

**MINUTES OF LAYTON CITY
SPECIAL COUNCIL MEETING**

APRIL 10, 2025; 7:02 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, CLINT DRAKE, JADYN APPLONIE, WESTON APPLONIE, TRACY PROBERT, STEPHEN JACKSON, DAVID PRICE, AND TORI CAMPBELL

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

Mayor Petro opened the meeting and welcomed the public. Councilmember Smith Edmondson offered the invocation and Amaris Edmondson led the Pledge of Allegiance.

MINUTES:

MOTION: Councilmember Roberts moved and Councilmember Bloxham seconded to approve the minutes of:

Layton City Council Work Meeting – January 16, 2025.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Roberts announced the Easter Egg Dive at Surf ‘n Swim for those 14 years old and younger. He directed the public to visit the City’s website for registration information.

PRESENTATIONS:

PROCLAMATION – FINANCIAL LITERACY

Mayor Petro read the proclamation for financial literacy.

CITIZEN COMMENTS:

Jennifer Shepherd, resident, petitioned the City Council for a dog park within Layton City. She informed the Council a representative had attended the Parks and Recreation Commission meetings for the past nine months and had been repeatedly told a dog park was not a priority. She suggested the City Council could shift the priorities for Layton City and reviewed the history regarding implementation of a dog park. She mentioned the number of website requests for a dog park and reiterated the need for an off-leash dog park for Layton residents.

Megan Smock, Farmington City, informed the Council she was a professional pet sitter/dog walker which served Layton residents. She pointed out with the increase of housing without yards these dog-owner residents need a location for their dogs to exercise and socialize. She expressed agreement with the need to have leash laws, but believed an off-leash dog park could also promote safety and suggested the benefits out-weighed the risks.

Michael Christensen, resident, suggested the City consider the large areas of land under power lines for a dog park. He provided his personal example of participating in the City’s recycling program and suggested more residents would participate in recycling if a high level of service continued. He expressed his understanding of Wasatch Integrated Waste Management’s District’s proposed recycling program which he believed would

encourage residents to surrender their second garbage can to begin using the mandated recycling can, which he also believed would result in a lower fee.

Mayor Petro requested the Councilmembers express their individual opinion's regarding Wasatch Integrated Waste Management District's (WIWMD) recycling decision.

Councilmember Bloxham believed there was miscommunication and misunderstanding within the community regarding WIWMD. He emphasized Layton City was still a participant with WIWMD and the City was following the legal process which would allow the City to be released. He clarified the intent of the letter sent to the County Commission and to WIWMD was the first step of many while the Council completed due diligence in determining what would be best for Layton City. He continued, the additional literature distributed with a copy of the letter to City residents by WIWMD wasn't authored by Layton City; but WIWMD. He assured the public the issue would be fully vetted in a public forum in an effort to promote transparency. He pointed out Layton City was one of 15 members of the WIWMD and every City had one vote no matter the population and Layton City created most of the District's revenue. He concluded the disproportionate share of the voting rights related to garbage/recycling rates established by WIWMD put Layton City residents at a disadvantage because the Council couldn't protect the residents from being taken advantage of. He emphasized the issue with WIWMD wasn't entirely about recycling; rather, there were other issues which caused the leadership of the City to question whether the residents' best interests were being considered.

Councilmember Smith Edmondson expressed agreement with Councilmember Bloxham's remarks. She announced she currently participated in the City's recycling program and expressed assurance this wasn't about Layton City not wanting to participate in a recycling program. She stated her concern was with WIWMD mandating a recycling program for all Layton City residents without the City's input. She reiterated Councilmember Bloxham's comments that a citywide program should be the decision of the Mayor and City Council. She stated it was surprising to learn from Facebook, emails, and television news that WIWMD had been distributing a FAQ (Frequently Asked Questions) along with the City's letter sent to the District, making it appear as it came from the City. She emphasized the City hadn't entered into any agreements, hadn't made any decisions, and assured the public the City couldn't leave the District without a formalized public process. She also assured the residents the Council wouldn't unfairly raise rates specific to garbage and/or recycling. She explained since Layton was the largest city within the County, it proportionally contributed more than other entities, and if not for Layton City, WIWMD wouldn't be able to offer the rates it was offering to the other participating cities within the District. She encouraged those interested in the topic seek out the truth and not feed into misinformation.

Councilmember Morris echoed the comments expressed by both Councilmembers Bloxham and Smith Edmondson and assured the public the Council was united in its efforts to not require mandated recycling for a forced fee. He announced the Council signed a resolution expressing its disagreement with WIWMD's decision in an effort to facilitate an open dialogue regarding the topic. He reminded the residents the City currently had three different contractors offering recycling on a voluntary basis. The City's voluntary recycling program had more participants than the entire population of some smaller communities participating in WIWMD. He explained the Council had many questions of Staff regarding its participation in WIWMD and after further research, the City learned it could potentially recognize a savings somewhere between \$700,000 and \$1,000,000 per year of not participating with the District. He emphasized it was the Council's intention to do what was right for the residents of Layton City, which didn't include a recycling mandate. He also pointed out just because acceptable product was placed in a recycle container, didn't always equate to that product being recycled and explained that was market driven. He reiterated it was the Council's desire to do what was in the best interest of City residents for the lowest cost.

Mayor Petro referenced a quote from her in the newspaper which she believed was misrepresented. She continued to express her opinion WIWMD's decision on mandatory recycling was rushed. She further clarified the City presented its resolution requesting the District rescind its action and at that time, did not take any action specific to the City's request. She reported, as the City's representative on the WIWMD Board, the City's position with the Board on mandatory recycling, and following that discussion proposed an incentivized recycling program. She clarified nothing had changed with WIWMD regarding current operations for residents

of the City. She expressed her desire City Staff will be able to negotiate a beneficial resolution to all parties involved.

