

**REGULAR MEETING AGENDA OF THE
CITY COUNCIL OF LAYTON, UTAH**

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a regular public meeting in the Council Chambers in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 PM on July 16, 2015.**

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION, APPROVAL OF MINUTES:

- A. Minutes of Layton City Council Meeting - May 21, 2014
- B. Minutes of Layton City Council Meeting - June 4, 2015

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

- A. Davis County Commissioners

4. CITIZEN COMMENTS:

5. CONSENT ITEMS:(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

- A. Approval of Polling Locations and Appointment of Poll Workers - Resolution 15-44
- B. License Agreement between Layton City and Roy and Nanette Summers - Resolution 15-45 - 2022 East Oakridge Circle
- C. Development Agreement and Rezone Request – Adams/Craythorne – A (Agriculture) to R-1-8 (Single-Family Residential) – Resolution 15-42 and Ordinance 15-15 – Approximately 752 West Gentile Street
- D. Final Plat – Ellison Park Estates Subdivision Phase 2 – Approximately 1850 West Gordon Avenue
- E. Final Plat – Valley Hi Subdivision Phase 3 – Approximately 2900 North 2150 East

6. PUBLIC HEARINGS:

7. PLANNING COMMISSION RECOMMENDATIONS:

8. NEW BUSINESS:

9. UNFINISHED BUSINESS:

10. SPECIAL REPORTS:

ADJOURN:

Notice is hereby given that:

- A Work Meeting will be held at 5:30 p.m. to discuss miscellaneous matters.
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Members at remote locations may be connected to the meeting telephonically.
- By motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that chapter.

Date: _____ **By:** _____
Thieda Wellman, City Recorder

LAYTON CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify Layton City eight or more hours in advance of the meeting. Please contact Kiley Day at 437 North Wasatch Drive, Layton, Utah 84041, 801.336.3825 or 801.336.3820.

Citizen Comment Guidelines

For the benefit of all who participate in a PUBLIC HEARING or in giving PUBLIC COMMENT during a City Council meeting, we respectfully request that the following procedures be observed so that all concerned individuals may have an opportunity to speak.

Electronic Information: An electronic or hard copy of any electronic information presented to the City Council must be submitted to the City Recorder by the end of the meeting.

Time: If you are giving public input on any item on the agenda, please limit comments to three (3) minutes. If greater time is necessary to discuss the item, the matter may, upon request, be placed on a future City Council agenda for further discussion.

New Information: Please limit comments to new information only to avoid repeating the same information multiple times.

Spokesperson: Please, if you are part of a large group, select a spokesperson for the group.

Courtesy: Please be courteous to those making comments by avoiding applauding or verbal outbursts either in favor of or against what is being said.

Comments: Your comments are important. To give order to the meeting, please direct comments to and through the person conducting the meeting.

Thank you.

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MINUTES OF LAYTON CITY COUNCIL MEETING

MAY 21, 2015; 7:06 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

**MAYOR PRO TEM JOYCE BROWN, TOM DAY,
JORY FRANCIS, SCOTT FREITAG AND JOY
PETRO**

ABSENT:

MAYOR BOB STEVENSON

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, DEAN HUNT,
DOUG BITTON, TERRY COBURN, PETER
MATSON AND TORI CAMPBELL**

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

Mayor Pro Tem Brown opened the meeting and excused Mayor Stevenson. She led the Pledge of Allegiance. Councilmember Freitag gave the invocation. Scouts and students were welcomed.

MINUTES:

MOTION: Councilmember Freitag moved and Councilmember Day seconded to approve the minutes of:

Layton City Council Strategic Planning Work Meeting – April 23, 2015.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Mayor Pro Tem Brown indicated that the Family Recreation golf activity had been cancelled because of the rain.

Mayor Pro Tem Brown said May 30th would be the start of the “G.O. ‘n Play” program. She said this program involved elementary age children. Mayor Pro Tem Brown said you could find more information about these activities on the City’s website.

Mayor Pro-Tem Brown indicated that the City needed nominations for Hometown Hero.

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PRESENTATIONS:

FIRE CORPS

Dean Hunt, Fire Marshal, presented information about the Fire Corps. He indicated that the City's program had been nationally recognized. Dean introduced recent graduates of the program. The graduates came forward to receive their certificates and to shake hands with the Council.

CITIZEN COMMENTS:

Daniella Harding, 1506 East 2050 North, said she understood that the preliminary plat approval for the Eastridge Park Estates PRUD was granted at the last Council meeting, which she was not able to attend. She said after a meeting with the Mayor on May 4th, there were two questions she had. Ms. Harding wanted to know what the timeline was for final approval and once final approval was completed, how soon would building start. She mentioned vibration and tilt monitoring on homes within 100 feet of construction. Ms. Harding said the developer agreed to provide this on some of the homes, but indicated that the burden of proof was the responsibility of the homeowner. She said the developer encouraged the homeowners to film their homes now and make notes of any cracks so that they had proof when construction started if there was additional damage. Ms. Harding said before final approval was granted, as a condition, they would like all of the homeowners in the Hidden Hollow Subdivision and surrounding areas to be notified, by e-mail or letter, that they needed to do this in order to protect their asset.

Cerrie Erickson, 1771 North 2525 East, expressed concerns with Jade Helm, and the City's proximity to Hill AFB. She said troops would be coming between July 15th and September 15th for military exercises. She wondered exactly who they were and what they would be doing. Ms. Erickson mentioned some of the comments she had read on the internet.

Councilmember Petro said she was in a meeting where this was mentioned. She said she understood that it would be tactical training that would take place in the west desert for three days. Councilmember Petro said the City could contact the Base and obtain additional information.

Ms. Erickson said there was information on the internet declaring Utah as a hostile environment.

Councilmember Freitag said for the purposes of the drill, they state that certain areas are hostile where they are doing the drill. He said it didn't mean they were saying Utah was a hostile environment.

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Mayor Pro Tem Brown said answers would need to come from the Air Force; they didn't have to consult the City when they did something on the Base. She said Ms. Erickson could be contacted if the City received any information.

Councilmember Freitag suggested that Ms. Erickson not believe everything she read on the internet.

Discussion suggested that the City would put any information it received on this matter on the City's website.

CONSENT AGENDA:

ADOPTION OF WASTEWATER MASTER PLAN – RESOLUTION 15-31

Terry Coburn, Public Works Director, said Resolution 15-31 authorized the review and adoption of the Wastewater Master Plan. Terry said this portion of the Sewer Master Plan, also designated as the System Evaluation and Capacity Assurance Plan (SECAP), had been prepared by Bowen Collins and Associates, and had been reviewed and approved by the Layton City Engineering Staff. He said the SECAP was a written document that provided recommended improvements to resolve existing and projected future deficiencies in the wastewater collection system based on the City's current General Plan. Terry said Staff recommended approval.

BID AWARD – AAA EXCAVATION, INC. – ASPEN HEIGHTS STORM DRAIN PROJECT – RESOLUTION 15-32

Terry Coburn said Resolution 15-32 authorized the execution of an agreement with AAA Excavation for the Aspen Heights storm drain project. He said the project included the construction of approximately 1,800 lineal feet of 15-inch storm drain pipe and other items in the area of 1150 East and Snow Creek Drive. Terry said the project would improve collection of storm water and also provide a release point for a new development, thereby helping to mitigate deterioration and reduce roadway runoff during storm events. He said seven bids were received with AAA Excavation submitting the lowest responsive, responsible bid of \$322,253; the engineer's estimate was \$375,000. Terry said Staff recommended approval.

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BETTERMENT AGREEMENT WITH UTAH TRANSIT AUTHORITY (UTA) FOR THE GRADE CROSSING PEDESTRIAN CONTROLS PROJECT UPGRADES – RESOLUTION 15-33

Terry Coburn said Resolution 15-33 authorized the execution of a betterment agreement with UTA for the grade crossing pedestrian controls project upgrades. He said the agreement outlined the provisions of the betterment work that Layton City had requested of UTA as described in Exhibit A of the agreement. Terry said, subject to the attached provisions, UTA would install pedestrian grade crossing safety treatments at sidewalk crossings on King Street and Hill Field Road. He said total reimbursement to UTA by the City would be \$91,900. Terry said Staff recommended approval.

FINAL PLAT – WILLOW RIDGE SUBDIVISION, PHASE 1 – APPROXIMATELY 3500 WEST HILL FIELD ROAD

Peter Matson, City Planner, said this was final plat approval for the Willow Ridge Subdivision, Phase 1, located at approximately 3500 West Hill Field Road. He displayed a map of the proposed subdivision. Peter said the entire subdivision would continue along the north side of Hill Field Road and would include extension of the improvements of Hill Field Road to Bluff Ridge Blvd., including the intersection at Bluff Ridge Blvd. He said the proposed plat had 21 lots and met the density requirements of the zone and the lot averaging provisions of the City's zoning ordinance for the R-S zone. Peter said landscape buffers would be required along the rear property lines of the homes that would back onto Hill Field Road and Bluff Ridge Blvd. He said the Planning Commission recommended approval and Staff supported that recommendation.

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

PUBLIC HEARINGS:

REZONE REQUEST – FLINT/VAN DRIMMELEN – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – APPROXIMATELY 2300 WEST GENTILE STREET – ORDINANCE 15-13

Peter Matson said this was a rezone proposal for property located at approximately 2300 West Gentile Street. He said the property was presently zoned agriculture and the proposed zoning was R-S, which was a residential zone with a minimum lot size of 15,000 square feet. Peter said however, like a majority of the

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subdivisions developing in the R-S zone in the west Layton area, the developer would likely be pursuing the lot averaging provisions where some of the lots could be smaller than 15,000 square feet that would be offset by larger lots in the project. He said the applicant was Castle Creek Homes. The rezone area contained 9.78 acres with frontage on Gentile Street. Peter said the western edge of the rezone area was bordered by the larger portion of the Rocky Mountain Power transmission lines; the eastern boundary was established by a smaller set of power line towers.

Peter said originally the applicant was looking at rezoning a larger area that totaled over 15 acres, but had since reduced the request to the 9.78 acres. He said the balance of the property would likely come back to the Council for rezoning in the future. Peter said the General Plan recommendation for this area of the City was low density single family residential with 0 to 3 dwelling units per acre; this proposal met that recommendation. Peter said the Planning Commission recommended approval and Staff supported that recommendation.

Mayor Pro Tem Brown opened the meeting for public input. None was given.

MOTION: Councilmember Freitag moved to close the public hearing and approve the rezone request as presented, Ordinance 15-13. Councilmember Francis seconded the motion, which passed unanimously.

REZONE REQUEST – STEWART/UPDWELL DEVELOPMENT – R-S (RESIDENTIAL SUBURBAN) TO R-1-6 – 191 EAST PHILLIPS STREET – ORDINANCE 15-14

Peter Matson said this was a rezone request for 2.31 acres of land located on the north side of Phillips Street adjacent to the Kaysville City boundary. Peter displayed a map of the area and indicated that there was R-S zoning to the north, and R-1-8 zoning surrounded the majority of the property. He said there was R-1-6 zoning along Phillips Street and further to the east. Peter said Camping World was located to the south. He said the City boundary ran down the center of Phillips Street.

Peter said the General Plan recommendation for this area was single family residential with a density range of 3 to 6 dwelling units per acre. He said the R-1-8 and R-1-6 zoning district were typically found in this area. Peter said directly to the north of the property was a one-lot subdivision zoned R-S, and 975 South with a previously developed cul-de-sac to access the R-S property abutted the northwest corner of this property. He said in the dedication plat for that one-lot subdivision there was a dedication of a street that abutted the rezone area with a frontage of approximately 70 feet.

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Peter said during the Planning Commission meeting review of this proposal, the Planning Commission reviewed alternatives with the residents to the proposed R-1-6 zone. He said there was no proposed layout of a subdivision at this time. Peter said on April 28th, with a vote of 5 to 1, the Planning Commission recommended that the Council not adopt Ordinance 15-14 and deny the rezone request from R-S to R-1-6. He said Staff did not support that recommendation and believed that the R-1-6 zoning designation was consistent with the General Plan, and was an alternative that would allow the property as an infill project to provide consistent and similar housing to what existed in the area, and would help fill in the neighborhood in a positive manner.

Peter said in the Engineer's report, it was noted that utilities were available in Phillips Street but that storm water and sanitary sewer flowed in a southwesterly direction. He said regardless of the configuration of the development on the property, onsite detention for storm water would be necessary.

Peter reiterated that the Planning Commission recommended denial of this rezone and Staff did not support that recommendation for the reasons previously stated.

Councilmember Day asked the length of the frontage on Phillips Street, and the location of the detention basin.

Peter said the frontage was a distance of about 180 feet and the detention basin would probably need to be located in the southwest corner.

Mayor Pro Tem Brown opened the meeting for public input.

Jerry Madsen, 135 East 975 South, said the development did not agree with the General Plan; it would lower existing home values. The location of the detention basin to the south would force the homes to be closer together on the northern portion of the property. In roughly May 1994 the minutes stated that the stub road at 975 South would remain a cul-de-sac. He read from the minutes that Kem Weaver had emailed to him. Mr. Madsen said he didn't think this proposal was good for the City or their neighborhood.

Mr. Madsen wondered where Ordinance 15-14 could be found.

Gary Crane, City Attorney, explained how ordinances were adopted and then added to Code. He said it was a drafting tool, which after adoption would be placed in the Zoning Code.

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Councilmember Francis asked Mr. Madsen if an R-1-8 zone would be more acceptable.

Mr. Madsen said he didn't like the R-1-6 zone or a PRUD. He said he couldn't argue against an R-1-8 zone because most of the property surrounding this property was zoned R-1-8.

Steve Pellicano, 137 Phillips Street, said he owned the largest R-S zoned property in the area. He expressed concerns with the condition of Phillips Street. Mr. Pellicano said the road couldn't handle the additional traffic from the proposed development. He said it would decrease his property value if the zoning was R-1-6. Mr. Pellicano said he didn't agree with six homes per acre.

Michelle Madsen, 135 East 975 South, said her home was located to the north of the proposed rezone property. Ms. Madsen said when they built their home they had to pay for the road and curb and gutter. She said they were told that if this property ever developed they would have to help pay for the road; was that still true.

Gary said typically there would be an agreement at the time they developed outlining those things. He said the City would have to see if an agreement was done at that time for the road. Gary said if there was an agreement, they would be paid back.

Ms. Madsen said they had considered selling part of their acre for development, but right now it was landlocked. She asked if they would have an opportunity to sell their property.

Alex Jensen, City Manager, said it would depend on the specifics of what was being proposed. He said there were some provisions in the Code that allowed for flag lots. Alex said the specifics of the property and proposal would have to be evaluated.

Ms. Madsen said they tried to do a flag lot when they developed, but there was a home built on a right of way. She said the flag lot was denied. Ms. Madsen said they had a rough time building their home.

Alex said there were certain restrictions with regard to the construction of flag lots. He said if the Madsens had an interest in doing that, he would suggest that they meet with Staff to review their options.

Laurell Martinez, 103 Phillips Street, said they had lived in this great City for almost 40 years. She said the majority of the lots on the Layton side of the street were .22 acres and the homes were built in the 1950s; they were very small rambler homes. Ms. Martinez said they were not concerned with home values but with

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quality of life. She asked how many homes per acre there would be with the proposed R-1-6 zone.

Peter said the R-1-6 zone would typically yield 4 ½ to 5 ½ homes per acre. He said that would be on a nice square piece of property.

Councilmember Francis asked what the R-1-8 zone would yield.

Peter said it would be 3.2 to 4 homes per acre.

Ms. Martinez said they understood that Layton was growing and this property would develop. They didn't want to deny people affordable housing, but quality of life had to be considered. She mentioned all the traffic on Phillips Street from surrounding neighborhoods and how the potholes were the only speed deterrent. Ms. Martinez expressed concerns for the safety of children walking on the street and there being no sidewalks. She said 12 additional houses was not acceptable.

Peter said because of how narrow the property was, it was difficult to determine how many homes would fit on the property. He said a public road versus a private road would also impact the number of homes.

Ms. Martinez said regardless of whether it was a private street or a public street, the traffic would still have to come down Phillips Street. She said that was her concern; the additional traffic.

Councilmember Petro asked Peter to clarify how many additional homes there would be with an R-1-6 zone versus an R-1-8 zone.

Peter said the difference would probably be 2 homes. He said the right of way for a public street was 55 feet and there wouldn't be room to put homes on either side of the street. Peter said the maximum number of lots allowed in the zones would not be able to be accomplished on this piece of property. He said the applicant could pursue a PRUD, which would add flexibility in design and could possibly yield 3 or 4 more homes in the R-1-6 zone.

Mark Oveson, 986 South 200 East, said his backyard touched part of the rezone area. He read part of the City's General Plan. Mr. Oveson identified his property on a map. He said he would like to see the R-1-8 zone on the property, which would be equivalent to lot sizes in the area.

Angie Wood, 163 Phillips Street, said she agreed with what had been said. She expressed concerns with the

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road never being repaired.

Guy Haskell, Updwell Development, said he was with the company proposing the rezone. He said he would agree with the comments about the road; it was in really bad shape. Mr. Haskell said most of the potholes were on the Kaysville side of the road, but maybe the City could encourage Kaysville to make some repairs. He said the General Plan called for 3 to 6 units per acre, which was either the R-1-8 or R-1-6 zone. Mr. Haskell said the property fronted onto Phillips Street and the majority of the properties on Phillips Street were R-1-6 properties. He said there was some R-1-8 off of Phillips Street. Mr. Haskell said they felt that the R-1-6 zone was consistent with the area and the City's General Plan.

Mr. Haskell said as a developer he had been in many situations where there was a dead end street like the cul-de-sac on 975 South. He said very often he had to put in a cul-de-sac like this for fire safety and a turnaround for vehicles. Mr. Haskell said the turnarounds had to be permanent because of safety issues. He identified the cul-de-sac on a map and explained that a small triangular piece of property on the south side of the cul-de-sac had been dedicated as part of the right of way, which led him to believe that the plan was for the road to go through. Mr. Haskell explained that if this was going to remain a permanent cul-de-sac there would have been no reason to dedicate that piece of property.

Mr. Haskell said in original meetings he had with City Staff, he was told that a design needed to include this road going through into his property. He said the designs he had been working with included the road connection per City Staff's request.

