

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
OCTOBER 13, 2015**

MEMBERS PRESENT: Brian Bodily, Dawn Fitzpatrick, Brett Nilsson, Dave Weaver, Wynn Hansen, Tricia Pilny, Daniela Harding

MEMBERS ABSENT: Robert VanDrunen, and Randy Pulham

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Nicholas Mills, Christy Wixom, and Weston Applonie

City Council Members: Tom Day

- Madam Chair Fitzpatrick met with Dave Price and Joellen Grandy from the Parks Department and they gave her a letter to read to the Planning Commission regarding the D&RG trail access. In the letter it stated there was some confusion regarding private access entries to the D&RG rail trail. According to UTA and the property administrator for the trail there shall be no private entry access onto the trail unless the City gains permission and assumes responsibility for those access points. The City would have to request an amendment to the license agreement with UTA to get permission for these access locations. The agreement has been amended in two circumstances to allow intersecting trails which include Ellison Park access along the south boundary of Ellison Park Elementary School between Gordon Avenue and Hill Field Road, and at the intersection of Kayscreek trail and the D&RG trail near Layton Parkway. Both of these accesses are open to the public and there should not be any private access points along this trail.

Madam Chair Fitzpatrick said there are many open accesses from private gates that go to the trail. Almost the entire east side of that trail is undeveloped. Questions exist regarding how we should be looking at the fencing requirement for future development. There is a sidewalk that leads onto the trail on the south side by the Perry Subdivision. What will happen to the east side of the trail at Weaver Lane? Is the City going to enforce on homeowners with gates to not access the trail through their yard? Mr. David Price said they were leaving it up to UTA to enforce. There was also a concern about residents entering yards to get to the trail. There were also some safety issue concerns. Why is Layton Parkway not an access point since people are using it as an access point? Why are there only two access points when Kaysville has seven access points? The Commissioners are waiting for more clarification from the Parks Department on these questions. Madam Chair Fitzpatrick asked Mr. Nicholas Mills to take the letter and go over it from a legal standpoint.

Mr. Matson said the City Council would like to have the Planning Commission attend the work meeting on November 5, 2015 and he will send out an e-mail reminder to the Planning Commission.

- **Discussion on a Mobile Food Vendor Ordinance (food trucks and trailers):**
Weston Applonie said that last time within the proposed draft ordinance; the concerns were finding desirable locations within current zoning as a street vendor, the desire to have flexibility to move around, size requirements, safety concerns and the distance of buffers from the schools, restaurants, and parks. A couple of other concerns addressed within the proposed draft ordinance are to streamline the business license renewal process changing the renewal process from four months to one year. This coincides with the Fire Department's requirement to inspect every year, which will be included in the renewal.

Commissioner Nilsson asked if they will still have the option to do either a four month renewal or a year renewal. Mr. Applonie said the type of vendor they are, street vendor, or mobile food vendor, will determine the renewal process.

The draft ordinance covers unregulated food truck roundups (mobile food court). The concern is potential traffic hazards, congestion and pedestrian safety. The draft ordinance proposes to allow mobile food courts to work under a special event or single event permit.

The Davis County Health Department requires a schedule of daily operations before the operations begin in order to keep track of where vendors are located. A signed toilet facility agreement including a sufficient sink is also required. The Health Department will monitor this to ensure it is a clean environment for the people running the food trucks.

Under the existing zoning for street vendors the permitted zoning districts are: B-RP, C, M, MU and MU-TOD zoning districts. The proposed draft ordinance keeps the same zoning districts as street vendors and adds: CP1, CP2, M1 and M2. Staff has seen a desire for vendors to locate near the Winco property, on Gordon Avenue and Fairfield Road, and Fairfield Road and Gentile Street. Mr. Applonie said vendors may not operate within a 200 foot buffer of schools, parks, and restaurants unless property owner permission is given.

Madam Chair Fitzpatrick said that 3(a) and 4(b) are redundant and wanted to know if both statements should be there. Mr. Applonie said permission would be required if the vendor was within a 200 foot buffer from a restaurant.