Councilmember Roberts pointed out the City Council was made up of citizens. He mentioned he used the landfill approximately five to six times per year and would also have to abide by any decision made by the Council. He also expressed support for recycling and actively participated with the City's current recycle program and emphasized the issue with WIWMD wasn't about recycling. He reported he had responded to every email, phone call, and had an in person conversation to provide a better understanding of the facts. He pointed out the literature distributed by the District identified all services it provided to residents as participating in the District. He shared a quote from Ronald Reagan and concluded if the Council wasn't doing what it believed was best for its residents, the Council wasn't doing its job.

Councilmember Thomas stated he didn't like recycling and certainly wouldn't want to be told he had to recycle; however, he respected those who choose to recycle.

Luze Torres, resident, suggested owners (veterans or those with special needs) of service animals needed a dog park and requested the Council consider that implementation.

Councilmember Bloxham mentioned dog park discussion had been requested from the Council during its recently held all-day budget meeting. He assured the residents this was an issue the Council was aware of. He thanked Mr. Torres for his service.

Ryann Zentmeyer, resident, expressed concern regarding the Kayscreek Estates sidewalk project and indicated although many residents might not attend meetings, the neighborhood was united. She believed the trees were a vital part of the neighborhood's identity and suggested their removal had left a visible scar. She reminded the Council, the City had approved the PRUD (Planned Residential Unit Development), which she believed included the plans for the trees, whether or not there was an approved tree list at that time. She suggested the City was responsible for the approval at that time and currently remained responsible. She reported on a discussion she had with workers from Page's Tree Service that the project had more than what they bargained for. She believed the City had the responsibility to cover all costs associated with the project including the replacement of any tree which had been removed. She continued, the residents deserved leadership which prioritized long-term sustainability over short-term fixes.

Henry Simpson, resident, stated he was surprised to learn about possible changes between the City and WIWMD and sent emails to the elected body. He reported he was pleased to receive a response from Councilmember Roberts which clarified the City's position and answered questions. He reviewed the number of services he had taken advantage of over the years and indicated he delivered his cardboard, plastic, and glass refuse to the landfill and expressed concern whether this would continue to be available to him should the City end its participation. He inquired whether WIWMD meetings were public and indicated he would like to attend those and was shocked to learn about the City's representation on that Board. He continued to express concern about the possibility of not being allowed to dispose of yard waste at the facility and believed a reasonable, cost effective option wouldn't be available to residents. He would also like to know how the City came to the conclusion with the proposed savings of \$700,000 to \$1,000,000.

Kelsey Brown, resident, stated she was deeply concerned with the City's decision to consider withdrawing from WIWMD. She expressed concern the public hadn't been informed before the change was set in motion and when the issue made headlines none of the elected body spoke publicly about it and believed this reflected a lack of transparency. She grew up in Salt Lake County which mandated recycling and agreed with a recycling program. She requested the Council reconsider this decision.

Justin Anderson, resident, expressed appreciation to the Mayor and Council for taking the time to respond to the issues with WIWMD. He thanked Mayor Petro for personally visiting with him and providing answers to his questions. He suggested the anxiety experienced by residents was due to the messaging specific to the issue. He believed he had an understanding of tonnage and agreed the City should have more representation from Layton City. He stated WIWMD had the best machinery specific to recycling and also believed an opt-in

option would be better than an opt-out. He cautioned the Council on accepting a lower cost initially and consider whether that would be sustainable for the long-term. He informed the Council the significant amount of trash that regularly accumulated along Highway 89 and State Road 193 from haulers to the WIWMD facility.

Dan Harward, expressed appreciation to the Mayor and Council for tonight's meeting. He indicated he owned a grounds maintenance company and relied heavily on the landfill; the location was convenient and the cost to use the facility. He suggested the Council consider the many benefits offered to residents by the landfill and expressed concern that although this was just the beginning of the process, there was still an active attempt to leave the District. He requested the Council proceed with caution and mentioned he might need to move his business elsewhere in order to be profitable due to the location, convenience, and cost to use the current facility.

Louise Brown, resident, appreciated the information she had learned during the meeting. She was pleased to hear the Mayor and Council had been talking about this for months. She mentioned the phrase in the letter from the Mayor and Council to WIWMD which indicated the City's intent to withdraw and suggested the language indicated the Council had already come to that conclusion. She continued to express concern with the language that any comments should be addressed to Alex Jensen, Layton City Manager, who was not an elected official, instead of the Mayor and City Council.

Clint Drake, City Attorney, expressed a desire to clarify the process the City was required to follow in an attempt to dispel the miscommunication. He stated the wording of the letter, and the letter itself, was part of a legal process which had been addressed and directed to the County Commission, which had the authority to consider the City's request. He emphasized the City had always planned to allow public discussions and input from the residents. The City followed the identified process in an attempt to be respectful of WIWMD and the County Commission; the City initially met with the Director of WIWMD, and its attorney, informing them of the City's intent and reasons why. A similar meeting would take place with the County Commission, followed by discussions with the public. He pointed out the importance of following the process because the County Commission had the ability to withdraw the City from the District and didn't want that body to feel disrespected by engaging a political maneuver of circumventing the process, engaging public clamor resulting in the Commission having to make a decision under public pressure. He pointed out someone outside of Layton City and outside of WIWMD released this to the press. He clarified the purpose and order was out of respect for the organizations the City worked with. He stated the Council was anxious to have these conversations with the public months ago and emphasized this was not poorly messaged and reported it had taken Staff many hours to complete the analysis.

Dennis Scuffy, resident, lived near the landfill and believed everyone should have realized the landfill would fill up at some point. He mentioned the state of Utah was a desert and everyone needed to reduce water usage; however, he believed the City created more uses of water. He suggested the City needed to change its way of thinking and plan ahead by thinking of viable alternatives.

