

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

SEPTEMBER 15, 2022; 5:42 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

MAYOR JOY PETRO, ZACH BLOXHAM, CLINT MORRIS, TYSON ROBERTS, BETTINA SMITH EDMONDSON, AND DAVE THOMAS

STAFF PRESENT:

ALEX JENSEN, GARY CRANE, STEPHEN JACKSON, ED FRAZIER, AND KIM READ

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

Mayor Petro opened the meeting.

AGENDA:

COUNCILMEMBER REPORT

Councilmember Morris announced interviews for RAMP (Recreation, Arts, Museum, and Parks) Commission were being conducted. Mayor Petro mentioned there would be three vacant positions. Councilmember Morris stated he had been impressed with the candidates. Councilmember Thomas asked how the vacancy for the Chair and Vice Chair would be filled and Mayor Petro responded once individuals were appointed and all positions were filled on the Commission, those members would elect the Chair and Vice Chair. She also mentioned the RAMP Tax would be on the ballot in 2025 and suggested the City promote the benefits of RAMP and a discussion followed.

Councilmember Smith Edmondson informed the Council the CTC (Communities That Care) had designated two programs to support: Strengthening Families and Big Brothers/Big Sisters and mentioned the need for volunteers to serve on committees for the respective programs. She indicated these would be short-term volunteers, approximately one month to ensure these programs are up and running as intended.

AMENDMENTS TO LAYTON CITY MUNICIPAL CODE, TITLE 18 LAND USE DEVELOPMENT, CHAPTER 18.24 STREETS, SECTION 010 ARRANGEMENT, SECTION 020 WIDTHS, SECTION 040 CUL-DE-SACS, SECTION 050 EASEMENTS; TITLE 19 ZONING, CHAPTER 24 CONDOMINIUM/TOWNHOUSE (C-TH) ZONING DISTRICT, SECTION 080 CONDOMINIUM/TOWNHOUSE DESIGN STANDARDS; REPEAL TITLE 18 LAND USE DEVELOPMENT, CHAPTER 18.24 STREETS SECTION 030 ALLEYS, AND TITLE 18 LAND USE DEVELOPMENT, CHAPTER 18.50 PRIVATE RESIDENTIAL SUBDIVISIONS AND DEVELOPMENTS, SECTION 060 STREET AND DRIVEWAY IMPROVEMENTS TO ESTABLISH PUBLIC AND PRIVATE STREET STANDARDS IN LAYTON CITY – ORDINANCE 22-21

Chad Wilkinson, Community and Economic Development Director, reminded the Council of previous discussions regarding the proposed text amendment addressing private street standards within the City. He explained the proposed changes were meant to reorganize the code in a more easily administrated format. He mentioned there were four major changes pointing out the following:

- The ordinance would be organized in a table format as opposed to a text format
- Create consistency regarding terminology describing the unique distinctive type of street
- Criteria and standards when and where gates can be installed
- Language addressing when private streets can connect to public streets
- Criteria specific to Public Utility and Drainage Easements (PU&DE)
- Front yard setbacks in relation to private streets

He stated Staff recommended approval and asked if there were any questions.

Councilmember Smith Edmondson inquired about the number of instances in which private streets had connected to a public street and whether the proposed amendment would now be applicable in those circumstances. Mr. Wilkinson responded those already functioning within the City couldn't be held accountable to the new standards. He mentioned Staff had encouraged a developer to modify its development in order to avoid this practice and a discussion followed. He continued to explain the difficulty with the City converting private roads to public streets and the discussion continued.

Councilmember Morris inquired whether Staff had received public comments during the past two weeks since the public hearing remained open and Mr. Wilkinson responded none were received.

Councilmember Bloxham requested clarification specific to implementation regarding public utility easements and Mr. Wilkinson responded that implementation would be specific to Mixed-Use TOD (Transit Oriented Developments).

Councilmember Roberts clarified gates had to comply with Fire Code Standards and Mr. Wilkinson responded in the affirmative.

AMENDMENT – DEVELOPMENT GUIDELINES AND DESIGN STANDARDS – ORDINANCE 22-20

Stephen Jackson, City Engineer, reminded the Council the item was discussed during the Work Meeting of Thursday, August 4, 2022, and reported proper noticing had taken place for the Council to now conduct the public hearing to consider approval. He stated the purpose in updating the standards and reviewed the following key updates:

- Secondary water systems – added section for City owned secondary water systems
- Traffic impact study – updated threshold number for latest edition of ITE Trip Generation Manual
- Dedication plat and lot line adjustment – adding the five-foot rear lot line Public Utility and Drainage Easement
- Street Widths – clarify width standards and definitions
- Culinary water and sanitary sewer – casing requirement for crossing freeways and highways
- Standard plans – updates to coordinate with written standards

He reported there was one slight change from what was previously presented; the inclusion of a punch list completion be done within a 90 day deadline as opposed to the 60 day original requirement. He mentioned this change was made at the request of developers which complete work within the City. Staff believed this would still be an appropriate time window.

He asked if there were any questions.

Councilmember Thomas clarified developers were installing water meters for secondary water connections and Mr. Jackson responded in the affirmative.

