

**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 December 3, 2020.**

AGENDA ITEMS:

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

- A. Minutes of Layton City Council Work Meeting - September 3, 2020
- B. Minutes of Layton City Council Meeting - November 5, 2020

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

- A. Proclamation - 2020 Layton City Parks and Recreation Volunteer of the Year

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. Agreement between Layton City and Evergreen Holding, LLC - Culinary Waterline Improvements Casing for 8-Inch Culinary Water Payback Agreement – Resolution 20-71 – Mecham Towns Subdivision
- B. Amended Plat - East Gate Business Park Subdivision - 1st Amendment - 3835 North Fairfield Road

6. PUBLIC HEARINGS:

- A. Amend Layton Municipal Code - Title 19, Zoning; Chapter 19.02, Definitions; Chapter 19.06, Land Use Regulations; and Section 19.06.030, Home Occupation - Ordinance 20-39

7. UNFINISHED BUSINESS:

ADJOURN:

Notice is hereby given that:

- A Work Meeting will be held at 5:30 PM to discuss miscellaneous matters.
- This meeting will also be live streamed via laytoncitylive.com and facebook.com/Laytoncity
- 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 electronically.
- 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: _____
Kimberly S Read, City Recorder

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 WORK MEETING

SEPTEMBER 3, 2020; 5:31 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, TERRY
COBURN, STEPHEN JACKSON, PAUL
APPLONIE, CHAD WILKINSON, TRACY
PROBERT, DAVID PRICE, ALLEN SWANSON,
AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Fitzpatrick informed the Council in conjunction with Communities That Cares, the month of September was designated as suicide prevention month. She stated she would be attending some trainings associated with suicide prevention.

PRESENTATION – DARK SKIES

Ryan Andreasen, Dark Skies, 2222 Snowqualmie, stated he was prepared to share a presentation regarding outdoor lighting and proposing better lighting techniques. Councilmember Fitzpatrick mentioned the City provided street lighting for “safety” purposes. He provided information regarding nighttime lighting and shared a visual presentation with the Council.

Mr. Andreasen introduced Wendy Wilson, Antelope Island State Park, and announced the Island had recently received the designation as a “Dark Sky” park following an application process of over 18 months. She explained the Park had a focus on protecting the “dark sky” which enabled it to allow visitors to experience a complete night sky. She believed more residents were seeking out “dark skies” and shared some of the programs offered at the Island due to its designation. She stated management of

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the Island had done all it could and announced it needed community support from here on out to promote dark skies.

Mr. Andreasen shared a visual presentation regarding costs for different light fixtures and believed lighting fixtures similar to what the City was currently using would be cheaper in initial cost and also operational costs.

He reported he would have the lighting representative forward this information to the City and expressed appreciation to the Council for the opportunity to present to the Council.

Mayor Petro expressed appreciation to Mr. Andreasen for his presentation.

Councilmember Fitzpatrick asked if the City had options to reduce the kelvin in its light fixtures and shared a personal example. Stephen Jackson, City Engineer, responded the City didn't have options similar to Councilmember Fitzpatrick. He reported the City's lights were purchased with the desired kelvin level built-in and announced the City's lights were 4,000K, which was lower than what was referenced in the presentation, but higher than the 3,000K considered as a standard for "dark sky". He explained there were ways in which the lumens could be increased for brightness, providing more lighting on the ground based on the wattage of the fixture.

There were no other comments or questions.

DISCUSSION ON BUDGET AMENDMENT TO RAMP FUND

David Price, Parks and Recreation Director, announced he was prepared to propose a budget amendment to the RAMP fund. He reminded the Council that playground improvements for Chapel Street Park had been included in this year's, FY 2021, budget. He pointed out the playground project had been funded through both the General Fund and RAMP Fund. He reported due to the COVID-19 Pandemic, this was one of the items which had been removed from the budget with the intent it could come back at a later time. He briefly reviewed the items which were included in the project: playground equipment, sidewalks, and site work all associated with an aging playground.

He announced he was prepared to discuss the Andy Adams Park tennis court renovation. He stated this was a previously funded project to replace two aging tennis courts with two new tennis courts and explained these courts would need to be demolished and completely re-built. He added as the time

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approached for Staff to begin the bid process for the project, Staff recalled previous discussions with the Council during which it had expressed a desire for pickleball facilities to be available at all neighborhood parks. Staff reconsidered the need for two tennis courts at this location and concluded it would be advantageous to change one tennis court into a pickleball complex of four and shared an illustration which reflected four new pickleball courts on the right and one permanent tennis court on the left. He explained the challenges associated with this proposal: extension of the concrete area, new lighting, and a retaining wall. He mentioned the tennis court would also be painted/striped in such a way that if people brought their own pickleball nets, they could play pickleball on that area.

Mr. Price shared a cost estimate for the proposed tennis/pickleball courts and announced \$186,974.00 was needed, above the \$150,000.00 previously funded, in order to move forward with this project. He suggested modifying the RAMP award and reviewed how funds were collected, recognized, and distributed as a grant specific to the RAMP fund. He indicated Tracy Probert, Finance Director, would provide a report later in this meeting explaining this fund had been well funded and expressed his opinion the fund could accommodate this request and recommended approval of this amendment to move forward with the Andy Adams tennis/pickleball complex. He added this presentation had been shared with the RAMP Commission, as well as the Parks and Recreation Commission, which unanimously recommended approval of the amendment.

He asked for any questions.

Councilmember Fitzpatrick asked if any seating was being proposed for the pickleball courts in conjunction with project. Mr. Price explained the amenities included with the proposal and emphasized indicated benches/seating hadn't been included.

Councilmember Thomas clarified the entrance/access to the court would be moved to provide better access to the courts. Mr. Price referred to the illustration and explained how the entrances were being completed and explained adding an entrance at a different location was cost prohibitive and reviewed what would have been involved to do so. Councilmember Thomas shared his suggestion to modify the entrance with fencing and Mr. Price explained that had been considered, however, the excellent idea was extremely expensive.

Councilmember Thomas asked how the tennis players would be allowed to access the tennis courts if upon their arrival, residents were already using the tennis court for pickleball. Mr. Price responded tennis use would receive the higher priority and indicated once the pickleball game was completed, tennis would

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then be played. Councilmember Thomas pointed out the challenges associated with that philosophy and asked about the cost for the installation of pickleball courts and eliminating the tennis courts.

Councilmember Day expressed his opinion to move forward with replacing the current tennis courts and constructing the pickleball complex elsewhere. Mr. Price emphasized the City's philosophy that each neighborhood park should have multiple amenities and identified the only other location, at this park, the northeast corner, could accommodate the pickleball courts which he believed would be extremely expensive.

Councilmember Thomas stated he recently became more observant of the City's tennis courts and didn't believe there were many users of tennis courts at several of the City's parks. Councilmember Bloxham expressed the same opinion and asked if Parks and Recreation had some demographic information regarding the amount of usage of the City's tennis courts. Mr. Price responded he didn't have direct usage numbers for the tennis courts. He reported Staff considered tennis courts and pickleball courts as amenities within its parks and strongly believed a tennis court was an essential amenity to each park. He expressed his opinion tennis courts and pickleball courts were both needed and explained the City's philosophy in providing a broad range of amenities in neighborhood parks. He informed the Council that as he's met with the social pickleball players in the City, they desire a minimum of 12 pickleball courts and eliminating the tennis courts at this park wouldn't satisfy them. He explained how funding from RAMP could be set aside during future years for the purpose of constructing a beautiful 12-court pickleball complex these residents were looking for.

Councilmember Bloxham expressed concern with the possibility that the tennis court might go unused at the same time the pickleball court had waiting players to play and a discussion took place about the need for more pickleball courts. Councilmember Fitzpatrick suggested re-surfacing one of the tennis courts at Chapel Street for pickleball, which would result in eight pickleball courts. Mr. Price explained the City had done something similar at Vae View and pointed out how the old construction process for tennis courts wasn't compatible for pickleball courts.

Councilmember Morris expressed his opinion this would be a great opportunity to provide a pickleball facility to residents and shared the example from South Jordan. He believed recreation needs change over time and believed this was an opportunity to react in a way which would benefit the residents of the City.

Mayor Petro was pleased to see the City provide eight pickleball courts to east side residents at Andy Adams Park. She pointed out the social aspect of pickleball and believed benches would be essential and

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the discussion continued.

Councilmember Fitzpatrick pointed out the other park options which had tennis courts and expressed concern with City residents looking to neighboring communities to meet their recreational needs and pointed out Kaysville and Clearfield cities both had new pickleball facilities. The discussion continued regarding improvements at Andy Adams Park specific to possibly relocating or reconfiguring the detention basin in order to modify the design to better accommodate the pickleball courts.

Mayor Petro summarized the Council's desire for eight pickleball courts and no tennis courts at this particular park. Councilmember Day pointed out the other option was to leave the tennis courts alone at this park and construct pickleball courts at another location and a discussion followed.

Mr. Price requested clarification the Council would be in favor of providing more pickleball courts within the City and expressed his opinion eight courts wouldn't be enough and the discussion continued. Mr. Price pointed out the Council's decision today for the park would be setting the park trend for the future and the discussion continued. Councilmember Fitzpatrick expressed her opinion pickleball was a sport for participants of all ages and believed it would continue to gain in popularity.

Alex Jensen, City Manager, stated based on this discussion, the Council had expressed its opinion regarding its desire for pickleball facilities within the City. He suggested the issue be discussed at a future work meeting to allow the Council and Staff to align plans for pickleball within the City and to work through the details and financing associated with a pickleball facility. Mayor Petro directed Mr. Price to bring forth a proposal to reconsider the adjustment for RAMP funding.

The Council and Mayor Petro expressed appreciation to Mr. Price.

FINANCIAL UPDATE

Tracy Probert, Finance Director, presented an update regarding the budget and informed the Council Staff had planned and prepared for an economic downturn and reported the City was in a very good financial position to weather economic ups and downs. He reviewed the General Fund Revenue which had previously been presented to the Council and pointed out Staff had already implemented the possibility of a ten percent reduction in Sales Tax as a precautionary measure, and to present the Council with a conservative budget. He reminded the Council Staff had also postponed a number of projects to be completed in the future, as well as putting some expenditures "on hold", which significantly reduced

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expenditures. He announced these efforts had placed the City in a conservative position for the budget year.

Mr. Probert reviewed Property Tax and Sales Tax estimates with the Council emphasizing those figures would be considered a good year, even without the COVID-19 Pandemic, and summarized the City had recognized a \$900,000 increase over the projected budgeted amount. He believed the City's budget was sufficient to cover all items currently placed "on hold" while still maintaining a reserve of at least fifteen percent. He reported Mr. Jensen wasn't recommending releasing everything currently placed "on hold" at this time and reviewed the recommendations of those items identified to be released from "hold" status with the Council. He also identified those items recommended to remain "on hold" until January 2021. He emphasized Staff would continue to monitor and review Sales Tax figures from now until then.

The Council expressed its agreement with Staff's recommendations and directed Staff to move forward.

Mayor Petro pointed out good management by Staff had placed the City in a good position to weather the current circumstances.

AMEND LAYTON MUNICIPAL CODE – TITLE 19, ZONING, CHAPTER 19.11, MOBILE HOME PARKS AND TRAVEL VEHICLE PARKS; AND CHAPTER 19.12, OFF-STREET PARKING – ORDINANCE 20-29

Chad Wilkinson, Community and Economic Development Director, informed the Council a productive meeting with Councilmember Fitzpatrick had taken place earlier today and indicated additional text needed to be included in the ordinance. He identified some of the parking use refinements Staff would like to further clarify in the table with the ordinance. He pointed out additional language specific to ADA (Americans with Disabilities Act) standards and bicycle parking standards would also need to be included.

He reminded the Council questions had been asked about the 500 foot walking distance and shared some examples to illustrate that distance and reported Staff believed the distance was reasonable. There were no additional questions from the Council regarding the 500 foot walking distance.

He also addressed the garage/carport space and explained the City's requirement regarding minimum garage space. He reported the Planning Commission had expressed its desire to include the flexibility that the minimum parking space could be a carport and explained that applicability. He announced Staff's

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recommendation was to accept public comment, continue the public hearing until the Council meeting scheduled for Thursday, September 17, 2020, in order to allow Staff time to complete the refinements to the proposed ordinance.

He further explained the Planning Commission's intention for allowing carports was to provide options by not requiring a garage. He indicated he would like the Council's input on that inclusion.

Mr. Wilkinson mentioned joint-use parking and referenced language in the current code, "substantial" conflicts between operating hours of use in the Joint-Use Parking Table and provided the definition of "substantial" as it related to the ordinance; and indicated it referred to the four hours of overlap time specific to "peak" time. He requested input from the Council with any issues regarding the definition and/or use.

He reminded the Council it had requested Staff look into potential language specific to electric vehicle parking. He reported after further consultation with developers, parking consultants and engineers, Staff learned that wasn't in demand at this time and it was very expensive. He stated Hale Engineering had suggested instead of requiring a certain number of electric vehicle parking stalls, there were other options which could be implemented to encourage or incentivize the implementation of said parking stalls. He indicated that language could be included with the refinements to be considered on September 17, 2020, if the Council so desired.

REZONE REQUEST – 1458 NORTH FORT LANE REZONE – A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL) – ORDINANCE 20-28 – 1458 NORTH FORT LANE

This item was not addressed by the Council.

MAYOR'S REPORT

Mayor Petro acknowledged County Commissioner Lorene Kamalu in the audience. Commissioner Kamalu expressed appreciation for Layton City and being a well-run City. She complimented Mr. Jensen, Mr. Probert, and Police Chief Swanson for their leadership. She stated it was always a pleasure to work with Layton City in different capacities with the County. Mayor Petro also expressed appreciation to Commissioner Kamalu and presented her with a Centennial coin.

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The meeting adjourned at 7:00 p.m.

Kimberly S Read, City Recorder

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MINUTES OF LAYTON CITY COUNCIL MEETING

NOVEMBER 5, 2020; 7:01 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, TIM WATKINS, STEPHEN
JACKSON, DAVID PRICE, JOELLEN GRANDY,
KEVIN WARD, AND KIM READ**

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

Mayor Petro opened the meeting. Councilmember Morris led the Pledge of Allegiance and offered the invocation. The public was welcomed.

MINUTES:

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

**Layton City Council Strategic Planning Work Meeting – September 30 2020;
Layton City Council Meeting – October 1, 2020; and
Layton City Council Meeting – October 15, 2020.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Mayor Petro acknowledged everyone in the audience and announced the following events:

- She reminded the Council that Wednesday, November 11, 2020, was Veterans Day. She stated traditionally the City hosted a nice program and parade; however, due to the COVID pandemic, this year's celebration has been cancelled. She stated the City would continue to celebrate Veterans Day and announced the City's Parks and Recreation Department had produced a nice tribute which could be viewed from the City's website on Veterans Day.