Mayor Petro believed everyone was aware the landfill was filling up and new thinking had taken place resulting in new action by transferring trash to another location in order to preserve the life of the landfill. She mentioned all of the options would come with a cost.

Shilo Kestel, resident, believed tax dollars were already being used to remove recyclable material from residential trash and asked why a recycle program would result with a cost increase to its residents.

Mayor Petro explained WIWMD did sort recyclable material from trash which was considered a 'dirty recycle'. The District was trying to accomplish a cleaner recyclable product and explained the process of how the operation at the District worked and pointed out individuals didn't actually remove the recyclable material, this was now completed by a machine.

CONSENT AGENDA:

AN AGREEMENT BETWEEN LAYTON CITY AND PARKRIDGE, INC. ENTITLED IMPROVEMENTS PAYBACK AGREEMENT – RESOLUTION 25-20 – RIDGEVIEW EAST SUBDIVISION APPROXIMATELY 974 EAST GORDON AVENUE

Stephen Jackson, Public Works Director, introduced the agenda item and explained Parkridge, Inc. had installed certain improvements, including sewer, water line, and storm drain infrastructure in conjunction with the Ridgeview East Subdivision. As part of the Development Agreement, it had been allowed to request a payback agreement that would benefit other properties outside of the Development. The total cost of the reimbursement would be up to \$21,705.06. He identified the location of the benefitted properties for the respective improvements. He pointed out no payback would be required from the property owners until connections were made.

Staff recommended approval and asked if there were any questions.

Councilmember Smith Edmondson clarified if the property remained undeveloped, no money would be collected and Mr. Jackson responded in the affirmative.

AGREEMENT BETWEEN LAYTON CITY, THE NATURE CONSERVANCY, AND KAYS CREEK IRRIGATION COMPANY FOR THE REALIGNMENT OF IRRIGATION WATER – RESOLUTION 25-21 – APPROXIMATELY 1825 WEST WEAVER LANE

David Price, Parks and Recreation Director, announced the resolution would approve the agreement between Layton City, The Nature Conservancy, and Kays Creek Irrigation Company for the realignment of irrigation water located at approximately 1825 West Weaver Lane. The Nature Conservancy had historically used the Kays Creek Irrigation Company's irrigation ditch for transporting water to its property. This irrigation ditch branched off from Kays Creek, located in Layton near Angel Street, and then traveled through a prescriptive easement along the Kaysville northern border, along the northern property of the present Kaysville Westgate Estates Subdivision, where it emptied into a drainage culvert and traveled underneath the newly established UDOT (Utah Department of Transportation) West Davis Corridor, onto The Nature Conservancy's property.

He explained The Nature Conservancy and Kays Creek Irrigation Company, had both approached the City to find an alternate way to route the secondary water to The Nature Conservancy's property through the City's future park property (Kayscreek Estates Park). The Nature Conservancy's access was very limited to service the present alignment of the irrigation company's prescriptive easement, which would eventually be abandoned.

City Staff had met with representatives of The Nature Conservancy and Kays Creek Irrigation Company to discuss possible benefits for each party. All parties propose an agreement, with terms, for an exchange of water shares and the alignment of an easement to house an irrigation pipe, owned and maintained The Nature Conservancy, within the City's park property (Kayscreek Estates Park). He shared an illustration which identified the location of the connection and spoke to the pathway the irrigation pipe would follow.

The agreement also required The Nature Conservancy to apply for a 404 Permit with the U.S. Army Corps of Engineers, which, if approved, would provide for a new point of diversion on the west side of the West Davis Corridor, allowing The Nature Conservancy to divert and distribute the irrigation water across its property from their property. The agreement also included the abandonment of the existing Kays Creek Irrigation prescriptive easement and exchanging secondary water shares to further the City's interest in providing pressurized secondary water throughout the City.

Staff recommended adoption and asked if there were any questions.

Councilmember Roberts requested clarification whether the new irrigation pipe to be owned and maintained by The Nature Conservancy would be after the point of diversion from Kays Creek. Mr. Price responded in

the affirmative. Councilmember Roberts requested clarification regarding liability on behalf of Kays Creek Irrigation and the liability to The Nature Conservancy for the pipe. Mayor Petro also inquired about the liability of the pipe under the West Davis Corridor.

Mr. Jackson responded the agreement transferred ownership of the diversion structure over Kays Creek and all of the pipe from the diversion structure through the trail area, through the future city park, to The Nature Conservancy. He indicated The Nature Conservancy would have full ownership. He believed the pipe under the West Davis Corridor was owned by UDOT until it reached the other side of the right of way, then owned by The Nature Conservancy.

Councilmember Roberts believed it was a good agreement which benefitted all three parties and also eliminated an open ditch. He expressed appreciation to Staff.

ACCEPT BID AWARD – CACHE VALLEY ELECTRIC CO. FOR CONSTITUTION CIRCLE PEDESTRIAN LIGHTING, PROJECT 24-02 – RESOLUTION 25-22 – 403 NORTH WASATCH DRIVE

Mr. Price explained the resolution would authorize the execution of an agreement between Layton City and Cache Valley Electric for the Constitution Circle Pedestrian Lighting Project 24-02. He identified the scope of the project and referenced an illustration of the proposed light poles. Following a bid process, the City received four bids with Cache Valley Electric submitting the lowest responsive, responsible bid in the amount of \$182,650.

He reviewed the bids with the Council and justified Staff's decision to exclude the apparent submitted low bid from Salmon Electric.

Staff recommended adoption of Resolution 25-22 and asked if there were any questions.

Councilmember Thomas asked if the lights would have receptacles at the base to be used for the Christmas light display and Mr. Price responded the electrical outlet would be toward the lower portion of the pole allowing light connections for summer festival events as well as the Christmas lighting.

Councilmember Morris requested clarification whether this project had been eliminated from last year's budget. Mr. Price believed the project was from two years ago and removed due to funding difficulties.