Mr. Haskell said his intent was to develop the property as soon as possible, once the rezone was in place. He said his plan was to develop single family homes with two car garages. Mr. Haskell said an evaluation by a realtor indicated that the price range of homes in the area was from \$129,900 to \$184,900. He said the realtor indicated that with new development the price point should be at \$200,000. Mr. Haskell said he didn't think he could hold to that price and anything developed on the property would be greater in value than the homes that had sold in the area within the past six months. He said there may be a few that were a little higher, but they would be R-S properties that had a lot more ground. Mr. Haskell said there wouldn't be any deterioration of property values; if anything it could pull values up a little bit.

Mr. Haskell said since he was limited on the price, a larger lot would require a much smaller house. He said part of the reason for the R-1-6 was to allow for smaller lots and larger homes, which he felt would increase the value of the neighborhood.

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Councilmember Petro asked Mr. Haskell to share some of his conceptual ideas.

Mr. Haskell said they had done a couple of layouts with the R-1-6 and R-1-8 zones. He said his goal was to do a PRUD, which would allow for a reduced setback on a private street and accommodate homes on both sides of the street.

Mayor Pro Tem Brown asked how many lots that would accommodate.

Mr. Haskell said with a PRUD it would allow him to market to families where both adults worked outside of the home and didn't want a large yard to maintain. He said the front yards would be maintained through an HOA and there would be open space and a tot-lot.

Councilmember Petro said the rezone request this evening was for the R-1-6, but his true intention was for a PRUD.

Mr. Haskell said yes; he had asked if he could bring both concepts in together but was told that he could not. He said he was told that he had to get the rezone first. Mr. Haskell said he felt that the disconnect was that Staff didn't know he was looking for a PRUD when he called.

Councilmember Francis asked Gary to clarify that; did one have to precede the other.

Gary said one would have to precede the other, but they could both be considered at the same time.

Peter said Mr. Haskell's initial inquiries were if you could take the subdivision plat and the zoning through at the same time; there wasn't a discussion about a PRUD. He said the answer was that you couldn't do that; the zoning had to be in place before a plat could be done. Peter said he thought that Mr. Haskell's intent was to look at a PRUD, but the Staff Member that was helping Mr. Haskell didn't understand that at the time. He said a PRUD required a concept plan at the time of the rezone or overlay. Peter said if the underlying zoning wasn't in place, the rezone and overlay, along with the conceptual plan, could be done at the same time.

Gary said that was correct.

Angie Wood, 163 Phillips Street, said relative to the street, for years they were told that Layton City was responsible for half of the street and Kaysville or the County was responsible for the other half, and that was why nothing was ever done to repair the street. She said the City's Engineer had indicated that Layton City

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assumed responsibility for the entire road.

Alex asked Ms. Wood who she spoke with.

Ms. Wood said it was the Street Engineer.

Alex said they all worked for him and there would be someone down there tomorrow and the street would be addressed. He said the street was a separate issue from what was being discussed this evening, but the street would be addressed.

Steve Pellicano clarified issues with the road.

MOTION: Councilmember Petro moved to postpone a decision on the rezone and allow the developer time to address what he would really like to do, and perhaps include a development agreement.

Councilmember Freitag asked Gary Crane if this needed to be remanded back to the Planning Commission, if a PRUD was included with the proposal along with a development agreement.

Gary said that would be wise.

SUBSTITUTE MOTION: Councilmember Francis moved to deny the rezone request, Ordinance 15-13, in order that the developer could take it back to the Planning Commission with the PRUD overlay.

Gary said if a rezone was denied in the City, a re-application couldn't be made for a year. He said the developer would be prohibited from coming back with the R-1-6, with the PRUD, for one year.

Councilmember Francis withdrew his substitute motion.

Peter asked for clarification; was the R-1-6 PRUD different than the R-1-6 in terms of the developer returning for a rezone.

Gary said as was indicated earlier, with an R-1-6 PRUD, the developer would be required to bring in at least a conceptual plan of what he would like to do. He said if a development agreement was involved, those were usually brought in at the same time. Gary said one of the issues seemed to be what the development would look like. He said an R-1-6 might not work, but an R-1-6 PRUD might, and the developer hadn't brought in

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anything to indicated what it might look like or how it might be restricted through a development agreement. Gary said he thought the question was could that be done; could it be taken back to the Planning Commission and see what it would look like with an R-1-6 PRUD zone, as opposed to a denial.

SUBSTITUTE MOTION: Councilmember Francis moved to close the public hearing and postpone the decision, remanding it back to the Planning Commission with the rezone request with the PRUD overlay.

Councilmember Petro asked if the road would be included with the conceptual plan.

Gary said yes.

MOTION (continued): Councilmember Freitag seconded the motion, which passed unanimously.

DEVELOPMENT AGREEMENT AND REZONE REQUEST – BARLOW (SERVICE MORTGAGE CORP)/OVATION HOMES – A (AGRICULTURE) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) – APPROXIMATELY 2100 E. OAKRIDGE DRIVE – RESOLUTION 15-11 AND ORDINANCE 15-06

Peter Matson said Resolution 15-11 was a development agreement between Layton City and Service Mortgage Corporation, along with Ordinance 15-06 representing a rezone request for 5.38 acres from agriculture to R-1-6. He said the property was located on the south side of Oakridge Drive at approximately 2100 East. Peter identified the property on a map and indicated that the property had frontage on the south side of Oakridge Drive. He said the southern border of the property was adjacent to the proposed alignment of the extension of Gordon Avenue.

Peter said when the Planning Commission reviewed this, the proposal included a larger area of approximately 24 acres that included this 5.38 acres under the present proposal of R-1-6, along with property on the south side of the Gordon Avenue alignment to include some proposed zoning for an assisted living facility and some additional single family homes along the south side of the Gordon Avenue alignment.

Peter said the development agreement was a scaled down version of what was presented at the Planning Commission meeting because the proposal this evening only included the 5.38 acres. He said the owner's undertakings portion of the development agreement addressed on and off site utilities, land uses, housing types, and the details of what the homes would look like in the proposal.

Peter said the development agreement also indicated that the residential units would be single family only

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with a 30-foot height limit, and there would be no more than 18 single level homes on the property that would be similar to the homes constructed by Ovation Homes in the Cottages at Fairfield and the Cottages at Chapel Park developments, which were age targeted developments for empty nesters.

Peter said the development agreement also addressed the layout of the property with a public street connection from Oakridge Drive to the future Gordon Avenue extension. He said the street connection at Oakridge Drive was a fixed point. Peter said the developer also had to address the location of three pressurized petroleum pipelines that ran through the property. He displayed a conceptual drawing of the development.

Peter said there were some off-site extension requirements for sanitary sewer and storm drain that would come south of the property and extend west within the future Gordon Avenue right of way to existing facilities. He said the utilities would service the development of the subject property as well as future development to the east.

Peter said the Planning Commission reviewed this proposal on March 24, 2015. He said since that time the applicant and City Staff had looked at issues regarding the City's sensitive lands overlay map. Peter said a portion of the property in the original proposal was within the sensitive lands overlay with slopes between 10 and 20%. He said geotechnical reports and testing had been requested and was currently under review for that larger portion, but the developer was anxious to move forward with this portion of the property. He said the Planning Commission recommendation was adoption of Resolution 15-11 for the development agreement and Ordinance 15-06 for the rezone from agriculture to R-1-6, with the development agreement keeping the density within the recommended range of 2 to 4 dwelling units per acre, and Staff supported that recommendation.

Mayor Pro Tem Brown asked who would have to build Gordon Avenue from where it currently ended to where this rezone was located.

Peter said given the way adjacent properties were situated and the ownership of property in the area, unless homes were constructed adjacent to the right of way to the south, the City would be developing the road. He said east of the development property would probably be a combination of development and the City to extend the road.

Mayor Pro Tem Brown said it seemed that traffic would either have to be funneled through this development from Gordon Avenue to Oakridge Drive, or the City would be completing Gordon Avenue sooner than

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anticipated.

Peter explained future planned connections to Gordon Avenue.

Mayor Pro Tem Brown opened the meeting for public input.

Debbie Worthen, 2322 East 1200 North, said the Planning Commission approved three separate zonings. She asked if the intent was to eventually do the assisted living facility and the other residential development.

Mayor Pro Tem Brown said that was what the developer would like to do, but they were told by the City that they would have to address the sensitive lands issues before that could move forward.

Ms. Worthen said since the Planning Commission had already approved that, would it only need to come back to the City Council for approval.

Gary Crane said yes; it would only come to the Council.

Councilmember Day asked if there was any time limit on that.

Gary said no.

Ms. Worthen asked if there was a time frame for additional development.

Mayor Pro Tem Brown said there would be another public hearing, similar to this evening, before they could move forward.

Ms. Worthen expressed concerns with zoning for an assisted living facility in this area relative to the City's General Plan.

Mayor Pro Tem Brown said this evening the discussion only had to do with rezoning the 5.38 acres; not the assisted living facility.

Mark Anderson, 2044 Oakridge Circle, said the R-1-6 zoning was not consistent with the intent and layout of the area. He mentioned other developments in the area that were larger than R-1-6. Mr. Anderson said he felt the intent of the General Plan was to create larger lots in this area; R-1-10 or R-S zoning would be consistent

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with the area.

Gerald Gilbert, 3117 East 1300 North, indicated that he was a member of the Planning Commission. He said he had concerns with the original proposal with multiple zones and the extension of Gordon Avenue. Mr. Gilbert said there were a number of concerns expressed with traffic going through this development onto Oakridge Drive; he felt better with Gordon Avenue being extended to 2550 East and traffic flowing that direction away from the elementary school up to Cherry Lane to access Highway 89. He said this proposal was not what the Planning Commission reviewed.

Brad Frost with Ovation Homes complemented the City Staff. He said they had held some open houses and had met with residents in the area. Mr. Frost said they had taken a lot of comments into consideration. He said this was a tough piece of property to develop with all of the pipelines and such. Mr. Frost said this was part of what the Planning Commission reviewed, just not all of it. He said they were working to get additional information to the City for development of the remaining property.

Mr. Frost displayed conceptual drawings of the proposed development and homes. He said they were doing a similar development in Farmington and the homes were selling for \$400,000 to \$550,000. Mr. Frost displayed pictures of some of their existing subdivisions in Layton. He said all of their subdivisions brought value to the area. Mr. Frost said traffic from their age targeted subdivisions was 60% less than a typical subdivision. He indicated that the price of homes in their Fairfield subdivision was \$325,000 to \$330,000.

Mr. Frost said relative to densities, Oakridge Circle was 1.9 units per acre, but there was a large area where the lots slopped downward that was not developable. He said they were larger lots, but they were located on a hillside. Mr. Frost said on the 18 acres in the original rezone area they were proposing an average lot size of over 10,000 square feet. He said the R-1-6 zone gave them flexibility on front and rear setbacks, which helped them with the pipelines and public road. Mr. Frost said an R-1-10 PRUD allowed for 5.8 units per acre. He identified an adjacent neighborhood and indicated that the density was 2.8 units per acre; this density would be 3.3 units per acre. Mr. Frost identified another neighborhood in the area that had a density range of 3.3 units per acre, which was an R-1-10 zone. He said their proposed density was consistent with what was in the area.

Mr. Frost said if they were to match an R-1-10 PRUD zone they would have smaller, two story homes with higher density. He said they wanted to produce a product that neighbors could be proud of. They were single family homes so views were not obstructed. Mr. Frost asked that the Council approve the R-1-6 zone with the idea that the development agreement held them to have 1,800 square feet minimums, and it held them to

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have less than 4 units per acre, but they were willing to limit that to 3.3 units per acre to be consistent with surrounding neighborhoods.

Councilmember Petro said since this would be a public road, would the front lawns and landscaping still be put in as proposed.

Mr. Frost said there would be CC&R's in place with an HOA that would maintain the landscaping. He said in addition, in good faith they were extending over 1,000 feet of sanitary sewer to Gordon Avenue as well as 500 feet of storm sewer. Mr. Frost said they were hoping that there was some give and take.

Mayor Pro Tem Brown said in the earlier work meeting she addressed that some of the other Ovation Homes developments in the City were on infill areas. She said she lived by Peacefield Subdivision where there was a product similar to this, but were a little larger with basements. Mayor Pro Tem Brown asked Mr. Frost if they had considered doing something that was a little more upscale in this area than in their other subdivisions in Layton.

Mr. Frost said it would be upscale. He said they did a subdivision off of Fairfield Road that had 30 lots; they had 121 people on reservation for 30 lots. Mr. Frost said there were a lot of folks that lived here that wanted to live in east Layton. He said these would be \$300,000 to \$400,000 homes. Mr. Frost said Peacefield was different in that they didn't have fenced yards and there was open space. He said people wanted their own backyard, but they didn't want a huge backyard. Mr. Frost said there was a huge market for this product; they wanted their privacy with a backyard; and they wanted a home without a basement. He said the Peacefield homes were not as big as their homes on the main floor. Mr. Frost said in all the years he had been building this product, he had sold two with basements. He said with a basement there would be a loss of 200 square feet for stairs that they didn't use. Mr. Frost said this would be an upscale product from their other developments.

Councilmember Freitag said currently in the development agreement, there wasn't a maximum number of units per acre.

Peter said there was a maximum number of total units at 18.

Dave Griffin, 2070 Oakridge Circle, said he didn't think this proposal was consistent with the City's Master Plan. He said the City didn't need any more old people homes.

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Councilmember Petro asked if this would be an age restriction development.

Mr. Frost said there was a requirement in the restrictive covenants that if there were two bedrooms it allowed for three people, if there were three bedrooms it allowed for four people. He said in their experience over 15 years, most of their clients were 50 to 55 years old. Occasionally there was someone younger with health issues that wanted to be on one level, but generally they were over 50. Mr. Frost said it would be difficult to say that you didn't want older people living in an area.

Bob Haywood, 2521 East 50 South, said he would like to move into this development. He said he had lived in the area for over 40 years. Mr. Haywood said he would like to downsize now that his children were gone. He said it was important for them to stay in this area and maintain the quality of life they were accustomed to. Mr. Haywood said comments about deteriorating property values were not a reality. He said hopefully he would be able to get into this development and stay in the Kaysville/Layton area.

Councilmember Freitag asked Mr. Gilbert, in his mind, what was different with this proposal over what the Planning Commission approved.

Mr. Gilbert said his concern was the extension of Gordon Avenue. He said the plan they saw showed the extension of Gordon Avenue with a connection to 2550 East.

Councilmember Freitag said by not doing the entire project that was reviewed by the Planning Commission, that portion of Gordon Avenue didn't get developed; was that his concern.

Mr. Gilbert said yes; he was sold on the project mainly because of the extension of Gordon Avenue being completed below this development and across the street to the retirement home.

MOTION: Councilmember Francis moved to close the public hearing and approve the development agreement and rezone request as presented, Resolution 15-11 and Ordinance 15-06. Councilmember Petro seconded the motion. Councilmembers Francis, Petro and Freitag voted yea; Councilmember Day voted nay; the motion carried.

The meeting adjourned at 9:18 p.m.

Thieda Wellman, City Recorder

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MINUTES OF LAYTON CITY COUNCIL MEETING

JUNE 4, 2015; 7:00 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

**MAYOR BOB STEVENSON, JOYCE BROWN,
TOM DAY, JORY FRANCIS, SCOTT FREITAG
AND JOY PETRO**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
PETER MATSON, DAVID PRICE, SCOTT
CARTER AND THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. Mayor Stevenson gave the invocation. Scouts and students were welcomed.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said this Saturday was free fishing day in Utah. She said in conjunction with that the Family Recreation Program would be hosting a fishing activity from 10:00 a.m. to noon at Andy Adams pond. Councilmember Brown said there would be prizes and fishing poles available to use.

Councilmember Brown said in conjunction with the July 4th celebration, the City was looking for veterans that had served from 2001 to the present to be honored as Hometown Heroes. She said nomination forms were available at any First National Bank of Layton or on the City's website.

CITIZEN COMMENTS:

Ja Eggett, 1548 East 2050 North, thanked the Mayor and Council for the opportunity they had given the citizens to speak in meetings. He said he would like to make a few comments about the Eastridge Park PRUD that the Council gave preliminary approval to several Council meetings ago. Mr. Eggett said he planned on making his comments at the last meeting, but the Mayor was not in attendance and he wanted to make sure he made his comments when the entire Council was present.

Mr. Eggett said his comments had less to do with the project and more to do with the process they went

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through with the project. He said early on in the process, when the Mayor invited the residents to meet with the developer and City Staff to try and address their concerns, they were really encouraged by that. Mr. Eggett said the Mayor stated that he hoped the citizens and the developer could reach consensus, and that the citizens could stand in support of that project. He said however, in the Council meeting where the preliminary approval was granted, the meeting was structured such that the residents weren't allowed to make those comments. Mr. Eggett said the only thing they could surmise was that the Mayor understood that they hadn't taken the process far enough to reach that consensus.

Mayor Stevenson said when they sat in the meeting two days before the approval was granted, he pointed out and informed Mr. Merkley that he had a question, and that he would be more than welcome to ask that question. He said other than that, he felt everything had been completed and discussed.

Mr. Eggett said he understood that, but they still didn't even have the opportunity to get up and stand in support of the project. He said the second point he would like to make dealt with the meetings they were invited to participate in with the Staff and developer. Mr. Eggett said they were very encouraged by the opportunity to be a part of that process, but they were very disappointed that the Mayor did not remain a neutral party in those meetings; in fact he became the developer's champion and argued his points, and in many cases providing the developer with reasons for not listening to the citizens. He said that took the developer's comments from, "well I'll look into that, I'll see if we can accommodate that" to "we will not even consider those options." Mr. Eggett said he felt that this was because they didn't have their citizens' representatives remaining neutral in that forum.

Mr. Eggett said the last item he would like to address was more project related. He said with several of the items that the citizens brought forward, the City indicated that they were things the City needed to address and were outside the purview of the development, particularly safety issues with Antelope Drive. Mr. Eggett said they agreed that there were items the City needed to address, but those items were such that they were an issue now, regardless of the development. He said they felt that those items should be addressed and mitigated before the project was given approval. Mr. Eggett said moving toward final approval of this project, they would hope that the Mayor and City Council would recognize that there were issues now that would only get worse; they would like them addressed before final approval was given. He thanked the Mayor and Council for their time.

