LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
SEPTEMBER 24, 2019

PLANNING COMMISSION  
MEMBERS PRESENT: Chairman Brett Nilsson, Vice Chair Tricia Pilny, Commissioners Clint Morris, George Wilson, Brian Allen, Jeremy Manning, Tyson Roberts

MEMBERS ABSENT: Commissioners Trevor Steenblik, and Robert Van Drunen

OTHERS PRESENT: Staff: Asst. City Attorney Mason Kjar, CED Director Chad Wilkinson, City Planner Tim Watkins, Planner II Kem Weaver, Planner II Brandon Rypien, and Planning Commission Secretary Brittney Whitecar  
City Council Member: Tom Day

The work meeting was held in the Chambers Conference Room of the Layton City Center at 5:30 PM.

1. WELCOME & ANNOUNCEMENTS (5:30 PM)  
Chairman Nilsson welcomed the Commission to the meeting.

2. PLANNING COMMISSION TRAINING (5:35 PM)  
Assistant City Attorney Mason Kjar provided a training regarding land use and land ownership rights; reviewing the recent August 6th, 2019 training.

The responsibilities of the Planning Commission were reviewed. The difference between administrative and legislative decisions was explained, as were police powers held by the City and the Planning Commission.

3. LAYTON PARKWAY NORTH SUBDIVISION – PRELIMINARY PLAT (5:50 PM)  
Kem Weaver introduced the item. The site is currently zoned MU-TOD (Mixed-Use, Transit Oriented Development). The subdivision consists of four lots and a detention basin that will act as the required landscape buffer. Lots 1-4 will include assisted living, office space, a Layton City Fire Station, and a Tanner Clinic location.

The subdivision is surrounded by residential to the north, a hospital to the south, and the train station to the east. Trail access to Kays Creek Trail will be incorporated into the subdivision.

There is a steep grade in this subdivision that is being addressed by engineering in order to create road access to Layton Parkway.

4. 2980 NORTH CHURCH STREET – REZONE (5:59 PM)  
Tim Watkins introduced the item. This rezone proposes to change the zoning from CP-1 (Planned Neighborhood Commercial) to B-RP (Business Research Park) for Rantec Power Systems, Inc., which
assembles and tests electronics. The business will occupy a section of an existing building on the site. This rezone is consistent with the Layton City General Plan.

The liquid nitrogen tank used by the company was reviewed in regards to safety and existing regulations.

5. **HURST – CONDITIONAL USE PERMIT (6:05 PM)**
Brandon Rypien introduced the item. A 1,200 square foot basement apartment with 2 bedrooms, walkout access, and a full kitchen and restroom is being proposed that will be occupied by relatives of the homeowner.

A separate entrance has been constructed and ample paved parking is available on the property for added vehicles.

6. **7TH WEST APARTMENTS – CONDITIONAL USE PERMIT (6:17 PM)**
Mr. Watkins introduced the item. The public agenda regarding this item provided an incorrect location address, so this item will be tabled to the next meeting to provide Staff time to appropriately notice the item per state law.

7. **VIETNAMESE POTBELLITIED PIGS – TEXT AMENDMENT (6:24 PM)**
Chad Wilkinson introduced the item. This was proposed by a citizen and is a legislative decision to be made by the City Council, with recommendation from the Planning Commission. Staff’s recommendation is to deny the amendment request, based on the following findings.

This item differs from a standard text amendment because it is not tied to a certain property, but to the whole city. This amendment would allow pure bred pot-bellied pigs throughout the city in residential areas.

Mr. Wilkinson expressed concern that because pigs are traditionally considered farm animals, allowing them in residential areas would open the doors for citizens to request similar text amendments for other farm animals such as goats and small ponies/horses.

8. **PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) – TEXT AMENDMENTS (6:40 PM)**
Mr. Watkins introduced the item. A change in minimum open space requirements for PRUD’s is being considered. A sliding scale of required open space dependent upon the entire PRUD acreage is a possibility, as is a flat change in the required open space.

Chairman Nilsson adjourned the work meeting at 6:54 PM.

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Brittney Whitecar,
Planning Commission Secretary
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MEMBERS PRESENT: Chairman Brett Nilsson, Vice Chair Tricia Pilny, Commissioners Clint Morris, George Wilson, Brian Allen, Jeremy Manning, Tyson Roberts

MEMBERS ABSENT: Commissioners Trevor Steenblik, and Robert Van Dronen

OTHERS PRESENT: Staff: Asst. City Attorney Mason Kjar, CED Director Chad Wilkinson, City Planner Tim Watkins, Planner II Kem Weaver, Planner II Brandon Rypien, and Planning Commission Secretary Brittney Whitecar

City Council Member: Tom Day

The meeting was held in the City Council Chambers of the Layton City Center. Chairman Nilsson called the meeting to order at 7:04 PM. The pledge of allegiance was recited and an invocation was given by Commissioner Roberts.


