

**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 May 21, 2015.**

**AGENDA ITEMS:**

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

A. Minutes of Layton City Council Strategic Planning Work Meeting - April 23, 2015

**2. MUNICIPAL EVENT ANNOUNCEMENTS:**

**3. VERBAL PETITIONS AND PRESENTATIONS:**

A. Presentation - Fire Corps

**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. Wastewater Master Plan – Resolution 15-31

B. Bid Award - AAA Excavation, Inc. - Project 14-21 - Aspen Heights Storm Drain - Resolution 15-32 - Approximately 600 North to Snow Creek Drive, Snow Creek Drive to 1150 East, 1150 East to 825 North

C. Betterment Agreement between Layton City and Utah Transit Authority (UTA) for the Grade Crossing Pedestrian Controls Project Upgrades - Resolution 15-33 - King Street (650 West) and Hill Field Road

D. Final Plat – Willow Ridge Subdivision Phase 1 – Approximately 3500 West Hill Field Road

**6. PUBLIC HEARINGS:**

A. Rezone Request – Flint/Van Drimmelen – A (Agriculture) to R-S (Residential Suburban) – Ordinance 15-13 – Approximately 2300 West Gentile Street

B. Rezone Request – Stewart/Updwell Development – R-S (Residential-Suburban) to R-1-6 (Single Family Residential) – Ordinance 15-14 – 191 East Phillips Street

C. Development Agreement and Rezone Request – Barlow (Service Mortgage Inc.)/Ovation Homes – A (Agriculture) to R-1-6 (Single Family Residential) – Resolution 15-11 and Ordinance 15-06 – Approximately 2100 East Oakridge Drive

**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 6:00 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 STRATEGIC PLANNING WORK MEETING**

**APRIL 23, 2015; 5:33 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, JAMES (WOODY)  
WOODRUFF, DAVID PRICE, KENT ANDERSEN,  
SCOTT CARTER, KEM WEAVER, BILL WRIGHT,  
PETER MATSON, AND THIEDA WELLMAN**

### **OTHER PRESENT:**

**PLANNING COMMISSIONER GERALD GILBERT  
AND MIKE FLOOD, HAWKINS HOMES**

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

Mayor Pro Tem Brown opened the meeting and indicated that Mayor Stevenson was running a little late. She turned the time over to Staff.

### **COUNCIL DISCUSSION – RAMP TAX**

David Price, Parks and Recreation Director, said Staff had been working to forward a RAMP tax question to the residents for the election this fall. He said the Council had sent the required notice to the County. David said they received a resolution from the County clearing the way for the City to move forward with a RAMP tax.

David said an Election Committee Board had been set up in an effort to get a positive result with the election this fall. He said that Board was made up of citizens, and Louenda Downs had agreed to chair the Board. David said they had formed a PIC and would be able to accept money for donations in support of the RAMP tax. He said there would be four directors; one over finance, marketing, volunteer coordination and youth services. David said the Board would hold their first meeting this Tuesday and would be independent of employees.

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David said this evening, Staff wanted to begin to talk about what the ultimate structure of the RAMP tax could look like; how it would be administered and how the money would be divided up. He said with the help of the Mayor, Councilmember Brown and Councilmember Francis, Staff would like to recommend establishing an advisory board that would review the grant requests from various organizations and prioritize those requests and make recommendations to the Council. David said Staff anticipated having four members on the board; one permanent representative from Parks, Recreation, Arts and the Museum. He said they would be there solely to represent those organizations. David said they would recommend five at-large members that the Council would choose. He said the advisory board would work as a clearing house and a first filter to prioritize grant requests and make recommendations to the Council, who would make the ultimate decisions on where the monies were spent.

Councilmember Brown said they also felt that there should be a Councilmember who would be a liaison to that advisory board, but they would not be a voting member on the board.

David said Staff wanted to talk about how the money would be distributed to the various organizations.

Councilmember Day asked how the members would be appointed.

David said the Council would make the appointments; Staff would provide a short list to the Mayor for recommendations.

Councilmember Petro said maybe the Council should make the appointments instead of the Mayor; they should have to apply and be screened. She suggested dividing the appointments so that not all of the members were going off of the board at the same time.

David said the Mayor made recommendations for other appointments, but the Council made the final decision.

David said relative to how the money should be divided; some entities that had RAMP taxes in place divided the money with a simple percentage with parks, recreation and arts getting 33% each, but there were some limitations with that. He said it cut the pie up into small pieces, which didn't allow for big projects.

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David said another way to divide the money was through grants; major grants, medium grants and small grants. He said this would allow for larger sums of money to be accumulated and spent on large projects. David said it could take a couple of years to save the money.

Councilmember Day asked how much money they anticipated collecting.

David said about \$800,000 per year for 10 years.

Councilmember Brown said there had been discussion about 1% for administrative expenses; 50% for big projects such as sports complex, arts center, or expansions to the museum; or the funds could pay the debt service on a bond that could be used to pay for a project up front; 25% for parks and recreation; 15% for arts and museum; and 9% for mini grants. She said mini grant recipients would have to be a 501(c) 3 organization and they would have to show that the majority served were from Layton.

## **Mayor Stevenson arrived at 5:44 p.m.**

Council and Staff discussed the 1% administrative needs and whether that was enough to provide a stipend to the board members. Discussion suggested that the stipend would be based on the amount of meetings they would attend.

Councilmember Petro said the key word was up to; these amounts would be a cap. She said if the funds weren't used they would roll to the next year.

David said Staff would bring this back to the Council for approval well before the election so that people would be aware of how the money would be used.

## **Councilmember Freitag arrived at 5:47 p.m.**

Mayor Stevenson said he talked to Tracy Probert today about the cost of bonding. He said for a 10 million dollar bond, the payment at 3% would be about \$650,000 annually.

Councilmember Brown said they wanted Council feedback on the proposed percentages.

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Mayor Stevenson said this could provide money to put things in the City that the people wanted and that could draw people to the area; this would make Layton a better community.

Councilmember Day said it was important that the board determine what the money was spent on so that citizens would know that it was not just more money in the City's pot.

Councilmember Petro said she considered the RAMP tax monies to be the citizens' money.

Councilmember Brown said this was an added benefit, not money to take care of existing things.

David said the election committee indicated that this would help them explain to the citizens how and what the money would be used for, and how it would be distributed. He said they would continue to work on it.

Councilmember Brown asked Staff what they felt about it.

Scott said the allocation should be fluid from year to year; there might be big projects in years to come that would take more of an allocation, but this was a good place to start.

Councilmember Petro mentioned that this should be written into the bylaws.

Mayor Stevenson said the big projects could be 50% but not more than 75%.

Councilmember Petro asked if there was any reason this couldn't be called a RAMP initiative instead of a tax.

Gary Crane, City Attorney, said the specific language was indicated in State Code as to how it would have to be on the ballot.

Councilmember Petro suggested that the committee call it an initiative instead of a tax.

David said if there was bonding for a major project, the amounts couldn't be so high that it encumbered the City for more than 10 years. He said citizens might not agree to reinstate the tax after the initial 10

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years.

Councilmember Day said the key to getting it passed was for people to understand that it was governed differently; it wasn't just more money for the City.

## **COUNCIL DISCUSSION – EASTRIDGE PARK PRUD**

Alex Jensen, City Manager, said Staff didn't intend to make another presentation on this. The intent was to report on those things that were discussed in the last meeting as needing additional information.

Councilmember Brown mentioned an email the Council received from the citizens group.

Mayor Stevenson asked Staff to start with the park and parking.

Scott Carter, Special Projects Manager, said the developer would incorporate a looping trail system as the citizens requested and connect it to Antelope Drive. Scott stated that this was not a typical neighborhood park; there would be no playgrounds or pavilions. He said there was an opportunity to purchase the old Heather Drive slide property adjacent to the park, and there could be a trail connection from Heather Drive to the park. Scott explained ownership of the lots on Heather Drive.

Scott said in the Master Trail Plan there was a trail head on the north side of Antelope Drive. He explained trail connection to the Kays Creek Trail that would eventually be built.

Councilmember Brown asked how long the walk would be from the north side of Antelope Drive to the park.

Scott said about ¼ of a mile.

Scott said on the north side of Tartan Way, the City owned all of the lots; no homes could be built on the property, but it could be turned into parking. He said residents would have to come down Emerald Drive to the park.

Councilmember Brown said that wouldn't stop people from parking on the street.

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Scott said that was correct.

Mayor Stevenson said the developer couldn't control parking on City streets; the City would have to deem the parking area a budget item and determine whether to do it or not.

Scott said that was correct. He said the property was readily available if the City decided to do that.

Councilmember Day said he felt that a parking area should be done as part of development of the park; the developer would receive a benefit for the park.

Discussion suggested that the park wouldn't be developed for some time.

Alex said there would be on-street parking; if the City built parking on Tartan Way, residents wouldn't park there they would park on the street, He said if there were sports fields there could be parking issues but this wasn't that type of park; people wouldn't park ¼ mile away when they could park on the street.

Councilmember Brown said she seldom saw people parked in the parking lot in the middle of Kays Creek Trail.

Mayor Stevenson said relative to building a parking lot area on Tartan Way, it was somewhat of a steep climb. He said when the park was constructed in two or three years, if parking was a problem, the City would have an option for a parking area.

Councilmember Brown mentioned comments from residents wanting the park on Boynton Road for their use only and not everyone else in the City. Discussion suggested that that was always the case.

Councilmember Day said he was fine if there was space for parking in the future if it was needed.

Mayor Stevenson said the options were there to answer the parking question.

Mayor Stevenson asked Staff to talk about the monitors.

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Bill Wright, Community and Economic Development Director, said there was a lot of conversation about monitoring during the compacting process and homes within 100 feet. He said Staff had more opportunity to talk with the developer and his geotechnical experts. Bill said they would provide the monitors near existing homes within 100 feet of compaction. He said they had committed to placing those monitors.

Mike Flood, Developer, said they had agreed to monitor any construction activity within 100 feet of existing homes, if anything was measurable. He explained how the monitors collected data and indicated that chances were very good that there would be nothing that would be measurable.

Mayor Stevenson asked Woody to talk about tilt.

James (Woody) Woodruff, City Engineer, said tilt was a measuring device to see if a structure had moved. He explained how a plate was attached to the foundation to monitor movement. Woody said this was for very extreme conditions and he didn't want to see this development even get close to that. He said the monitoring devices that would be used were more than sufficient to measure any vibration near homes.

Councilmember Day said if the monitors indicated that the vibration limit was being exceeded, how would the homeowner be assured that their home had not moved.

Woody said the most important thing was to monitor vibration. He said if it got to a certain level it could impact cracking of the foundation. Woody said it wouldn't cause movement of the home; movement of a home would be from an earthquake or a slide.

Councilmember Day said if it exceeded the vibration how would they satisfy the residents that there wasn't any damage caused. Would the homes be inspected previous to construction?

Woody said they did a detailed study of the home's footing and foundation, and they videoed that. He said they looked at the structure inside and out and it was videoed. Woody said during the vibration, if something happened to the home, they would look at the structure afterwards and determine if something had happened that impacted the structure.

Councilmember Day asked if that would be done to the five houses that were a concern.

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Mr. Flood said those preconstruction inspections were very expensive. He said the geotechnical expert indicated that they could be done, but it was never addressed as to who would pay for that. Mr. Flood said if there were certain homes that were identified as a concern, he could talk with his company's partners to see if that was something they would consider doing. He said it needed to be agreed to by the homeowners because it could be very invasive; every corner was videotaped. Mr. Flood said UDOT did this a lot on large projects next to residential housing, but rarely did you see any other application of it; it wasn't a general development application. He said if the seismograph monitors picked up anything, they would give a clear indication early that the process needed to be changed.

Alex asked Mr. Flood if the threshold on the vibration monitors could be set such that the threshold would be so far below what in fact would cause a house to move that they would be looking to address the vibration issues long before it would ever get to a point that it would cause a house to move. Alex said that was what Woody was saying initially; it should never be an issue.

Mr. Flood said the Mayor had made a comment in the previous meeting that most of the time that the compaction that was done on a basement of a home was more than what you would feel during any development. He said the fills were more than 300 to 400 feet away from most of these homes, which was where the compaction would be happening. Mr. Flood said most of the construction being done next to existing properties was cuts; vibration compaction would not be used. He said their geotechnical engineer had indicated that seismograph monitors could be placed on anything within 100 feet of construction activity, but he didn't think the monitors would read much because they would not be doing any compaction close enough to measure. Mr. Flood said the inspections would be a huge deal and probably wouldn't provide anything useful other than to cause a big hullabaloo with people having strangers coming into their homes to videotape.

Councilmember Day said he was exploring any way to give residents piece of mind.

Mr. Flood said he did think that Alex was correct; the machines could be calibrated to read certain levels. He said the monitors were a small version of the seismographic equipment used in earthquake centers. Mr. Flood said if it was set low enough, it might pick up traffic on Antelope Drive, or jets. He said they were going to put the monitors out and monitor vibration; the data would be provided periodically to the City's Engineering Staff. Mr. Flood said the data could be made available on the internet for the public to review; they would be happy to do that. He said this would help residents realize that nothing was being

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done under the table; it might make them feel a little more comfortable through the process.

Discussion suggested that that would be a good idea.

Councilmember Francis said he liked the idea of a pre-inspection; there would be no question later on.

Councilmember Petro asked who would bear the burden of that cost; if homeowners wanted to do that they should pay for it.

Mr. Flood said if there ended up being an incident, the homeowner could come back to the contractor and developer with a claim. They had liability insurance for claims. He said after the fact, if someone had a crack show up in their home, it would be hard to dispute what caused it or how long it had been there.

Councilmember Francis said that was his point for the pre-inspection.

Councilmember Petro asked if the contractor or the homeowner should be responsible for the cost of the inspection.

Councilmember Brown said of the people that asked that question, they weren't the people that lived close to the development.

Councilmember Day said Tammy's home was right on the edge of the development.

Mr. Flood said there were about 10 homes that bordered their property.

Councilmember Day said the homeowners indicated that there were 5 homes they had concerns with.

Woody said the home that could be impacted the most from his review of the grading plan was the home at the northwest corner of Emerald Drive and Kays Creek Drive; that was the only place that there was a fill next to a home; all of the others were cuts. He said that was the only home he would recommend monitoring.

Councilmember Day said he didn't feel that it was all the developer's responsibility to pay for the pre-

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inspections.

Councilmember Francis suggested telling the homeowner that they could film their homes in advance.

Councilmember Freitag asked which homes they were talking about monitoring.

Mr. Flood identified the homes that were adjacent to their property on a map. He said if the homes were within 100 feet of any construction activity, they would be putting monitors on those properties. Mr. Flood said the seismic machines were about \$30,000 to \$40,000 each; they would have to be in a secure location.

Mayor Stevenson asked the Council if they would agree that with the monitors, if someone wanted their home filmed, the homeowner would have to do that or pay for it, and tilt monitors were not necessary.

Councilmember Day said he would trust Woody on the tilt monitors, but if not there should be an inspection. He said some of that responsibility should be placed on the homeowner.

Mayor Stevenson said the developer was going to protect himself. He said if they started to see too much vibration, he would probably turn around and do that. Mayor Stevenson said some homeowners might not want a plate nailed to their foundation.

Councilmember Day said there should be an option for the homeowner to take the responsibility to somehow say that they were worried; to video their home and get it to the City by a certain day; then the proof would be there.

Councilmember Brown asked if everyone got the email from the homeowners.

The Mayor and Council indicated that they had received the email.

Mayor Stevenson asked Staff to discuss the private drive for townhomes.

Bill said there was discussion about the private drive and whether it could be extended to service the cottage homes and widened to accommodate traffic on and off of Antelope Drive. He said it might be

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feasible to connect to the cottage homes, but the two items were very different products. Bill said the desire from the townhome developer was that the private road only be for the townhomes. He said it was a private street that the townhome owners would be responsible for maintaining. Bill said the developer agreed that it could be widened and they could install a median to make a statement, which would be a positive change.

Councilmember Brown asked how much distance there was between Emerald Drive and the private street.

Mr. Flood said it was about 500 feet.

Councilmember Brown expressed concerns with people using the private drive and causing issues to the Emerald Drive intersection.

Councilmember Day said they couldn't stop anyone from using that street if they wanted to.

Mayor Stevenson asked Mr. Flood to discuss the CC&Rs of the development.

Mr. Flood said they understood the concerns about rentals. He said these homes were being marketed for sale, owner occupied units. Mr. Flood said CC&Rs were required for final plat approval, and they were working on drafting those to include a provision that rentals would be restricted to a limited number. He said it was hard to understand a percentage; on the townhomes they would be limited to 8 rental units out of the 52, which was a smidge over 15%.

Councilmember Brown said Layton City was a military community. She explained her daughter's circumstance with purchasing homes and renting their homes. Councilmember Brown said she would hate to see military people come to the community and then be told that they couldn't rent their home when they left for another assignment. She said she had a hard time in limiting rentals.

Mr. Flood said he agreed, but they were trying to appease the homeowners group.

Councilmember Petro said didn't the homeowners group want it limited to 5%.

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Mr. Flood said that was only 2 units. He said that didn't make a lot of sense. Mr. Flood said 15 to 20% was a common amount in multi-family developments that had rental restrictions.

Mayor Stevenson said in the future the townhome HOA would be running the CC&Rs. He said they would be their own police; this really didn't mean anything.

Councilmember Day asked about the cottage homes.

Mayor Stevenson said those were single family homes; that was no different than any other house in the City. That shouldn't be regulated.

Mayor Stevenson asked what the price was on the cottage homes.

Mr. Flood said they would be between \$230,000 and \$320,000; the townhomes would be from \$180,000 to \$230,000. He said these would not turn into rentals.

Councilmember Freitag said he wouldn't want to start a precedent of restricting rentals.

Mayor Stevenson asked Mr. Flood to talk about disclosures.

Mr. Flood said they had developed several subdivisions on hillsides that had geotechnical and geological hazards; one was in Fruit Heights where they had three fault lines that ran through the community. He said they had developed one subdivision on South Mountain that was right next to an active landslide. Mr. Flood said in each of these cases they had included a sizeable note on the plat that indicated that the subdivision was within a sensitive lands overlay zone and that geotechnical and geological studies had been performed and were on file. He said in addition to that, in their Draper community they had a document recorded on every lot in the subdivision. Mr. Flood said in addition, when they sold property to an individual, before their due diligence period was up, they provide them with access to a cloud link where they could view all of this information. He said at closing, they received a disc with all of those documents on it.

Councilmember Petro said she thought the biggest concern was with subsequent owners.

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Mr. Flood said it was recorded on a title and was flagged during the title insurance process.

Councilmember Day asked if they would do that with this development.

Mr. Flood said yes. He said he hoped to have a draft of that document for the May 7th meeting. Mr. Flood said it would for sure accompany the final plat process.

Councilmember Petro asked what types of things would be included in the disclosure statement.

Mr. Flood explained the documentation.

Mayor Stevenson read some of the things that the developer was agreeing to do.

Mr. Flood explained the land drain system and foundation drains of the homes.

Mayor Stevenson said another question was sidewalks.

Mr. Flood explained that sidewalks would be installed on both sides of all public streets, and on one side on the private streets.

Mayor Stevenson reviewed some of the items included in an email from Karlene Kidman.

Council and Staff discussed installing crosswalks and meeting warrant.

Mayor Stevenson said even if a street didn't meet warrant for a crosswalk, the City could still install a crosswalk.

Councilmember Day asked if there were any crosswalks in the City now that didn't meet warrant.

Alex said no; historically the City didn't put in a crosswalk when it didn't meet warrant; it put the City at some risk.

Gary explained the need to meet warrant to protect the City from liability.

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Mayor Stevenson read more items in Ms. Kidman's email and indicated that most items had been addressed.

Mayor Stevenson said everyone knew that Antelope Drive was always planned as an arterial street.

Mayor Stevenson expressed appreciation for the Planning Commission and asked Commissioner Gerald Gilbert if he would like to make any comments.

Commissioner Gilbert said all of his questions had been answered.

Mayor Stevenson asked if the Council had any concerns.

Councilmember Petro said the only other question that came up was the clay soil.

Councilmember Freitag said the comment made the other evening about the soil didn't have an opportunity to be rebutted by the experts; where wasn't there clay soil along the Wasatch Front.

Mr. Flood said most everyone lived on clay soil along the Wasatch Front. He said Kent Hartly with IGES indicated that most of the residents were not soil experts. The gentleman that made the comments at the last meeting was an aerospace engineer not a soil engineer. Mr. Hartly had indicated that a lot of the information that was provided was not true.

Discussion suggested having Mr. Hartly send rebuttal comments through email.

Mayor Stevenson asked if the Council had any other questions or concerns.

## **CLOSED DOOR:**

**MOTION:** Councilmember Brown moved to close the meeting at 7:07 p.m. to discuss the acquisition of real property. Councilmember Freitag seconded the motion, which passed unanimously.

**MOTION:** Councilmember Petro moved to open the meeting at 7:54 p.m. Councilmember Freitag

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seconded the motion, which passed unanimously.

## **MAYOR'S REPORT:**

The Mayor and Council discussed various developments in the City, and some proposed developments.

**The meeting adjourned at 8:16 p.m.**

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Thieda Wellman, City Recorder

## **SWORN STATEMENT**

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **23rd day of April, 2015**, was to discuss the acquisition of real property.

Dated this 21st day of May, 2015.

ATTEST:

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ROBERT J STEVENSON, Mayor

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THIEDA WELLMAN, City Recorder

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

**Item Number:** 3.A.

**Subject:**

Presentation - Fire Corps

**Background:**

The Fire Corps Injury and Fire Prevention Program in the elementary schools utilizes both high school and sixth grade students in the presentations. The high school Fire Corps program consists of students from Layton High School and Northridge High School. The Junior Fire Corps students are from the Leadership Learning Academy and E.G. King Elementary. The Fire Corps Fire Prevention Program is just finishing the seventh year of assemblies, while this is the fourth year for the Junior Fire Corps program. This school year 54 school assemblies have been presented, teaching over 12,000 students the importance of fire prevention. This program not only benefits the elementary students but also those who participate in the program. It is making a difference for the City of Layton. The City has experienced a twenty percent reduction in overall fires in the past seven years, equating to a forty-three percent decrease in dollar loss.

**Alternatives:**

N/A

**Recommendation:**

N/A

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

**Item Number:** 5.A.

**Subject:**

Wastewater Master Plan – Resolution 15-31

**Background:**

Resolution 15-31 authorizes the review and adoption of the Wastewater Master Plan by the Council. This portion of the Sewer Master Plan, also designated as the System Evaluation and Capacity Assurance Plan (SECAP), has been prepared by Bowen Collins and Associates, Inc. and has been reviewed and approved by the Layton City Engineering Staff. This SECAP is a written document that provides recommended improvements to resolve existing and projected future deficiencies in the wastewater collection system based on the City's current General Plan.

**Alternatives:**

Alternatives are to 1) Adopt Resolution 15-31 authorizing the review and adoption of the Wastewater Master Plan; 2) Adopt Resolution 15-31 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 15-31 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 15-31 authorizing the review and adoption of the Wastewater Master Plan and authorize the Mayor to execute the necessary documents.

**RESOLUTION 15-31**

**A RESOLUTION AUTHORIZING THE ADOPTION OF THE WASTEWATER MASTER PLAN**

**WHEREAS**, the State of Utah, Department of Environmental Quality, Division of Water Quality required Layton City to complete a Sanitary Sewer Management Plan, under Section 4317-801; and

**WHEREAS**, the City has previously completed and adopted the Sanitary Sewer Management Plan by the City Council; and

**WHEREAS**, a portion of the Sanitary Sewer Management Plan requires the City to prepare the Wastewater Master Plan, also known as the System Evaluation and Capacity Assurance Plan (hereafter SECAP); and

**WHEREAS**, the SECAP has been submitted by Bowen Collins and Associates, Inc., which provides recommended improvements to resolve existing and projected future deficiencies in the wastewater collection system, which plan has been reviewed by staff and is now ready to be reviewed and adopted by the Council.

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

That the City Council of Layton City, Davis County, State of Utah, has reviewed and adopted the Wastewater Master Plan prepared by Bowen Collins & Associates, Inc.

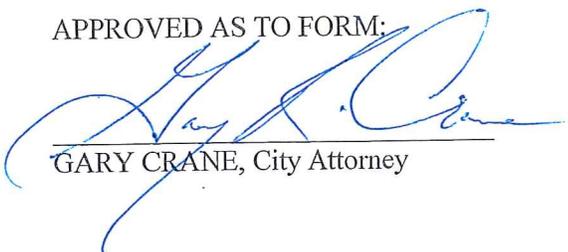
**PASSED AND ADOPTED** by the City Council of Layton, Utah this **21<sup>st</sup> day of May, 2015.**

ATTEST:

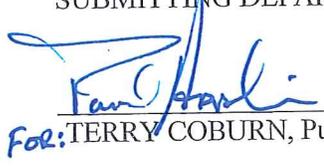
\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

\_\_\_\_\_  
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

  
For: TERRY COBURN, Public Works Director

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# WASTEWATER MASTER PLAN

May 2015

Prepared for:



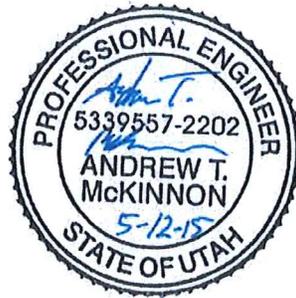
Prepared by:



**Bowen Collins  
& Associates, Inc.**  
CONSULTING ENGINEERS

# LAYTON CITY WASTEWATER MASTER PLAN

May 2015



Prepared for:



Prepared by:



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## CHAPTER 1 INTRODUCTION

### INTRODUCTION

Layton City is a rapidly growing community in Davis County with a significant amount of potential development remaining in the City. Layton City contracted the services of Bowen, Collins & Associates, Inc. (BC&A) to complete a wastewater master plan for the City. The primary purpose of this Wastewater Master Plan is to provide recommended improvements to resolve existing and projected future deficiencies in the Layton City wastewater collection system based on the City's current General Plan.

This document is a working document. Some of the recommended improvements identified in this report are based on the assumption that development and/or potential annexation will occur in a certain manner. If future growth or development patterns change significantly from those assumed and documented in this report, the recommendations may need to be revised. The status of development should be reviewed at least every five years. This report and the associated recommendations should also be updated every five years as well.

### SCOPE OF SERVICES

The general scope of this project involved a thorough analysis of Layton City's sewer system and its ability to meet the present and future wastewater needs of its residents. As part of this project, BC&A completed the following tasks:

- Task 1:** Evaluated existing and future sewer service requirements based on Layton City's General Plan and projected growth patterns.
- Task 2:** Developed a hydraulic model and calibrated the model to simulate operation of existing facilities under current development conditions.
- Task 3:** Used the hydraulic sewer model to simulate operation of facilities under buildout conditions to identify the impacts of future development on sewer facilities.
- Task 4:** Used the hydraulic sewer model to evaluate alternative improvements that would resolve the system deficiencies identified in Tasks 2 and 3.
- Task 5:** Prepared a master plan report to document the analytical procedures used in completing the study and summarize the conclusions reached.
- Task 6:** Conducted progress and coordination meetings as required to keep City staff involved and informed of progress and activities.

**PROJECT STAFF**

The project work was performed by the BC&A team members listed below. Team member's roles on the project are also listed. The project was completed in BC&A's Draper, Utah office. Questions may be addressed to Brent Packer, Project Manager at (801) 495-2224.

Brent Packer	Project Manager
Andrew McKinnon	Project Engineer
Nathan Wright	Project Engineer
Michael Hilbert	Word Processing

**ACKNOWLEDGEMENTS**

The Bowen, Collins & Associates team wishes to thank the following individuals from Layton City for their cooperation and assistance in working with us in preparing this report:

James "Woody" Woodruff	City Engineer
Shannon Hansen	Staff Engineer
Ryan Bankhead	Staff Engineer

## CHAPTER 2 EXISTING SYSTEM DESCRIPTION

### SERVICE AREA

The projected service area for the Layton City wastewater collection system is shown in Figure 2-1. Included in the service area are all areas within the corporate boundaries of Layton City, and areas expected to be annexed into the City. The sewer service area consists of a mix of residential, commercial, and industrial customers.