Councilmember Smith Edmondson expressed appreciation to Staff providing details regarding why the lowest bidder had not been selected.

PLAT AMENDMENT – TENNIS ACADEMY OF UTAH SUBDIVISION – 1ST AMENDMENT – 1248 WEST GENTILE STREET

Weston Applonie, Community and Economic Development Director, stated the applicant, Brad Frost, had requested an amendment to the Tennis Academy of Utah Subdivision and oriented the Council to its location and surrounding uses. He indicated the initial subdivision had been recorded in November 2024 as a single lot subdivision. He explained the proposed amendment would increase the lot by one acre in size, totaling 3.3 acres, by incorporating an additional acre of adjacent vacant property. He reported the Planning Commission reviewed approval of a Conditional Use Permit during its meeting on Tuesday, February 25, 2025, for outdoor tennis and pickleball courts and unanimously recommended approval. He added it also reviewed this item during its meeting on Tuesday, March 11, 2025, and unanimously recommended approval of the amended plat for the 1st Amendment to the Tennis Academy of Utah Subdivision.

Staff supported the Planning Commission's recommendation and asked if there were any questions.

Councilmember Roberts clarified the vacant acre of property hadn't been included in the development to the north recently approved by the Council. Mr. Applonie responded the parcel hadn't been included.

Councilmember Smith Edmondson asked if any discussion had taken place whether these outdoor amenities would be used in conjunction with the adjacent property development recently approved by the Council. Mr. Applonie indicated the developer should respond to that question; however, he believed it was the intent of the developer to allow those residents access to the courts in conjunction with housing development.

MOTION: Councilmember Bloxham moved to approve the Consent Agenda as presented. Councilmember Morris seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

REZONE REQUEST WITH CONCEPT PLAN AND DEVELOPMENT AGREEMENT – DAVIS BEHAVIORAL HEALTH, INC. – REZONE FROM C-H (PLANNED HIGHWAY COMMERCIAL) TO MU (MIXED-USE) – RESOLUTION 25-17 AND ORDINANCE 25-09 – APPROXIMATELY 850 SOUTH MAIN STREET

Mr. Applonie identified the location of the property and oriented the Council to the location and stated the property was currently zoned C-H (Planned Highway Commercial). He identified adjacent uses to the parcel and announced the applicant, Sam Ball, representing Davis Behavioral Health, was requesting a rezone to M-U (Mixed-Use). The proposed concept plan included 180 apartments and a commercial/maintenance building which fronted Main Street. He reported the General Plan identified the property was located within the Mixed-Use Corridor, Main Street, and Interstate 15. He mentioned some of the strategies outlined in the General Plan for the area called for Mixed-Use, encouraged redevelopment and reinvestment, providing convenient access to transit services.

He reported Staff had worked with the developer to create a Mixed-Use development requiring the commercial building in the front. The proposed development included amenities such as a sports court, community gardens, plaza/patio area for gathering space. Phase 1 proposed three apartment buildings on the campus site, which included 60 unit apartment complex towards Main Street with Phase 1B being the commercial/maintenance building. He pointed out a Development Agreement was included with the rezone. He reported the Planning Commission reviewed the request during its meeting on Tuesday, March 11, 2025, and unanimously forwarded a recommendation to the City Council.

Staff supported the Planning Commission's recommendation and asked if there were any questions.

Councilmember Morris inquired whether the proposed development included a medical detox center and Mr. Applonie stated it did not.

Councilmember Roberts inquired about parking and whether all parking for the apartments would be on site or if there would be shared parking with the existing Davis Behavioral Health building. Mr. Applonie responded the intent was for all parking to be on site; however, the property would connect to the existing Davis Behavioral Health building. Councilmember Roberts continued to express concern about residents using the existing parking lot to access Main Street.

Councilmember Smith Edmondson pointed out the Development Agreement stated the units would be 'studio' units and inquired how the development would aid or serve the work of Davis Behavioral Health and the services it provided to its clients. Mr. Applonie stated he didn't have those details and suggested that would be a fair question directed to the applicant.

Mayor Petro opened the public hearing at 8:55 p.m.

Sam Ball, Architect, Assist Community Design Center, responded Davis Behavioral Health desired to expand the impact for the northern Davis County community. It believed creating a centralized campus, including classrooms and offices would support mental health and the housing would be available for its clients. He indicated its clients could live there if they followed certain guidelines, would be staffed full-time, 24-hours

with case managers, and would provide supportive services. He believed most residents would use transit services. He mentioned the development would focus on a connection with nature and the creek supported that effort. This was a conceptual phased plan consisting of three phases which would come to fruition as needed. He indicated this would be a first for Davis Behavioral Health with creating a housing complex. He mentioned the first and second phase included all parking and at the time the third phase came to fruition, would determine whether more parking would be needed with the shared parking of the existing facility.

Councilmember Bloxham requested clarification whether Davis Behavioral Health intended to retain ownership of the residential multi-family development and expressed curiosity about the request for the Mixed-Use zoning classification for what appeared to be a regular apartment complex and questioned whether a similar request for another location within the City would even be considered.

Mr. Ball responded the term ‘permanent supportive housing’ designated the difference between ‘transitional housing’ and pointed out Davis Behavioral Health had recognized the majority of its vulnerable clients had difficulty finding stable, affordable, and supportive housing. He continued this development was intended to assist those individuals advancing through the rehabilitation process and the supportive services in the building would provide needed resources on a frequent basis and a discussion followed.

Councilmember Bloxham inquired about the conditions which would be placed upon the residents housed within the development. Mr. Ball responded Davis Behavioral would require the client to abide by established rules and regulations seeking to get better by progressing and checking in with their respective case managers.

