the General Plan as a mixed-use corridor and the proposed zoning did require certain amounts of open space which the developer had incorporated into a conceptual design. He clarified the Council would only be asked to approve the zone change and plat amendment increasing the size of lot 101, and emphasized both lots would meet the minimum required lot size.

He reported the Planning Commission reviewed the request and recommended approval of the zone change and subdivision amendment during its meeting on Tuesday, January 26, 2021. He asked if there were any questions.

Councilmember Day inquired if the setbacks could continue to be met for the lots in the Rosewood Subdivision with the subdivision amendment and Mr. Wilkinson responded the change would actually create a larger setback.

Councilmember Fitzpatrick recalled the assembling of property along North Main and seeing a visual illustration of what that area could possibly resemble in the future. She requested clarification how the rezone from C-H would affect the area. Mr. Wilkinson responded the General Plan reflected the area as Mixed-Use (MU) and believed the area would transition to that use.

Councilmember Fitzpatrick asked why a development agreement hadn't been included as part of the rezone and Mr. Wilkinson responded the rezone was consistent with the General Plan; therefore, a development agreement wasn't needed.

Councilmember Fitzpatrick referenced two separate Staff Reports, submitted by two separate City engineers, and read each of their respective statements and requested clarification on the difference in lot numbers and Mr. Wilkinson explained anytime a subdivision was amended new lot numbers were assigned; however, the applicant was present and could speak to those issues. Councilmember Fitzpatrick also asked about the final acreage and referenced the discrepancy in the two separate Staff reports. Mr. Wilkinson reported the acreage had been identified and stated it had been identified in the ordinance.

Walker Wood, applicant, explained the northern lot, identified as lot 46, wasn't originally developed as part of the Rosewood Subdivision. He stated if the subdivision amendment was approved it would become part of the Rosewood Subdivision and be renamed lot 101. He provided additional clarification regarding parcel 44 and requested Mr. Wilkinson share the map which identified the parcel numbers and explained the three lots were proposed to create two.

UPDATES – LANDSCAPE ORDINANCE AND WATER AGREEMENT

Mr. Wilkinson stated he was prepared to respond to questions specific to the timing of the landscape ordinance amendments. He reviewed the many text amendments and a calendar representing the respective calendar illustrating the length of time involved with each one. He informed the Council that a number of amendments to City Code were required to be adopted almost immediately following the adoption of the General Plan in September 2019. He mentioned one of those was specific to the PRUD (Planned Residential Unit Development) Ordinance in order for code to be consistent with the General Plan. He added the same issue existed with the C-TH Ordinance. He pointed out another component, the Parking Ordinance, was also a direct reflection of the adoption of the Moderate Income Housing Plan, which at the time, wasn't anticipated and involved significant time on behalf of Staff.

He pointed out some of the text amendments were simple and straight forward. He clarified the length of time from drafting the changes to adoption was due to noticing requirements. He stated those reflecting "comprehensive" on the timeline were items which took much larger effort of months up to a year or longer of Staff's time and informed the Council the Parking and PRUD Ordinances were both comprehensive in nature. He also referred to other state mandated ordinances on the list which the City was required to implement. He reminded the Council of other amendments proposed by citizen requests.

He reminded the Council, the City had recently amended its Home Occupation Ordinance which was City initiated, as well as other ordinances which needed to be revised out of concern brought to the Council's attention specific to development, Titles 15, 18, 19, and the Sensitive Lands Ordinance. He mentioned all of those were identified as comprehensive amendments.

He reported work on the landscape ordinance began last July and informed the Council of the work completed by an intern of which the findings and results were recently presented to Planning and Engineering Staff. He reviewed the process from here on out for adoption and directed the Council to the handout reflecting the timeline and believed it would soon come before the Planning Commission and believed it would be discussed during a City Council Work Meeting in mid-April. He mentioned the summary also included future items which needed to be addressed by Staff and the Council: storage containers in residential zones, short term rentals, and comprehensive Sign Ordinance amendments.

He pointed out the time identified for MU/MU-TOD Design Standards Amendments and reminded the Council the City had received numerous applications for mixed-use zoning the last several months and indicated it had been a large effort. He reported initial research began in 2020 and Staff had significant dedicated time to the drafting of this ordinance and had prioritized its completion within the next several weeks around the same timeframe as the landscape ordinance.

He mentioned these texts amendments represented a very small portion of work being completed by Planning Staff and asked if there were any questions.