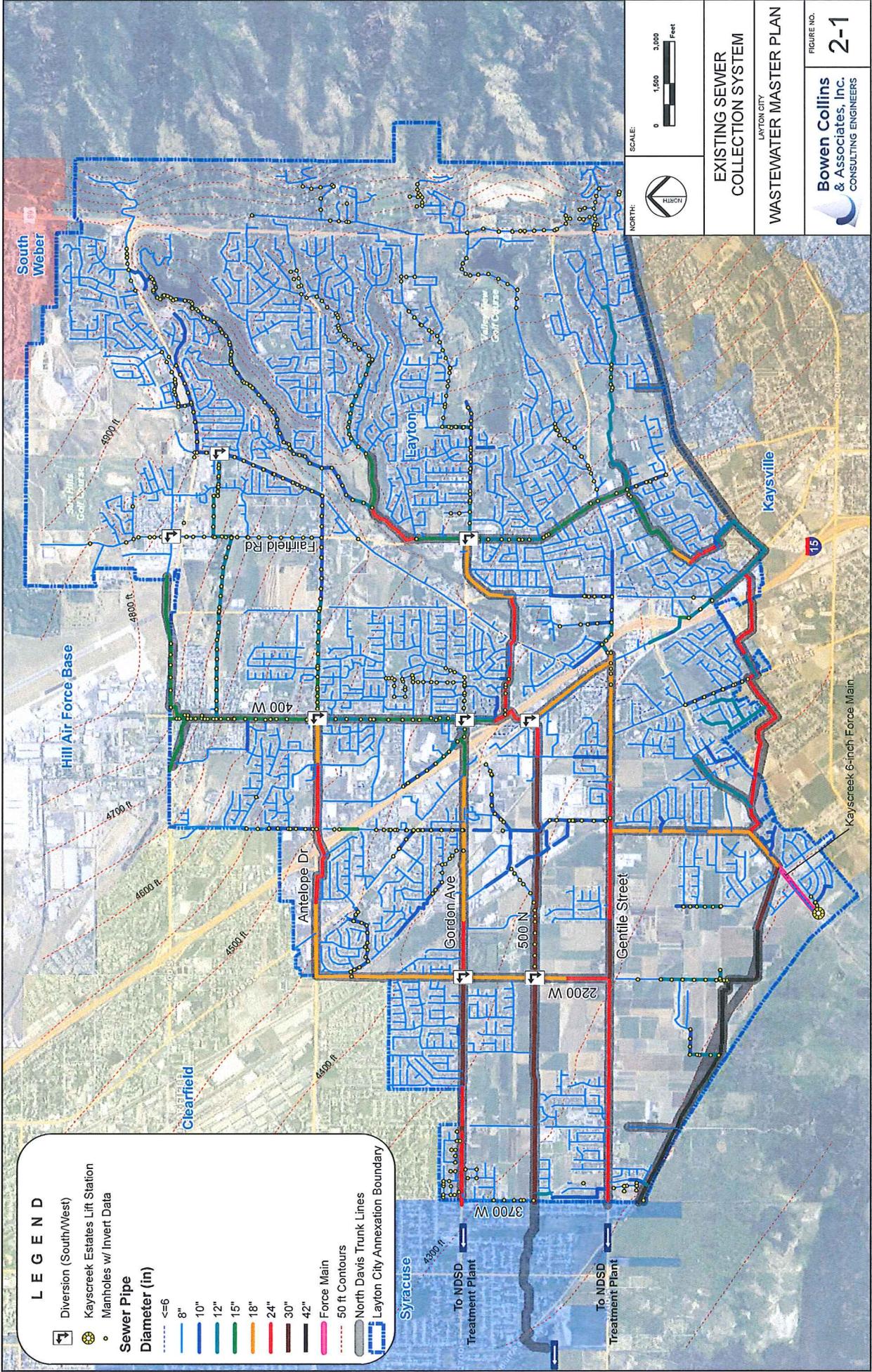
### COLLECTION SYSTEM

Layton City owns and maintains most of the wastewater collection facilities in Layton City. However, the North Davis Sewer District (NDSD) owns and maintains most of the large wastewater trunk lines that run through and adjacent to the City. Figure 2-1 shows the general topography of the City along with the major NDSD trunk lines that run through the City. While the City has documented the general location of manholes and size of most pipes in the City, there has historically been no detailed survey information for the exact location of the City's manholes or pipe inverts. As part of this study, the City surveyed most of the rim elevation of manholes throughout the City. However, invert information has only been collected along key sewer mains in the City with the largest service areas. The next step in the process of surveying the collection system will be to collect measurements to inverts for all manholes in the City. The manholes with surveyed invert elevations in the City are indicated in Figure 2-1. Table 2-1 lists the estimated length of pipe in the City's collection system and the approximate length of pipe with surveyed inverts.

**Table 2-1  
Estimated Pipe Length and Surveyed Length by Diameter**

Diameter (in)	Length (ft)	Length (miles)	Surveyed Length (ft)	Surveyed Length (miles)	Percentage Surveyed
8	1,034,760	196.35	19,336	3.66	1.6%
10	84,286	15.99	76,983	14.58	100.0%
12	40,327	7.65	43,621	8.26	100.0%
15	2,911	0.55	2,780	0.53	100.0%
18	1,872	0.36	1,463	0.28	100.0%
Total	1,164,156	221	144,211	27.31	10.7%

\*note that this does not include North Davis Sewer District trunk lines



**LEGEND**

- Diversion (South/West)
- Kayscreek Estates Lift Station
- Manholes w/ Invert Data
- Sewer Pipe Diameter (in)**
- <=6"
- 8"
- 10"
- 12"
- 15"
- 18"
- 24"
- 30"
- 42"
- Force Main
- 50 ft Contours
- North Davis Trunk Lines
- Layton City Annexation Boundary

NORTH:

SCALE:

**EXISTING SEWER COLLECTION SYSTEM**

LAYTON CITY

**WASTEWATER MASTER PLAN**

FIGURE NO. **2-1**

**Bowen Collins & Associates, Inc.**  
CONSULTING ENGINEERS

P:\Layton City\Wastewater Plan for Sewer\GIS\GIB\1\_Temporary\Figure 2-1 - Existing Collection System.mxd enddate: 3/11/2015

**Lift Stations**

Layton City owns and maintains one lift station in the City. Table 2-2 lists the characteristics of the Kayscreek Estates Lift Station.

**Table 2-2  
Characteristics of Existing Wastewater Pump Stations**

Lift Station Name	Kayscreek Estates
Address	1400 S. Weaver Lane
Year Built	1997
Wet Well Volume (gallons)	9,500 <sup>a</sup>
Static Lift (ft)	38.5
Force Main Length (ft)	2,270
Force Main Diameter	6
No. Pumps & HP	2 (10 HP) <sup>b</sup>
Design Head (ft)	67.4
Design Capacity (gpm)	255
Equipped with Backup Power	True

<sup>a</sup> maximum available volume based on gravity inlet pipe and pump intake.  
Control levels unavailable.

<sup>b</sup> pump data provided by Layton City personnel

There are a number of privately owned lift stations in the City (serving two or less residential connections), but the City does not have any additional information for privately owned lift station characteristics or service areas.

**DIVERSIONS AND INTERCEPTORS**

Although Layton does not operate any mechanical diversions in its wastewater collection system, information in the City’s wastewater collection system database indicate that there are two manholes that appear to contain possible diversions or bifurcations. Layton City personnel identified the primary flow direction at these locations as indicated by the arrows in Figure 2-1 and in Table 2-3.

**Table 2-3  
Layton City Diversions**

<b>Intersection</b>	<b>Alternate Flow Direction</b>	<b>Main Flow Direction</b>	<b>Description</b>
850 East 3000 North	South	West	4-inch weir to south for overflow
2675 N Church Street	50% West	50% South	Manhole cast to evenly split flow

There are a number of other locations in the City where there appear to be two outgoing pipes. However, in all other cases, the pipes cross over one another or the overflow pipe is only used for flushing purposes. Some of the NDSO diversions are shown for information purposes only.

**WASTEWATER TREATMENT**

North Davis Sewer District treats all of the wastewater from Layton City at its treatment plant in Syracuse at 4252 W 2200 South.

## CHAPTER 3 FUTURE GROWTH

### INTRODUCTION

This chapter summarizes the work that was performed to evaluate if the collection system has capacity to meet both existing and future production. The purpose of this chapter is to document the growth projection used as a basis for evaluation in this report.

### METHODOLOGY

There are several methods that can be used to estimate future wastewater needs. This study develops demand projections based on the City's current zoning plan. The methodology used in this study is as follows:

1. Identify existing and projected development based on land use type.
2. Estimate wastewater production by land use type using available indoor water use records.
3. Distribute wastewater production for existing and future conditions based on land use.
4. Use population projections to estimate the rate of growth in demand.

Each step of this process is summarized in the sections that follow.

### PROJECTED DEVELOPMENT

The projected Layton City wastewater system service area is shown in Figure 3-1 along with the City's existing land uses. The service area has been based on the City's general plan boundary. This includes all of the incorporated City along with unincorporated areas expected to annex to the City. The largest area of expected future annexation includes most of the area southwest of the City between I-15 and the Great Salt Lake, but there are also smaller areas in and around the City that will also likely be served by the Layton City wastewater system at some point in the future.

Existing and future development have been evaluated based on land use. Figure 3-2 shows the City's general plan for future land use. Table 3-1 summarizes the total area projected for each general plan land use type. It should be noted that some areas on the City's eastern edge are currently owned by the United States Forest Service and are not likely to develop in the near future (if at all).

**LEGEND**

[Light Blue]	Agricultural Holding Zone
[Light Green]	Church
[Light Yellow]	Commercial
[Light Purple]	Business/Research Park
[Light Blue-Gray]	Professional Business
[Light Green-Gray]	Hill AFB Exemption Area
[Light Yellow-Gray]	Low Density 0-3 Units
[Light Green-Gray]	Low Density 2-4 Units
[Light Yellow-Gray]	Low Density 3-6 Units
[Light Green-Gray]	Medium Density 6-12 Units
[Light Yellow-Gray]	Medium Density 8-16 Units
[Light Green-Gray]	High Density Over 16 Unit
[Light Blue-Gray]	Transit Oriented Development
[Light Green-Gray]	Mixed Use
[Light Yellow-Gray]	Manufacturing
[Light Green-Gray]	Natural
[Light Yellow-Gray]	Open Space
[Light Green-Gray]	Public Facility

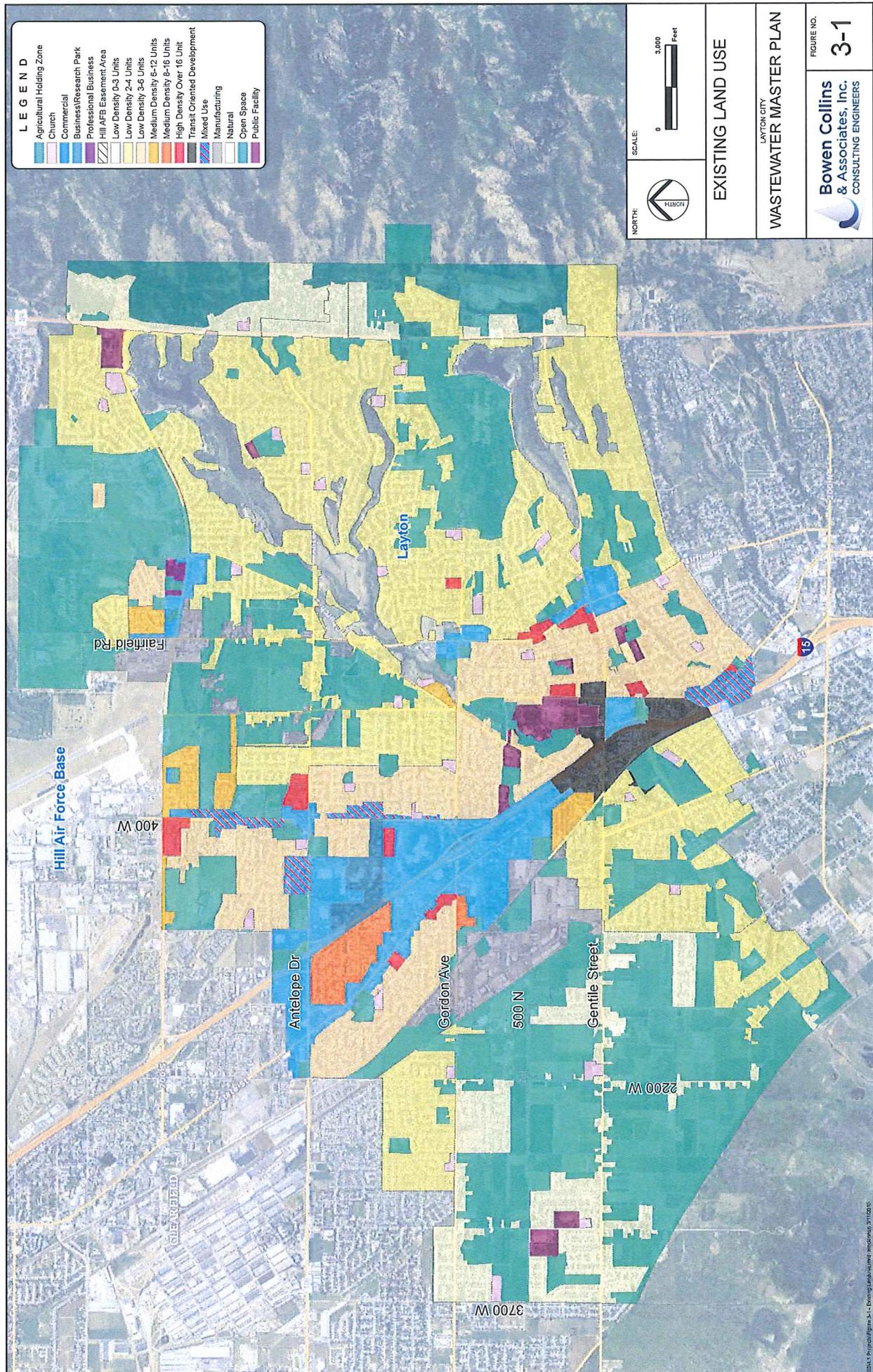


**EXISTING LAND USE**

LAYTON CITY  
**WASTEWATER MASTER PLAN**

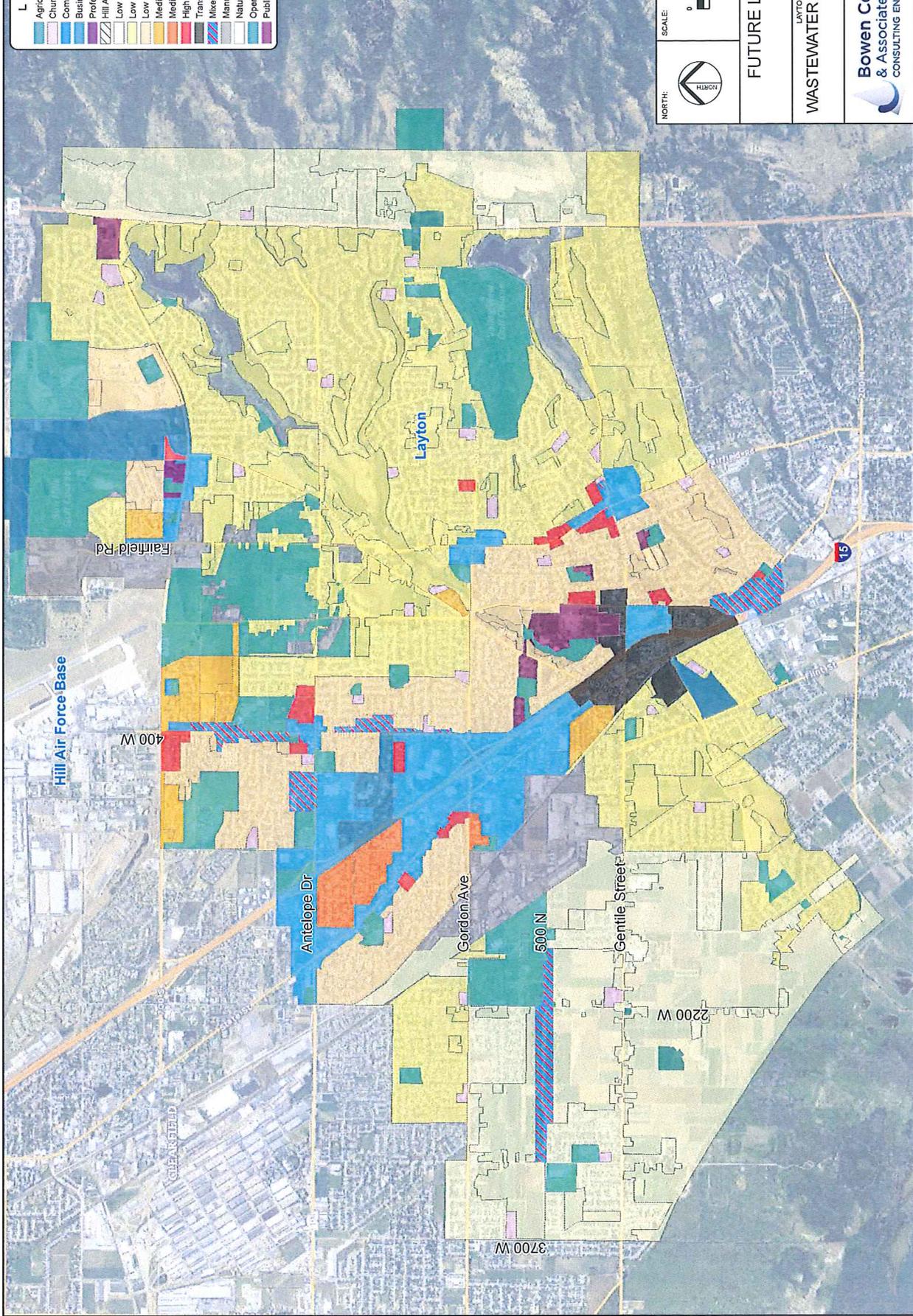
FIGURE NO.  
**3-1**

**Bowen Collins & Associates, Inc.**  
CONSULTING ENGINEERS



For Bowen Collins & Associates, Inc. Project: Figure 3-1 - Existing Land Use Map. Project: Wastewater Master Plan for Layton City, Utah. Project: Figure 3-1 - Existing Land Use Map. Date: 3/11/2015.

- LEGEND**
-  Agricultural Holding Zone
  -  Church
  -  Commercial
  -  Business/Research Park
  -  Professional Business
  -  Hill AFB Esplanade Area
  -  Low Density 0-3 Units
  -  Low Density 2-4 Units
  -  Low Density 3-6 Units
  -  Medium Density 6-12 Units
  -  Medium Density 8-16 Units
  -  High Density Over 16 Unit
  -  Transit Oriented Development
  -  Mixed Use
  -  Manufacturing
  -  Natural (empty)
  -  Open Space
  -  Public Facility



**FUTURE LAND USE**

LAYTON CITY  
**WASTEWATER MASTER PLAN**

FIGURE NO.  
**3-2**

**Bowen Collins  
& Associates, Inc.**  
CONSULTING ENGINEERS

**Table 3-1  
Area by Land Use**

<b>Zone Type</b>	<b>Existing Area by (Acres)</b>	<b>Future Potential Area by (Acres)</b>
Agricultural Holding Zone	1022.1	271.1
Business\Research Park	64.4	386.45
Church	127.2	74.1
Commercial	626.3	559.0
High Density Over 16 Unit	108.1	92.4
Low Density 0-3 Units	632.5	3,072.5
Low Density 2-4 Units	3082.9	5,093.5
Low Density 3-6 Units	1189.1	1,713.2
Manufacturing	379.2	745.2
Medium Density 6-12 Units	162.3	112.0
Medium Density 8-16 Units	112.5	128.8
Mixed Use	95.4	231.7
MU-TOD	98.6	145.5
Natural	386.8	20.2
Open Space\Public Fac	5,951.4	1,479.0
Professional Business	13.5	12.2
Public Facility	185.0	100.3
Public Roads	2082.3	2,082.3
<b>Total</b>	<b>16,319.6</b>	<b>16,319.6</b>

## CONVERTING PROJECTED DEVELOPMENT TO SYSTEM WASTEWATER PRODUCTION

### Historic Wastewater Production

The first step in converting projected development to wastewater production is to examine historic wastewater production. Wastewater production is based on indoor water use during winter months. The City's most recent year of water production data (2012) was used to estimate existing wastewater production. This data was used in combination with the general plan, percent developed area (based on aerial photography), and relative densities to estimate a wastewater production per gross acre by each land use type in the City. Table 3-2 shows the estimated wastewater production per landuse for both existing and future conditions. This assumes that the densities for various land use types under existing conditions will generally apply to future conditions.

**Table 3-2  
Layton City Wastewater Production**

<b>Land Use Type</b>	<b>Wastewater by Landuse (gallon per day / gross acre)</b>
Agricultural Holding Zone	405
Business\Research Park	657
Church	657
Commercial	657
High Density Over 16 Unit	2408
Low Density 0-3 Units	451
Low Density 2-4 Units	619
Low Density 3-6 Units	634
Manufacturing	657
Medium Density 6-12 Units	817
Medium Density 8-16 Units	817
Mixed Use	871
MU-TOD	872
Natural	0.00
Open Space\Public Facility	0.00
Professional Business	657
Public Facility	764
Vacant	0.00

Several items should be noted regarding the creation of this table:

- **Sources of Wastewater Production** – Historic water demand data for the City was obtained from Layton City’s report on water use to the Division of Drinking Water. The months of February and March were used to find an average daily use which was used to estimate average daily domestic wastewater production. Indoor per capita water demand for February and March was estimated to be approximately 72 gpcd. This includes some non-residential water uses. Normally, there is some depletion of water associated with indoor water uses. However, for the purpose of this study, assumed losses and underreporting in indoor water uses were assumed to account for any depletion. Therefore, the indoor water use values were used directly for wastewater production estimates.
- **Existing Land Use** – The total indoor water demand for the City was used in combination with existing land use, existing densities, and percent developed areas to estimate the wastewater production per gross acre for each land use type.

- **Wastewater Production Requirements** – Layton City does not currently have a geographic database of water meters that could be used to distribute indoor water production in the City. As a result, the indoor production requirements in Table 3-2 were estimated based on the densities allowed in the City’s general plan, existing development conditions, and similar demands for equivalent land use types in neighboring cities (with available water meter data).

**Population Projections**

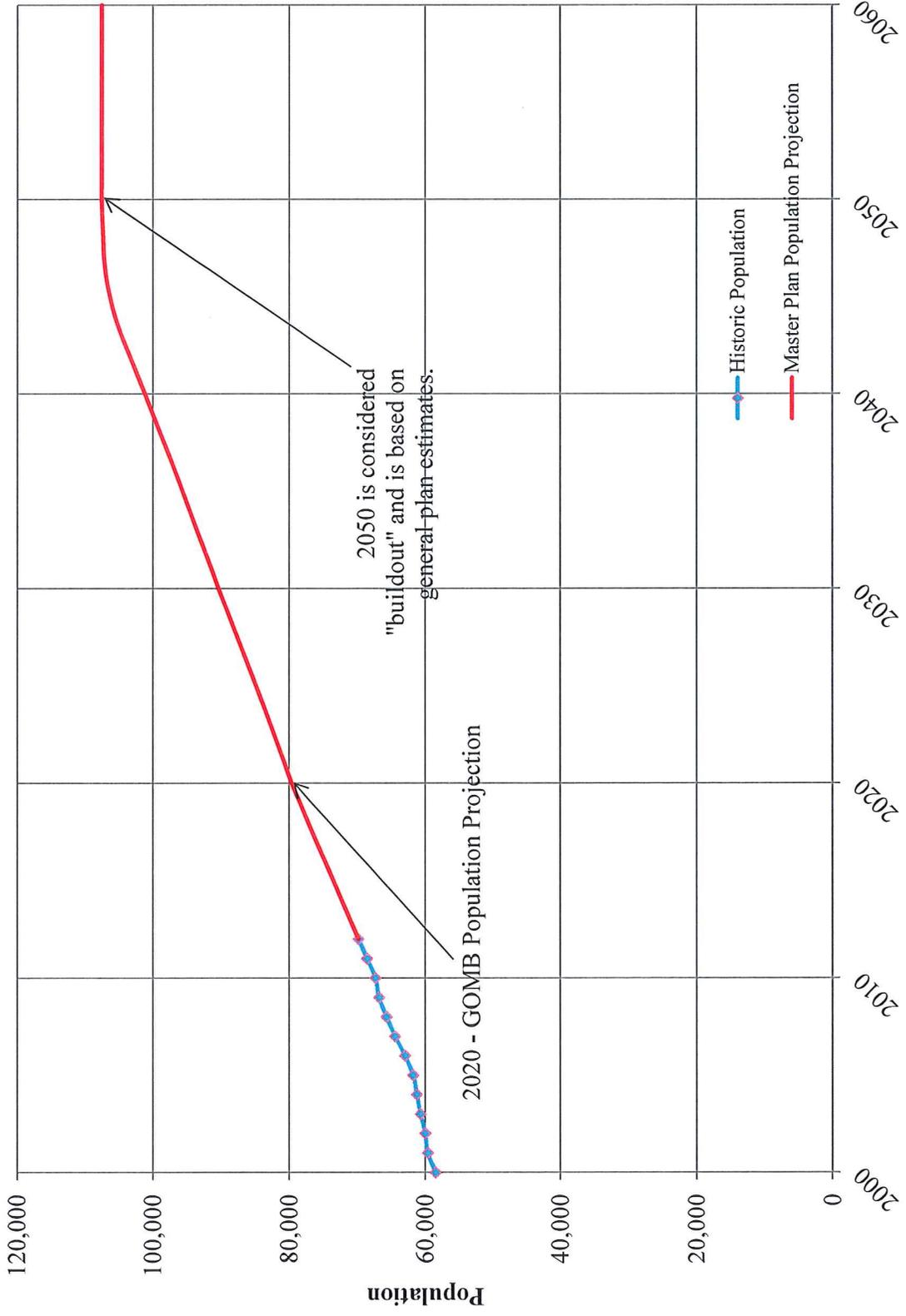
To be able to schedule and budget for future improvements, it is important to estimate how quickly growth will occur in the City over time. For the purposes of this report, it has been assumed that future wastewater growth can be tied directly to population growth. Figure 3-3 shows the projected population growth in Layton City through 2060.

Projected population in Layton City is summarized in Table 3-3. These projections have been taken from the Governor’s Office of Management and Budget (GOMB) and the Wasatch Front Regional Council. While Layton City was comfortable with the GOMB population estimate for 2020, Layton City planning personnel felt the Wasatch Front Regional Council population projections better reflected Layton City planning estimates for the City. Included in Table 3-3 are annual wastewater production estimates that were discussed previously.

**Table 3-3  
Layton City Population and Projected Daily Domestic Wastewater Production**

<b>Year</b>	<b>Population</b>	<b>Domestic Wastewater Production (mgd)</b>
2012	69,768	5.0
2020	79,594	5.7
2030	90,384	6.5
2040	101,175	7.3
<b>Buildout</b>	<b>107,598</b>	<b>7.7</b>

**Figure 3-3  
Layton City Population Projection**



## INFILTRATION

Infiltration is the intrusion of groundwater into the sewer system through cracked pipes, broken and offset joints, improper connections, leaky manholes, etc. In areas with aging sewer lines and high groundwater, infiltration can actually be the largest component of flow being conveyed in the sewer. Infiltration is very difficult to measure because it varies across the service area based on climate conditions, water table levels, pipe diameter, and pipe condition.

Infiltration has been found to fluctuate a great deal with time. Infiltration may be significantly higher during runoff and irrigation seasons than during the winter months. Infiltration may also vary significantly from year to year. During a drought, infiltration may be very small; but with long wet periods the water table can rise, leading to significantly higher infiltration amounts.

Although infiltration varies with time when examined over a period of several months or years, very little variation in time will occur during a single day. Therefore, when infiltration is added to a hydraulic model as a component of the total estimated sewer flow, it is added simply as a constant flow.

Based on flow monitoring conducted by the North Davis Sewer District in 2009, the overall infiltration rate for Layton City appears to be equal to roughly 65 percent of the domestic wastewater contribution from the City. However, infiltration rates from different parts of the City can vary significantly. As part of this study, Layton City conducted flow monitoring to identify the accuracy of both domestic flow and infiltration estimates. Where flow monitoring data was available, infiltration rates were input into the model based on flow monitoring data. For preliminary modeling and where flow monitoring data was not available, infiltration in the hydraulic model was input as 65 percent of domestic wastewater estimates.

The measured rates of infiltration for the limited area flow monitored ranged between approximately 15 percent and 65 percent as a ratio of infiltration to domestic wastewater. Flow monitoring is discussed in further detail in Chapter 4. For new construction, allowable infiltration should range between 400 and 600 gpd/in-diam/mile<sup>[1]</sup>. For an infiltration rate of 400 gpd/in-diam/mile, this equates to an infiltration rate per person of approximately 11 gpcd for Layton City's existing facilities. This is the approximate infiltration rate the City would have if its existing collection system were built with the latest materials and construction methods.

Table 3-4 shows the estimate of total wastewater flow from Layton City through 2060 using the 65 percent average for existing conditions and 11 gpcd for future growth in the City (based on 400 gpcd/in-diam/mile).

---

[1] "Chapter 3 Quantity of Wastewater." *Gravity Sanitary Sewer Design and Construction*. NY, NY: American Society of Civil Engineers.

**Table 3-4  
Layton City Population and Projected Wastewater Production**

<b>Year</b>	<b>Population</b>	<b>Domestic Wastewater Production (mgd)</b>	<b>Infiltration (mgd)</b>	<b>Total Wastewater Production (mgd)</b>
2012	69,768	5.0	3.3	8.3
2020	79,594	5.7	3.4	9.1
2030	90,384	6.5	3.5	10.0
2040	101,175	7.3	3.6	10.9
<b>Buildout</b>	<b>107,598</b>	<b>7.7</b>	<b>3.7</b>	<b>11.4</b>

**Inflow**

Similar to infiltration, inflow is also the intrusion of unwanted water into the sewer system. In the case of inflow, however, this water comes from rainfall and snowmelt instead of groundwater. Inflow may enter the sewer system through roof and foundation drains, yard and area drains, manhole covers, and illicit storm drain connections. In the case of the assorted roof and yard drains, discharge into the sanitary system is against City ordinances. However, illegal connections often exist and can significantly affect the performance of the sewer system. Limited flow monitoring in Layton City has indicated that inflow can be a significant problem, but there was not sufficient inflow data to predict inflow for hydraulic modeling purposes. System evaluation criteria will be based on providing an allowance for inflow into the City’s collection system.

## **CHAPTER 4 HYDRAULIC MODELING**

The Layton City sanitary sewer system was evaluated as part of this study using a hydraulic modeling computer program. A hydraulic computer model is a mathematical representation of the pipes, manholes, pumps, and wastewater flows found in the sewer collection system. Hydraulic computer models are useful because they allow the user to simulate operation of large, complex sewer systems and consider how future changes in flow will affect those systems.

### **INFOSWMM**

The computer modeling software used in this study was InfoSWMM, developed by Innowyze. InfoSWMM is a hydraulic model that runs within the geographical information systems (GIS) program ArcGIS and performs the full St. Venant hydraulic calculations. It was chosen to take advantage of the database query capabilities and functionality of GIS along with robust hydraulic calculation capabilities.