Councilmember Bloxham expressed concern whether the proposed development had the potential to disproportionately require more from the City’s Police Department. Mr. Ball reiterated permanent supportive housing would only be available to clients which had already received services beyond the ‘crisis’ stage and currently progressing through some type of counseling program and had met criteria and could benefit by a more permanent housing situation.

Councilmember Smith Edmondson requested clarification whether the 24-hour staff at the facility had the resources and expertise should a mental health crisis happen at the housing development. Mr. Ball cautioned the Council in believing the development would be considered an ‘institutional facility’. He emphasized these were apartments where individuals would pay a flat rate to Davis Behavioral Health for living in the development. He indicated the Staff would have the ability to assist with medication and case management services, which included employment services. He suggested the additional office space would provide additional office space available for other community partners to offer services to residents/clients.

Councilmember Roberts expressed appreciation to Mr. Ball for the unique purpose in providing services to individuals needing these services. Mayor Petro also expressed appreciation to Mr. Ball.

Mayor Petro called for public comment.

There were no public comments.

MOTION: Councilmember Roberts moved to approve the Rezone Request with Concept Plan and Development Agreement – Davis Behavioral Health, Inc. as presented, Resolution 25-17 and Ordinance 25-09. Councilmember Smith Edmondson seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Roberts, Bloxham, Morris, Smith Edmondson, and Thomas. Voting NO – None.**

REZONE REQUEST WITH CONCEPT PLAN AND DEVELOPMENT AGREEMENT – HOBBS CREEK VILLAS PRUD – REZONE FROM R-S (RESIDENTIAL SUBURBAN) TO R-1-10 PRUD (SINGLE FAMILY RESIDENTIAL, PLANNED RESIDENTIAL UNIT DEVELOPMENT) – RESOLUTION 25-16 AND ORDINANCE 25-08 – APPROXIMATELY 3265 NORTH HOBBS CREEK DRIVE

Mr. Applonie explained the proposed development consisted of 13.38 acres and was located within a Sensitive Lands Area located west of Highway 89, at approximately 3265 North and had a small amount of frontage along Hobbs Creek Drive. The proposed development was currently zoned R-S, Residential Suburban, and the applicant, Adam Anderson, Goldcrest Homes, was requesting a rezone to a PRUD (Planned Residential Unit Development) to accommodate 27 single-family residential units; eight of those townhomes. He reported the City had been working with the applicant regarding the geological and geotechnical aspects of the subject property, Concept Plan, and Development Agreement. He emphasized the final layout of the Concept Plan was designed to address and mitigate the geotechnical issues identified on the subject property.

He indicated the General Plan identified the property as a neighborhood residential designation allowed for the R-1-10 zone with a PRUD overlay. It also identified the designation as an applicable zone for that area. He read from the General Plan regarding PRUD overlays which were encouraged to provide creative community design with open space amenities, flexibility, and lot size, diversity of housing types, and use for clustering developments to protect Sensitive Land Areas and other desirable open space features. He stated the PRUD was highly applicable to this area due to the fact it was within a Sensitive Lands which allowed for flexibility in placement of the homes.

He shared a visual illustration of analysis reflecting the existing zoning and the respective permitted densities and reviewed it with the Council. He explained how Staff determined the allowable density bonus allowed with the PRUD.

He stated both the PRUD and Sensitive Lands Use Ordinances required a Concept Plan be submitted with the application. The Concept Plan consisted of 19 single-family detached building pads and eight attached single-family building pads. Each home would be constructed on a building pad, commonly known as patio homes, with the location surveyed on the Final Plan. He mentioned the homeowner would own the footprint of the home and the property surrounding the home would be recorded as 'common area', which would be maintained by a Homeowner's Association (HOA). This design was a direct result of the geological and geotechnical work already completed on behalf of the developer. He spoke to the streets within the PRUD and clarified which roadways within the development would be public and private. He also commented on the slope.

The proposed PRUD development would consist of 28.25% of usable open space for the residents; the minimum requirement would be 12%. He reported there were areas within the development which would have undevelopable and unusable open space, which would be required to remain in its natural state with native plants. This equaled 51.46% of the subject property and would not count toward the 12% open space and included slopes over 10% in the western and northern portions of the development which had geological and technical features, including slopes over 30%.

The usable open space would contain private amenities including pickleball courts, a pavilion, seating and gathering areas, a walking trail, and creative connections to each amenity. The applicants had been working with the City's Parks Department to include a future public trail through the PRUD development to provide an important connection to the Kays Creek Trail and identified that location on an illustration. He also identified the route of the trail and identified where it would connect with Hobbs Creek proceeding under Highway 89 to eventually connect with the Bonneville Shoreline Trail.

He continued to explain the participation and involvement with geotechnical engineers to identify and mitigate geotechnical and geological issues on the property. The items explored as part of the studies included a fault scarp location, slope stability, unstable soils, groundwater and liquefaction, which resulted in certain points being identified as 'unbuildable' and identified those on illustrations. He emphasized the Concept Plan

reflected the building pads were located outside of the 30% slope area. Additionally only water wise landscaping would be implemented in the common areas surrounding the building pads, and other common areas, in order to lessen the impact of irrigation water and any potential impact on adjacent slope areas. The landscape common areas which would require greater irrigation would be located away from slopes and closer to Hobbs Creek Drive where the property was flat.

He reported the Final Plans would include language stating foundation drains were required for all below-grade basements and additional notes would reference geotechnical and geologic hazard studies for both the applicant's engineer, as well as the City's third party engineer. A Development Agreement was included with the rezone request and included a few significant issues which were part of the development and reviewed those.

He reported the Planning Commission reviewed this item during its meeting on Tuesday, March 11, 2025 and forwarded a positive recommendation to the City Council by a vote of 3-2. He pointed out the two commissioners had stated their respective reasoning for the dissenting votes.

He announced Staff supported the Planning Commission's recommendation and asked if there were any questions.