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- She pointed out the City continued to celebrate its Centennial and Senator Stevenson would be presenting a lecture via the online lecture series on Thursday, November 12, 2020.
- She stated the Turkey Bowl was still scheduled for Saturday, November 21. She indicated registration would begin on Monday, November 16, 2020.
- That same Saturday, November 21, 2020, Davis County Animal Control was sponsoring a vaccination clinic for Davis County residents at West Point City Hall from 8:00 am through 12 noon. She indicated the vaccines were very reasonably priced and microchipping would be available.
- She indicated the Christmas Lighting Ceremony would take place differently this year due to COVID. She announced school children were invited to participate in a coloring contest with the winner invited to flip the switch turning on the Christmas lights. She encouraged interested participants to check the calendar for pertinent dates.

PRESENTATIONS:

PRESENTATION – LIFE SAVING AWARDS

Kevin Ward, Fire Chief, expressed appreciation for the opportunity to recognize individuals who were true life savers within the community. He announced the following names and requested they each come to the front of the room:

Layton City Fire Department Paramedic Dion Santistevan

Layton City Engineer/Paramedic Chon Morfin

Layton City Firefighter/Paramedic Gary McCloy

Layton City Firefighter/Paramedic Justin Siddall

Layton City Firefighter/Paramedic Patrick Cook – excused from attending

University of Utah AirMed Pilot Jake Bass

University of Utah AirMed Flight Nurse Judy Maas

University of Utah AirMed Flight Nurse Ron Delpino

Francis family: Malin Francis, Dana Francis, and Landon Francis

He announced Layton City Fire Battalion Chief/Paramedic Jason Cook, who also functioned as the Fire Department's Emergency Medical Services Division Chief, would announce the presentations. Mr. Cook explained the accident experienced by Brigham Roberts on Friday, August 7, 2020, the events and circumstances which led to the lifesaving efforts performed by the above individuals. Mr. Roberts walked to the front of the Council Chambers and joined Chief Cook in the recognition.

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Mayor Petro expressed appreciation to everyone involved and .

PROCLAMATION – SMALL BUSINESS SATURDAY

Mayor Petro announced Small Business Saturday scheduled for Saturday, November 28, 2020. She read the Proclamation specific to small businesses and Small Business Saturday.

PRESENTATION – FRAUD RISK ASSESSMENT

Tracy Probert, Finance Director, informed the Council the State Auditor's Office had developed a fraud risk assessment as a response to inquiries and questions regarding fraud. He informed the Council the City's independent auditor reviewed the City's internal controls as part of its annual audit. He indicated this assessment was also a good and useful tool specific to separation of duties. He explained the fraud triangle to the Council and highlighted the City's practices which minimized the City's risks. He identified those areas in which the City didn't receive a high score and explained the Council would need to complete training. He also reviewed other procedures which the City followed to identify fraud.

Councilmember Fitzpatrick asked when Mr. Probert had completed the assessment and he responded the assessment was completed within the last month in conjunction with the current audit.

CITIZEN COMMENTS:

Mark Fortugno, 251 East 1075 North (2158 East Valley View Court), stated he was representing three neighboring residents expressing concern with the proposed eight foot wall planned to be constructed along the Gordon Avenue extension. He believed a six foot wall would be more appropriate and reported the eight foot wall would entirely block any view from the backyards of the four homes in that immediate vicinity. He mentioned the smaller wall would also be cheaper. He proposed another option for consideration and believed the six foot wall was more appropriate in this particular section because the rear yards were only 25 feet deep.

Mayor Petro pointed out the wall would minimize the sound of the proposed traffic along Gordon and inquired if the residents had taken that into consideration with the objection of the eight foot wall. Mr. Fortugno responded in the affirmative and didn't believe the traffic along Gordon would be any busier than Cherry and the noise wouldn't necessitate the eight foot wall.

Councilmember Day suggested the Council and Staff consider Mr. Fortugno's proposal and a discussion

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followed with Councilmember Fitzpatrick saying she would like to visit the area.

Stephen Jackson, City Engineer, responded the contractor would be mobilizing next week and construction would begin at Mr. Fortugno's home. Councilmember Day expressed his opinion the contractor could begin construction at a different location and Mr. Jackson explained why this particular section of wall was identified as the beginning point of the project mentioning the slope and required installation of the retaining wall. He reminded the Council, Staff was recommending the taller wall to mitigate noise from the increased traffic and the discussion continued.

Councilmember Bloxham inquired if other residents had expressed concern with the wall height and requested a shorter wall than the eight foot wall proposed by Staff. Mr. Jackson responded a resident residing at a different location had requested a six foot wall and the discussion continued. Councilmember Bloxham pointed out the difficulty in making exclusions to the proposal based on residents' requests who probably wouldn't be the last homeowner/property owner and the discussion continued.

Alex Jensen, City Manager, cautioned the Council in making an adjustment to the wall height in response to these four property owners' requests while not allowing all other residents along the corridor the same privilege of expressing their preference for the wall height. He emphasized Staff had personally made contact with all affected homeowners regarding the eight foot wall height proposal and some of them had requested something even taller than eight feet. He cautioned the Council in making a decision based on Mr. Fortugno's request alone given the slope of Gordon corridor and how it affected each separate property owner.

Mayor Petro mentioned the importance of consistency of the wall height throughout the Gordon Avenue corridor. She suggested moving forward with the Council Meeting at this time and discussing the issue further during Unfinished Business.

Gerald Everett, 1282 North 3050 East, expressed concern with the lack of police presence east of Highway 89. He informed the Council of crime he personally had experienced and suggested an increase in police patrol and/or an additional police station in that part of the City in conjunction with the proposed new fire station.

Daniel Denhalter, 233 North Cold Creek Way, expressed concern with traffic along Cold Creek Way which connected residents from Gentile to Hill Field Road. He reminded the council of the four way stop which was recently installed in the area. He informed the Council last week two side-by-sides were racing along the

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road. He reported this issue had been discussed with the HOA (Homeowner's Association) and was now pleading with the Council on how the speed on that street could be addressed. He complimented the Council for its responsiveness to residents expressing concern.

Kambry DeRose, resident, expressed concern with Sand Ridge and Grey Hawk Parks specific to public access during the pandemic. Mayor Petro responded the City's Parks & Recreation Department was sanitizing the playground equipment daily. She stated the City would be closely monitoring the Government's protocol regarding the pandemic.

CONSENT AGENDA:

APPOINT MEMBERS TO THE AUDIT COMMITTEE – RESOLUTION 20-62

Mr. Probert introduced the resolution which recommended local residents to serve on the Audit Committee and read brief bios which identified their strong qualifications for the two individuals proposed to serve on the Audit Committee. He introduced both Van Christensen and Doug Belliston to the Council seated in the audience. He stated the Audit Committee had existed for a significant amount of time and explained the Audit Committee could function as needed or be given assignments at the Council's discretion and recommended approval.

Councilmember Fitzpatrick requested clarification regarding the length of the appointment and what was identified in City Policy. Mr. Probert responded he would discuss the discrepancy with Mr. Jensen and make any necessary changes for compliance in City Policy.

Councilmember Bloxham expressed appreciation for the willingness of the proposed members to serve and for their collective expertise. He also expressed appreciation to the City's Finance Staff.

Mayor Petro expressed appreciation for their attendance during the meeting and for their willingness to serve the City.

Councilmember Morris mentioned the Council's commitment to transparency and expressed his opinion these appointments were a result of the elected officials listening to residents' concerns and contributed to the City's transparency.

RE-APPOINT MEMBERS TO THE RAMP ADVISORY COMMISSION

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David Price, Parks and Recreation Director, announced Mayor Petro recommended re-appointments of Sheryl Starkey, Rick Smith, and Delany Nalder to the RAMP (Recreation, Arts, Museum, and Parks) Advisory Commission until September 30, 2022.

Mayor Petro stated these individuals were dedicated and an asset to the Commission. She expressed appreciation to all members of the Commission.

ACCEPTING THE PROPOSAL FOR AN AGREEMENT BETWEEN LAYTON CITY AND DESIGN WEST ARCHITECTS FOR LANDSCAPE ARCHITECTURAL/ENGINEERING SERVICES FOR A NEW LAYTON CITY NEIGHBORHOOD PARK – RESOLUTION 20-63 – 2525 WEST SUNSET WAY

Mr. Price, introduced the agenda item and identified the services which would be completed by the Design West Architects. He announced the City had completed an RFP (Request for Proposal) process during which ten firms responded to the RFP. He explained all ten firms were given the opportunity to be interviewed and to present each respective proposal. He reviewed the scoring matrix process used by the selection committee to identify the most qualified and desired firm. He reviewed the proposed submitted fees and announced Design West had been identified through the scoring matrix as the firm with the highest score and Staff was recommending approval of the resolution which authorized the City Manager to conduct negotiations and execute an agreement for identified services associated with the neighborhood park.

Mr. Price asked if there were any questions and there were none.

ACCEPTING THE PROPOSAL FOR AN AGREEMENT BETWEEN LAYTON CITY AND DESIGN WEST ARCHITECTS FOR LANDSCAPE ARCHITECTURAL/ENGINEERING SERVICES FOR LAYTON CITY'S PICKLEBALL COMPLEX – RESOLUTION 20-64 – 700 NORTH 2200 WEST

Mr. Price introduced the agenda item and announced the resolution would accept proposal for design services of the City's proposed pickleball complex to be located at Ellison Park. He emphasized this proposal was for design services only and announced 11 firms responded to the City's RFP and all were given an opportunity to be interviewed and to present their respective proposals to a selection committee. He stated fees were also reviewed during the process and Design West received the highest proposal score and Staff was recommending approval of the resolution authorizing the City Manager to conduct negotiations and

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execute an agreement for landscape architectural/engineering services for the pickleball complex.

Councilmember Morris inquired about the scoring for some of the applicants. Mayor Petro responded due to the number of submissions the committee members had to distinguish a definite high and definite low. Mr. Price indicated one specific firm failed to appear for the interview process which resulted with it receiving a low score.

Councilmember Bloxham expressed concern with Design West's submission receiving the highest Technical score and its fee proposal of being the lowest. Mr. Price pointed out pickleball courts was a specialty specific to Design West and it had completed the complex for Farmington City. He added the proposal and/or fee proposal could be dependent on the level and amount of work specific to the firm and stated the City was pleased it came to the top during the scoring system. He emphasized the scoring matrix process used wasn't unique to Layton City and reported the City had been successful using it in the past.

BETTERMENT AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION AND LAYTON CITY FOR LAYTON CITY KAYSCREEK PEDESTRIAN BOX CULVERT WITHIN THE SCOPE OF THE US-89; FARMINGTON TO I-84 IN DAVIS AND WEBER COUNTIES, UTAH, PROJECT NUMBER S-0089(406)398 – RESOLUTION 20-65

Mr. Price announced the agenda item and reviewed the scope of the project with the Council in conjunction with UDOT's Highway 89 project. He stated Layton City had requested a "betterment" within the scope of the Project, consisting of the construction and installation of a pedestrian box culvert and referred to an illustration which identified its proposed location at approximately 2700 North and Hobb's Creek Drive on the west and Valley View Drive on the east. He announced the combined cost to the City for the underpass betterments was \$1,089,450. He pointed out its importance to connecting to the new highway and recommended approval which authorized the City Manager to sign any necessary documents.

Mayor Petro asked if the proposal included artwork on the concrete walls of the culvert and Mr. Price responded it doesn't and explained UDOT had specified that artwork wouldn't be allowed on box culverts. Mayor Petro inquired if an aesthetic wall similar to the sound walls had been considered and Mr. Price responded that product hadn't been considered because of the limited view shed. Mayor Petro requested the City inquire about the possibility of using a product similar to sound walls.

Councilmember Fitzpatrick asked Mr. Price's opinion as to whether animals/wildlife would use the box culvert as she believed the culvert would be an advantage to wildlife as well. Mr. Price responded the

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Division of Wildlife Services had been consulted in the early stages of planning the culvert to determine its willingness to contribute toward funding. He continued to explain an effective wildlife corridor would be approximately five times larger than the proposed box culvert.

MOTION: Councilmember Fitzpatrick moved to approve the Consent Agenda, requesting the City Manager address the identified time of service of one year specific to the Audit Committee, Resolution 20-62, and all other items as presented. Councilmember Morris seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

REZONE REQUEST – 682 NORTH FAIRFIELD ROAD REZONE – A (AGRICULTURE) AND PB (PROFESSIONAL OFFICE) TO C-TH (CONDOMINIUM/TOWNHOUSE) – ORDINANCE 20-36 – TABLED TO THURSDAY, NOVEMBER 19, 2020

Mayor Petro announced this agenda item was postponed at the applicants request and would be addressed during the City Council Meeting scheduled for Thursday, November 19, 2020.

DEVELOPMENT AGREEMENT AND REZONE REQUEST – 1333 EAST 3000 NORTH REZONE – REALIGNMENT OF THE CURRENT ZONE DISTRICT AREAS BY INCREASING THE MU (MIXED-USE) ZONE DISTRICT AREA, AND DECREASING THE AREAS CURRENTLY ZONED AS C-TH (CONDOMINIUM/TOWNHOUSE) AND C-P1 (PLANNED NEIGHBORHOOD COMMERCIAL) – RESOLUTION 20-66 AND ORDINANCE 20-37 – APPROXIMATELY 1333 EAST 3000 NORTH

Chad Wilkinson, Community and Economic Development Director, announced the Council was being asked to approve a rezone and development agreement amendment for property located at 1333 East 3000 North. He shared the general plan which designated the property as a Town Center, anticipating there would be a mix of uses with the inclusion of high density housing, in the area. He announced the applicant was entitled for a certain development plan and shared an illustration of the previously approved layout.

He explained the grading challenges experienced by the developer once construction started on the approved development which affected the feasibility of the development. He reported the applicant then consulted with Staff regarding the Development Plan, as it had been approved, asking Staff about other options for development. He mentioned one of items identified with the previous development agreement was the desire for a public street connection, as opposed to a private street, connecting State Road 193 to 3025 North and

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also providing a street connection to the west. Staff also desired a development plan which provided additional open space and pointed out during the interim period since it was approved until now the City had adopted new parking standards which could possibly achieve better and/or more open space. He also mentioned concern expressed by Weber Basin Water specific to the development's east property line and its dirt access road.