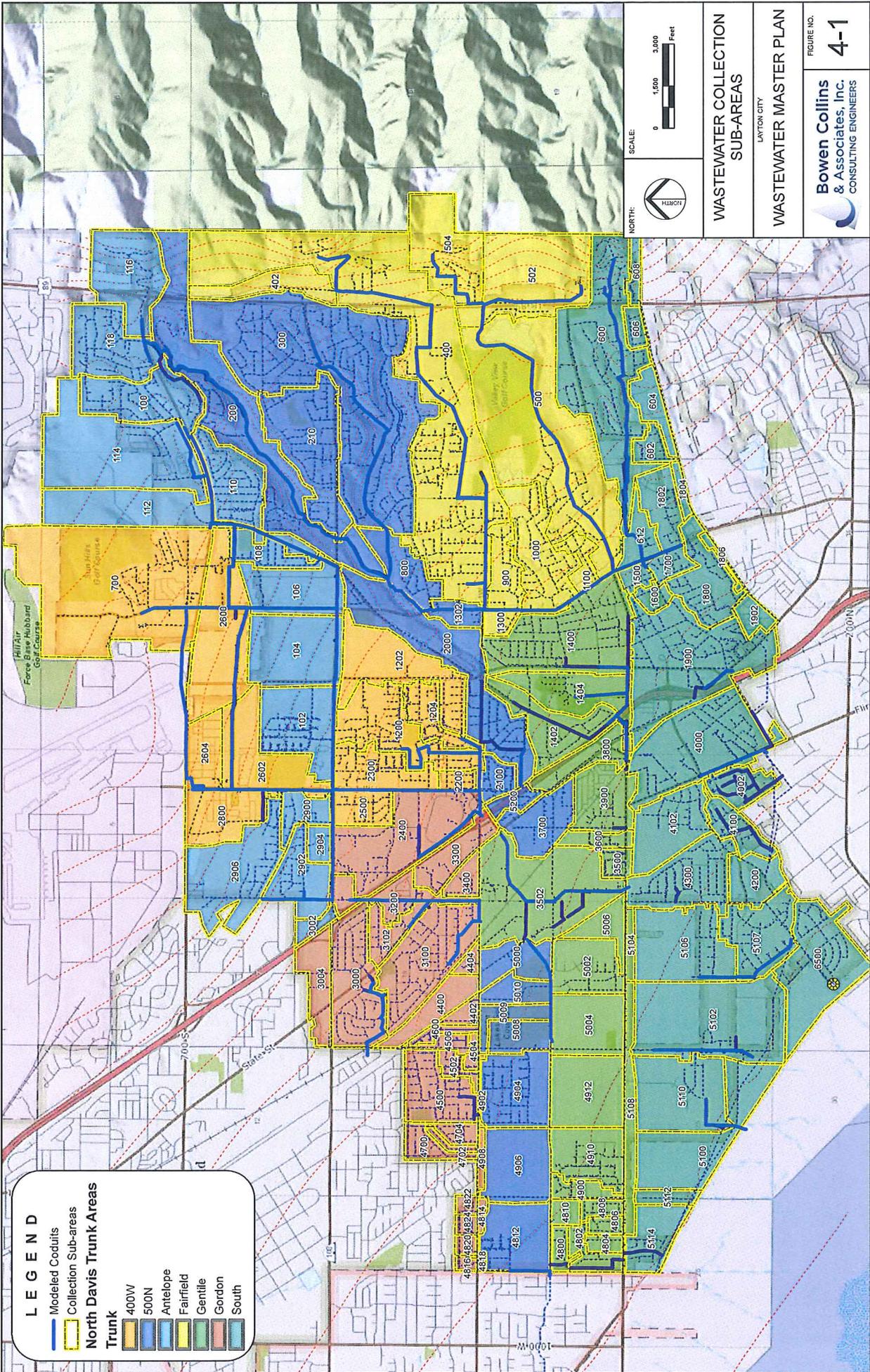
### **GEOMETRIC MODEL DEVELOPMENT**

There are two major types of data required to create a hydraulic model of a sewer system: geometric data and flow data. Geometric data consists of all information in the model needed to represent the physical characteristics of the system.

#### **Modeled Pipelines**

It was not economically feasible to model all of the sewer pipes in the Layton City sewer system because of time constraints for survey. In addition, as smaller pipes are added to the model, the more refined the analysis becomes, which requires additional time, effort, and expense. Hence, it is important to consider the required accuracy and available budget when selecting the sewer lines to model.

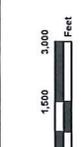
Layton City personnel identified all of the various collection areas in the City and surveyed those sewer trunk lines serving a collection area of more than 200 acres. Based on the City's existing densities, this is the approximate service area that can be served by an 8-inch pipe laid at the State minimum slope standards without capacity concerns. Thus, service areas smaller than this are unlikely to have any capacity issues that would benefit from modeling. The sewer mains included in the hydraulic model are shown in Figure 4-1. The final selection of sewer lines included in this model was reviewed and approved by Layton City personnel. As the City performs additional surveying, additional sewer collection lines will be added to the City's hydraulic model. Additional flow monitoring may also be conducted as lines are added to the model to simulate existing conditions.



- LEGEND**
- Modeled Conduits
  - Collection Sub-areas
  - North Davis Trunk Areas
  - Trunk
    - 400W
    - 500N
    - Antelope
    - Fairfield
    - Gentile
    - Gordon
    - South



NORTH



**WASTEWATER COLLECTION SUB-AREAS**

LAYTON CITY  
**WASTEWATER MASTER PLAN**

**Bowen Collins & Associates, Inc.**  
CONSULTING ENGINEERS

FIGURE NO.  
**4-1**

P:\Layton City\Master Plan for General\GIS\Map1 - Collection Sub-areas.mxd 3/11/2015

Information on the physical characteristics of the pipes included in the model was collected and assembled by Layton City personnel. A basic framework for the model was developed using Layton City's GIS records. The City's GIS database included information on the diameter, length and location of each pipe to be included in the model. Rim elevations were collected by a City survey crew. Inverts were based on measure downs collected by wastewater collection personnel.

### **Modeled Lift Stations**

There is only one lift station in the Layton collection system. Details for the existing lift station characteristics were summarized in Chapter 2.

## **EXISTING FLOW MODEL DEVELOPMENT**

The second type of data required by the hydraulic model is sewer flow into the pipes being modeled. Required information includes magnitude of flow, point of entry into the system, and a description of how flow varies with time (to establish peak demand and consider the effects of flow travel time in the system).

### **Initial Domestic Flow Distribution (Existing Condition)**

Ideally, existing flow into a wastewater collection system model can be input into the model based on metered indoor demands at wastewater connections. Unfortunately, an accurate distribution of indoor metered demands was unavailable during the period of this study. As a result, a land-use approach for distributing wastewater production estimates was used in combination with flow monitoring data to estimate the flow distribution in the City's modeled trunk lines.

For calculating flow magnitudes and determining distribution of the flows within the model, the service area was divided into 128 wastewater collection sub-areas as shown in Figure 4-1. Using the projected flow contributions for different types of land-use (see Table 3-2 in Chapter 3), the projected flow contribution for each sub-area for existing and build-out development conditions was calculated. Each manhole in the hydraulic model was assigned flow based on the nearest land and land-use type associated with each manhole within each wastewater collection sub-area. The subareas are useful to define so that land is not just assigned to the nearest manhole, but to the nearest manhole within the associated collection area (which is not necessarily the closest manhole). Without this distinction, some areas could be assigned to the wrong manhole.

### **Infiltration**

Infiltration is the intrusion of groundwater into the sewer system through cracked pipes, broken and offset joints, improper connections, leaky manholes, etc. In areas with aging sewer lines and high groundwater, infiltration can actually be the largest component of flow being conveyed in the sewer. Infiltration is very difficult to measure because it varies across the service area based on climate conditions, water table levels, pipe diameter, and pipe condition. Infiltration in the

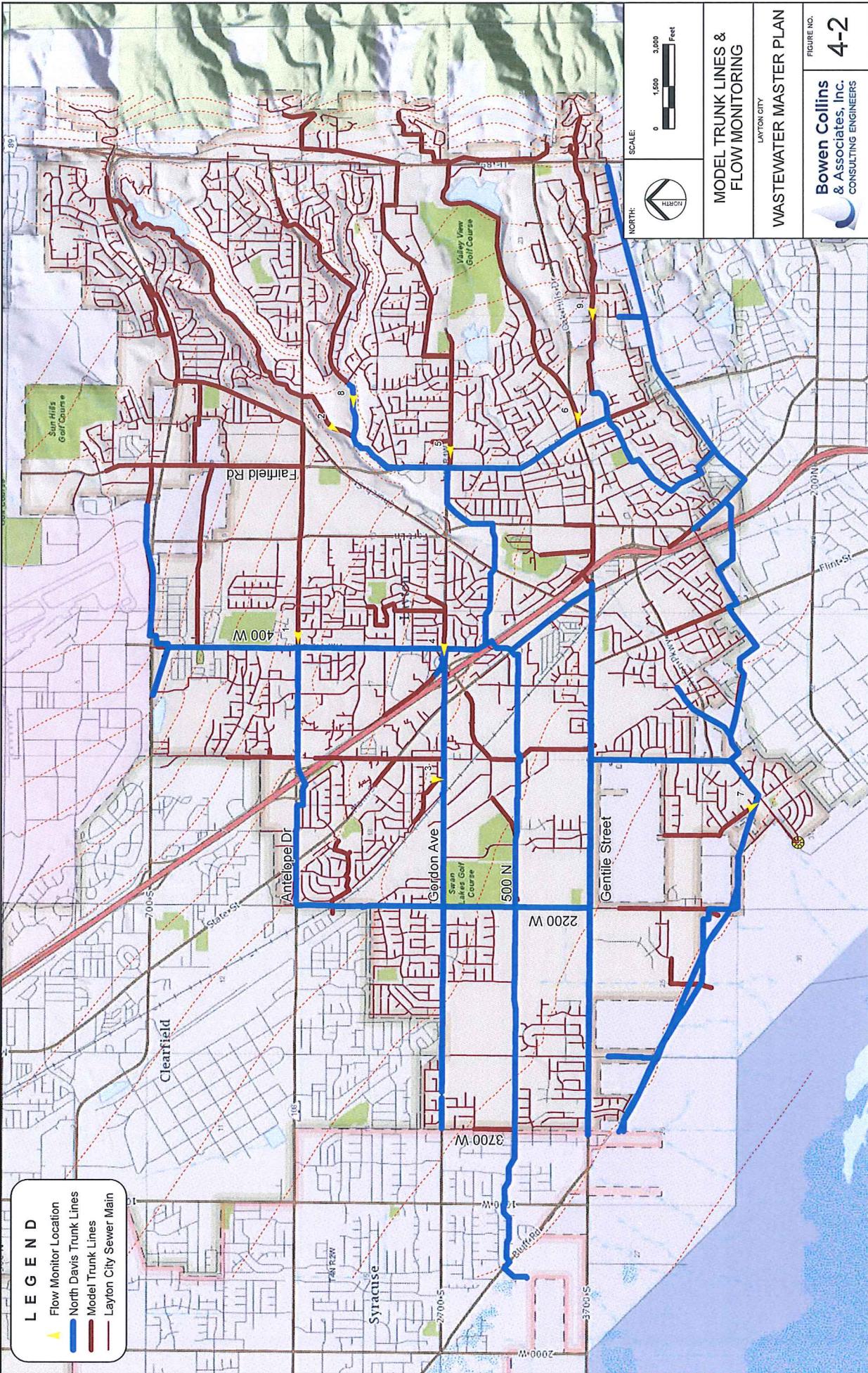
City's hydraulic model was added using historic flow monitoring conducted by the North Davis Sewer District. For the City as a whole, infiltration was estimated to be equal to roughly 65 percent of total domestic production. This ratio was used to assign infiltration to the model during preliminary modeling.

### **Preliminary Modeling**

Hydraulic modeling of the City's collection system was performed using the land-use based domestic wastewater production estimates as described above with the City-wide infiltration rate of 65 percent. Results from preliminary modeling were used to identify potential deficiencies in the City's collection system. These preliminary modeling results were used to identify locations where additional flow monitoring should be conducted.

### **FLOW MONITORING & MODEL CALIBRATION**

Flow monitoring conducted in August-September 2014 (using Hach Sigma 910 area-velocity meters) was used to further calibrate the hydraulic model to represent existing conditions. Figure 4-2 shows the location of the 2014 flow monitor sites. Table 4-1 shows the summary of flow monitor results for each flow monitor site compared to the preliminary model results at each site.



**LEGEND**

- Flow Monitor Location
- North Davis Trunk Lines
- Model Trunk Lines
- Layton City Sewer Main



SCALE:  
0 1,500 3,000  
Feet

**MODEL TRUNK LINES & FLOW MONITORING**

LAYTON CITY  
**WASTEWATER MASTER PLAN**

**Bowen Collins & Associates, Inc.**  
CONSULTING ENGINEERS

FIGURE NO.  
**4-2**

Plan No. WWSMP-Plan for Sewer, LDCM1, Project Figure 4-2 - Flow Monitor Sites and Intersectors, 01/2020

**Table 4-1  
Simulated Flow vs Estimated Flow After Model Calibration**

Flow Monitor Site	Adjustment	Simulated Average Daily Flow After Calibration (gpd)	Estimated Average Daily Flow <sup>2</sup> (gpd)
1	Increased domestic by 240%	514	535
2	Decreased infiltration by 38%	268	222
3	No adjustment	108	104
4	No adjustment	-- <sup>1</sup>	--
5	Decreased infiltration by 38%	310	215
6	Decreased domestic by 33%, Decreased infiltration by 77%.	128	102
7	Decreased infiltration by 38%	47	54
8	Decreased infiltration by 38%	292	271
9	No adjustment	154	140

<sup>1</sup> – Flow monitor 4 was placed on a NDS line inadvertently and was not used in calibration.

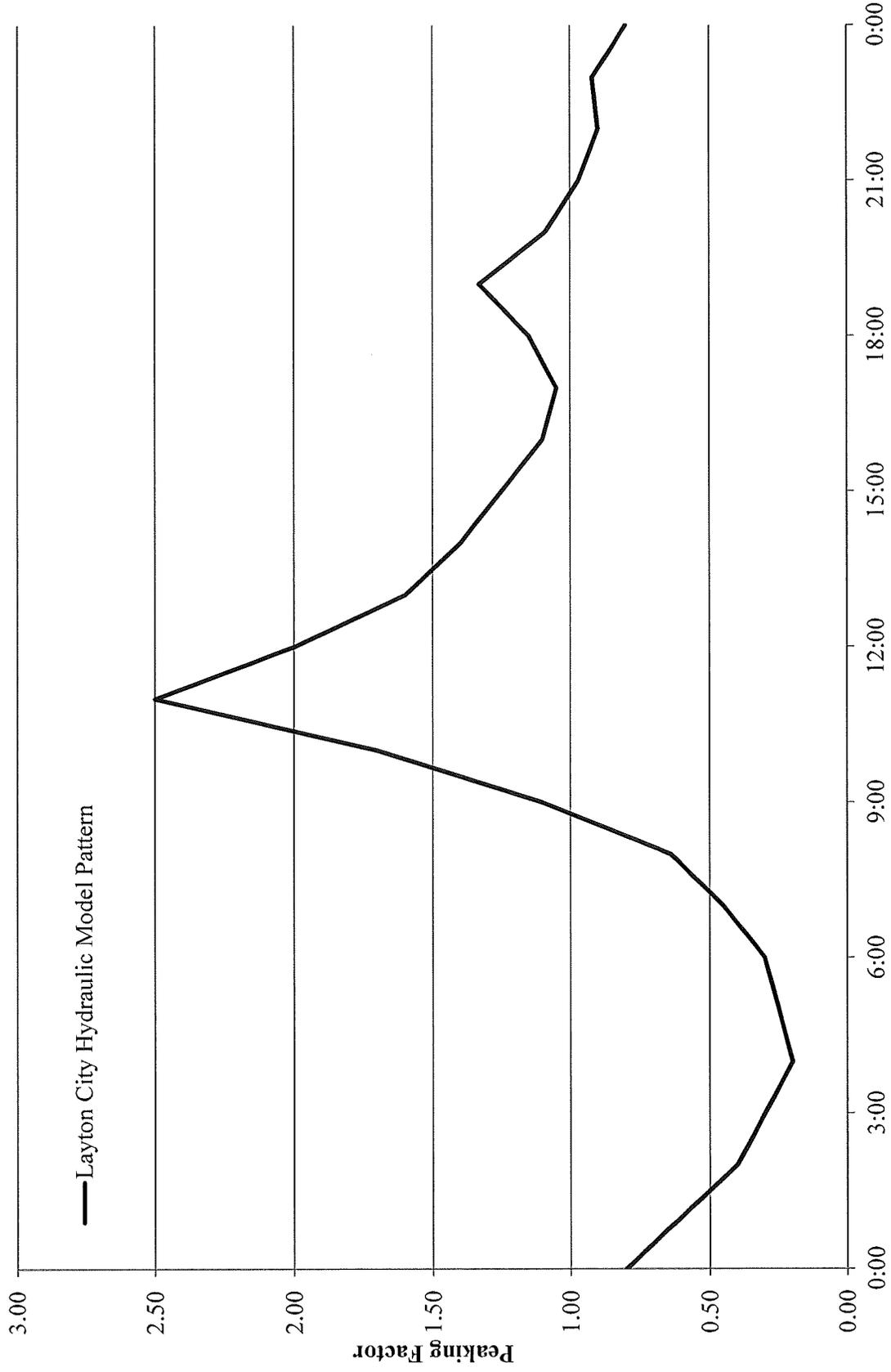
<sup>2</sup> – Estimated average daily flow was developed based on an evaluation of flow monitoring results and upstream wastewater connections.

In general, the domestic flow projections for the City were fairly close to flow monitor results. However, a significant adjustment to domestic flow projections was needed at Flow Monitor #1. This site was discussed with City personnel to identify a reason for the discrepancy. The upstream diversion at 2675 N Church Street could contribute to inaccuracies if flows diverted are not equal. Because the domestic production for the entire collection area was factored uniformly, this assumes that the relative density of all areas upstream are higher than predicted in the City's general plan. Simulated model results were calibrated to match flow monitor results, but this area may represent an area where additional flow monitoring may be warranted to determine if there is a single source for higher domestic flow (from a wet industry) or if higher densities in this collection area are contributing to the higher flows. Infiltration adjustments in the model were made for areas associated with flow monitor sites to better match flow monitor results.

### **Diurnal Pattern**

An updated diurnal pattern was also developed as a result of flow monitoring to better match the timing of peak discharges. Figure 4-3 shows the estimated diurnal pattern used in the hydraulic model. Simulated flows in the hydraulic model using this demand pattern reflected observed monitoring results well.

**Figure 4-3**  
**Diurnal Patterns applied to Hydraulic Model**



**Table 4-2  
Hydraulic Model Diurnal Pattern**

Hour	Peaking Factor	Hour	Peaking Factor
0	0.80	12	2.00
1	0.60	13	1.60
2	0.40	14	1.40
3	0.30	15	1.25
4	0.20	16	1.10
5	0.25	17	1.05
6	0.30	18	1.15
7	0.45	19	1.33
8	0.64	20	1.09
9	1.10	21	0.97
10	1.70	22	0.90
11	2.50	23	0.92

**Future Domestic Flow Distribution**

For future conditions, the City’s general plan was used to assign future flow to the hydraulic model. Flow was calculated for each land use type and area and assigned to each manhole in the model within a wastewater collection sub-area. This was the same process used for initial domestic flow production. The net difference in future and existing domestic flow and infiltration remained the same after the calibration process.

## CHAPTER 5 SYSTEM EVALUATION AND CAPACITY ASSURANCE

With the development and calibration of a hydraulic sewer model, it is possible to simulate sewer system operating conditions for both present and future conditions. The purpose of this chapter is to evaluate hydraulic performance of the collection system and identify potential hydraulic deficiencies.

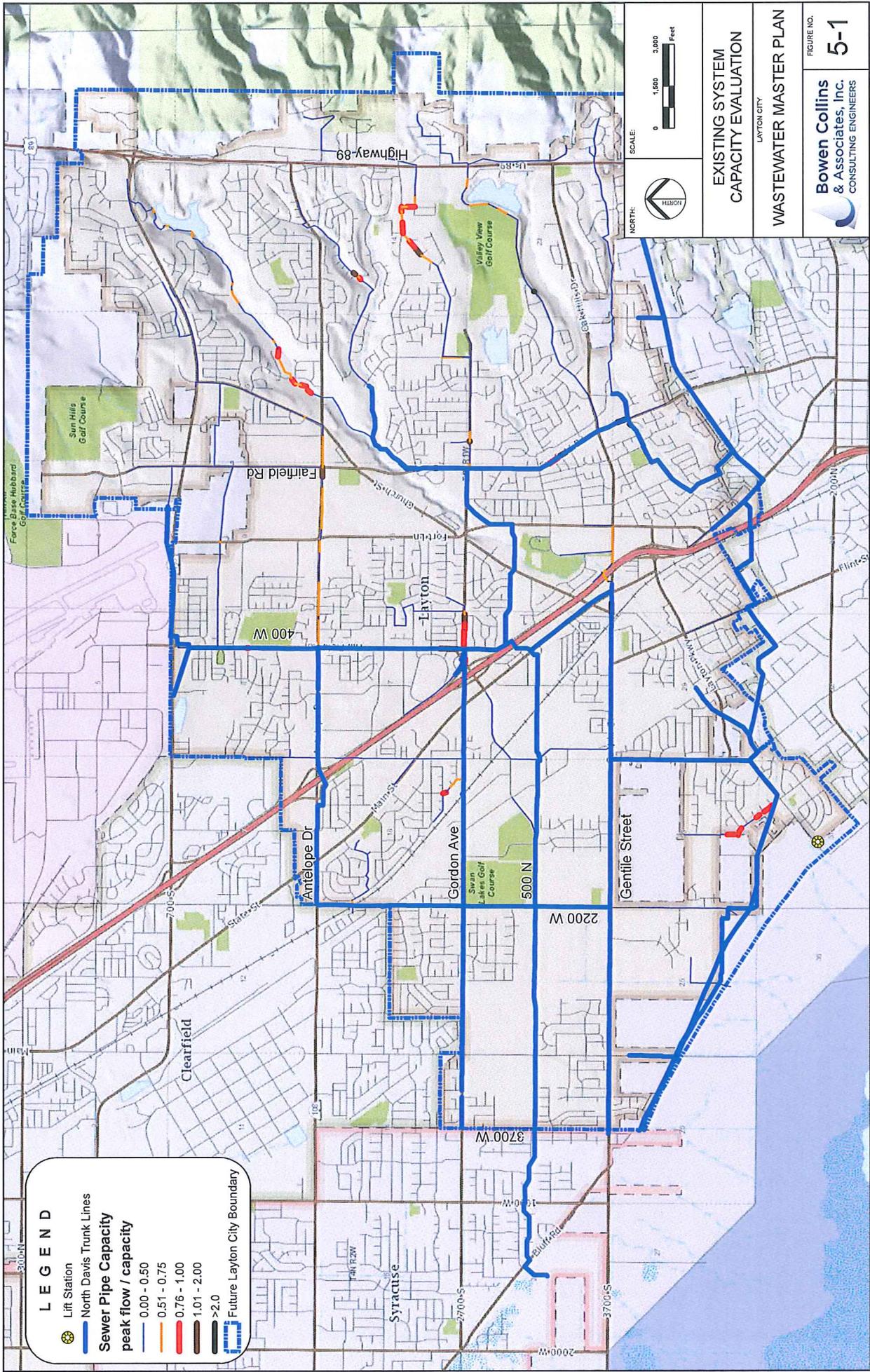
### EVALUATION CRITERIA

In defining what constitutes a hydraulic deficiency, it is important to consider the assumptions made in estimating sewer flows in the model. As described in Chapters 3 and 4, the sewer flow included in the model is composed of two parts: domestic sewer flow and infiltration. These inputs are based on available data. Because these estimates are based on average values and a limited data set, actual flows will fluctuate and may be greater than the model estimates. For example, infiltration during extremely wet years could be more than estimated in the model (e.g. 1983 was a statewide historically wet year that led to high infiltration and flooding in many areas). In addition, no data was available relative inflow (intrusion of water from rain or snowmelt) into the City's collection system. The criteria established for identifying deficiencies should be sufficiently conservative to account for occasional flows higher than those estimated in the model related to unanticipated infiltration, inflow, or domestic flow variation. The following criteria have been established to identify capacity deficiencies in the system:

- **Pipeline Capacity** – The most important deficiency to eliminate in the sewer system is inadequate pipe capacity. For this master plan it was decided to define a capacity deficiency as any point where the dry weather peak hour flow in the pipe is greater than 75 percent of the pipe's full flow capacity, which occurs when flow exceeds a depth of approximately 65 percent of the maximum depth. The remaining 25 percent of pipe capacity was reserved for inflow and/or unaccounted for fluctuations in domestic flow and infiltration. In cases where short segments of relatively flat pipes exist, a maximum allowable depth of 65 percent of pipe diameter is used to define a pipe deficiency.
- **Lift Station Capacity** – A lift station capacity deficiency is defined as anytime dry weather peak hour flows exceeds 85 percent of the pumping capacity of the duty pump(s). This is to provide sufficient capacity so that the pump can accommodate increase in flow from inflow events and/or mechanical wear over time. Note that all lift stations are required to have at least one backup pump in the case of mechanical failure that may act as additional capacity for inflow events.

### INITIAL CAPACITY EVALUATION – EXISTING SYSTEM

Layton City has performed an evaluation of each of the components in its wastewater collection system. As noted in Chapter 4, the City has performed sufficient survey and collected data to simulate facilities needed to serve areas larger than can be conveyed by a typical 8-inch pipe constructed at the State minimum slope requirement (0.004 ft/ft). Figure 5-1 shows the



**LEGEND**

- Lift Station
- North Davis Trunk Lines
- Sewer Pipe Capacity peak flow / capacity**
- 0.00 - 0.50
- 0.51 - 0.75
- 0.76 - 1.00
- 1.01 - 2.00
- >2.0 capacity line"/> >2.0
- Future Layton City Boundary



SCALE:  
0 1,000 3,000  
Feet

**EXISTING SYSTEM  
CAPACITY EVALUATION**

LAYTON CITY  
**WASTEWATER MASTER PLAN**

FIGURE NO.  
**5-1**  
**Bowen Collins  
& Associates, Inc.**  
CONSULTING ENGINEERS

P:\Layton City\Water Plan for Sewer\GIS\DATA\Project\Figures\5-1 Existing Capacities.mxd, as of 10/21/15

performance of the sewer system under existing flow conditions. Pipes in the figure are color coded to show the ratio of peak depth in the pipe to the pipe’s full depth.

**Flow Monitoring**

Temporary flow monitoring was conducted for the system evaluation using Hach Sigma 910 area-velocity flow meters. Visual inspections were then performed after calibration of the model to assess areas with simulated deficiencies. Maintenance personnel also conduct visual inspections on a regular basis.

**Existing Deficiencies (Surcharge Flow Analysis)**

A few locations in the City were identified that do not meet the City’s design criteria for dry weather flow, and represent areas that could surcharge with inflow from a storm event and/or unexpected fluctuations in domestic flow or infiltration. City personnel measured depths at manholes exhibiting existing deficiencies in the hydraulic model and were able to confirm the results of the model as indicated in Table 5-1.

**Table 5-1  
Observed Depths vs Simulated Depths at Existing Deficiencies**

Manhole ID	Pipe Size (in)	Time	Observed Depth (in)	Simulated Depth at Time of Measurement (in)
1-1.23	8	3:10 PM	4.5	4.7
31-1.1A	8	2:37 PM	9	8.8
12-1.2	8	2:23 PM	6	4.1
4-1.40	8	3:54 PM	4	5.3
5-1.35	8	2:57 PM	1.5	3.0

In most of the simulated deficiency areas, observed depths in manholes corroborate a potential deficiency during peak flows (which occur closer to 11 AM). The one exception was at Manhole ID 5-1.35. Observed depth in that manholes was significantly lower than would be anticipated based on the pipes slope and estimated flow and would suggest that any potential project at that location could be postponed until the next wastewater master plan update.

**Flow Reduction**

Because infiltration rates for the areas with deficiencies are not extreme, it is unlikely that the City may achieve a significant reduction in infiltration through lining projects. However, the City has a sewer collection renewal budget that is used to rehabilitate or replace older sewer collection lines that should help to prevent the intrusion of additional infiltration as lines age.

### **Foreign Objects or Obstructions**

In general, hydraulic modeling does not include the simulation of foreign objects or obstructions. However, the City does maintain its pipelines to try and prevent the buildup of sediment or foreign objects. As a result, sanitary sewer overflow events associated with foreign objects or obstructions cannot be predicted in the hydraulic model.