Councilmember Thomas pointed out patio homes didn't require excavation for basements; however, Mr. Applonie mentioned the developer had indicated radon testing would take place during that excavation process. Mr. Applonie suggested the developer would need to make that clarification.

Councilmember Smith Edmondson referenced the elevation exhibits within the agenda packet which didn't appear to be one-level or patio homes. Mr. Applonie responded a patio home could be a two-story unit. Councilmember Smith Edmondson inquired how many homes would be allowed under the current zoning designation compared to the R-1-10 zoning designation, minus the PRUD. Mr. Applonie explained the difficulty in providing an exact number due to the designation of unbuildable area because of the slope, but rough figures estimated approximately 30-35 homes and a discussion centered around how the densities were calculated followed. Councilmember Smith Edmondson requested clarification regarding the location of amenities and concluded they weren't centralized to the location of the homes. Mr. Applonie clarified the pavilion would only be available for use by the residents within the proposed development. He also indicated the amenities were in designated areas based upon the geotechnical landscape and emphasized those locations still met the City's PRUD requirements of being within 900 feet of all homes.

Mayor Petro asked Mr. Applonie if he had reviewed the geotechnical report to identify whether it met the City's standards and he responded in the affirmative.

Councilmember Thomas restated testing for radon would take place and Mr. Applonie responded in the affirmative. Councilmember Thomas expressed concern regarding the possibility of the six or seven homes which could be impacted by possible water flow affecting the stability of the slope. Mr. Applonie believed that would be mitigated by eliminating the amount of flowing water on the properties and explained the open space area would be managed by the HOA.

Councilmember Bloxham expressed concern PRUD development requests had become an entitlement or the rule by developers and requested Mr. Applonie explain Staff's position when in reviewing these requests. Mr. Applonie agreed City Staff had received many PRUD requests and suggested there were a lot reasons for that; PRUD developments were a tool, to both the City and a developer, which could be used in providing more affordable housing. This particular type of area was one of those areas in which a PRUD request facilitated a positive development: sensitive lands and delicate areas which needed protection, could be uniquely developed to accommodate housing. The PRUD allowed these choices and flexibility. This tool should be utilized to regulate development in moderate ways and he explained the deed restrictions would call out the development was in the Sensitive Lands Area. He pointed out the City's intent to make all homebuyers aware of this fact, not just the first homebuyer and the deed restriction was intended to accomplish this.

Councilmember Roberts expressed concern with the potential of additional ground water in this area should the state experience a significant winter similar to what happened two years ago. He inquired if there was any speculation where the water from significant spring runoff would go in relation to the property. Mr. Applonie responded he wasn't an engineer and couldn't speak to that; however, the City desired to ensure the structures were placed in a safe location and added this was in the concept stage for development.

Councilmember Roberts asked about future processes coming before the Council and Mr. Applonie stated it would come before the Council at Preliminary and Final Subdivision Plat approval. Councilmember Roberts also inquired whether there were any mitigation efforts which could be implemented to improve the stability or drainage of 50% of the property with the 30% grade. Mr. Applonie believed that would have been addressed in the geotechnical reports. Councilmember Roberts indicated he would like to see that addressed.

Mayor Petro expressed concern regarding the location of the public trail coming out of the Hobbs Pond area. She indicated she had read the comments expressed by the City's Park's Planner regarding the preservation of the existing trees and suggested Staff work with the developer to possibly shift to the north. She continued, although the intent for the proposed location would be critical to connect to the Highway 89 underpass for a future to the Bonneville Shoreline Trail; this connection wouldn't be completed in the near future. Mr. Applonie responded it would be more appropriate for JoEllen Grandy, Parks Planner, to respond; however, he was aware this location had been in the City's General Plan for quite some time. He expressed his opinion because it had been previously determined by the City; the request would need to be presented to the applicant.

Mayor Petro also expressed concern one of the illustrations led her to believe a home had already been constructed on the fault line. Mr. Applonie responded the illustration was part of the geotechnical report. Mayor Petro continued to express concern with potential impact of water run-off and erosion on the south side of the development.

Councilmember Morris referenced the City's Sensitive Lands Area ordinance and pointed out various processes associated with developing in a designated Sensitive Lands Area and requested clarification whether the rules outlined by the City had been followed. Mr. Applonie responded in the affirmative and pointed out more work would need to be completed since this development was still in the conceptual phase and reiterated the City's ordinance had been followed. Councilmember Morris inquired about the geotechnical and geological reports and Mr. Applonie explained those reports were received together with the geotechnical identifying issues on the property, like the fault line, and the geological would be related to soil conditions. Councilmember Morris suggested Staff and the Council should trust experts and expressed appreciation to Staff for following the ordinance and identified procedures.

Councilmember Smith Edmondson also expressed concern regarding the homes toward the backside of the development and inquired about the possibility of relocating the trail so the existing trees could be maintained. She wondered how viable the development would be without the six or seven lots to the back or rear of the property and requested the developer provide a response. Although, the proposed development met all City requirements, she suggested this could potentially ease some of the uneasiness specific to the slope. She continued to express concern with the homes being constructed on building pads and the limited amount of property for each proposed home site. She also requested the developer speak to its desired number of homes proposed for the development.

Mayor Petro opened the public hearing at 9:55 p.m.

Mayor Petro called for public comment.