He reported a new design was proposed, which addressed the previously identified concerns, which was reviewed by the Planning Commission. He shared a concept plan and pointed out the changes to the configuration of the open space and highlighted the public street which ran through the development and connected to 3025 North. He identified the new access way which easily accommodated Weber Basin, while creating usable open space on the east side of the development and pointed out the amenity of the large walking path for the development. He stated during the re-design process, the applicant had also realized additional housing units. He mentioned Staff was excited to recognize the new design had not only increased the amount of open space, but the open space was better utilized due to using the townhome buildings as a retaining wall which solved some of the grading issues on the site. He mentioned although the benefit of more usable space and housing units were recognized, it also resulted in a rezone for the property.

He shared concept plans for the proposed development and compared it to the previously approved development pointing out the differences of housing configurations, additional mixed-use, reductions to the C-TH zone. He shared the concept plan and spoke to the proposal of apartments, townhomes and open space.

Councilmember Thomas requested clarification regarding the Weber Basin access and Mr. Wilkinson identified the shared access road.

Mr. Wilkinson stated the Planning Commission reviewed this item during its meeting on Tuesday, October 13, 2020 and recommended approval of the amended Development Agreement, proposed zone changes, and rescinding of the original Annexation and Development Agreement. He stated Staff also recommended approval of Resolution 20-66 and Ordinance 20-37.

He asked if there were any questions.

Councilmember Fitzpatrick requested clarification regarding the specific requirements of the shared road to accommodate the maintenance vehicles for Weber Basin and Mr. Wilkinson responded the design met both requirements specific to the City's Engineering and Fire Departments.

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Councilmember Thomas clarified no parking would be allowed along the road or in front of the units along the road and Mr. Wilkinson responded in the affirmative and pointed out the housing units were rear loaded.

Councilmember Fitzpatrick requested clarification between the apartment buildings and common ground floor area reflected on Exhibit C – Concept Plan and also inquired about the City’s ability to inspect the garages for parking. Mr. Wilkinson responded the City had requested that inclusion in the development agreement to ensure garages were used for parking only and not storage and stated the City was hopeful the owner/development would enforce this. Tim Watkins, City Planner, clarified the common ground floor area was specific to the ground floor units next to the swimming pool. Councilmember Fitzpatrick clarified the culinary water pressure issue would need to be addressed by the developer before moving forward and Mr. Wilkinson responded in the affirmative.

Councilmember Fitzpatrick pointed out there were only five members of the Planning Commission in attendance at this meeting and the item was approved by a vote of 3-2 to forward a positive recommendation to the Council and inquired about the concerns of the Planning Commission. Mr. Wilkinson believed the concerns were specific to the open space and overall design and number of housing units of the new proposal and he reviewed and reiterated the benefits with the new design for the development.

Councilmember Morris recollected the Planning Commission’s approval of the original design and expressed concern regarding potential increased traffic and the compromise associated with the road ultimately being designated as private. Mr. Wilkinson responded the public would still have been allowed to access and travel the private road and believed the issue was more specific to the City not allowing on-street parking to account for minimum parking requirements. Stephen Jackson, City Engineer, pointed out the mitigations required of the original development plan functioned to mitigate any changes made to this current development plan being proposed. He stated the traffic engineer had resubmitted updated counts and the previous mitigation to the original plan would continue to contribute to the traffic flow associated with the new proposed plan. He pointed out removing full access on Highway 193 contributed to the traffic flow and the proposed median was still on UDOT’s plan for safety improvements along the entire stretch of road.

Councilmember Day asked about engineering notes specific to culinary water pressure. Mr. Jackson responded the note was to inform the developer that certain waterlines within the area couldn’t accommodate the additional pressure and would need to identify those which had pressure to service the property. He also explained master meters would be required within the development and emphasized this was a City standard. Councilmember Day recollected there would be no private meters east of Highway 193 and Mr. Jackson indicated he would look into that and stated meters were generally placed in landscape areas and believed

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similar placement could be accommodated.

Councilmember Day stated he expressed concern with the road with the original development plan and didn't believe allowing more units solved the grading issue with the parcel. Mr. Wilkinson responded the applicant was present and could respond to the grading issue during the public hearing. He added the redesign was in part due to Councilmember Day's original concerns and requested the developer incorporate the road as a public street based on his original comments. He added the private street allowed the on-street parking to be counted toward minimums and the redesign allowed other ways to accommodate parking which allowed the public street.

Councilmember Day expressed his opinion the decrease in the amount of parking units was a direct result of amending the City's ordinance specific to parking standards. He continued to express his concern Staff and developers were using the MU (Mixed-use) zone to increase the density of projects instead of using the C-TH (Condominium/townhome) zoning and indicated this concern had been expressed during both Planning Commission and City Council meetings recently.

Mr. Wilkinson believed the recognized additional units were a by-product of applying the new parking standards during the redesign of the development. He pointed out the General Plan had identified this parcel for a variety of housing types consisting of higher density and believed this was an appropriate location and use for this type of housing development. He pointed out those items which the City would recognize with the redesign in return: more and better open space, as well as connectivity throughout the development. He explained this example and issue was the focus of the discussion during the approval of changes to the parking ordinance, in that once parking was right-sized efficiently, it would result in more open space. He also pointed out the reasoning behind the residential component within town centers was to support the existing commercial uses already in place, which was a benefit to the City. He pointed out most cities have to initially develop the residential component in its town centers while anticipating the commercial component being recognized a little at a time.

Councilmember Bloxham expressed his opinion that was an important point to remember and suggested this higher density would benefit that commercial component already established in that area. He believed that would be an amenity to the development and a discussion followed regarding both pedestrian and vehicular access to the commercial development across Highway 193.

Mayor Petro opened the public hearing at 9:03 p.m.

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Mayor Petro called for public comment.

Logan Johnson, Wright Development, reviewed issues associated with the grading of the parcel and stated the new design would allow the town homes to act as the retaining wall at one end of the parcel which resulted in a much better design consisting of more usable open space. He explained the advantage of the public road provided clear access and also spoke to how discussions with Weber Basin resulted in not only a larger parcel, but a more efficient design, but also provided better access for Weber Basin. He pointed out Wright Development also owned the commercial properties across Highway 193 and stated it had recognized an increase in business as rooftops had increased and believed the Mixed-use of housing and commercial would complement each other. He pointed out the current entitled plan had a parking ratio of 1.26 and announced this proposed plan identified 1.8 parking stalls per unit.

He asked if there were any other questions he could address and there were none. He also requested any opposed votes be accompanied by a statement of explanation.

Councilmember Bloxham asked if Planning Commissioners Allen and Wilson provided any explanation for voting against the proposal. Mr. Johnson stated he was surprised by the dissenting votes from the Planning Commission following the discussion and stated he would appreciate the opportunity to respond to any questions or concerns regarding the project. Mr. Wilkinson issued the same request.

MOTION: Councilmember Fitzpatrick moved to close the public hearing at 9:10 and approve Resolution 20-66 – Development Agreement – and Ordinance 20-37 – Rezone Request – 1333 East 3000 North – for the Realignment of the Current Zone District by Increasing the MU (Mixed-Use) Zone District area and Decreasing the areas Currently Zoned as C-TH (Condominium/Townhouse) and C-P1 (Planned Neighborhood Commercial). Councilmember Bloxham seconded the motion, which passed with the following vote: **Voting AYE – Councilmembers Bloxham, Fitzpatrick, Morris, and Thomas. Voting NO –Councilmember Day.**

UNFINISHED BUSINESS:

Councilmember Day mentioned how well the sidewalk along West Hill Field Road west of the Railroad tracks had been completed and expressed appreciation to Staff for its completion. He suggested the City work to provide a pedestrian crossing at Sugar Street. Mr. Jackson responded Staff was currently reviewing that to ensure it met all required criteria.

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Gary Crane, City Attorney, reminded the Council it recently approved a Quit-claim deed specific to the street for the residents of Senaca Cove Subdivision. He reported the County Recorder had requested the additional language, to each of the names reflected in the document. He stated Staff would make that change unless there was any objection from the Council and there was none.

Councilmember Day expressed concern regarding attendance by members of the Planning Commission. He also expressed concern with the Chair not conducting the last meeting, but sat in the audience, and expressed his opinion the Chair should conduct all meetings when present. Mr. Wilkinson stated he wasn't aware of the circumstances with the Vice-Chair conducting the meeting and reported he would have a conversation with the Chair regarding the issue. He believed the issue with attendance in general has related to the pandemic and social distancing compliance and a discussion followed.

Mayor Petro requested the Council complete its discussion regarding the proposed sound wall for the Gordon Avenue extension and make a determination on how to instruct Staff to proceed. Councilmember Fitzpatrick provided knowledge from residents in her neighborhood which didn't care for a wall in that area. She surmised if the wall was important for sound mitigation she believed it would also be needed on the south side of Gordon. Mr. Jackson explained her neighborhood was fairly flat and pointed out some of the homes located in the Ovation development were lower and the noise would be experienced differently. He also pointed out the homes on Oak Ridge Circle would be taller than the wall and believed the wall would mitigate some of the noise. He believed a six foot fence would similarly mitigate the noise. He also explained the process used by UDOT for sound walls and how it determined the appropriate height for walls.

Councilmember Thomas requested clarification regarding the retaining wall and Mr. Jackson explained what that would look like and how it would increase the wall height. He referred to the illustration and explained the grade challenges associated with the wall height.

Councilmember Morris clarified the City personally informed each resident of the intended eight foot sound wall and believed the majority, even some of the four residents, were pleased the City was willing to pay for the wall and understood the potential negative impacts to them without it and the discussion continued.

Councilmember Day believed the City should consider the residents' request of the smaller six foot wall and Mr. Jensen expressed concern with potential repercussions associated with accommodating these four residents since the discussion hadn't been noticed to inform any other residents allowing them the opportunity to participate in the discussion. Mr. Jackson also expressed concern regarding the need for additional property acquisition for something different and also spoke to the aesthetics of the difference in

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size.

Mayor Petro allowed each councilmember to express each of their respective opinions on the wall height and the consensus of the Council was that it should remain at eight feet. Mayor Petro directed Mr. Jackson to proceed with the eight foot wall.

The meeting adjourned at 9:36 p.m.

Kimberly S Read, City Recorder

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

Item Number: 3.A.

Subject:

Proclamation - 2020 Layton City Parks and Recreation Volunteer of the Year

Background:

Layton City would like to recognize and present the 2020 Layton City Parks and Recreation Volunteer of the Year Award to Michael Trent. Mr. Trent has served as Regional Commissioner for the local American Youth Soccer Organization (AYSO) region in Layton City for the last four years, serving as the coordinating liaison between Layton City and AYSO. Layton City would like to thank Mr. Trent and his family for many years of service to the residents of Layton City and the surrounding areas.

Alternatives:

N/A

Recommendation:

N/A

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

Item Number: 5.A.

Subject:

Agreement between Layton City and Evergreen Holding, LLC - Culinary Waterline Improvements Casing for 8-Inch Culinary Water Payback Agreement – Resolution 20-71 – Mecham Towns Subdivision

Background:

Evergreen Holding, LLC (Developer) has installed certain improvements, including culinary water improvements (Exceeded Improvements) that exceed the typical residential utility requirements, in conjunction with the Mecham Towns Subdivisions. The installation of these Exceeded Improvements will benefit other properties than those owned by the developer. The improvements will be publicly owned and maintained by Layton City, once they have been granted final acceptance for the subdivision. The City desires to reimburse the Developer for the costs of the Exceeded Improvements not directly associated with their property. The total reimbursement amount for all Exceeded Improvements is \$33,583.09.

Alternatives:

Alternatives are to 1) Adopt Resolution 20-71 approving an agreement between Layton City and Evergreen Holding, LLC entitled Culinary Waterline Improvements Casing for 8-Inch Culinary Water Payback Agreement; 2) Adopt Resolution 20-71 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 20-71 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 20-71 adopting an agreement between Layton City and Evergreen Holding, LLC entitled Culinary Waterline Improvements Casing for 8-Inch Culinary Water Payback Agreement and authorize the Mayor to execute the agreement.

RESOLUTION 20-71

A RESOLUTION ADOPTING AND APPROVING AN AGREEMENT BETWEEN LAYTON CITY AND EVERGREEN HOLDING, LLC ENTITLED CULINARY WATERLINE IMPROVEMENTS CASING FOR 8-INCH CULINARY WATER PAYBACK AGREEMENT

WHEREAS, Evergreen Holding, LLC (hereinafter “Developer”) has installed certain improvements including culinary water improvements (hereinafter “Exceeded Improvements”) in connection with Mecham Towns Subdivision at its own expense that exceed the typical utility requirements, said Exceeded Improvements are located in Layton City, Davis County, State of Utah; and

WHEREAS, the installation by the Developer of said Exceeded Improvements benefit other properties than that owned by the Developer; and

WHEREAS, the Developer created the need for the improvements, but will dedicate and construct improvements that will benefit other properties; and

WHEREAS, Layton City (hereinafter “City”) desires to provide reimbursement to the Developer for the costs of the improvements that exceed the Developer’s proportionate share attributable to Mecham Towns Subdivision; and

WHEREAS, the City desires to provide reimbursement to the Developer for the costs of the Exceeded Improvements not directly associated with their property; and

WHEREAS, the City Council has determined that \$33,583.09 of the total cost should be reimbursed to the Developer; and

WHEREAS, the Developer and the City have agreed that the agreement entitled Culinary Waterline Improvements Casing for 8-Inch Culinary Water Payback Agreement represents the entire agreement between the parties; and

WHEREAS, the City Council deems it to be in the best interest of the City to adopt and approve the above mentioned agreement.

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

1. That the Culinary Waterline Improvements Casing for 8-Inch Culinary Water Payback Agreement between Layton City and Evergreen Holding, LLC, which is attached hereto and incorporated herein by this reference, be adopted and approved.

2. That the Mayor be authorized to execute said Agreement.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 3rd day of December, 2020.

JOY PETRO, Mayor

ATTEST:

KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



TERRY COBURN, Public Works Director

**CULINARY WATERLINE IMPROVEMENTS
CASING FOR 8-INCH CULINARY WATER
PAYBACK AGREEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____, 20_____, by and between Evergreen Holding LLC, a Corporation hereinafter called “Developer” and LAYTON CITY, a Municipal Corporation of the State of Utah, hereinafter called “City”.