Commissioner Manning motioned to approve the work and regular meeting minutes from the August 27, 2019, Planning Commission meeting. Vice Chair Pilny seconded the motion which was approved unanimously.

PUBLIC HEARING
Vice Chair Pilny motioned to open the Public Hearing. Commissioner Wilson seconded the motion which was unanimously approved.

1. 2980 NORTH CHURCH STREET – REZONE
The applicant, Frank Janku of Rantec Power Systems Inc, representing the property owner NFP LLC, is requesting rezone of approximately 2.386 acres located at 2980 North Church Street from CP-1 (Planned Neighborhood Commercial) to B-RP (Business Research Park).

City Planner Tim Watkins introduced the item.

Background: The property proposed for rezone contains a total of 2.386 acres and is located at approximately 2980 North Church Street.

The applicant for this rezone request is Frank Janku of Rantec Power Systems, representing the property owner NFP LLC. It is the applicant’s desire to rezone the property from CP-1 to B-RP in order to more closely
align the City’s permitted/conditional land uses with the prospective tenants of the newly constructed 26,912 sq. ft. building on the site.

**Recommendation:** Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 19-33, approving the rezone request from CP-1 to B-RP. This recommendation is based on consistency with the General Plan’s land use recommendation for this property.

**Public Comments:** No comments were made by the public.

**Motion:** Vice Chair Pilny recommended that the Planning Commission forward a positive recommendation to the City Council to approve a rezone at 2980 North Church Street from CP-1 (Planned Neighborhood Commercial) to BR-P (Business Research Park). Commissioner Morris seconded the motion, which was unanimously approved.

### 2. VIETNAMESE POTBELLIED PIGS – TEXT AMENDMENT

A proposal to amend Layton Municipal Code, Title 19, “Zoning”, Section 19.02.020 “Definitions” to include Vietnamese Potbellied Pigs under the definition of “Household Pets”.

CED Director Chad Wilkinson introduced the item.

**Background:** The applicant, Justine Needham, has requested that the Zoning Ordinance be amended to include Vietnamese potbellied pigs under the definition of household pets. In October of 2018, Layton City Code Enforcement staff received a complaint related to the keeping of a pig on a residential property zoned R-1-8. Currently, pigs are only allowed in Layton City in the Agricultural (A) and the Residential Suburban (R-S) zones, and are allowed in those zones subject to a minimum lot size requirement of 20,000 square feet. Over the course of the enforcement action, it was requested that Zoning Administrator make a determination that Vietnamese potbellied pigs are a household pet. Based on existing policies and ordinances, the Zoning Administrator was unwilling to classify the animal as a household pet. The applicant subsequently applied for an amendment to the ordinance to include Vietnamese potbellied pigs in the definition of a household pet. In addition to categorizing the pigs as a pet, the proposed amendment would include language limiting the number and size of the animals allowed on an individual property.

In researching codes and ordinances of other communities in Davis County and along the Wasatch front, it was determined that local regulations regarding the keeping of pigs can be organized into three broad categories:

1. Ordinances that specifically prohibit all pigs within the municipality
2. Ordinances that allow pigs (regardless of variety) in specific areas of the municipality subject to lot standards, but that do not classify them as household pets
3. Ordinances that allow Vietnamese potbellied pigs as household pets with limits on number and size.

Staff have summarized the requirements of the various Cites. Layton City currently allows pigs in certain zones subject to lot size requirements.
There are several concerns related to allowing Vietnamese potbellied pigs as household pets. First, allowing pigs as household pets would mean that the animals would be allowed in any residential zone regardless of lot size or unit type. This would mean that pigs could potentially be allowed in apartment and townhome settings subject to individual rules of the particular development. While there are regulations limiting the number of farm animals based on lot size, there are currently no minimum lot area requirements for household pets. The current ordinance recognizes that certain animals require additional lot area, both for the welfare of the animal and the mitigation of impacts to adjoining properties. Designating Vietnamese potbellied pigs as a household pet would allow the animals to be kept on very small properties, possibly including townhomes and apartments, where there may not be room to accommodate the animal and where impacts to adjoining properties and residents may not be able to be effectively mitigated.