### **Allowable Surcharging**

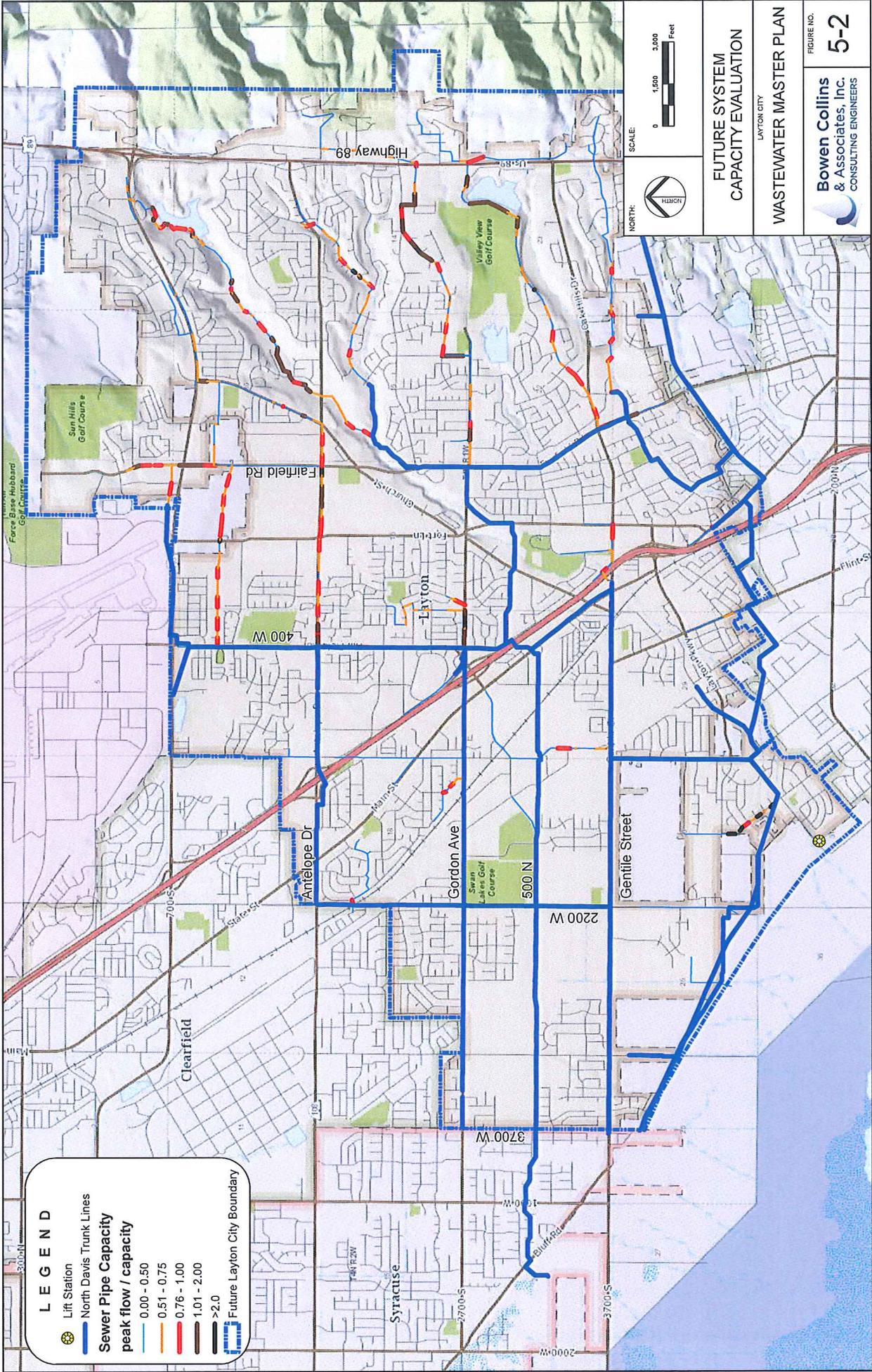
The City's design criteria will require pipes to be replaced if depths exceed 75 percent of the pipes hydraulic capacity. As part of hydraulic modeling and flow monitoring, there was one location in the City (Laytona Dr & Gordon Ave) where an existing Layton City collection line appears to be tied into a North Davis Sewer District trunk line at close to the same invert elevation. Because of the larger trunk line size and higher depths, this results in a backwater effect in the pipeline that extends a couple hundred feet up Layton City's collection line under some flow conditions. Although the pipe has adequate hydraulic capacity for upstream flow, there is some surcharging occurring as a result of backwater under some conditions. This has not historically caused any problems for any connected laterals. However, it represents a maintenance concern for the manhole closest (Manhole ID 31-1.1A) to the NDS trunk line where fats, oils, and other debris could collect during higher flows. This manhole should be monitored to determine if a routine maintenance schedule should be established. This may be true of other Layton City connections into NDS trunk lines, but Manhole ID 31-1.1A was the only location with verified backwater. In general most lines in the City tie into large diameter trunk lines with steep enough slope or high enough inverts to avoid backwater effects.

### **FUTURE CAPACITY EVALUATION – (REEVALUATION ANALYSIS)**

Figure 5-2 shows the performance of the sewer system under future flow conditions when the City is considered build-out according to the City's current general plan. Pipes in the figure are color coded to show the ratio of maximum depth in the pipe to the pipe's full depth.

### **Future Deficiencies (Surcharge Flow Analysis)**

Several locations in the City were identified that will not meet the City's design criteria for dry weather flow, and represent areas that could surcharge with inflow from a storm event and/or unexpected fluctuations in domestic flow or infiltration. Most of these additional deficiencies will require capacity improvements to prevent surcharging conditions in the future. Chapter 6 discusses proposed capital improvement projects needed to prevent system deficiencies under existing or future conditions. The priority for proposed capital projects is discussed in Chapter 6.



## **CHAPTER 6 SYSTEM IMPROVEMENTS**

The hydraulic model results have identified potential deficiencies in the sewer system under buildout conditions (see Chapter 5). This chapter discusses system improvements to solve deficiencies that will appear as the City continues to grow. The priority of each project is assigned based on the necessity pertaining to future growth.

### **PIPELINE IMPROVEMENTS**

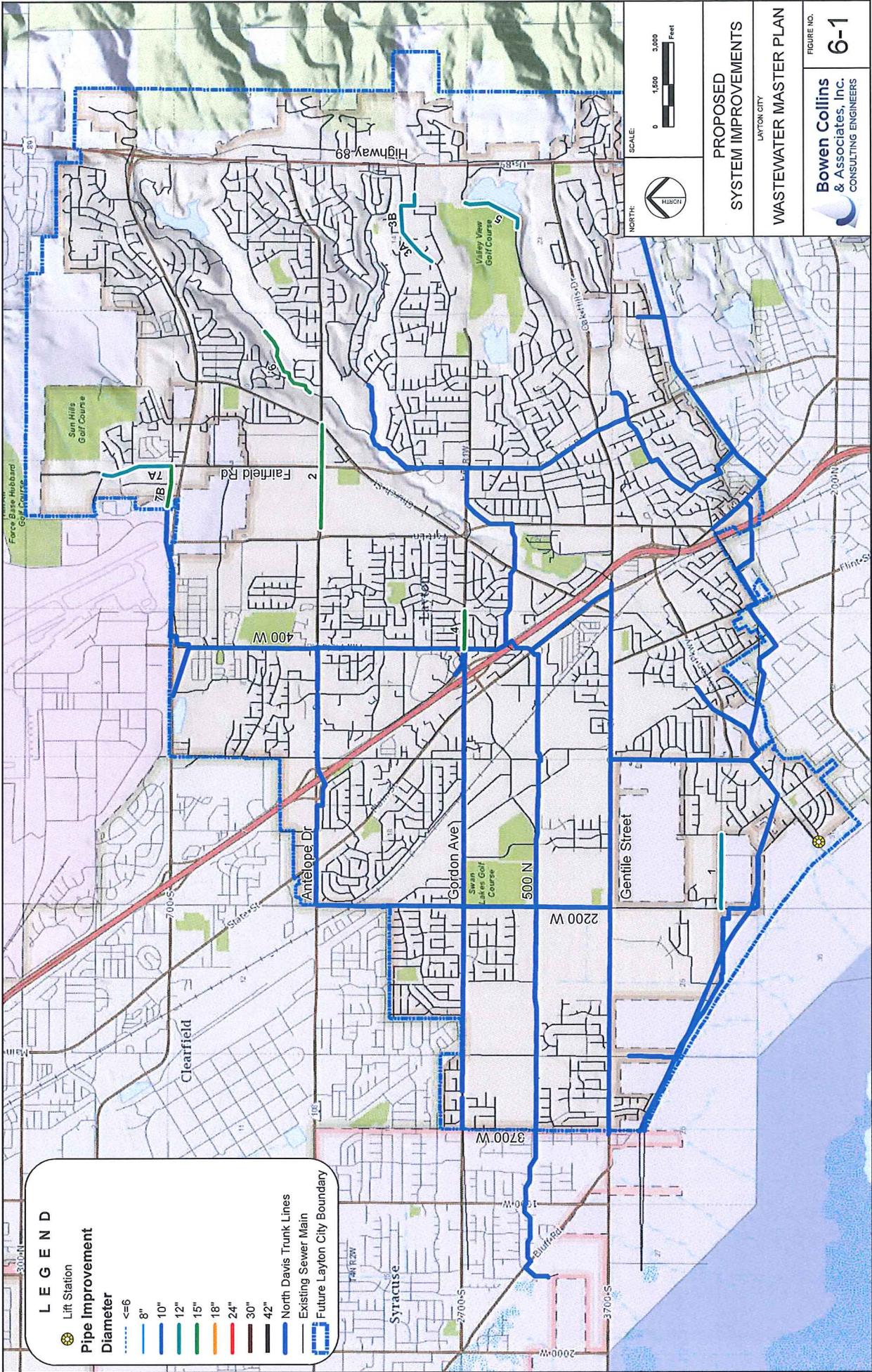
Many of the existing collection lines that display pipe deficiencies in Chapter 5 are 8-inch diameter sewer mains without adequate hydraulic capacity. To satisfy projected buildout flows for Layton City, many of these collection lines will need to be increased in size. Figure 6-1 shows the location of proposed system improvements needed to resolve future deficiencies. Note that in cases where only a single pipe between two manholes has an apparent hydraulic deficiencies, a system project is not necessarily needed. As long as the depth in the pipe does not exceed 75 percent of the pipes hydraulic capacity, a pipe may be considered adequate. Table 6-1 lists the proposed projects along with an estimated timeline for construction. The estimated timeline for construction is based on feedback from Layton City personnel on the relative timing of future growth. In general, areas west of Highway 89 are anticipated to develop earlier than any areas east of Highway 89. This is because much of the area east of Highway 89 is currently owned by the Forest Service and is not developable in the near future.

### **SYSTEM RENEWAL**

Along with system capacity improvements, effective infrastructure planning must also include asset rehabilitation and replacement, commonly termed renewal. To effectively identify which system facilities need replacement and plan for future asset renewal projects, Layton City needs to accurately assess and document the current condition of system assets. Layton City recently adopted a sanitary sewer management plan (SSMP) used to properly manage, operate, and maintain all parts of the sewer collection system. The SSMP's purpose is to reduce and prevent sanitary sewer overflows (SSOs). See the Layton City SSMP for a detailed description of their pipeline assessment program.

### **SYSTEM RENEWAL BUDGET**

As with anything, each component of a collection system has a finite service life. As such, it is necessary to continually spend money for the rehabilitation or replacement of these system components. If adequate funds are not set aside for regular system renewal, the collection system will fall into disrepair and be incapable of providing the level of service customers in Layton expect. The purpose of this section of the report is to evaluate how much money Layton City should be budgeting for the purpose of system renewal.



**LEGEND**

Lift Station

Pipe Improvement

Diameter

<=6

8"

10"

12"

15"

18"

24"

30"

42"

North Davis Trunk Lines

Existing Sewer Main

Future Layton City Boundary

PROPOSED  
SYSTEM IMPROVEMENTS

LAYTON CITY

WASTEWATER MASTER PLAN

FIGURE NO.

**6-1**

**Bowen Collins  
& Associates, Inc.**  
CONSULTING ENGINEERS

P:\Layton City\Water Plan for Review\GIS\Map\Proposed\fig 6-1 System Improvements.mxd, 2/11/2015

Table 6-1  
Capital Improvement Plan

Id	Construction Year	Description	Proposed Pipe Diameter (inches)	Length (ft)	Pipe Unit Cost (\$/ft)	Estimated Pipe Cost (2015 Dollars)	Estimated Number of Manholes	Manhole Costs (2015 Dollars)	Construction Cost Estimate (2015 Dollars)	Total Project Cost Estimate <sup>a</sup> (2015 Dollars)
1	2016	750 S, 2200 W to 1400 W	12	2,640	\$210	\$554,000	8	\$80,000	\$634,000	\$855,000 <sup>b</sup>
2	2017	Antelope, 350 E to 950 E	15	3,678	\$240	\$883,000	11	\$110,000	\$993,000	\$1,343,000
3A	2018	Oakridge Dr, 2200 E to 2450 E	12	1,480	\$210	\$311,000	5	\$50,000	\$361,000	\$485,000
3B	2028	Cherry Lane, Oakridge to 2575 E;								
4	2019	2575 E, Cherry to 1400 N	12	1,845	\$210	\$387,000	6	\$60,000	\$447,000	\$601,000
5	2025	Gordon, 400 W to 150 W	15	1,348	\$240	\$324,000	4	\$40,000	\$364,000	\$492,000
6	2026	Gentile, 2520 E to 2800 E	12	2,355	\$210	\$495,000	7	\$70,000	\$565,000	\$762,000
7A	2026 <sup>c</sup>	North Fork Kays Creek, 1200 E to 1800 E	15	2,983	\$240	\$716,000	9	\$90,000	\$806,000	\$1,090,000
7B	2026 <sup>c</sup>	Fairfield, 3400 N to 3000 N	12	2,500	\$210	\$525,000	8	\$80,000	\$605,000	\$814,000
		3000 N, Fairfield to 600 E	15	1,451	\$240	\$348,000	5	\$50,000	\$398,000	\$536,000
		Total								\$6,978,000

<sup>a</sup> - includes 20% contingency costs and 15% administrative and engineering costs applied to construction cost estimate (construction cost x 1.35)

<sup>b</sup> - This project is being initiated by local development. The Developer has already installed approximately 515 ft of this project. Layton City will be funding 100 percent of an additional 500 ft of 12-inch pipe and will fund the upsize cost between 8-inch and 12-inch pipe for approximately 1,615 ft of pipe. The City's estimate of City portion of costs is approximately \$45,000.

<sup>c</sup> - timing and size of this project will be dictated by development of the Business Park north of the Sun Hills Golf Course. Impacts to NDSD should be identified prior to beginning design of this project.

**System Pipes**

The total cost to replace all of the pipes in the Layton Collection system would be approximately \$290 million based on 2014 construction costs. For the purposes of this evaluation, BC&A recommends that Layton assume a 100-year system service life. This is probably not unreasonable given the observed performance of historic sewer collection systems and the expected design lives of new materials. To replace 1% of the collection system every year (or 100% every 100-years), it would cost approximately \$2.9 million/year.

In reality, it will not be necessary to completely replace system components every 100 years because of new rehabilitation technologies (e.g. slip lining, cast-in-place pipe, etc.). Rehabilitation costs are much lower than replacement costs (20% to 60% depending on pipe diameter). If the City were able to rehabilitate all of its system components once every 100 years (instead of replacements components), it could reduce its annual renewal budget to \$550,000/year. Unfortunately, it is generally not possible to rehabilitate all system components due to either condition or capacity concerns. Some components are so far deteriorated that rehabilitation techniques are inadequate and the components must be replaced. Others require upsizing which also necessitates replacement.

To account for the limitations on rehabilitation, BC&A would propose a renewal budget for Layton City based on a combination of rehabilitation and replacement and shown in Table 6-2. This table shows a comparison of the required annual renewal budgets based on both replacement and rehabilitation. It also includes the required budget for a combination of replacement/rehabilitation assuming half of the City’s system components can be rehabilitated and the other half need to be replaced.

**Table 6-2  
Required System Renewal Budgets for Various Rehabilitation/Replacement Scenarios**

<b>System Renewal</b>	<b>Annual Budget (2010 Dollars)<sup>1</sup></b>
Replacement of 100 percent of system components	\$2,900,000
Rehabilitation of 100 percent of components	\$550,000
50 percent replacement 50 percent rehabilitation	\$1,730,000

<sup>1</sup> ENR=8566

Based on the table, BC&A would recommend that Layton City budget an average of \$1,730,000 annually (based on 2014 dollars) for system renewal.

Since most of the Layton City system is still relatively new, it may not be necessary to fund system renewal at the full budget amount immediately. However, the City should avoid the temptation to postpone improvements until failure begins to occur because the opportunity for rehabilitation may be lost. If the City has a significantly lower capital or maintenance budget

than identified in Table 6-2, it is recommended that the City gradually increase its renewal budget until it reaches the desired budget of \$1,730,000 (adjusted for inflation).

### **Lift Stations**

The Kayscreek Estates lift station is the only wastewater lift station in the City. This lift station was first constructed in 1997 and likely has many useful years of service remaining before it requires significant maintenance. Layton City personnel have replaced one pump every three years since it was first installed (six pumps since 1997). The lift station should also be evaluated to determine if any other maintenance is needed to extend the service life of the station (such as concrete coating to protect against hydrogen sulfide). Because this is a relatively small lift station, these costs can likely be included as part of the recommended renewal budget in Table 6-2.

### **SOURCES FOR FUNDING**

Layton City funds wastewater collection system improvements using wastewater user rates. The recommended renewal budget listed above should be considered when updating the City's user rates.

**Draper, Utah Office:**  
154 East 14000 South  
Draper, Utah 84020  
Phone: (801) 495-2224  
Fax: (801) 495-2225

**Eagle, Idaho Office:**  
776 East Riverside Drive  
Suite 250  
Eagle, Idaho 83616  
Phone: (208) 939-9561  
Fax: (208) 939-9571

**St. George, Utah Office:**  
20 North Main  
Suite 107  
St. George, Utah 84770  
Phone: (435) 656-3299  
Fax: (435) 656-2190

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**Bowen Collins**  
& Associates, Inc.  
CONSULTING ENGINEERS

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

**Item Number:** 5.B.

**Subject:**

Bid Award - AAA Excavation, Inc. - Project 14-21 - Aspen Heights Storm Drain - Resolution 15-32 - Approximately 600 North to Snow Creek Drive, Snow Creek Drive to 1150 East, 1150 East to 825 North

**Background:**

Resolution 15-32 authorizes the execution of an agreement between Layton City and AAA Excavation, Inc. for the Aspen Heights Storm Drain, Project 14-21. The project includes the construction of approximately 1,800 lineal feet of 15-inch storm drain pipe and appurtenances in the area of 1150 East and Snow Creek Drive. This project will improve the collection of storm water and also provide a release point for a new development, thereby helping to mitigate asphalt deterioration and reduce roadway runoff during storm events.

Seven bids were received, with AAA Excavation, Inc. submitting the lowest responsive, responsible bid in the amount of \$322, 253. The engineer's estimate was \$375,000.

**Alternatives:**

Alternatives are to 1) Adopt Resolution 15-32 awarding the bid to AAA Excavation, Inc. for the Aspen Heights Storm Drain, Project 14-21; 2) Adopt Resolution 15-32 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 15-32 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 15-32 awarding the bid to AAA Excavation, Inc. for the Aspen Heights Storm Drain, Project 14-21 and authorize the City Manager to execute the agreement.

**RESOLUTION 15-32**

**AUTHORIZING AN AGREEMENT WITH AAA EXCAVATION, INC. FOR THE ASPEN HEIGHTS STORM DRAIN, PROJECT 14-21**

**WHEREAS**, Layton City has elected to conduct storm drain improvements to be known as the Aspen Heights Storm Drain, Project 14-21; and

**WHEREAS**, the City received bids for the construction of the referenced project on May 7, 2015, with the results of these bids attached hereto for the Council's review; and

**WHEREAS**, City Staff has reviewed and evaluated each response to the Advertisement for Bids and has found it to be in the best interest of the City and citizens of Layton City to conditionally select AAA Excavation, Inc. as the contractor for the Aspen Heights Storm Drain, Project 14-21.

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

1. AAA Excavation, Inc. (hereafter referred to as AAA Excavation) is conditionally selected as the lowest responsive and responsible bidder with whom the City Manager should conduct negotiations for the Aspen Heights Storm Drain, Project 14-21.

2. The City Manager is directed to conduct negotiations for an agreement (herein the "Agreement") with AAA Excavation for the Aspen Heights Storm Drain, Project 14-21. The terms of the Agreement shall address the terms and conditions of the Advertisement for Bids as well as the price and other responses to the Advertisement for Bids contained in the proposal submitted by AAA Excavation that are consistent with the intent of the Advertisement for Bids. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an Agreement for the Aspen Heights Storm Drain, Project 14-21.

3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after AAA Excavation has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by AAA Excavation shall constitute AAA Excavation's offer for the Aspen Heights Storm Drain, Project 14-21, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of AAA Excavation's offer and the formal award of the contract to AAA Excavation, Inc. for the Aspen Heights Storm Drain, Project 14-21, pursuant to the terms and conditions of the Agreement.

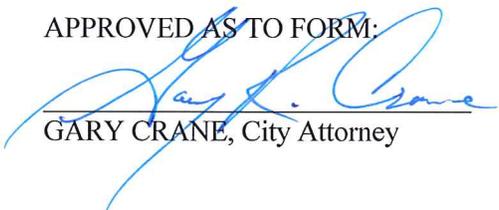
**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **21<sup>st</sup> day of May, 2015**.

ATTEST:

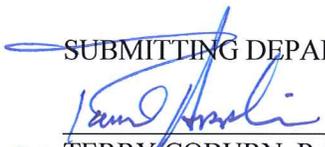
\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

\_\_\_\_\_  
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

  
\_\_\_\_\_  
For: TERRY COBURN, Public Works Director

**THE ASPEN HEIGHTS STORM DRAIN,**  
**Project 14-21**

Bid Opening May 7, 2015, 2:00 p.m.

Engineer's Estimate: \$375,000

DESCRIPTION	QTY	Unit	1 AAA Excavation, Inc.		2 Braker Contractors		3 Ormond Construction	
			(\$) Per	TOTAL (\$)	(\$) Per	TOTAL (\$)	(\$) Per	TOTAL (\$)
1. F&I 30" RCP	930	LF	\$52.00	\$48,360.00	\$63.00	\$58,590.00	\$72.58	\$67,499.40
2. F&I 24" RCP	360	LF	\$40.85	\$14,706.00	\$50.00	\$18,000.00	\$55.08	\$19,828.80
3. F&I 18" RCP	130	LF	\$37.00	\$4,810.00	\$40.00	\$5,200.00	\$45.56	\$5,922.80
4. F&I 15" RCP	360	LF	\$34.40	\$12,384.00	\$40.00	\$14,400.00	\$44.13	\$15,886.80
5. Connect to ext. at 10+75	1	EA	\$1,500.00	\$1,500.00	\$800.00	\$800.00	\$600.00	\$600.00
6. Const. hooded inlet box	13	EA	\$2,439.00	\$31,707.00	\$1,500.00	\$19,500.00	\$1,828.75	\$23,773.75
7. Const. cleanout box	12	EA	\$2,256.00	\$27,072.00	\$1,300.00	\$15,600.00	\$3,025.75	\$36,309.00
8. Const. dbl. hooded inlet (15+47)	1	EA	\$3,829.00	\$3,829.00	\$2,500.00	\$2,500.00	\$3,291.75	\$3,291.75
9. Redeck inlet w/dbl. hooded cover	2	EA	\$2,645.00	\$5,290.00	\$1,000.00	\$2,000.00	\$2,128.00	\$4,256.00
10. Rem. & dispose ext. pipe	200	LF	\$5.00	\$1,000.00	\$35.00	\$7,000.00	\$6.25	\$1,250.00
11. Rem. & dispose ext. structure	4	EA	\$500.00	\$2,000.00	\$650.00	\$2,600.00	\$562.00	\$2,248.00
12. R&R 4" sewer lateral	3	EA	\$560.00	\$1,680.00	\$3,000.00	\$9,000.00	\$463.58	\$1,390.74
13. Recon. SS lat. @ 703 N 1150 E	1	EA	\$525.00	\$525.00	\$1,500.00	\$1,500.00	\$1,525.54	\$1,525.54
14. Loop ext, 3/4 -1" cul. wtr service	3	EA	\$350.00	\$1,050.00	\$2,000.00	\$6,000.00	\$562.39	\$1,687.17
15. Loop ext, 6-8" cul. water line	2	EA	\$2,516.00	\$5,032.00	\$7,000.00	\$14,000.00	\$2,552.29	\$5,104.58
16. R&R standard high-back C&G	100	LF	\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$28.82	\$2,882.00
17. R&R standard 4-foot sidewalk	100	LF	\$24.00	\$2,400.00	\$30.00	\$3,000.00	\$25.96	\$2,596.00
18. Const. collar on ext. valve	10	EA	\$275.00	\$2,750.00	\$450.00	\$4,500.00	\$225.00	\$2,250.00
19. R&R curb w/handi-cap ramp	12	EA	\$2,000.00	\$24,000.00	\$500.00	\$6,000.00	\$2,169.80	\$26,037.60
20. Rem. waterway	5	EA	\$650.00	\$3,250.00	\$700.00	\$3,500.00	\$1,102.00	\$5,510.00
21. F&I 1" edding mat. for pipe	800	Tons	\$19.00	\$15,200.00	\$30.00	\$24,000.00	\$17.88	\$14,304.00
22. F&I 3" borrow -trench backfill	2500	Tons	\$15.00	\$37,500.00	\$12.00	\$30,000.00	\$6.53	\$16,325.00
23. F&P 3/4-1" rbase on SD trench	900	Tons	\$16.50	\$14,850.00	\$17.00	\$15,300.00	\$16.59	\$14,931.00
24. F&P 3/4" asphalt over SD	500	Tons	\$111.00	\$55,500.00	\$115.00	\$57,500.00	\$120.39	\$60,195.00
25. Flush & TV new SD lines	1	LS	\$2,468.00	\$2,468.00	\$3,300.00	\$3,300.00	\$4,895.00	\$4,895.00
26. Loop 4-6" Irr. Ln. w/ 1" poly drain	1	LS	\$390.00	\$390.00	\$6,000.00	\$6,000.00	\$203.56	\$203.56
<b>Schedule A Total</b>				<b>\$322,253.00</b>		<b>\$332,790.00</b>		<b>\$340,703.49</b>

**Project Total**

**\$322,253.00**

**\$332,790.00**

**\$340,703.49**

**THE ASPEN HEIGHTS STORM DRAIN,**  
**Project 14-21**

Bid Opening May 7, 2015, 2:00 p.m.

Engineer's Estimate: \$375,000

DESCRIPTION	QTY	Unit	4		5		6		7	
			Craythorne Construction (\$) Per	TOTAL (\$)	Brinkerhoff Excavation (\$) Per	TOTAL (\$)	Kapp Construction (\$) Per	TOTAL (\$)	Associated Brigham Const (\$) Per	TOTAL (\$)
1. F&I 30" RCP	930	LF	\$61.20	\$56,916.00	\$70.00	\$65,100.00	\$90.70	\$84,351.00	\$92.00	\$85,560.00
2. F&I 24" RCP	360	LF	\$45.56	\$16,401.60	\$50.00	\$18,000.00	\$74.55	\$26,838.00	\$87.00	\$31,320.00
3. F&I 18" RCP	130	LF	\$41.50	\$5,395.00	\$41.00	\$5,330.00	\$64.15	\$8,339.50	\$84.00	\$10,920.00
4. F&I 15" RCP	360	LF	\$39.04	\$14,054.40	\$39.00	\$14,040.00	\$70.10	\$25,236.00	\$72.00	\$25,920.00
5. Connect to ext. at 10+75	1	EA	\$420.00	\$420.00	\$1,500.00	\$1,500.00	\$925.00	\$925.00	\$1,194.00	\$1,194.00
6. Const. hooded inlet box	13	EA	\$2,226.00	\$28,938.00	\$2,800.00	\$36,400.00	\$1,728.00	\$22,464.00	\$4,866.00	\$63,258.00
7. Const. cleanout box	12	EA	\$1,802.00	\$21,624.00	\$3,000.00	\$36,000.00	\$2,909.00	\$34,908.00	\$4,507.00	\$54,084.00
8. Const. dbl. hooded inlet (15+47)	1	EA	\$3,291.00	\$3,291.00	\$3,500.00	\$3,500.00	\$2,883.00	\$2,883.00	\$5,658.00	\$5,658.00
9. Redeck inlet w/dbl. hooded cover	2	EA	\$2,488.00	\$4,976.00	\$2,000.00	\$4,000.00	\$2,087.00	\$4,174.00	\$3,154.00	\$6,308.00
10. Rem. & dispose ext. pipe	200	LF	\$27.32	\$5,464.00	\$15.00	\$3,000.00	\$44.15	\$8,830.00	\$10.00	\$2,000.00
11. Rem. & dispose ext. structure	4	EA	\$1,473.00	\$5,892.00	\$500.00	\$2,000.00	\$370.00	\$1,480.00	\$433.00	\$1,732.00
12. R&R 4" sewer lateral	3	EA	\$585.00	\$1,755.00	\$1,000.00	\$3,000.00	\$1,184.00	\$3,552.00	\$3,342.00	\$10,026.00
13. Recon. SS lat. @ 703 N 1150 E	1	EA	\$585.00	\$585.00	\$1,500.00	\$1,500.00	\$1,184.00	\$1,184.00	\$2,956.00	\$2,956.00
14. Loop ext, 3/4 -1" cul. wtr service	3	EA	\$887.00	\$2,661.00	\$500.00	\$1,500.00	\$900.00	\$2,700.00	\$696.00	\$2,088.00
15. Loop ext, 6-8" cul. water line	2	EA	\$3,387.00	\$6,774.00	\$4,800.00	\$9,600.00	\$3,590.00	\$7,180.00	\$4,225.00	\$8,450.00
16. R&R standard high-back C&G	100	LF	\$26.00	\$2,600.00	\$50.00	\$5,000.00	\$35.20	\$3,520.00	\$32.00	\$3,200.00
17. R&R standard 4-foot sidewalk	100	LF	\$19.85	\$1,985.00	\$35.00	\$3,500.00	\$36.30	\$3,630.00	\$33.00	\$3,300.00
18. Const. collar on ext. valve	10	EA	\$185.00	\$1,850.00	\$550.00	\$5,500.00	\$236.00	\$2,360.00	\$300.00	\$3,000.00
19. R&R curb w/handi-cap ramp	12	EA	\$2,618.00	\$31,416.00	\$1,500.00	\$18,000.00	\$1,743.00	\$20,916.00	\$2,131.00	\$25,572.00
20. Rem. waterway	5	EA	\$1,448.00	\$7,240.00	\$2,200.00	\$11,000.00	\$753.00	\$3,765.00	\$674.00	\$3,370.00
21. F&I 1" edding mat. for pipe	800	Tons	\$16.43	\$13,144.00	\$16.00	\$12,800.00	\$15.10	\$12,080.00	\$20.00	\$16,000.00
22. F&I 3" borrow -trench backfill	2500	Tons	\$10.41	\$26,025.00	\$10.50	\$26,250.00	\$10.00	\$25,000.00	\$15.00	\$37,500.00
23. F&P 3/4-1" rdbase on SD trench	900	Tons	\$21.83	\$19,647.00	\$16.00	\$14,400.00	\$13.25	\$11,925.00	\$20.00	\$18,000.00
24. F&P 3/4" asphalt over SD	500	Tons	\$115.80	\$57,900.00	\$107.00	\$53,500.00	\$95.55	\$47,775.00	\$132.00	\$66,000.00
25. Flush & TV new SD lines	1	LS	\$4,698.00	\$4,698.00	\$2,200.00	\$2,200.00	\$2,056.00	\$2,056.00	\$9,128.00	\$9,128.00
26. Loop 4-6" Irr. Ln. w/ 1" poly drain	1	LS	\$2,862.00	\$2,862.00	\$3,900.00	\$3,900.00	\$3,390.00	\$3,390.00	\$1,370.00	\$1,370.00
<b>Schedule A Total</b>				<b>\$339,538.00</b>		<b>\$360,520.00</b>		<b>\$371,461.50</b>		<b>\$497,914.00</b>

**Project Total**

**\$339,538.00**

**\$360,520.00**

**\$371,461.50**

**\$497,914.00**

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

**Item Number:** 5.C.

**Subject:**

Betterment Agreement between Layton City and Utah Transit Authority (UTA) for the Grade Crossing Pedestrian Controls Project Upgrades - Resolution 15-33 - King Street (650 West) and Hill Field Road

**Background:**

Resolution 15-33 authorizes the execution of an agreement between Layton City and UTA for a Betterment Agreement for the project noted above. This agreement sets out the provisions of the betterment work that Layton City has requested of UTA, as described in Exhibit "A", and included with the Agreement.