STAFF REPORT

Alex Jensen, City Manager, requested the Council adjourn to a closed door meeting to discuss the property acquisition and the character and competence of an individual. He suggested the closed meeting could take place after all other issues were addressed during this meeting.

He informed the Council of a request the City received specific to amending a development agreement, for existing development, specific to language which addressed fencing. He emphasized language in the original development was agreed upon by the developer and City. He mentioned Mayor Petro was aware of the issue and expressed a desire to make the Council aware of the request, background of the issue, and

Staff's position. He indicated Staff would be seeking direction from the Council with whether it wanted to entertain the idea of a future discussion. He mentioned in some circumstances, HOA's (Homeowner's Associations) had been implemented in portions of the development.

Mr. Wilkinson informed the Council the development known as The Park had agreed to an adopted Development Agreement in 2019 which identified restrictions for the color of fencing. He stated white vinyl fencing, or any other fencing which would reflect glare, were prohibited, with one exception for lots to the east adjacent to existing development with white fencing. He clarified the remainder of the development was subject to language in the approved Development Agreement. He shared a visual illustration identifying the different fencing within the development.

He explained the single family homes in the development were being constructed by various builders and some of those had been completed with white vinyl fencing. He pointed out fence installation didn't require a building permit from the City and only became aware once completed. At that time property owners were alerted of the violation; additionally, the City also sent notification to other homeowners reminding them of the condition. He mentioned the City received responses from some property owners indicated they hadn't been made aware of this special condition; and informed the Council, many measures had taken place with the intention to inform the builders/developers of this particular standard:

- The Development Agreement was referenced in the CC&R's (Covenants, Codes, and Restrictions)
- Community Wide Standards specifically called out architecture, landscaping, and aesthetic matters had to be consistent with requirements in the Development Agreement.
- The Development Agreement was attached and/or referenced to each of the properties/deed record with Davis County
- Specific language was identified on the building permit issued by the City stating fencing colors could not be white or any other bright color which would reflect glare – the same language as found in the Development Agreement

He believed the City had done everything it could to notify potential owners that a white fence was not allowed within the development.

Mr. Wilkinson informed the Council three property owners had made a formal request to the City to change the language within the Development Agreement. He explained Staff's concerns in amending the Agreement: the Agreement was entered into between the City and the developer; and now everyone living within the development. He pointed out the importance of keeping the Agreement whole and suggested it would set a bad precedent, on behalf of the City, to modify said Agreement, which included identified conditions which were agreed upon by the developer. He emphasized many homes had adhered to the language within the Agreement and were compliant to that condition. Staff's recommendation, based upon the Agreement, would be to not entertain any modification to the original Agreement and requested direction from the Council.

Councilmember Smith Edmondson inquired about the reasoning for including that language within the Agreement. Mayor Petro believed the recommendation came from the Planning Commission based on the development's density and the reflection which would result with white vinyl fencing. She mentioned, at that particular place in time, the Planning Commission weighed in on a review of other building materials/products in conjunction with development within the City. A discussion took place.

Mr. Wilkinson emphasized the CC&R's should have been referred to by the developer, builder, and/or homeowner specific to materials. He also mentioned each and every deed referenced some language regarding the Development Agreement and couldn't speak to the breakdown of information with making the respective individuals aware of the special requirement. He expressed disappointment with one particular developer which indicated City approved plans weren't used when selling to a potential homebuyer.

Mr. Jensen added all homeowners received a packet from the title company which included the CC&R's and the Development Agreement and suggested the homebuyer should have taken it upon themselves to become familiar with those and the discussion continued.

Councilmember Bloxham believed accommodating the request would make it unjust for those which had followed the agreement. Councilmember Thomas clarified whether it was now the City's responsibility to enforce the terms of the Development Agreement and Chad responded in the affirmative.

Mr. Jensen reported based on this discussion, Staff could represent the Council's position and eliminate future discussion and meetings.

Mayor Petro clarified the posts, top and bottom rail could be white; only the main field of the vinyl fence could not be white and Mr. Wilkinson responded that was correct and mentioned several homeowners had installed fencing described by the Mayor.

MAYOR'S REPORT

Mayor Petro Expressed appreciation for everyone involved with the 9-11 Davis Remembers event and believed it had been successful. She also expressed appreciation to the Council for the councilmembers' individual volunteer service on various committees.

CLOSED DOOR:

MOTION: Councilmember Thomas moved to close the meeting at 6:28 p.m. to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares. Councilmember Smith Edmondson seconded the motion, which passed unanimously.

MOTION: Councilmember Thomas moved to continue the closed meeting, following the regular City Council meeting, at 6:59 p.m. to discuss pending or reasonably imminent litigation and to discuss the character, professional competence, or physical or mental health of an individual. Councilmember Morris seconded the motion, which passed unanimously.

The work meeting reconvened at 9:39 pm.

STAFF REPORT

Mr. Jensen explained a request by Davis County Animal Care and Control regarding the number of allowed dogs/cats for a resident and a discussion followed.

The meeting adjourned at 9:47 p.m.

Kimberly S Read, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **15th day of September, 2022**, was to Discuss the Purchase, Exchange, or Lease of Real Property, Including any Form of a Water Right or Water Shares.

Dated this 5th day of January, 2023.

ATTEST:

JOY PETRO, Mayor

KIMBERLY S READ, City Recorder