WITNESSETH:

WHEREAS, Developer has installed casing for an 8-inch culinary waterline, hereinafter called “Improvements”, constructed in connection with the Mecham Towns subdivision located at approximately 1000 East Highway 193 at its own expense, said improvements are located in Layton City, Davis County, State of Utah, and:

WHEREAS, land other than that owned by the Developer benefits from the installation of the improvements, and:

WHEREAS, the Developer created the need for the improvements, but will dedicate and construct improvements that will benefit other properties, and:

WHEREAS, the City desires to provide for the reimbursement to the Developer for the costs of the improvements that would benefit other properties and exceed the Developer’s proportionate share of impact costs attributable to the development of the Mecham Towns subdivision;

NOW, THEREFORE, in consideration of the promises, the covenants and conditions herein contained, and the sums of money to be paid, it is hereby agreed as follows:

1. Cost – Developer has paid for the construction work, a total sum of \$115,00.00, which represents the full cost of constructing improvements. A portion of the cost for those improvements qualifies for payback.
2. Reimbursable Costs – The reimbursement part of the project is as follows:
 - a. \$115,000 for Off-Site Construction Costs.
3. Reimbursement – The City shall reimburse the Developer in the following way:
 - a. The City has determined that there are 3.04 acres of property outside of the Mecham Towns subdivision that will be served by the improvements constructed by the Developer. The Mecham Towns site contains an additional 7.37 acres that are served by the improvements. The Mecham Towns acreage will not be added to the payback area acreage due to the fact that the Developer has directly paid their prorated share of the cost of improvement installation. The total reimbursable costs divided by 10.41 acres equals \$11,047.07. The City shall collect \$11,047.07 per acre from any other entity that connects to said culinary water facilities. Costs shall be collected up to, but not exceed \$33,583.09. The undeveloped parcels constituting 3.04 acres are identified on a map attached to this Agreement shown as “Exhibit A”. Parcels with tax ID numbers shown in the Davis County assessment rolls as of the date of this agreement shall pay their proportionate share in the amount of \$11,047.07 per acre. The parcel number is: 09-050-0068. The City, prior to any

party making any connection to the culinary water system, or upon application for a building permit for a dwelling or other main structure; or, prior to final approval of any subdivision on undeveloped land within the payback area, shall collect the per acre assessment. Said collections shall be forwarded and paid to the Developer on a monthly basis as they are collected until such time as this Agreement has expired, or Developer's cost has been paid in full, whichever comes first.

4. Ownership, Maintenance, and Inspection – Ownership of all the storm sewer improvements, which are the subject of this Agreement, shall be with the City, upon acceptance thereof. The City will assume full responsibility of maintenance of said storm sewer in a time and manner consistent with the maintenance policies and ordinances of the City.
5. Limitation of Collection Period – It is further agreed that the City will collect fees under paragraph 3, for a period of ten (10) years from the date of this Agreement and the Developer specifically agrees to accept the fees in fact collected during said ten-year period as full and final payment under this Agreement. Further, the Developer agrees to hold Layton City harmless for any fees, which for any reason are not collected.
6. City Capital Improvements Plan– The City maintains a Capital Improvements Plan (CIP), which delineates various infrastructure projects that are anticipated for construction within the City over a period of years. Said plan is reviewed and readopted on a yearly basis and is subject to change due to budgetary, priority and other reasons. Unless otherwise provided in this Agreement, the District may not rely on the CIP for reimbursement by a particular date for system improvements, which are indicated, for reimbursement in this agreement.
7. Nonappropriation Clause – Developer acknowledges that if the Layton City Council fails, refuses, or otherwise determines to not appropriate funds for the purposes of this Agreement, that the City will be excused from performance hereunder, and not be subject to recourse hereunder. The City represents that it will exercise good faith in obtaining funding herefor.
8. Modifications – Any changes or modification of this Agreement by either party shall be in writing and signed by the City Manager.
9. Binding Affect of Agreement – This Agreement is binding on and shall inure to the benefit of the executors, administrators, heirs, successors, and assigns of the parties.
10. Third Parties – Nothing in this Agreement shall be construed to confer any rights upon any third party.

[Signature and Notary pages to follow]

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS Agreement on the date first written above.

LAYTON CITY CORPORATION:

ATTEST:

Joy Petro, MAYOR

Kimberly S Read, CITY RECORDER

APPROVED AS TO FORM:

for [Signature]
Gary Crane, CITY ATTORNEY

DEVELOPER: Evergreen Holding, LLC
CORPORATION.

[Signature]
SIGNED

Tyrell J. Wall
PRINTED NAME

Manager
TITLE

STATE OF UTAH)
COUNTY OF DAVIS) :ss

On this 13th day of NOVEMBER, 2020, personally appeared before me Tyrell J. Wall, who being by me duly sworn did say that he/she is the MANAGER of EVERGREEN HOLDING, LLC, a limited liability company, and that the foregoing Improvements Payback Agreement was signed in behalf of said company by authority, and he/she acknowledged to me that said company executed the same.



[Signature]
NOTARY PUBLIC

EXHIBIT A



Mecham Towns Bore Payback
Culinary Water

10/30/2020

Item	Description	Qty	Unit	Unit Cost	Item Cost	09-050-0068	09-050-0096
						proportional share	proportional share
1	Casing with spacers and end caps under Hwy 193 for 8" pipe	1	LS	\$ 115,000.00	\$ 115,000.00	\$ 33,583.09	\$ 81,416.91
Project total					\$ 115,000.00	\$ 33,583.09	\$ 81,416.91

	Acres	Proportional share	Cost per acre	\$ 11,047.07
Parcel 09-050-0068	3.04	29.2%		
Parcel 09-050-0096	7.37	70.8%		
Total	10.41	100.0%		

Parcel 09-050-0096 has been subdivided into Mecham Towns (Parcel IDs 09-448-0101 to 09-448-0181) and two commercial parcels 09-050-0109 and 09-050-0110

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

Item Number: 5.B.

Subject:

Amended Plat - East Gate Business Park Subdivision - 1st Amendment - 3835 North Fairfield Road

Background:

The applicant, Hunter Blake, representing JL Properties, is requesting to amend the East Gate Business Park Subdivision - 1st Amendment. The amendment involves the lot size for Janicki Industries from 6 acres to 9.7 acres.

All existing easements will remain as part of the subdivision, which includes cross access easements for future development within the subdivision.

Alternatives:

Alternatives are to 1) Grant amended plat approval to East Gate Business Park Subdivision – 1st Amendment subject to meeting all City requirements as outlined in Staff memorandums; or 2) Deny granting the proposed amendment to East Gate Business Park Subdivision – 1st Amendment.

Recommendation:

On November 10, 2020, the Planning Commission unanimously recommended the Council approve East Gate Business Park Subdivision – 1st Amendment subject to meeting all City requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.



COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Staff Report

To: City Council

From: Kem Weaver, Planner II

Date: December 3, 2020

Re: East Gate Business Park Subdivision – 1st Amendment

Location: 3835 North Fairfield Road

Zoning: M-1 (Light Manufacturing/Industrial)

Description:

The applicant, Hunter Blake representing JL Properties, is proposing to amend the East Gate Business Park Subdivision. This commercial subdivision is surrounded by other M-1 properties to the east and south, and Hill Air Force Base is located to the north and west.

Background:

The existing East Gate Business Park Subdivision was recorded in April 2010. The existing plat includes two lots with Lot 101 being the undeveloped majority of the subdivision, and Lot 102 leased to Janicki Industries.

The purpose for the amendment is to increase Lot 102 on the existing plat (Lot 104 on the amended plat) from 6 acres to 9.7 acres. This will reduce Lot 101 on the existing plat (Lot 103 on the amended plat) from 60.6 acres to 55.5 acres. The amended plat will be designated as the East Gate Business Park Subdivision – 1st Amendment.

All existing easements will remain as part of the subdivision, which includes cross access easements for future development within the subdivision.

Recommendation:

On November 10, 2020, the Planning Commission voted unanimously to recommend the Council approve the East Gate Business Park Subdivision – 1st Amendment subject to meeting all City requirements.

Staff supports the recommendation of the Planning Commission



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: Planning Commission/City Council

CC: CED Department/Fire Marshal

FROM: Shannon Hansen, Assistant City Engineer - Development

DATE: November 2, 2020

SUBJECT: East Gate Business Park – First Amendment
3675/3835 North Fairfield Road

I have reviewed the amended dedication plat submitted on September 25 for the East Gate Business Park – First Amendment located at 3675/3835 North Fairfield Road. The Engineering Department recommends the approval of the development. The Engineering Department has found that the development plans meet the requirements as set forth in the Municipal Code and Engineering Standards and Design Guidelines.

Mayor • Joy Petro
City Manager • Alex R. Jensen



• 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

FROM: Cole Fessler, Deputy Fire Marshal 

RE: East Gate Business Park Amendment @ 3675/3835 N Fairfield Road

CC: 1) Engineering
2) Andy Hubbard, andy@greatbasinengineering.com
3) Hunter Blake, hblake@jlproperties.com

DATE: October 21, 2020

I have reviewed the site plan received on September 25, 2020 for the above referenced project. The Fire Department, with regard to the site plan, 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. Fire access roads drivable surface should be capable of supporting 75,000 pounds. 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 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.

CF#4 rezone plan:sh
Plan #S20-159 District #11
Project Tracker #LAY2009253041
ERS #12011





• Parks and Recreation •
JoEllen Grandy • Parks Planner
Telephone: (801) 336-3926
Fax: (801) 336-3909

Memorandum

To: Great Basin Engineering – Andy Hubbard; Hunter Blake
CC: Community Development, Fire, & Engineering
From: JoEllen Grandy, Parks Planner – Parks & Recreation
Date: September 25, 2020
Re: East Gate Business Park Amendment, Preliminary Site Plan – 3675/3835 N. Fairfield Rd.

The East Gate Business Park Amendment (Lots 101 & 102) located at 3675 North Fairfield Road & 3835 North Fairfield Road is within the existing service area of Gray Hawk Park.

The Parks & Recreation Department has reviewed the plans submitted on September 25th and has no comments or concerns regarding the East Gate Business Park Amendment regarding Lots 101 & 102.

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



CITY COUNCIL

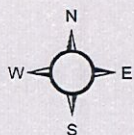
East Gate Business Park Subdivision 1st Amendment