Councilmember Morris clarified the Sensitive Lands Ordinance was continually being worked on and Mr. Wilkinson responded a committee made up of Staff began working on this ordinance in January.

Councilmember Morris mentioned there was short term rental language included in the ADU (Accessory Dwelling Unit) bill. Mr. Wilkinson explained short term rentals were neither permitted nor prohibited and issues were addressed through the nuisance complaint process. Councilmember Morris complimented the Planning Staff and mentioned the City had a great reputation for completing building processes in a timely manner. He expressed appreciation to Staff.

Mayor Petro mentioned the City's sign ordinance would also hinge on legislation adopted during this session.

Councilmember Day asked if Staff would be proposing significant changes to the Landscaping Ordinances and Mr. Wilkinson responded the intern's research indicated comprehensive changes could be made for commercial landscaping to encourage low water use. He informed the Council research indicated there was more of a palliative option for residential settings rather than being very prescriptive. Councilmember Day encouraged the Council to follow the Landscaping Ordinance as it progressed through the Planning Commission process and ask pertinent questions of Staff or make suggestions. Mr. Crane stated there was no problem with councilmembers attending Planning Commission Meetings; however, if discussions or updates were needed, suggested a joint meeting be scheduled. He cautioned the Council about attending Planning Commission Meetings and participating in discussions or deliberations on an issue which would later come before the Council for approval.

Mr. Crane informed the Council of his previous experience interacting with Kays Creek Irrigation Company. He shared a visual presentation regarding a proposed agreement between the City and Kays Creek Irrigation and indicated the Board and Director had been efficient in operating the system; however, as these systems age, the less valuable they become and he emphasized the value was in the water as opposed to the infrastructure. He announced the City had determined, with completion of the Water Master Plan, it had one of the greatest resources due to the water set aside for use within Layton City, as well as the three reservoirs which hold the water and could be distributed on a calculated basis.

He stated the City had determined it would wait until the irrigation companies gradually ran out of agriculture use for its water, before acting on the opportunity of incorporating those companies into the City's water system. He reported Staff had been working with Kays Creek over the past few years to develop a relationship and some agreement in a number of key areas in preparation for the City to take over the Kays Creek system. He emphasized this included the expenditures and costs needed in order to improve the system and provide secondary water to residents in the western portion of the City. He mentioned Kays Creek had hired an attorney and identified City Staff which were working together on creating a complicated agreement. He stated the City would ultimately make accommodations to the shareholders.

He reviewed the inroads accomplished by Staff thus far regarding the agreement:

- Identify shareholder and ensuring interests were addressed pertaining to: ownership, accounting, rights, and additional shares.
- Transfer of pressurized system: infrastructure, easements, and other real property interests. He explained how the easements would/could be conveyed and/or transferred to the City.
- Loans and Contracts: Weber Basin Water contract, loan for pressurized system from Division of Water Resources, all which the City would need to assume.
- Reservoirs: use and ownership, and any associated agreements.
- Board Representation and Administration: makeup and powers of the Board of Directors.
- Assessment: evaluating shared costs and allocating responsibility.
- Priority of Water Use: adapting and using a plan patterned after Weber Basin Water Agreement.
- Operations: providing for ongoing operations of the company, existing employees, assets, and training of City employees.
- Long Term Plan: dams, water rights, ownership of interests of both.
- Liabilities
- Dispute resolution: mechanism for handling disputes

He reported the City had been making significant progress until the COVID-19 Pandemic started last year. He asked if there were any questions.

Mayor Petro believed a tour of the City's entire water system, including reservoirs, would be beneficial to the Council. Mr. Crane assured the Council, Staff was moving as fast as Kays Creek would allow. Councilmember Day requested Staff meet with the Council specific to preliminaries included in the agreement.

Councilmember Morris inquired how many of the identified secondary water projects were connected to the Kays Creek Water system and subsequently the proposed agreement. Stephen Jackson, City Engineer, responded the vast majority of the infrastructure was part of the system out west which all three irrigation companies would feed. Mr. Crane clarified neither resolutions would move forward on its own; rather, both sides would have to move forward together. Councilmember Day stated there were some issues which he didn't yet agree with and expressed his desire to make suggestions to the agreement. Mr. Crane clarified that while the decision had already been made quite some time ago to incorporate the irrigation companies into the City's secondary water system, it would be the Council's responsibility to review and approve the agreement. Staff anticipated and welcomed that input.

MAYOR'S REPORT

No Mayor's report was shared.

The meeting adjourned at 6:59 p.m.

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Kimberly S Read, City Recorder