A second concern related to the proposed ordinance change is the potential difficulty of enforcing a standard based on the size of an individual animal. Establishing the weight and height of the animal would require enforcement staff to either rely on information from the animal owner or have special equipment on hand to weigh the animal to determine compliance with the ordinance. Determination of compliance with current animal ordinances can be accomplished with a fairly straightforward calculation based on number of animals, lot size and zoning. An ordinance based on the size of the animals would be problematic for City and County enforcement staff as the weight of the animal could not be determined by a visual inspection.

Another concern is consistency in applying ordinances related to animals typically defined as farm animals. The recent adoption of the chicken ordinance acknowledges a change in public sentiment toward the keeping of chickens in the urban environment. However, the chicken ordinance still acknowledges that chickens are a farm animal and are not appropriate as a household pet and that special regulations are necessary to ensure that impacts to adjoining properties are addressed. There are other types of animals typically defined as farm animals that may be considered by some individuals to be a pet. Miniature breeds of goats, horses, and cows exist and other types of fowl, such as ducks and geese, could be deemed to be a pet by the individual owner and kept for reasons other than meat or milk production. However, these animals would still be considered to be farm animals under Layton City Code and subject to the minimum lot size and zoning standards applicable to other farm animals. Pigs are similar to other farm animals related to their need for sufficient lot area and separation from other residences to mitigate impacts.

**Summary:** Amending the ordinance to define pigs as household pets creates concerns related to enforcement and impacts on neighboring properties. The current allowance for pigs in the R-S and A zones provides for an opportunity for Layton residents to keep a pig while providing for minimum lot area standards that will provide the best opportunity to minimize impacts on adjoining properties.

**Recommendation:** Staff recommends the Planning Commission forward a recommendation to the City Council to deny the proposed changes to Title 19 related to Pot Bellied Pigs.

**Planning Commission Comments/Questions:** Vice Chair Pilny asked if pig breeds other than the Vietnamese Potbellied Pig have been considered while researching this item. Mr. Wilkinson said no; only Vietnamese Pot-bellied Pigs have been researched.
Commissioner Morris asked how cities that consider pot-bellied pigs to be a household pet regulate that code. Mr. Wilkinson said that some cities regulate by number of animals or by animal size, while some cities regulate by lot size.

**Public Comments:**

**Justine Needham, 1165 Laytona Drive, Layton, UT** - is the applicant. She expressed that pot-bellied pigs are not generally used for livestock purposes, only as pets. They are spayed/neutered like household pets unlike livestock, and can walk on a leash and be trained. They are smaller than traditional livestock pigs and rarely exceed 100 lbs. She stated that they are extremely intelligent and do not smell like livestock pigs do.

**Motion:** George Wilson motioned that the Planning Commission forward a recommendation to the City Council to deny the proposed changes to Layton City Municipal Code Section 19.02.020. Commissioner Roberts seconded the motion. The Planning Commission voted and the vote was a tie with Vice Chair Pilny, and Commissioners Allen and Morris voting against the motion. Chairman Nilsson broke the tie with a vote to deny the requested change.

**PUBLIC REVIEW**

Commissioner Roberts motioned to close public hearing and open public review. Commissioner Wilson seconded the motion which was unanimously approved.

3. **LAYTON PARKWAY NORTH SUBDIVISION – PRELIMINARY PLAT**

The applicant, Intermountain Health Care (IHC), is requesting preliminary plat approval for a five (5) lot subdivision containing a total of 24.2 acres located approximately 100 West Layton Parkway in the MU-TOD (Mixed-Use, Transit Oriented Development) zoning district.

Planner II Kem Weaver introduced the item.

**Background:** The applicant, Intermountain Health Care (IHC), is requesting preliminary plat approval for the Layton Parkway North Subdivision. The proposed subdivision is surrounded by residential zoning to the north and west, the rail right-of-way and train station is to the east, and the IHC Hospital is to the south across Layton Parkway.

The proposed subdivision will have five lots and two parcels with a total acreage of 24.2. The current zoning of MU-TOD supports anticipated uses for the subdivision including medical office, office, City Fire Station, assisted living and multi-family residential. The two parcels will remain as open space areas.

**Recommendation:** Staff recommends the Planning Commission approve the preliminary plat for the Layton Parkway North Subdivision subject to meeting all City requirements.

**Public Comments:**

**Robert Scholes 716 S. 300 E. Layton, UT** – Said that his house is the second one in from Layton Parkway, by the railroad tracks. He expressed concern about the road connecting to the Parkway regarding the hill that currently exists. He stated that he doesn't think that fixing the steep hill is possible, especially when
connecting to the busy parkway. He wondered what will be done about the hill. Mr. Weaver said that based on plan reviews, fill will be brought in to help with the grade. City engineers have a plan as to how to handle that hill.