Plat Amendment

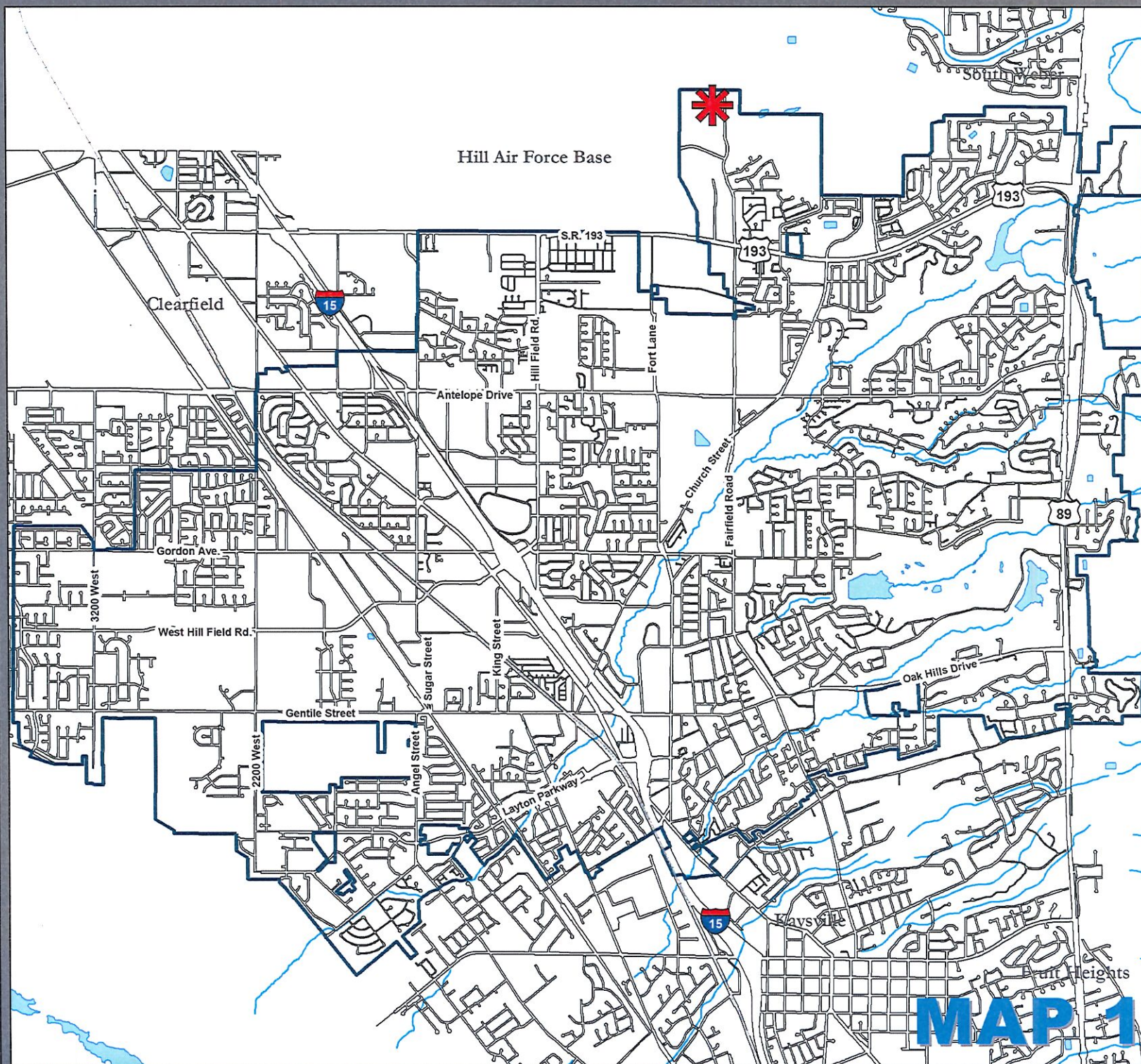
Approximately

3835 North
Fairfield Road

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



1 inch = 4,250 feet





CITY COUNCIL

East Gate
Business Park
Subdivision
1st Amendment

Plat Amendment

3835 North
Fairfield Road

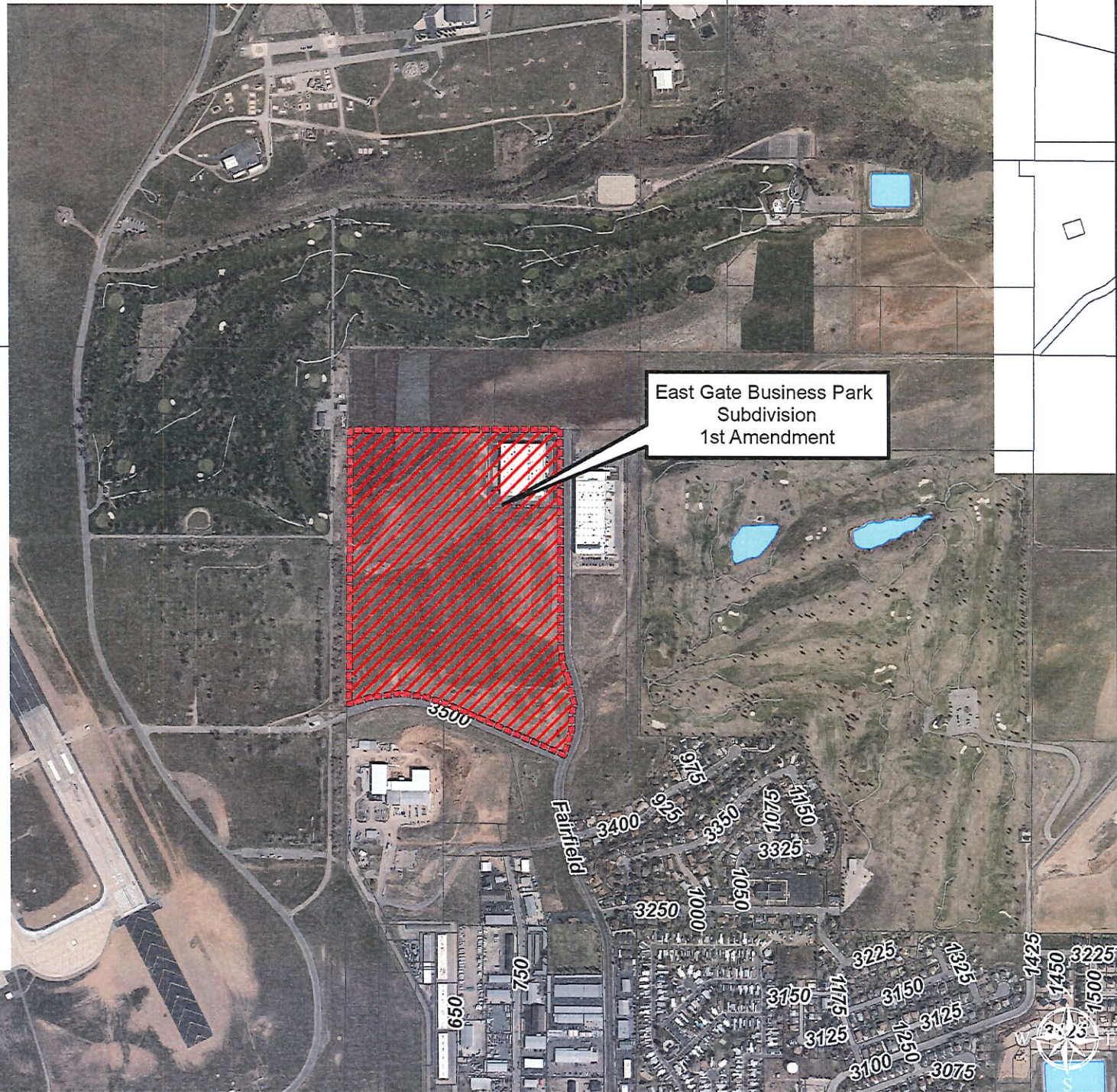
Legend

- Interstate 15
- Highways
- Lakes
- Streams

 - Subdivision
Area

Map 2

e



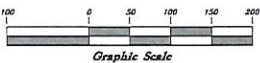
East Gate Business Park Subdivision - 1st Amendment

A part of the East Half of Section 4, T4N, R1W, S.L.B. & M, U.S. Survey

3835 North Fairfield Road, Layton City, Davis County, Utah

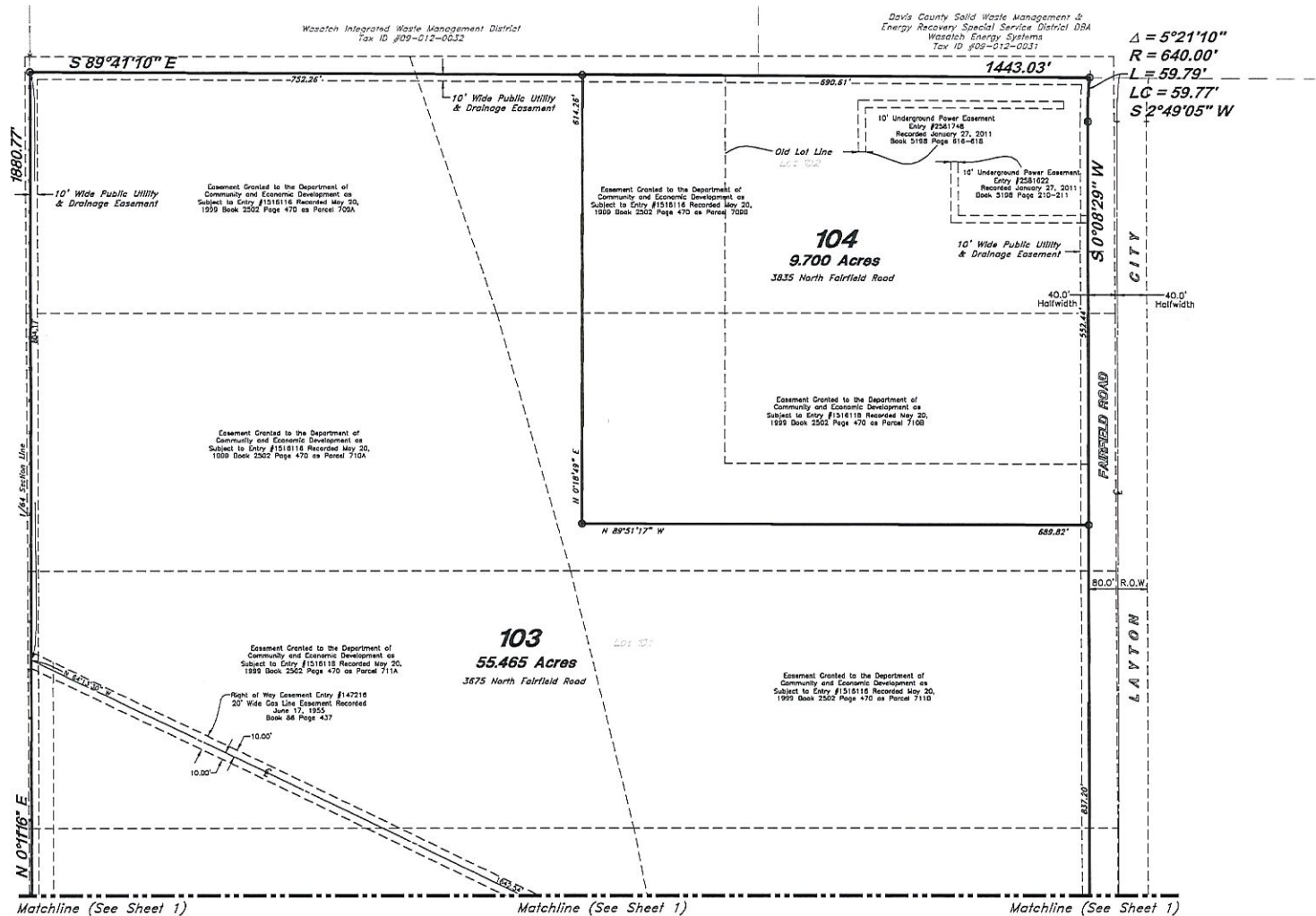


Scale: 1" = 100'



Legend

- ▲ Set Nail & Washer
- ⊙ Set Rebar & Cap w/ Fencepost
- ⊙ Set Hub & Tack
- ⊙ Monument to be set
- (Rad.) Radial Line
- (N/R) Non-Radial Line



10' wide Utility and Drainage Easements inside boundary noted by dashed lines, unless otherwise shown.

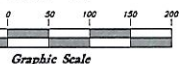
GREAT BASIN ENGINEERING
 10139 S. 4400 E. SUITE 100, SALT LAKE CITY, UT 84115
 PHONE: (801) 487-7544 FAX: (801) 487-7544
 WWW.GREATBASINENGINEERING.COM

TENTATIVE

DAV
 ENTRY NC
 RECORDED
 RETURNED
 BY: _____



Scale: 1" = 100'



Legend

- Set Nail & Washer
- Set Rebar & Cap w/ Fencepost
- Set Hub & Tack
- Monument to be set
- Radial Line
- (N/A) Non-Radial Line
- D.C.S. Davis County Surveyor

East Gate Business Park Subdivision 1st Amendment

A part of the East Half of Section 4, T4N, R1W, S.L.B. & M., U.S. Survey
Layton City, Davis County, Utah

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 2242920 in accordance with Title 58, Chapter 2, Engineers and Land Surveyors Licensing Act. I also certify that this plat of Subdivision, in Layton City, Davis County, Utah, has been correctly drawn to true and correct representation of the following description of lands include data compiled from records in the Davis County Recorder's Office, and of 1 in accordance with Section 17-23-17. Monuments have been set as depicted on this map.

2242920

License No.

OWNER'S DEDICATION

We, the undersigned owners of the herein described tract of land, the same into lots as shown on this plat, and name said tract East Gate 1 and hereby dedicate, grant and convey to Layton City, Davis County, Utah, a solid tract of land designated as easements for public utility and drainage, portions of the lots designated as public utility and drainage easements as to be used for the installation, maintenance and operation of public utility ser may be authorized by Layton City.

Signed this day of , 2020.

J Properties Utah LLC

By: Chris Clifford, Vice President

ACKNOWLEDGMENT

State of Utah } ss
County of }

On the day of , 2020, personally appeared before me the undersigned, being by me duly sworn did say that he is the Vice President of J Properties Utah LLC and that said instrument was signed in behalf of said Corporation executed the same.

Residing At: A Notary Public comm

Commission Number: Print Name

Commission Expires: Print Name

ACKNOWLEDGMENT

State of Utah } ss
County of }

On the day of , 2020, personally appeared before me the undersigned, being by me duly sworn did say that she is Mayor of Layton City and that said instrument was signed in behalf of said Corporation executed the same.

Residing At: A Notary Public comm

Commission Number: Print Name

Commission Expires: Print Name

By: Jay Petro, Mayor

Northeast Corner of Section 4,
T4N, R1W, S.L.B. & M.
(Brass Cap Monument Found,
Good Condition)

NARRATIVE

This survey was requested by Layton City for the purpose of Amending East Gate Business Park Subdivision to adjust the boundaries between lot 101 and 102. Basis of Bearing for this survey is South 0°08'30" West measured between the found East Quarter Corner of Section 4 and the Northeast Corner of Section 4. A title report from First American Title Farm NO. 1056.06 was provided to the surveyor to show easements and ownership of the land shown here on. For more information on the Fairfield Road and the over all boundary of lot 101 review East Gate Business Park Subdivision (Entry No. 2562369 Book 5139 Page 5139 Davis County Recorder). Monuments were placed as shown here on.

NOTE:

10 foot wide Public Utility and Drainage Easements on the front, back or rear lot lines, and subdivision boundaries, 8 foot wide on each side of lot lines as indicated by dashed lines.

$\Delta = 17^{\circ}02'22''$
 $R = 640.00'$
 $L = 190.33'$
 $LC = 189.63'$
 $S 8^{\circ}59'52'' E$

$\Delta = 45^{\circ}06'28''$
 $R = 560.00'$
 $L = 440.88'$
 $LC = 428.58'$
 $S 5^{\circ}02'49'' W$

$\Delta = 7^{\circ}14'46''$
 $R = 640.00'$
 $L = 13.92'$
 $LC = 13.92'$
 $S 26^{\circ}58'40'' W$

BOUNDARY DESCRIPTION

All of 101 & 102, East Gate Business Park Subdivision, according to the official plat thereof in the office of Davis County Recorder, also being a part of the East Half of Section 4, Township 4 North, Range 1 West, Salt Lake Base & Meridian, Layton City, Davis County, Utah. Beginning at a point 336.21 feet North 0°08'30" East along the Section Line and 470.87 feet West from the East Quarter corner of said Section 4; and running thence three (3) courses along the Westerly right of way line of Fairfield Road as follows: South 17°30'25" East 8.15 feet; Southwesterly along the arc of a 640.00 foot radius curve to the right a distance of 440.88 feet (Central angle equals 45°06'28" and Long Chord bears South 5°02'49" West 428.58 feet) to a point of reverse-curvature and Southwesterly along the arc of a 640.00 foot radius curve to the left a distance 13.92 feet (Central angle equals 7°14'46" and Long Chord bears South 26°58'40" West 13.92 feet) to the Northern right of way line of 3500 North Street; thence along said Northern right of way line four (4) courses as follows: North 67°13'44" West 830.84 feet; Northwesterly along the arc of a 840.00 foot radius curve to the left a distance of 582.37 feet (Central angle equals 39°43'22" and Long Chord bears North 87°05'25" West 570.77 feet); South 78°14'28" West 64.11 feet; South 80°21'26" West 68.85 feet more or less to an existing fence line and the one sixty fourth line of said Section 4; thence along said one sixty fourth line North 0°11'16" East 1880.77 feet; thence South 89°41'10" East 1443.03 feet to a point on an arc and the West Right of Way of Fairfield Road; thence along said Fairfield road the following four (4) calls, 1) Southwesterly 58.79 feet along the arc of a 640.00 radius curve to the left (Central Angle equals 5°21'10" Long Chord bears South 2°40'15" West 59.77 feet); 2) thence South 0°08'30" West 1289.64 feet to a point on an arc; 3) thence Northwesterly 190.33 feet along the arc of a 640.00 foot radius curve to the left (Central Angle equals 17°02'22" Long Chord bears South 8°59'52" East 189.63 feet); 4) thence South 17°30'25" East 119.61 feet to the point of beginning. Containing 65.165 Acres

ROCKY MOUNTAIN POWER APPROVAL

Approved by Rocky Mountain Power Co. on day of , 2020.

LAYTON CITY ATTORNEY

Approved by the Layton City Attorney on day of , 2020.

LAYTON CITY ENGINEER

I hereby certify that I have had this plat examined by this office and it is correct and in accordance with information on file and is hereby approved.
Signed this day of , 2020.

LAYTON CITY APPROVAL

This is to certify that this plat and dedication of this plat were duly approved and accepted by the City Council of Layton City, Utah, on this day of , 2020.

CONSENT TO RECORD

Approved as to form by Wells Fargo Bank, Signed this day of , 2020.