Subject to the attached provisions, UTA will install pedestrian grade crossing safety treatments at sidewalk crossings on King Street (650 West) and Hill Field Road. Total reimbursement to UTA by Layton City for these betterment items is \$91,900.

**Alternatives:**

Alternatives are to 1) Adopt Resolution 15-33 authorizing the execution of the Betterment Agreement between Layton City and Utah Transit Authority for the Grade Crossing Pedestrian Controls Project Upgrades; 2) Adopt Resolution 15-33 with any amendments the Council deems appropriate; or 3) Not Adopt Resolution 15-33 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 15-33, authorizing the execution of the Betterment Agreement between Layton City and Utah Transit Authority for the Grade Crossing Pedestrian Controls Project Upgrades and authorize the City Manager to execute the agreement.

RESOLUTION 15-33

**ADOPTION OF A BETTERMENT AGREEMENT WITH THE UTAH TRANSIT AUTHORITY FOR GRADE CROSSING PEDESTRIAN CONTROLS PROJECT UPGRADES**

**WHEREAS,** Layton City and Utah Transit Authority (hereafter referred to as UTA) desire to enter into a Betterment Agreement for the Grade Crossing Pedestrian Controls Project Upgrades to install pedestrian grade crossing safety treatments at sidewalk crossings; and

**WHEREAS,** the railroad right of way is located partially within the City limits; and

**WHEREAS,** as part of the project, the City has requested that UTA design and construct the facilities described in the attached exhibit, known as Betterments, and

**WHEREAS,** UTA is willing to cause its contractor to complete the Betterments for the cost of \$91,909, and

**WHEREAS,** the parties have agreed to the terms and conditions contained in the Agreement, which is attached hereto and incorporated herein by this reference; and

**WHEREAS,** it is deemed to be in the best interest of the citizens of Layton City to adopt and approve the Agreement.

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

1. The City Manager is directed to conduct negotiations with UTA for the Betterment Agreement for the Grade Crossing Pedestrian Controls Project Upgrades, (herein the "Agreement"). 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 UTA shall constitute UTA and the City for Services, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of UTA's Agreement, pursuant to the terms and conditions of the Agreement.

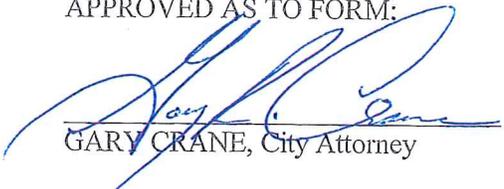
**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **21<sup>st</sup> day of May, 2015**.

ATTEST:

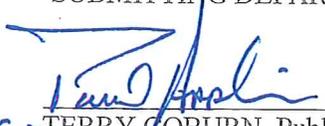
\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

\_\_\_\_\_  
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

  
\_\_\_\_\_  
For: TERRY COBURN, Public Works Director

BETTERMENT AGREEMENT

This Betterment Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2015 by and between Utah Transit Authority, a public transit district and political subdivision organized under the laws of the State of Utah ("UTA"), and Layton City, a municipality and political subdivision organized under the laws of the State of Utah (the "City"). UTA and the City are hereinafter collectively referred to as the "parties" and either may be referred to individually as "party," all as governed by the context in which such words are used.

RECITALS

WHEREAS, UTA is currently constructing Grade Crossing Pedestrian Controls Project (the "Project"), which will install pedestrian grade crossing safety treatments at sidewalk crossings in the City;

WHEREAS, the Project is being constructed largely within existing Union Pacific/UTA railroad corridor, a portion of which was purchased by UTA for the Project;

WHEREAS, the railroad right of way is located partially within the City limits;

WHEREAS, as part of the Project, the City has requested that UTA design and construct the facilities described in the attached exhibits (such upgrades are hereafter collectively referred to as the "Betterments");

WHEREAS, UTA is willing to cause its contractor to complete the Betterments provided that the City pay UTA for the incremental costs associated with the Betterments; and

WHEREAS, this Agreement is consistent with, and entered in accordance with, that separate **February 13, 2004** Master Interlocal Agreement Regarding Fixed Guideway Systems Located Within Railroad Corridors entered between the parties.

AGREEMENT

NOW THEREFORE, on the stated Recitals, which are incorporated herein by reference, and for and in consideration of the mutual covenants and agreements hereinafter set forth, the mutual benefits to the Parties to be derived herefrom, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, it is hereby agreed as follows:

1. Approval. The City currently does not have existing sidewalks that cross the UTA Right-of-Way at the proposed betterment locations. The City hereby authorizes UTA to design and construct the betterments.
2. Betterment Scope of Work. UTA will cause its contractor to design and construct the betterments in conjunction with the construction of the Project, and to complete the Betterments, in accordance with the Plans and Specifications attached hereto as Exhibit "A" and by this reference made a part hereof. UTA will manage and monitor the work consistent with the other construction performed in conjunction with the Project.
3. Costs of Betterments. The City will be solely responsible for all incremental costs attributable to the Betterments including, without limitation, labor, materials,

construction, administrative overhead, taxes and other out of pocket expenses. The cost of betterments is \$91,909. The City shall deliver to UTA payment in an amount equal to the betterment costs within 30 days of the execution of this Agreement. UTA will not commence construction of the betterments until payment in full has been received from the City

- 4. Coordination of Work. UTA's Project Manager is Greg Thorpe (801-741-8811) and the Project Director is Matt Carter (801-913-2616). The City shall coordinate all Betterments work through the Project Manager, the Project Director or their respective designees. The City shall not give any orders directly to UTA's contractor unless authorized in writing to do so. It is agreed that UTA's contractor will accomplish the Betterments work covered herein in accordance with the plans and specifications previously provided to the City.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in duplicate as of the date first herein written.

UTAH TRANSIT AUTHORITY

LAYTON CITY

By: \_\_\_\_\_  
Michael Allegra, General Manager

By: \_\_\_\_\_

By: \_\_\_\_\_  
W. Steve Meyer, Chief Capital  
Development Officer

ATTESTED AND COUNTERSIGNED

By: \_\_\_\_\_

Reviewed and Approved as to Form

\_\_\_\_\_  
UTA Engineering

\_\_\_\_\_  
UTA Legal

**APPROVED AS TO FORM**  
BY *[Signature]* 5/6/2015

Description	Unit	Unit Price	Quantity	Cost
<b>LAYTON BETTERMENTS</b>				
<b>King Street (650 West) - Layton Betterments</b>				
Demo and Dispose of Concrete and AC	SF	\$ 5.00	30	\$ 40,010
Extra Grading for Sidewalks and Driveway	CH	\$ 255.78	12	\$ 150
Install Concrete S/W and D/W (incl ABC)	SF	\$ 9.56	503	\$ 3,069
Install AC Sidewalk and Roadway	Ton	\$ 318.10	18.2	\$ 4,810
Furnish and Install UTA Grade Crossing Panels	LF	\$ 355.27	40	\$ 5,789
Furnish/Haul/Unload UPRR Grade Crossing Panels	LF	\$ 223.14	48	\$ 14,211
Adjust Exist Utility - Large	Each	\$ 1,269.97	1	\$ 10,711
<b>Hill Field Road - Layton Betterments</b>				
Demo and Dispose of Concrete and AC	SF	\$ 5.00	57	\$ 1,270
Extra Grading for Sidewalks and Driveway	CH	\$ 255.78	9	\$ 25,782
Install Concrete S/W and D/W (incl ABC)	SF	\$ 9.56	680	\$ 285
Install AC Sidewalk and Roadway	Ton	\$ 318.10	3.7	\$ 2,302
Construct Block Retaining Wall	SF	\$ 36.78	0	\$ 6,503
Furnish and Install UTA Grade Crossing Panels	LF	\$ 355.27	20	\$ 1,177
Furnish/Haul/Unload UPRR Grade Crossing Panels	LF	\$ 223.14	32	\$ -
Adjust Exist Utility - Large	Each	\$ 1,269.97	1	\$ 7,105
Relocate Light Pole	Each	\$ 2,500.00	0	\$ 7,141
<b>LAYTON BETTERMENTS SUBTOTAL</b>				
				\$ 65,793
Indirect Costs			24.45%	\$ 16,086
(Project Management, UPRR Coordination, Traffic Control, Mobilization, Insurance, Bond, Incidentals, Safety Program)				
Sub-Total				\$ 81,879
Fee/Risk			12.25%	\$ 10,030
<b>Total Cost</b>				\$ 91,909

Exhibit "A"

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

**Item Number:** 5.D.

**Subject:**

Final Plat – Willow Ridge Subdivision Phase 1 – Approximately 3500 West Hill Field Road

**Background:**

On March 10, 2015, the Planning Commission approved the preliminary plat for Willow Ridge Subdivision. The applicant is requesting to develop 8.6 acres of vacant land north and adjacent to West Hill Field Road as Phase 1. A similar R-S single family detached development is to the south, while vacant farmland is to the east and north. To the west are future phases of the Willow Ridge Subdivision.

The proposed final plat for Phase 1 has 21 lots, which meets the density requirement of 2.2 units per acre in the R-S zoning district.

**Alternatives:**

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

**Recommendation:**

On May 12, 2015, the Planning Commission unanimously recommended the Council grant final plat approval to Willow Ridge Subdivision Phase 1 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

A handwritten signature in black ink, appearing to read "Kem Weaver", written over a horizontal line.

**Date:** May 21, 2015

**Re:** Willow Ridge Subdivision Phase 1 Final Plat

---

**Location:** Approximately 3500 West Hill Field Road

**Zoning:** R-S (Residential Suburban)

**Background:**

On March 10, 2015, the Planning Commission approved the preliminary plat for the Willow Ridge Subdivision. The applicant is requesting final plat approval for Phase 1 to develop 8.6 acres of vacant land. The parcel is adjacent to farm land to the east and north with an existing R-S single family detached subdivision located to the south.

The proposed Phase 1 will contain 21 lots, which meets the density requirement of 2.2 units per acre. Each lot meets the area and frontage requirements of the R-S lot-averaged zone. The proposed subdivision will extend West Hill Field Road and widen the street to its full width of 84 feet. Through future phases, West Hill Field Road will extend west and connect to Bluff Ridge Boulevard as part of the subdivision development.

The developer is responsible to provide a 5-foot landscape buffer easement along the frontage of West Hill Field Road. The subdivision is required to incorporate a homeowners association to maintain the landscape buffer for this phase and future phases. The 5-foot landscape buffer will be required for the remaining length of West Hill Field Road and both sides of Bluff Ridge Boulevard where the subdivision has frontage.

**Staff Recommendation:**

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

Engineering

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Planning

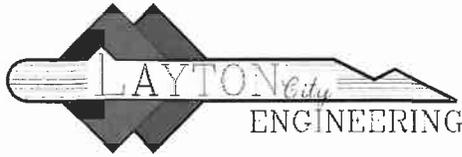
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Fire

A handwritten signature in black ink, appearing to be initials, written over a horizontal line.

**Planning Commission Action:** On May 12, 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: Chris Cave – [ccave@reeve-assoc.com](mailto:ccave@reeve-assoc.com)  
Nate Reeve – [nreeve@reeve-assoc.com](mailto:nreeve@reeve-assoc.com)  
Bruce Nilson – [bruce@nilsonhomes.com](mailto:bruce@nilsonhomes.com)  
Mark Staples – [mark.spemanagement@gmail.com](mailto:mark.spemanagement@gmail.com)

FROM: Mark Stenquist, Staff Engineer

CC: Fire Department and Community Planning and Development Department

DATE: May 5, 2015

RE: **Willow Ridge Final Design Review (2<sup>nd</sup> Submittal)**

We have reviewed the dedication plat and construction drawings submitted on April 27, 2015 for the proposed Willow Ridge Subdivision, located at approximately West Hillfield Road. The plans have been stamped "APPROVED AS CORRECTED." The following items will need to be addressed prior to scheduling a pre-construction meeting.

1. *Lighting* – The developer will be required to pay a total of \$26,650.00 prior to the pre-construction meeting for this phase's required street lights. This fee includes the installation costs for the lights which will be installed by the City's contractor. The city will be responsible for the cost difference between the SL-04 and SL-01 lights and light poles installed on West Hillfield Road and/or Bluff Ridge Blvd. The developer required amount above includes these cost reductions. These lighting costs are estimates only. The Developer will be required to pay for the actual costs incurred by the City.
2. *Bonding* – A cost estimate from a contractor will need to be submitted for review. The land drain in Bluff Ridge Blvd will need to be fully bonded for.
3. *Water Exactions* – Based on the lot configuration seen in the dedication plat, the water exaction required for Phase 1 is 18.5 acre feet.

The following three companies have water shares acceptable to Layton City:

Kays Creek Irrigation (A or B stock) (3 acre feet = 1 share)

Holmes Creek Irrigation (3 acre feet = 1 share)

Davis & Weber Canal Company (6 acre feet = 1 share)

Each company can tell you a price per share and verify the amount of acre-feet of water included in a share or partial share.

4. An electronic file of the drawings in AutoCAD format will need to be submitted.
5. A letter of approval from North Davis Sewer District for the connection to their main will need to be submitted.
6. A Notice of Intent (NOI) from the State of Utah, Department of Environment Quality, Division of Water Quality will need to be submitted before scheduling a preconstruction meeting. The NOI may be obtained via the internet at <http://waterquality.utah.gov> (Click on the heading "Online Construction Stormwater Permit Issuance System" and follow the instructions).

7. An electronic PDF and paper copy of the construction plans on 11x17 sheets will need to be submitted for submittal to the Utah Division of Drinking Water and will need to include a "water/sewer crossing table". See Section 4 – Culinary Water Section item VII (F) located at <http://laytoncity.org/public/Depts/PubWorks/downloads.aspx>
8. A letter of approval from the irrigation company will need to be submitted. The items from the JUB memo dated April 29, 2015 will need to be addressed in the corrected plans.
9. Five complete sets of plans that have been stamped and signed by a P.E. will need to be provided. The plans will need to address the following comments.

#### **Dedication Plat**

1. A title report will need to be submitted. Any easements in the title report will need to be included on the plat.
2. The hatching for the buildable area and 20' North Davis Sewer District easement are the same. One will need to be changed for clarity.
3. The southern boundary line does not match the bearing established with Wild Horse Meadows (S 89°56'38" E). There is a gap along this line ranging from 0.09 feet to the east to 0.13 feet on the west.

#### **Sheet 3**

1. LDMH #1 in profile view will need to be moved east approximately 20 feet, from STA 23+21.69 to 23+38.69, to match the corresponding location in plan view. The length label will need to be changed to reflect the move.
2. The location and size of the water lateral and meter for the landscape buffer will need to be added.

#### **Sheet 4**

1. The land drain pipe in profile view on the west edge of West Hillfield Road will need to be labeled to match the length from the match line to the manhole, approximately 74 feet.
2. On this sheet and on all subsequent sheets, all storm drain manholes with 42 inch pipes will need to be changed to boxes with manhole lids.

#### **Sheet 5**

1. In the profile the Finished Grade elevations are not consistent across the length of the road, e.g. the FG difference between STA 32+00 and 32+50 is .37 feet, while the difference between STA 32+50 and 33+00 is .05 feet. The FG at STA 33+50 is labeled incorrectly as 64.40 feet.
2. In the profile the station at the east subdivision boundary (33+05.46) is inconsistent with the station in the profile (35+05.46).
3. The note to collect tail water at the east boundary line will need to be removed. Notes on sheet 9 indicate the tail water will be addressed at the boundary line of phase 2.

#### **Sheet 7**

1. The flushing hydrant at STA 17+02.03 will need to be shown behind the parkstrip.
2. Mountable is spelled incorrectly in the notes in plan view.

**Sheet 8**

1. The 2" blow-off at STA 17+02.59 will need to be replaced with a flushing hydrant and placed behind the park strip of lot 102.
2. On this sheet and all other locations in the construction drawings, the street number will need to be updated to 550 North.

**Sheet 9**

1. The flushing hydrant at STA 22+64.91 will need to be shown behind the parkstrip.
2. The size of the storm drain from combo box #6 to the east will need to be reduced to address the future contribution of 25 cfs.

**Sheet 11**

1. The future 15 inch storm drain north of combo box #11 will need to be corrected to indicate the 36 inch pipe identified in the preliminary plan.



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: Willow Ridge Subdivision Phase I (Final) @ 3700 West Hill Field Road

CC: 1) Engineering  
2) Chris Cave, [ccave@reeve-assoc.com](mailto:ccave@reeve-assoc.com)  
3) Bruce Nilson, [bruce@nilsonhomes.com](mailto:bruce@nilsonhomes.com)  
4) Mark Staples, [mark.spemagement@gmail.com](mailto:mark.spemagement@gmail.com)

DATE: April 30, 2015

I have reviewed the site plan submitted on April 27, 2015 for the above referenced project. The Fire Prevention Division of this department has no comments or concerns at this time regarding this project.

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.

DKBWillow Ridge PH I Final :kn  
Plan # S15-061, District #40  
Project Tracker #LAY 1502031495  
ERS # 8604



# Memorandum



**To:** Planning Commission  
**From:** JoEllen Grandy, Parks Planner Intern  
**Date:** April 13, 2015  
**Re:** Willow Ridge Subdivision, Final – 3200 West & West Hill Field Road

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The final plat for this subdivision would not affect the Parks & Recreation Department.

These lots are within the service area of Legacy Park.

As a reminder, any landscape buffer along West Hill Field Road is to be maintained by the subdivision homeowners association. This should be noted on the final plat with the specific maintenance responsibilities outlined within the subdivision CC&R's.

## Recommendation

Parks & Recreation supports granting final approval to Willow Ridge Subdivision for Phase I.

***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 re-submittal. Thank you.***

# CITY COUNCIL

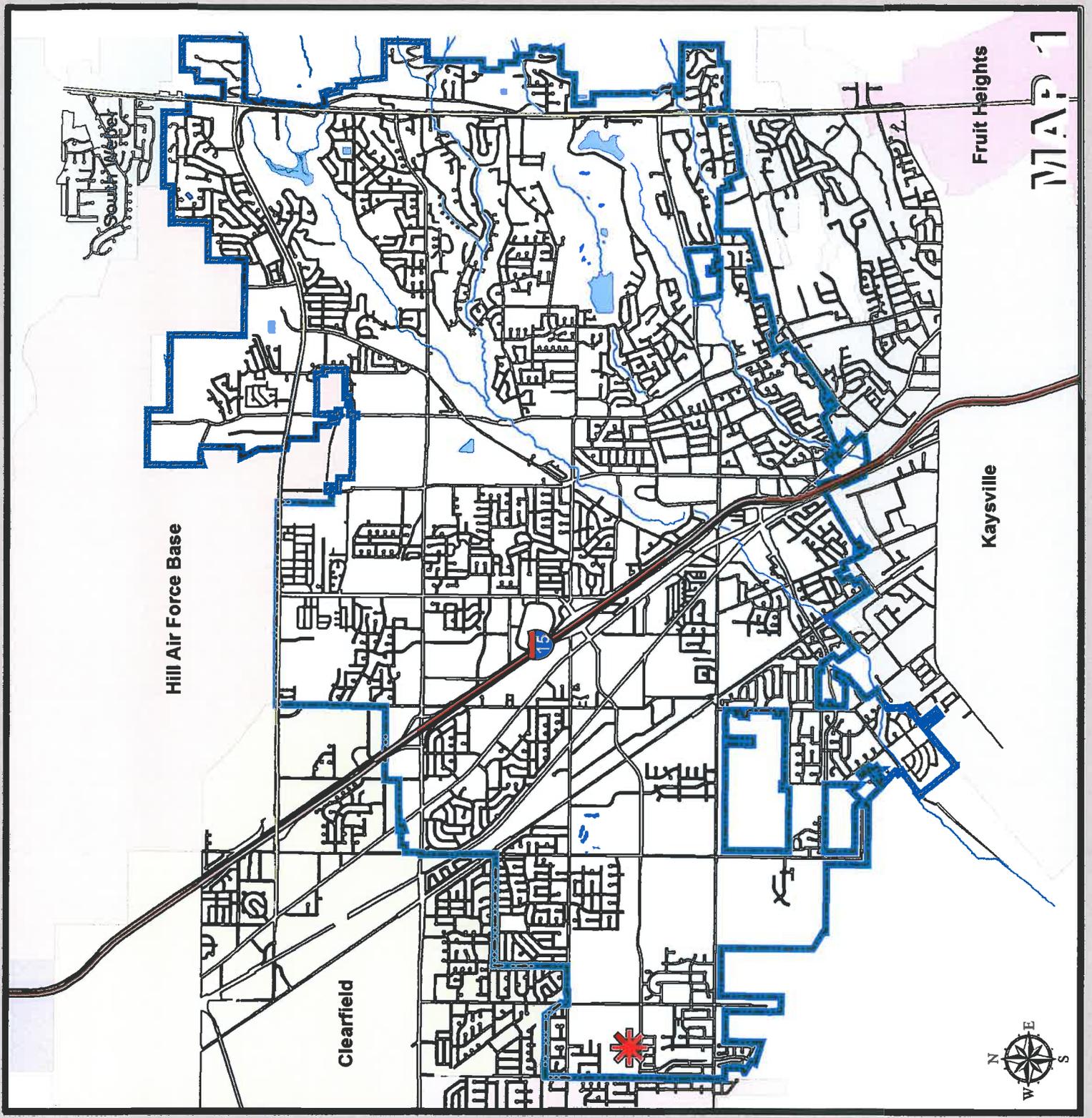
May 21, 2015

## Willow Ridge Phase 1 Final Plat

**Legend**

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

 - Project Site



MAP 1

# CITY COUNCIL

May 21, 2015

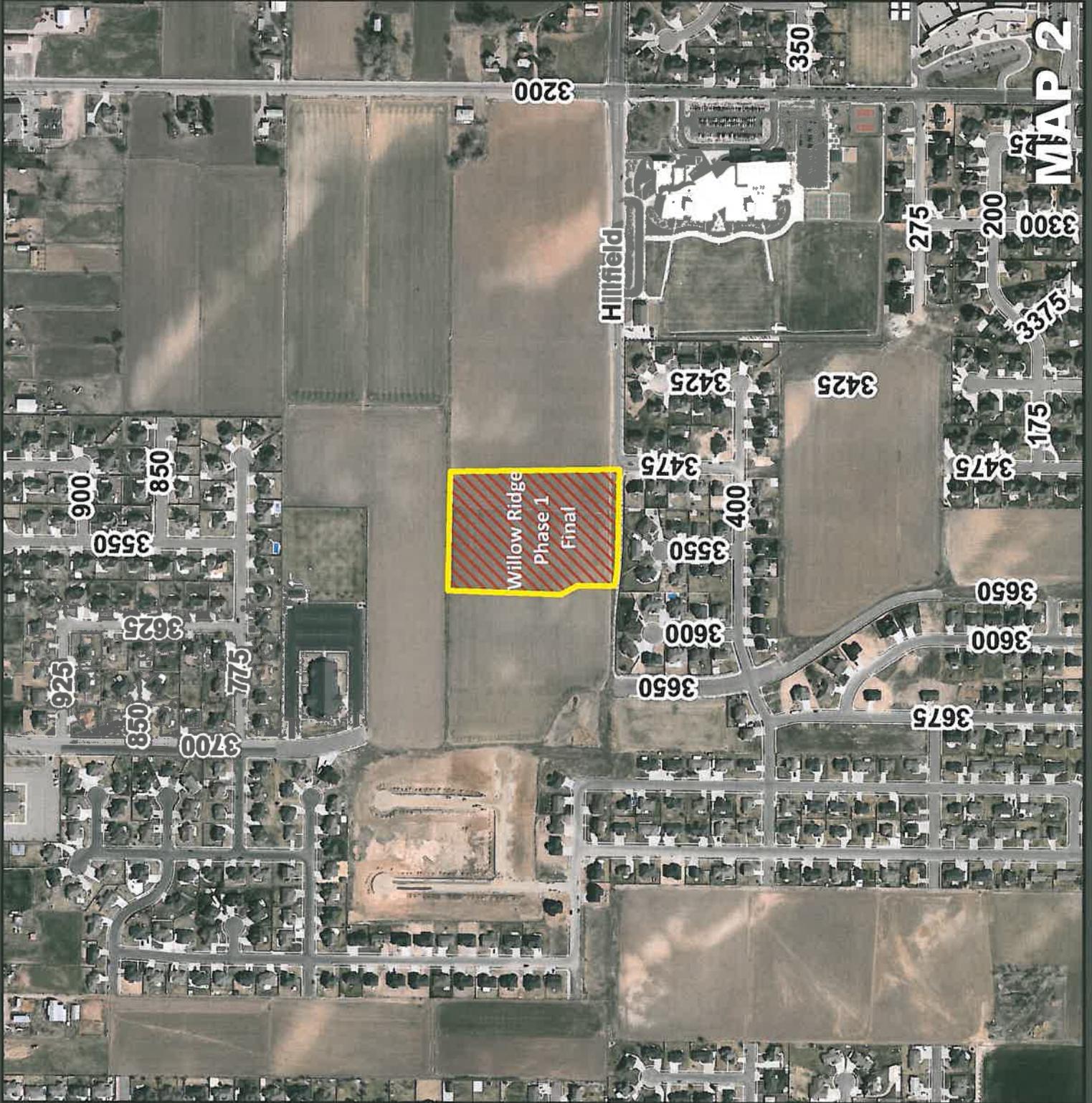
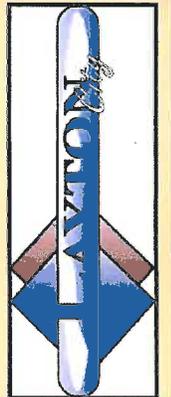
## Willow Ridge Phase 1 Final Plat

### Legend

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



1 inch = 530 feet







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

**Item Number:** 6.A.

**Subject:**

Rezone Request – Flint/Van Drimmelen – A (Agriculture) to R-S (Residential Suburban) – Ordinance 15-13  
– Approximately 2300 West Gentile Street

**Background:**

The applicant, Castle Creek Homes, is requesting to rezone 9.78 acres of vacant farm land. The property has R-1-10 PRUD zoning to the southwest and setback from Gentile Street, Agricultural zoning to the west, north and east.

The proposal is to develop a single family subdivision similar to the many R-S lot averaged subdivisions in Layton City. At the request of the applicant, the rezone area has been reduced from the original request to rezone 15.65 acres. By reducing the rezone area, the applicant will not have frontage on 2200 West and will not have to await a decision concerning the street designation of 2200 West or the location of the West Davis Corridor interchange. If the rezone is approved by Council, the applicant can then move forward with preliminary plat review. The applicant may request a rezone of the remaining 6.13 acres of property in the future once a decision has been made concerning 2200 West.

The Land Use Element of the General Plan indicates that low density single family dwelling developments are appropriate for this area of Layton City.

**Alternatives:**

Alternatives are to 1) Adopt Ordinance 15-13 approving the rezone from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Not adopt Ordinance 15-13 denying the rezone request.

**Recommendation:**

On April 28, 2015, the Planning Commission voted unanimously to recommend the Council adopt Ordinance 15-13 approving the rezone from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.

**ORDINANCE 15-13**  
**(Flint/Van Drimmelen Rezone)**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY LOCATED AT APPROXIMATELY 2300 WEST GENTILE STREET FROM A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) 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-S 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, 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-S (Residential Suburban).

**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.

PART OF THE SE QUARTER OF SECTION 24 TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING S00°10'11"W 2203.79 FEET AND N89°49'49"W 533.96 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 24 AND RUNNING; THENCE S00°10'11"W 402.52 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GENTILE STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE N89°50'56"W 317.77 FEET TO A POINT ON THE UTAH POWER

AND LIGHT COMPANY PROPERTY; THENCE ALONG SAID PROPERTY THE FOLLOWING TWO (2) COURSES: (1) N36°30'49"W 783.86 FEET AND (2) N00°10'11"E 183.89 FEET; THENCE S89°49'49"E 469.97 FEET; THENCE S36°55'23"E 338.00 FEET; THENCE S42°36'38"E 58.33 FEET; THENCE S36°30'49"E 121.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 426236 SQUARE FEET OR 9.785 ACRES

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
ROBERT J STEVENSON, Mayor

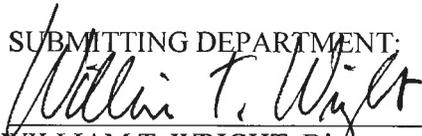
ATTEST:

\_\_\_\_\_  
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:** Kem Weaver, Planner II 

**Date:** May 21, 2015

**Re:** Rezone Request – A (Agriculture) to R-S (Residential Suburban) – Ordinance 15-13

---

<b>Location:</b>	Approximately 2300 West Gentile Street
<b>Current Zoning:</b>	A (Agriculture)
<b>Proposed Zoning:</b>	R-S (Residential Suburban)
<b>Current Minimum Lot Size:</b>	A (Agriculture) – 1 Acre
<b>Proposed Minimum Lot Size:</b>	R-S (Residential Suburban) – 10,000 to 20,000 square feet

### **Description:**

The property proposed for R-S zoning is 9.78 acres located west of the Gentile Street and 2200 West intersection. The property has Agricultural zoning to the north, east and west and R-1-10 PRUD zoning to the southwest setback from Gentile Street. Rocky Mountain Power has a 350 foot wide easement to the west for their regional transmission lines and a 50 foot easement to the east of the rezone area for a local transmission line.