Henry Greenwood 212 W. Larson Lane, Layton UT – Lives adjacent to Lot #1. He expressed concern regarding the height of the buildings planned for Lot #1, hoping that a two or three story building would not be constructed that would tower over his yard. He also expressed concern for the traffic flow and how the increased traffic would be routed through the area. He stated his concern about the apparent traffic issues with the current preliminary plat.

**Motion:** Commissioner Morris motioned that the Planning Commission approve the Preliminary Plat for the Layton Parkway North Subdivision at approximately 100 West Layton Parkway, subject to all Layton City requirements. Commissioner Manning seconded the motion, which was unanimously approved.

4. **7TH WEST APARTMENTS – CONDITIONAL USE**

The applicant, Isaac Richens of Destination Homes, is requesting conditional use approval for “ Dwelling, Multiple Unit” on 3.35 acres of property for the 7th West Apartments located at approximately 384 South Fort Lane in the MU (Mixed-Use) zoning district.

Chairman Nilsson stated that there had been an issue regarding the public noticing for this item. An incorrect address had been provided to the public. To comply with Noticing Law, this item will be re-noticed with correct information and discussed during the upcoming October 8th Planning Commission meeting.

**Motion:** Commissioner Roberts motioned to table this item until the October 8th, 2019, Planning Commission meeting in order to give Staff time to properly provide public notice. Commissioner Wilson seconded the motion and the item was tabled to the next Planning Commission meeting.

5. **HURST – CONDITIONAL USE**

The applicants, David and Linda Hurst, property owners, are requesting conditional use approval for an “Accessory Residential Dwelling Unit” located at 1868 West 800 South in the R-S (Residential Suburban) zoning district. The property is approximately 0.52 acres.

Planner II Brandon Rypien introduced the item.

**Background:** The applicant is proposing to build an accessory residential dwelling unit (aka basement apartment) as part of the single family home. The accessory residential dwelling will be occupied by the property owner’s sister. All accessory residential dwelling units, whether attached or detached, are required to receive a conditional use permit prior to the issuance of a building permit. Because the accessory residential dwelling will be part of the primary structure as a basement apartment, the 1,000 square foot maximum dwelling size and two (2) bedroom limit that is the maximum size for a detached accessory residential dwelling do not apply. The single-family home and the accessory dwelling unit will use the garage and driveway to legally park on site.
Recommendation: Staff recommends the Planning Commission grant conditional use approval for the accessory residential dwelling unit subject to the applicant meeting all City requirements.

Motion: Commissioner Manning motioned that the Planning Commission grant Conditional Use Approval for the Accessory Dwelling Unit located at 1868 West 800 North subject to meeting all city requirements. Vice Chair Pilny seconded the motion, which was approved unanimously.

6. 2980 NORTH CHURCH STREET – CONDITIONAL USE

The applicant, Frank Janku of Rantec Power Systems Inc, representing the property owner NFP LLC, is requesting conditional use approval for “Light Manufacturing” on 2.386 acres of property located at 2980 North Church Street.

Mr. Watkins introduced the item, which was discussed previously in the meeting when considering the rezone for the same property.

Background: The applicant for this conditional use request is Frank Janku of Rantec Power Systems, representing the property owner NFP LLC. It is the applicant’s desire to seek conditional use approval for “light manufacturing” on the subject parcel for the final assembly, testing, and shipment of power supplies. Rantec Power Systems is a commercial business which designs and manufactures engineered power and electronic systems for military/aerospace markets.

Note: This conditional use request is accompanied by a rezone request, from the current zoning district of CP-1 (Planned Neighborhood Commercial) to B-RP (Business Research Park).

Recommendation: Staff recommends the Planning Commission grant conditional use approval for Light Manufacturing subject to the applicant meeting all City requirements and contingent on approval of the proposed zone change.

Motion: Vice Chair Pilny motioned to grant approval for the Conditional Use for Light Manufacturing located at 2980 North Church Street, subject to the applicant meeting all City requirements, in partnership with the zone change discussed previously in the meeting. Commissioner Roberts seconded the motion, which was unanimously approved.

ADJOURNMENT:
Commissioner Wilson motioned to close public review and adjourn the meeting. Vice Chair Pilny seconded the motion which was unanimously approved. The meeting was adjourned at 8:02 PM.

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Brittney Whitecar,
Planning Commission Secretary