By: Title:

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

NOTE:

10' wide Utility and Drainage Easements inside boundary as indicated by dashed lines, unless otherwise shown.

DAV

ENTRY NO

RECORDED

RECORDS FOR

DAI

BY:

1 of 2



*A part of the East Half of Section 4, T4N, R1W, S.L.B. & M., U.S. Survey
Layton City, Davis County, Utah*

EXISTING PLAT


$$f(x) = 1 - 10^{-x}$$

1999-2000, 2000-2001

General

NOTE:
10' wide Utility and Easement easements, inside boundary
as indicated by dashed lines, unless otherwise shown.



GREAT BASIN ENGINEERING NORTH

CONSULTING ENGINEERS AND SURVEYORS
3746 South 1475 East - Suite 200
Ogden, Utah 84403
P.O. Box 13004R, Ogden, Utah 84415
Ogden (201) 764-4515 Salt Lake City (201) 521-6232 Fax (201) 382-7540

12-21-10

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
 _____ FILED FOR RECORD AND
 RECORDED _____, AT
 _____ IN BOOK _____ OF OFFICIAL
 RECORDS, PAGE _____. RECORDED
 FOR _____

DAVIS COUNTY RECORDER

BY: _____ DEPUTY



- 4 Get into A Mess
- 5 Get into A Car
- 6 Get into A Truck
- 7 Monument to be set
- 8.1 Rodent Line
- 9 Non-Rodent Line
- 10 Pass Family Survey

*A part of the East Half of Section 4, T4N, R1W, S.L.B. & M., U.S. Survey
Layton City, Davis County, Utah*

Matchline (See Sheet 2)

Northeast Corner of Section
T4N, R1W, S10&M
(Brass Cop Monument Found,
Good Condition)

The Northeast Corner and East Quarter Corner of Section 4, 14N, R11W were found a line bearing N 0°08'30" E between these two corners was used as the basis of bearing.

10 foot wide Public Utility and Drainage Easements on the front, back or rear lot lines, and subdivision boundaries, 3 foot wide on each side of lot lines as indicated by dashed lines.

Financing Granted in the Department of
Community and Economic Development -
Subject to Entry #5515116 Recorded Attn: 1
1322 Block 2502 Page 430 on Page 234

$A = 17^{\circ}02'29''$
 $B = 640.00'$
 $C = 130.33'$
 $AC = 189.63'$

S 17°30'25" E
86.97'

S 17°29'
81

$\Delta = 1^{\circ}14'46''$
 $R = 640.00'$
 $L = 13.92'$
 $LC = 13.92'$
 $S\ 26^{\circ}58'40''\ W$

A part of the first half in Section 4, Township 4 North, Range 1 West, Salt Lake Base & Meridian, Layton City, Davis County, Utah.

[illegible]

Containing 66.627 Acres

Approved by Rocky Mountain Power Co. on
the 25 day of October, 2010

Approved by the Layton City Attorney on
the 25 day of October, 2012.

I hereby certify that I have had this plat examined by this office and it is correct and in accordance with information on file and is hereby approved.

Signed this 26 day of OCTOBER, 2019

LAYTON CITY APPROVAL

This is to certify that this plat and dedication of this plat
were duly approved and accepted by the City Council of
Layton City, Utah

Attest: Shirley Skillman
Clerk

City Recorder
Scott Fiedler
Mayor Pro Tem

3746 South 1475 East - Suite 200
Ogden, Utah 84403
P.O. Box 150048, Ogden, Utah 84415
(801) 788-4515 Toll Sales City (801) 778-0772 Fax (801)

10' wide Utility and Drainage Easements
inside boundary as indicated by dashed lines,
unless otherwise shown.

1. Atty. Hubbard, as hereby certified, is a Registered Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 8542, in accordance with Title 56, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that this is not at least a Business Park Subdivision, in Layton City, Davis County, Utah has been correctly drawn in the designation scale and is a true and correct representation of the following description of lands shown in said subdivision, based on data compiled from records in the Davis County Recorder's Office, and of a survey made on the ground in accordance with Sections 17, 25-17. Instruments have been duly recorded on the Drawing.

Signed this 21st day of July, 1980.

Attest:

OWNERS' MEDICATION:

[illegible]

of said tract of land designated as 20' wide Quexlar Gas Utility easements for utility purposes over and across the portions of the lots designated as 20' wide Quexlar Gas Utility easements as shown hereon, the same to be used for the installation, maintenance and operation of utility service lines, as may be authorized by Quexlar Gas Company.

Signed this _____ day of _____, 20____.

For Leonard L. ... Training Member

State of Utah } ss
County of }
On the 22nd day of February, 1911

being by me duly sworn did say that he is Managing Member of Al Tankers, I.T., and Arctic Tankers
Liabilities Company and that said instrument was signed in behalf of said Corporation by a resolution
of its Members and Leonard Hyde acknowledged to me that said Corporation exercises the same.

Residing At: Arctic, Alaska 11-11-1911

Commission Expires: 12/12/2012

By Leonard Hunt, Training Manager

State of Utah } ss
County of _____

ACKNOWLEDGMENT

On the 22nd day of April, 1961, the personally appeared before me, licensed attorney-at-law,

being by me duly sworn and say that he is a bona fide member of SPT Warehouse LLC, an Alaska Limited Liability Company and that said instrument was signed in behalf of said Corporation in a resolution of its Board of Directors and Leonard Huse is authorized to me that said Corporation execute the same.

Residing At: Anchorage, Alaska. *11/22/2011*

Commission Expires: 10/22/2013

Figure 1. The effect of the initial concentration of the monomer on the polymerization of α -methylstyrene initiated by BuLi in THF at -78°C . The concentration of the initiator was 1.0×10^{-2} mole/liter. The polymerization was terminated by the addition of methanol.

State of Utah } ss
County of }

ACKNOWLEDGMENT

On the day of 2010, personally appeared before me

being by me duly sworn did say that he is _____ of Layton City and that said instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and acknowledged to me that said Corporation executed the same.

Residing At: _____

Commission Expires: _____

Wells Fargo Bank, Inc. 

[Signature]
By: Andy Felio, Vice-President

State of Utah } ss
County of _____

On the _____ day of _____, 2010, personally appeared before _____

ACKNOWLEDGMENT

NOTARY PUBLIC

being by me duly sworn did say that he is the President of White Fargo, Inc. and that the instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and Andy Petro acknowledged to me that said Corporation executed the same.

Residing At: Anchorage, Alaska Model 100-2000

Commission Expires: 8-16-12 Madeline Jones
Print Name

Queslar approves this plat solely for the purpose of confirming that the plat contains Public Utility Easements. Queslar may require other easements in order to serve the development. This Approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval, or acknowledgment of any terms contained in the Owners Dedication, and the Rules and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Queslar Right of Way department at 7-800-366-8532

Approved this 25 day of October, 2010

ENTRY NO. _____ FEE PAID _____
 _____ FILED FOR RECORD AND
 RECORDED _____, AT
 _____ IN BOOK _____ OF OFFICIAL
 RECORDS, PAGE _____, RECORDED
 FOR _____

DAVIS COUNTY RECORDER
BY: _____
DEPUTY

1 of 2

QBN106SP

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

Item Number: 6.A.

Subject:

Amend Layton Municipal Code - Title 19, Zoning; Chapter 19.02, Definitions; Chapter 19.06, Land Use Regulations; and Section 19.06.030, Home Occupation - Ordinance 20-39

Background:

Layton City receives a significant number of home occupation inquiries each year, with about 1,000 current business licenses approved as home-based businesses. A home occupation is a small-scale occupation, service, profession, or enterprise that operates as an accessory, or secondary use to the primary residential use, most typically involving a member of a single household. For some, a home occupation provides a secondary source of income, while for others it is the primary source of household income.

The attached draft code revisions are a comprehensive amendment to the Home Occupation section of code. The amendments are intended to provide more clear and specific regulatory standards that would allow for flexibility in use, while protecting the character and stability of residential neighborhoods.

Alternatives:

Alternatives are to 1) Adopt Ordinance 20-39 amending Layton Municipal Code - Title 19, Zoning; Chapter 19.02, Definitions; Chapter 19.06, Land Use Regulations; and Section 19.06.030, Home Occupation; 2) Adopt Ordinance 20-39 with any amendments the Council deems appropriate; or 3) Not adopt Ordinance 20-39 and remand to Staff with directions.

Recommendation:

The Planning Commission voted unanimously on November 19, 2020, to recommend the Council amend the Layton Municipal Code - Title 19, Zoning; Chapter 19.02, Definitions; Chapter 19.06, Land Use Regulations; and Section 19.06.030, Home Occupation, in support of providing more clear, specific and flexible home occupation standards that are appropriate for residential areas.

Staff supports the recommendation of the Planning Commission

**LAYTON CITY
ORDINANCE 20-39**

**AMENDMENTS TO LAYTON MUNICIPAL CODE, TITLE 19, "ZONING",
CHAPTER 19.02, "DEFINITION", CHAPTER 19.06 "LAND USE REGULATIONS",
AND SECTION 19.06.030 "HOME OCCUPATION"**

WHEREAS, it is the desire of the City to support residents seeking to operate a home occupation business in a residential neighborhood in a manner that is compatible with the surrounding neighborhood and land use context; and

WHEREAS, the City recognizes that approximately 1,000 home occupations in Layton contribute to the employment and provision of services in the community, and that additional applications for home occupation businesses are anticipated; and

WHEREAS, the City intends to protect single family residential neighborhoods from the adverse effects of business uses being conducted in residential areas such as noise, traffic, fire hazards, and other possible impacts; and

WHEREAS, the City intends to guide more intensive business activities which are not compatible with single family residential neighborhoods to appropriate mixed-use or commercial areas; and

WHEREAS, the Planning Commission has reviewed the petition request including the proposed ordinance and has recommended the text amendments 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 of Layton City finds it to be in the best interest of the health, safety, and welfare of its citizens to make the proposed amendments to Title 19 of the Layton Municipal Code.

NOW THEREFORE, be it ordained by the Council of Layton City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "19.06.030 Home Occupation" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.06.030 Home Occupation

~~A home occupation, which shall be considered an accessory use, shall meet all the following provisions:~~ A Home Occupation is a small-scale occupation, service, profession, or enterprise that operates as an accessory, or secondary use to the primary residential use, most typically involving a member of a single household. Home Occupation types and the scope and scale of operations may vary based on housing type and neighborhood context in single family residential neighborhoods. For home occupations in C-TH, MU, and MU-TOD zones refer to Chapter 19.24 - Condominium/Townhouse (C-TH) Zoning District, 19.25 - Mixed-Use (MU) Zoning District, and 19.26 - MixedUse/Transit Oriented Development (MU-TOD) Zoning District.

The purpose of this section is to:

1. ~~The occupation shall be limited to members of the family who reside on the premises;~~ Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods and land use context in which they are located;
2. ~~The occupation shall involve the use of no more than one room in the dwelling or the equivalent of 20% of the ground floor area, whichever is greater. Home pre-school/day care shall meet all state and City requirements and building code requirements for the number of children allowed. If there are conflicts with any regulations the more restrictive requirements shall apply;~~ Protect the City's single family residential neighborhoods from the adverse effects sometimes associated with business uses. Such impacts include noise, traffic, fire hazards, and other characteristics typical to businesses that may cause significant impacts on a neighborhood;
3. ~~No home occupation shall carry on activities outside of the dwelling not normally associated with residential use, except outside private swimming pools or tennis courts may be used for instruction and play areas provided for home pre-school/day cares. All outside home occupation activities shall be within fenced yard spaces. No portion of any home occupation shall be conducted in the attached or detached garage or car port section of the dwelling nor shall the use of any accessory building, yard space, or storage be allowed;~~ Guide more intensive business activities which are not compatible with single family residential neighborhoods to appropriate mixed-use areas, or to commercial and industrial/manufacturing zones.
4. ~~The occupation shall be conducted in such a manner that the average neighbor, under normal circumstances would not be aware of its existence;~~
5. ~~The occupation shall not be associated with noise, dust, odors, noxious fumes, glare, or other nuisances which are discernible beyond the premises;~~
6. ~~No objectionable traffic or parking shall be allowed around the premises;~~
7. ~~No occupation shall create a hazard by using flammable explosives or other dangerous materials;~~
8. ~~The occupation shall include no window displays and signage shall be limited to an identification sign which does not exceed four square feet, located on a single wall or window;~~
9. ~~There shall be no display, nor stock in trade, nor any employees;~~
10. ~~Vehicles associated with home occupations shall be limited as follows:~~
 - a. ~~Two passenger cars, vans, or pick-up trucks; or~~

- b. ~~One large truck not to exceed one and one-half (1½) tons; or~~
- c. ~~One trailer located out of the right-of-way and behind the front setback of the residential structure; and~~
- 11. ~~An application for a home occupation shall be reviewed by the Zoning Administrator for approval. The decision of the Zoning Administrator may be appealed to the Hearing Officer. Such appeal shall be applied for within 30 days of the Zoning Administrator's decision. If the Hearing Officer approves the application, the Zoning Administrator shall issue a home occupation permit. The Zoning Administrator may revoke the home occupation permit for violation of any provision of this Code. Inspections may be performed without notice to ensure compliance to this ordinance.~~

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-19, Enacted, 4/17/1997 Ord. No. 04-69, Recodified, 12/16/2004

SECTION 2: **ADOPTION** “19.06.031 Home Occupation License” of the Layton Municipal Code is hereby *added* as follows:

ADOPTION

19.06.031 Home Occupation License(*Added*)

All owners operating a home occupation shall apply for and obtain a Layton City Business License prior to operating a business.

SECTION 3: **ADOPTION** “19.06.032 Classification Of Home Occupation Licenses” of the Layton Municipal Code is hereby *added* as follows:

ADOPTION

19.06.032 Classification Of Home Occupation Licenses(*Added*)

All home occupations shall be classified as either a Low Impact or High Impact home occupation. Regardless of the classification all home occupations shall adhere to the standards and qualifications set forth in this section.