Madam Chair Fitzpatrick asked if the mall wanted a food truck vendor would they have to get permission from all the restaurants in the mall. Mr. Applonie said permission would be required if the vendor was within a 200 foot buffer from a restaurant.

Madam Chair Fitzpatrick asked if liability insurance was automatically required or if it needed to be listed? Mr. Applonie said he will look into the requirements for liability insurance.

Commissioner Harding asked what the requirements for parking are. Mr. Applonie said they generally take their vehicle to a commissary location.

Commissioner Pilny asked if they would have to get a permit for each location. Mr. Applonie said a vendor would get one permit and would just have to provide a property owner affidavit for each location.

Commissioner Hansen asked if Mr. Applonie received or solicited any feedback from the existing businesses. Mr. Applonie contacted some food truck vendors and their feedback was they liked the idea to be able to work closer to schools but he did not receive a lot of feedback from the food truck vendors and has not contacted individual restaurants. Mr. Applonie did contact the restaurant association and if there are concerns Mr. Applonie will contact local restaurants. Commissioner Pilny said she received feedback from Salt Lake City regarding the food truck vendors and the consensus was they have seen an increase in business with the food trucks being there because of the amount of people at the food trucks and not wanting to stand in line. Mr. Matson said this item will be put on the next regular meeting agenda.

PUBLIC HEARING:

1. BARLOW ANNEXATION, REZONE AND ANNEXATION AGREEMENT – A to R-S PRUD

This 8.84 acre property is located at approximately 1700 W. Weaver Lane. The property is zoned A (Agriculture) and is proposed for R-S PRUD (Residential Suburban-Planned Residential Unit Development) zoning. The applicant is Ovation Homes LLC, representing Duncan Barlow.

On September 22, 2015, the Planning Commission tabled this annexation and rezone to October 13, 2015 to allow additional time to review the details and resolve some issues associated with finalizing the language in the annexation agreement. Since that time, staff and the applicant have worked through the details of the annexation agreement and recently an additional issue has surfaced regarding the boundary of the annexation/rezone area relative to the location of the West Davis Corridor. This particular issue will take additional time to resolve and therefore the applicant is requesting this agenda item be tabled to a future meeting date.

This item will be tabled to a future Planning Commission meeting. The developers would prefer a date certain for October 27, 2015 but if they are not able to complete all the requirements then they would like the option for more time. Commissioner Weaver said this will require a motion to table this rezone and annexation agreement.

Madam Chair Fitzpatrick said if we are requiring a masonry wall, what if UDOT has no plans on working on the West Davis Corridor will this wall just sit there for several years. Mr. Matson said UDOT is not planning on any type of sound walls. Madam Chair Fitzpatrick asked if it is decided that the wall needs to be put up can it be postponed. Commissioner Pilny said her concern is if they put up the wall and nothing ever happens to the road, you will have this wall blocking everyone's view. Mr. Matson said the challenge with looking for a postponement agreement does not know what kind of time frames to put into the agreement. However, Mr. Matson will talk with the developer about the concerns that the Planning Commission had mentioned. Commissioner Nilsson asked why we had to have a date certain. Mr. Matson said the reason is so that we do not have to advertise in the paper again and this can be tabled as many times as necessary.

PUBLIC REVIEW:

2. SHEPHERD'S RIDGE SUBDIVISION – PRELIMINARY PLAT – SENSITIVE LANDS

This 13.42 acre property is located at approximately 2450 North Church Street. The property is located in A (Agriculture) and R-1-8 (Single Family Residential) zoning districts and the Sensitive Lands Overlay Zone. The applicant, Elk Valley Construction, is represented by Ed Gertge.