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CONSENT AGENDA:

MAYORAL AND COUNCIL SUPPORT OF PLACING AN OPINION QUESTION ON THE NOVEMBER 3, 2015, BALLOT ASKING LAYTON CITY RESIDENTS' OPINION REGARDING IMPOSITION OF A RAMP TAX – RESOLUTION 15-36

Scott Carter, Special Projects Manager, said Resolution 15-36 would move forward with the placing of an opinion question on the November ballot for a RAMP tax. Scott said State law talked about funding botanical, cultural, recreational, and zoological organizations and facilities, but the City was specifically talking about funding recreation, arts, museum and parks. He said Resolution 15-36 provided for an affirmation by the Council and Mayor to move forward with placing that RAMP tax on the ballot on November 3rd.

Scott said the Council had previously adopted Resolution 15-17, which requested that the County allow the City to move forward with the RAMP tax; this resolution was an affirmation that the City would move forward with placing it on the ballot, and also give affirmation to a citizens group that was working toward trying to promote the RAMP tax.

Scott said Staff recommended that the Council adopt Resolution 15-36 in support of placing an opinion question on the ballot, and giving the opportunity for both sides to express their opinion about the RAMP tax.

Mayor Stevenson asked Gary Crane, City Attorney, at what point and time would the Council have to be careful with what they could and couldn't say regarding the RAMP tax.

Gary Crane said State law did not preclude, entirely, the City from advancing an issue that was on the ballot. He said the Council had unlimited ability to be able to take a position on any ballot issue, but they couldn't use City resources to do that. Gary said 65 days prior to the election the ballot must be printed and the wording must be placed on the ballot. He said as soon as the language was officially placed on the ballot, the City's resources would no longer be able to be used for that purpose. Gary said until that point, the City was able to educate individuals on the issue. He said even beyond that point, the City could provide for both positions to be addressed in meetings that were perhaps held where both sides were given equal opportunity to be able to express pro and con views regarding the item on the ballot. Gary said it wasn't as simple as saying that the City couldn't be involved at all, because it could be and had an obligation to educate, but it

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meant that both positions beyond a certain point must be presented, and one could not be advocated over the other.

Mayor Stevenson said for example, in the second week in October, the City wanted to put out a general information letter with the pros and cons. He said relative to the con side, who would the City approach to get that information.

Gary said State Code didn't anticipate this type of election; very often there was a referendum or initiative that was adversarial in nature. He said if there was someone that expressed an interest in taking the opposing side, that individual could put together a group and ask that a response be placed on the negative side of the argument pertaining to the ballot proposition. Gary said the City would leave that invitation open to whoever wished to do that. He said an information pamphlet would be delivered to every residence in Layton before the election.

Councilmember Francis asked if the City would advertise that there was an opposing side to be filled.

Gary said there was no obligation to advertise, but the Council could do what they liked in inviting individuals to do that.

Councilmember Petro said trails would be included as part of the parks.

Scott said that was correct.

MOTION: Councilmember Brown moved to approve Resolution 15-36. Councilmember Petro seconded the motion, which passed unanimously.

Councilmember Brown left the meeting at 7:16 p.m.

ACQUISITION OF PROPERTY TO ACCOMMODATE A FRONTAGE ROAD ALONG THE I-15 CORRIDOR – NORTH OF ANTELOPE DRIVE AND WEST OF UNIVERSITY PARK BOULEVARD – RESOLUTION 15-34

Gary Crane explained the location of the property that was involved in this item. He said the City had designed and started building an access road and discovered that 8 more inches of property was needed. Gary said this was acknowledgement of receipt of that property, and Staff recommended approval.

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RENEWAL AND EXTENSION OF LEASE AGREEMENT WITH THE STATE OF UTAH FOR THE JUSTICE CENTER BUILDING – RESOLUTION 15-35

Gary Crane said the State of Utah had approached the City with an extension of the lease agreement on the court building. He said it would be for the same square footage and the same price for the next 7 years. Gary said Staff recommended approval of Resolution 15-35.

PRELIMINARY PLAT – LAYTON FARMS SUBDIVISION – APPROXIMATELY 1600 NORTH 2200 WEST

Bill Wright, Community and Economic Development Director, said this was preliminary plat approval for Layton Farms Subdivision located at approximately 1600 North 2200 West. He said the applicant was Chris Looch. Bill said the property contained approximately 8.65 acres and had frontage along 2200 West, and was located between the D&RG Rail Trail and the UP/UTA tracks. He said the proposal was for a commercial subdivision consisting of 3 lots. He said lots 1 and 2 would be developed with storage units and lot 3 would remain vacant for future development of additional storage units or office/warehousing. Bill said the plat would provide for dedication of a road to allow access to the lots. He said the City was negotiating with the developer to purchase a portion of property for a trailhead for the D&RG Rail Trail. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

MOTION: Councilmember Freitag moved to approve Items A, B, and D of the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

REZONE REQUEST – ADAMS/CRAYTHORNE – A (AGRICULTURE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) – APPROXIMATELY 752 WEST GENTILE STREET – ORDINANCE 15-15

Mayor Stevenson said there had been some ongoing negotiations on this item and the developer had asked that it be continued for two weeks.

Councilmember Day asked if this significantly changed in any way to what the Planning Commission reviewed, would it need to go back to the Planning Commission before it came to the Council.

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Gary said once it was in the Council's hands, they could make that decision. He said there was no requirement that it go back to the Planning Commission.

Mayor Stevenson said if there were negotiations with land being traded, would that need to go back to the Planning Commission.

Gary said typically it would only need to go back to the Planning Commission if more property was added to the proposal that was not considered in the original application. He said if it was the same amount of property or smaller it wouldn't need to go back.

Mayor Stevenson opened the meeting for public input. None was given.

MOTION: Councilmember Freitag moved to continue this item to a date certain of June 18, 2015. Councilmember Francis seconded the motion, which passed unanimously.

The meeting adjourned at 7:26 p.m.

Thieda Wellman, City Recorder

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 3.A.

Subject:

Davis County Commissioners

Background:

The Davis County Commissioners have asked for time on the agenda to receive information from citizens and to provide a question and answer forum for Davis County matters.

Alternatives:

N/A

Recommendation:

N/A

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.A.

Subject:

Approval of Polling Locations and Appointment of Poll Workers - Resolution 15-44

Background:

State Code Section 20A-5-403 states that the municipal legislative body shall approve the designated polling places for the municipal election. The City Recorder proposes to have six vote center polling locations for the 2015 municipal election.

State Code Section 20A-5-602 provides that the municipal legislative body shall appoint poll workers at least 15 days before a local election. A poll manager and at least four poll workers are appointed for each vote center polling location and as many alternates as may be needed. Poll workers may not be a “parent, sibling, spouse, child, or in-law” in a precinct where the candidate appears on the ballot. The election officer, which is the City Recorder, may appoint alternate poll workers as needed.

Alternatives:

Alternatives are to 1) Adopt Resolution 15-44 approving the vote center polling locations and appointing poll workers as recommended; 2) Adopt Resolution 15-44 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 15-44 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 15-44 approving the vote center polling locations and appointing poll workers.

RESOLUTION 15-44

**A RESOLUTION APPROVING THE VOTE CENTER POLLING LOCATIONS
AND APPOINTING POLL WORKERS FOR THE MUNICIPAL ELECTION FOR
2015**

WHEREAS, the City is holding an election for three (3) city council positions; and

WHEREAS, the State election code, Section 20A-5-403, requires the legislative body of the City to approve the polling locations; and

WHEREAS, a list of recommended vote center polling locations has been prepared and presented for consideration of the City Council for approval; and

WHEREAS, the State election code, Section 20A-5-602, requires the legislative body of the City to appoint four poll workers for each vote center polling location, and sufficient alternate poll workers to fill unexpected vacancies; and

WHEREAS, a list of qualified persons has been prepared and presented for consideration of the City Council for appointment as poll workers and alternate poll workers; and

WHEREAS, the election officer, which is the City Recorder, may appoint alternate poll workers as needed; and

WHEREAS, the City Council deems it to be part of the prescribed election process to approve polling locations and appoint persons as poll workers and alternate poll workers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:

That the Layton City Council hereby approves the attached polling locations and appoints the persons upon the attached list as poll workers and alternate poll workers for the municipal election of 2015, which lists are incorporated herein by reference, and authorizes the City Recorder to appoint alternate poll workers as needed.

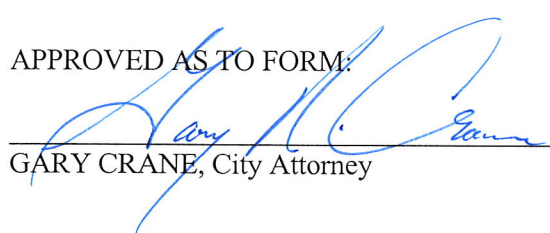
PASSED AND ADOPTED by the City Council of Layton, Utah, this **16th day of July, 2015**.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

**LAYTON CITY
2015 POLLING LOCATIONS**

LOCATION	PRECINCTS
Mountain View Elementary 2025 E 3100 N	Layton 1 Layton 2 Layton 3 Layton 4 Layton 5 Layton 6 Layton 7 Layton 8 Layton 9
Northridge High School 2430 N 400 W	Layton 10 Layton 11 Layton 12 Layton 14 Layton 15 Layton 16 Layton 17
Layton High School 440 Lancer Lane	Layton 18 Layton 26 Layton 27 Layton 39 Layton 40 Layton 41 Layton 42 Layton 43
Valley View Golf Course 2501 East Gentile St	Layton 19 Layton 20 Layton 21 Layton 22 Layton 23 Layton 24 Layton 25
Ellison Park Elementary 800 North Cold Creek Way	Layton 13 Layton 28 Layton 29 Layton 30 Layton 31 Layton 32 Layton 33 Layton 34
Heritage Elementary 1354 West Weaver Lane	Layton 35 Layton 36 Layton 37 Layton 38 Layton 44

2015 PRIMARY ELECTION POLL WORKERS

Peggy	Brough
Judy	Cassity
Robyn	Ely
Crystal	Flint
Joslyn	Glad
Zelva	Goodrich
Gloria	Iser
Laraine	Jaggi
Wendy	Jasperson
Judy	Kindall
Michael	Lawhead
Luke	Love
Trent	Merritt
Barbara	Neel
Susan	Obray
Colleen	Page
Joni	Peterson
Janet	Roberts
Tara	Scott
Elaine	Smith
Joshua	Smith
Angalee	Thompson
Rebecca	Tolman
Jennifer	Toone
Dara	Walker
Emily	White
Maridene	Wiberg
Michael	Williams
Deborah	Worthen

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.B.

Subject:

License Agreement between Layton City and Roy and Nanette Summers - Resolution 15-45 - 2022 East Oakridge Circle

Background:

Roy and Nanette Summers desire permission to improve and maintain a small area of property owned by Layton City that is unusable and abuts their property to the north. This Agreement sets forth the terms of such maintenance and improvement, as well as the responsibilities and obligations of each of the parties.

Alternatives:

Alternatives are to 1) Adopt Resolution 15-45 authorizing the review and adoption of the License Agreement between Layton City and Roy and Nanette Summers; 2) Adopt Resolution 15-45 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 15-45 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 15-45 approving the License Agreement between Layton City and Roy and Nanette Summers and authorize the City Manager sign the necessary documents.

RESOLUTION 15-45

A RESOLUTION ADOPTING AND APPROVING A LICENSE AGREEMENT BETWEEN LAYTON CITY AND ROY AND NANETTE SUMMERS, FOR THE IMPROVEMENT AND MAINTENANCE OF LAYTON CITY PROPERTY ADJACENT TO THEIR PROPERTY LOCATED AT 2022 EAST OAKRIDGE CIRCLE LAYTON, UTAH.

WHEREAS, Roy and Nanette Summers ("Summers") own real property located at 2022 East Oakridge Circle, in Layton, Utah; and

WHEREAS, the City owns property abutting the Summers Property to the north; and

WHEREAS, a small area of property on the eastern border of the City Property (the "Property") is a small, unusable area, isolated from the water tank and pump station property, thus inefficient for the City to maintain; and

WHEREAS, Summers desire permission to improve the Property for the purpose of using it and incorporating its use and maintenance into their own abutting property; and

WHEREAS, it is the intent of the parties that Summers will, according to the terms of this Agreement, improve and maintain the Property; and

WHEREAS, the parties desire to set forth the terms of such maintenance and improvement, including the responsibilities and obligations of each of the parties; and

WHEREAS, this Agreement accurately sets forth those responsibilities and obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:

1. The City Manager is directed to conduct negotiations for the License Agreement with Roy and Nanette Summers. The terms of the Agreement shall address the terms and conditions that are consistent with the intent of the Agreement. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering the Agreement.

2. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Roy and Nanette Summers shall constitute the acceptance of the Agreement, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of the Agreement, pursuant to the terms and conditions of the Agreement.


PASSED AND ADOPTED by the City Council of Layton, Utah, this **16th day of July, 2015**.

ATTEST:

ROBERT J STEVENSON, MAYOR

THIEDA WELLMAN, CITY RECORDER

APPROVED AS TO FORM:



For GARY R. CRANE, City Attorney

LICENSE AGREEMENT

This License Agreement is entered into this ____ day of _____, 2015, by and between **Roy and Nanette Summers**, hereinafter referred to as "Summers", and Layton City, a Municipal Corporation, hereinafter referred to as "the City," and jointly referred to as "the Parties." The above named Parties agree as follows:

RECITALS

WHEREAS, Summers owns real property located at 2022 East Oakridge Circle ("Summers Property"), in Layton, Utah; and

WHEREAS, the City owns property abutting the Summers property to the north in Layton, Utah; and

WHEREAS, a small area of property on the eastern border of the City property (the "Property") is a small, unusable area, isolated from the water tank and pump station property, thus inefficient for the City to maintain; and

WHEREAS, Summers desire permission to improve the Property for the purpose of using it and incorporating its use and maintenance into their abutting property; and

WHEREAS, it is the intent of the Parties that Summers will, according to the terms of this Agreement, improve and maintain the Property; and

WHEREAS, the Parties desire to set forth the terms of such maintenance and improvement, including the responsibilities and obligations of each of the Parties; and

WHEREAS, this Agreement accurately sets forth those responsibilities and obligations.

NOW, THEREFORE THE PARTIES HEREBY AGREE AS FOLLOWS:

1. In order to alleviate the City's maintaining the Property, the City will grant Summers a license to the Property for the benefit of his property located directly to the north of the subject Property. Summers will improve and maintain the Property according to the terms and conditions of this Agreement. The Property consist of approximately 0.14 acres (6,064 sq. ft.) more fully illustrated in Attachment "A," attached hereto and incorporated by this reference.

2. The City hereby grants to Summers authorization to use the Property to construct, lay, maintain, operate, repair, inspect, protect, install, remove and replace the following improvements on the Property and shall be installed and maintained at Summer's sole expense:

- a. No structures shall be constructed, placed or located on the Property.
- b. An irrigation system to maintain plantings may be installed.

3. Any surveys, engineering, or other fees shall be the sole responsibility of Summers.
4. Summers shall be responsible for all maintenance and supervision of the Property and shall maintain it in a manner that is safe, aesthetically pleasing and in compliance with all Layton City Codes. All improvement and maintenance costs for the Property shall be the sole responsibility of Summer's.
5. The term of this License Agreement shall be in perpetuity; however, either Party may terminate this License Agreement at any time and for any reason by giving thirty (30) days written notice to the other Party. The Parties agree that in the event this License Agreement is terminated, the improvements may be removed and retained by Summers or remain on the Property and become the property of the City, at Summers discretion.
6. Summers hereby agrees to indemnify and hold the City, its officers, agents and employees, harmless from and against any and all claims for damage or injury to persons, or property, arising out of Summers use of the Property under this Agreement.
7. All notices and demands hereunder shall be given in writing and hand delivered to the other Party.
8. This License Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and any agreement hereafter made shall be ineffective to change or modify this Agreement, in whole or in part, unless such agreement is in writing and is signed by both Parties.
9. This Agreement shall be binding on all successors in interest of the respective Parties.

WHEREFORE, the Parties hereto have signed this Agreement the day and year first written above.

Roy Summers

Nanette Summers

STATE OF UTAH)
 : ss.
COUNTY OF Davis)

On the _____ day of _____, 2015, personally appeared before me Roy Summers and Nanette Summers, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC


LAYTON CITY CORPORATION

ATTEST:

ALEX R. JENSEN, CITY MANAGER

THIEDA WELLMAN, CITY RECORDER

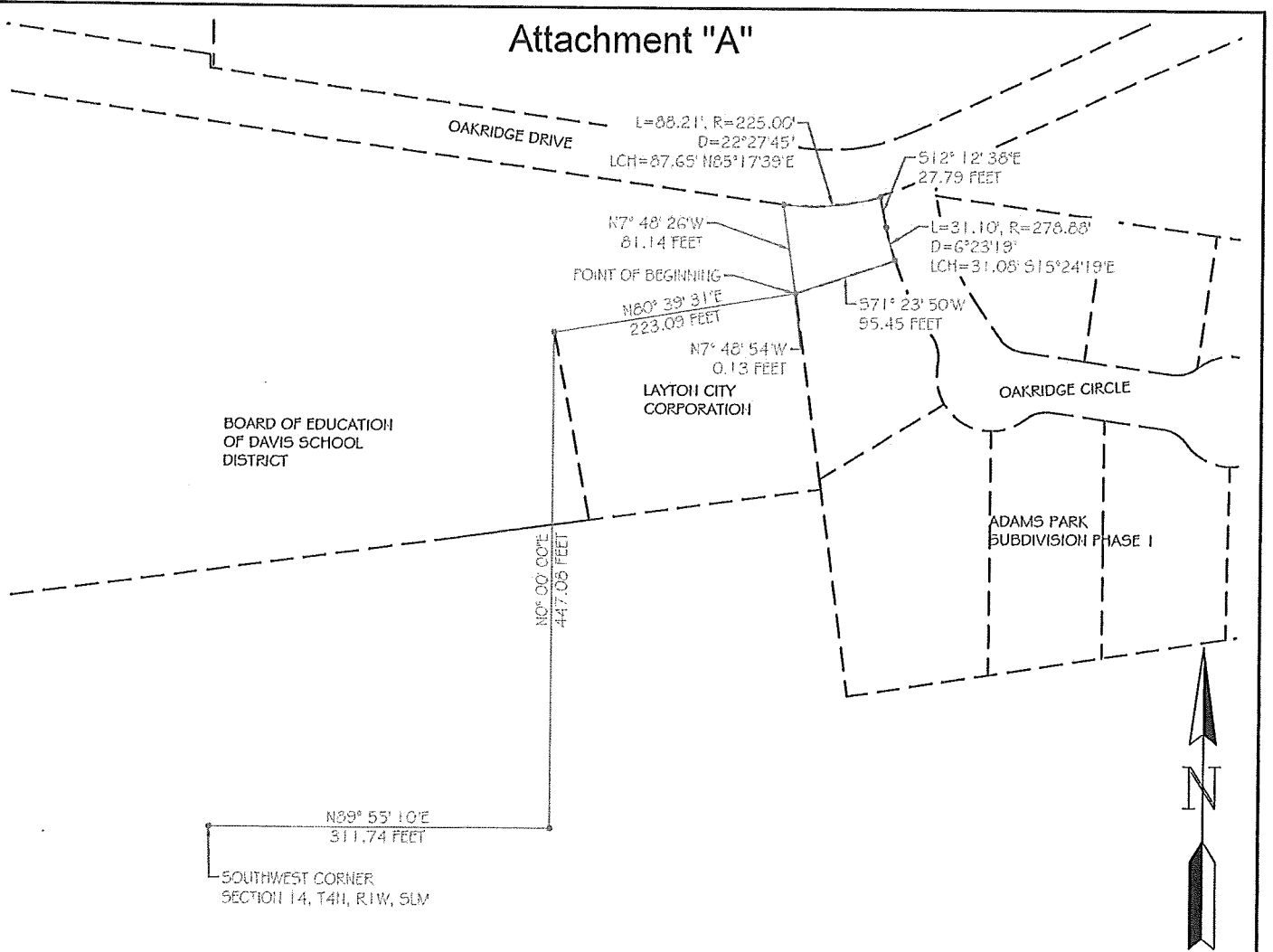
STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

APPROVED AS TO FORM
BY  July 13, 2015

On the _____ day of _____, 20____, personally appeared before me ALEX R. JENSEN, who duly acknowledged to me that he is the CITY MANAGER of LAYTON CITY, and that the document was signed by him in behalf of said corporation.