1. Low Impact Home Occupation. A Low Impact home occupation may allow for employment of household members and no more than one additional non-resident employee working from the home.
2. High Impact Home Occupation. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized as an accessory use through a high impact home

occupation permit pursuant to the standards specified in this section:

- a. A home occupation business which employs no more than two non-resident employees working from the home, in addition to household members.
 - b. Barbers, cosmetologists, manicurists.
 - c. Consultant services where clients come to the home.
 - d. Contractor, "handyperson", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises.
 - e. In-person counseling.
 - f. Home instruction including musical instruments, voice, dance, acting and educational subjects, swimming, tennis and other athletic instruction.
 - g. Other similar personal or professional services where the client comes to the home.
3. High Impact Home Occupation Permit: Applications for a high impact home occupation permit shall be reviewed based on all of the following information and review process required for a home occupation business license:
 - a. Neighboring Property Owner Information: Names, and addresses of all abutting and adjacent property owners, including property owners across the street(s).
 - b. Leased Property: Approval of the property management or property owner shall be required if the business is conducted on a leased property.
 - c. Notice To Neighboring Property Owners: Signatures of approval of all abutting and adjacent property owners on a form provided by the Community and Economic Development Department.
 - d. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the Planning Commission to be considered as a conditional use permit at a public meeting.
 - e. If all of the required signatures are obtained, the Community and Economic Development Director or designee will review the application based on the standards of the City Code and will approve, approve with conditions, or deny the application.
 - f. If the business license application is reviewed as a conditional use permit application, the Planning Commission shall approve upon finding that City requirements are met, and that public input has been considered to identify any additional conditions as outlined in item 5 below.
4. Notification of Decision: A notice of determination shall be sent to the applicant within 10 working days of the Community and Economic Development Director's decision. The notice can be sent digitally and/or by mailed letter.
5. Uses classified as High Impact home occupations must comply with the standards of this chapter, which shall be considered minimum standards. The Zoning Administrator or Planning Commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:
 - a. Limits on hours of operation;
 - b. Limits on numbers of clients/visitors per day/hour;
 - c. Provision of adequate off street parking;
 - d. Other conditions related to mitigating adverse impacts resulting from the use.

SECTION 4: ADOPTION “19.06.033 General Home Occupation Standards” of the Layton Municipal Code is hereby *added* as follows:

ADOPTION

19.06.033 General Home Occupation Standards(*Added*)

Home occupation businesses shall comply with the following standards:

1. Accessory Use.

- a. The home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit (home), and shall not change the character of the dwelling unit (home) or the neighborhood in which it is located.
- b. Only one home occupation shall be allowed per residential dwelling unit, except for the following:
 - i. A primary residential use, and legally permitted accessory residential dwelling unit (ADU) associated with the same primary residential use may both qualify to conduct a home occupation business by meeting the requirements of this Chapter.
 - ii. An additional low impact home occupation may be approved if the combined impacts of the businesses do not exceed the requirements of this section.

2. Use Limitations. All home occupations shall be subject to the following:

- a. A home occupation shall not be associated with any noise, dust, odors, noxious fumes, glares, or other nuisances, which are discernable beyond the premises, as regulated in Title 9 of the Layton Municipal Code.
- b. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment is limited to 7:00 a.m. to 8:00 p.m.
- c. Home occupations shall be conducted in such a manner that the average neighbor, under normal circumstances, would not be aware of its existence as listed below.
 - i. Storage, display and sale of any stock in trade items shall be limited to incidental visitor/customer purchases associated with by-appointment consultations only and shall not be openly displayed to be visible from the street.
 - ii. No internal or external alterations inconsistent with the residential use of a primary or accessory building are allowed. There shall be no visible evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling and allowed accessory uses.

iii. The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations regardless of their conformance with the other standards of this section:

(1) Surgical procedures associated with allowed medical offices.

(2) Machine shop.

(3). Major appliance and electronics repair (washers, dryers, refrigerators, large screen televisions etc.).

(4) On-site carpentry work including cabinet making or other similar uses which generate noise, dust or fumes.

(5) Permanent yard sales.

(6) Tattooing/body art.

(7) On-site trailer, boat, RV, UTV/ATV repair.

(8) Upholstering.

(9) Vehicle or auto body repair, painting of vehicles.

(10) Welding.

(11) Vehicle sales.

iv. The listing of specific prohibited businesses in this section shall not be construed to allow or permit a home occupation business which otherwise violates this chapter.

v. No more than 25% of the total main or upper floor area, or, in the alternative, no more than 50% of the total floor area of a basement, may be used to conduct a home occupation.

(1) Up to 300 s.f. of interior accessory structure space and up to 150 s.f. of attached garage space may be used for a home occupation. The home occupation shall not replace interior structure area used for required parking.

(2) Exception. Home daycare and pre-schools shall meet all State and City requirements for the number of children allowed. If there are any conflicts with any regulations the more restrictive shall apply.

d. The home occupation shall not carry on activities outside of a primary residential or accessory unit structure.

i. Exception. Home daycare, pre-schools and group instruction may utilize outdoor yard spaces such as private swimming pools, tennis courts, or other similar areas for instruction and play areas. Such outdoor yard spaces shall be fenced in accordance with Code.

e. The home occupation may employ any number of non-household employees off-site. Non-household employees shall not meet, congregate or park vehicles at the home or the general vicinity. Remote employees may work in another, separate commercial business or home occupation locations, and shall not visit the dwelling unit (home) for any business purpose.

f. A home occupation license may be issued to operate as an extension of a licensed business in another area (or community) by the owner or an employee, with a separate business license also required for the associated home occupation.

g. Appointments shall be scheduled to limit overlap of business service between separate separate appointments.

3. Machinery. Machinery that causes noise, electrical interference with radio or television reception, vibration, glare, fumes, odors and dust detectable at the property line is prohibited.

4. Outdoor Yard Space. The home occupation shall not involve the use of any outdoor yard space for storage or display of materials/supplies, inventory, inoperable vehicles or equipment, unless specifically stored within an enclosed vehicle, enclosed trailer or enclosed accessory structure allowed herein.

5. No home occupation shall use flammable material, explosives or other dangerous materials unless licensed through a state or federal agency and approved by the Layton City Fire Department;

a. No home occupation located within a multi-family dwelling unit or townhome may use flammable material, explosives or other dangerous materials to operate.

6. The occupation shall include no window displays and signage shall be limited to an identification sign which does not exceed four square feet, located on a single wall or window.

7. Commercial Vehicle(s) and Trailer(s). Commercial vehicle(s) and trailer(s) stored at each residential property with a home occupation(s) shall be limited to the following types and quantities:

a. No more than two vehicles with a maximum gross vehicle weight rating (GVWR) of 10,000 pounds;

- b. One vehicle with a maximum gross vehicle weight rating of 14,000 pounds; and
- c. One trailer with a maximum length of 20' excluding the tongue. An open trailer shall not be used to store business or personal materials/equipment.
- d. Materials/equipment shall not be stored outside unless located entirely within an enclosed vehicle and/or trailer.
- e. The trailer and vehicle(s) shall be well maintained and shall not present negative impacts for adjacent neighbors including, but not limited to, odors, dust, junk or debris, or parking location.
- f. A site plan shall be included with a home occupation business license application indicating where the commercial vehicle and/or trailer will be stored.
- g. Commercial vehicle and trailer parking shall meet the same standard required for recreational vehicles as provided in 19.12.190.
- h. Vehicles, trailers, or equipment shall not be used for the primary purpose of advertising the home occupation at the site of the home occupation.

8. Conformity With Safety Codes. There shall be complete conformity with fire, building, plumbing, electrical, and all other applicable City, County, State, and Federal codes.

9. Health And Safety. No business operation shall be permitted that is hazardous to public health, safety, morals, or welfare.

10. No Excessive Services. The home occupation shall not cause an increased demand for municipal or community public safety, waste, water or utility services that are substantially in excess of those usually and customarily provided for residential uses.

11. Neighborhood Disruptions Not Permitted. The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances including interferences with radio and television reception or any other adverse effects within the neighborhood.

12. Appeal. The decision of the Zoning Administrator or Planning Commission related to a home occupation may be appealed to the Hearing Officer. Such appeal shall be applied for within 30 days of the decision. If the Hearing Officer approves the application, the Zoning Administrator shall issue a home occupation permit. The Zoning Administrator may revoke the home occupation permit for violation of any provision of this Code. Inspections may be performed without notice to ensure compliance to this ordinance.

13. Delivery Vehicles. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to standard delivery vehicles that would normally be expected in a residential neighborhood for delivery of materials to or from the premises.

SECTION 5: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 6: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from December 3, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL

_____.

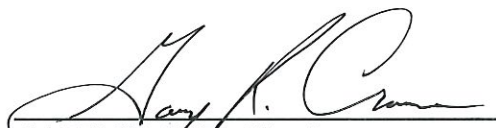
	AYE	NAY	ABSENT	ABSTAIN
Joy Petro	_____	_____	_____	_____
Tom Day	_____	_____	_____	_____
Dave Thomas	_____	_____	_____	_____
Zach Bloxham	_____	_____	_____	_____
Clint Morris	_____	_____	_____	_____
Dawn Fitzpatrick	_____	_____	_____	_____

Presiding Officer

Attest

JOY PETRO, Mayor, Layton City

KIMBERLY S READ, City
Recorder, Layton City



GARY CRANE, City Attorney,
Layton City



CHAD WILKINSON, Director,
Community & Economic
Development Layton City

ADDITIONAL

PACKET

ATTACHMENTS



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: Andy Hubbard; andyh@greatbasinengineering.com
Hunter Blake; HBlake@jlproperties.com

CC: CED Department/Fire Marshal

FROM: Shannon Hansen, Assistant City Engineer - Development

DATE: November 3, 2020

SUBJECT: East Gate Business Park – First Amendment – 2nd submittal
3675/3835 North Fairfield Road

I have reviewed the amended dedication plat submitted on November 3, 2020 for the East Gate Business Park – First Amendment located at 3675/3835 North Fairfield Road. The plat has been stamped “Approved as Corrected”. The following comments and corrections will need to be addressed prior to submitting the final mylar. All other comments from City staff will also need to be addressed.

1. The sum of the north lot lines (1442.87') does not equal the total length indicated (1443.03').
2. Signature blocks for easement holders will need to be added to the plat.

December 3, 2020

City Council Meeting

East Gate Business Park- - 1st Amendment Subdivision Amendment

PLANNING COMMISSION

East Gate Business Park Subdivision 1st Amendment

Plat Amendment

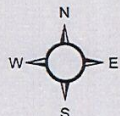
Approximately

3835 North
Fairfield Road

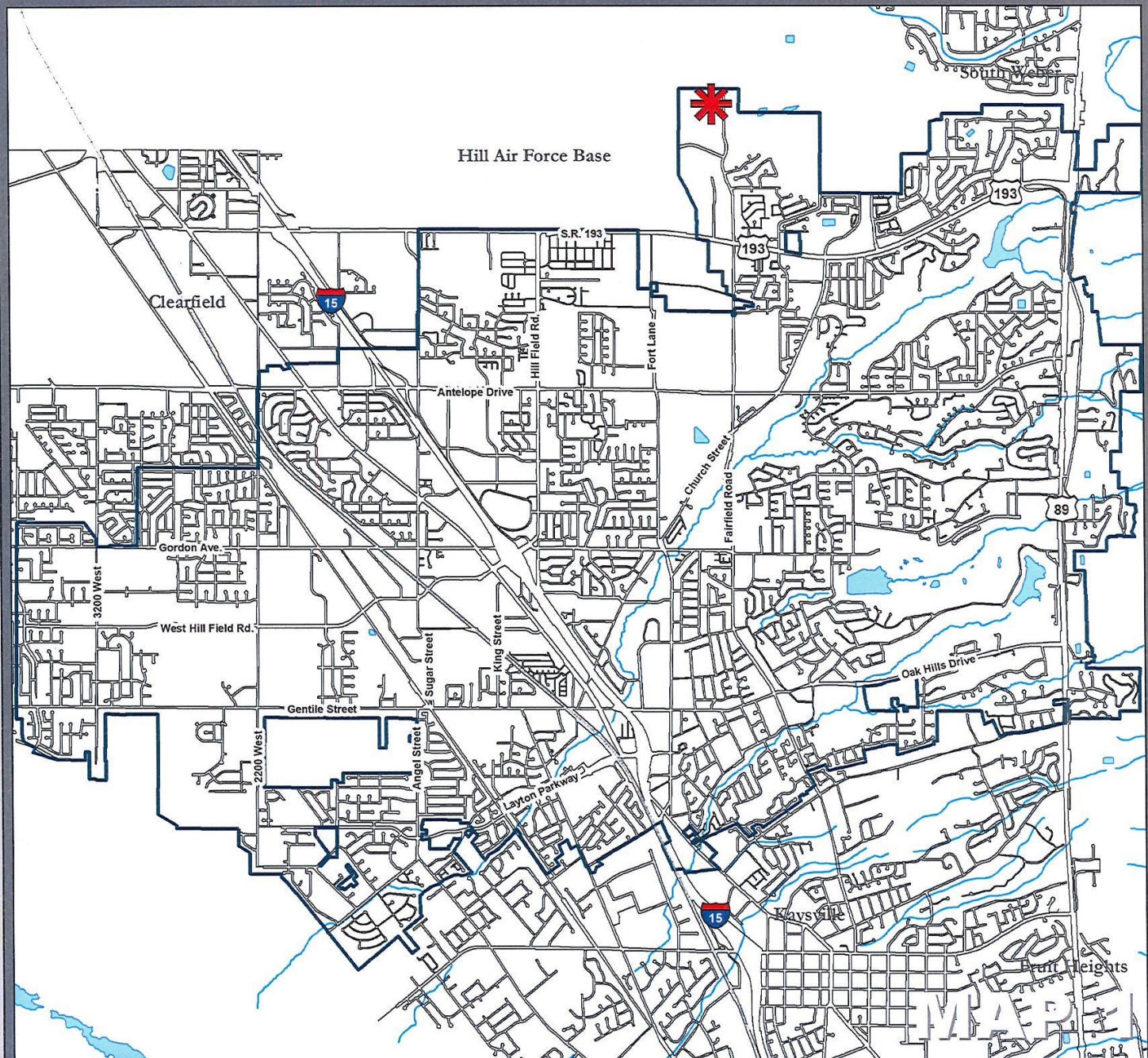
-  Rail Lines
-  Interstate 15
-  Layton City Boundary
-  Rights of Way
-  Lakes
-  Streams