Mr. Weaver said nothing has changed since the last meeting for the conceptual plat. In the staff report there were some concerns with the geotechnical reports regarding water getting to the eastern edge of the slope and causing a slope failure. Elk Valley Construction contacted AGECE for an addendum report and AGECE was not willing to give that to him because they said they stand by their initial report. However, Elk Valley Construction had Earthtouch Inc. review the AGECE report and visits the site. Earthtouch Inc. came back with some recommendations confirming what AGECE had stated in their reports. There are two different types of soil on this property, the Ackmen soil and the Parley's soil and both soils are well draining. Elk Valley Construction contacted Dirks Plumbing and asked for their expertise on irrigation. Dirks Plumbing talked about the amount of water that is put out by irrigation in

a 24 hour cycle compared to residential irrigation and they said there are 11.4 gallons per minute for agriculture watering and 4.2 gallons per hour for residential watering. If a week's time frame is used based on the figures given, the agriculture operation that is currently taking place produces 16,416 gallons of water for that 24 hour period once a week. Staff felt that with these figures a positive recommendation could be forwarded to City Council that nothing would slide on this slope. Dirks Plumbing also recommended that a "master valve" be required for each lot's sprinkling system. The valve will automatically turn off the water within an hour and prevent a continuous flow of irrigation water on the property should an irrigation line or sprinkler head break without the homeowner's knowledge. Staff will require a note be placed on the final plat that states that each residence or lot will be required to have a "master valve" installed as part of their sprinkling system.

Commissioner Harding said the Home Owner's Association will have to be included in these 12 lots because the developer is electing to do private utilities and she feels that this will burden the homeowners with having to pay fees for the length of the time they own the home. The developer does not want to wait for the moratorium to end in October 2016, which at that point the developer could cut into the road and install utility improvements.



Christy Wixom, Planning Commission Secretary

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MEMBERS ABSENT: Robert VanDrunen Randy Pulham,

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Nicholas Mills, and Christy Wixom

City Council Members: Tom Day

Madam Chair Fitzpatrick called the meeting to order at 7:06 p.m.

The Pledge of Allegiance was recited and an invocation was given by Commissioner Hansen.

APPROVAL OF MINUTES: Commissioner Weaver moved to approve the minutes for September 22, 2015 and Commissioner Bodily seconded the motion. Voting was unanimous.

Madam Chair Fitzpatrick asked for a motion to open public hearing. Commissioner Bodily moved to open public review and Commissioner Nilsson seconded the motion. Voting was unanimous.

PUBLIC HEARING:

1. BARLOW ANNEXATION, REZONE AND ANNEXATION AGREEMENT – A to R-S PRUD

This 8.84 acre property is located at approximately 1700 W. Weaver Lane. The property is zoned A (Agriculture) and is proposed for R-S PRUD (Residential Suburban-Planned Residential Unit Development) zoning. The applicant is Ovation Homes LLC, representing Duncan Barlow.

On September 22, 2015, the Planning Commission tabled this annexation and rezone to October 13, 2015 to allow additional time to review the details and resolve some issues associated with finalizing the language in the annexation agreement. Since that time, staff and the applicant have worked through the details of the annexation agreement and recently an additional issue has surfaced regarding the boundary of the annexation/rezone area relative to the location of the West Davis Corridor. This particular issue will take additional time to resolve and therefore the applicant is requesting this agenda item be tabled to a future meeting date.

This item will be tabled to a future Planning Commission meeting on October 27, 2015.

Commissioner Nilsson moved to table the Barlow Annexation, Rezone and Annexation Agreement to October 27, 2015 to time certain. Commissioner Hansen seconded the motion. Voting was unanimous.

Madam Chair Fitzpatrick asked for a motion to close public hearing and open public review. Commissioner Weaver moved to close public hearing and open public review and Commissioner Pilny seconded the motion. Voting was unanimous.

PUBLIC REVIEW:

2. SHEPHERD'S RIDGE SUBDIVISION – PRELIMINARY PLAT – SENSITIVE LANDS

This 13.42 acre property is located at approximately 2450 North Church Street. The property is located in A (Agriculture) and R-1-8 (Single Family Residential) zoning districts and the Sensitive Lands Overlay Zone. The applicant, Elk Valley Construction, is represented by Ed Gertge.