### **Background:**

The property proposed for R-S zoning is vacant farm land. The applicant, Castle Creek Homes, is proposing to purchase the 9.78 acre parcel to develop a subdivision that is lot-averaged within the R-S zoning designation. The proposal is to develop single family lots.

The applicant originally requested to rezone a larger area of the land that equaled 15.65 acres and was to have lots siding and fronting 2200 West. Rather than delay the rezone and entire development until a decision has been made regarding the future street designation of 2200 West and the West Davis Corridor interchange location, the applicant has requested to reduce the rezone area to 9.78 acres with no frontage on 2200 West. This would allow for the applicant to move forward, should the rezone be approved, with preliminary plat drawings.

The Land Use Element of the General Plan indicates that low density residential developments are appropriate in this area.

**Staff Recommendation:**

Staff recommends approval of the rezone request from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering 

Planning 

Fire 

**Planning Commission Action:** On April 28, 2014, the Planning Commission voted unanimously to recommend the Council grant approval of the rezone request from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums.

The Planning Commission asked for public comment. No public comment was 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: Ed Green; edgotherun@comcast.net  
Bryce Thurgood; brycethurgood@gmail.com  
Marsha Ashby; marchaashby@comcast.net  
Chris Cave; ccave@reeve-assoc.com

FROM: Shannon Hansen, Assistant City Engineer - Development

CC: Fire Department/Community Planning and Development Department

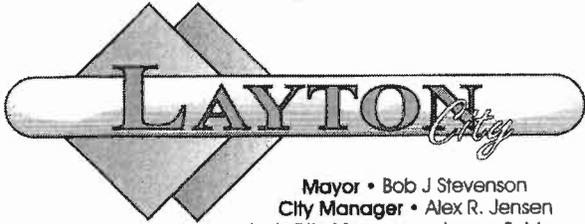
DATE: March 23, 2015

RE: Flint/Van Drimmelen Rezone

I have reviewed the Petition to Amend the Zoning Ordinance for a 15.844± acre parcel of land located at approximately 2200 West and Gentile submitted on March 17, 2015. The applicant is requesting a rezone change from A to RS. The Engineering Department has no specific concerns regarding this request. Upon the development of this property, the following items will need to be addressed.

1. The Developer will be required to construct a storm drain pipe system, sized for future development.
2. The portion of the detention pond required for this development will need to be completed including the control structures and by-pass pipe system for the pond. This pond is located on the Rocky Mountain parcel to the west of this parcel.

An additional memo regarding the preliminary plan will be emailed to the Developer upon completion of that review.



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: Dean Hunt, Fire Marshal 

RE: Flint/Vandrimmelen Rezone @ 2200 West Gentile Street

CC: 1) Ed Green, [edgontherun@comcast.net](mailto:edgontherun@comcast.net)  
2) Bryce Thurgood, [brycethurgood@gmail.com](mailto:brycethurgood@gmail.com)  
3) Marsha Ashby, [marshaashby@comcast.net](mailto:marshaashby@comcast.net)

DATE: March 18, 2015

I have reviewed the site plan received on March 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.

DBH\Flint Vandrimmelen RZ :kn  
Plan # S15-038, District #40  
Project Tracker #LAY 1503171509





# Memorandum

**To:** Planning Commission  
**From:** JoEllen Grandy, Parks Planner Intern  
**Date:** March 23, 2015  
**Re:** Flint/Van Drimmelen, Rezone – NW Corner of 2200 W. & Gentile

---

The Parks and Recreation Department has a regional trail corridor planned through the Utah Power & Light Company easement to the west of this site plan (the larger 310' easement). We would remind you that all property abutting up to an agriculturally zoned area - in this case the Utah Power & Light Company 310' easement- needs to be fenced.

The proposed rezoning is within the service areas of Ellison Park and our future Harmony Place Park. This rezoning would not affect the Parks and Recreation Department.

## Recommendation

Parks & Recreation supports rezoning to Flint/Van Drimmelen.

***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 re-submittal. Thank you.***

# CITY COUNCIL

May 21, 2015

## Flint/Van Drimmelen Rezone

A to R-S

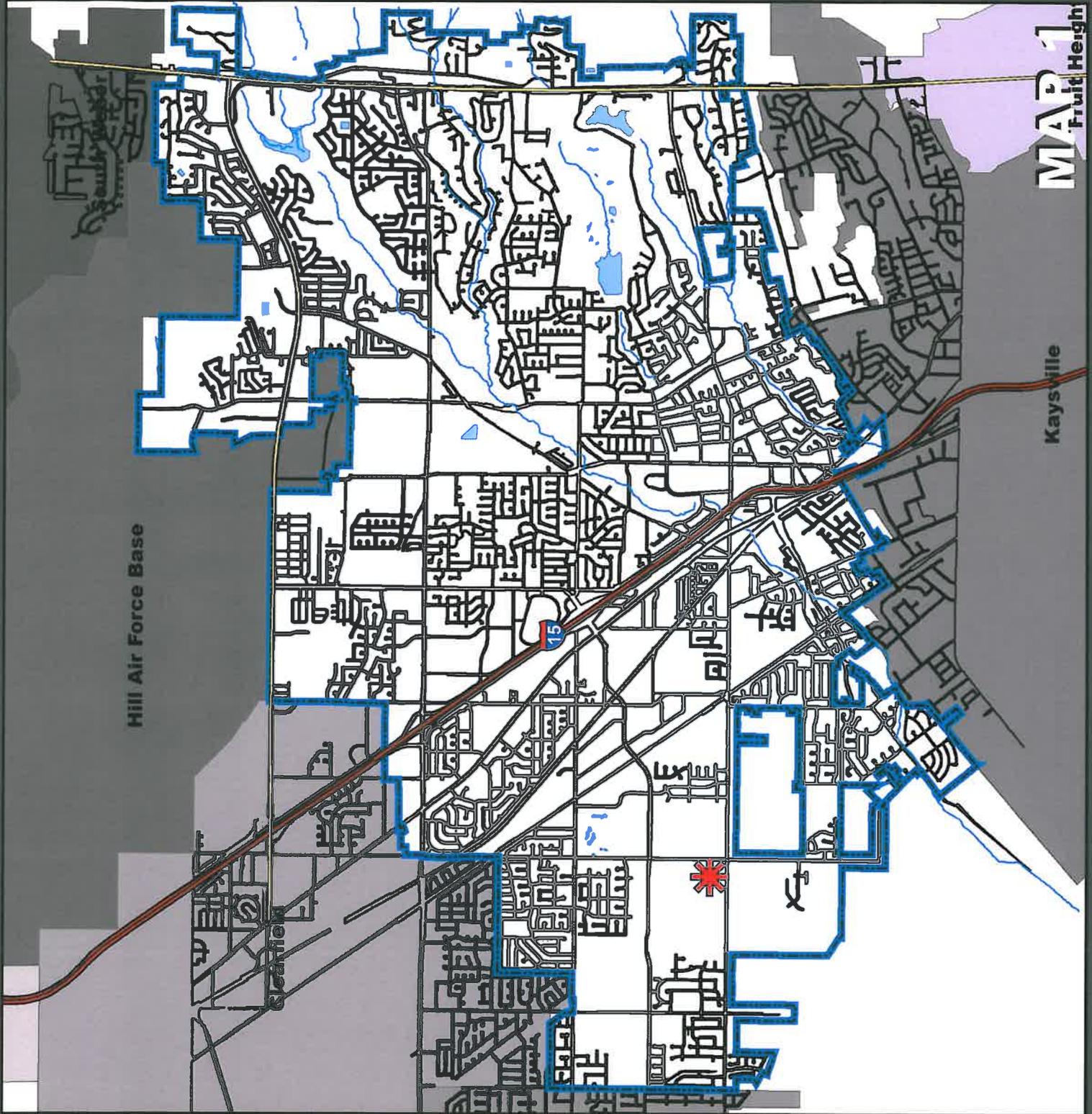
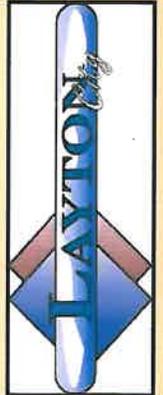
### Legend

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

 - Project Site



1 inch = 4,605 feet



# CITY COUNCIL

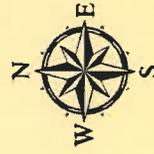
May 21, 2015

## FlintVan Drimmelen Rezone

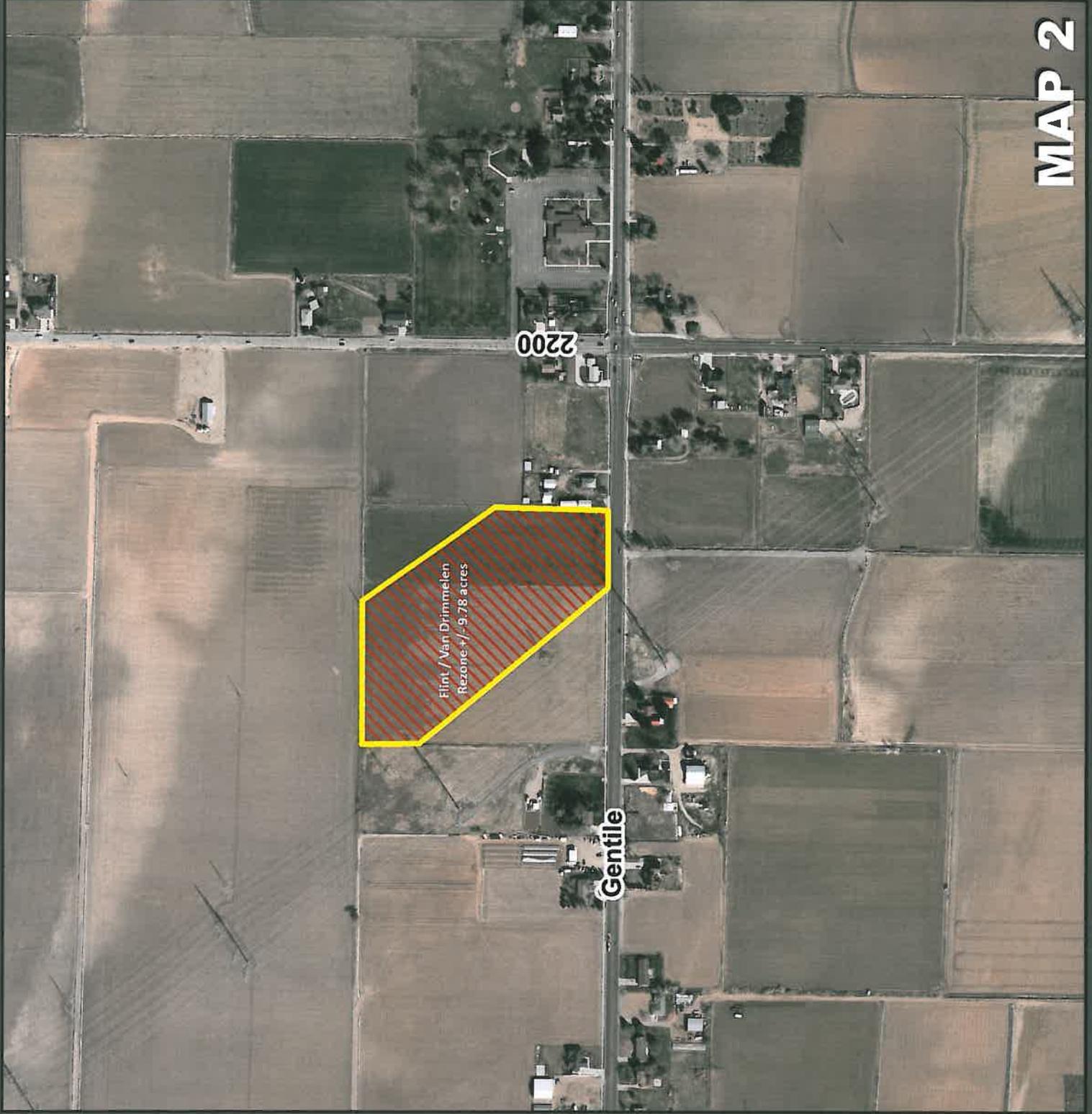
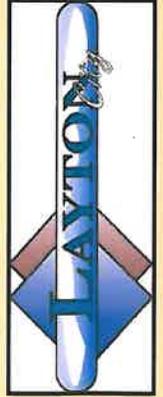
### A to R-S

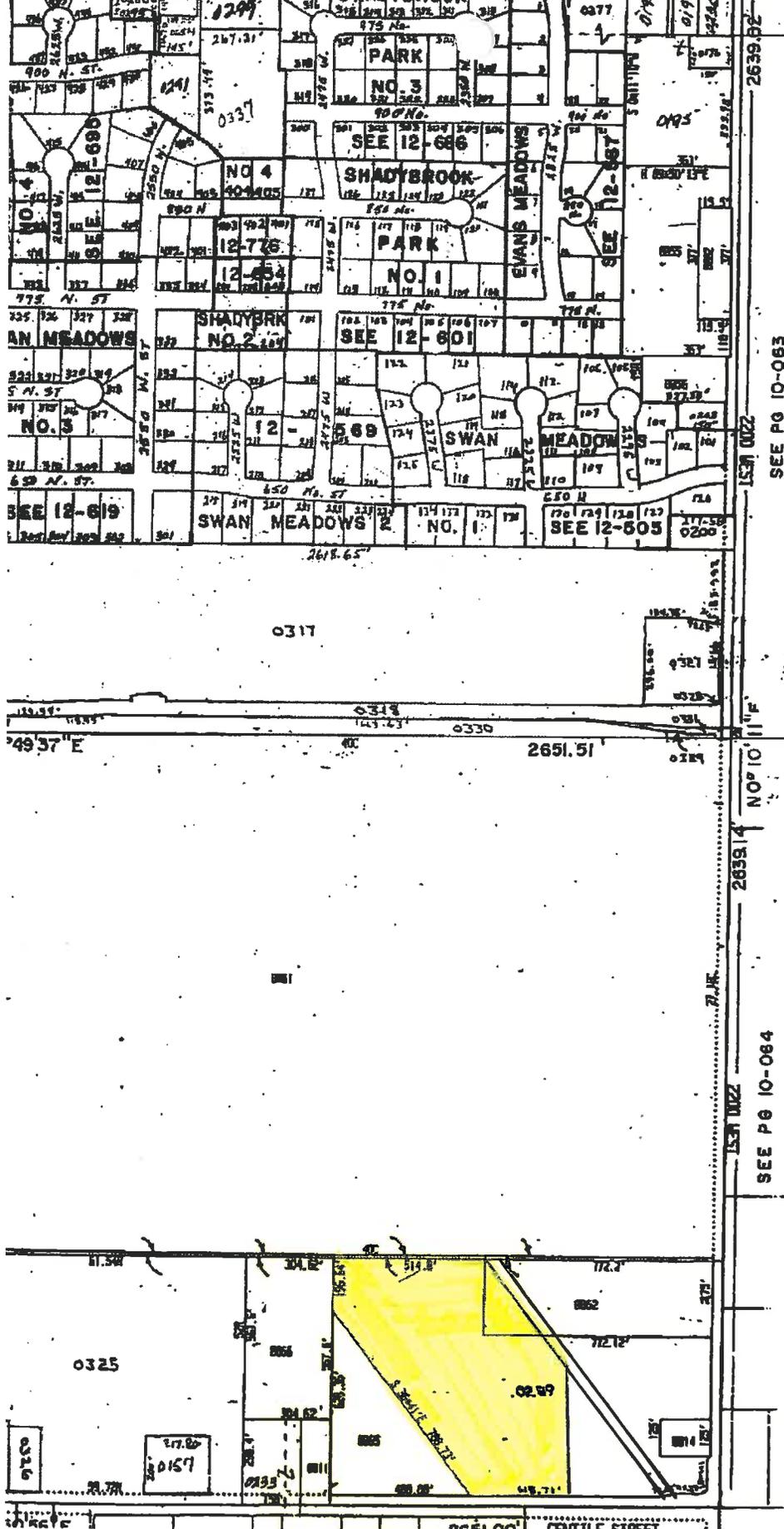
#### Legend

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



1 inch = 441 feet





ALL SECTION 24 T 4 N, R 2 W SALT LAKE MERIDIAN  
 DAVIS COUNTY, UTAH RECORDERS OFFICE

SEE PG 10-063  
 SEE PG 10-064  
 SEE PG 10-065  
 SEE PG 10-066  
 SEE PG 10-067  
 SEE PG 10-068  
 SEE PG 10-069  
 SEE PG 10-070  
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 SEE PG 10-100

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

**Item Number:** 6.B.

**Subject:**

Rezone Request – Stewart/Updwell Development – R-S (Residential-Suburban) to R-1-6 (Single Family Residential) – Ordinance 15-14 – 191 East Phillips Street

**Background:**

The property proposed for rezone includes 2.31 acres located on the north side of Phillips Street. The rezone area is across the street and north of the Blaine Jensen RV facility in Kaysville. The boundary between Layton City and Kaysville City in this area is the centerline of Phillips Street. The rezone area is surrounded by R-S and R-1-8 zoning to the north, R-1-8 and R-1-6 zoning to the east, Kaysville City (Blaine Jensen RV) to the south, and R-S, R-1-8 and R-1-6 zoning to the west.

**Alternatives:**

Alternatives are to 1) Adopt Ordinance 15-14 approving the rezone request from R-S to R-1-6 based on General Plan land use and density recommendations; or 2) Not adopt Ordinance 15-14 denying the rezone request.

**Recommendation:**

On April 28, 2015, the Planning Commission voted by a margin of 5 to 1 to recommend the Council not adopt Ordinance 15-14 denying the rezone request from R-S to R-1-6.

Staff does not support the recommendation of the Planning Commission. Staff believes the R-1-6 zoning district is consistent with the General Plan and policies for this property. In the alternative, the R-1-8 zoning district is also consistent with the General Plan. The nature of this infill property is more difficult to develop under the R-1-8 zoning regulations. The current R-S zoning is not consistent with the General Plan for this property.

**ORDINANCE 15-14**  
**(Stewart/Updwell Rezone)**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT APPROXIMATELY 191 EAST PHILLIPS STREET FROM R-S (RESIDENTIAL SUBURBAN) TO R-1-6 (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 R-S to R-1-6 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 R-S (Residential Suburban) to R-1-6 (Single Family Residential).

BEG AT A PT ON THE N LINE OF PHILLIPS STR, WH PT IS E 920.7 FT & S 38<sup>^</sup>24' E 733.92 FT & N 58<sup>^</sup>38' E 541.2 FT FR THE NW COR OF S 1/2 OF SW 1/4 SEC 28-T4N-R1W, SLM; THE S 58<sup>^</sup>38' W 181.6 FT; TH N 36<sup>^</sup>04' W 473.88 FT; TH N 53<sup>^</sup>56' E 208.4 FT TO E BNDRY LINE OF MARGETTS PPTY; TH S 38<sup>^</sup>54' E 262.0 FT; TH S 25<sup>^</sup>52' E 231 FT TO POB.

CONT. 2.311 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:

*for Jones*  
\_\_\_\_\_  
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:  
*William T. Wright*  
\_\_\_\_\_  
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

  
*FOR: PETER MATSON*

**DATE:** May 21, 2015

**RE:** Rezone Request – Stewart/Updwell Development – R-S to R-1-6 – Ordinance 15-14

---

**LOCATION:** 191 East Phillips Street

**CURRENT ZONING:** R-S (Residential-Suburban)

**CURRENT MINIMUM LOT SIZE:** 15,000 square feet

**PROPOSED ZONING:** R-1-6 (Single Family Residential)

**PROPOSED MINIMUM LOT SIZE:** 6,000 square feet

## DESCRIPTION OF REZONE AREA

The property proposed for rezone includes 2.31 acres located on the north side of Phillips Street at 191 East Phillips Street. The rezone area is across the street and north of the Blaine Jensen RV facility in Kaysville. The boundary between Layton City and Kaysville City in this area is the centerline of Phillips Street. The rezone area is surrounded by R-S and R-1-8 zoning to the north, R-1-8 and R-1-6 zoning to the east, Kaysville City (Blaine Jensen RV) to the south, and R-S, R-1-8 and R-1-6 zoning to the west.

## BACKGROUND INFORMATION AND STAFF REVIEW

The applicant for this rezone is Guy Haskell of Updwell Development, LLC representing Sumner Stewart, owner of the property. The large metal building on the property is associated with a long-standing, legal non-conforming use of a land reclamation service owned by Mr. Stewart. The two drive approaches associated with access to the metal building will need to be removed and replaced with standard curb and gutter. Sidewalk does not exist along the Phillips Street frontage and will need to be added with development of a subdivision.

The subdivisions in this neighborhood (bounded by Phillips Street on the south, Flint Street on west and I-15 on the east) are located in primarily the R-1-8 and R-1-6 zoning districts. The General Plan recommendation for this area of the city is for single family residential at 3-6 units per acre. The proposed R-1-6 zone is within this density range and consistent with this recommendation. It is anticipated that, upon rezone of the property, the applicant will pursue the development of a single family subdivision under the guidelines and requirements of the R-1-6 zoning district.

The south portion of the rezone area has frontage on Phillips Street and the north portion has a small amount of frontage on the cul-de-sac at the end of 975 South. All of the required utilities to service the property are located within the Phillips Street right-of-way. If the rezone is approved, the developer will work with the Engineering staff to determine utility requirements related to culinary water, storm drainage and sanitary sewer, and whether a street connection through the property will be required.

#### **STAFF RECOMMENDATION**

Staff recommends the City Council adopt Ordinance 15-14 approving the rezone request from R-S to R-1-6 based on consistency with the General Plan land use and density recommendations for this area of the city.

Engineering



Planning



Fire



#### **PLANNING COMMISSION PROCEEDINGS AND RECOMMENDATION**

The Planning Commission reviewed this rezone proposal on April 28, 2015. There were several residents in attendance from the surrounding neighborhoods. Most of the concerns expressed were regarding the R-1-6 zoning as opposed to the R-1-8 zoning. Residents expressed that R-1-6 zoning was not directly contiguous to the subject property and that the R-1-8 is a more compatible zone. The applicant and staff pointed out that R-1-6 zoning was present in the surrounding neighborhood. The applicant explained that the R-1-6 offered more flexibility in subdivision design because the property is quite narrow and a public road is desired that connects from Phillips Street through the property. Although not against single-family zoning on the subject property, the Planning Commission expressed that the proposed R-1-6 zone was not as desirable as perhaps the R-1-8 zone.

The Planning Commission recommended that the Council not approve the rezone from R-S to R-1-6 stating that although there is R-1-6 zoning in the area, there is not R-1-6 directly adjacent to the subject property and therefore not appropriate for this parcel.



***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: Stewart Sumner; sumner@sumnermargetts.com  
Guy Haskell; guy@updwell.com

CC: COMMUNITY DEVELOPMENT & FIRE DEPARTMENT

FROM: Shannon Hansen, Assistant City Engineer - Development

DATE: April 1, 2015

SUBJECT: Sumner Stewart/Updwell Rezone  
191 East Phillips Street

I have reviewed the Petition for Amending the Zoning Ordinance for a 2.3± parcel at approximately 191 East Phillips Street. The applicant is requesting a zoning change from R-S to R-1-6 to accommodate a future residential subdivision. The Engineering Department has no comments or concerns regarding the approval of the rezone.

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

**Street** – Phillips Street improvements will need to include sidewalk. The existing drive approaches on Phillips Street will need to be removed and standard curb and gutter will need to be installed. If a connection to 975 South is made, street improvements will include the removal and replacement of existing curb and gutter and asphalt to create a thru street.

**Water** – There is an existing 8” water line on the south side of Phillips Street. The Fire Marshall will determine the required fire flow and any fire protection requirements.

**Storm Drain** – There is a 15” storm drain on the north side of Phillips Street, 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.

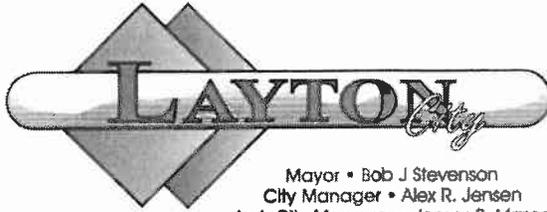
**Lighting** – Lighting will be required in the public right of way.

**Sewer** – There is an existing 10” sanitary sewer line on the north side of Phillips Street.

**Secondary Water** – Secondary water is not available to this site

**Land Drain** – A land drain system will need to be installed.

**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.



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: Dean Hunt, Fire Marshal 

RE: Sumner Stewart/Updwell Rezone @ 191 East Phillips Street

CC: 1) Stewart Sumner, [sumner@sumnermargetts.com](mailto:sumner@sumnermargetts.com)  
2) Guy Haskell, [guy@updwell.com](mailto:guy@updwell.com)

DATE: April 1, 2015

I have reviewed the petition for amending the zoning ordinance received on March 31, 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.

DBH\Sumner Stewart Updell RZ :kn  
Plan # S15-049, District #46  
Project Tracker #LAY 1503311515





# Memorandum

**To:** Planning Commission  
**From:** JoEllen Grandy, Parks Planner Intern  
**Date:** April 13, 2015  
**Re:** Sumner Stewart/Updwell, Rezone – 191 E. Phillips St.

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The proposed rezone would not affect the Parks & Recreation Department.

The proposed rezoned area (191 E. Phillips St.) is within the future neighborhood park, Whispering Willows.

## Recommendation

Parks & Recreation supports granting rezoning approval to Sumner Stewart/Updwell.