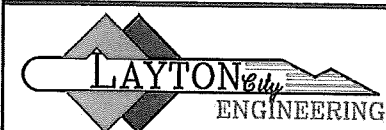
NOTARY PUBLIC

Attachment "A"



Legal Descriptions for a parcel to be deeded to Gary Couch from Layton City part of parcel 09-087-0283

Part of the Southwest Quarter of Section 14, T4N, R1W, SLB&M, US Survey. Beginning at the northwest corner of lot 9 of Adams Park Subdivision Phase I, said point being $N 89^{\circ}55'10'' E 311.74$ feet along the section line and North 447.08 feet and $N 80^{\circ}39'31'' E 223.09$ feet and $N 07^{\circ}48'54'' W 0.13$ feet from the Southwest corner of said section 14. Running thence $N 07^{\circ}48'26'' W 81.14$ feet to the south right-of-way line of Oakridge Drive; thence along said right-of-way northeasterly 88.21 feet along a 225.00 foot radius curve to the left through a central angle of $22^{\circ}27'45''$ (long chord bears $N 85^{\circ}17'39'' E 87.65$ feet) to a point on the west right-of-way line of Oakridge Circle, Adams Park Subdivision Phase I; thence southeasterly along said right-of-way $S 12^{\circ}12'38'' E 27.79$ feet to the point of curvature of a 278.88 foot radius curve to the left; thence southeasterly 31.10 feet along the arc of said curve through a central angle of $06^{\circ}23'19''$ (long chord bears $S 15^{\circ}24'19'' E 31.08$ feet) to the northeast corner of lot 9, Adams Park Subdivision Phase I; thence along said lot 9 $S 71^{\circ}23'50'' W 95.45$ feet to the point of beginning. Contains 6064.08 sq. ft. (0.139 acres).



DESIGNED BY	DATE	HORIZONTAL SCALE
S JACKSON	8-1-13	1"=150'
DRAWN BY	DATE	VERTICAL SCALE
S JACKSON	8-1-13	NONE
APPROVED BY	DATE	VIEW NAME
W WOODRUFF	8-1-13	PLOT

OAKRIDGE TANK AND BOOSTER PUMP STATION
PARCEL 09-087-0283 (LAYTON CITY CORP)
TO BE DEEDED TO GARY COUCH

REVISION	BY	DATE

DRAWING #
1
 OF
1

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.C.

Subject:

Development Agreement and Rezone Request – Adams/Craythorne – A (Agriculture) to R-1-8 (Single-Family Residential) – Resolution 15-42 and Ordinance 15-15 – Approximately 752 West Gentile Street

Background:

On June 4, 2015, the Council opened the public hearing and at the request of the applicant continued the public hearing to June 18, 2015, to allow an opportunity to explore various options. No public comments were received. On June 18, 2015, the Council received public comments during the public hearing, closed the public hearing and tabled the rezone request to July 2, 2015, to allow additional time for the developer and adjacent land owner to continue discussion regarding a possible land trade affecting the rezone area. On July 2, 2015, the Council tabled the rezone request to July 16, 2015, based on the request by the applicant and adjacent land owners to continue and hopefully finalize discussions regarding a possible land trade impacting the rezone area. Based on discussion during the public hearing on June 18, 2015, regarding a development agreement tied to the proposed R-1-8 zoning, Staff drafted a development agreement addressing lot averaging in the R-1-8 zone and the sanitary sewer connection alternative through the D&RG/UTA right-of-way.

The property proposed for rezone includes 17.36 acres located on the south side of Gentile Street at 752 West. The rezone area consists of two long, narrow parcels (312 feet wide) with Gentile Street frontage on the north and the D&RG Rail Trail corridor on the south. The north parcel contains 8.41 acres and the south parcel contains 8.95 acres.

The rezone area is surrounded by R-2 and R-1-8 zoning to the north, A, R-1-8 and R-1-10 zoning to the east, R-1-8 zoning to the south, and A, R-1-8 and R-1-10 zoning to the west.

Alternatives:

Alternatives to the first motion: Alternatives are to 1) Adopt Resolution 15-42 approving the development agreement between Layton City and Luke L. and Diana C. Adams; 2) Adopt Resolution 15-42 approving the development agreement between Layton City and Luke L. and Diana C. Adams with modifications; or 3) Not adopt Resolution 15-42 denying the development agreement.

Alternatives to the second motion: Alternatives are to 1) Adopt Ordinance 15-15 approving the rezone request from A to R-1-8 based on consistency with General Plan land use and density recommendations; or 2) Not adopt Ordinance 15-15 denying the rezone request from A to R-1-8.

Recommendation:

On May 12, 2015, the Planning Commission voted by a margin of 5 to 1 to recommend the Council adopt Ordinance 15-15 approving the rezone request from A to R-1-8 based on consistency with the General Plan

land use and density recommendation for this area of the City.

Staff supports the recommendation of the Planning Commission and recommends the Council adopt Resolution 15-42 approving the development agreement.

RESOLUTION 15-42

**ADOPTING AN AGREEMENT FOR THE DEVELOPMENT OF LAND BETWEEN
LAYTON CITY AND LUKE L. AND DIANA C. ADAMS.**

WHEREAS, Owners (hereinafter "Owner") Luke L. and Diana C. Adams are developing certain property located at approximately 752 West Gentile Street ("Subject Area") in Layton City; and

WHEREAS, Owner and Layton City have entered into an agreement setting forth the responsibilities of both parties relative to various aspects of the development of the Subject Area to accommodate development of a single-family subdivision with appropriate lot widths and lot sizes to enhance the general area; and

WHEREAS, the City Council has determined it to be in the best interest of the citizens of Layton City to enter into this agreement to ensure that the Subject Area will be developed according to the overall objectives and intent of the City's General Plan and in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:

1. The agreement entitled "Agreement for the Development of Land between Layton City and Luke L. and Diana C. Adams" is hereby adopted and approved.

2. The Mayor is authorized to execute the Agreement, which is attached hereto and incorporated herein by this reference.

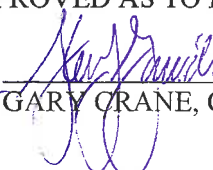
PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2015.

ATTEST:

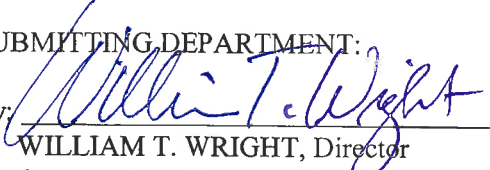
By: _____
THIEDA WELLMAN, City Recorder

By: _____
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

By:  _____
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

By:  _____
WILLIAM T. WRIGHT, Director
Community & Economic Development

**AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND
LUKE L. AND DIANA C. ADAMS.**

THIS AGREEMENT for the development of land (hereinafter referred to as this "Agreement") is made and entered into this _____ day of _____, 2015, between LAYTON CITY, a municipal corporation of the State of Utah (hereinafter referred to as "City"), and LUKE L. AND DIANA C. ADAMS (hereinafter referred to as "Owner"), with City and Owner collectively referred to as the "Parties" and separately as "Party".

RECITALS

WHEREAS, in furtherance of the objectives of the Layton City General Plan, City has approved an application for a zone change from A (Agriculture) to R-1-8 (Single-Family Residential), of certain property located at approximately 752 West Gentile Street in Layton City (hereinafter the "Subject Area"); and

WHEREAS, the Subject Area consists of approximately 17.36 acres and is depicted on Exhibit "A" attached hereto (hereinafter "Exhibit A"); and

WHEREAS, Owner is the owner of the above described property and has presented a proposal for development of the Subject Area to the City, which provides for development in a manner consistent with Layton City's General Plan; and

WHEREAS, Parties desire to enter into this Agreement to provide for the development of the Subject Area, in a manner consistent with the City's General Plan and the intent reflected in that Plan; and

WHEREAS, City has granted R-1-8 zoning approval on the Subject Area, subject to Owner agreeing to certain limitations and undertakings described herein, which Agreement will provide protection to surrounding property values and will enable the City Council to consider the approval of such development at this time; and

WHEREAS, City finds that entering into the Agreement with Owner is in the vital and best interest of the City and health, safety, and welfare of its residents.

NOW, THEREFORE, each of the Parties hereto, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree as follows:

**ARTICLE I
DEFINITIONS**

The following terms have the meaning and content set forth in this Article I, wherever used in this Agreement:

- 1.1 "Owner's Property" shall mean that property owned by LUKE L. AND DIANA C. ADAMS.

- 1.2 “City” shall mean Layton City, a body corporate and politic of the State of Utah. The principal office of City is located at 437 North Wasatch Drive, Layton, Utah, 84041.
- 1.3 “Owner” shall mean LUKE L. AND DIANA C. ADAMS. The principal mailing addresses for each Owner is listed in paragraph 7.2.
- 1.4 “Owner’s Undertakings” shall have the meaning set forth in Article IV.
- 1.5 “Subject Area” shall have the meaning set forth in the Recitals hereto.
- 1.6 “Exhibit A” shall have the meaning set forth in the Recitals hereto.

ARTICLE II CONDITIONS PRECEDENT

- 2.1 This Agreement shall not take effect until City has approved this Agreement pursuant to a resolution of the Layton City Council.
- 2.2 Owner agrees to restrict the uses permitted under an R-1-8 zoning designation, to those listed herein.

ARTICLE III CITY’S UNDERTAKINGS

- 3.1 Subject to the satisfaction of the conditions set forth in Article IV, City shall approve the rezone from A to R-1-8 of the Subject Area. This approval shall occur upon a finding by the Planning Commission that it is in the best interest of the health, safety and welfare of the citizens of Layton City to grant such an approval at that time.

ARTICLE IV OWNER’S UNDERTAKINGS

Conditioned upon City’s performance of its undertakings set forth in Article III with regard to subdivision approval of the Subject Property and provided Owner has not terminated this Agreement pursuant to Section 7.8, Owner agrees to the following:

- 4.1. Development on the property shall be limited to the following uses, which shall be properly approved as required under Layton City’s Ordinance; specifically, single-family detached permitted uses allowed under the R-1-8 zoning designation.
- 4.2. Owner agrees that the lots developed in the single-family residential subdivision shall be designed to provide for a variety of lot widths as required in Section 19.05.010 Table 5-1. To that end, Owner agrees that:

- 4.2.1. Twenty-five percent (25%) of the lots in the subdivision shall have a lot width at least five feet (5') wider at the required front setback than the minimum of the R-1-8 zone, which is seventy-five feet (75').
 - 4.2.2. Twenty-five percent (25%) of the lots in the subdivision shall have a lot width at least ten feet (10') wider at the required front setback than the required minimum of the R-1-8 zone, which is eighty feet (80').
 - 4.2.3. In order to distribute the varied lot widths throughout the subdivision, no more than 5 lots in a row of the minimum lot width of the R-1-8 zone, which is seventy feet (70'), shall be provided.
- 4.3. In addition to the requirements of Section 4.2 of this Agreement, Owner agrees that:
 - 4.3.1. The average lot width for lots in the single-family subdivision developed on the Subject Area shall be at least seventy-five feet (75').
 - 4.3.2. The average lot size for lots in the single-family subdivision developed on the Subject Area shall be at least ten thousand square feet (10,000 sf).
- 4.4. Owner has the option of providing temporary sanitary sewer service to the Subject Area by connecting to an 8-inch sewer line in 775 West (Trailside Drive) on the west side of the D&RG/UTA right-of-way located at the south end of the Subject Area.
 - 4.4.1. Owner must acquire a 20-foot easement from the adjacent property owner on the west side of the D&RG/UTA right-of-way for access to the 8-inch sewer line in 775 West (Trailside Drive).
 - 4.4.2. Owner must obtain all necessary permits and easements to install said 8-inch sewer line through the D&RG/UTA right-of-way from Utah Transit Authority and any other easement owners adjacent to said right-of-way.
 - 4.4.3. When sanitary sewer service for the Subject Area is extended and connected to the east to 425 South, or some other accepted location wherein the line is within a public roadway, the sewer connection through the D&RG/UTA right-of-way to 775 West shall be abandoned at Owner's expense. With the approval of the preliminary subdivision plat for the phase in which said sewer line is abandoned, Owner shall post a bond, as per City requirements, to ensure said sewer line is appropriately abandoned.
- 4.5. Owner shall provide for and record enforceable covenants, conditions and restrictions (CCRs) providing architectural design consistency among all parcels with the Subject Area. Owner shall cause a Homeowners Association (HOA) to be constituted as part of CCRs with the duties of maintaining the landscape buffers, storm water detention pond and any amenities delineated in an approved

final plat. The HOA shall ensure efficient, timely and complete administration of HOA duties and responsibilities. The CCRs shall establish the City with a controlling interest in the HOA for the matter of voting to dissolve the HOA.

ARTICLE V GENERAL REQUIREMENTS AND RIGHTS OF CITY

- 5.1 Issuance of Permits - Owner. Owner, or its assignee, shall have the sole responsibility for obtaining all necessary building permits in connection with Owner's Undertakings and shall make application for such permits directly to the Layton City Community and Economic Development Department and other appropriate departments and agencies having authority to issue such permits in connection with the performance of Owner's Undertakings. City shall not unreasonably withhold or delay the issuance of its permits.
- 5.2 Completion Date. The Owner shall, in good faith, diligently pursue completion of the development.
- 5.3 Access to the Subject Area. For the purpose of assuring compliance with this Agreement, so long as they comply with all safety rules of Owner and its contractor, representatives of City shall have the right of access to the Subject Area without charges or fees during the period of performance of Owner's Undertakings. City shall indemnify, defend and hold Owner harmless from and against all liability, loss, damage, costs or expenses (including attorneys' fees and court costs) arising from or as a result of the death of a person or any accident, injury, loss or damage caused to any person, property or improvements on the Subject Area arising from the negligence or omissions of City, or its agents or employees, in connection with City's exercise of its rights granted herein.

ARTICLE VI REMEDIES

- 6.1 Remedies for Breach. In the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party or any permitted successor to such Party shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within thirty (30) days after receipt of such notice. In the event that such default or breach cannot reasonably be cured within said thirty (30) day period, the Party receiving such notice shall, within such thirty (30) day period, take reasonable steps to commence the cure or remedy of such default or breach, and shall continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to:

- 6.1.1 Cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the Party in default or breach of its obligations; or
- 6.1.2 Owner agrees not to contest the reversion of the zoning by the City Council to the previous zoning on the property, and hereby holds the City harmless for such reversion of the zoning from R-1-8 to A.
- 6.2 Enforced Delay Beyond Parties' Control. For the purpose of any other provisions of this Agreement, neither City nor Owner, as the case may be, nor any successor in interest, shall be considered in breach or default of its obligations with respect to its construction obligations pursuant to this Agreement, in the event the delay in the performance of such obligations is due to unforeseeable causes beyond its fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, acts of the other Party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes or unusually severe weather, or delays of contractors or subcontractors due to such causes or defaults of contractors or subcontractors. Unforeseeable causes shall not include the financial inability of the Parties to perform under the terms of this Agreement.
- 6.3 Extensions. Either Party may extend, in writing, the time for the other Party's performance of any term, covenant or condition of this Agreement or permit the curing of any default or breach upon such terms and conditions as may be mutually agreeable to the Parties; provided, however, that any such extension or permissive curing of any particular default shall not eliminate any other obligations and shall not constitute a waiver with respect to any other term, covenant or condition of this Agreement nor any other default or breach of this Agreement.
- 6.4 Rights of Owner. In the event of a default by Owner's assignee, Owner may elect, in its discretion, to cure the default of such assignee; provided, Owner's cure period shall be extended by thirty (30) days.
- 6.5 Appeals. If the Owner desires to appeal a determination made hereunder by Staff, said appeal shall be to the Planning Commission, whose decision shall be final. If the appeal is regarding the interpretation of this Agreement the appeal shall be to the City Council with a recommendation from the Planning Commission and Staff.

ARTICLE VII GENERAL PROVISIONS

- 7.1 Successors and Assigns of Owner. This Agreement shall be binding upon Owner and its successors and assigns, and where the term "Owner" is used in this Agreement it shall mean and include the successors and assigns of Owner, except that City shall have no obligation under this Agreement to any successor or assign of Owner not approved by City. Notwithstanding the foregoing, City shall not unreasonably withhold or delay its consent to any assignment or change in

ownership (successor or assign of Owner) of the Subject Area. Upon approval of any assignment by City, or in the event Owner assigns all or part of this Agreement to an assignee, Owner shall be relieved from further obligation under that portion of the Agreement for which the assignment was made and approved by City.