Kem Weaver said on September 17, 2015 the City Council granted conceptual plat approval for Shepherd's Ridge. The applicant, Elk Valley Construction is requesting preliminary plat approval. The propose plat is the same as the conceptual plat that was reviewed last month. The proposed preliminary plat consists of 13.42 acres of vacant farmland. The Subdivision will consist of 12 single family residential lots. Eight lots will be located in the R-1-8 portion of the subdivision located on the north portion of the vacant property. On June 7, 2007, the City Council approved 6.18 acres of the property to be rezoned to R-1-8. In addition, one lot is from the existing Country Hollow Subdivision, which is zoned R-1-10 PRUD and is currently vacant. The proposed overall density of the subdivision is 1.92 units per acre.

During conceptual plat review the Planning Commission raised some concerns with slope stability and ground and surface water and how it would affect the eastern portion of the subdivision which has a 21 percent slope from the crest of the ridge to the eastern subdivision boundary. The Planning Commission and City Council asked the developer to provide an addendum report from AGEC, or another geotechnical engineering firm, to address surface water and what effect it will have on the slope if the surface water was to migrate to the sloped areas of the subdivision. Another concern from the Planning Commission was the development to have a third party review of AGEC's report and research. Staff is confident with the setback requirement from the edge of the slope to the buildable area on each lot meeting the required factors of safety which was stated by AGEC. AGEC stated that under the static condition a safety factor of 1.5 is obtained for the property west of the static setback line. Under seismic conditions a safety factor of 1.0 is obtained for the portions of the site to the west of the setback line.

In addition, the buildable area for each lot is on relatively flat ground compared to the slope to the east. There is a gradual slope from the north to the south end of the proposed subdivision. AGEC was not willing to give another report so the applicant contacted Earthtouch Inc. and in their report the engineer backs up the established setback line from the AGEC report. The engineer from Earthtouch stated that areas to the west of the static slope stability liner were generally identified as appropriate set-back from incised ridges along the trend of the North Fork of Kay's Creek. Based on both AGEC's recommendation and the confirmation from Earthtouch, staff agrees that homes should be built west of the required setback line. In addition, land drains are required to move water from the rear of the homes and away from the slope. Ground water was determined to be 20 to 35 feet below the surface at any given time. The applicant has also addressed surface water runoff and what effect it would have on the slope if any. The history of the property has been used for crop production. This has required a large amount of water being dispersed into the ground for the last 60 plus years to irrigate the crops. According to professional studies and research, there has not been any residual effect to the slope along the eastern boundary of the development. In the report from Earthtouch, the engineer mentions two types of soil on the more level portion of the property. These two types of soils are well draining. Based on the property having moderate to well drained soils, any residential irrigation should drain from the north to south on the flat portion of the subdivision and the slope should not be impacted from surface water runoff. No significant evidence of slumps or scarps were noted in the review of aerial photograph from 1950 to 2015 during a period of time in which the subject property was likely flood or sprinkler irrigated. The applicant contacted Dirks Plumbing Supply to provide a letter to discuss the difference in

precipitation rates between agricultural watering to residential landscape irrigation. Sprinkler heads used for agricultural watering have a larger nozzle size than sprinkler heads used for watering residences which is 11.4 gallons per minute for agriculture watering compared to 4.2 gallons per hour for residential watering. In addition, with agriculture irrigation, the watering times are much longer than residential irrigation. For example, farmers and growers will water just once a week for 24 hours straight. A residential sprinkling system usually waters the grass every two to three days, usually 30 minutes to an hour each time. If a week time frame is used based on the figures given, the agriculture operation that is currently taking place produces 16,416 gallons of water for that 24 hour period once a week. Residential sprinkler use would produce 16.8 gallons of water based on an hour duration, four times a week. As recommended in the Dirk's Plumbing letter, staff will require a note be placed on the final plat that states that each residence or lot will be required to have a "master valve" installed as part of their sprinkling system. The valve will automatically turn off the water and prevent a continuous flow of irrigation water on the property should an irrigation line or sprinkler head break without the homeowner's knowledge.