***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 re-submittal. Thank you.***

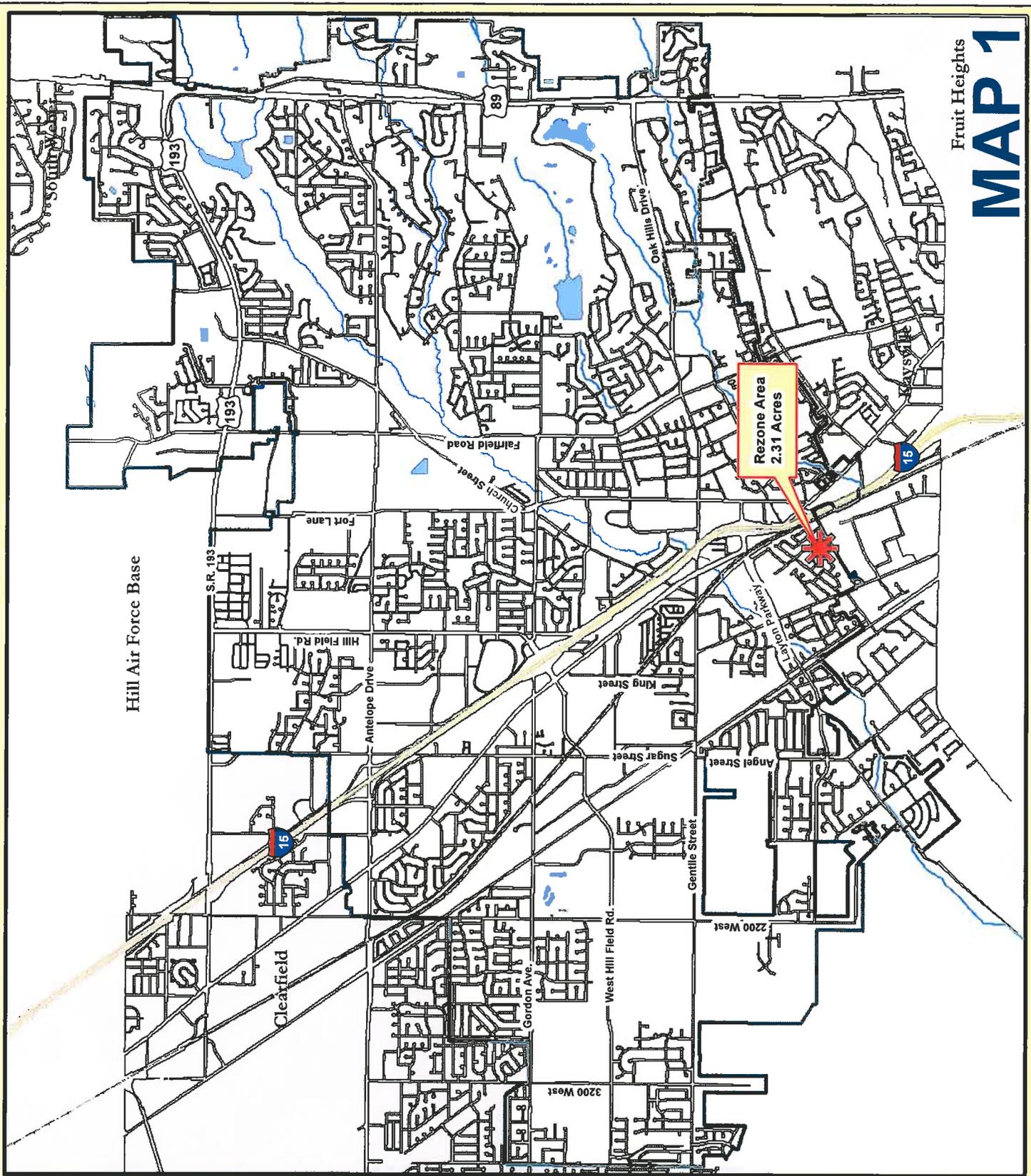
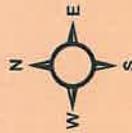
# City Council Meeting

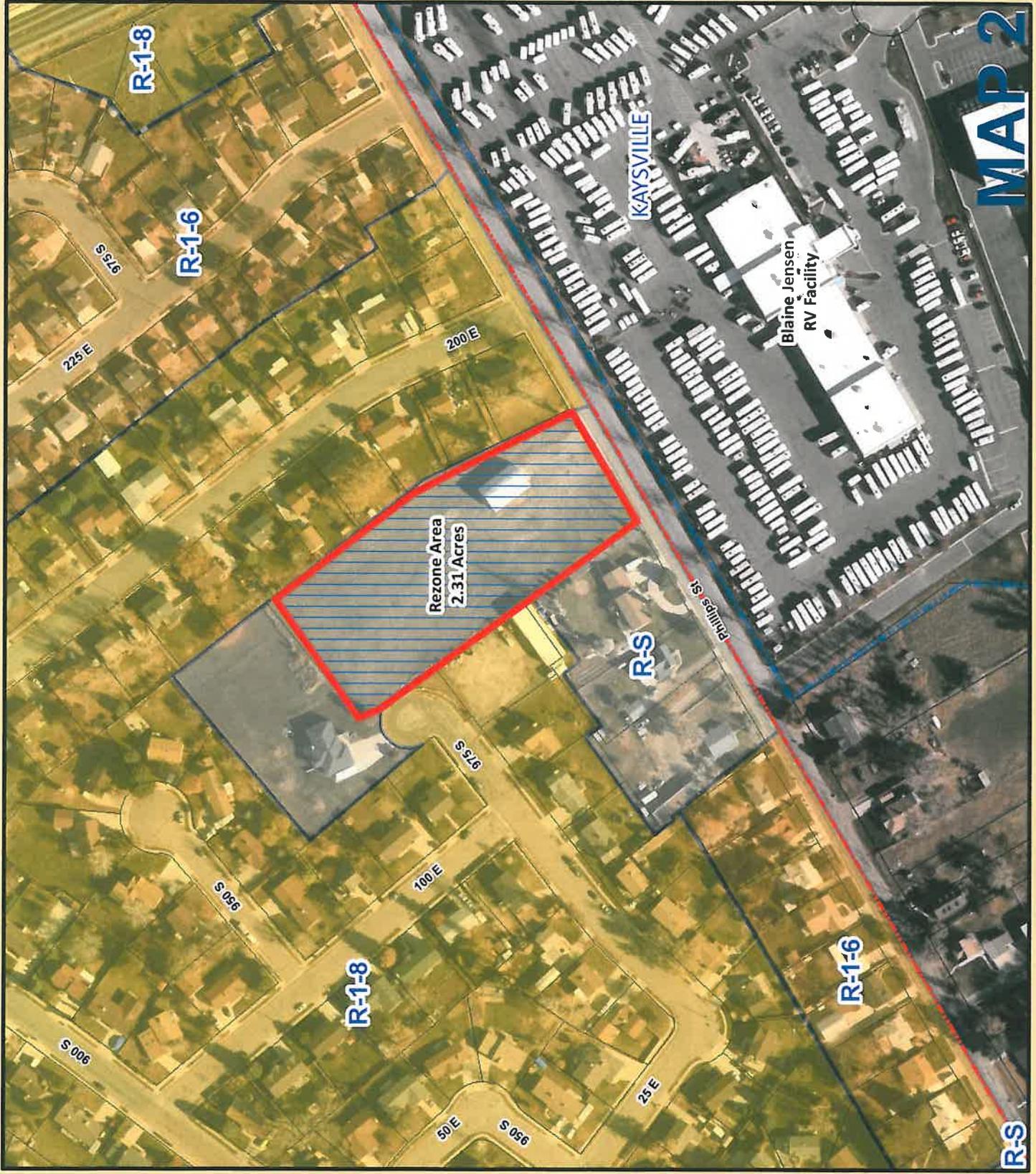
May 21, 2015

## Stewart/Updwell Development Rezone

R-S to R-1-6

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





City Council Meeting

May 21, 2015

Stewart/Updwell Development Rezone

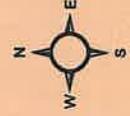
R-S to R-1-6

191 East Phillips Street

2.31 Acres

LEGEND

-  Layton City Boundary
-  Property
-  Lakes
-  Streams



1 inch = 183.33 feet



**LAYTON CITY PLANNING COMMISSION MEETING MINUTES  
APRIL 28, 2015**

**MEMBERS PRESENT:** Brian Bodily, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Randy Pulham, Robert Van Drunen, Dave Weaver

**MEMBERS ABSENT:** L. T. Weese

**OTHERS PRESENT:** Staff: Bill Wright, Peter Matson, Kem Weaver, Weston Applonie, Steve Garside, Nick Mills

City Council Member: Tom Day

Chairman Gilbert called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Hansen.

**APPROVAL OF THE MINUTES:** March 10, 2015 -- Chairman Gilbert called for a motion to approve the March 10, 2015 Planning Commission and Work Meeting Minutes. Commission Bodily moved to approve the minutes as written. Commission Van Drunen seconded the motion, and the voting was unanimous

Chairman Gilbert called for a motion to open the Public Hearing. Commissioner Hansen moved to open the Public Hearing. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

City Planner Peter Matson spoke about the Envision Layton Public Workshop open to the public and high school students on April 29, 2015, from 6-8 p.m. at Layton High School. He said it is an opportunity for the public to participate in a live survey on issues of growth and future population. He said it would be meaningful input that would eventually be incorporated into the City's Land Use General Plan.

**PUBLIC HEARING:**

**1. SUMNER STEWART/UPDWELL DEVELOPMENT REZONE – R-S (Residential Suburban) to R-1-6 (Single Family Residential) – ORDINANCE 15-14**

This 2.31 acre property is located at 191 East Phillips Street in an R-S zoning district. The property owner is Sumner M. Stewart represented by Guy Haskell of Updwell Development.

Planner II, Kem Weaver presented the rezone proposal for 2.31 acres of property located at 1919 East Phillips Street, presently zoned R-S. He said the property has 183 feet of frontage on Phillips Street. There is currently a large metal building associated with a business on the property.

Mr. Weaver said the applicant is requesting a zone change from R-S to R-1-6, which is a single family residential zone found throughout the city at a density of 3-6 dwelling units per acre. The minimum lot size will be 6,000 square feet with side yard setbacks of 5 and 8 feet for a total of 13 feet between properties.

If developed as a subdivision, this property has all the utility accesses out to Phillips Street. The proposed R-1-6 zone is a zone that is found in parts of this neighborhood. R-1-8 is the predominant zone in the area, and this particular area is recommended for 3-6 dwellings units per acre. R-1-6 zoning is consistent with the General Plan recommendation for this area at 5 to 5.5 units per acre. Sidewalk improvements along Phillips Street would be required. Given the guidelines of the City's General Plan, the Planning Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to adopt ordinance 15-14 approving the rezone from R-S to R-1-6.

Commissioner Weaver asked about the future of the metal building. Mr. Weaver said the building was associated with an excavation type business. If a subdivision is developed, that building would be removed from the property.

The applicant, Guy Haskell, addressed a concern brought up in the work meeting where he was asked if his proposed development would connect into 975 South. He said there would be a connection and the Fire Marshall preferred that connection.

Commissioner Hansen asked why the rationale to rezone to an R-1-6 zone versus an R-1-8 zone, which is a zoning that is a little more prevalent in the area.

Mr. Haskell said his real estate agent did some research and said the resale value wouldn't be high enough to go with a bigger home. He hadn't researched the R-1-8.

Commissioner Weaver asked if there would be storm water detention on the property. Commissioner Haskell said there would be detention.

Jerry Madsen, 134 East 975 South, said several residents from the neighborhood feel the R-1-6 zoning would not be holding with Title of 18 and 19 regarding a proposed development potentially reducing the value of an existing home. He felt the development reduces the value of his home.

Mr. Madsen felt the zoning was not correct on the City Map.

Mr. Madsen expressed a concern that the cul-de-sac by his home would not remain and felt he had been promised that it would remain there.

Steven Pellecolomo, 137 Philips Street, said it didn't make sense to devalue the 2.31 acres. He said the value of his property went up. He also felt the City map with R-1-6 on Phillips Street was not correct. Peter Matson, City Planner, verified the map was correct.

Mr. Pellecolomo also spoke about traffic on Gentile Street. He expressed concerns about the condition of Phillips Street. He felt R-1-8 would sell well.

Angie Wood, 163 Phillips, felt the R-1-6 homes would not be kept up nicely since the ones in another R-1-6 area are not kept up in her opinion. She said they live in the area for a reason because they like the way it feels and like to keep their home up nicely.

John Lidema, 968 South 200 East, moved to the neighborhood in April, 1981. Both he and his wife are afraid with R-1-6 zoning or any homes more traffic will be created. He didn't want the quiet neighborhood to change. He expressed concerns about the condition of Phillips Street and the possible height of any new homes taking away his view.

Lorell Martinez, 103 Phillips Street, said she understands the desire to develop because everyone needs a place to live and needs affordable housing. She said the value is the quality of life on the street. The density of R-1-6 is the issue. She expressed concerns about speed.

Mark Oveson, 986 South 200 East, had concerns that the privacy of his backyard would be lost with development.

Guy Haskell said he one of the reasons they looked at R-1-6 zoning instead of R-1-8 was because he wants to give people what they are looking for, which is a smaller lot with a larger home. He said they want to meet the needs of a double income family who don't want as much yard.

Commissioner Fitzpatrick asked about the average selling price of the homes. Mr. Haskell said the homes would be built for \$125 a square foot plus the cost of the lot. The base price would be \$225,000. Commissioner Fitzpatrick said she didn't feel there were that many more houses in an R-1-6 than and R-1-8 so there may not be a traffic issue.

Chairman Gilbert called for a motion on the item. Commissioner Hansen said he acknowledged the fact that there is a need in the City for a variety of housing sizes and types. In his view, the prevalent size of lots in the area is R-1-8. He said he appreciated the developer's argument but feels the R-1-8 would be the most appropriate size and cannot support R-1-6.

Commissioner Hansen moved that the Planning Commission forward a recommendation to the City Council to not adopt ordinance 15-14 denying the rezone from R-S to R-1-6. Commissioner Bodily seconded the motion, and the motion passed by a margin of 5 to 1 with Commissioners Bodily, Fitzpatrick, Hansen, Nilsson and Weaver in favor and Commissioner Weaver against the motion.

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

**Item Number:** 6.C.

**Subject:**

Development Agreement and Rezone Request – Barlow (Service Mortgage Inc.)/Ovation Homes – A (Agriculture) to R-1-6 (Single Family Residential) – Resolution 15-11 and Ordinance 15-06 – Approximately 2100 East Oakridge Drive

**Background:**

The property proposed for rezone contains 5.381 acres located south of Oakridge Drive at approximately 2100 East. The rezone area is north of Valley View Golf Course and is surrounded by R-1-10, R-1-10 PRUD and R-M1 zoning to the north, R-1-10 zoning to the east, A zoning to the south, and A and R-1-10 zoning to the west. The rezone area is situated directly north of where Gordon Avenue will extend from the eastern boundary of Andy Adams Park (approximately 1725 East) to 2550 East on the south end of Orchard Grove Subdivision (see attached Map 2 and Map 3).

The rezone request is accompanied by a development agreement that outlines the City and owner's undertakings relative to utilities (both on and off-site), streets, land uses, and housing types within the rezone area. The applicant for the rezone is Ovation Homes (Brad and Norm Frost) representing Duncan Barlow (Service Mortgage, Inc.) owner of the 5.381-acre rezone area.

**Alternatives:**

Alternatives to the First Motion: Alternatives are to 1) Adopt Resolution 15-11 approving the Development Agreement; 2) Adopt Resolution 15-11 approving the Development Agreement with modifications; or 3) Not adopt Resolution 15-11 denying the Development Agreement.

Alternatives to the Second Motion: Alternatives are to 1) Adopt Ordinance 15-06 approving the rezone request to from A to R-1-6 subject to the approval of the Development Agreement; or 2) Not adopt Ordinance 15-06 denying the rezone request from A to R-1-6.

**Recommendation:**

The Planning Commission recommends the Council adopt Resolution 15-11 approving the Development Agreement and adopt Ordinance 15-06 approving the rezone requests from A to R-1-6 based on consistency with the with the General Plan land use and density recommendations for this area of the City.

Staff supports the recommendation of the Planning Commission.

**RESOLUTION 15-11**

**ADOPTING AN AGREEMENT FOR DEVELOPMENT OF  
LAND BETWEEN LAYTON CITY AND SERVICE MORTGAGE INC.**

**WHEREAS**, Owner, (hereinafter individually referred to as an "Owner") SERVICE MORTGAGE INC. is developing certain property located at approximately 2100 East Oakridge Drive ("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 with appropriate land uses, utilities, landscaping and architectural design 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 Service Mortgage Inc." is hereby adopted and approved.
2. The Mayor is authorized to execute the Agreement, which is attached hereto and incorporated herein by this reference.

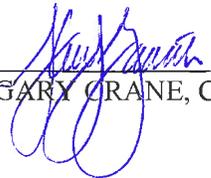
**PASSED AND ADOPTED** by the City Council of Layton, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

By: \_\_\_\_\_  
THIEDA WELLMAN, City Recorder

By: \_\_\_\_\_  
ROBERT J STEVENSON, Mayor

**APPROVED AS TO FORM:**

By:  \_\_\_\_\_  
For GARY CRANE, City Attorney

**SUBMITTING DEPARTMENT:**

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

**AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN LAYTON CITY  
AND SERVICE MORTGAGE INC.**  
(Approximately 2100 East Oakridge Drive)

THIS AGREEMENT for the development of land (hereinafter referred to as "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 SERVICE MORTGAGE INC. (hereinafter referred to as "Owner"). City and Owner collectively referred to as the "Parties" and separately as "Party".

**RECITALS**

WHEREAS, the City has considered an application for a zone change from the present zoning of A (Agricultural) to R-1-6 (Single Family Residential) of certain property located at approximately 2100 East Oakridge Drive (hereinafter the "Subject Area"); and

WHEREAS, the overall Subject Area consists of approximately 5.381 acres; 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 the overall objectives of Layton City's General Plan, and is depicted in more detail on "Exhibit A" attached hereto (hereinafter "Exhibit A"); and

WHEREAS, City has considered the overall benefits of the single-family zoning designation for the Subject Area to facilitate single family residential homes that will provide housing types to residents in a senior age category; and

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

WHEREAS, City is willing to grant R-1-6 zoning approval for the Subject Area (as shown on "Exhibit A") subject to Owner's agreeing to certain provisions and undertakings described herein, which Agreement will enable the City Council to consider the approval of such development at this time; and

WHEREAS, City believes that entering into the Agreement with Owner is in best interest of the City and the 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 in this Agreement:

1.1 "Owner's Property" shall mean that property owned by Owner, as depicted on "Exhibit A".

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 "City's Undertakings" shall mean the obligations of the City set forth in Article III.

1.4 "Owner" shall mean SERVICE MORTGAGE INC. The principal mailing address for Owner is listed in paragraph 7.2. Except where expressly indicated in this Agreement, all provisions of the Agreement shall apply jointly and severally to the Owner or any successor in interest. In the interest of advancing the project, however, any responsibility under this Agreement may be completed by any Owner so that the completing Owner may proceed with their project on their respective parcel.

1.5 "Owner's Undertakings" shall have the meaning set forth in Article IV.

1.6 "Subject Area" shall have the meaning set forth in the Recitals hereto.

1.7 "Exhibit A" shall mean the map depicting the location of the Subject Area.

1.8 "Exhibit B" shall mean a conceptual plan depicting the layout of the R-1-6 zoned area.

1.9 "Exhibit C" shall mean the artist/architectural rendering for the proposed entryway into the subdivision of the Subject Area.

## **ARTICLE II CONDITIONS PRECEDENT**

2.1 Zoning consistent with "Exhibit A" is a condition precedent to Owner's Undertakings in Article IV. Zoning of the Subject Area shall reflect the general concept and schematic as depicted in "Exhibit A", which includes:

2.1.1 Approximately 5.381 acres of R-1-6 (Single Family Residential) zoning;

2.2 With respect to the R-1-6 zoning designation:

2.2.1 **R-1-6 Zone.** Owner agrees to construct a high quality, detached, single-family residential project with the emphasis on single story patio/cottage homes.

2.3 Owner agrees to design and construct superior quality structures and amenities and to comply with all landscaping provisions of Chapter 19.16 of the Layton Municipal Code and specific setback, landscaping and buffer requirements of Article IV of this agreement.

2.4 This Agreement shall not take effect until City has approved this Agreement pursuant to a resolution of the Layton City Council.

## **ARTICLE III CITY'S UNDERTAKINGS**

3.1 Subject to the satisfaction of the conditions set forth in Section 2.2 and Article II, City shall approve the rezone of the Subject Area from its present zoning of A to R-1-6 with an effective date of no sooner than the effective date and adoption of this Agreement by the City Council. Any zoning amendment shall occur upon a finding by the City Council that it is in the best interest of the health, safety and welfare of the citizens of Layton City to make such a change at this time. All permits and site

plan reviews and approvals shall be made pursuant to City ordinances. Nothing herein shall be construed as a waiver of the required reviews and approvals required by City ordinance.

3.2 The proposed zoning changes are as reflected on “Exhibit A” for the overall area.

3.3 City agrees to enter into payback agreements for improvements or facilities intended to extend, expand or improve the City’s utility system beyond the improvements required to service or benefit the development of the Subject Area.

#### **ARTICLE IV OWNER’S UNDERTAKINGS**

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

4.1 **Land Uses.** Development on the property shall be limited as follows:

4.1.1 Land uses within the Subject Area, as depicted in “Exhibit A” shall be focused on single family detached homes specifically limited to the following uses:

4.1.1.1 The 5.381 acre area zoned R-1-6 shall be limited to detached, single-family residential homes and associated accessory uses that are clearly incidental to and customarily found in connection with a single-family home.

4.1.1.2 In the situation where a use is not specifically included in Table 6-2, such a use shall be subject to the regulations of the use (whether permitted by right or a conditional use) to which it is most related or similar, as determined by the Community and Economic Development Director.

4.2 **Single-Family Residential – R-1-6 Zone.** Within the R-1-6 zone, Owner agrees to construct only single-family residential homes in a layout substantially similar to the concept plan as depicted on Exhibit “B” with the total number of single-family detached lots not to exceed 18. No homes in this zone shall be allowed to front Gordon Avenue.

4.2.1 The R-1-6-zoned area requires the construction of a standard 60-foot minor collector public right-of-way that connects Oakridge Drive and Gordon Avenue. This public street will align with the intersection of 2125 East Oakridge Drive.

4.2.2 The architectural plans, building elevations, and building materials for the homes in the R-1-6 zone shall be similar to that of the single-family residential structures located in the Cottages at Fairfield project at the northeast corner of Fairfield Road and Church Street in Layton. The following materials shall be used for exterior construction: brick, rock, stucco, or hardy board. The front, or street-facing façade of each home shall have 100% brick masonry or similar materials. Vinyl siding shall not be allowed. Earthtone colors shall be used with relationship to the exterior building materials. The maximum height for the buildings is 30 feet.

4.2.3 The homes shall include an attached two car garage as a minimum. The homes shall have a minimum square footage of no less than 1,800 square feet. The calculation of square footage shall only be for living space and shall not include the garage.

4.2.4 Owner shall provide for and record enforceable covenants, conditions and restrictions (CCRs) providing architectural design consistency among all parcels within the R-1-6 zone. Owner shall cause a Homeowners Association (HOA) to be constituted as part of CCRs with the duties of maintaining the front yards of the lots and any amenities delineated in an approved final plat. The HOA shall be required to be managed by a professional management company to 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.

4.2.5 The homeowners within the development may elect to have the HOA maintain other portions of their private property, specifically the side and rear yards.

4.2.6 The HOA shall be responsible for the ownership and maintenance of all private utilities, private streets, landscaping, and fencing.

**4.3 Culinary Water.** Culinary water service for the Subject Area will require water line connections and/or extensions from Oakridge Drive.

4.3.1 Development of the R-1-6-zoned area will require a public water line to be installed in the future 2125 East with a connection to the existing water line in Oakridge Drive.

4.3.2 Owner shall allow for and coordinate with the City for the installation of a 12-inch transmission line in 2125 East and Gordon Avenue.

**4.4 Sanitary Sewer.** Development of the Subject Area requires a 10-inch sanitary sewer line to be extended, from the western boundary of the Subject Area, west in the future Gordon Avenue right-of-way to the existing sewer main in Gordon Avenue, located near the eastern boundary of Andy Adams Park. Owner may be eligible for a payback agreement for any future connections to this 10-inch sewer main. Said line shall be in an easement in favor of Layton City. Owner shall acquire said sanitary sewer easement with the location of this sewer line and easement approved by the City Engineer. Owner shall be responsible for any grading required to maintain City standard depths and covers over said sewer line.

4.4.1. Sanitary sewer service for R-1-6-zoned area between Oakridge Drive and Gordon Avenue may be installed in open space or common area to avoid utility encroachment in the existing petroleum pipeline easements through this area. If said sewer line is installed outside the street right of way, it shall be owned and maintained by the HOA.

**4.5 Storm Drain.** Storm drain service for the Subject Area requires the extension of a gravity-fed line within the future Gordon Avenue right-of-way from the western boundary of the Subject Area to the existing storm drain line installed south of the Layton City Oakridge water tank. Said line shall be in an easement in favor of Layton City. Owner shall acquire said storm drain easement with the location of this storm drain and easement shall be approved by the City Engineer.

4.5.1 Owner shall provide for storm water treatment prior to discharge into the Andy Adams Reservoir.

4.6 **Land Drain.** A land drain system is required throughout the development of the Subject Area, pursuant to a design approved by the City Engineer.

4.6.1 Land drain service for R-1-6-zoned area between Oakridge Drive and Gordon Avenue may be installed in open space or common area to avoid utility encroachment in the existing petroleum pipeline easements through this area. If said land drain line is installed outside the street right of way, it shall be owned and maintained by the HOA.

4.7 **Gordon Avenue Extension.** Gordon Avenue is a planned 80-foot arterial street that extends east-west at the south end of the Subject Area.

4.7.1 Owner shall provide for the dedication of the entire Gordon Avenue right-of-way on the south end of the Subject Area.

4.8 **Street Lighting.** A street lighting system is required throughout the development of the Subject Area.

4.8.1 Street lighting on Gordon Avenue shall be SL-01 poles. The City shall pay the difference between the SL-01 poles and the standard SL-04 poles.

4.9 **Not Considered Approvals.** Except as otherwise provided, these enumerations are not to be construed as approvals hereof, as any required process must be pursued independent hereof.

4.10 **Amendments.** Owner agrees to limit development to the uses provide herein. If other uses are desired, Owner agrees to seek amendment of this Agreement before pursuing approval hereof.

4.11 **Conflicts.** Except as otherwise provided, any conflict between the provisions of this Agreement and the City's standards for improvements, shall be resolved in favor of the stricter requirement.

## **ARTICLE V GENERAL REQUIREMENTS AND RIGHTS OF CITY**

5.1 Issuance of Permits - Owner. Owner, or 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, reasonably pursue completion of the development. Each phase or completed portion of the project must independently meet the requirements of this Agreement and the City's ordinances and regulations, such that it will stand alone, if no further work takes place on the project.

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 their 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 in this paragraph.

## **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; and

6.1.2 If the remedy of reversion is pursued, the defaulting Owner agrees not to contest the reversion of the zoning on undeveloped portions of the Subject Area, 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-1-6 to A.

6.1.3 If Owner fails to comply with applicable City codes, regulations, laws, agreements, conditions of approval, or other established requirements, City is authorized to issue orders requiring that all activities within the development cease and desist, that all work therein be stopped, also known as a "Stop Work" order.

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 Extension. Any 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 operate to eliminate any of 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 their discretion, to cure the default of such assignee, provided, Owner's cure period shall be extended by thirty (30) days.

## **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:                   SERVICE MORTGAGE INC.  
377 North Main Street  
Layton, Utah 84041  
Attn: Jennifer E. Barlow  
801-544-2121

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 Developer.

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 City and the Owner or Owners affected by the amendment.

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 of the 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 an Owner'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 upon approval and execution of this agreement by the Owner, whose property is affected by the recording and the City.

**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:**

\_\_\_\_\_  
ROBERT J STEVENSON, Mayor

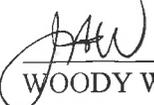
ATTEST:

\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY CRANE, City Attorney

APPROVED:

  
\_\_\_\_\_  
WOODY WOODRUFF, City Engineer

Signed by

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary

Signed by

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary

Signed by

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary

# EXHIBIT A – Subject Area



**City Council Meeting**

**May 21, 2015**

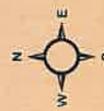
**Barlow/  
Ovation Homes  
Rezone**

**A to R-1-6**

**EXHIBIT A**

**Approx.  
2100 East  
Oakridge Drive**

**5.38 Acres**



**1 inch = 334.04 feet**



# EXHIBIT B – Conceptual Zoning and Development Plan



**EXHIBIT C – Cottage Homes**



**ORDINANCE 15-06**  
**(Barlow Ovation Homes Rezone)**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT APPROXIMATELY 2100 EAST OAKRDIGE DRIVE FROM A (AGRICULTURE) R-1-6 (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-1-6 be approved with a development agreement, which provides for development of the rezone area in a manner consistent with the General Plan; 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, 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-1-6 (Single Family Residential).

PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING N89°55'10"E ALONG THE SECTION LINE, 1102.84 FEET AND N00°04'50"W 198.68 FEET FROM THE NORTHEAST CORNER OF SECTION 22; THENCE N00°08'57"W 312.00 FEET; THENCE N05°24'04"E 20.49 FEET; THENCE N00°20'14"E 247.52 FEET; THENCE N67°12'43"E 11.35 FEET; THENCE N68°29'25"E 260.46 FEET; THENCE S54°10'09"E 76.84 FEET; THENCE S17°22'29"E 241.63 FEET; THENCE S28°17'16"E 238.72 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 543.26 FEET, A RADIUS OF 1260.00 FEET, A CHORD BEARING OF S68°54'22"W, AND A CHORD LENGTH OF 539.06 FEET, TO THE POINT OF BEGINNING.

CONTAINING 234,404 SQUARE FEET OR 5.381 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.

By: \_\_\_\_\_  
ROBERT J STEVENSON, Mayor

**ATTEST:**

By: \_\_\_\_\_  
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

  
For GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

  
WILLIAM T. WRIGHT, Director  
Community & Economic Development

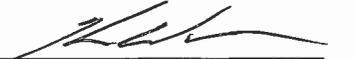


**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

## **STAFF REPORT**

**TO:** City Council

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

  
*FOR: PETER MATSON*

**DATE:** May 21, 2015

**RE:** Development Agreement and Rezone Request - Barlow/Ovation Homes - A to R-1-6 – Resolution 15-11 and Ordinance 15-06

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**LOCATION:** Approximately 2100 East Oakridge Drive

**CURRENT ZONING:** A (Agriculture)

**CURRENT MINIMUM LOT SIZE:** 1 Acre

**PROPOSED ZONING:** R-1-6 (Single Family Residential)

**PROPOSED MINIMUM LOT SIZE:** 6,000 square feet

### **DESCRIPTION OF REZONE AREA**

The property proposed for rezone contains 5.381 acres located south of Oakridge Drive at approximately 2100 East. The rezone area is north of Valley View Golf Course and is surrounded by R-1-10, R-1-10PRUD and R-M1 zoning to the north, R-1-10 zoning to the east, A zoning to the south, and A and R-1-10 zoning to the west. The rezone area is situated directly north of where Gordon Avenue will extend from the eastern boundary of Andy Adams Park (approximately 1725 East) to 2550 East on the south end of Orchard Grove Subdivision (see attached Map 2 and Map 3).

The rezone request is accompanied by a development agreement that outlines the city and owner's undertakings relative to utilities (both on and off-site), streets, land uses, and housing types within the rezone area. The applicant for the rezone is Ovation Homes (Brad and Norm Frost) representing Duncan Barlow (Service Mortgage, Inc.) owner of the 5.381-acre rezone area.

### **BACKGROUND INFORMATION AND STAFF REVIEW**

Prior to rezone application, the City Engineer, working with the applicant's engineering consultant, determined the appropriate alignment and design of the Gordon Avenue corridor through this area of the city. The alignment at the south end of the rezone area reflects the proper location for the 80-

foot right-of-way so on-site and off-site utility and street connections are appropriately accommodated. With the rezone area located north of the future extension of the Gordon Avenue corridor, it is necessary to outline various utility, access and street connection issues associated with development along this future arterial street. The Engineering Division has outlined several utility requirements for the development of the rezone area (see attached Memorandum). The utility and infrastructure requirements for the subject property are outlined in the attached Development Agreement. The Owner's Undertakings section of the Development Agreement (Article IV, pages 2-6) provides assurance that the Owner, and subsequent developer, provides the appropriate utility and street connections and improvements for a quality development.

The General Plan recommendation for this area of the city is for single family residential at 2-4 units per acre. The proposed R-1-6 zone with density restriction of not more than four (4) units per acre is consistent with this recommendation.

#### Community Outreach

Given the various and unique aspects of this development proposal, the applicant (Brad and Norm Frost with Ovation Homes) organized and held three separate open houses prior to the Planning Commission meeting during the first week of March to provide information to residents of the surrounding neighborhoods. In addition, the applicant distributed information flyers to an estimated 50 homes in the surrounding neighborhoods. The open house presentation and flyers focused on the "senior living" emphasis of the development with details regarding the amenities and services of a future assisted living facility. The applicant indicates that a total of approximately 30 area residents attended the open houses. The applicant indicates that he received positive feedback about the development proposal and he encouraged the residents to attend the upcoming public meetings and stay involved in the process.