Adam Anderson, applicant and developer, stated he was prepared to respond to questions expressed by the Council and appreciated working with Staff to arrive with this concept plan over the past two years. He assured the Council, Staff had diligently required he follow the established ordinances and City Code and had consulted with three geotechnical engineers, a geologist, and civil engineers. Comments and questions had been expressed regarding liability and indicated he, the developer, would be liable. He understood the challenges with the parcel and the surface water infiltration issues associated with it. He mentioned two separate

geotechnical engineers identified the challenges with slope stability issues and shared an example. He continued to explain the proposed development of R-10 concept had been revised in order to mitigate water filtration and slope stability issues by clustering homes. He clarified the homes would be constructed on foundations which contributed toward slope stability and provided the following:

- Controlled surface water
- Foundations deep in the native soil
- Engineered rock walls to provide additional stability

He stated the consulted experts, a geologist, geotechnical, and civil engineers, considered conditions in the ground and provided the setback requirements to be used to identify a site plan which could be accommodated on the property. He explained the purpose of requesting the PRUD (Planned Residential Unit Development) would provide the needed flexibility for the location and clustering of the homes and the consolidation of open spaces and read from the City's PRUD ordinance.

He mentioned radon testing was being completed in another development of his. He added City Staff identified where the trail would be required in conjunction with the development and certain restrictions specific to the width and slope were implemented.

Justin Anderson, resident, assured the Council the adjacent neighborhood wasn't opposed to new neighbors; however, he expressed his opinion the proposed development didn't align with what had historically been developed in East Layton. He distributed a handout and identified six points he believe should be considered:

1. Residents of the existing neighborhood were deeply invested in the community. The developer knew the property was zoned different when it was purchased and pursued the project knowing it would require a significant rezone.
2. The property was located in a Sensitive Lands Area – and was geologically active and shared a photo illustration reflecting a land slide near the proposed development and suggested development of the parcel would be risky.
3. He didn't believe the development followed the City's General Plan. It identified the parcel as a Low Density Residential R-1-10 zone and a PRUD could only increase density when there was a benefit, such as clustering and connectivity.
4. The proposed PRUD design failed on fundamentals as the PRUD clustered the homes along the eastern edge, not clustered around a central open space. He also expressed concern with development being an HOA (Homeowner's Association) managed community, which wasn't consistent with surrounding neighborhoods.
5. Road design and traffic were unaddressed issues and expressed concern with the location of the proposed trail adjacent to his property and the proposed public street through the development didn't align with the existing stubbed road at 2885 East.
6. The developer acknowledged a better option of developing the parcel to be compliant with the R-1-10 zone which could accommodate approximately 40 homes by removing existing trees.

He requested the Council protect the integrity of the City's General Plan and respect the geological risks associated with the property and stand with the residents already invested in their homes. He expressed his opinion the proposed PRUD development didn't meet that standard and urged the Council to vote against the rezone.

Mayor Petro acknowledged Mr. Anderson had spoken on behalf of several neighbors.

Daniella Harding, resident, announced she was present to speak regarding the Sensitive Lands issue and mentioned she lived near the area. She reminded the Council she had been a member of the Planning Commission in 2015, and was involved with the Eastridge rezone which took over seven years. Additionally, she mentioned the two years referred to by the developer and suggested other developments had taken much longer to advance through an approval process. She requested the Council table the item. She didn't believe there had been enough communication with the residents and shared the following reasons why she was against the rezone:

- Land sensitivity issues
- 30% grade
- Would French drains be required in conjunction with development
- Would residents be allowed to review the geotechnical reports

She believed given the history associated with six homes identified near the area since 2000, and encouraged the Council to table the item for further discussion.

Ted Lewis, resident, identified the property he owned south of Heritage Crest Subdivision and informed the Council he had attempted to subdivide the eight and a half acres, but had been unsuccessful because he couldn't meet all ordinances and believed he understood the Sensitive Lands requirements. He questioned whether the easements for the proposed trail had been met and shared his personal example. He informed the Council the photo of the landslide provided by Mr. Anderson was on his property with no constructions and no water leaks which could have contributed to the slide. He cautioned the Council about approving the request without additional investigation. He expressed agreement with previous comments about the PRUD use within the City and believed it should be an exception and not the rule. He also expressed agreement with Mr. Anderson's comments. He continued to express his opinion the proposed homes were not of the same standards of the existing subdivision and suggested the redevelopment of Highway 89 had already compromised the property values and believed the proposed development would also decrease property values.

Steve Stout, resident, expressed concern geotechnical issues associated with the homes proposed to be constructed close to the edge slope and shared his personal experience with buying a home on Sunset Drive and reminded the Council that home was eventually condemned, the neighboring home was lost to the landslide, and he was sued by the purchaser of his home. This developer/builder had followed all ordinances and guidelines. He informed the Council the City, nor the developer, were sued, and the developer walked away free and clear from any ramifications; and he, alone, paid tens of thousands of dollars to defend himself. He expressed concern for the potential future homebuyers.

Claudette Massey, seller of the property, informed the Council she grew up on the property, which at the time was Agriculture. She informed the Council during the time her family owned the property the hillside had not experienced any sliding or movement because of the natural vegetation. She mentioned the developer had completed his due diligence in completing the studies required by the City which resulted in mitigation efforts to avoid any potential sliding or movement. She inquired whether any consideration had been given to how far away from the slope the homes would be constructed. She stated this project had been in the works for approximately seven years in identifying a developer willing to engineer a concept to develop the property. She mentioned the other residents were allowed to construct homes where they chose, which happened to be at the very edge of the slope, which was different from what this developer was proposing. She stated growth would continue to take place and requested the Council approve the rezone.

John Hill, resident, considered what would be in the best interest for the property and reviewed those hypotheticals. He suggested the rezone decision would be based on establishing a trailhead for the least amount of cost to the City, but at a cost to other residents, might not be the best decision long term. He informed the Council his home was experiencing geotechnical issues because of improper mitigation associated with Heritage Crest subdivision. He also inquired whether the vibrations from Highway 89 had been considered in the geotechnical study. He shared specifics associated with his home which he believed illustrated this was an active geological situation. The City was not liable; the developer was only liable to the original homeowner and believed the unrepresented party were the future potential homeowners. He believed the elected body had a responsibility to not only look out for current residents, but future residents as well, and suggested the item be tabled for further consideration of expressed concerns.