- 7.2 Notices. All notices, demands and requests required or permitted to be given under this Agreement (collectively the “Notices”) must be in writing and must be delivered personally or by nationally recognized overnight courier or sent by United States certified mail, return receipt requested, postage prepaid and addressed to the Parties at their respective addresses set forth below, and the same shall be effective upon receipt if delivered personally or on the next business day if sent by overnight courier, or three (3) business days after deposit in the mail if mailed. The initial addresses of the Parties shall be:

To Owner: LUKE L. AND DIANA C. ADAMS
777 East Gentile Street
Layton, Utah 84041
801/544-2225

To City: LAYTON CITY CORPORATION
437 North Wasatch Drive
Layton, Utah 84041
Attn: Alex R. Jensen, City Manager
801/336-3800, 801/336-3811 (FAX)

Upon at least ten (10) days’ prior written notice to the other Party, either Party shall have the right to change its address to any other address within the United States of America.

If any Notice is transmitted by facsimile or similar means, the same shall be deemed served or delivered upon confirmation of transmission thereof, provided a copy of such Notice is deposited in regular mail on the same day of such transmission.

- 7.3 Third Party Beneficiaries. Any claims of third party benefits under this Agreement are expressly denied, except with respect to permitted assignees and successors of Owner.
- 7.4 Governing Law. It is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance. Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Utah.
- 7.5 Integration Clause. This document constitutes the entire agreement between the Parties and may not be amended except in writing, signed by the Parties.

- 7.6 Exhibits Incorporated. Each Exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.
- 7.7 Attorneys' Fees. In the event of any action or suit by a Party against the other Party for reason of any breach of any of the covenants, conditions, agreements or provisions on the part of the other Party arising out of this Agreement, the prevailing Party in such action or suit shall be entitled to have and recover from the other Party all costs and expenses incurred therein, including reasonable attorneys' fees.
- 7.8 Termination. Except as otherwise expressly provided herein, the obligation of the Parties shall terminate upon the satisfaction of the following conditions:
- 7.8.1 With regard to Owner's Undertakings, performance by Owner of Owner's Undertakings as set forth herein.
- 7.8.2 With regard to City's Undertakings, performance by City of City's Undertakings as set forth herein.

Upon either Party's request (or the request of Owner's assignee), the other Party agrees to enter into a written acknowledgment of the termination of this Agreement, or part thereof, so long as such termination (or partial termination) has occurred.

- 7.9 Recordation. This Agreement shall be recorded in reference to the property, and shall run with the land and be binding upon all successors in interest of the property.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

LAYTON CITY CORPORATION

By:

ROBERT J STEVENSON, Mayor

ATTEST:

By: _____
THIEDA WELLMAN, City Recorder

Signed by

LUKE L. ADAMS

Subscribed and sworn to before me this _____ day of _____, 2015.

Notary

Signed by

DIANA C. ADAMS

Subscribed and sworn to before me this _____ day of _____, 2015.

Notary

APPROVED AS TO FORM:

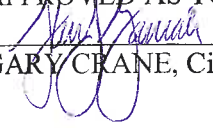
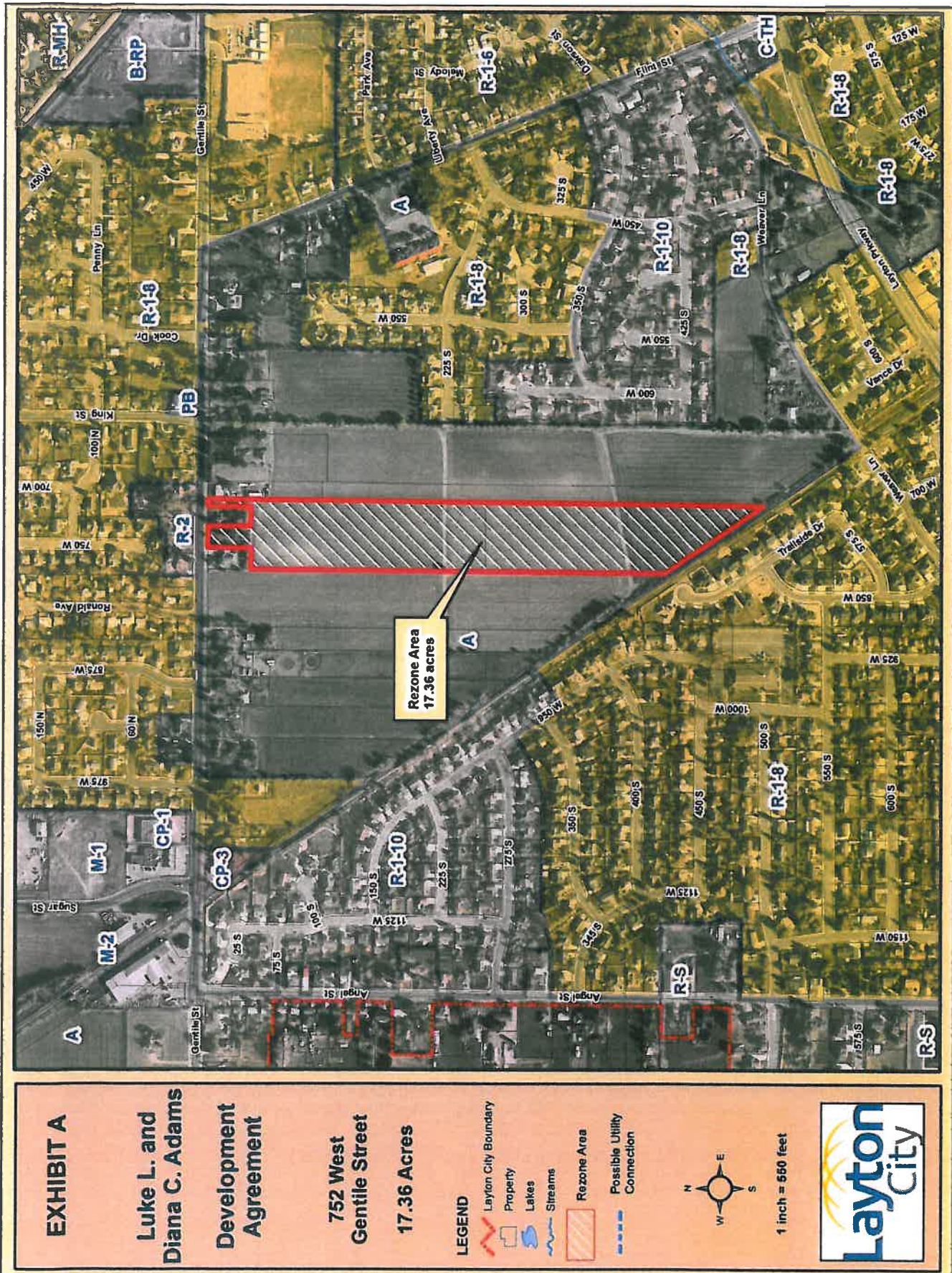
for  _____
GARY CRANE, City Attorney

EXHIBIT A



ORDINANCE 15-15
(Adams/Craythorne)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT APPROXIMATELY 752 WEST GENTILE STREET FROM A (AGRICULTURE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has been petitioned for a change in the zoning classification for the property described herein below; and

WHEREAS, the Planning Commission has reviewed the petition and has recommended that the petition to rezone said property from A to R-1-8 be approved; and

WHEREAS, the City Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council has determined that this amendment is rationally based, is reasonable and is consistent with the intent of the City's General Plan, which is in furtherance of the general health, safety and welfare of the citizenry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:

SECTION I: Repealer. If any provisions of the City's Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. The zoning ordinance is hereby amended by changing the zone classification of the following property from A (Agriculture) to R-1-8 (Single Family Residential).

BEG 366.5 FT W & 33 FT S FR THE NE COR OF NW1/4 OF SEC 29, T4N-R1W;
SLM: TH W 30 FT; TH S 200 FT, TH W 90 FT, TH N 200 FT, TH W 94.4 FT, TH S
200 FT, TH W 97.45 FT, TH S 1087 FT, TH E 311.95 FT, TH N 1287 FT TO BEG.

CONT. 8.41 ACRES

BEG AT APT ON S BNDY LN OF LAYTON TOWN; W 366.5 FT & S 1320 FT FR NE
COR OF NW 1/4 OF SEC 29; T4N-R1W; SLM: TH W 311.95 FT; TH S 836 FT TO
E'LY R/W LINE OF DRG RY; TH S 33'^18' E 545 FT M/L TO PT DUE S OF BEG; TH
N 1275 FT TO BEG.

CONT. 8.95 ACRES.

SECTION III: Update of Official Zoning Map. The Official Layton City Zoning Map is hereby amended to reflect the adoption of this ordinance.

SECTION IV: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of the said ordinance.

SECTION V: Effective date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is more remote from the date of passage thereof.

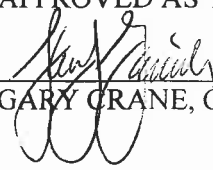
PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2015.

ATTEST:

ROBERT J STEVENSON, Mayor

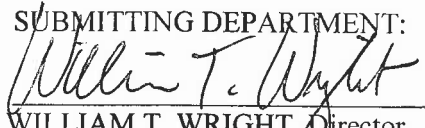
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

STAFF REPORT

TO: City Council

FROM: Peter Matson, AICP - City Planner *P. Matson*

DATE: July 16, 2015

RE: Development Agreement and Rezone Request – Adams/Craythorne – A to R-1-8 – Resolution 15-42 and Ordinance 15-15

LOCATION: 752 West Gentile Street

CURRENT ZONING: A (Agriculture)

CURRENT MINIMUM LOT SIZE: 1 Acre

PROPOSED ZONING: R-1-8 (Single Family Residential)

PROPOSED MINIMUM LOT SIZE: 8,000 square feet

DESCRIPTION OF REZONE AREA

The property proposed for rezone includes 17.36 acres located on the south side of Gentile Street at 752 West. The rezone area consists of two long, narrow parcels (312 feet wide) with Gentile Street frontage on the north and the D&RG Rail Trail corridor on the south. The north parcel contains 8.41 acres and the south parcel contains 8.95 acres. The rezone area is surrounded by R-2 and R-1-8 zoning to the north, A, R-1-8 and R-1-10 zoning to the east, R-1-8 zoning to the south, and A, R-1-8 and R-1-10 zoning to the west.

BACKGROUND INFORMATION AND STAFF REVIEW

The applicant for this rezone is Craythorne Development representing Luke and Diana C. Adams, owners of the property. The north parcel has frontage on Gentile Street between two single-family homes for a width of 100 feet. There is also a small 30-foot section of Gentile Street frontage at the northeast corner of the north parcel (see attached Map 2). The south boundary of the rezone area is contiguous to the D&RG Rail Trail for a distance of 554 feet.

The subdivisions in this neighborhood (bounded by Gentile Street on the north, Flint Street on east, Weaver Lane on the south, and Angel Street on the west) are located in primarily the R-1-8 and R-1-

10 zoning districts. The General Plan recommendation for this area of the city is for single-family residential at 2-4 units per acre. The proposed R-1-8 zone is within this density range and consistent with this recommendation. It is anticipated that, upon rezone of the property, the applicant will pursue development of a single-family subdivision under the guidelines and requirements of the R-1-8 zoning district.

The rezone area is serviceable by city utilities in the area. More specifically, the Engineering Division has identified that the 10" culinary water line in Gentile Street is sufficient to provide service for a distance of 1,500 feet south of Gentile Street. At the 1,500-foot distance, the water line servicing the rezone area will need to be looped to one of the stub streets in the subdivision to the east (see attached Map 2 and Engineering Division memorandum). Sanitary sewer service will need to either connect through an acquired easement to one of the stub streets in the subdivision to the east, or connect through an acquired easement to the 8" sewer line in 775 West (Trailside Drive) on the west side of the D&RG Rail Trail (UTA r-o-w) (see attached Map 2).

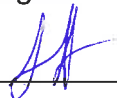
Storm drainage for the rezone area will connect to a 48" storm drain line at the south end of the property. The Engineering Division indicates that a detention pond will be required at the south end of the rezone area to detain storm water that will discharge into the 48" line at a rate consistent with city engineering standards. The pond will be owned and maintained by an established HOA.

The attached development agreement stipulates that the eventual design of a single-family subdivision on the rezone area is subject to a lot-averaging scheme that insures that the average lot size will be at least 10,000 square feet and that the average lot width be at least 75 feet. In addition, the agreement specifies the requirements for the proposed sewer line connection beneath the D&RG/UTA right-of-way. This sewer connection alternative may be approved subject to obtaining all required permits. The sewer connection is to be temporary and abandoned once sewer service is connected to through an easement to the east.

STAFF RECOMMENDATION

Staff recommends the Council adopt Ordinance 15-15 approving the rezone request from A to R-1-8 based on consistency with the General Plan land use and density recommendations for this area of the city. This recommendation is subject to adoption of Resolution 15-42 approving the development agreement with Mr. and Mrs. Adams.

Engineering



Planning



Fire



PLANNING COMMISSION PROCEEDINGS AND RECOMMENDATION

The Planning Commission reviewed this rezone request on May 12, 2015. Several residents were in attendance expressing concerns about the loss of farmland. Residents also discussed the proposed R-1-8 zoning compared to an R-1-10 designation.

The Planning Commission recommended, with a 5 to 1 vote, that the Council adopt Ordinance 15-15 approving the rezone from A to R-1-8 based on consistency with General Plan land use and density recommendations for this area of the city.

CITY COUNCIL MEETING SUMMARY

On June 4, 2015 the Council opened the public hearing and at the request of the applicant continued the public hearing to June 18, 2015 to allow an opportunity to explore various options. No public comments were received. On June 18, 2015, the Council received public comments during the public hearing, closed the public hearing and tabled the rezone request to July 2, 2015 to allow additional time for the developer and adjacent land owner to continue discussion regarding a possible land trade affecting the rezone area. On July 2, 2015, the Council tabled the rezone request to July 16, 2015 based on the request by the applicant and adjacent land owners to continue and hopefully finalize discussions regarding a possible land trade impacting the rezone area.

Based on discussion during the public hearing on June 18th regarding a development agreement tied to the proposed R-1-8 zoning, Staff drafted a development agreement addressing lot averaging in the R-1-8 zone and the sanitary sewer connection alternative through the D&RG/UTA right-of-way.



Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Luke & Diana Adams
Eric Craythorne; ecraythorne@gmail.com

CC: COMMUNITY DEVELOPMENT & FIRE DEPARTMENT

FROM: Shannon Hansen, Assistant City Engineer - Development

DATE: April 28, 2015

SUBJECT: Luke L and Diana C Adams Rezone
752 West Gentile

I have reviewed the Petition for Amending the Zoning Ordinance for two parcels totaling approximately 17.36 acres at 752 West Gentile. The applicant is requesting a zoning change from A to R-1-8 to match the general plan. The Engineering Department has the following comments or concerns regarding the approval of the rezone.

Water – There is an existing 10" waterline on the south side of Gentile. The waterline will need to be looped after 1,500 feet to provide adequate service. The waterline can be looped to the lines in 225 South, 350 South, or 425 South. A 20 foot easement from the adjoining property owner will need to be obtained by the developer before any development of the southern portion of the property can occur.

Sanitary Sewer – There are two options for a sanitary sewer connection.

There is an 8" sewer line in 225 South and a 10" sewer line in an easement south of 425 South to Weaver Lane. A 20 foot easement from the adjoining property owner will need to be obtained by the developer before any development of the property can occur. If this easement is combined with the culinary water easement, the total easement width would be 30 feet (20 feet for the first utility and 10 feet for the second utility).

The other option is a connection to the 8" line in 775 West on the west side of the UTA right-of-way. A 20 foot easement from the affected property owner will need to be obtained by the developer before any development of the property can occur. Because the connection will be through UTA's right-of-way, a permit from UTA will be required. This line will be installed under a 48" storm drain line, a fiber optic trunk line, and 2 high pressure gas lines. The line will need to be installed a casing from 10 feet northeast of the storm drain line to 10 feet southwest of the outside gas line.

The following utility information is provided for informational purposes and may not be inclusive.

Storm Drain – There is a 48” storm drain on the south end of the property, which is at capacity. The developer will be required to provide detention for a 100 year return storm event. The pond can discharge into the pipe at a 0.2 cfs/acre release rate. The landscaping for the pond will be owned and maintained by an HOA.

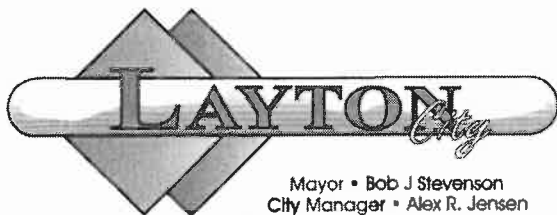
Land Drain – A land drain system will need to be installed. The land drain can connect to the 48” storm drain pipe at the south end of the property.

Lighting – Lighting will be required in the public right of way.

Secondary Water – Secondary water is not available to this site

Water Exactions - Layton City passed a water exaction ordinance on November 4, 2004 requiring all developments to purchase and bring a quantity of water (3 acre-feet per “developed” acre) based on a modified total square footage of lots plus any additional open space. The exact amount of water to be dedicated to Layton City will be determined with the site plan submittal.

Jordon Valley Water has expressed interest in obtaining an easement north of the UTA right-of-way. The contact is JT Cracroft at jtc@jvwcd.org; 801-565-4300.




• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
Fax: (801) 546-0901

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Community Development, Attention: Julie Matthews

FROM: Douglas K. Bitton, Fire Prevention Specialist 

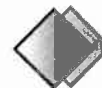
RE: Luke L. and Diana Adams (Rezone) @ 752 West Gentile Street

CC: 1) Luke and Diana Adams, 777 East Gentile Street
2) Eric Craythorne, ecraythorne@gmail.com

DATE: April 20, 2015

I have reviewed the plat received on April 17, 2015 for the above referenced project. The Fire Department, with regards to the rezone, does not have any comments at this time. However, for future development our concerns include but are not limited to the following:

1. A minimum fire flow requirement will be determined for buildings that are to be built on this property. The fire flow requirement must be determined by the Fire Prevention Division of this department and will be based upon the type of construction as listed in the building code and total square footage of the building. Prior to applying for a building permit, provide the Fire Prevention Division of this department the type and size of structure(s) to be built.