#### Gordon Avenue Corridor

Gordon Avenue is a planned 80-foot arterial street that extends east-west on the south end of the rezone area. As per the development agreement, the property owner will be required to dedicate the necessary right-of-way on the south boundary rezone area.

#### Utilities

The Development Agreement outlines the various requirements and provisions for culinary water, sanitary sewer, storm drain and land drain throughout the rezone area. Culinary water service for the rezone area will require water line connection and extension from Oakridge Drive. Development of the rezone area requires a 10-inch sanitary sewer line to be extended from the western boundary of the rezone area, west in the future Gordon Avenue right-of-way to the existing sewer main in Gordon Avenue, located near the eastern boundary of Andy Adams Park. Storm drain service for the rezone area requires the extension of a gravity-fed line within the future Gordon Avenue right-of-way from the western boundary of the rezone area to the existing storm drain line recently installed south of the Oakridge water tank. A land drain system is required throughout the development of the rezone area, based on final design and requirements with preliminary subdivision plat approval.

Residential Density and Design in the R-1-6 Zone

The applicant is proposing the R-1-6 zoning to develop a single family subdivision of approximately 18 lots. Homes in the rezone area will be primarily single-level, single-family homes targeted at an older demographic often referred to as "empty nesters". Homes proposed in this area will be similar to what Ovation Homes has constructed in the Cottages at Fairfield Subdivision at the northeast corner of Fairfield Road and Church Street. The proposed development agreement language regarding architecture, square footage, and HOA requirements is similar to that of the agreement for the Cottages at Fairfield.

Development of the rezone area requires the construction of a standard 60-foot minor collector street that aligns with the intersection of 2125 East and Oakridge Drive and connects Oakridge Drive to the future Gordon Avenue right-of-way.

The General Plan-recommended land use and density range for this area of the city is for single family residential at 2-4 units per acre. A typical R-1-6 subdivision develops at a density of 4-5 units per acre. Although the R-1-6 zone is typically located in areas of the city with a density range of 3-6 units per acre, the development agreement caps the number of lots/homes in the 5.381-acre R-1-6 zone at 18 (+-3.35 units per acre). This density limitation of 18 lots insures consistency with General Plan recommendations for this area.

**STAFF RECOMMENDATION**

Staff recommends the Council adopt Resolution 15-11 approving the Development Agreement and adopt Ordinance 15-06 approving the rezone requests from A to R-1-6 based on consistency with the with the General Plan land use and density recommendations for portion of the city.

Engineering 

Planning 

Fire 

**PLANNING COMMISSION PROCEEDINGS AND RECOMMENDATION:**

The Planning Commission reviewed this rezone proposal on March 24, 2015. At that particular time, the proposal was for the R-1-6 zoning plus additional R-1-6, R-1-10 and PB zoning covering an area just under 24 acres. Since that time, the applicant has scaled back the development proposal to include the north portion of what was proposed for R-1-6 zoning. The remainder of the larger area will come back through the process with the sensitive lands ordinance requirements to appropriately deal with slope issues.

There were several residents in attendance at the Planning Commission meeting. Many were concerned about the Gordon Avenue road extension and were interested in the details of location and aesthetics of the road corridor. Others were concerned about the proposed PB zoning, the associated assisted living facility and R-1-6 zoning rather than R-1-10 zoning.

The Planning Commission unanimously recommended approval of the R-1-6, R-1-10 and P-B zoning presented at that time based on General Plan land use and density recommendations. The proposed R-1-6 zoning of the subject 5.381 acres was part of that overall recommendation.



***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:** Chris Cave; [ccave@reeve-assoc.com](mailto:ccave@reeve-assoc.com)  
Brad Frost; [frostappraisals@gmail.com](mailto:frostappraisals@gmail.com)  
Melissa Casey; [Melissa@ovationhomesutah.com](mailto:Melissa@ovationhomesutah.com)

**CC:** Community Development Department

**FROM:** Shannon Hansen, Assistant City Engineer - Development

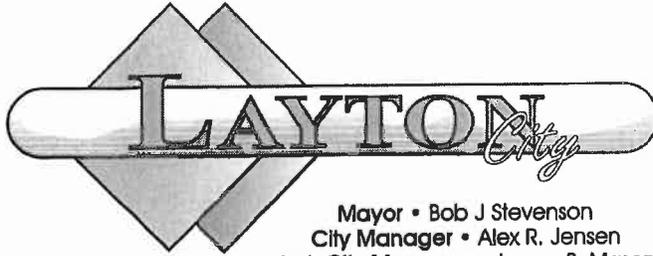
**DATE:** April 30, 2015

**SUBJECT:** Barlow Ovation Homes Rezone  
2100 East Oakridge Drive

I have reviewed the revised rezone boundary descriptions received in Engineering on April 30, 2015 for the proposed rezone of approximately 5.381 acres located at approximately 2100 East Oakridge Drive. The applicant is requesting a rezone change from A to R-1-6.

The Engineering Department has no concerns/comments regarding the rezone of the property.

All utility and street requirements will be addressed in the Development Agreement.



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: Dean Hunt, Fire Marshal 

RE: Barlow Ovation Homes Rezone @ 2100 East Oak Ridge Drive

CC: 1) Engineering  
2) Chris Cave, [ccave@reeve-assoc.com](mailto:ccave@reeve-assoc.com)  
3) Brad Frost, [frostappraisals@gmail.com](mailto:frostappraisals@gmail.com)  
4) Melissa Casey, [Melissa@ovationhomesutah.com](mailto:Melissa@ovationhomesutah.com)

DATE: February 20, 2015

I have reviewed the petition for amending the zoning ordinance and site plan received on February 19, 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.

DBH\Barlow Ovation Rezone :kn  
Plan # S15-028, District # 32  
Project Tracker #LAY 1502191505



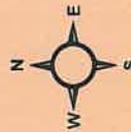
# City Council Meeting

May 21, 2015

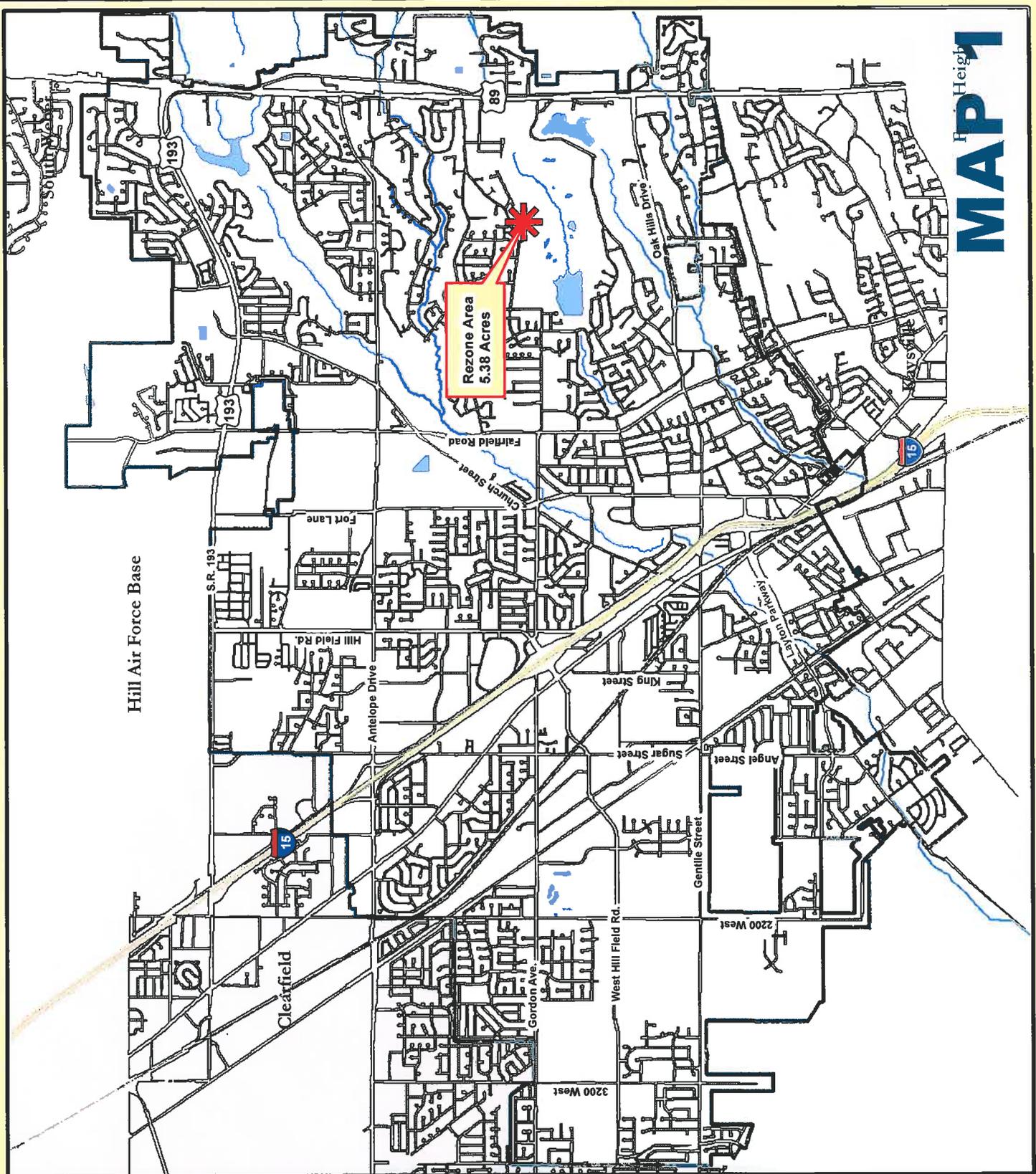
## Barlow/ Ovation Homes Rezoning

A to R-1-6

- LEGEND**
- Rail Lines
  - Interstate 15
  - Layton City Boundary
  - Rights of Way
  - Lakes
  - Streams
  - Rezoning Area

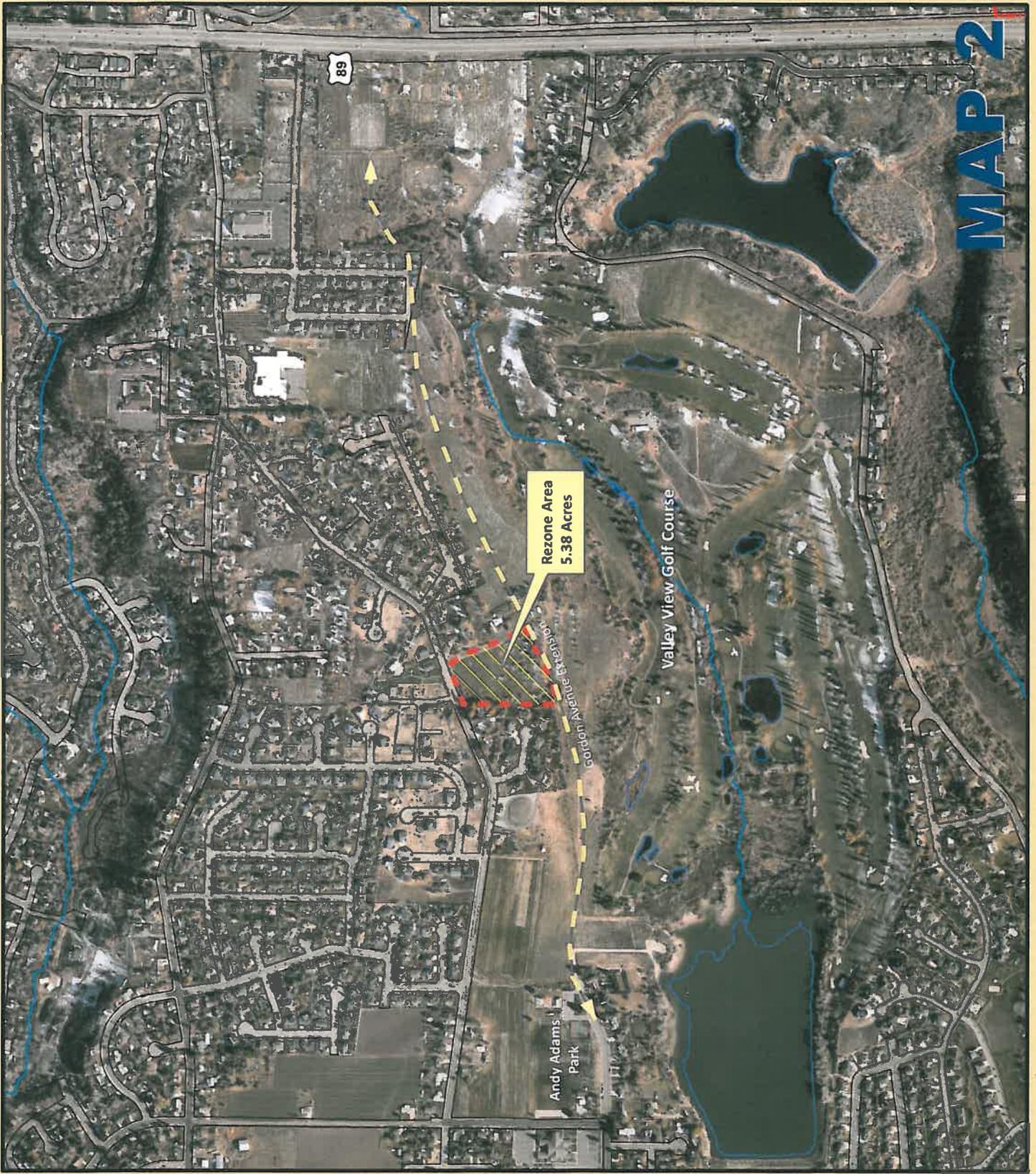


1 inch = 4,250 feet



# MAP 1

Height



**City Council Meeting**

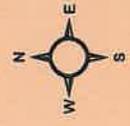
**May 21, 2015**

**Barlow/  
Ovation Homes  
Rezoned**

**A to R-1-6**

**Approx.  
2100 East  
Oakridge Drive**

**5.38 Acres**



**1 inch = 833.33 feet**





**City Council Meeting**

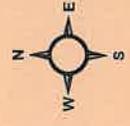
**May 21, 2015**

**Barlow/  
Ovation Homes  
Rezoning**

**A to R-1-6**

**Approx.  
2100 East  
Oakridge Drive**

**5.38 Acres**



**1 inch = 334.04 feet**



**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
MARCH 24, 2015**

**MEMBERS PRESENT:** Brian Bodily, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Robert Van Drunen, Dave Weaver, L.T. Weese

**MEMBERS ABSENT:** Randy Pulham

**OTHERS PRESENT:** Staff: Bill Wright, Peter Matson, Kem Weaver, Steve Garside, Nicholas Mills, Gary Crane, Julie Matthews

City Council Member: Tom Day

**1. Barlow/Adams/Ovation Homes Rezone – A (Agriculture) to R-1-10 (Single Family Residential), A to R-1-6 (Single Family Residential) and A to PB (Professional Office).**

This 23.57 acre property is located south of Oakridge Drive at approximately 2100 East. The applicant, Ovation Homes represented by Brad Frost is proposing, 6 single family homes on 5.07 acres (R-1-10), 40 single family homes targeted for “empty nesters” on 14.90 acres (R-1-6) and an assisted living facility on 3.58 acres (PB). The property owners are Service Mortgage Corporation (Barlow) and Lincoln and Christine Adams.

Mr. Matson said the majority of the property is owned by Service Mortgage Corporation, which is Haven Barlow’s family entity. The property consists of 23.5 acres along the north side of Valley View golf Course. He explained the future continuation of Gordon Avenue with an interchange at Highway 89.

Mr. Matson said the developers were Brad and Norm Frost who built The Cottages at Chapel Park and The Cottages at Fairfield. They are looking at the property for a combination of zoning districts. Mr. Matson outlined the location of the proposed R-1-6 zoning with 3.5 acres being proposed for PB zoning for an assisted living facility. He said R-1-10 zoning is proposed on the east end for larger single family lots. There is a future development contemplated for a PRUD but engineering and utility issues are being worked out. He explained how Gordon Avenue and the public roads in the development would be built.

Mr. Matson lot of consideration has been given to the design of the future roadway. All final grades and locations will come into more detail with the final plat.

Mr. Matson said in the development agreement the R-1-6 unit count is 40 units maximum. The developer is asking for the unit count to be moved to 45 units to make a few more lots. The density would still be 3.02 units per acre.

The assisted living facility is proposed to be a two-story facility on a flat area. It will have good views across the Golf Course and valley. The 100-unit facility will have 70 assisted living units and 30 memory care units.

Mr. Matson said the Design Review Committee (DRC) will review the site plan.

Commissioner Van Drunen asked if the assisted living had to be in a PB zone. Mr. Matson said small facilities are allowed in a residential zone. This one is beyond that in size and must be a B-RP or a PB.

Commissioner Fitzpatrick asked for an explanation of the extension of Gordon Avenue. Mr. Matson said the portion of Gordon Avenue between the PB and R-1-6 zones will be fully constructed. Full right of way dedication will be given along the entire right of way from the west end to east end of the subdivision. Up to Orchard Avenue will be finished as a half width on the south side. The trail will be on the south side between the curb and gutter and the fence of the homes backing on to the trail.

Commissioner Fitzpatrick asked if when Gordon comes through by the R-1-10 proposed zoning area, if it will be wider. Mr. Matson said it would and that the capital improvement fund will pay for the completion of the road. He said it will be a modified 80-foot right of way up to the proposed interchange.

Mr. Matson said the R-1-10 lots will face on to Gordon Avenue. He said the General Plan recommends that homes not be face on an arterial street. He explained how the R-1-10 lots will be developed.

Commissioner Fitzpatrick asked about there being a small private road. Mr. Matson said that wouldn't be possible in this area.

Councilmember Day asked why the developer would not be required to build the middle section of Gordon Avenue. Mr. Matson said it was because it will not yet be servicing anything. The developer will dedicate it to the City. The middle section will be rough graded, and the City will complete it. City Engineer, Woody Woodruff, said it will be closed off so people can't drive on it. The middle section will be fenced and landscaped.

Commissioner Hansen said he was stunned that this was the type of development that will overlook the golf course. He said he didn't understand how it would be accessed and developed. Mr. Matson said those concerns will be resolved and maybe a private road will loop through the subdivision.

Commissioner Van Drunen reminded the Commission that just the zoning was being considered, not the subdivision.

Commissioner Hansen asked if there would be adequate parking to accommodate a 100-unit facility on the PB zone.

Mr. Matson said the assisted living use would be a conditional use and will have to go through site plan approval and conditional use processes and be reviewed by the Planning Commission.

Commissioner Hansen said those concerns needed to be worked out before voting on the rezone.

Commissioner Fitzpatrick said there may have to be fewer units.

Mr. Matson said they had to design the building and parking and make it work with a traffic study that will be required. Brad Frost said the situations work and Norm Frost said if they can't make the parking work they'll have to reduce the number of beds.

Commissioner Van Drunen said the Commission should just be concern about the rezone.

Mr. Matson reviewed the development agreement with the Commission.

Commissioner Fitzpatrick commented on there being just one access in the development. Brad Frost explained how the road would continue with the phasing. He said he will have to loop the water system.

Commissioner Van Drunen asked if there had been open houses with residents. Brad Frost said the people on Oakridge Drive are uncomfortable about the future of the road. They want to meet with staff and have an understanding of the Gordon Avenue extension along their property line. He said other than that, they have been very supportive.

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES  
MARCH 24, 2015**

**MEMBERS PRESENT:**

Brian Bodily, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Robert Van Drunen, Dave Weaver

**MEMBERS ABSENT:**

Randy Pulham, L.T. Weese

**OTHERS PRESENT:**

Staff: Bill Wright, Peter Matson, Kem Weaver, Nick Mills, Gary Crane, Julie Matthews

**2. Barlow/Adams/Ovation Homes Rezone – A (Agriculture) to R-1-10 (Single Family Residential), A to R-1-6 (Single Family Residential) and A to PB (Professional Office).**

This 23.57 acre property is located south of Oakridge Drive at approximately 2100 East. The applicant, Ovation Homes represented by Brad Frost is proposing, 6 single family homes on 5.07 acres (R-1-10), 40 single family homes targeted for “empty nesters” on 14.90 acres (R-1-6) and an assisted living facility on 3.58 acres (PB). The property owners are Service Mortgage Corporation (Barlow) and Lincoln and Christine Adams.

Mr. Matson said Resolution 15-11 represents the development agreement accompanying the rezone request. He explained the proposed zoning and different areas of zoning on the property. He said additional property to the west and south is not part of the proposal and may develop in the future. He pointed out the future extension of Gordon Avenue, which will be an east/west arterial street. He said the owner will be required to dedicate the entire right of way of the future Gordon Avenue. He explained the stages of improvements to Gordon Avenue that would occur as the proposed rezone area develops.

Mr. Matson gave an overview of the conceptual plan. He said the density is in line with the recommendations of the General Plan for this area.

Mr. Matson reviewed the requirements of the development agreement.

Mr. Matson pointed out pipe line corridor, which would impact the west side of the area proposed for PB zoning. He said utilities must avoid the pipeline.

Mr. Weaver said Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to adopt Resolution 15-11 approving the development agreement and adopt Ordinance 15-06 approving the rezones for R-1-6, R-1-10 and PB consistent with the recommendation of the General Plan policy recommendations.

Commissioner Bodily asked with regarding to the PB zoning, if the assisted living facility was not built, could another PB use be built on that area. Mr. Matson said the development agreement is drafted for assisted living. If they wanted to change the use, then a new development agreement would have to be drafted.

Commissioner Fitzpatrick asked if there could be more homes than the 40 specified in the development agreement. Mr. Matson said Staff's recommendation would be that the development agreement be changed to allow for 45 homes. The motion would have to reflect that change.

There was a discussion on the design of the homes. Mr. Matson said the developer's plans are single story, which is what is specified in the development agreement. If they wanted to construct a two-story home, the agreement would need to be amended.

Commissioner Weaver asked if the storm drain water would be treated prior to discharging into Andy Adams Reservoir.

City Engineer, Woody Woodruff, said there is a storm drain designed to come down Gordon Avenue and discharge into Andy Adams pond. He said there would be a treatment as there is no requirement for detention. The details have not yet been worked out. He said a water quality degreaser or something similar would need to be designed and installed meeting City requirements.

There was a discussion of street connectivity and setbacks. These specifications will be required at the preliminary review stage.

The developer, Brad Frost, 535 North Anita Drive, in Kaysville, said the Layton City staff had been one of the best they've worked with. He said the Staff is tough but fair. He said the Ovation Home's plan for this property would be an active adult community with luxury type homes. The residents would be encouraged to be active and involved in the City. He said he had had three open houses with the residents and visited 50 homes. He had been very impressed with residents and how they were involved and asked questions.

Mr. Frost explained the entrance and constraints with the pipe line along with topography issues. He said the whole project will be one-level living. He said every unit will have a view of the mountains and or a view of the courtyard. He showed the design of the homes and said the 30 units built at the Cottages at Fairfield sold within six months. None of the homes are under 1900 square feet. All landscaping and fencing is completed with the sale of the homes. The front yard is owned by the individual owner but maintained by the HOA. The price range of the homes is \$280,000 to \$450,000 and 1900 to 2400 square feet. He said the five units on the south could be one level with a basement because of topography.

He said a concern expressed was why R-1-6 zoning. He said his clients want smaller lots. The development agreement specifies less than four units per acre. The R-1-6 area will have 3 units per acre. The R-1-10 area will have 1.79 units per acre, well below the 2-4 units per acre specified in the General Plan.

Mr. Frost said he has tried to be sensitive to the neighbors and won't block views. He said the road design went from a 100 foot road width to an 80 foot road width with island treatments in the center to slow traffic and a walking path.

The design of Gordon Avenue with regard to the elevation of the road and proximity to the pipeline will be discussed with Staff and the neighbors the week of April 6.

Chairman Gilbert reviewed the guidelines for audience comments. The following are the concerns expressed by audience members:

Carol Anderson, 2348 East 1200 North, Layton – distance from new homes to the future Gordon Avenue. Response from Mr. Matson was the right of way would go to the rear property lines on the back of the homes on 1200 North. It would be an 80-foot right of way that would eventually be landscaped and fenced. The asphalt would be 10 feet from the fence in Mrs. Anderson's back yard. The fencing would probably be similar to the Brighton Homes subdivision on Cherry Lane.

Mike Hoth, 1346 North 2350 East, Layton – Traffic, high density and primarily 55 and older residents causing the area to be an older population and less diverse in age.

Debbie Worthen, 2322 East 1200 North – Ground water flooding concerns and errant golf balls breaking windows.

Kenneth McCoy, 1264 North 2550 East – Overall density leap from agricultural zoning.

Mark Anderson, 2044 Oakridge Circle – Questions about density and if the R-1-6 met the General Plan requirements.

Blake Wahlen, 2080 E Oakridge Circle – Expressed appreciation for the Frosts. Asked about the buffer between the road and his property and asked for the road alignment and elevation difference to be considered between Oakridge Circle and Gordon Avenue. Mr. Woodruff responded that the developer will build a portion of Gordon Avenue to have connectivity with their development. The remainder of Gordon will be built by the City in the future when there is a connection with Highway 89. The developer will provide a traffic study. The connection at Highway 89 is still 10 years out in the Utah Department of Transportation plan.

Theodore Howe, 1223 North 2550 East – Land preparation, truck traffic in areas with children, delay of connection to Highway 89. Mr. Woodruff said the extension to Highway 89 is a 20 million dollar plus project.

Ruth Howe, 1223 North 2550 East – Egress out of property on to 2550 East, delay of Gordon Avenue extension.

Carrie Smedley – Concern about construction going on behind her home. She asked for a fence behind her home before construction begins. Other homes have a chain link fence behind their homes presently. Chairman Gilbert asked her to take that concern to the City Council.

Bridgette Girard, 1277 North 2550 East – Traffic concerns on Oakridge Drive and impact on neighborhood. Ms. Girard asked if the 90 homes taken out of the rezone currently would be planned for the future. Norm Frost said it would be a future rezone. Brad Frost said utilities had to be worked out in that area.

Melanie Hoth, 1326 North 2350 East – Mixed use would be better than assisted living and homes for older people.

Commissioner Van Drunen asked Mr. Woodruff to address the groundwater issue. Mr. Woodruff said all new developments are required to have land drains. This may improve the drainage in the area as land drains will be in the homes and into each of the lot to accommodate and take care of any ground water issues.

Commissioner Fitzpatrick asked about a traffic study on what this new development will do to Oakridge Drive. Mr. Woodruff said there would be a very detailed traffic study on major intersections within a mile of this project by the developer at the preliminary review stage.

Commissioner Fitzpatrick asked what would happen if the rezone was approved then after the traffic study it was found that the traffic couldn't be handled. Mr. Woodruff said the level of traffic on Oakridge Drive has to be established by the traffic engineer. It is possible some things may need to be put into place to mitigate the traffic.

There was a discussion regarding potential traffic on Cherry Lane from a previously approved development.

Mr. Woodruff said Oakridge Drive would be milled and overlaid. It hasn't been done earlier because there was so much development happening.

Chairman Gilbert asked if the property to the west of the assisted living, but not on the agenda, was owned by the same owner and if it could be developed. Mr. Matson said they have chosen not to consider development on this property at this time.

There was a discussion on the future of Gordon Avenue which for the time being will be rough-graded and replanted for dust control, with a trail on the south side of Gordon. Mr. Matson said that with this development, the south side will be completed with 26 feet of asphalt and connect with 2550 East.

Commissioner Hansen asked Mr. Frost why the traffic from the R-1-6 would be 60 percent less than normal traffic. Mr. Frost said they typically sell to empty nesters with only 1-2 cars. They don't park in the street and the CC&R's require parking in the garage. For every 10 visits per day for a medium size family with teenagers, the R-1-6 development will have 4 visits. This will be shown in a traffic study.

Mr. Woodruff said the traffic study will address traffic with 1.5 miles of all the major intersections. The traffic engineer will also recommend mitigation if needed.

There was a discussion on other scenarios with different zoning. Chairman Gilbert said the development agreement is limiting Mr. Frost to 40 homes. He could have more homes on this property.

Mr. Frost said one of the things they are doing is extending the sewer line 1200 feet through the western portion of the future road. They are also extending and connecting the storm sewer, which he said is a huge cost on property they are not developing. They will be giving up ground and extending facilities to make it easier for future roadways.

There were no further questions. Chairman Gilbert called for a motion on the item.

Commissioner Nilsson explained to the public that the process would next go to the City Council where they would have a chance for input as well as when the subdivision plat is reviewed. Commissioner Bodily said that the subdivision plat would go to both the Planning Commission and the City Council for preliminary and final reviews.

Commissioner Nilsson moved that the Planning Commission forward a positive recommendation to the City Council to adopt Resolution 15-11 approving the development agreement as it is written. Commissioner Weaver seconded the motion, and the voting was unanimous. Commissioner Hansen asked for the maximum number of units to be 40, specified single story and storm water being treated prior to discharge and the units be a minimum of 1800 square feet.

Commissioner Nilsson accepted the amendment to the motion and Commissioner Weaver seconded the motion. The voting was unanimous.

Commissioner Nilsson moved to forward a positive recommendation to the City Council to adopt Ordinance 15-06 approving the rezone request from A to R-1-10, R-1-6 and PB based on consistency with the General Plan. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

Commissioner Weaver reiterated that the Commission wants the City Council to take a serious look at the traffic study. Mr. Crane said the traffic study would be considered at the preliminary plan review.

Commissioner Fitzpatrick expressed concerns about rezoning the property without Gordon Avenue being completed. Mr. Crane said the General Plan provides for this on-going development. The decision at this time is if the proposed rezone is an appropriate use for the property. The Commission can review this during the preliminary review process.

Commissioner Weaver thanked the public for coming out and being involved.

Mr. Crane said one of the most important aspects is the development agreement. He advised the citizens to become actively involved with the developer and the City Council before the City Council reviews the proposal in the future.

Chairman Gilbert called for a motion to close the Public Hearing and adjourn the meeting. Commissioner Fitzpatrick moved to close the Public hearing and adjourn the meeting. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

The meeting adjourned at 9:23 p.m.