Site Area



1 inch = 4,250 feet



East Gate
Business Park
Subdivision
1st Amendment

3835 North
Fairfield Road

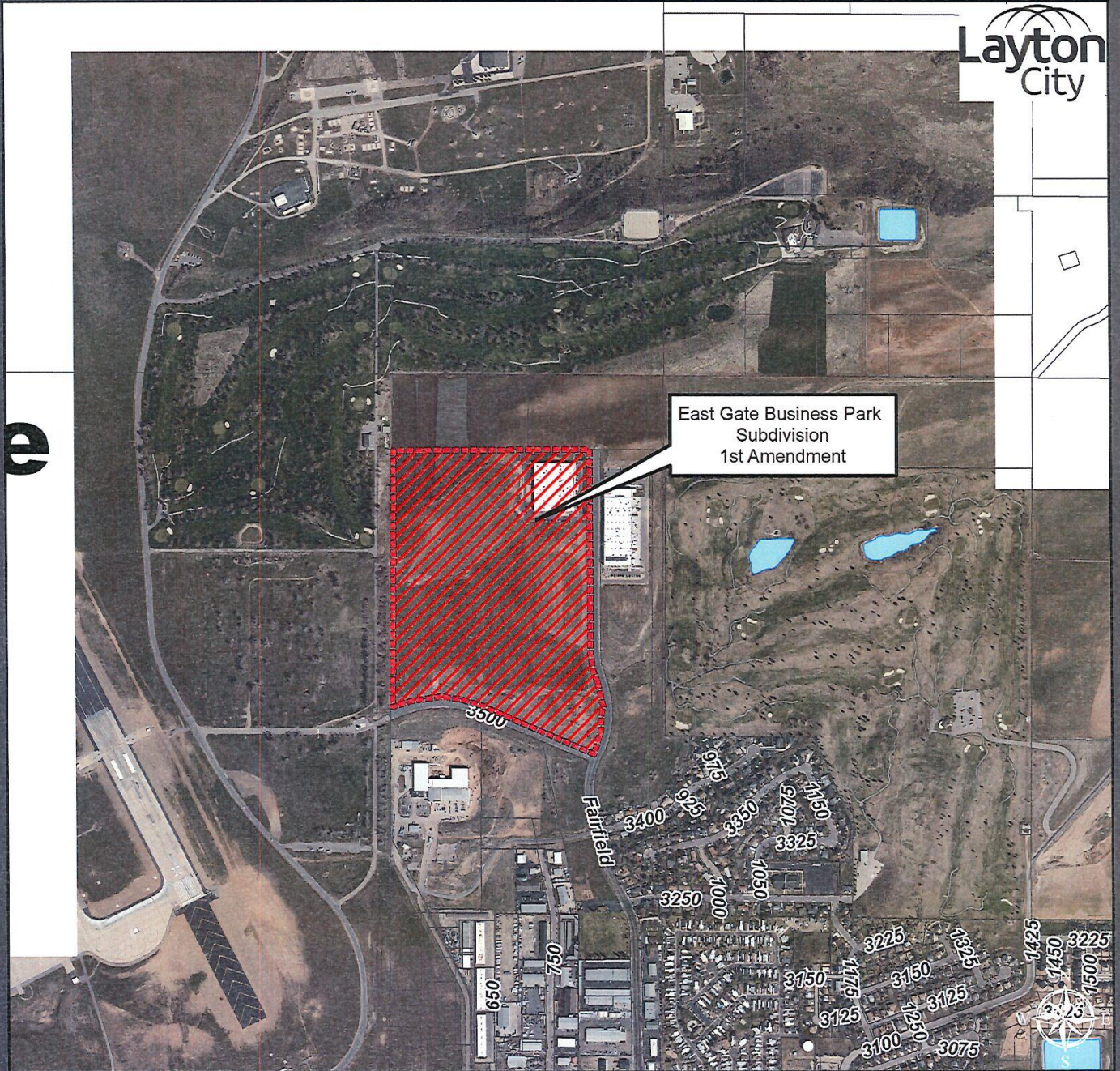
Legend

- Interstate 15
- Highways
-  Lakes
-  Streams

 - Subdivision
Area

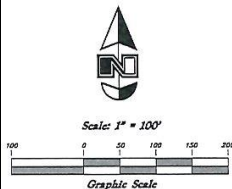
Map 2

e



East Gate Business Park Subdivision - 1st Amendment

A part of the East Half of Section 4, T4N, R1W, S.L.B. & M., U.S. Survey
3835 North Fairfield Road, Layton City, Davis County, Utah

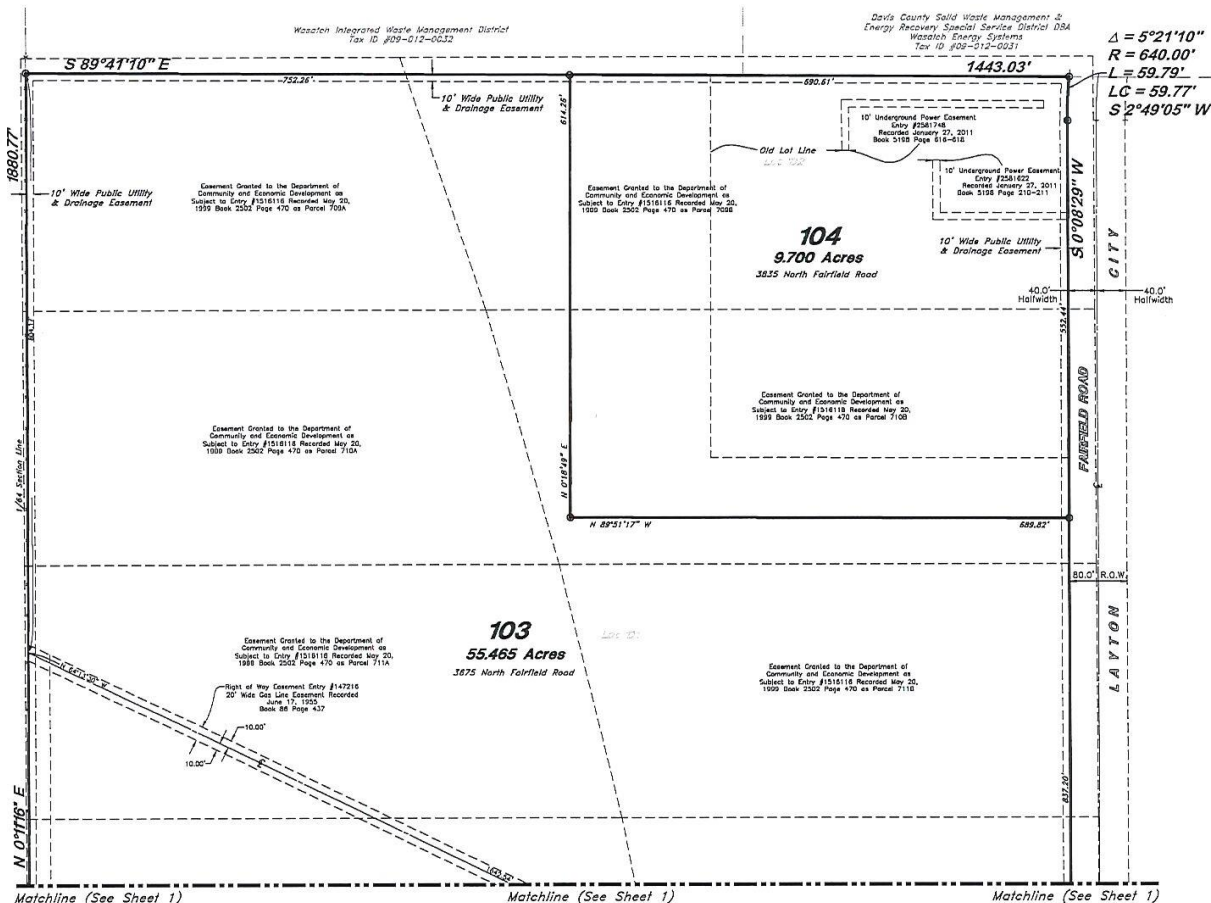


Legend

- ▲ Set Nail & Washer
- ⊙ Set Hub & Cap
- ⊙ Set Hub & Tack
- ⊙ Monument to be set
- (Rad.) Radial Line
- (N/R) Non-Radial Line

* 10' wide Utility and Drainage Easements inside boundary
called by dashed lines, unless otherwise shown.

GREAT BASIN ENGINEERING
1475 EAST 8000, UTAH 84403
PH: (801) 225-1022 FAX: (801) 225-7544
WWW.GREATBASINENGINEERING.COM



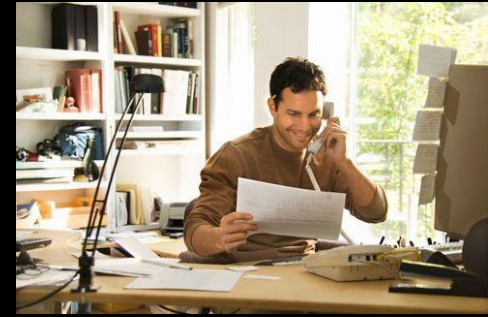
TENTATIVE

DAY
ENTRY NC
RECORDED
APPROVED FOR
DATE
BY



Amendments to Home Occupation - Text Amendment

- **Low Impact Home Occupation**
 - Allows for 1 additional non-resident employee
- **High Impact Home Occupation**
 - Allows for 2 additional non-resident employees and/or clients/visitors on site
- **High Impact**
 - Such as Barbers, Consultants, Contractor (no yard storage), In-person Counseling, Home Instruction
- **High Impact Review Process**
 - Applicant collects neighbor signatures, or participates in PC Conditional Use review
 - Conditions may limit hours, visitors, require parking, etc.
- Unlimited off-site employees (for Low and High)



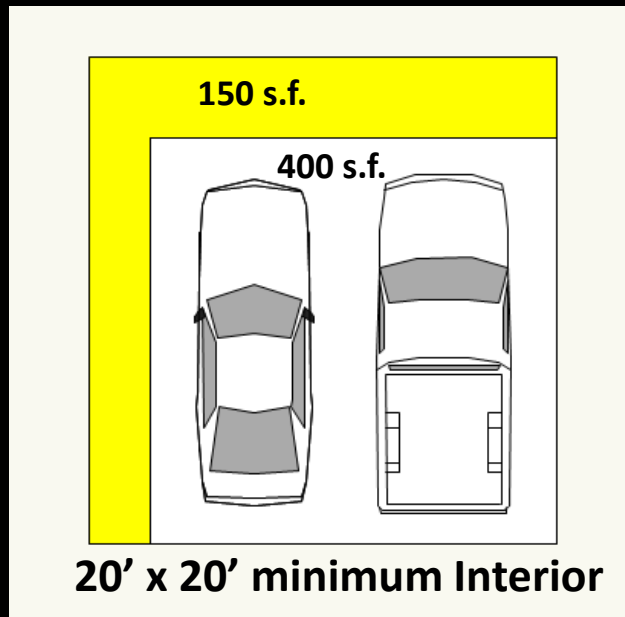
19.06.031 Home Occupation License

All owners operating a home occupation shall apply for and obtain a Layton City Business License prior to operating a business, and shall renew annually.

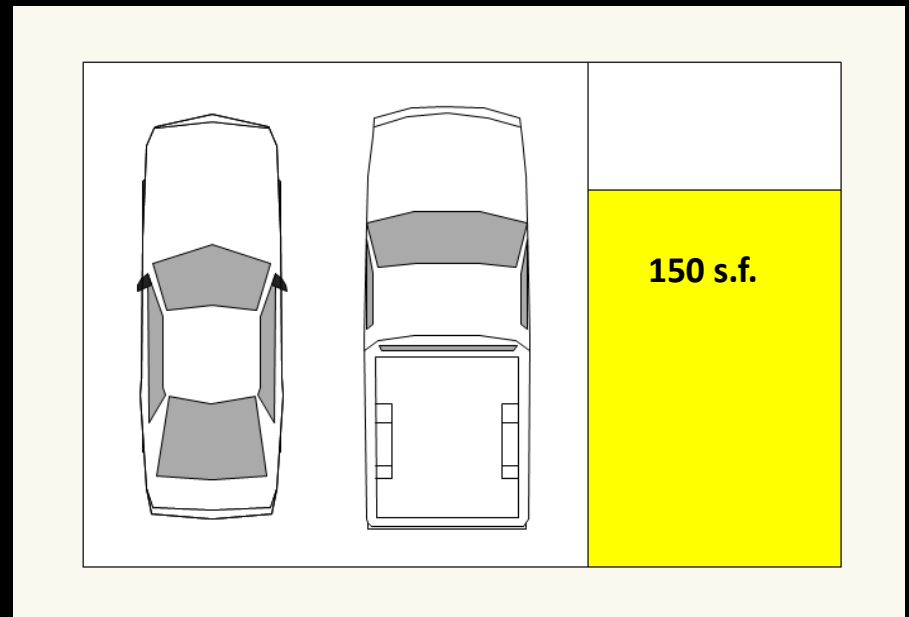
- **Use Limitations.**
 - No noise, dust, odors, fumes, glares or other nuisances
 - Between 7:00 a.m. and 8:00 p.m.
 - No sales display – (incidental sales only)
 - No structural alterations to commercial building format
 - No outdoor storage (only in enclosed vehicle, trailer or structure)

- **Restricted businesses (or similar)**
 - Surgical procedures (associated with allowed medical offices).
 - Machine Shop
 - Major appliance / electronics repair
 - Carpentry / cabinetmaking generating noise, dust, fumes
 - Permanent yard sales
 - Tattooing / body art
 - On-site Trailer, boat, RV, UTV/ATV repair
 - Upholstering
 - Vehicle or auto body repair, painting of vehicles
 - Welding
 - Vehicle sales

- **Indoor Storage in Accessory Structures and Garages.**
 - Up to 300 s.f. within an accessory structure
 - Up to 150 s.f. within a garage
 - shall not replace required parking area
- **19.12 - Off-Street Parking Ordinance**
 - Requires 2 covered parking spaces per SFR

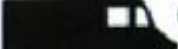
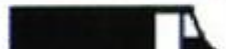
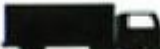
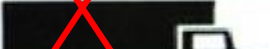


2 Car Garage



3 Car Garage

- **Use Limitations.**
 - Commercial vehicles / trailer stored at home

 Minivan  Utility van  Multi-purpose  Full-size pickup  Minivan  Utility van  Full-size pickup  Step van  Walk-in  Conventional van  City delivery  Conventional van  City delivery  Large walk-in CLASS 1 6,000 lb & less 2 Max CLASS 2 6,001 to 10,000 lb 1 Max CLASS 3 10,001 to 14,000 lb CLASS 4 14,001 to 16,000 lb	 Bucket  City delivery  Large walk-in  Beverage  School bus  Single-axle van  Hack  Refuse  City transit bus  Furniture  Medium conventional  Dump  Heavy conventional  Cement  COE sleeper CLASS 5 16,001 to 19,500 lb CLASS 6 19,501 to 26,000 lb CLASS 7 26,001 to 33,000 CLASS 8 33,001 lb & over
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- **Use Limitations.**

- No business operation that is hazardous to public health, safety, morals, or welfare
- No excessive demand for public utilities / services
- Neighborhood disruptions not permitted
- Delivery vehicles – no excessive impact