2. Designated fire access roads shall have a minimum clear and unobstructed width of 26 feet. Access roads shall be measured by an approved route around the exterior of the building or facility. If dead-end roads are created in excess of 150 feet, approved turnarounds shall be provided.
3. Where applicable, two means of egress may be required.
4. On site fire hydrants may be required.

These plans have been reviewed for Fire Department requirements only. Other departments may review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DB\Luke & Diana Adams RZ:kn
Plan # S15-055, District # 44
Project Tracker: #LAY 1504171518





Memorandum

To: Planning Commission
From: JoEllen Grandy, Parks Planner Intern
Date: April 20, 2015
Re: Luke L. & Diana C. Adams, Rezone – 752 W. Gentile St.

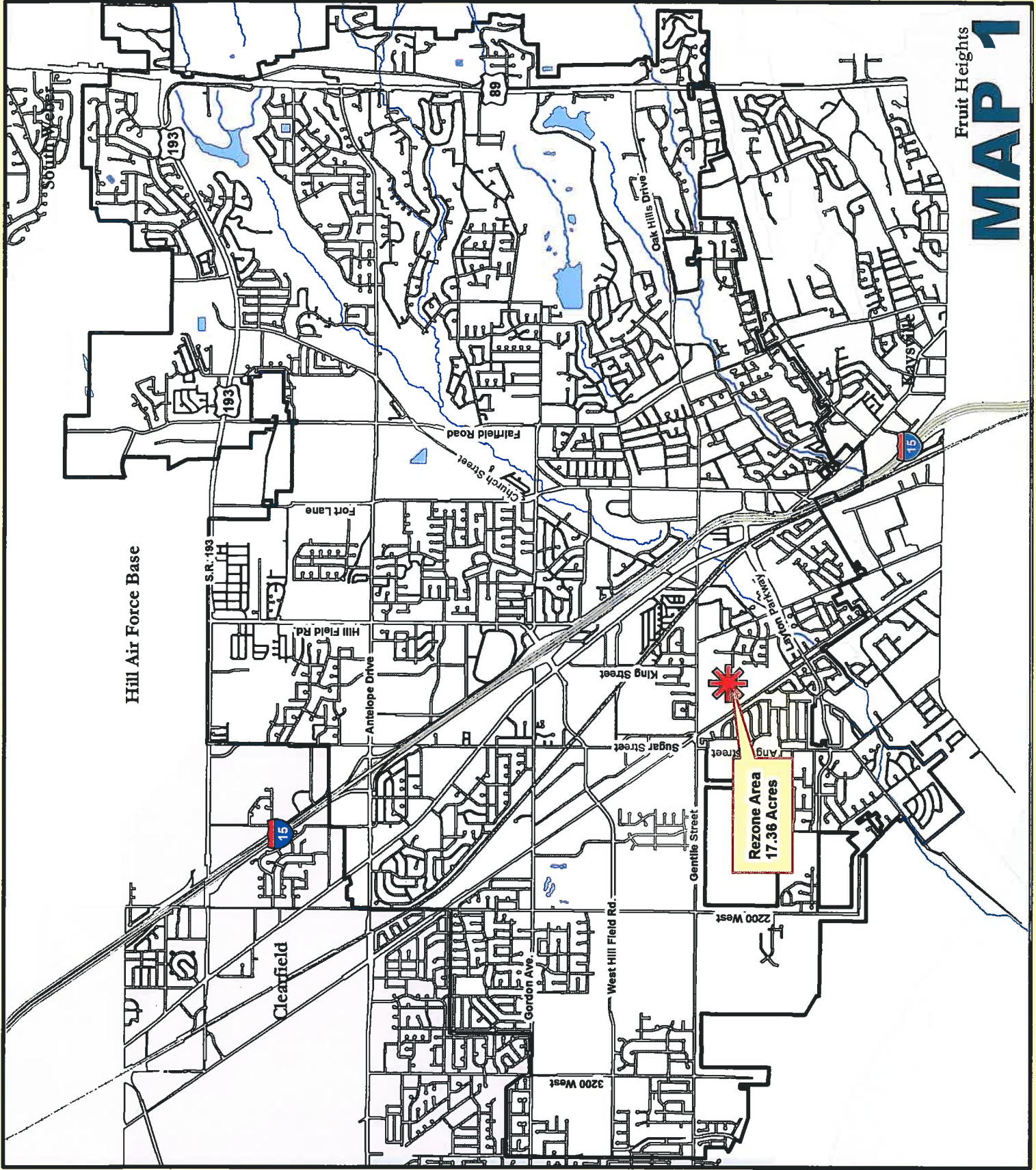
The proposed Luke L. & Diana C. Adams Rezone does not impact the Parks & Recreation Department; however, it should be noted that no access is to be allowed from any future lots to the D&RG Trail as development occurs.

The southern section of this rezone is within the future service area of Whispering Willows. All other area is located outside a park service area.

Recommendation

Parks & Recreation supports approval of the Luke L. & Diana C. Adams Rezone located at 752 W. Gentile Street.

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.



**City Council
Meeting**

July 16, 2015

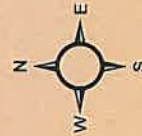
**Adams-
Craythorne
Rezoning**

A to R-1-8

LEGEND

- Rail Lines
- Interstate 15
- Layton City Boundary
- Rights of Way
- Lakes
- Streams

Rezoning Area



1 inch = 4,250 feet



City Council Meeting

July 16, 2015

**Adams-
Craythorne
Rezone**

A to R-1-8

**752 West
Gentile Street**

17.36 Acres

LEGEND

- Layton City Boundary**

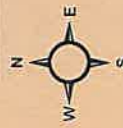
- Property

- 
- Lakes

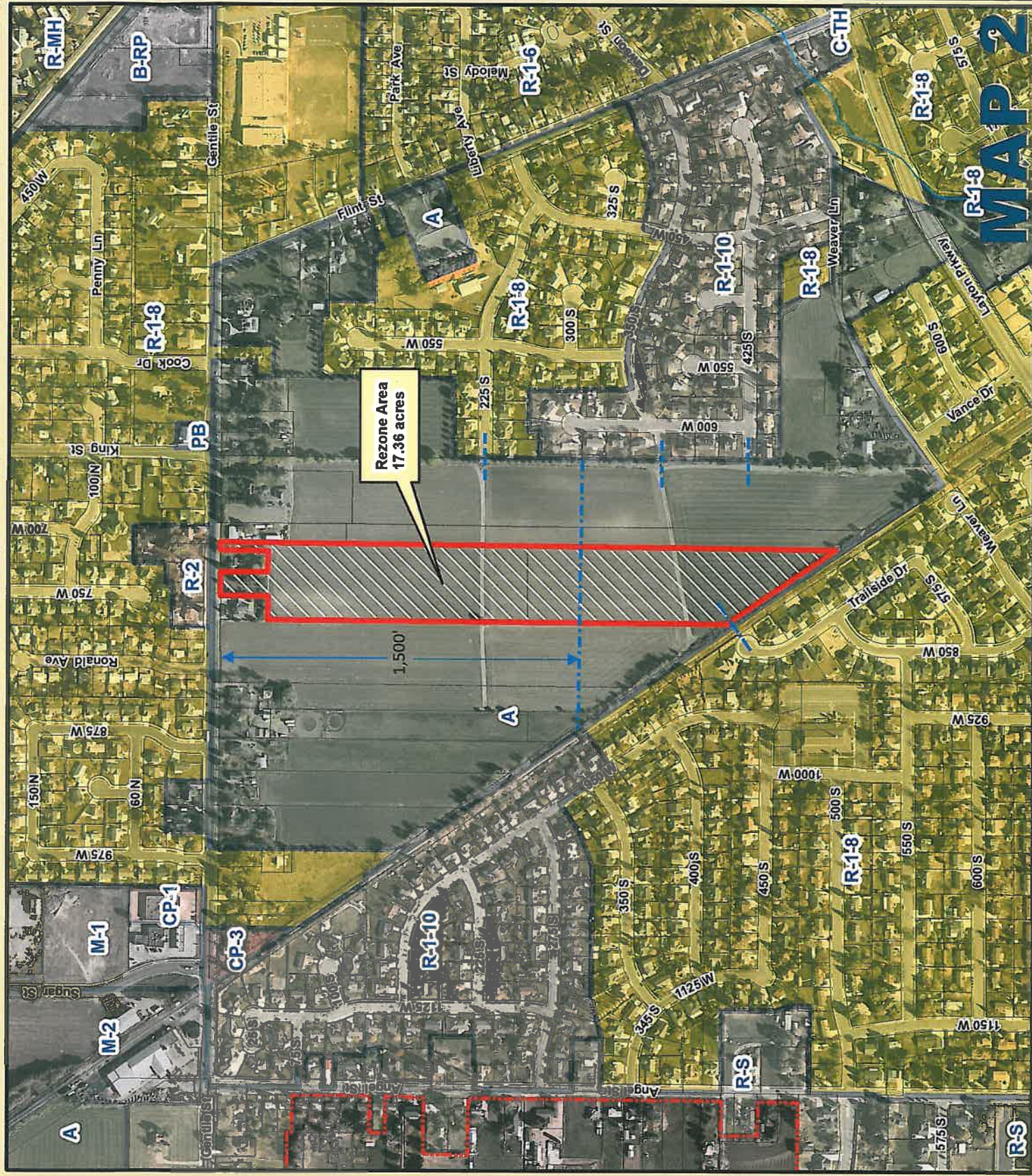
- Streams

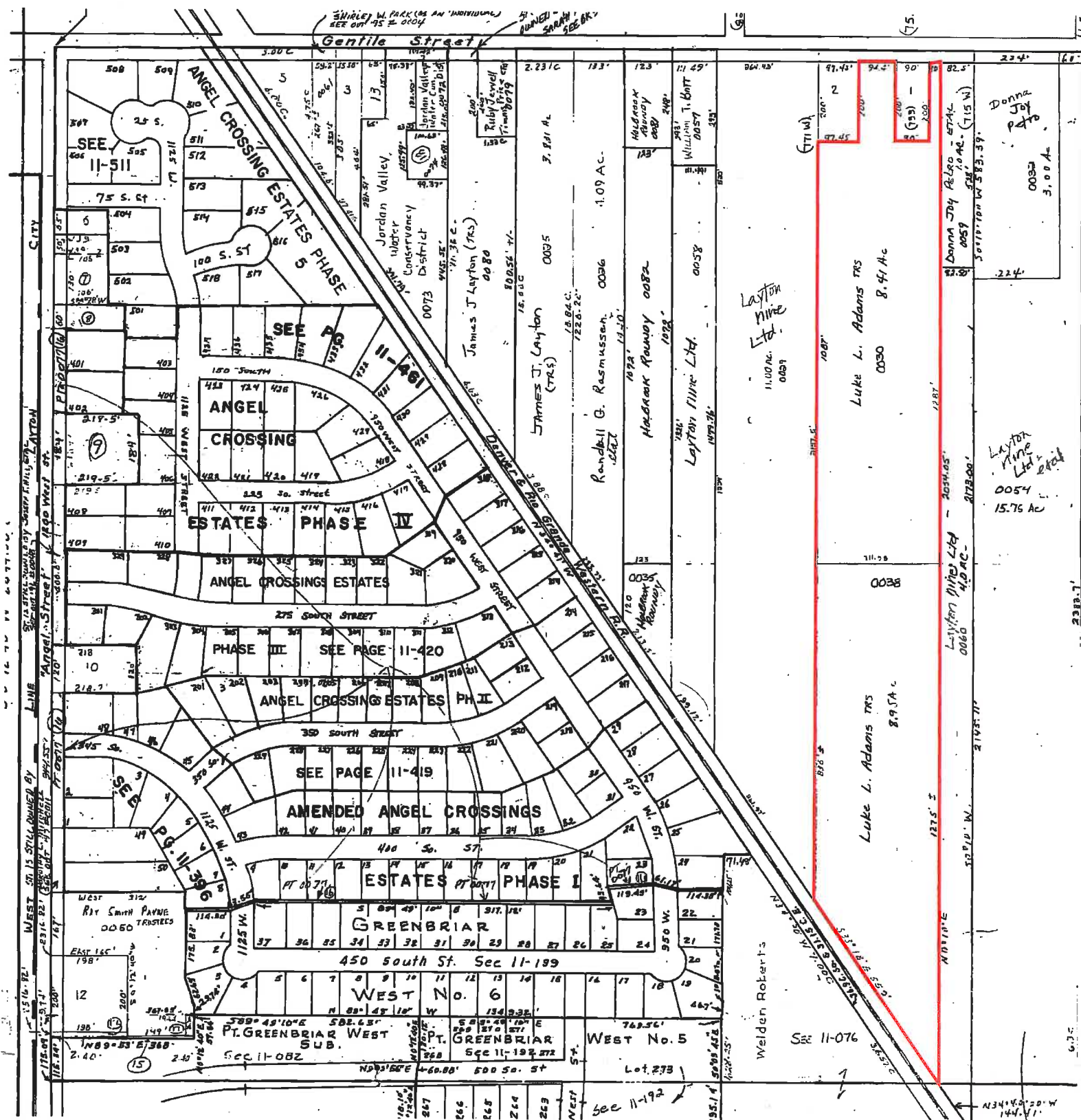
- Rezone Area

- Possible Utility Connection



1 inch = 550 feet





**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.D.

Subject:

Final Plat – Ellison Park Estates Subdivision Phase 2 – Approximately 1850 West Gordon Avenue

Background:

On March 10, 2015, the Planning Commission approved the preliminary plat for Ellison Park Estates Subdivision Phase 2. The applicant, BAC Layton, LLC, is requesting final plat approval for 14 lots in Phase 2 of the Ellison Park Estates Subdivision. This phase is located north of Ellison Park Elementary School, east of Ellison Park Estates Subdivision Phase 1 and south of Gordon Avenue. The UTA rail trail is located to the east and cannot be accessed through the proposed subdivision phase.

Alternatives:

Alternatives are to 1) Grant final plat approval to Ellison Park Estates Subdivision Phase 2 subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Deny granting final plat approval to Ellison Park Estates Subdivision Phase 2.

Recommendation:

On June 23, 2015, the Planning Commission unanimously recommended the Council grant final plat approval to Ellison Park Subdivision Phase 2 subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II

Date: July 16, 2015

Re: Ellison Park Estates Subdivision Phase 2 Final Plat

Location: Approximately 1850 West Gordon Avenue

Zoning: R-1-8 (Single Family Residential)

Background:

On March 10, 2015, the Planning Commission approved the preliminary plat for Ellison Park Estates Subdivision Phase 2. The applicant, BAC Layton, LLC, is requesting final plat approval for this final phase of the development. Phase 1 of Ellison Park Estates is located to the west, the Ellison Park Elementary School is to the south and the UTA rail trail is to the east.

Phase 2 will consist of 14 lots on 4.48 acres with a density of 3.125 units per acre. All lots meet the R-1-8 zoning requirements with regards to area and frontage. A landscape buffer easement with fencing and street landscaping is required along the rear of Lots 212 to 214 that are adjacent to Gordon Avenue. There is an existing homeowners association for Phase 1 that will be responsible for this landscape buffer in Phase 2. Residents in Phase 2 will be part of the overall homeowners association.

With Lots 208 to 212 backing onto the UTA rail trail, the Parks Department wants to ensure that there is to be no public pedestrian or bike access to the trail through the subdivision. Access to the trail is to be from Gordon Avenue.

Staff Recommendation:

Staff recommends final plat approval be granted subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering

Planning

Fire

Planning Commission Action: On June 23, 2015, the Planning Commission voted unanimously to recommend the Council grant final plat approval subject to meeting all Staff requirements.

The Commission asked for public comment. No public comments were given.



Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Chad Bessinger, chad@jfcapital.com
Stephen Fackrell, stephenf@pinnacle-eng-svy.com

FROM: Ryan Bankhead

CC: Building/Community Development Department/Fire

DATE: May 19, 2015

RE: Ellison Park Estates Phase 2, Final Plans (2nd submittal)

I have reviewed the dedication plat and final plans submitted on May 11, 2015 for Ellison Park Estates Phase 2 located at approximately at the southeast corner of Gordon Avenue and Cold Creek Way. The dedication plat and final plans have been stamped "**APPROVED AS CORRECTED**".

The following items will need to be addressed prior to scheduling a preconstruction meeting:

Bonding

1. A cost estimate must be submitted for all public improvements. The Developer will be required to bond for these improvements.

Lighting

1. The developer will be required to pay for the street light and installation. The light will be purchase by the City and the installation will be done by the City's contractor. The total cost for the SL-02 light is \$2,830. The developer will be responsible to install any transformers that may be needed for the lights.
2. The street light payment will be required prior to scheduling a pre-construction meeting.

Misc

1. A letter of approval from the irrigation company for the changes to their system will need to be submitted.
2. A letter of approval and a standard detail of the Tesoro gas facility will need to be submitted.
3. An electronic file in AutoCAD format must be submitted.
4. A Notice of Intent (NOI) from the State of Utah, Department of Environmental Quality, Division of Drinking Water will need to be submitted.
5. An electronic copy (PDF) and a paper copy of 11X17 utility plans must be submitted for approval. These plans will be submitted to the Division of Drinking Water for approval. See section 4 – Culinary Water Section item VII (D) located at: <https://www.laytoncity.org/public/Depts/PubWorks/downloads.aspx>.
6. Layton City passed an ordinance on November 4, 2004 requiring all development to provide irrigation water shares to Layton City. This is required for all development; the number exaction required for the development is 9 acre-feet.

5 complete sets that have been stamped and signed will need to include the following comments:

1. L4 and L5 must be added to the line table so that the 16.5 gas easement can be recreated.
2. The book and page must be added to the 15' irrigation easement.
3. The distance (62.38') along the frontage of lot 205 is not correct as shown, believed to be 35.14'.
4. Lots 205, 206, 207, & 208 do not close within 0.015'. It appears that the curves for each lot create this closure error.
5. 950 North will need to be labeled as a public street.
6. The top of the proposed 15" SD pipe in the proposed SDMH at STA 0+66.42 does not need to match the top of the existing 30" as shown, the comment in the previous review was left in error. The slope of the proposed pipe does not agree with the given invert elevations.
7. Sewer manholes shall have a minimum of 0.2' fall within the trough.
8. A culinary water lateral will need to be added for the landscape buffer.
9. Laterals for lots 201, & 205 to 213 will need to be relocated to the standard locations.
Culinary water at the center of the lot, sanitary sewer 10' downstream from the water line, land drain 5 to 10' upstream of the downstream corner.