The applicant has completed the requirements of the Sensitive Lands Development Regulations for preliminary plat review and possible approval. Contours are being shown on the preliminary plat. There are no proposed areas that will be graded. The identification of vegetation that is on the property is alfalfa and the proposed landscaping will be grass, trees, and shrubs. The proposed drainage patterns are to move water away from the slope to Church Street with the help of a land drain system. Landscape irrigation will percolate into the ground and not be a concern for slope stability. The sloped areas will not be touched by development; there is no reason for compacting of land to stabilize any slope. Maximum runoff for a ten year storm will enter into the City's storm drain system. There are no structures currently located on the proposed subdivision site. All lots meet the zoning requirements for frontage and area for the respective zoning districts.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the preliminary plat for the Shepherd's Ridge Subdivision subject to meeting all geotechnical and Staff requirements as outlined in Staff memorandums to the applicants.

Commissioner Hansen asked if they were going to put in circular driveways so that when the residents are exiting their driveways they are not backing out onto Church Street. Mr. Weaver said this can be a note on the final plat and the Planning Commission will see this when it comes to final plat approval.

Commissioner Nilsson wanted to know the approximate cost for a master valve. Mr. Weaver said the master valve may be approximately \$60.00.

Commissioner Nilsson asked if they should table this until they can get the developer to attend the meeting and answer some of the questions that the Planning Commission has in regards to possibly not having an HOA. Mr. Weaver said no because this would come before the Planning Commission during final plat approval but will talk with Mr. Gertge about the Planning Commissioner's concerns.

The Planning Commissioners had a discussion on a Home Owner's Association and if it was necessary with only 12 properties and was the developer burdening the future homeowners with the cost of maintaining a homeowners association unnecessarily. It was also discussed if the developer should wait until he can connect to the public utilities once the street cut moratorium is up or cut into the road and pay the penalty fees.

Madam Chair Fitzpatrick asked if Kayscreek irrigation's concern with piping had been resolved. Mr. Weaver said Kayscreek irrigation structured the pipe with conduit around it so it is much stronger than it

was a couple of years ago. Commissioner Nilsson asked if the concern was if the water caused the dirt to move and their pipe was not strong enough to handle the movement and the pipe could break or was there a broader concern of the shifting of the land. Mr. Weaver said the pipe was rather old and so it did have some leaks but did not cause any damage.

Madam Chair Fitzpatrick asked if all the land to the east of the buildable area will be on the plat and should not be landscaped so there is no irrigation on that hillside. Mr. Weaver said no, they said it is okay to landscape and irrigate on that side of the hillside and it will not impact the slope.

Madam Chair Fitzpatrick asked if Mr. Weaver could explain the difference between a ten year storm and a hundred year storm. Mr. Weaver said that a hundred year storm will take place every 100 years and is a huge storm. A ten year storm is every ten years and will not produce as much of a storm. The ten year storm calculation is the most conservative based on engineering practices and so they are making sure that in a ten year storm the storm drain system will be able to handle that water.

Commissioner Bodily said he is not opposed to tabling this item but asked Mr. Nicholas Mills if the Planning Commission should table this item if the developer is meeting the ordinance. Mr. Mills said the question before the Planning Commission at preliminary plat is, "does the developer meet the requirements of the ordinance?"

The Planning Commissioners would like the developer to attend the Planning Commission meeting for final plat approval so they can go over their concerns with the developer. Mr. Weaver will talk with Mr. Gertge and let him know the concerns the Planning Commission has mentioned. Madam Chair Fitzpatrick asked Mr. Tom Day to take back the concerns the Planning Commission mentioned to City Council. Mr. Day said he would.

Madam Chair Fitzpatrick brought it back to the Commission for a vote. Commissioner Hansen made a motion that the Planning Commission forwards a positive recommendation to City Council to approve the preliminary plat for the Shepherd's Ridge Subdivision subject to meeting all geotechnical and staff requirements to include a note to be placed on the final plat indicating that a master valve will be required for these 12 lots to properly control water issues on these lots. In addition, any other staff recommendations as noted in the minutes and that was discussed and incorporated at the time we did conceptual plat approval. Commissioner Harding seconded the motion. Madam Chair stated she appreciates staff and the developer for taking the extra time to look into the water stability issue which was a concern for the Planning Commission. Voting was unanimous.

Meeting was adjourned at 8:10



Christy Wixom, Planning Commission Secretary