Kris Odekirk, resident, informed the Council she lived behind the landslide and mentioned the stubbed road planned by the City to accommodate future development and she was aware of and excited for new neighbors. She indicated she had read the provisions for what was required for a PRUD and specifically mentioned the following finding: the proposed development created no detriment to the adjacent property nor to the general

area for which it would be located, and would be in substantial harmony with the character of the existing development. She pointed out the lack of sidewalks identified in the proposed development and requested the Council not approve the rezone.

Cody Lougy, resident, indicated he wanted the current property owners the opportunity to sell their property and was aware they had been working on this for a long time. He mentioned the existing open ditch at the rear of his property and indicated he had been working with Staff toward getting it piped to Hobbs Reservoir. He expressed concern the proposed development would divert more water to the ditch and added Stephen Jackson, Public Works Director, had assured him the proposed development would provide access to finally construct an appropriate fix. He wasn't against the development; he just wanted it done properly with the homes consistent with existing neighborhood.

Jeff Hart, resident, pointed out the developer indicated he would control the water; however, it would eventually be the HOA's responsibility to control the water, and that would change from time to time since the residents would be voting/determining who that would be. He expressed concern with how the HOA would mitigate the use of trail users attempting to access the pickleball courts, gazebo, etc. He expressed concern the designation of the HOA would be segregating the two communities.

Carla Barton, resident, expressed concern with the traffic and informed the Council she hadn't been able to sell her home due the noise and proximity to Highway 89.

Wendy Jensen, resident, informed the Council she often walked the trail at the bottom of the private property and expressed concern with how the proposed parking lot and trail access would affect existing residents. She also expressed concern with the perception of the private property associated with the PRUD adjacent to the public neighborhood.

Beverly Lotito, resident, inquired if City Staff knew why the sound wall wasn't installed near her home. She also expressed concern about the location of the trail and it providing open access to the homes on the north side of the road by trail users and asked if a privacy wall had been considered.

Michael Christensen, resident, mentioned the current housing crisis in the State and believed the number one reason was because existing residents were opposed to change near their home or neighborhood. He expressed agreement with the concerns expressed regarding safety. He suggested new development should have a 10-year geotechnical insurance policy, pre-paid by the developer before permitted and sold. He suggested the developer could add 3-story townhomes against the southeast corner to accommodate two dozen homes. He also pointed out this wouldn't be considered a low-income housing project.

Mayor Petro requested Mr. Anderson, applicant and developer, respond to questions and concerns expressed by residents during the public hearing:

- Storm water – the ground saturation was natural and believed the proposed development, based on the geotechnical report and studies, the hardscaped roads and rooftops would be diverted via storm drain and empty along the bottom of Hobbs Creek trail in order to not infiltrate the natural landscape
- Exterior products intended to be used on the homes were expensive and high-end and assured the public the homes would be spacious and unique
- Housing component would not be 'low income'

Mayor Petro expressed concerned about the public streets not including sidewalks on both sides. Mr. Applonie responded this situation was a hillside standard and was allowed by City code. He mentioned there were other subdivisions which had been allowed to be developed/constructed with this allowance.

The Council continued to discuss the issue and Mr. Applonie provided additional clarification regarding the buildable space on the property in relation to the slope.

Councilmember Bloxham asked Mr. Drake if a denial of the rezone would cause the developer to wait a year before bringing something back to the Council and Mr. Drake responded in the affirmative. He added the Council would need to identify reasonable reasons for denial. The discussion continued regarding the location of the homes near the slope.

Councilmember Roberts asked whether there had been an instance in which the engineer, which had performed the geotechnical study, had ever addressed the Council. Mr. Applonie didn't recall that ever taking place regarding an issue in a designated Sensitive Lands Area within the past 10 years; however, Staff would follow direction from the Council.

Councilmember Roberts expressed his opinion this was a suitable place and use for the PRUD because of its uniqueness and the development would preserve the Sensitive Lands; however, he requested the opportunity to discuss the issue with the geotechnical engineer during a future work meeting. Councilmember Smith Edmondson expressed support in meeting with the author of geotechnical study to express concerns not only of the Council, but those posed by the public.

Alex Jensen, City Manager, clarified prior to the City hiring an independent third party reviewer (Geostrata), and as part of the proposal process, the developer would have its geotechnical engineer address the Council and speak to these issues.

MOTION: Councilmember Roberts moved to table the agenda item until Thursday, May 1, 2025, allowing Geostrata to attend and explain geotechnical data. The motion failed for the lack of a second.

Mr. Drake suggested the Council identify any other issues Staff needed to research and/or be prepared to respond to or provide additional information at that meeting. Mayor Petro requested Staff be prepared to explain the location of the proposed trail and other options for consideration.

Councilmember Thomas pointed out nothing in any of the geotechnical reports or studies suggested 'don't build' at this location and suggested the City consider other issues which could be mitigated, such as isolating the Anderson residence and the discussion continued.

Councilmember Bloxham requested clarification what the Council was expecting to learn or gain from the City's third party, Geostrata, explaining its recommendation and the discussion continued. Mr. Applonie clarified Geostrata only reviewed what the developer's geotechnical engineer submitted; Geostrata didn't actually complete any report.

MOTION: Councilmember Roberts moved to close the public hearing at 11:31 p.m. and table the agenda item until Thursday, May 1, 2025, requesting Geostrata attend and explain geotechnical data; buildable area for homes close to the slope, if the trail could be relocated in a different location, and become better education about water movement throughout the subdivision, throughout the development, and in the Sensitive Lands Area. Councilmember Thomas seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Smith Edmondson, Morris, Bloxham, and Roberts. Voting NO – None.**

UNFINISHED BUSINESS:

There was no unfinished business.

The meeting adjourned at 11:33 p.m.

Kimberly S. Read, City Recorder