Mayor • Bob J. Stevenson
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason

• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
Fax: (801) 546-0901

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Community Development, Attention: Julie Matthews

FROM: Douglas K. Bitton, Fire Prevention Specialist

RE: Ellison Park Phase II Final Approval @ 1000 North Cold Creek Way

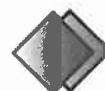
CC: 1) Engineering
2) Chad Bessinger, chad@jfcapital.com
3) Stephen Fackrell, stephenf@pinnacle-eng-svy.com

DATE: May 12, 2015

I have reviewed the site plan submitted on May 11, 2015 for the above referenced project. The Fire Prevention Division of this department has no further comments or concerns at this time.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DKB\Ellison Park :kn
Plan # S15-070, District #41
Project Tracker #LAY 1501141494
ERS#8718





Memorandum

To: Planning Commission
From: JoEllen Grandy, Parks Planner Intern
Date: February 11, 2015
Re: Ellison Park Phase 2, Preliminary, II – SE Corner of Gordon & Cold Creek Way

There haven't been any changes to the preliminary plat for this subdivision that would affect the Parks & Recreation Department. Our input remains the same as for the previous submittal. That is:

These lots are within the service area of Ellison Park.

No access is to be allowed from any lot to the D&RG Trail.

Any landscape buffer along Gordon Avenue is to be maintained by the subdivision homeowners association. That should be noted on the final plat with the specific maintenance responsibilities outlined within the subdivision CC&R's.

Recommendation


Parks & Recreation supports granting preliminary approval to Ellison Park Phase 2.


CITY COUNCIL


July 16, 2015

Ellison Park Estates Phase 2 Final Plat

Legend


 City Boundary

 Interstate 15

 Highways

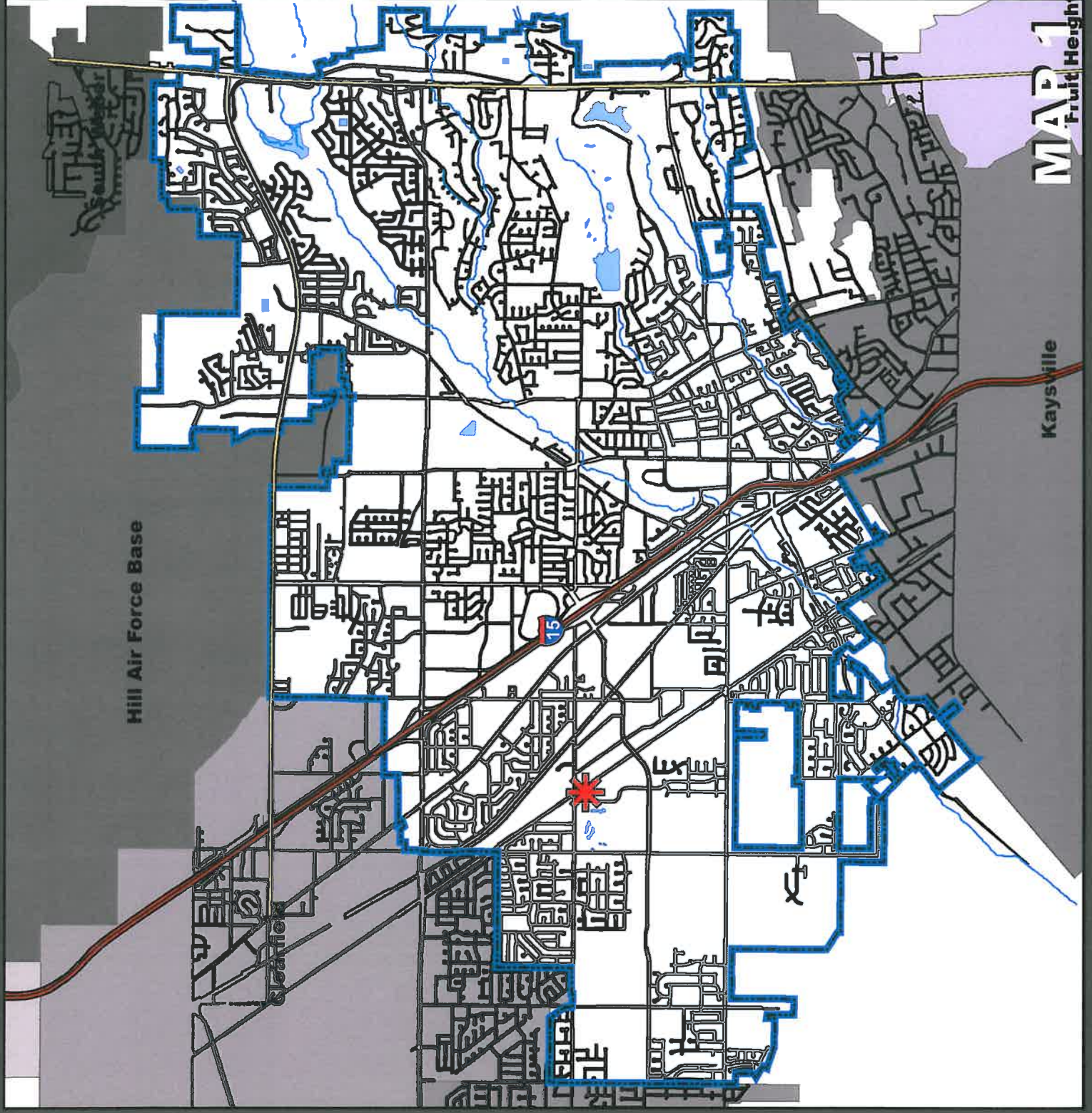
 Lakes

 Streams

 - Project Site



1 inch = 4,605 feet



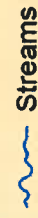
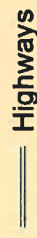
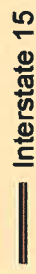
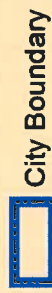
CITY COUNCIL

July 16, 2015

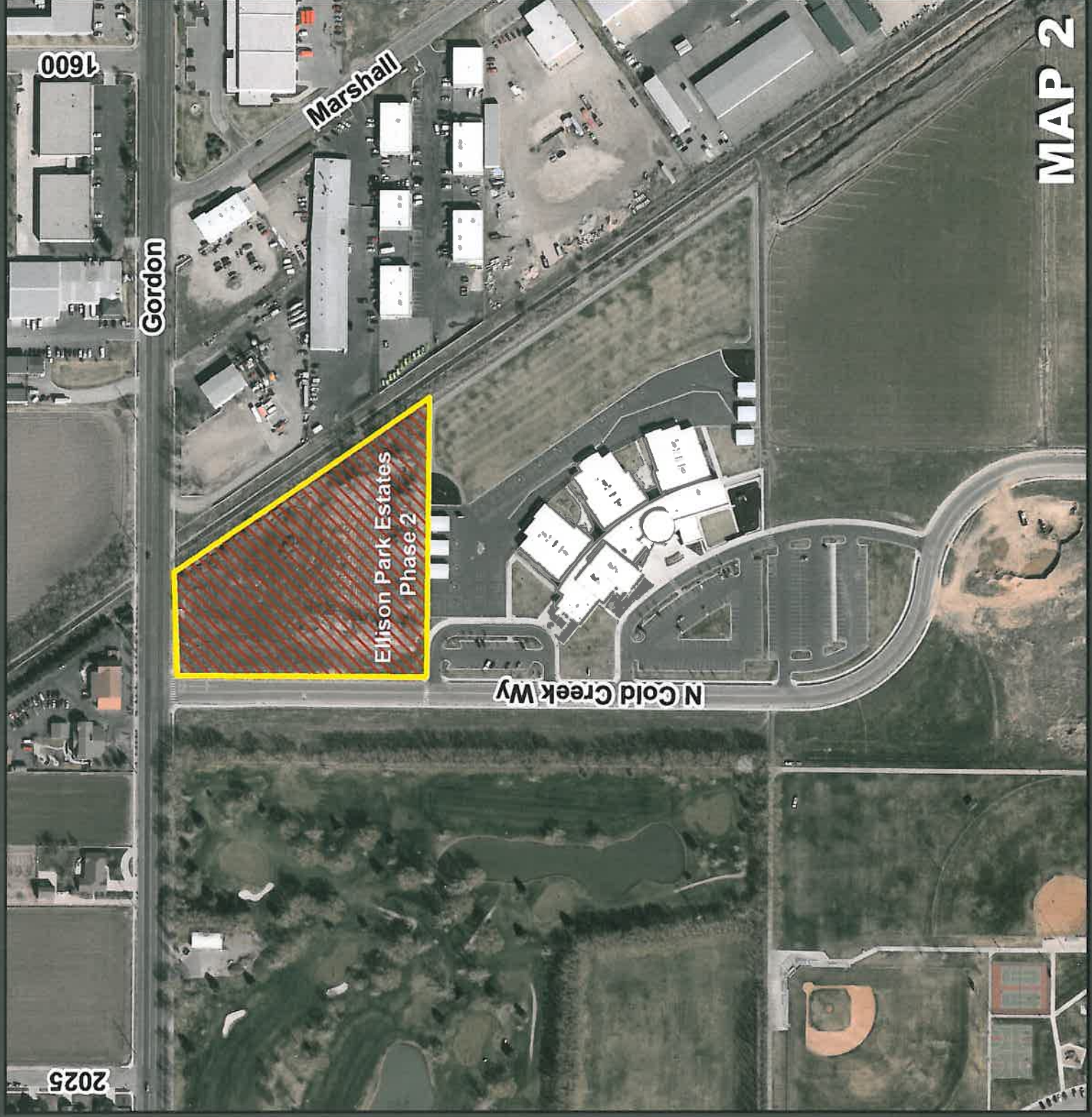
Ellison Park Estates Phase 2 Final Plat

Legend

Centerlines



1 inch = 269 feet



**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.E.

Subject:

Final Plat – Valley Hi Subdivision Phase 3 – Approximately 2900 North 2150 East

Background:

The applicant, Mindy Arbor, is requesting final plat approval to amend Phase 2 of the Valley Hi Subdivision by combining three single family lots into two single family lots. This phase is connected to and located south of Highway 193 with R-1-6 zoned lots to the east, west and south.

The purpose for combining the three lots into two lots is because of certain constraints on the three lots that make building on them challenging. There is a 30-foot wide U.S. Bureau of Reclamation water line easement that is located through the center of the lots. The lots are narrow and steep with regards to topography. By reducing the three lots to two lots, the lots become larger and increase the buildable area.

Alternatives:

Alternatives are to 1) Grant final plat approval to Valley Hi Subdivision Phase 3 subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Deny granting final plat approval to Valley Hi Subdivision Phase 3.

Recommendation:

On June 23, 2015, the Planning Commission unanimously recommended the Council grant final plat approval to Valley Hi Subdivision Phase 3 subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II _____

Date: July 16, 2015

Re: Valley Hi Subdivision Phase 3 Final Plat

Location: Approximately 2900 North 2150 East

Zoning: R-1-6 (Single Family Residential)

Background:

The applicant, Mindy Arbor, is requesting final plat approval to amend Phase 2 of the Valley Hi subdivision by combining three single family lots into two single family lots. This phase is connected to and located south of Highway 193 with R-1-6 zoned lots to the east, west and south.

The purpose for combining the three lots into two lots is because of certain constraints on the three lots that make building on them challenging. There is a 30-foot wide U.S. Bureau of Reclamation water line easement that is located through the center of the lots. The lots are narrow and steep with regards to topography, which limits the location for a buildable area (see attached plat). By reducing the three lots to two lots, the lots become larger and create a buildable area for a sufficient sized home.

The combined lots for Phase 3 meet the frontage and area requirements of the R-1-6 zone.

Staff Recommendation:

Staff recommends final plat approval be granted subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering 

Planning 

Fire 

Planning Commission Action: On June 23, 2015, the Planning Commission voted unanimously to recommend the Council grant final plat approval subject to meeting all Staff requirements.

The Commission asked for public comment. No public comments were given.



Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: James Henley; jmzen76@msn.com
Mindy Arbon; marbon@dsdmail.net
Keith Russell; krussell@ensignutah.com

CC: Community Development Department

FROM: Shannon Hansen, Assistant City Engineering - Development

DATE: June 8, 2015

SUBJECT: Valley Hi Subdivision Phase 3 – Dedication Plat (2nd submittal)

I have reviewed the dedication plat submitted on March 20, 2015 for the proposed Valley Hi Subdivision Phase 3 located at 2900 North Street and SR 193. The dedication plat has been stamped "APPROVED AS CORRECTED." The following items will need to be addressed prior to submitting a mylar.

1. The south easement line for the U.S. Bureau of Reclamation extends 4.60' beyond the subdivision boundary and is 0.96' north of the match point between C3 and C4.
2. The 10' side lot PU&DE will need to extend from the south boundary line to the U.S. Bureau of Reclamation easement line.
3. The last sentence of Note 3 is obscured by the title block line.

General Notes:

4. There are three existing sewer laterals for two lots. A map of the laterals connection points to the main has been attached. Any lateral not used by the new homes will need to be disconnected at the main.
5. Two culinary laterals for the lots were found. If any additional culinary laterals are found and not to be used by the new homes, the lateral will need to be disconnected at the main.




• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
Fax: (801) 546-0901

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Community Development, Attention: Julie Matthews

FROM: Dean Hunt, Fire Marshal 

RE: Valley Hi Subdivision Phase III @ 2900 North 2150 East, Layton Utah

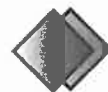
CC: 1) Engineering
2) Keith Russell, krussell@ensignutah.com
3) James Henley, imzen76@msn.com
4) Mindy Arbon, marbon@dsgmail.net

DATE: June 4, 2015

I have reviewed the site plan submitted on June 2, 2015 for the above referenced project. The Fire Prevention Division of this department has no further comments or concerns regarding this project. See previous memos for any items that need to be met during construction.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DBH\Valley Hi PH 3 Final :kn
Plan #S15-080, District #14
Project Tracker #LAY 1503201511
ERS# 8674





Memorandum

To: Planning Commission
From: JoEllen Grandy, Parks Planner Intern
Date: March 30, 2015
Re: Valley High Subdivision, Site Plan Review – 2900 N. 2150 E.

The Parks & Recreation Department will not be adversely impacted by the proposed Valley High Subdivision site plan review located on 2900 N 2150 E.

These lots are just outside the service areas of Sandridge, Oak Forest, and the future Northridge Park.

Recommendation

Parks & Recreation supports site plan approval to Valley High Subdivision.






Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division

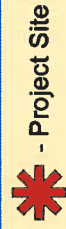
CITY COUNCIL

July 16, 2015

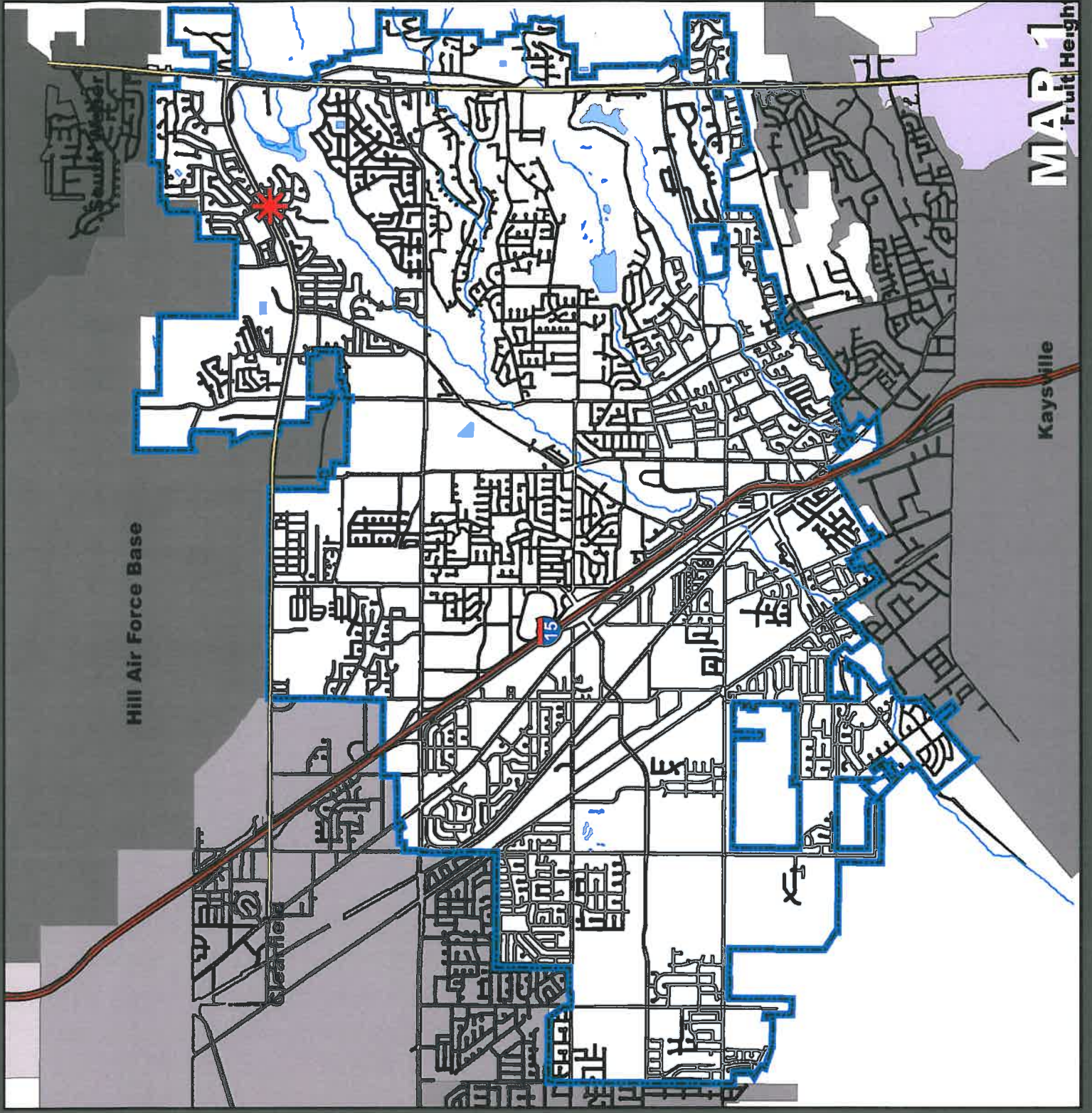
Valley Hi Phase 3 Final Plat

Legend

-  City Boundary
-  Interstate 15
-  Highways
-  Lakes
-  Streams



1 inch = 4,605 feet




CITY COUNCIL


July 16, 2015


Valley Hi Phase 3 Final Plat


Legend

Centerlines


 City Boundary

 Interstate 15

 Property

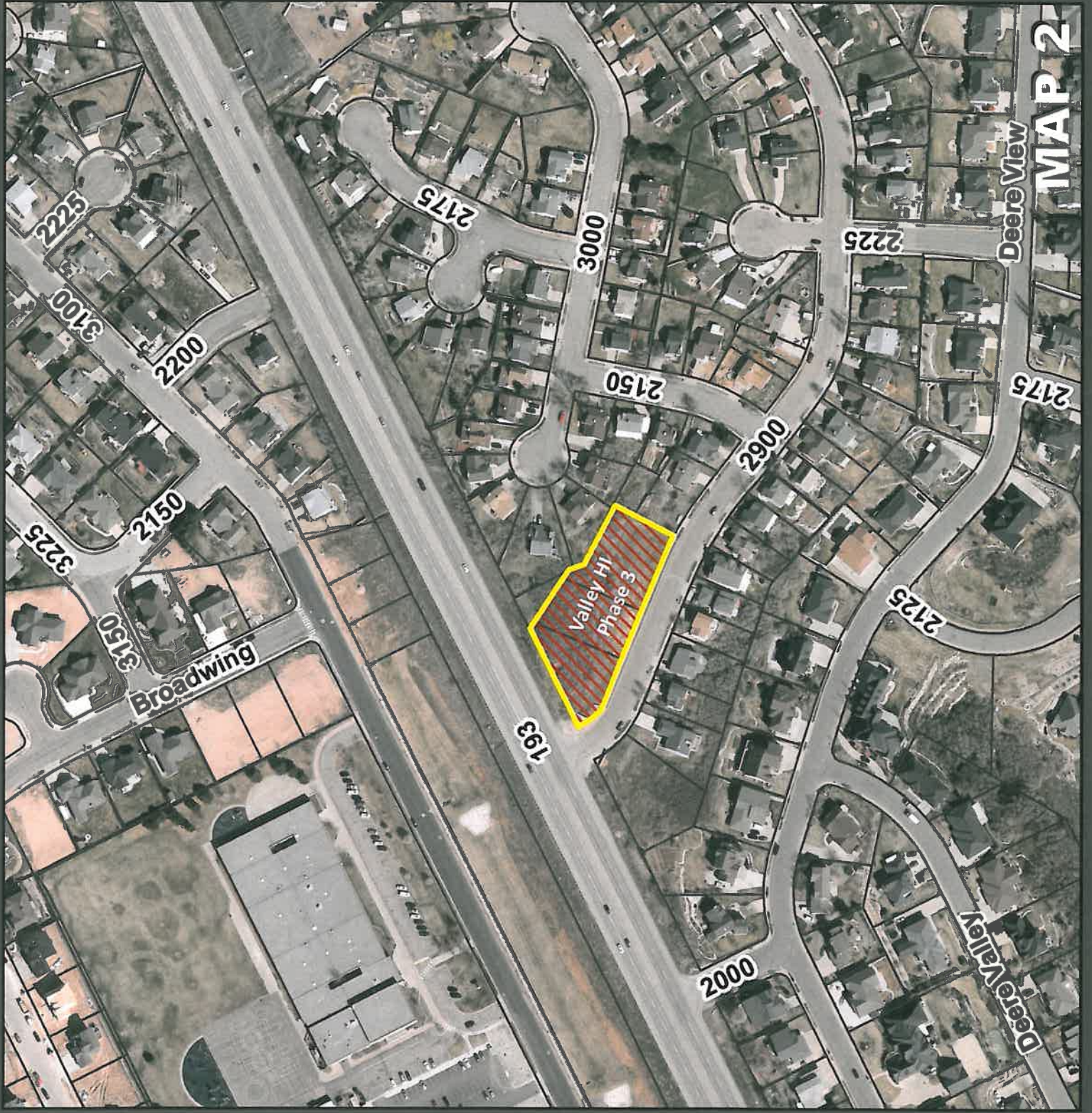
 Highways

 Lakes

 Streams



1 inch = 221 feet



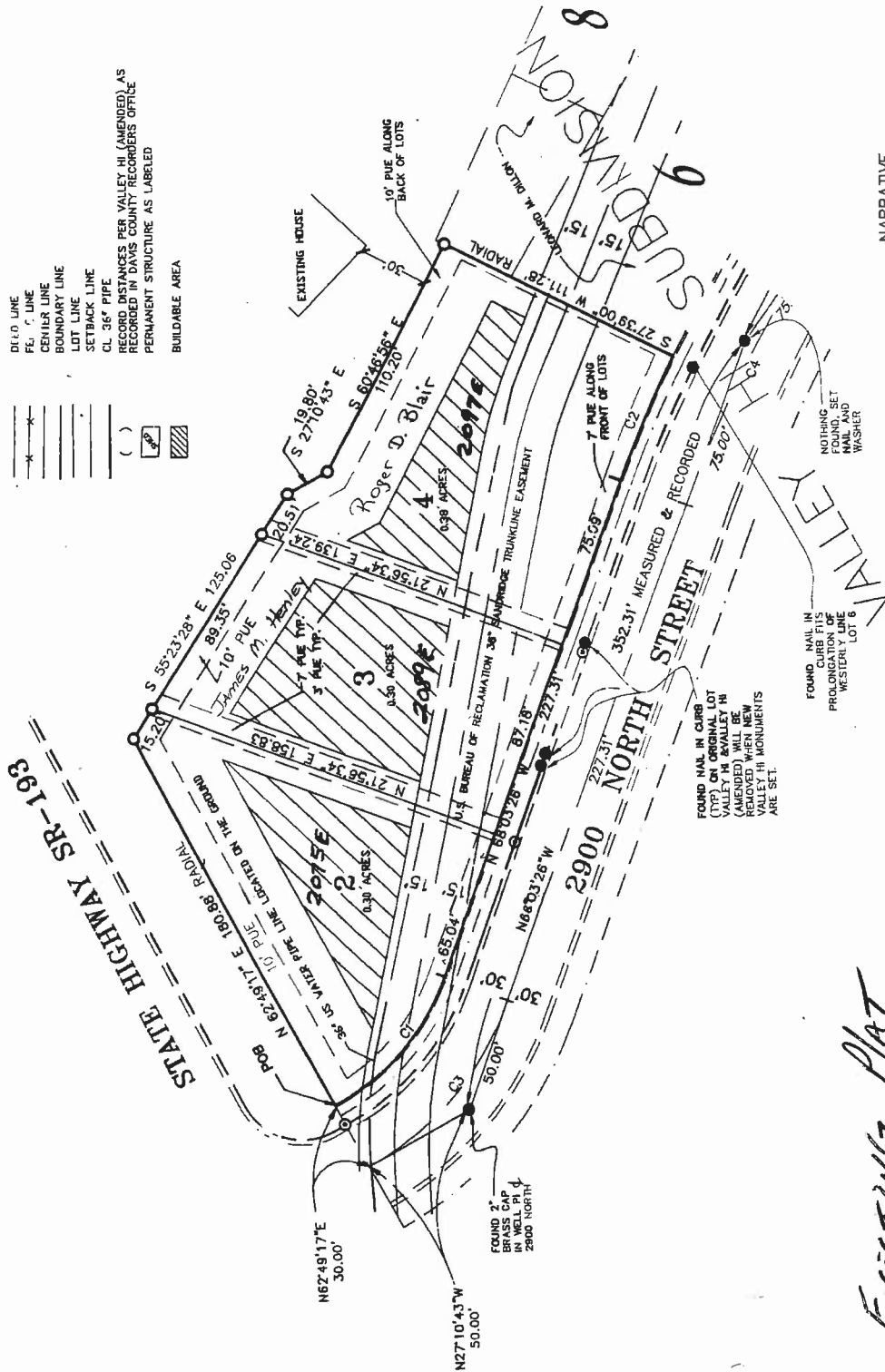
~LOTS 2-5 VALLEY HI SUB. (AMENDED)~

PART OF NW1/4 OF SEC. 11 & THE SW1/4 OF SEC. 2,
T.4N., R.1W., S.L.B.&M., US SURVEY,
LAYTON CITY, DAVIS COUNTY, UTAH

R. Don Blair aka Roger D. Blair
owns all lots not marked

LEGEND

- SECTION CORNER
- MONUMENTS FOUND AS NOTED
- MONUMENTS SET 5/8" REBAR W/ CAP STAMPED "PLS 271154"
- MONUMENTS SET NAIL & WASHER STAMPED "PLS 271154"
- DETO LINE
- FL C LINE
- BOUNDARY LINE
- LOT LINE
- SETBACK LINE
- CL 36" PIPE
- RECORD DISTANCES PER VALLEY HI (AMENDED) AS
RECORDED IN DAVIS COUNTY RECORDERS OFFICE
- PERMANENT STRUCTURE AS LABELED
- BUILDABLE AREA



NARRATIVE

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THIS PROPERTY INTO 5 BUILDABLE LOTS WITHIN THE LIMITS OF THE CITY OF LAYTON, UTAH. THE PROPERTY IS LOCATED BETWEEN THE NW 1/4 CORNER OF SECTION 11, T.4N., R.1W., S.L.B.&M. SHOWN HEREIN AS N86D01'50"E. THE PIPELINE EASEMENT WAS PLOTTED USING THE LEGAL DESCRIPTIONS OF RECORD FOR TRACT NO. 6P PROVIDED BY THE WEBER BASIN WATER DISTRICT.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS PLAT IS THE DAVIS COUNTY COURSE OF CORNER BETWEEN THE NW 1/4 CORNER OF SECTION 11, T.4N., R.1W., S.L.B.&M. SHOWN HEREIN AS N86D01'50"E.

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	40°52'47"	10416	7431	38.82
C2	3°12'26"	38460	3823	29.14
C3	40°52'47"	13416	9572	50.00
C4	13°74'11"	44441	14471	7478

BMI ASSOCIATES SURVEYING

475 NORTH 300 WEST

SUITE 124

Existing Plat

09

313

SCALE:
1" = 40'

N

DEVELOPMENT: VALLEY HI SUBDIVISION PHASE 2

CITY: LAYTON

LOTS: 2,3,4

M. DAVIS COUNTY, UTAH

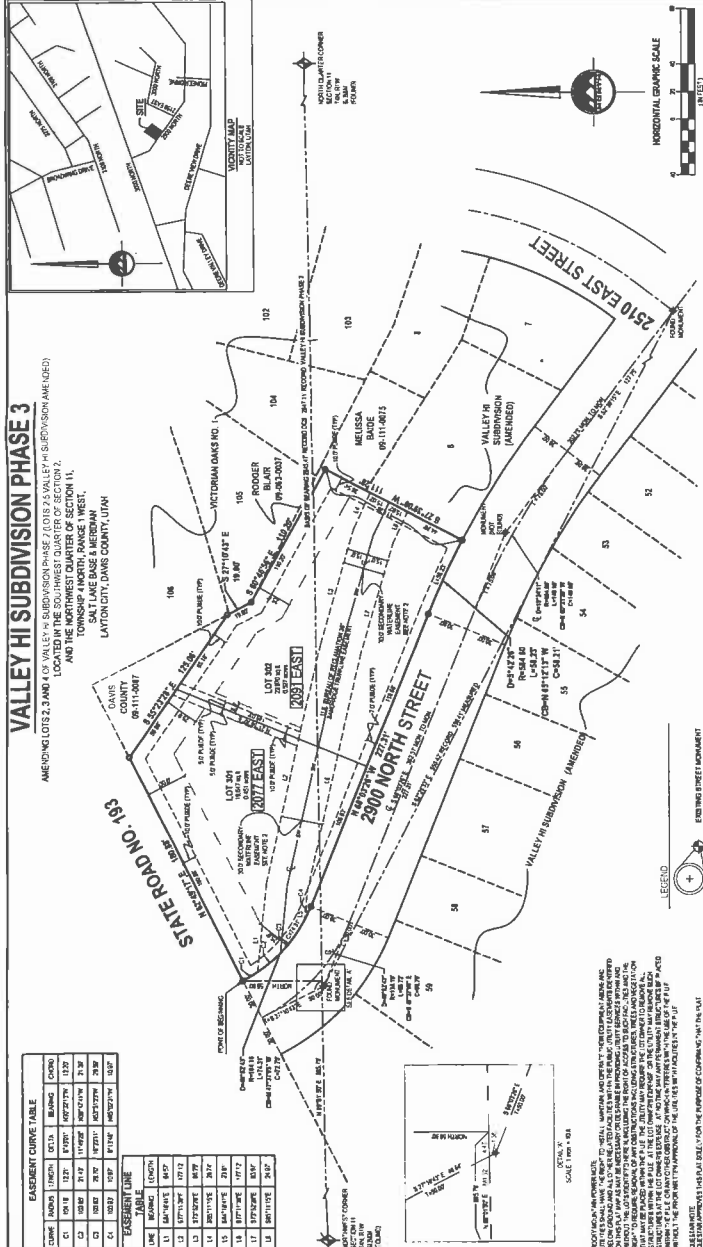

SEC. 11, T.4N, R. 1W
SEC. 2, T.4N, R. 1W

2-5 VALLEY HI SUB.(AMD)

SEYEN SUBDIVISION PHASE 7 (LOTS 2 & VALLEY HI SUBDIVISION AMENDED)
IN THE SOUTHWEST QUARTER OF SECTION 2,
THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 4 NORTH, RANGE 1 WEST,
SALT LAKE BASE & MERIDIAN
LAYTON CITY, DAVIS COUNTY, UTAH

CURVE	RADIUS	LENGTH	DTLA	BEARING	COLOR
C1	104.18	12.27	8°43'01"	N06°27'17"E	13.22
C2	103.85	21.47	11°06'28"	N08°42'11"E	21.38
C3	103.85	28.70	N07°21'11"	N07°32'27"E	28.38
C4	103.87	10.87	8°13'48"	N05°02'27"E	10.87

EASEMENT LINE		
TABLE		
LINE	BEARING	LENGTH
1.1	S 64° 16' 41" E	64.57
1.2	S 77° 11' 20" E	177.12
1.3	S 73° 52' 07" E	65.79
1.4	S 205° 11' 15" E	20.74
1.5	S 64° 16' 41" E	27.81
1.6	S 77° 11' 20" E	177.12
1.7	S 73° 52' 07" E	65.81
1.8	S 64° 11' 15" E	24.87

[illegible]

SECTION CORNER

NEARBY WITH YELLOW PLANT C
CAP OR ORANGE STAMPED "STATION
540 & LAND SURV."

BOUNDARY LINE

SECTION LINE

CENTRAL LINE

PAVEMENT LINE

BLACKABLE OR TRACK LINE

PUBLIC UTILITY AND "ORANGE" PAVER

FIGURE

STATUS OF _____
County of _____

On file _____
personally not
likely, only
for purposes
of the

ANY CHANGE

[illegible]

CIVIL ENGINEER

JPC CONTRACTING
PO BOX 890
FARMINGTON, UTAH, 84403

SURVEY RECORDING DATA

DATE _____

" " CHANGING TO _____

BY _____

was shown of _____
and referred to by _____

PARTY _____

[illegible][illegible]

6-03-15
DATE

6-03-15
FBI NEW YORK
RECEIVED MAIL

6-03-15
FBI NEW YORK
RECEIVED MAIL

OWNERS DEDICATION

VALLEY HI SUBDIVISION PHASE 3

DOVER BLAIR AND ROBERT L. BLAIR
By ROBERT L. BLAIR
MODERATOR: ALCOHOLIC BEVERAGE

DATE OF BIRTH SEX
 City of State of
 For day of A.D. 20 DONALD R. HART AND RODGER D. BLAIR
 personally appeared before me the undersigned Notary Public, and he and she being of legal age,
 acknowledged to me that they signed the General Declaration "I declare" being and voluntarily for
 purposes herein permitted.

[illegible]

COMMISSION EXPIRES _____ RE BOND IN _____ COUNTY.

HOTARY PUBLIC _____

VALLEY HI SUBDIVISION PHASE 3
AMENDING LOTS 2, 3 AND 4 OF VALLEY HI SUBDIVISION PHASE 2
(LOTS 2-3 VALLEY HI SUBDIVISION AMENDED)

LOCATED IN THE NORTHWEST 1/4 OF
SECTION 17 AND THE SOUTHWEST 1/4 OF SECTION 2,
DAYS COUNTY RECORDER

COUNTY NO. _____ 118 NAME _____ RELIGIOUS RECORDS AND RECORDED THIS _____ DAY OF _____ _____ IN BOOK _____ OF _____ PAGE _____ OF _____	
SHEET 1 OF 1	
AL _____	PROJECT NUMBER L270 _____
_____	MANAGER CROSTON _____
_____	TEAMLEADER JONES _____

DAVIS COUNTY REG. CLERK	BY _____	2009 JUN 22 PM 2:02:52
CHECKED BY _____	DATE _____	

CITY	CITY COUNCIL	APPROVED THIS _____ DAY OF _____
		BY THE CLERK OF CITY COUNCIL

APPROVED THIS _____ DAY
AT THE LONDON CITY LOCATION

CITY ENGINEER

SECTION APPROVAL

APPROVAL

DATE

TIME

DATE



TIME

PLANNING APPROVED BY THE CITY PLANNING COM.	CITY'S APPROVAL OF _____, D. _____
---	---------------------------------------

IF RECLAMATION APPROVAL DAY OF _____, 20____	CITY _____ APPROVED THIS _____ BY THE LUTION CITY CLERK
---	---

U.S. BUREAU OF RECOMBINATION PIPELINE HAS BEEN FIELD LOCATED AND A SETBACK EASEMENT HAS BEEN OBTAINED 15' FROM THE PIPELINE. INFORMATION ON THIS SETBACK RESULTS THE ACTUAL

MEMORANDUM	
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<p>  </p>	<p>  </p>
--	--

	CHINESE LITERATURE
--	--------------------

DATE	LASTING COPY
------	--------------

Phone: 011 24 36 24
E-mail: info@paulsen.org
Phone: 011 24 36 25

Proposed Plat